



AGENDA

BOARD OF MAYOR AND ALDERMEN WORK SESSION

**Monday, March 19, 2018, 4:30 p.m.
City Hall, 225 W. Center St., Council Room, 2nd Floor**

Board of Mayor and Aldermen

Mayor John Clark, Presiding
Vice Mayor Mike McIntire
Alderman Jennifer Adler
Alderman Joe Begley

Alderman Betsy Cooper
Alderman Colette George
Alderman Tommy Olterman

Leadership Team

Jeff Fleming, City Manager
Chris McCartt, Assistant City Manager for Administration
Ryan McReynolds, Assistant City Manager for Operations
J. Michael Billingsley, City Attorney
Jim Demming, City Recorder/Chief Financial Officer
David Quillin, Police Chief

Scott Boyd, Fire Chief
Lynn Tully, Development Services Director
George DeCroes, Human Resources Director
Heather Cook, Marketing and Public Relations Director

1. Call to Order
2. Roll Call
3. Visit Kingsport / Move to Kingsport Updates – Jud Teague / Lara Potter
4. Lynn View Community Center Update – Kitty Frazier
5. Sales Tax, Quarterly Financials, Wellness Clinic & Safety – Jeff Fleming
6. Review of Items on March 20, 2018 Business Meeting Agenda
7. Adjourn

Next Work Session, April 2: Updates from Kingsport Ballet and First TN Development District

Citizens wishing to comment on agenda items please come to the podium and state your name and address. Please limit your comments to five minutes. Thank you.

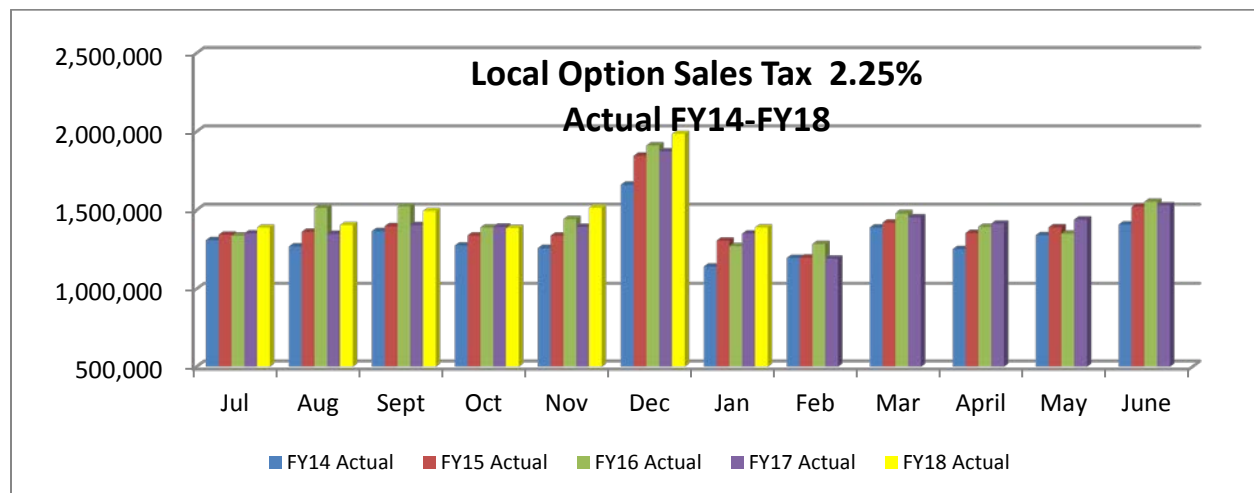
BMA Report, March 19, 2018



Financial Comments – Judy Smith

Local Option Sales Tax 2.25% - Five Year History

	FY14 Actual	FY15 Actual	FY16 Actual	FY17 Actual	FY18 Actual	Adopted FY18 Budget	Variance FY18 Over/ Under Budget	FY18 Over/Under Prev. Year Actual	% of Growth FY18 Over/Under Prev. Year Actual	FY18 Over/ Under Budget
Jul	1,312,286	1,346,896	\$1,341,027	\$1,354,948	\$1,392,147	\$1,369,430	22,717	37,199	2.75%	1.66%
Aug	1,271,614	1,365,262	1,513,366	1,351,703	1,408,119	\$1,365,406	42,713	56,416	4.17%	3.13%
Sept	1,369,878	1,401,017	1,523,474	1,407,707	1,493,952	\$1,406,960	86,992	86,245	6.13%	6.18%
Oct	1,278,027	1,342,308	1,392,699	1,397,511	1,389,451	\$1,377,506	11,945	(8,060)	-0.58%	0.87%
Nov	1,261,963	1,340,457	1,446,687	1,396,643	1,515,210	\$1,394,595	120,615	118,567	8.49%	8.65%
Dec	1,661,378	1,845,794	1,911,650	1,873,531	1,985,601	\$1,845,939	139,662	112,070	5.98%	7.57%
Jan	1,143,685	1,309,305	1,274,292	1,353,575	1,392,917	\$1,343,079	49,838	39,342	2.91%	3.71%
Feb	1,198,993	1,201,182	1,287,536	1,194,890		\$1,201,182				
Mar	1,392,759	1,424,090	1,481,645	1,457,518		\$1,424,090				
April	1,255,243	1,357,635	1,396,651	1,416,452		\$1,366,651				
May	1,343,786	1,393,582	1,353,162	1,442,890		\$1,363,162				
June	1,411,977	1,520,599	1,552,713	1,529,681		\$1,530,600				
Total	15,901,589	16,848,127	17,474,902	17,177,049	10,577,397	16,988,600	\$ 474,482	\$ 441,779	4.26%	4.54%



Kingsport Employee Wellness, Terri Evans

	01/01/2018 – 02/28/2018	02/01/2018 – 02/28/2018
Total Utilization	88.8%	89.3%
City – Active Employees	56.9%	57.0%
City – Dependents	35.4%	35.1%
City – Retirees	2.3%	2.2%
Extended-Patient Services/Other	0.5%	0.7%
Work Comp	0.2%	0.3%
No Show	4.8%	4.7%

Worker's Compensation, Terri Evans

For the month of February 2018 there was one workers' compensation claim that was lost time.

City of Kingsport

Project Status in Pictures



1 Lynn View Community Center

The ramp is nearly complete and stairs were poured this week.

2 Borden Park Playground

Contractor was able to more equipment installation during the good weather.

3 KATS Transit Center

Concrete footings are being placed and foundation work continues.

4 Dobyns-Bennett

The site is nearing completion on the utility installation and continuing work on the foundation preparation.

Status Updates on Active Projects sorted by Cost

Estimated Cost	Project Owner	Project Manager	Project Name	Project #	Completion Date	CurrentStatus
\$7,500,000.00	Ryan McReynolds	Thompson, Michael	SR 347 (Rock Springs Road) [State & MTPO funded]	No City Funds	12/31/2020	Per TDOT Field Survey was completed and turned over to Design week of 11/12/2017.
\$6,719,995.10	Chad Austin	Chad Austin	Reedy Creek Sewer Trunk Line	SW1706	5/21/2018	Work continues along Lynn Garden Dr and Reedy Creek behind the Anderson Ford property.
\$6,600,000.00	Niki Ensor	Niki Ensor	Water & Wastewater Facilities SCADA/Telemetry Project	WA1700/ SW1700/ SW1603	4/1/2019	30% design drawings expected by 4/10/18.
\$4,400,000.00	Niki Ensor	Niki Ensor	WWTP Electrical Improvements	SW1800	9/1/2019	30% plans expected 3/14/18.
\$4,186,000.00	Chris McCartt	Melton, Dawn	New KATS Transit Center	GP1718	1/18/2019	Footing work continues but is stalled due to the rain
\$3,867,000.00	Chad Austin	Hank Clabaugh	Border Regions Sewer Extensions		2/17/2020	Survey and design to begin in Spring 2018.
\$3,750,000.00	Niki Ensor	Niki Ensor	Chemical Feed Design	WA1403	4/1/2019	60% design complete.
\$3,740,000.00	Niki Ensor	Niki Ensor	West Kingsport Forcemain and Pump Station Improvements	SW1708	6/1/2019	Obtained 60% of easements. Continue to work with remaining property owners.
\$3,300,000.00	Michael Thompson	Thompson, Michael	Indian Trail Drive Extension	GP1615	6/30/2019	Still awaiting RPAI (East Stone Commons Owner) coordination with designer on access needs.
\$1,700,000.00	Michael Thompson	Thompson, Michael	Main Street Rebuild [City & MTPO Funded]	GP1516	4/1/2021	40% Design Plans received and reviewed. TDOT Format "Preliminary Plans" development underway.
\$1,688,507.50	Chad Austin	Pamela Gilmer	Pendragon Sidewalk & Water Improvement	WA1803/G P1830	9/18/2018	Contractor testing on Cloverdale. Backflow installed on Brandonwood. Lines installed on Lakewood and Manderley. Contractor working on Berkeley.
\$961,140.00	Michael Thompson	Thompson, Michael	Stone Drive - Phase 2 (SR 1, US 11W) Sidewalk Improvements from Stonebrook Place Pvt. Dr. to Lynn Garden Drive [95% State Funded 5% City]	GP1725	8/31/2020	PreliminaryDesign underway. Current status is 50% of NEPA phase complete as of 1/25/2017
\$940,000.00	Kitty Frazier	Clabaugh, Hank	Kingsport Greenbelt - Eastern Extension - Phase 1 [Fed. Grant & City funded]	GP1529	11/1/2019	Secondary appraisals underway to satisfy mortgage holder requirements to release liens.
\$697,475.00	Michael Thompson	Thompson, Michael	Stone Drive - Phase 1 (SR 1, US 11W) Sidewalk Improvements from Stonebrook Place Pvt. Dr. to American Way [95% State Funded 5% City]	GP1623	12/8/2018	Value Engineering underway to meet funding availability.
\$619,720.46	Michael Thompson	Thompson, Michael	Signalization of the SR 126 (Memorial Blvd. at Island Road Intersection [State & MTPO Funded]	MPO15A	6/30/2018	Telephone company still in process of relocating. Expected start for contractor is April.

Estimated Cost	Project Owner	Project Manager	Project Name	Project #	Completion Date	CurrentStatus
\$600,000.00	Kitty Frazier	Melton, Dawn	Riverbend Park	GP1512	12/31/2018	Designer incorporating the public's comments into the design.
\$420,000.00	Rob Cole	Harris, David	Bays Mountain Dam Rehabilitation (2017-C28)	GP1711		Construction start date being determined, weather dependent
\$415,000.00	Chad Austin	Chris Alley	SR 93- Fall Branch section (TDOT)		12/31/2020	Project moved to 2019; "B Date" package due 9/26/2018; TDOT Letting Date: December 2018
\$352,000.00	Chad Austin	Chris Alley	SR 93- Horse Creek/Derby Drive Section (TDOT)		12/31/2021	Project moved to 2020; "B Date" package due 9/25/2019; TDOT Letting Date: December 2019
\$350,000.00	Chad Austin	Hank Clabaugh	Border Regions Area 3 Water Upgrades		9/30/2018	Water/Sewer has approved layout. Engineering Division finalizing construction documents for TDEC Review.
\$350,000.00	Rob Cole	Austin, Chad	Bays Mountain Septic System Upgrades	GP1704	6/30/2018	Plans submitted on 3/7 for review.
\$246,225.00	Tim Elsea	Elsea, Tim	Lynn Garden Signal System [MTPO & City funded]	MPO15C	10/31/2018	TDOT concurred with awarding to low bidder Stansell Electric. Contract has been mailed to Stansell Electric.
\$230,000.00	Helen Whitaker	Hickman, Mike	Library Colonnade Expansion	GP1807	7/1/2018	Waiting on 2nd reading to awrd contract
\$187,500.00	Kitty Frazier	Melton, Dawn	Lynn View Community Center Site Improvements	GP1714	5/20/2018	Ramp Retaining walls are complete; concrete steps Completed; Concrete flat work continues on ramp
\$117,889.67	Kitty Frazier	Melton, Dawn	Borden Park Phase II - Playground	GP1700	4/19/2018	Playground Installer has partial installation but has not been able to continue due to the conditions on site.
\$50,000.00	Steve Robbins	David Edwards	Main St. & Sullivan St. System Upgrades			Plans ready for submittal to TDEC for review.
		Steve Robbins	Bloomington Culvert Replacement			Design underway by consultant (Mattern & Craig)
	Chris McCartt	Clabaugh, Hank	Carousel Park		6/4/2018	Duco Construction is the low bidder. Owner is evaluating the funding package.

Status Updates on Active Projects sorted by Completion Date

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AGENDA

BOARD OF MAYOR AND ALDERMEN

BUSINESS MEETING

**Tuesday, March 20, 2018, 7:00 p.m.
City Hall, 225 W. Center St., Courtroom, 2nd Floor**

Board of Mayor and Aldermen

Mayor John Clark, Presiding
Vice Mayor Mike McIntire
Alderman Jennifer Adler
Alderman Joe Begley

Alderman Betsy Cooper
Alderman Colette George
Alderman Tommy Olterman

City Administration

Jeff Fleming, City Manager
Chris McCartt, Assistant City Manager for Administration
Ryan McReynolds, Assistant City Manager of Operations
J. Michael Billingsley, City Attorney
James Demming, City Recorder/Chief Financial Officer
David Quillin, Police Chief
Scott Boyd, Fire Chief
Lynn Tully, Development Services Director
George DeCroes, Human Resources Director
Heather Cook, Marketing and Public Relations Director

I. CALL TO ORDER

II.A. PLEDGE OF ALLEGIANCE TO THE FLAG

II.B. INVOCATION – Pastor Amy Probst, Mafair United Methodist Church

III. ROLL CALL

IV.A. RECOGNITIONS & PRESENTATIONS

1. Bill Creasy for Donation of K-9 (Chief Quillin)
2. Sgt. Kevin Hite for Explosives Detection (Chief Quillin)

IV.B. APPOINTMENTS

1. Reappointment to Sullivan County Board of Equalization (AF: 41-2018) (Mayor Clark)
 - Reappointment

V. APPROVAL OF MINUTES

1. Work Session – March 5, 2018
2. Business Meeting – March 6, 2018

VI. COMMUNITY INTEREST ITEMS

A. PUBLIC HEARINGS

None

COMMENT

Citizens may speak on agenda items. When you come to the podium, please state your name and address and sign the register that is provided. You are encouraged to keep your comments non-personal in nature, and they should be limited to five minutes. A total of thirty minutes is allocated for public comment during this part of the agenda.

B. BUSINESS MATTERS REQUIRING FIRST READING

None

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION

1. Budget Adjustment Ordinance for FY18 (AF: 34-2018) (Jeff Fleming)
 - Ordinance – **Second Reading and Final Adoption**

D. OTHER BUSINESS

1. Awarding the Bid for the Purchase of One (1) Front Loading Refuse Truck (AF: 42-2018) (Ryan McReynolds, Steve Hightower)
 - Resolution
2. Awarding the Bid for the Purchase of Various Chemicals Used in Water & Wastewater Treatment Operations (AF: 43-2018) (Ryan McReynolds, Steve Hightower)
 - Resolution
3. Extending the Bid Award for Rental Uniforms Mats and Mops (AF: 44-2018) (Ryan McReynolds)
 - Resolution
4. Supporting the Naming of Bridge No. 82SR0010021 on State Highway 001 (Hwy 11W) as a Memorial to Second Lieutenant Randall Douglas Yeary (AF: 38-2018) (Chris McCartt)
 - Resolution

5. Agreement with Dick's Sporting Goods for 2018 Parks and Recreation Baseball/Softball Programs (AF: 39-2018) (Chris McCartt)
 - Resolution
6. Authorizing the Purchase of Laptops and Associated Equipment from Dell, Inc. for Teachers in the School System (AF: 46-2018) (David Frye)
 - Resolution
7. Ratifying the Mayor's Signature Executing all Documents to Necessary to Apply for and Receive a Grant Managed by the Tennessee Department of Environment & Conservation's Office of Energy Programs (TDEC OEP) – Tennessee Natural Gas and Propane Vehicle Grant Program (AF: 48-2018) (Ryan McReynolds, Steve Hightower)
 - Resolution

VII. CONSENT AGENDA

1. Apply for and Receive a Law Enforcement Agency Highway Safety Grant from the Tennessee Highway Safety Office (THSO) (AF: 29-2018) (David Quillin)
 - Resolution
2. Authorizing Contract Amendment Merging Kingsport MPO Transportation Planning Funds (AF: 32-2018) (Bill Albright)
 - Resolution
3. Approving Application and Contract with VDOT for Transit Planning (AF: 45-2018) (Bill Albright)
 - Resolution

VIII. COMMUNICATIONS

- A. City Manager
- B. Mayor and Board Members
- C. Visitors

Citizens may speak on issue-oriented items. When you come to the podium, please state your name and address and sign the register that is provided. You are encouraged to keep your comments non-personal in nature, and they should be limited to five minutes.

IX. ADJOURN



AGENDA ACTION FORM

Reappointment to Sullivan County Board of Equalization

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager

Action Form No.: AF-41-2018
 Work Session: March 19, 2018
 First Reading: N/A

Final Adoption: March 20, 2018
 Staff Work By: Mayor John Clark
 Presentation By: Mayor John Clark

Recommendation:

Approve the reappointment.

Executive Summary:

It is requested to reappoint Mr. Millard Burton to the Sullivan County Board of Equalization as a representative of Kingsport. This board serves as an appeal board for the Sullivan County Office of Property Assessments. Mr. Burton has served and chaired this board for several years. If approved by the Board of Mayor and Aldermen this will be a two-year term effective April 1, 2018 and expiring March 31, 2020.

Attachments:

None

	<u>Y</u>	<u>N</u>	<u>O</u>
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Oltzman	—	—	—
Clark	—	—	—

Minutes of the Regular Work Session of the
Board of Mayor and Aldermen, City of Kingsport, Tennessee
Monday, March 5, 2018, 4:30 PM
Council Room – City Hall

PRESENT: Board of Mayor and Aldermen

Mayor John Clark

Vice-Mayor Mike McIntire

Alderman Joe Begley

Alderman Colette George

Alderman Tommy Olterman

City Administration

Jeff Fleming, City Manager

Joseph E. May, Interim City Attorney

James H. Demming, City Recorder/Chief Financial Officer

1. **CALL TO ORDER:** 4:30 p.m. by Mayor Clark.
2. **ROLL CALL:** By Deputy City Recorder Marshall. Absent: Alderman Jennifer Adler and Alderman Betsy Cooper.
3. **KEDB/NETWORKS UPDATE.** Bill Dudney gave a presentation on the history, progress and current projects of the Kingsport Economic Development Board. Clay Walker then gave a presentation on the NETWORKS Sullivan Partnership. Discussion followed. Alderman Olterman asked the city manager to keep the BMA updated on projects as much as possible.
4. **SPRING PAVING SCHEDULE.** Assistant City Manager for Operations Ryan McReynolds presented this item, highlighting the upcoming areas and neighborhoods that are to be paved in the next three years. There was some discussion as Mr. McReynolds also answered questions from the board. .
5. **REVIEW OF AGENDA ITEMS ON THE MARCH 6, 2018 REGULAR BUSINESS MEETING AGENDA.** City Manager Fleming and members of staff gave a summary or presentation for each item on the proposed agenda. The following items were discussed at greater length or received specific questions or concerns.

VI.D.3 Apply for Local Parks and Recreation Fund Grant through the State of Tennessee Department of Environment and Conservation (AF: 22-2018). City Manager Fleming stated these grant funds would be used for Borden Park and Preston Forest. He pointed out the 50/50 match, noting those funds are already available in the CIP budget.

VI.D.4 Authorize the Mayor to Execute a Memorandum of Understanding and to Enter into a Lease Agreement for 118 Shelby Street with Engage Kingsport for the Purpose of Establishing a Product Creation Center (AF: 36-2018). City Manager Fleming stated this was for the Inventor Center project which was one of the top five recommendations that resulted from the ONEKingsport Summit. He stated this would make three out of the five to be funded and moving forward, noting staff is still working on the other two. He also gave details on how Engage Kingsport would be structured to manage this project for the city.

**Minutes of the Regular Work Session of the Board of Mayor and Aldermen of
Kingsport, Tennessee, Monday, March 5, 2018**

6. **ADJOURN.** Seeing no other matters presented for discussion at this work session, Mayor Clark adjourned the meeting at 6:11 p.m.

ANGELA MARSHALL
Deputy City Recorder

JOHN CLARK
Mayor

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, March 6, 2018, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor John Clark, Presiding
Vice Mayor Mike McIntire
Alderman Joe Begley
Alderman Colette George
Alderman Tommy Olterman

City Administration

Jeff Fleming, City Manager
Joseph E. May, Interim City Attorney
James Demming, City Recorder/Chief Financial Officer

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor John Clark.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Marsh Reed.
- II.B. **INVOCATION:** Stan Leonard, Mustard Seed Ministries Director.
- III. **ROLL CALL:** By City Recorder Demming. Absent: Alderman Jennifer Adler and Alderman Betsy Cooper.
- IV.A. **RECOGNITIONS AND PRESENTATIONS.**
 1. Parks and Recreation Awards (Alderman Olterman)
- IV.B. **APPOINTMENTS/REAPPOINTMENTS.**
 1. **Reappointment to the Construction Board of Adjustments and Appeals** (AF: 33-2018) (Mayor Clark).

Motion/Second: McIntire/George, to approve:

REAPPOINTMENT OF MR. HIRAM RASH TO SERVE ANOTHER THREE-YEAR TERM ON THE **CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS** EFFECTIVE IMMEDIATELY AND EXPIRING ON FEBRUARY 28, 2021.

Passed: All present voting “aye.”

V. **APPROVAL OF MINUTES.**

Motion/Second: Olterman/McIntire, to approve minutes for the following meetings:

- A. February 19, 2018 Regular Work Session
- B. February 20, 2018 Regular Business Meeting

Approved: All present voting “aye.”

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, March 6, 2018**

VI. COMMUNITY INTEREST ITEMS.

A. PUBLIC HEARINGS. None.

PUBLIC COMMENT. Mayor Clark invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Budget Adjustment Ordinance for FY18 (AF: 34-2018) (Jeff Fleming).

Motion/Second: McIntire/George, to pass:

AN ORDINANCE TO AMEND VARIOUS PROJECTS FOR THE YEAR ENDING JUNE 30, 2018; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

1. Amend the FY18 General Purpose School Fund and the General Project Fund Budget (AF: 23-2018) (David Frye).

Motion/Second: Begley/George, to pass:

ORDINANCE NO. 6714, AN ORDINANCE TO AMEND THE GENERAL PURPOSE SCHOOL FUND AND THE GENERAL PROJECTS FUND BUDGETS FOR THE FISCAL YEAR ENDING JUNE 30, 2018; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Begley, George, McIntire and Olterman voting "aye."

D. OTHER BUSINESS.

1. Accept a Donation of Woodshop Equipment to the Senior Center (AF: 30-2018) (Shirley Buchanan, Chris McCartt).

Motion/Second: Olterman/Begley, to pass:

Resolution No. 2018-121, A RESOLUTION ACCEPTING A DONATION OF WOODSHOP EQUIPMENT TO THE SENIOR CENTER

Passed: All present voting "aye."

2. Bid Award for Mowing & Trimming Services (AF: 35-2018) (Ryan McReynolds).

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, March 6, 2018**

Motion/Second: McIntire/Begley, to pass:

Resolution No. 2018-122, A RESOLUTION AWARDDING THE BID FOR MOWING AND TRIMMING SERVICES TO MANUEL MOWING LLC AND AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR THE SAME AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

3. Apply for Local Parks and Recreation Fund Grant through the State of Tennessee Department of Environment and Conservation (AF: 22-2018) (Chris McCartt).

Motion/Second: George/Olterman, to pass:

Resolution No. 2018-123, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A LOCAL PARKS AND RECREATION FUND GRANT THROUGH THE STATE OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Passed: All present voting "aye."

4. Authorize the Mayor to Execute a Memorandum of Understanding and to Enter into a Lease Agreement for 118 Shelby Street with Engage Kingsport for the Purpose of Establishing a Product Creation Center (AF: 36-2018) (Chris McCartt). Bill Sumner provided further details on the Inventor Center and its purpose and answered questions from the board.

Motion/Second: McIntire/George, to pass:

Resolution No. 2018-124, A RESOLUTION APPROVING AN AGREEMENT WITH ENGAGE KINGSPORT AND A LEASE AGREEMENT WITH ENGAGE KINGSPORT FOR 118 SHELBY STREET FOR THE PURPOSE OF ESTABLISHING A PRODUCT CREATION CENTER AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENTS AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENTS

Passed: All present voting "aye."

5. Bid Award for Dobyns-Bennett High School Track Upgrades to Baseline Sports Construction (AF: 37-2018) (David Frye).

Motion/Second: Olterman/Begley, to pass:

Resolution No. 2018-125, A RESOLUTION AWARDDING THE BID FOR THE DOBYNS BENNETT HIGH SCHOOL TRACK UPGRADES TO BASELINE SPORTS CONSTRUCTION, LLC AND AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR THE SAME AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

VII. CONSENT AGENDA.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, March 6, 2018**

1. Approve the Area Agency on Aging and Disability Grant for FY18-19 (AF: 31-2018) (Shirley Buchanan, Chris McCartt).

Motion/Second: George/McIntire, to adopt:

Resolution No. 2018-126, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPROVE THE PASS THROUGH FUNDING FROM THE FIRST TENNESSEE DEVELOPMENT DISTRICT'S AREA AGENCY ON AGING AND DISABILITY GRANT FOR FISCAL YEAR 2018-2019

Passed: All present voting "aye."

VIII. COMMUNICATIONS.

A. CITY MANAGER. Mr. Fleming acknowledged the ETSU basketball team. He also commented on the recent firefighter promotional ceremony. Lastly, he pointed out that March 8 was International Women's Day and recognized the female city employees who make up 21% of the city's workforce.

B. MAYOR AND BOARD MEMBERS. Alderman Olterman congratulated Doby's Bennett and Sullivan North basketball teams. He also recognized Coach Graham Clark's retirement, noting he has been a great ambassador for the city. Lastly he recognized the upcoming baseball season which starts next week. Alderman George thanked Kitty Frazier and the Parks and Recreation Department, pointing out the blessing and the benefit of all the green space in Kingsport. She also mentioned the Inventor Center, noting her appreciation of projects with a definitive time line and such community interest. Vice-Mayor McIntire stated last Friday the city celebrated Arbor Day and Kingsport was recognized for the thirty-second year in a row as tree city. He pointed out the Streets and Sanitation Department takes care of over 12,000 trees, over 14 acres of landscaping, 24 public parks and 827 acres of greenspace and thanked Ryan McReynolds for all they do. He recognized HOPE and Stella Robinette for celebrating their 10th anniversary for helping and impacting kids in the community. He also congratulated Eastman for receiving an award from the military for their support of personnel who still serve as well as their support for the 8th grade career fair happening this week. Mayor Clark commented on the paving presentation at the work session yesterday, noting the city is investing in our roads. He reiterated the benefits of the Inventor Center. He also mentioned the three ribbon cuttings this week, noting the investments being made throughout the city to improve the quality of life in Kingsport. Lastly he wished his wife Etta a happy birthday today.

C. VISITORS. Ms. Hall - Supporter of Makers Space.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Clark adjourned the meeting at 8:00 p.m.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, March 6, 2018**

ANGELA MARSHALL
Deputy City Recorder

JOHN CLARK
Mayor



AGENDA ACTION FORM

Budget Adjustment Ordinance for FY18

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager

Action Form No.: AF-34-2018
 Work Session: March 5, 2018
 First Reading: March 6, 2018

Final Adoption: March 20, 2018
 Staff Work By: Judy Smith
 Presentation By: Jeff Fleming

Recommendation:

Approve the Ordinance.

Executive Summary:

The ordinance will transfer \$6,398 to the Model City Coalition project and close out the old Model City Coalition project, funds will be transferred from other Bays Mountain projects to the following projects: \$191,550 will be transferred to the Bays Mountain Septic System project, \$55,000 will be transferred to the Bays Mountain Road Improvements project, \$55,000 will be transferred to the Bays Mountain Parking Lot Improvements project, \$3,780 will be transferred to Bays Mountain Planetarium Upgrades, \$8,700 to the Bays Mountain Nature Center Exhibit, \$67,100 to the Bays Mountain Main Entry Gate, \$75,592 to the Bays Mountain Nature Center Gateway, \$129,100 to the Bays Mountain Picnic Shelters, \$66,000 to the Bays Mountain Wayfinding Signage and \$49,500 to the Bays Mountain Nature Center Improvement project, \$50,000 will be transferred to the Farmers Market project from the Visitors Enhancement Fund and the Transit Garage project. Funds in the mount of \$87,257 will be transferred from the Transit Garage project to the Library Improvements fund project to complete the Library Colonnade. Funds in the amount of \$99,291 will be transferred from the Facility Audit Assessment project to the Facilities Improvements project and \$285,000 will be transferred from various projects to the Storm Water Infrastructure project. Projects to be closed are GP1812, GP1525, GP1611, GP1403, NC1505 and GP1535.

Federal funds will be appropriated to the MPO Fund in the amount of \$131,000 for the Lynn Garden Drive Signal project.

Attachments:

1. Ordinance

Funding source appropriate and funds are available:

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

ORDINANCE NO. _____

PRE-FILED
CITY RECORDERAN ORDINANCE TO AMEND VARIOUS PROJECTS FOR
THE YEAR ENDING JUNE 30, 2018; AND TO FIX THE
EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY OF KINGSPORT, as follows:

SECTION I. That the General Project Fund budgets be amended by transferring \$6,398 from the Model City Coalition project (GP1834) to the Model City Coalition project (GP1224), and by transferring \$63,094 from the Bays Mountain Park Improvements project (GP1707), \$137,710 from the Bays Mountain Dam Repair project (GP1711), \$68,312 from the Bays Mtn. Road Stabilization project (GP1720), \$835 from the Bays Mountain Carpet project (GP1749), and \$435,346 from the Bays Mountain Park Improvement project (GP1828) to the One Kingsport project (GP1702) in the amount of \$3,975, the Bays Mountain Septic Sys project (GP1704) in the amount of \$191,500, to the Bays Mountain Road Improvements project (GP1832) in the amount of \$55,000, to the Bays Mountain Parking Lot Improvements project (GP1833) in the amount of \$55,000, to the Bays Mountain Planetarium Upgrades project (GP1837) in the amount of \$3,780, to the Bays Mountain Nature Center Exhibits project (GP1839) in the amount of \$8,700, to the Bays Mountain Main Entry Gate project (GP1841) in the amount of \$67,100, to the Bays Mountain Nature Center Gateway project (GP1842) in the amount of \$75,592, to the Bays Mountain Picnic Shelters project (GP1843) in the amount of \$129,100, to the Bays Mountain Wayfinding Signage project (GP1844) in the amount of \$66,000, and to the Bays Mountain Nature Center Improvements project (GP1845) in the amount of \$49,500, and by transferring \$459 from the Dilapidated Structures project (GP1535) to the Dilapidated Structures project (GP1742), and by transferring \$6,498 from the Border Regions Road Improvements project (GP1228) to the Public Works Equipment project (GP1525) in the amount of \$466 and to the Street Resurfacing project (GP1846) in the amount of \$6,032, and by transferring \$103 from the Enterprise Place project (GP1611) to the Local Road Sidewalks project (GP1403), by transferring \$285,000 from the Meadowview Road Improvements project to the Street Resurfacing (NC1800), by transferring \$25,000 from the Visitors Enhancement Fund and \$25,000 from the Transit Garage project (GP1727) to the Farmers Market Improvement project (GP1847) by transferring \$1,600 from the Public Works operating budget to the Ground Hold Over Replacement project (GP1817), by transferring \$87,257 from the Transit Garage project (GP1727) to the Library Improvement project (GP1807) and by transferring \$99,291 from the Facilities Audit Assessment project (GP1812) to the Facilities Improvement project (GP1803).

SECTION II. That the Special Project Fund budgets be amended by transferring \$3,925 from the Mowing Project (NC1505) to the Mowing project (NC1709), and by increasing the budget for the Centennial Project (NC1613) by \$1,445, by transferring \$285,000 from Street Resurfacing (NC1800) to the Storm Water Infrastructure project (ST1602) and by appropriating \$1,816 in grant funds and by appropriating \$521 from the Friends of the Library to the Library TOP Grant project (NC1809).

SECTION III. That the MPO Fund be amended by appropriating federal grant funds in the amount of \$131,000 to the Lynn Garden Drive Signal project (MPO15C).

Account Number/Description:
Fund 311: General Project Fund
Model City Coalition (GP1834)

Revenues:

311-0000-364.30-00 From Non-Profit Groups
 311-0000-368.10-51 Series 2015A (Oct) GO PI

Totals:

<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
\$	\$	\$
1,535	0	1,535
50,358	(6,398)	43,960
51,893	(6,398)	45,495

Expenditures:

311-0000-601.20-20 Professional/Consultant
 311-0000-601.20-23 Arch/Eng/Landscaping
 311-0000-601.90-03 Improvements

Totals:

\$	\$	\$
13,000	0	13,000
10,000	0	10,000
28,893	(6,398)	22,495
51,893	(6,398)	45,495

Fund 311: General Project Fund
Model City Coalition (GP1224)

Revenues:

311-0000-364.30-00 From Non-Profit Groups
 311-0000-368.10-14 Series 2012 C Go Pub Imp
 311-0000-368.10-47 Bond Proceeds/2014 A Go
 311-0000-368.10-51 Series 2015A (Oct) GO PI
 311-0000-368.21-01 Premium From Bond Sale

Totals:

\$	\$	\$
10,000	0	10,000
196,894	0	196,894
4,412	0	4,412
410,599	6,398	416,997
29,542	0	29,542
651,447	6,398	657,845

Expenditures:

311-0000-601.20-20 Professional/Consultant
 311-0000-601.20-23 Arch/Eng/Landscaping
 311-0000-601.40-41 Bond Sale Expense
 311-0000-601.90-02 Buildings
 311-0000-601.90-03 Improvements
 311-0000-601.90-04 Equipment

Totals:

\$	\$	\$
38,127	0	38,127
395,913	0	395,913
18,762	0	18,762
1,210	0	1,210
196,159	6,398	202,557
1,276	0	1,276
651,447	6,398	657,845

Fund 311: General Project Fund
One Kingsport (GP1702)

Revenues:

311-0000-364.30-00 From Non-Profit Groups
 311-0000-368.10-47 2014 A GO Bonds
 311-0000-391.01-00 From General Fund

Totals:

\$	\$	\$
15,000	0	15,000
0	3,975	3,975
650,000	0	650,000
665,000	3,975	668,975

Expenditures:

311-0000-601.20-10 Advertising & Publication
 311-0000-601.20-20 Professional/Consultant

\$	\$	\$
0	0	0
221,500	0	221,500

311-0000-601.20-22 Construction Contracts	218,200	0	218,200
311-0000-601.20-23 Arch/Eng/Landscaping	100,000	3,975	103,975
311-0000-601.80-50 Tap Fee Incentive	50,000	0	50,000
311-0000-601.90-03 Improvements	75,300	0	75,300
Totals:	665,000	3,975	668,975

Fund 311: General Project Fund
Bays Mountain Septic Sys (GP1704)

<u>Revenues:</u>	\$	\$	\$
311-0000-368.10-54 2016 GO (NOV 4)	0	191,550	191,550
311-0000-368.10-55 Series 2017 A Go Bonds	53,289	0	53,289
311-0000-368.21-01 Premium From Bond Sale	2,435	0	2,435
311-0000-391.01-00 From General Fund	80,000	0	80,000
Totals:	135,724	191,550	327,274

<u>Expenditures:</u>	\$	\$	\$
311-0000-601.20-22 Construction Contracts	95,000	191,550	286,550
311-0000-601.20-23 Arch/Eng/Landscaping	40,000	0	40,000
311-0000-601.40-41 Bond Sale Expense	724	0	724
Totals:	135,724	191,550	327,274

Fund 311: General Project Fund
Bays Mountain Park Improvements (GP1707)

<u>Revenues:</u>	\$	\$	\$
311-0000-368.10-47 2014 A GO Bonds	336,799	(63,094)	273,705
Totals:	336,799	(63,094)	273,705

<u>Expenditures:</u>	\$	\$	\$
311-0000-601.20-23 Arch/Eng/Landscaping	67,189	(55,420)	11,769
311-0000-601.90-03 Improvements	269,610	(7,674)	261,936
Totals:	336,799	(63,094)	273,705

Fund 311: General Project Fund
Bays Mountain Dam Repair (GP1711)

<u>Revenues:</u>	\$	\$	\$
311-0000-368.10-54 2016 GO (NOV 4)	223,984	(137,710)	86,274
311-0000-368.10-55 Series 2017 A Go Bonds	561,959	0	561,959
311-0000-368.21-01 Premium From Bond Sale	44,248	0	44,248
Totals:	830,191	(137,710)	692,481

<u>Expenditures:</u>	\$	\$	\$
311-0000-601.20-23 Arch/Eng/Landscaping	240,000	(2,909)	237,091
311-0000-601.40-41 Bond Sale Expense	10,191	0	10,191
311-0000-601.90-03 Improvements	580,000	(134,801)	445,199

Totals:

830,191	(137,710)	692,481
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Fund 311: General Project Fund**Bays Mountain Road Stabilization (GP1720)****Revenues:**

\$	\$	\$	
311-0000-368.10-54 2016 GO (NOV 4)	214,651	(68,312)	146,339
311-0000-368.21-01 Premium From Bond Sale	17,791	0	17,791

Totals:

232,442	(68,312)	164,130
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Expenditures:

\$	\$	\$	
311-0000-601.20-23 Arch/Eng/Landscaping	10,000	(10,000)	0
311-0000-601.40-41 Bond Sale Expense	2,442	0	2,442
311-0000-601.90-03 Improvements	220,000	(58,312)	161,688

Totals:

232,442	(68,312)	164,130
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Fund 311: General Project Fund**Bays Mountain Carpet (GP1749)****Revenues:**

\$	\$	\$	
311-0000-391.69-00 Visitors Enhancement Fund	20,000	(835)	19,165

Totals:

20,000	(835)	19,165
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Expenditures:

\$	\$	\$	
311-0000-601.20-22 Construction Contracts	20,000	(835)	19,165

Totals:

20,000	(835)	19,165
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Fund 311: General Project Fund**Bays Mountain Park Improvements (GP1828)****Revenues:**

\$	\$	\$	
311-0000-391.01-00 From General Fund	450,000	(435,346)	14,654

Totals:

450,000	(435,346)	14,654
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Expenditures:

\$	\$	\$	
311-0000-601.90-03 Improvements	450,000	(435,346)	14,654

Totals:

450,000	(435,346)	14,654
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Fund 311: General Project Fund**Bays Mountain Road Improvements (GP1832)****Revenues:**

\$	\$	\$	
311-0000-368.10-47 2014 A GO Bonds	0	55,000	55,000
311-0000-391.01-00 From General Fund	275,000	00	330,000

Totals:

275,000	55,000	330,000
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Expenditures:

\$	\$	\$	
311-0000-601.90-03 Improvements	275,000	55,000	330,000

Totals:

275,000	55,000	330,000
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Fund 311: General Project Fund

Bays Mtn Parking Lot Imp (GP1833)

Revenues:

311-0000-368.10-47 2014 A GO Bonds
311-0000-368.10-54 2016 GO (NOV 4)
311-0000-391.01-00 From General Fund

\$	\$	\$
0	4,119	
0	14,472	
275,000	36,409	330,000
275,000	55,000	330,000

Totals:

Expenditures:

311-0000-601.90-03 Improvements

\$	\$	\$
275,000	55,000	330,000
275,000	55,000	330,000

Totals:

Fund 311: General Project Fund

Bays Mtn Planetarium Upgrade (GP1837)

Revenues:

311-0000-368.10-55 Series 2017 A Go Bonds
311-0000-368.21-01 Premium From Bond Sale
311-0000-391.01-00 From General Fund
311-0000-391.69-00 Visitors Enhancement Fund

\$	\$	\$
61,040	0	61,040
2,790	0	2,790
0	2,945	2,945
0	835	835
63,830	3,780	67,610

Totals:

Expenditures:

311-0000-601.40-41 Bond Sale Expense
311-0000-601.90-03 Improvements

\$	\$	\$
830	0	830
63,000	3,780	66,780
63,830	3,780	67,610

Totals:

Fund 311: General Project Fund

Bays Mnt. Nature Ctr Exhib (GP1839)

Revenues:

311-0000-368.10-55 Series 2017 A Go Bonds
311-0000-368.21-01 Premium From Bond Sale
311-0000-391.01-00 From General Fund

\$	\$	\$
84,294	0	84,294
3,852	0	3,852
0	8,700	8,700
88,146	8,700	96,846

Totals:

Expenditures:

311-0000-601.40-41 Bond Sale Expense
311-0000-601.90-03 Improvements

\$	\$	\$
1,146	0	1,146
87,000	8,700	95,700
88,146	8,700	96,846

Totals:

Fund 311: General Project Fund

Bays Mtn Main Entry Gate (GP1841)

Revenues:

\$	\$	\$
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311-0000-391.01-00 From General Fund

Totals:

0	67,100	67,100
0	67,100	67,100

Expenditures:

311-0000-601.90-03 Improvements

Totals:

\$ 0	\$ 67,100	\$ 67,100
0	67,100	67,100

Fund 311: General Project Fund

Bays Mtn Nature Center Gateway (GP1842)

Revenues:

311-0000-391.01-00 From General Fund

Totals:

\$ 0	\$ 75,592	\$ 75,592
0	75,592	75,592

Expenditures:

311-0000-601.90-03 Improvements

Totals:

\$ 0	\$ 75,592	\$ 75,592
0	75,592	75,592

Fund 311: General Project Fund

Bays Mtn Picnic Shelters (GP1843)

Revenues:

311-0000-391.01-00 From General Fund

Totals:

\$ 0	\$ 129,100	\$ 129,100
0	129,100	129,100

Expenditures:

311-0000-601.90-03 Improvements

Totals:

\$ 0	\$ 129,100	\$ 129,100
0	129,100	129,100

Fund 311: General Project Fund

Bays Mtn Wayfinding Signage (GP1844)

Revenues:

311-0000-391.01-00 From General Fund

Totals:

\$ 0	\$ 66,000	\$ 66,000
0	66,000	66,000

Expenditures:

311-0000-601.90-03 Improvements

Totals:

\$ 0	\$ 66,000	\$ 66,000
0	66,000	66,000

Fund 311: General Project Fund

Bays Mtn Nature Center Imp (GP1845)

Revenues:

311-0000-391.01-00 From General Fund

Totals:

\$ 0	\$ 49,500	\$ 49,500
0	49,500	49,500

Expenditures:

311-0000-601.90-03 Improvements

Totals:

\$	\$	\$
0	49,500	49,500
0	49,500	49,500

Fund 311: General Project Fund**Dilapidated Structures (GP1535)****Revenues:**

311-0000-391.01-00 From General Fund

Totals:

\$	\$	\$
70,000	(460)	69,540
70,000	(460)	69,540

Expenditures:

311-0000-601.20-22 Construction Contracts

311-0000-601.20-99 Miscellaneous

Totals:

\$	\$	\$
68,000	1,540	69,540
2,000	(2,000)	0
70,000	(460)	69,540

Fund 311: General Project Fund**Dilapidated Structures (GP1742)****Revenues:**

311-0000-391.01-00 From General Fund

Totals:

\$	\$	\$
75,000	460	75,460
75,000	460	75,460

Expenditures:

311-0000-601.20-22 Construction Contracts

Totals:

\$	\$	\$
75,000	460	75,460
75,000	460	75,460

Fund 311: General Project Fund**Border Reg Rd Improvements (GP1228)****Revenues:**

311-0000-332.10-15 Border Regions Allocation

311-0000-368.10-41 Series 2012C GO PUB IM

311-0000-368.21-01 Premium From Bond Sale

Totals:

\$	\$	\$
76,103	473,926	550,029
278,666	(6,498)	272,168
19,633	0	19,633
374,402	467,428	841,830

Expenditures:

311-0000-601.20-20 Professional/Consultant

311-0000-601.20-23 Arch/Eng/Landscaping

311-0000-601.40-41 Bond Sale Expense

311-0000-601.90-01 Land

311-0000-601.90-03 Improvements

Totals:

\$	\$	\$
70,258	(6,498)	63,760
104,066	(10,745)	93,321
11,867	0	11,867
110,000	549,440	659,440
78,211	(64,769)	13,442
374,402	467,428	841,830

Fund 311: General Project Fund**Public Works Equipment (GP1525)****Revenues:**

\$	\$	\$
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311-0000-368.10-41 Series 2012C GO PUB IM	10,998	466	11,464
311-0000-368.21-01 Premium From Bond Sale	1,152	0	1,152
Totals:	12,150	466	12,616

Expenditures:	\$	\$	\$
311-0000-601.40-41 Bond Sale Expense	150	0	150
311-0000-601.90-03 Improvements	6,894	(4,169)	2,725
311-0000-601.90-06 Purchases \$5,000 & Over	5,106	4,635	9,741
Totals:	12,150	466	12,616

Fund 311: General Project Fund
Enterprise Place Improvements (GP1611)

Revenues:	\$	\$	\$
311-0000-368.10-47 2014 A GO Bonds	180,000	0	180,000
311-0000-368.10-51 Series 2015A (Oct) GO PI	535,551	(23,205)	512,346
311-0000-391.01-00 From General Fund	18,646	0	18,646
Totals:	734,197	(23,205)	710,992

Expenditures:	\$	\$	\$
311-0000-601.20-23 Arch/Eng/Landscaping	33,000	46,169	79,169
311-0000-601.40-41 Bond Sale Expense	10,197	0	10,197
311-0000-601.90-01 Land	4,700	(1,154)	3,546
311-0000-601.90-03 Improvements	686,300	(68,220)	618,080
Totals:	734,197	(23,205)	710,992

Fund 311: General Project Fund
Local Roads Sidewalks (GP1403)

Revenues:	\$	\$	\$
311-0000-368.10-41 Series 2012C GO PUB IM	13,568	0	13,568
311-0000-368.10-47 2014 A GO Bonds	34,659	0	34,659
311-0000-368.10-51 Series 2015A (Oct) GO PI	342,403	103	342,506
311-0000-368.21-01 Premium From Bond Sale	24,408	0	24,408
Totals:	415,038	103	415,141

Expenditures:	\$	\$	\$
311-0000-601.20-23 Arch/Eng/Landscaping	40,147	0	40,147
311-0000-601.40-41 Bond Sale Expense	16,642	0	16,642
311-0000-601.90-01 Land	2,637	0	2,637
311-0000-601.90-03 Improvements	355,612	103	355,715
Totals:	415,038	103	415,141

Fund 111: Special Project Fund
Mowing Project (NC1505)

Revenues:	\$	\$	\$
111-0000-391.01-00 From General Fund	20,560	(3,925)	16,635
Totals:	20,560	(3,925)	16,635

<u>Expenditures:</u>	\$	\$	\$
111-0000-601.20-22 Construction Contracts	20,560	(3,925)	16,635
Totals:	20,560	(3,925)	16,635

Fund 111: Special Project Fund

Mowing (NC1709)

<u>Revenues:</u>	\$	\$	\$
111-0000-391.01-00 From General Fund	10,000	3,925	13,925
Totals:	10,000	3,925	13,925

<u>Expenditures:</u>	\$	\$	\$
111-0000-601.20-22 Construction Contracts	10,000	3,925	13,925
Totals:	10,000	3,925	13,925

Fund 111: Special Project Fund

Centennial Project (NC1613)

<u>Revenues:</u>	\$	\$	\$
111-0000-341.10-87 Merchandise Sales	1,536	0	1,536
111-0000-341.50-10 Centennial Merchandise	9,458	1,445	10,903
111-0000-364.30-00 From Non-Profit Groups	625	0	625
111-0000-368.99-00 Miscellaneous	(6)	0	(6)
111-0000-391.01-00 From General Fund	90,186	0	90,186
Totals:	101,799	1,445	103,244

<u>Expenditures:</u>	\$	\$	\$
111-0000-601.30-20 Operating Supplies & Tool	93,212	1,445	94,657
111-0000-631.10-10 Salaries & Wages	7,262	0	7,262
111-0000-631.10-20 Social Security	1,225	0	1,225
111-0000-631.10-60 Workmen's Compensation	20	0	20
111-0000-631.10-61 Unemployment Insurance	80	0	80
Totals:	101,799	1,445	103,244

Fund 110: General Fund

<u>Expenditures:</u>	\$	\$	\$
110-4032-463-3022 Maintenance Supplies	12,500	(1,600)	10,900
110-4804-481-7036 General Project Fund	1,740,507	1,600	1,742,107
Totals:	1,753,007	0	1,753,007

Fund 311: General Project Fund

Grounds Hold Over Replace. (GP1817)

<u>Revenues:</u>	\$	\$	\$
311-0000-368-1055 Series 2017 A GO Bonds	38,756	0	38,756
311-0000-368-2101 Premium From Bond Sale	1,771	0	1,771
311-0000-391-0100 From General Fund	0	1,600	1,600
Totals:	40,527	1,600	42,127

<u>Expenditures:</u>	\$	\$	\$
-----------------------------	----	----	----

311-0000-601-4041 Bond Sale Exp.	527	0	527
311-0000-601-9006 Purchases Over \$5,000	40,000	1,600	41,600
Totals:	40,527	1,600	42,127

Fund 110: General Fund

<u>Revenues:</u>	\$	\$	\$
110-0000-364-3000 From Non-Profit Groups	125,000	242	125,242
Totals:	125,000	242	125,242

<u>Expenditures:</u>	\$	\$	\$
110-4540-474-3039 Library Programs Supplies	800	242	1,042
Totals:	800	242	1,042

Fund 311: General Project Fund

Transit Garage (GP1727)

<u>Revenues:</u>	\$	\$	\$
311-0000-368-1054 Series 2016 GO (Nov 4)	13,530	0	13,530
311-0000-368-1055 Series 2017 A GO Bonds	145,237	(112,257)	32,980
311-0000-368-2101 Premium From Bond Sale	27,137	0	27,137
Totals:	185,904	(112,257)	73,647

<u>Expenditures:</u>	\$	\$	\$
311-0000-601-4041 Bond Sale Exp.	4,789	0	4,789
311-0000-601-9003 Improvements	181,115	(112,257)	68,858
Totals:	185,904	(112,257)	73,647

Fund 311: General Project Fund

Farmers Market Improvements (GP1847)

<u>Revenues:</u>	\$	\$	\$
311-0000-368-1055 Series 2017 A GO Bonds	0	25,000	25,000
311-0000-391-6900 From Visitors Enhancement	0	25,000	25,000
Totals:	0	50,000	50,000

<u>Expenditures:</u>	\$	\$	\$
311-0000-601-9003 Improvements	0	50,000	50,000
Totals:	0	50,000	50,000

Fund 135: Visitors Enhancement Fund

135-1015-405-3020 Operating Supplies & Tools	66,821	(25,000)	41,821
135-4804-481-7036 Transfer to Gen. Proj. Fund	2,500	25,000	27,500
Totals:	69,321	0	69,321

Fund 311: General Project Fund

Library Improvements (GP1807)

Revenues:	\$	\$	\$
311-0000-368-1055 Series 2017 A GO Bonds	218,001	87,257	305,258
311-0000-368-2101 Premium From Bond Sale	9,963	0	9,963
Totals:	227,964	87,257	315,221

Expenditures:	\$	\$	\$
311-0000-601-4041 Bond Sale Exp.	2,964	0	2,964
311-0000-601-9003 Improvements	225,000	87,257	312,257
Totals:	227,964	87,257	315,221

Fund 122: MPO Fund

Lynn Garden Drive Signal (MPO15C)

Revenues:	\$	\$	\$
122-0000-337-5213 FHWA/TN FHWA100%	221,800	131,000	352,800
Totals:	221,800	131,000	352,800

Expenditures:	\$	\$	\$
122-0000-609-2023 Arch/Eng/Landscaping	78,730	0	78,730
122-0000-609-9003 Improvements	143,070	131,000	274,070
Totals:	221,800	131,000	352,800

Fund 111: Special Project Fund

Library TOP Grant (NC1809)

Revenues:	\$	\$	\$
111-0000-332-7300 TN State Library Grant	0	1,816	1,816
111-0000-364-3000 From Non-Profit Group	0	521	521
Totals:	0	2,337	2,337

Expenditures:	\$	\$	\$
111-0000-601-2020 Professional Consultant	0	600	600
111-0000-601-3020 Operating Supplies & Tools	0	1,737	1,737
Totals:	0	2,337	2,337

Fund 311: General Project Fund
Facility Audit Assessment (GP1812)

Revenues:

311-0000-368-1055 Series 2017 A GO Bonds	\$ 94,952	\$ (94,952)	\$ 0
311-0000-368-2101 Premium From Bond Sale	4,339	(4,339)	0
Totals:	99,291	(99,291)	0

Expenditures:

311-0000-601-2023 Arch/Eng/Landscaping	\$ 98,000	\$ (98,000)	\$ 0
311-0000-601-4041 Bond Sale Exp.	1,291	(1,291)	0
Totals:	99,291	(99,291)	0

Fund 311: General Project Fund
Facilities Improvements (GP1803)

Revenues:

311-0000-368-1055 Series 2017 A GO Bonds	\$ 539,189	\$ 94,952	\$ 634,141
311-0000-368-2101 Premium From Bond Sale	24,643	4,339	28,982
Totals:	563,832	99,291	663,123

Expenditures:

311-0000-601-4041 Bond Sale Exp.	\$ 7,332	\$ 1,291	\$ 8,623
311-0000-601-9003 Improvements	556,500	98,000	654,500
Totals:	563,832	99,291	663,123

Fund 111: Special Project Fund
Street Resurfacing (NC1800)

Revenues:

111-0000-391.01-00 From General Fund	\$ 1,719,000	\$ (285,000)	\$ 1,434,000
Totals:	1,719,000	(285,000)	1,434,000

Expenditures:

111-0000-601.20-22 Construction Contracts	\$ 1,719,000	\$ (285,000)	\$ 1,434,000
Totals:	1,719,000	(285,000)	1,434,000

Fund 110: General Fund

Expenditures:

110-4804-481.70-35 To Gen Proj/Spec Rev.	\$ 1,780,283	\$ (285,000)	\$ 1,495,283
110-4804-481.70-92 To Stormwater	0	285,000	285,000
Totals:	1,780,283	0	1,780,283

Fund 417: Stormwater Fund

Revenues:

\$ \$ \$

417-0000-391.01-00 From General Proj Fund

Totals:

0	285,000	285,000
0	285,000	285,000

Expenditures:

417-6996-696.76-05 Stormwater Project Fund

Totals:

\$ 290,000	\$ 285,000	\$ 575,000
290,000	285,000	575,000

Fund 457: Storm Water Project Fund

Storm Water Infrastructure (ST1602)

Revenues:

457-0000-391-9500 From Storm Water Fund

Totals:

\$ 178,355	\$ 285,000	\$ 463,355
178,355	285,000	463,355

Expenditures:

457-0000-622-2022 Construction Contracts

457-0000-622-2023 Arch/Eng/Landscaping

457-0000-622-9001 Land

457-0000-622-9004 Equipment

Totals:

\$ 130,265	\$ 285,000	\$ 415,265
38,800	0	38,800
1,000	0	1,000
8,290	0	8,290
178,355	285,000	463,355

Fund 311: General Project Fund

Meadowview Road Improvement (GP1800)

Revenues:

311-0000-368.10-54 Series 2016 GO (Nov 4)

311-0000-368.10-55 Series 2017 A GO Bonds

311-0000-368.21-01 Premium From Bond Sale

Totals:

\$ 149,900	\$ 0	\$ 149,900
1,792,551	(285,000)	1,507,551
81,925	0	81,925
2,024,376	(285,000)	1,739,376

Expenditures:

311-0000-601.20-23 Construction Contracts

311-0000-601.40-41 Bond Sale Expense

311-0000-601.90-03 Improvements

Totals:

\$ 149,900	\$ 0	\$ 149,900
24,376	0	24,376
1,850,100	(285,000)	1,565,100
2,024,376	(285,000)	1,739,376

Fund 311: General Project Fund

Street Resurfacing (GP1846)

Revenues:

311-0000-368.10-41 Series 2012C GO PUB IM

311-0000-368.10-51 Series 2015A (Oct) GO PI

311-0000-368.10-55 Series 2017 A GO Bonds

Totals:

\$ 0	\$ 6,032	\$ 6,032
0	23,102	23,102
0	285,000	285,000
0	314,134	314,134

Expenditures:

311-0000-601.90-03 Improvements

Totals:

\$ 0	\$ 314,134	\$ 314,134
0	314,134	314,134

SECTION IV. That this Ordinance shall take effect from and after its date of passage, as the law direct, the welfare of the City of Kingsport, Tennessee requiring it.

JOHN CLARK, Mayor

ATTEST:

JAMES H. DEMMING, City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING:

PASSED ON 2ND READING:



AGENDA ACTION FORM

Budget Adjustment Ordinance for FY18

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager

Action Form No.: AF-34-2018
 Work Session: March 5, 2018
 First Reading: March 6, 2018

Final Adoption: March 20, 2018
 Staff Work By: Judy Smith
 Presentation By: Jeff Fleming

Recommendation:

Approve the Ordinance.

Executive Summary:

The ordinance will transfer \$6,398 to the Model City Coalition project and close out the old Model City Coalition project, funds will be transferred from other Bays Mountain projects to the following projects: \$191,550 will be transferred to the Bays Mountain Septic System project, \$55,000 will be transferred to the Bays Mountain Road Improvements project, \$55,000 will be transferred to the Bays Mountain Parking Lot Improvements project, \$3,780 will be transferred to Bays Mountain Planetarium Upgrades, \$8,700 to the Bays Mountain Nature Center Exhibit, \$67,100 to the Bays Mountain Main Entry Gate, \$75,592 to the Bays Mountain Nature Center Gateway, \$129,100 to the Bays Mountain Picnic Shelters, \$66,000 to the Bays Mountain Wayfinding Signage and \$49,500 to the Bays Mountain Nature Center Improvement project, \$50,000 will be transferred to the Farmers Market project from the Visitors Enhancement Fund and the Transit Garage project. Funds in the amount of \$87,257 will be transferred from the Transit Garage project to the Library Improvements fund project to complete the Library Colonnade. Funds in the amount of \$99,291 will be transferred from the Facility Audit Assessment project to the Facilities Improvements project and \$285,000 will be transferred from various projects to the Storm Water Infrastructure project. Projects to be closed are GP1812, GP1525, GP1611, GP1403, NC1505 and GP1535.

Federal funds will be appropriated to the MPO Fund in the amount of \$131,000 for the Lynn Garden Drive Signal project.

Attachments:

1. Ordinance

Funding source appropriate and funds are available:

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—



AGENDA ACTION FORM

Awarding the Bid for the Purchase of One (1) Front Loading Refuse Truck

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager 

Action Form No.: AF-42-2018
 Work Session: March 19, 2018
 First Reading: N/A

Final Adoption: March 20, 2018
 Staff Work By: Committee
 Presentation By: R. McReynolds, S. Hightower

Recommendation:

Approve the Resolution.

Executive Summary:

Bids were opened on March 1, 2018 for the purchase of one Front Loading Refuse Truck for use by Streets & Sanitation. The advertisement for the Invitation to Bid was published in the Kingsport Times News on February 14, 2018 and placed on our website for 16 calendar days. It is the recommendation of the committee to accept the low compliant bid from Worldwide Equipment, Inc. for one (1) 2019 Mack LR64R w/ New Way Front Loader in the amount of \$310,042.00.

This is a Fleet replacement for unit #1952 Mack Front Loader which burned in 2016. Insurance reimbursed \$149,250 for the damaged vehicle. Instead of turning the vehicle over to insurance we sold the truck for scrap in the amount of \$2,310.00 which was greater than the salvage value offered. The vehicle was removed from the Fleet on 11/18/16.

Funding is identified in Account # 51150085019010.

Attachments:

1. Resolution
2. Bid Opening Minutes
3. Recommendation Memo w/ Photo

Funding source appropriate and funds are available: 

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION AWARDDING THE BID FOR THE PURCHASE OF
ONE FRONT LOADING REFUSE TRUCK TO WORLDWIDE
EQUIPMENT, INC. AND AUTHORIZING THE CITY MANAGER TO
EXECUTE A PURCHASE ORDER FOR THE SAME

WHEREAS, bids were opened March 1, 2018, for the purchase of one (1) front loading refuse truck for the use at the street and sanitation department; and

WHEREAS, upon review of the bids, the board finds Worldwide Equipment, Inc. is the lowest responsible compliant bidder meeting specifications for the particular grade or class of material, work or service desired and is in the best interest and advantage to the city, and the City of Kingsport desires to purchase one (1) 2019 Mack LR64R with New Way Front Loader truck from Worldwide Equipment, Inc., at a total purchase cost of \$310,042.00; and

WHEREAS, this is a fleet replacement for unit #1952, which burned in 2016; and

WHEREAS, funding is identified in account number 51150085019010.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the bid for the purchase of one (1) 2019 Mack LR64R with New Way Front Loader truck, at a total purchase cost of \$310,042.00, is awarded to Worldwide Equipment, Inc., and the city manager is authorized to execute a purchase order for same.

SECTION II. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the public.

SECTION III. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 20th day of March, 2018.

JOHN CLARK, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

MINUTES
BID OPENING
March 1, 2018
4:00 P.M.

Present: Sandy Crawford, Procurement Manager; and Brent Morelock, Assistant Procurement Manager

The Bid Opening was held in the Council Room, City Hall.

The Procurement Manager opened with the following bids:

FRONT LOADING REFUSE TRUCK				
Vendor:	Qty.:	Unit Cost:	Delivery Time:	Make/Model:
Worldwide Equip.	1	\$310,042.00	310-330 Days	2019 Mack LR64R w/Newway Front Loader Body
Worldwide Equip.	1	\$334,291.00	300-320 Days	2019 Mack LR64R w/Heil Front Loader Body
Stringfellow	1	\$325,929.00	120-160 Days	2019 Peterbilt 520 Dual Steer w/Heil HP Odssey Res.

The submitted bids will be evaluated and a recommendation made at a later date.



FLEET MAINTENANCE DEPARTMENT
City of Kingsport, Tennessee

Memo

To: Brent Morelock, Assistant Procurement Manager

From: Truck Committee: Greg Willis, Streets Supervisor
Rodney Deel, Sanitation Supervisor
Steve Hightower, Fleet Manager

Date: March 8, 2018

Re: Diesel Cab Chassis w Front Loading Refuse Body Purchase Recommendation

This will confirm our review and recommendation to purchase the compliant bid of the following vendor.

Item	Quantity	Description	Award to Vendor	Fuel Economy
1	1	2019 Mack LR64R with New Way	World Wide Equipment	2.5 - 6 MPG

Low Compliant Bidder

The low bidder recommended is compliant in all major aspects of the minimum specification requirements for the Front Loading Refuse Truck specified.

This unit will be a Fleet Replacement of a Burned Unit

Delivery and Compliance to Specifications expectations have been added to insure prompt delivery of any vehicle or piece of equipment purchased by the City of Kingsport. Failure of the awarded vendor to deliver on time or correct pre acceptance inspection deficiencies within the allotted time results in a monetary penalty assessed on a daily basis. This process will insure the departments receive their replacement units in a timely manner. Specified time allotted for delivery of this unit is 310-330 days after notification with 15 days to correct inspection deficiencies after delivery inspection and a \$50 dollar a day penalty assessed for non-compliance.

Review of Specifications

The bid offerings were reviewed by Street Maintenance Supervisor - Greg Willis, Sanitation Supervisor - Rodney Deel, and Fleet Manager - Steve Hightower, who are agreement with this recommendation. Confirming email of agreement is attached.

Fuel Economy Improvement

0%

The unit(s) being replaced have a similar fuel economy to the unit(s) being purchased so there will be no estimated improvement in fuel economy ratings.

Trade In Information

1. Trade in(s):
 - a. N/A

Origin Information

1. New Unit Origin of Manufacture:

- a. Cab/ Chassis Mfg.— Macungie, PA
 - i. 90% Domestic/ 10% Foreign Materials
- b. Body Manufacture – Scranton, Io.
 - i. 90% Domestic/ 10% Foreign Materials

2. New Unit Purchase Dealer:

- a. Cab/ Chassis/ Body – World Wide Equipment – Abingdon, VA
- b. Body Dealership – Municipal Equipment - Louisville, KY

Should you have any questions about this recommendation, please do not hesitate to contact us.

Thank you



Picture for demonstration purposes only and is not the exact product being purchased

From: Deel, Rodney

Sent: Thursday, March 08, 2018 10:48 AM

To: Hightower, Steve <SteveHightower@KingsportTN.gov>; Willis, Greg <GregWillis@KingsportTN.gov>; Hammonds, Ronnie <RonnieHammonds@KingsportTN.gov>

Cc: Thompson, Michael <MichaelThompson@KingsportTN.gov>

Subject: RE: FRONT LOADING REFUSE BODY, DIESEL POWERED DATE ISSUED: 2/14/2018

Ronnie,

We have reviewed the bids and the low bid is the one that we are recommending that we purchase. The price is 310,042 it will come from two accounts 300,000 from fleet and 10,042 will come from an equipment purchase account under solid waste. The 10,042 will be moved to the fleet account to cover the purchase. This one is a little different because we had a truck fire last year. We had to make a fast purchase to fill the needs of the city last year and that is why it will come for two accounts. We have talked with Judy and Mike and the 310,042 will be put in place to make the purchase. All are in agreement to continue with the purchase of the Mack New Way Front Loader with a cart collection can from Worldwide Equipment.

Thanks,

Rodney Deel



AGENDA ACTION FORM

Awarding the Bid for the Purchase of Various Chemicals Used in Water & Wastewater Treatment Operations

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager

Action Form No.: AF-43-2018
 Work Session: March 19, 2018
 First Reading: N/A

Final Adoption: March 20, 2018
 Staff Work By: Committee
 Presentation By: R. McReynolds

Recommendation:

Approve the Resolution.

Executive Summary:

Bids were opened on March 8, 2018 for the purchase of various chemicals used in water & wastewater treatment operations. The committee recommends awarding the bid as follows:

Coagulant – Gulbrandsen 6801 - \$.387/lb

Chlorine – JCI Jones Chemical - \$.209/lb

Hydrofluorosilic Acid (Fluoride) – Univar USA - \$.118/lb

Zinc Orthophosphate – Carus Corp - \$.37/lb

Sodium Permanganate – Shannon Chemical - \$.947/lb

Polymer – Coastal Water Technologies - \$1.14/lb

These prices will be honored from May 1, 2018 through April 30, 2019. The City included a renewal option clause in its Invitation to Bid. Funding is identified in Account # 41150035013020 & 41250035013020.

Attachments:

1. Resolution
2. Bid Opening Minutes
3. Recommendation Memo w/ Photo

Funding source appropriate and funds are available: js

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION AWARDED THE BID FOR PURCHASE OF CHLORINE TO JCI JONES CHEMICAL; FOR ZINC ORTHOPHOSPHATE TO CARUS CORPORATION; FOR COAGULANT TO GULBRANDSEN MANUFACTURING, INC.; FOR POLYMER TO COASTAL WATER TECHNOLOGY, LLC; AND FOR HYDROFLUOROSILIC ACID TO UNIVAR USA; SODIUM PERMANGANATE TO SHANNON CHEMICAL, AND AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS FOR THE SAME

WHEREAS, on March 8, 2018, bids were opened for the purchase of various chemicals for use by the Filter Plant and Wastewater Treatment Plant; and

WHEREAS, the invitation to bid included a renewal option clause that allows the city to renew the award for an additional 12 month period if costs are acceptable to both parties with board approval; and

WHEREAS, the city would like to renew the award of bid for the purchase of various chemicals for use by the Filter Plant and Wastewater Treatment Plant for the time frame of May 1, 2018, through April 30, 2019, as set out below; and

WHEREAS, upon review of the bids, the board finds JCI Jones Chemical is the lowest responsible compliant bidder meeting specifications for the particular grade or class of material, work or service desired and is in the best interest and advantage to the city, and the City of Kingsport desires to purchase Chlorine at a cost of \$.209 per pound, from JCI Jones Chemical; and

WHEREAS, upon review of the bids, the board finds Carus Corporation is the lowest responsible compliant bidder meeting specifications for the particular grade or class of material, work or service desired and is in the best interest and advantage to the city, and the City of Kingsport desires to purchase zinc orthophosphate at a cost of \$.37 per pound Carus Corporation; and

WHEREAS, upon review of the bids, the board finds Gulbrandsen Manufacturing, Inc. is the lowest responsible compliant bidder meeting specifications for the particular grade or class of material, work or service desired and is in the best interest and advantage to the city, and the City of Kingsport desires to purchase Gulbrandsen Coagulant at a cost of \$.387 per pound delivered from Gulbrandsen Manufacturing, Inc.; and

WHEREAS, upon review of the bids, the board finds Coastal Water Technology, LLC is the lowest responsible compliant bidder meeting specifications for the particular grade or class of material, work or service desired and is in the best interest and advantage to the city, and the City of Kingsport desires to purchase polymer at a cost of \$1.14 per pound, from Coastal Water Technology, LLC; and

WHEREAS, upon review of the bids, the board finds Univar USA is the lowest responsible compliant bidder meeting specifications for the particular grade or class of material, work or service desired and is in the best interest and advantage to the city, and the City of Kingsport

desires to purchase hydrofluorosilic acid at a cost of \$.118 per pound, from Univar USA; and

WHEREAS, upon review of the bids, the board finds Shannon Chemical is the lowest responsible compliant bidder meeting specifications for the particular grade or class of material, work or service desired and is in the best interest and advantage to the city, and the City of Kingsport desires to purchase Sodium Permanganate at a cost of \$.947 per pound, from Shannon Chemical; and

WHEREAS, funding is identified in account numbers 41150035013020 and 41250035013020.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the renewal of the award for the bid for the purchase of various chemicals for use by the Filter Plant and Wastewater Treatment Plant for the time frame of May 1, 2018, through April 30, 2019 is approved.

SECTION II. That the bid for chlorine is awarded to JCI Jones Chemical at a cost of \$.209 per pound, for use by the Filter Plant and the city manager is authorized to execute purchase orders for the same, as needed.

SECTION III. That the bid for zinc orthophosphate is awarded to Carus Corporation at a cost of \$.37 per pound, for use by the Filter Plant and the city manager is authorized to execute purchase orders for the same, as needed.

SECTION IV. That the bid for coagulant is awarded to Gulbrandsen Manufacturing, Inc. for Gulbrandsen Coagulant at a cost of \$.3287 per pound for use by the Filter Plant and the city manager is authorized to execute purchase orders for the same, as needed.

SECTION V. That the bid for polymer is awarded to Coastal Water Technology, LLC at a cost of \$1.14 per pound, for use by the Filter Plant and the city manager is authorized to execute purchase orders for the same, as needed.

SECTION VI. That the bid for hydrofluorosilic acid is awarded to Univar USA at a cost of \$.118 per pound, for use by the Filter Plant and the city manager is authorized to execute purchase orders for the same, as needed.

SECTION VII. That the bid for Sodium Permanganate is awarded to Shannon Chemical at a cost of \$.947 per pound, for use by the Filter Plant and the city manager is authorized to execute purchase orders for the same, as needed

SECTION VIII. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the citizens of the city.

SECTION IX. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 20th day of March, 2018.

JOHN CLARK, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

MINUTES
BID OPENING
February 27, 2018 - 4:00 P.M.

Present: Sandy Crawford, Procurement Manager; and Brent Morelock, Assistant Procurement Manager

The Bid Opening was held in the Council Room, City Hall. The Procurement Manager opened with the following bids:

WATER AND WASTEWATER CHEMICALS								
Vendor:	Liquid Chlorine:	Zinc Orthophosphate:	Hydrofluorosilicic Acid 23%:	Gulbrandsen 6801 2,000 Gal.:	Gulbrandsen 6801 4,000 Gal.:	CWT ST-600 Coastal Polymer:	Sodium Permanganate 20%	Period of Time Prices Firm For:
BHS Specialty Chem.	No Bid	No Bid	\$.1935/lb.	No Bid	No Bid	No Bid	No Bid	1 Yr/date awarded
Chemrite	No Bid	\$.503/lb.	No Bid	No Bid	No Bid	No Bid	\$1.01/lb.	1 Year
Univar USA	No Bid	No Bid	\$.118/wet lb.	No Bid	No Bid	No Bid	No Bid	1 Year
Montag Midsouth	\$.234/lb.	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	1 Year
o, Inc.	No Bid	No Bid	\$.1345/lb.	No Bid	No Bid	No Bid	No Bid	1 Year
brandsen Tech.	No Bid	No Bid	No Bid	\$.415/lb.	\$.387/lb.	No Bid	No Bid	1 Year
Carus Corp.	No Bid	\$.37/lb.	No Bid	No Bid	No Bid	No Bid	No Bid	1 Year
Shannon Chemical	No Bid	\$.553/lb.	No Bid	No Bid	No Bid	No Bid	\$.947/lb.	1 Year
JCI Jones Chemical	\$.209/lb.	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	1 Year
Coastal Water Tech.	No Bid	No Bid	No Bid	No Bid	No Bid	\$1.14/lb.	No Bid	1 Year
USALCO	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	N/A

The submitted bids will be evaluated and a recommendation made at a later date.



WATER / WASTEWATER FACILITIES

City of Kingsport, Tennessee

Memo

To: Niki Ensore, W/WW Facilities Manager

From: Mark Zinnanti, WTP Superintendent

Date: March 8, 2018

Re: 2018 Chemical Bids

Plant staff has reviewed the chemical bids and recommends the low bidder for the following treatment chemicals;

Coagulant

Gulbrandsen 6801 – Plant staff recommends the low bidder Gulbrandsen at \$0.387/lb. Gulbrandsen has provided coagulant to our facility for approximately 19 years and Water Plant personnel remain pleased with both the product and service. New pricing represents a 19.4% increase.

Chlorine

Drinking water treatment requires Chlorine for disinfection. Plant staff recommends the low bidder JCI Jones Chemical at \$0.209/lb. New pricing is unchanged from previous.

Hydrofluorosilic Acid (Fluoride)

The Kingsport Water Treatment Plant's fluoridation program has been approved by the Tennessee Department of Environment and Conservation (TDEC). Plant Staff recommends low bidder Univar USA at \$0.118/lb. New pricing represents a 48.5% decrease in cost.

Zinc Orthophosphate

The Tennessee Department of Environment and Conservation requires community water systems to maintain an approved corrosion control program. Accordingly, Zinc Orthophosphate is essential in maintaining water quality throughout our distribution system. Plant staff recommends Carus Corporation at \$0.370/lb. New pricing represents a 1.6% decrease.

Sodium Permanganate

Sodium Permanganate is utilized in the treatment process to control taste and odors and more importantly to reduce certain chemicals which lead to the formation of disinfection byproducts. Plant staff recommends Shannon Chemical at \$0.947/lb. New pricing represents an 11.5% decrease.

Polymer

Polymer is used in the solids treatment process at the Waste Water Plant. Plant staff recommends low bidder Costal Water Technology at \$1.14/lb. The Waste Water Plant has been using Costal polymer for approximately 8 years and staff remains pleased with both product and service. New pricing is unchanged from previous.



AGENDA ACTION FORM

Extending the Bid Award for Rental Uniforms Mats and Mops

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager 

Action Form No.: AF-44-2018
 Work Session: March 19, 2018
 First Reading: N/A

Final Adoption: March 20, 2018
 Staff Work By: Committee
 Presentation By: R. McReynolds

Recommendation:

Approve the Resolution.

Executive Summary:

Bids were opened on February 24, 2016 for the purchase of Rental Uniforms, Mats & Mops Services for use by various departments throughout the City.

The bid invitation was publicly advertised on February 7, 2016 in the Kingsport Times News and downloadable bid documents were posted on the Purchasing Department's website for a time period of 18 calendar days. Bids were received from five potential vendors. The estimated annual cost for these services is \$55,000.

Recognizing the substantial investment the awarded vendor must make, the initial bid award was for two years with a renewal option for an additional 3 years in one year increments. Our current supplier, Cintas Corporation, has agreed to extend our current pricing for uniforms, mats & mops for an additional year with no increase. After soliciting feedback from various user departments the consensus is to renew the award with our current supplier.

Funding is identified in various department accounts.

Attachments:

1. Resolution
2. Bid Opening Minutes
3. Recommendation Memo

Funding source appropriate and funds are available: 

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION EXTENDING THE BID AWARD FOR THE PURCHASE OF RENTAL UNIFORMS, MATS & MOPS SERVICE TO CINTAS CORPORATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

WHEREAS, the board awarded the bid for the purchase of rental uniforms, mats and mops service for use by various departments throughout the city to G&K Services on March 15, 2016; and

WHEREAS, since that time, G&K Services has been bought by Cintas Corporation, which continued the bid terms with the city; and

WHEREAS, the initial term of the bid was for two years, with the option to renew for an additional three years in one year increments;

WHEREAS, staff would like to renew the bid at an annual cost of \$55,00.00; and

WHEREAS, funding is identified in various department accounts.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the bid for the purchase of rental uniforms, mats and mop services, at an estimated annual cost of \$55,000.00, with Cintas Corporation is renewed, and the city manager is authorized to execute a purchase order for same.

SECTION II. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the public.

SECTION III. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 20th day of March, 2018.

JOHN CLARK, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

MINUTES
BID OPENING
February 24, 2016
4:00 P.M.

Present: Sandy Crawford, Procurement Manager; Brent Morelock, Assistant Procurement Manager; and
Tim Elsea, Traffic Engineer

The Bid Opening was held in the Council Room, City Hall.

The Procurement Manager opened with the following bids:

RENTAL UNIFORMS, MATS & MOPS					
Item #	G & K Services	Aramark Uniform Services	Unifirst Corp.	Tri-City Janitorial Supply	Cintas
	Unit Price	Unit Price	Unit Price	Unit Price	Unit Price/Weekly
1	.26	.29	.358	No Bid	4.30
2	.12	.13	.139	No Bid	2.00
3	.14	.16	.219	No Bid	2.30
4	.20	.24	.423	No Bid	.84
5	.70	.77	.751	No Bid	8.55
	.45	.90	1.02	No Bid	2.00
	No Bid	.54	.46	2.09	*1.23
8	.48	.54	.61	2.29	1.23
9	.53	.72	.92	2.79	*1.46
10	.78	.78	1.22	2.99	*1.46
11	.95	.91	1.53	3.29	*1.92
12	1.20	1.07	No Bid	No Bid	*1.92
13	1.40	1.98	No Bid	3.89	*3.06
14	1.40	1.98	2.30	3.89	3.06
15	2.40	3.88	3.67	4.57	3.78
16	7.25	5.20	4.59	28.98	*4.50
17	.03	.08	.082	.32	*.07
18	.05	.19	.102	3.89/lb.	*.12
19	.05	.19	.112	69.89/25 lb.	*.12

*Cintas – See Bid.

The submitted bids will be evaluated and a recommendation made at a later date.

FACILITY MAINTENANCE

Memo

To: Brent Morelock
From: Randy Salyer
cc:
Date: March 2, 2018
Re: Mats and dust mops

Brent I am pleased with the service that Cintas has provided the City in the past year with the door mats and dust mops. At this time I recommend extending the award of the contract to Cintas for another year as long as they are willing to stay with the same contract price as last year.

Thanks

Randy Salyer



City of Kingsport

Cintas would like to extend its agreement with the City of Kingsport another year from March 15th 2018 through March 14th 2019. We would be keeping the pricing firm as it has been through the last two years for the uniforms, mats, and dust mop service.

Sincerely,

CINTAS

Martin Addison
Service Manager

3/12/2018



AGENDA ACTION FORM

Supporting the Naming of Bridge No. 82SR0010021 on State Highway 001 (Hwy 11W) as a Memorial to Second Lieutenant Randall Douglas Yeary

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager

Action Form No.: AF-38-2018
 Work Session: March 19, 2018
 First Reading: N/A

Final Adoption: March 20, 2018
 Staff Work By: Chris McCartt
 Presentation By: Chris McCartt

Recommendation: Approve the Resolution.

Executive Summary:

At the request of community member Sam Jones and the Vietnam Veterans of America Chapter 979, the Board is asked to support naming Bridge No. 82SR0010021 on State Highway 001 (Hwy 11W) as a memorial to Second Lieutenant Randall Douglas Yeary.

Lieutenant Randall D. Yeary, the son of Mr. and Mrs. D.L. Yeary, was born in Kingsport, TN where he grew up with his brother Lennis and two sisters, Myra and Donna. He attended elementary and middle school in the Bloomingdale area and graduated from Ketron High School in 1961.

Lieutenant Randall D. Yeary was married to Louise Carty and had one daughter, Laura Lee.

Lieutenant Randall D. Yeary entered the United States Marine Corps in March of 1967 following his graduation from East Tennessee State University where he was commissioned as a Second Lieutenant from the ROTC program. He was sent to Marine infantry officer training in Quantico, VA. Following his graduation, Lieutenant Yeary arrived in Vietnam on December 12, 1967. On the afternoon of January 14, 1968, Lieutenant Yeary led a reconnaissance patrol back toward friendly lines on Hill 881, Quang Tri Province, after four days in the jungle. As the patrol moved down the south slope of Hill 881, the North Vietnamese caught them in an ambush. In the opening shots of the fire fight, a round from a rocket propelled grenade killed Lieutenant Yeary and his radioman, Corporal Richard Healy. The remaining six men in the patrol, heavily outgunned, with all but two wounded withdrew. A platoon from Company I, 3rd Bn, 26th Marines recovered the bodies of Lieutenant Yeary and Corporal Healy.

Second Lieutenant Randall D. Yeary was a noble and courageous Marine who served his country with honor and paid the ultimate sacrifice.

Attachments:

1. Resolution
2. Map

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION SUPPORTING THE NAMING OF BRIDGE NO.
82SR0010021 ON STATE HIGHWAY 001 (HWY 11W) AS A
MEMORIAL TO SECOND LIEUTENANT RANDALL DOUGLAS
YEARY

WHEREAS, Lieutenant Randall D. Yeary, the son of Mr. and Mrs. D.L. Yeary, was born in Kingsport, Tennessee, where he grew up with his brother Lennis and two sisters, Myra and Donna; and

WHEREAS, Lieutenant Randall D. Yeary attended elementary and middle school in the Bloomingdale area and graduated from Ketron High School in 1961, where he was known for his athletic abilities on the gridiron; and

WHEREAS, Lieutenant Randall D. Yeary was married to Louise Carty and had one daughter, Laura Lee; and

WHEREAS, Lieutenant Randall D. Yeary entered the United States Marine Corps in March of 1967, following his graduation from East Tennessee State University where he was commissioned as a Second Lieutenant from the ROTC program; and

WHEREAS, Lieutenant Randall D. Yeary was sent to Marine infantry officer training in Quantico, Virginia, and following graduation, Lieutenant Yeary arrived in Vietnam on December 12, 1967, where he was assigned to B Co, 3rd Recon Bn, 3rd MARDIV, III MAF, the resident Marine recon company at Kha Sanh; and

WHEREAS, on the afternoon of January 14, 1968, Lieutenant Yeary led a reconnaissance patrol back toward friendly lines on Hill 881, Quang Tri Province, after four days in the jungle, and as the patrol moved down the south slope of Hill 881, the North Vietnamese caught them in an ambush; and

WHEREAS, in the opening shots of the fire fight, a round from a rocket propelled grenade killed Lieutenant Yeary and his radioman, Corporal Richard Healy, and the remaining six men in the patrol, heavily outgunned, with all but two wounded withdrew; and

WHEREAS, a platoon from Company I, 3rd Bn, 26th Marines recovered the bodies of Lieutenant Yeary and Corporal Healy; and

WHEREAS, Second Lieutenant Randall D. Yeary was a noble and courageous Marine who served his country with honor and paid the ultimate sacrifice, and his valor will be remembered by his military brothers, his family and his friends.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the board supports the state naming Bridge No. 82SR0010021 on State Highway 001, in honor of Second Lieutenant Randall Douglas Yeary, with signs being placed in his honor at no cost to the City of Kingsport, Tennessee.

SECTION II. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the citizens of the city.

SECTION III. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 20th day of March, 2018.

JOHN CLARK, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics,
CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User
Community



AGENDA ACTION FORM

Agreement with Dick's Sporting Goods for 2018 Parks and Recreation Baseball/Softball Programs

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager

Action Form No.: AF-39-2018
 Work Session: March 19, 2018
 First Reading: N/A

Final Adoption: March 20, 2018
 Staff Work By: Tod McLemore, Kitty Frazier
 Presentation By: Chris McCartt

Recommendation:

Approve the Resolution.

Executive Summary:

The Parks and Recreation Department is seeking to renew the agreement with Dick's Sporting Goods and the City of Kingsport. The sponsorship with Dick's Sporting Goods would involve the City receiving new equipment and supplies for the programs, such as scorebooks, batting tees, hitting nets, baseballs and softball to be used during the season. In exchange, the Parks & Recreation Department will provide the participants in our leagues promotional information and discount coupons for sporting good supplies at Dick's Sporting Goods. The sponsorship agreement term would last for a period of one year, starting with the 2018 Spring Youth Baseball/Softball season.

Attachments:

1. Resolution

	<u>Y</u>	<u>N</u>	<u>O</u>
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AGREEMENT WITH DICK'S SPORTING GOODS, INC., AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

WHEREAS, in 2015, the city entered into a sponsorship agreement with Dick's Sporting Goods, Inc. for the Parks and Recreation Department; and

WHEREAS, the city would like to enter into another sponsorship agreement with Dick's Sporting Goods, Inc. for the period of April, 1, 2018, through April 1, 2019; and

WHEREAS, the sponsorship with Dick's Sporting Goods, Inc. would involve the city receiving new equipment and supplies for the programs, such as scorebooks, batting tees, hitting nets, baseballs and softball to be used during the season; and

WHEREAS, in exchange the Parks and Recreation Department will be providing the participants in our leagues promotional information and discount coupons for sporting good supplies at the store.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That a sponsorship agreement with Dick's Sporting Goods, Inc. is approved.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized and directed to execute, in a form approved by the city attorney and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, the sponsorship agreement with Dick's Sporting Goods, Inc., and all other documents necessary and proper, and to take such acts as necessary, to effectuate the purpose of the agreement or this resolution, said agreement being as follows:

SPONSORSHIP AGREEMENT

March 8, 2018

Kingsport Parks & Recreation
Tod McLemore
1550 Fort Henry Dr. Kingsport, Tennessee 37664
423-229-9460

Dear Tod McLemore,

Thank you for taking the time to discuss the opportunity for sponsorship. Based on our conversations and what you stated was important to you, we are pleased to enter into this Sponsorship Agreement ("Agreement") between Dick's Sporting Goods, Inc. ("DSG" or "Sponsor") and the City of Kingsport, Tennessee (the "City") for its Kingsport Parks & Recreation baseball, tee ball and softball programs ("Organization"). With the intention of being legally bound, we agree as follows:

DSG shall provide the organization with the following:	Value
Cash	\$500.00
Community Youth Sports Kits	\$2174.00

Quantity Value

5	2018 Tee ball (\$54.99/each)
25	2018 Baseball (\$75.99/each)

Total
\$2674.00

Sponsorship

Value

\$2,204.78

Organization to provide DSG with the following:

1. DSG Team Packet distribution to all Organization's participants during a mutually agreed time
2. DSG Banner with DSG Logo placed in a mutually agreed space during the Term
3. Logo with link to electronic team packet coupons on Organization's website (directions on how to link to the website are provided on Exhibit C)
4. Distribution of DSG electronic coupon in Organization's email communications at least **6 times** during the Term
5. Promotion of Organization's In-Store 20% off Shop Day at DSG through Organization's email blasts, website and flyer distribution
6. Designated DSG email blasts to include DSG e-coupon

Term

The term of this Agreement shall begin on **4/1/2018** and remain in effect until **4/1/2019** ("Term").

Acceptance and Additional Terms and Conditions

The complete terms and conditions applicable to this sponsorship are set forth on the next page and form an integral part of this Agreement. If during the Term, Sponsor and Organization agree to add new sponsorship elements or Organization responsibilities or change the sponsorship elements or Organization responsibilities contemplated by this Agreement, the parties agree that they must do so in writing, with e-mail acceptable, and that these same terms and conditions shall govern all such new or changed sponsorship elements or Organization responsibilities.

We look forward to working with you and appreciate your commitment to youth sports and your service to the community!

[Acknowledgements Deleted for Inclusion in this Resolution]

Terms and Conditions of Sponsorship Agreement

1. During the Term of this Agreement, Sponsor shall be the sole sporting goods retail sponsor of the Organization. Organization will not pursue sponsorships with direct competitors of Sponsor, including but not limited to, The Sports Authority, Modell's and Academy Sports and Outdoors. If Organization is approached by any direct competitor or sporting goods retailer, Organization will notify Sponsor before making any future commitments.
2. Sponsor and Organization may by mutual agreement continue the sponsorship set forth in this Agreement for a total of two additional years. Sponsor and Organization shall confirm in writing whether they mutually agree to continue the sponsorship prior to the end of the current Term.
3. During the Term, Sponsor grants Organization the limited, non-exclusive, non-transferrable, non- sublicensable right to use Sponsor's name, brand and logo solely to advertise the Sponsor's sponsorship rights as set forth above, subject to Sponsor's prior written approval of any and all use of Sponsor's name, brand and logo. Organization agrees that any use of Sponsor's name, brand or logo shall be in accordance with the sample provided on **Exhibit A** and Sponsor's Brand Use Guidelines provided from time to time. Except for this limited license granted to Organization, Sponsor retains all right, title and interest in and to the Sponsor's name, brand and logo. Organization retains all right, title and interest in and to the Organization's name, brand and logo.
4. Organization gives Sponsor the right to take photographs of Organization's events and participants and use those photographs in any media. Sponsor agrees to obtain the required consent from Organization's participants or event participants or such participant's parent or guardian, as applicable before using such photographs. Organization agrees to provide Sponsor, at Sponsor's request, with photos of the Organization's events and participants for Sponsor's use in any media, provided Organization is able to obtain the required consent and releases from the participants or event participants or such participant's parent or guardian, as applicable.
5. Neither party may assign any of its rights and obligations under this Agreement without the prior written consent of the other.
6. To the extent permitted by Tennessee law, the liability of either party for any breach of this Agreement, or arising in any other way out of the subject matter of this Agreement, will not extend to any loss of business or profit, or to any indirect, punitive or consequential damages or losses.
7. To the extent permitted by Tennessee law, Organization hereby releases and forever discharges Sponsor, and its affiliates, and their respective officers, directors, employees, agents, shareholders, successors and assigns (collectively the "Sponsor's Entities"), from and against any and all causes of action, damages, claims, demands, obligations, losses, costs, expenses, including reasonable attorneys' fees, and liabilities of any nature

whatsoever, whether known or unknown (collectively "Losses"), which Organization has or may have in the future, that arise out of, directly or indirectly, or are related to the performance of this Agreement by the Sponsor. This release is intended to cover all claims or possible claims arising out of or related to those matters referenced or impliedly referenced above, whether the same are known, unknown or hereafter discovered or ascertained.

8. To the extent permitted by Tennessee law and to the extent arising from or relating to, directly or indirectly, the subject matter of this agreement, Organization shall defend, indemnify and hold harmless the Sponsor's Entities from and against any and all Losses arising from or relating to, directly or indirectly, (i) any Organization event; (ii) any negligent act or omission or misconduct of Organization, its employees, members or agents; (iii) the violation of any intellectual property rights of third parties by Organization or its affiliates; (iv) the violation by Organization of any governmental laws, rules, or regulations; or (v) a breach of this Agreement or any representations or warranties in this Agreement by Organization.

9. Except as required by the Tennessee Open Records Act, Organization shall treat as confidential any information, whether disclosed in oral, written, visual, electronic or other form, which Sponsor or any of its affiliates or agents discloses to Organization or Organization observes in connection with this Agreement. Sponsor's confidential information includes, but is not limited to, the terms and conditions of this Agreement, the value of the sponsorship, marketing plans, new store locations, strategies, forecasts, analyses, projects, and employee, customer or vendor information. Organization's obligations under this paragraph shall survive the termination or other expiration of this Agreement.

10. If any term or provision of this Agreement shall be determined to be illegal or unenforceable, all other terms and provisions of this Agreement shall remain effective and shall be enforced to the fullest extent permitted by applicable law. This Agreement and the rights and obligations of the parties shall be governed under the laws of the State of Tennessee, without regard to its conflicts of law provisions.

11. No member, official, or employee of the City shall be personally liable to Sponsor or any other party, including a third party beneficiary, in the event any provision of the Agreement is unenforceable; there is any default or breach by the City; for any amount which may become due under the Agreement; or on any obligations under the terms of the Agreement.

SECTION III. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the agreement set out herein that do not substantially alter the material provisions of the agreement, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

SECTION IV. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the citizens of the city.

SECTION V. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 20th day of March, 2018.

JOHN CLARK, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER
APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



AGENDA ACTION FORM

Authorizing the Purchase of Laptops and Associated Equipment from Dell, Inc. for Teachers in the School System

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager

Action Form No.: AF-46-2018
 Work Session: March 19, 2018
 First Reading: N/A

Final Adoption: March 20, 2018
 Staff Work By: Committee
 Presentation By: David Frye

Recommendation: Approve the Resolution.

Executive Summary:

Kingsport City Schools requests to purchase laptops and associated equipment for teachers in the school system.

Kingsport City Schools received (3) Quotes that are based on national procurement cooperative agreements or other bids from local school systems. Quotes received range in price from \$1,109.99 to \$1,304.62 per laptop and docking station. The lowest quote received (\$1,109.00) was from Dell, Inc. who holds a contract agreement with Wilson County School District for computers and associated devices, which permits other state and local governments, including school districts to purchase under the agreement.

112 devices and 112 docking stations

Vendor	Model	Unit Cost	Docking Station	Total Cost
CDW-G	Dell Latitude E5580	\$1,152.06	\$144.66	\$145,232.64
Dell	Dell Latitude E5580	\$980.00	\$129.99	\$124,318.88
Insight	Dell Latitude E5580	\$1,155.52	\$149.10	\$146,117.44

The Board of Education approved the recommendation to purchase Teacher laptops and associate equipment on March 6, 2018. It is recommended that the Board of Mayor and Aldermen approve the resolution to purchase laptops and associated equipment for teachers in the school system from Dell, Inc. in the amount of \$124,318.88.

Funding for this purchase is in Schools budget, Account Number 141-7161-711-0722.

Attachments:

1. Resolution
2. Recommendation Letter

Funding source appropriate and funds are available:

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF DELL
LAPTOPS AND ASSOCIATED EQUIPMENT FROM DELL, INC.
FOR USE BY SCHOOLS AND AUTHORIZING THE CITY
MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

WHEREAS, Kingsport City Schools would like to purchase 112 laptops for teachers in the school system;

WHEREAS, Dell, Inc. holds a Tennessee Statewide Contract for microcomputers and associated devices, and T.C.A. section 12-3-1205 allows the city to purchase goods and services directly from holders of such contracts without conducting the bidding process; and

WHEREAS, the school system requests approval of the issuance of a purchase order to Dell, Inc. in the amount of \$124,318.88 for the purchase of 112 Dell Latitude E5580 laptops and other associated equipment and software; and

WHEREAS, funding for the equipment, software and installation is available in schools budget, account number 141-7161-711-0722.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the purchase of 112 Dell Latitude E5580 laptops and other associated equipment and software from Dell, Inc., through the Tennessee Statewide Contract pursuant to T.C.A. section 12-3-1205, for use by Schools, in amount of \$124,318.88 is approved.

SECTION II. That the city manager is authorized to execute a purchase order to Dell, Inc. for such purchase.

SECTION III. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 20th day of March, 2018.

JOHN CLARK, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

MEMORANDUM

TO: Board of Mayor and Aldermen

FROM: David J. Frye, Chief Finance Officer DJF

DATE: March 19, 2018

SUBJECT: Teacher Laptop Purchase

Kingsport City School's technology budget has funds to replace some older teacher computers with laptops. Kingsport City Schools received 3 quotes that are based on national procurement cooperative agreements or other bids from other local school systems. The quotes range in price from \$1,109.99 to \$1,304.62 per laptop and docking station. The total cost for 112 laptops, based on the low quote is \$124,318.88. The low quote from Dell is based on a Wilson county School bid that other schools systems can use.

The Board of Education approved the recommendation to purchase the laptops and associated equipment from Dell on March 6, 2018. It is recommended that the Board of Mayor and Aldermen approve the resolution to purchase 112 laptops and docking stations from Dell, Inc. for \$124,318.88. Funding for this purchase is available within the current School technology budget.



AGENDA ACTION FORM

Ratifying the Mayor's Signature Executing all Documents to Necessary to Apply for and Receive a Grant Managed by the Tennessee Department of Environment & Conservation's Office of Energy Programs (TDEC OEP) – Tennessee Natural Gas and Propane Vehicle Grant Program

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager

Action Form No.: AF-48-2018
 Work Session: March 19, 2018
 First Reading: N/A

Final Adoption: March 20, 2018
 Staff Work By: Steve Hightower
 Presentation By: R. McReynolds/S. Hightower

Recommendation:

Approve the Resolution.

Executive Summary:

The City of Kingsport has been invited to apply for a grant managed by the Tennessee Department of Environment & Conservation's Office of Energy Programs (TDEC OEP) to convert eligible vehicles to propane. The purpose of the Tennessee Natural Gas and Propane Vehicle Grant Program is to incentivize the investment in and purchase of natural gas or propane-powered vehicles. This grant will allow the conversion/up fit of up to nine (9) police cruisers. The option to be powered by either gasoline or propane is still available for the cruisers.

The grant will cover 52.5% of the cost for the conversion / up fit (\$3,412.50/per vehicle) in an amount not to exceed \$30,712.50; and the grantee will cover 47.5% of the cost for the conversion/up fit (\$3,087.50/per vehicle) in an amount not to exceed \$27,787.50. There is no cash match required.

This funding opportunity will aid the city to continue our path to "Greening" the fleet while providing annual fuel savings as referenced in the Fiscal Calculations document.

Attachments:

1. Resolution
2. Memo of Accurate Information
3. Letter, Grant Application, Project Description
4. Fiscal Calculations

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Oiterman	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION TO RATIFY THE MAYOR'S EXECUTION OF THE APPLICATION AND AUTHORIZING THE EXECUTION ON ALL OTHER DOCUMENTS NECESSARY AND PROPER TO RECEIVE A TENNESSEE NATURAL GAS AND PROPANE VEHICLE GRANT FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATIONS' OFFICE OF ENERGY

WHEREAS, the city has applied for a grant managed by the Tennessee Department of Environment & Conservation's Office of Energy Programs (TDEC OEP) to convert eligible vehicles to propane; and

WHEREAS, if awarded, the grant will allow the conversion/up fit of up to nine (9) police cruisers; and

WHEREAS, the grant is in the amount of \$30,712.50, with no matching funds required; and

WHEREAS, due to the deadline of the grant, the application has been executed and submitted on March 15, 2018.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the application submitted on March 15, 2018, for a Tennessee Natural Gas and Propane Vehicle Grant from the Tennessee Department of Environment & Conservation's Office of Energy Programs, in an amount up to \$30,712.50 is ratified, including the execution of the same by Mayor John Clark.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice mayor, is authorized to execute, in a form approved by the city attorney, and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, all documents necessary and proper to apply for and receive a Tennessee Natural Gas and Propane Vehicle Grant from the Tennessee Department of Environment & Conservation's Office of Energy Program in the amount not to exceed \$30,712.50 to convert nine (9) eligible police cruisers to propane.

SECTION III. That the mayor is authorized to execute any and all documents including those necessary and proper to demonstrate the city's compliance with the grant requirements or its provisions necessary to effectuate the purpose of the grant or this resolution.

SECTION IV. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the public.

SECTION V. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 20th of March, 2018.

JOHN CLARK, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



FLEET MAINTENANCE DEPARTMENT
City of Kingsport, Tennessee

To: John Clark, Mayor
CC: Mike Billingsley, City Attorney
James Demming, Chief Financial Officer
From: Steve Hightower, Fleet Manager
Date: March 14, 2018
Re: 2018 Tennessee Natural Gas & Propane Vehicle Grant Program

I am requesting your authorization to allow the City of Kingsport to participate in the Tennessee Natural Gas and Propane Vehicle Grant program. The Grant Application, Project Description, and Fiscal Calculations documents attached were completed and compiled by Jonathan Overly, Executive Director of The East Tennessee Clean Fuel Coalition, of which Kingsport is a member. All data used in the completion of the documents was provided by the City Fleet Maintenance Department. I have reviewed the aforementioned documents and find the information to be complete and accurate. Upon your approval, Kingsport will submit the documents to the Tennessee Department of Environment and Conservation. This funding opportunity will aid Kingsport to continue her path to "Greening" the fleet while providing a fuel savings.



CITY OF KINGSPORT, TENNESSEE

March 14, 2018

Tennessee Department of Environment and Conservation
The Office of Energy Programs
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 2nd Floor
Nashville, TN 37243

RE: Tennessee Natural Gas and Propane Vehicle Grant Program

Dear TDEC,

The City of Kingsport pleased to submit this application for funding under the "Tennessee Natural Gas and Propane Vehicle Grant Program." We are making a commitment to using more propane for petroleum-use reduction and air quality purposes, and plan to convert nine (9) 2017 Dodge Charger police vehicles that are already owned to bi-fuel propane.

We are requesting \$30,712.50 in funding assistance and will provide cost sharing out of the city budget for \$27,787.50. We handle all the systems acquisition and installations, and are committed to further building out our propane fleet where and when it is fiscally reasonable to do so. Here are several additional assurances or comments.

1. We will achieve the necessary run-time on propane of 75% and be able to document that in subsequent reporting to TDEC.
2. We will maintain operation of these vehicles for the minimum required time of six years. As accidents and crashes do occur in law enforcement vehicles, in instances where one of these vehicles may end up being damaged, we will move the propane refueling system to another vehicle as is possible based on having a similar vehicle and engine for moving the system.
3. The propane fueling system we use is ours – we own it. And that system is fully capable of refueling these new vehicles.

Thanks for receiving our application. Please contact Steve Hightower or Nikisha Eichmann with any questions you may have.

Sincerely,



John Clark
Mayor
City of Kingsport

City Hall 225 West Center Street Kingsport, TN 37660-4237 (423) 229-9400

Kingsport — The Best Place To Be

BUDGET INFORMATION:

Complete the following budget justification and provide supporting documentation to detail the calculations, assumptions, and information used to arrive at the following figures. Specifically, attach price quotes and/or other verifiable sources for incremental cost/vehicle conversion cost calculations. Also attach any letters of financial commitment. Letters of financial commitment from each source, including the applicant, should clearly state the amount and source of matching funds (i.e., non-incremental costs) to be committed to the project.

Total Incremental Purchase Cost or Vehicle Conversion Cost: \$ 58,500

Total Grant Amount Requested: \$ 30,712.50

Match: \$ 27,787.50

Match Source(s): (Note: Match funds cannot be federal funds and cannot be obligated as cost match for anything else.)

Municipal funds

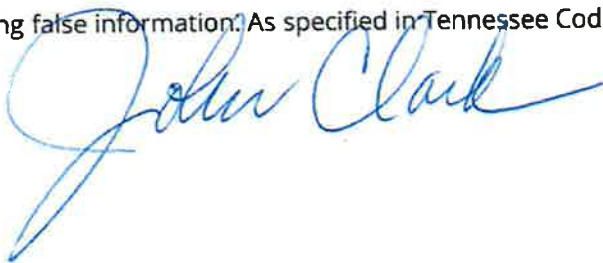
Total Project Cost (Match plus Grant Amount Requested): 58,500

Expected payback: 6.1 years

SIGNATURE / DECLARATION / DATE:

By signing this application, I certify that I am authorized to sign on behalf of the applicant and that the information I have provided in the application is accurate and complete to the best of my knowledge, information and belief. I also affirm that the vehicles I am seeking funding for are in compliance with applicable United States Environmental Protection Agency emission standards. I am aware that there are significant penalties for submitting false information. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury.

Name:



Date: 03/14/18

APPROVED AS TO FORM:



CITY ATTORNEY



TENNESSEE NATURAL GAS AND PROPANE VEHICLE GRANT PROGRAM APPLICATION



Limit to one application per entity, per location.

To be considered, applications must be submitted no later than 8:00 PM CST on March 15, 2018.

Digital copies should be emailed to: TDEC.OEP@tn.gov. Hard copies should be mailed to:

Tennessee Department of Environment and Conservation
The Office of Energy Programs – Tennessee Natural Gas and Propane Vehicle Incentive Program
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 2nd Floor
Nashville, TN 37243

APPLICANT INFORMATION:

Applicant Legal Name (Organization that will enter into the Grant Contract): **City of Kingsport**

Applicant is a (Municipal or County Government, State Government Agency, Higher Educational Institution, Other Educational Institution, Utility District, Non-profit Organization, For Profit Organization, or Other (Explain)): **Municipal Government**

Does the applicant intend to maintain operations in Tennessee for no fewer than six years? **Yes**

List County/Countries where the vehicles will operate: **Sullivan and Hawkins Counties**

Applicant Address: **225 W Center Street Kingsport, TN 37660**

Designated Project Representative (Person responsible for daily management of the project): **Steve Hightower**

Contact Information for Project Representative (Mailing address, Email, Phone number):

625 W Industry Dr Kingsport, TN 37660, stevehightower@kingsporttn.gov, 423-224-2434

If applying for a bi-fuel vehicle or conversion, what are the first responder duties and responsibilities of the applicant?

Police force use including pursuit; applicant responsible for maintenance and repair of all city vehicles

Business Contact (Person responsible for financial documents, grant contract compliance, and reporting requirements):

Nikisha Eichmann

Contact Information for Business Contact (Mailing address, Email, Phone number, Fax):

625 W Industry Dr Kingsport, TN 37660, nikishaeichmann@kingsporttn.gov, 423-229-9446, 423-224-2433

PROJECT INFORMATION:

Project Description: Attach a detailed project description (maximum five pages). The project description must include:

- The number and type of eligible vehicles to be purchased or converted.
- Where the vehicles will be fueled and if this involves a new fueling facility. State whether this fueling facility is accessible to the public.
- The projected use of natural gas or propane in gasoline gallon equivalents (GGEs) or gallons and explain the methodology utilized to determine the projected use.
- The financial viability of the project, the proposed project purchase or conversion schedule, and the expected payback.
- The total incremental purchase cost/conversion cost and the amount of incremental cost/conversion cost requested as the grant share.
- The expected driving route of the vehicles, if awarded a grant. Be specific: (i.e., whether the vehicle will be in service on a daily, weekly, or monthly basis and the expected length of vehicle trips; where the vehicle is expected to travel (will it serve a local route, regional route, state-wide route); the highways/roadways that the vehicle is expected to travel on, etc.)

Vehicle Registration: Will all vehicles be registered in Tennessee? If no, explain. (If the vehicle is to receive IRP apportioned registration, attach a letter certifying the percentage of time that the vehicle is expected to operate within the State of Tennessee.)

Yes

VEHICLE PROJECT SUMMARY TABLES:

Quantity	Project Type (new purchase or conversion)	Make and Model	Year	Expected annual miles	Gross Vehicle Weight (GVW) (in lbs)	Fuel Type (CNG, LNG, Propane, or bi-fuel combination)	Estimated GGEs or gallons per year to be consumed
1	Conversion	Dodge Charger - RWD (rear)	2017	19,000	5,500	Bi-fuel Propane	1,500
1	Conversion	Dodge Charger - AWD	2017	19,000	5,500	Bi-fuel Propane	1,500
1	Conversion	Dodge Charger - AWD	2017	19,000	5,500	Bi-fuel Propane	1,500
1	Conversion	Dodge Charger - AWD	2017	19,000	5,500	Bi-fuel Propane	1,500
1	Conversion	Dodge Charger - AWD	2017	19,000	5,500	Bi-fuel Propane	1,500
1	Conversion	Dodge Charger - AWD	2017	19,000	5,500	Bi-fuel Propane	1,500
1	Conversion	Dodge Charger - AWD	2017	19,000	5,500	Bi-fuel Propane	1,500
1	Conversion	Dodge Charger - AWD	2017	19,000	5,500	Bi-fuel Propane	1,500
1	Conversion	Dodge Charger - AWD	2017	19,000	5,500	Bi-fuel Propane	1,500
1	Conversion	Dodge Charger - AWD	2017	19,000	5,500	Bi-fuel Propane	1,500

For New Vehicle Purchases:

New vehicle purchase Price	Equivalent diesel or gasoline vehicle purchase price	Incremental purchase cost (upfit cost)	Grant request	Seller name	Seller contact info (address, phone, email)

For Vehicle Conversions:

Vehicle conversion type and cost	Grant request	Retrofitter name	Retrofitter contact info (address, phone, email)
Bi-fuel, PRINS system - \$6,500	\$3,412.50	City of Kingsport Fleet Maint	*See contact info for Hightower, p. 1
Bi-fuel, PRINS system - \$6,500	\$3,412.50	City of Kingsport Fleet Maint	"
Bi-fuel, PRINS system - \$6,500	\$3,412.50	City of Kingsport Fleet Maint	"
Bi-fuel, PRINS system - \$6,500	\$3,412.50	City of Kingsport Fleet Maint	"
Bi-fuel, PRINS system - \$6,500	\$3,412.50	City of Kingsport Fleet Maint	"
Bi-fuel, PRINS system - \$6,500	\$3,412.50	City of Kingsport Fleet Maint	"
Bi-fuel, PRINS system - \$6,500	\$3,412.50	City of Kingsport Fleet Maint	"
Bi-fuel, PRINS system - \$6,500	\$3,412.50	City of Kingsport Fleet Maint	"
Bi-fuel, PRINS system - \$6,500	\$3,412.50	City of Kingsport Fleet Maint	"

FUELING STATION INFORMATION:

What is the location of the primary fueling station or infrastructure? 609 W Industry Drive Kingsport, TN

Name of the owner or operator of the fueling station or infrastructure: City of Kingsport

Is this station or infrastructure new (to be constructed) or existing? Existing

If new construction, what is the anticipated date the fueling station or infrastructure will be operational? n/a

Check the applicable statement for the primary fueling station or infrastructure:

- It is/will be accessible to the general public with unrestricted access ☐
- It is/will be accessible to entities other than the applicant, but will have restrictions, such as station-specific access card, is on limited-access property, or has significantly restricted hours ☐
- It is/will be for the private use of the applicant only ☒

For existing fueling stations or infrastructure, the applicant must provide a letter from the owner or operator stating that the fueling station or infrastructure is or will be capable of supporting the projected fuel consumption within the grant period of performance. For proposed new fueling stations or infrastructure, the applicant must provide a letter from the prospective owner and operator stating that the fueling station will be online and will be capable of supporting the projected fuel consumption within the grant period of performance.

AIR QUALITY BENEFITS:

If the concentration of one or more criteria pollutants in a geographic area is found to exceed the regulated or threshold level for one or more of the National Ambient Air Quality Standards (NAAQS), the area may be classified as a nonattainment area. Maintenance areas are geographic areas that have a history of nonattainment, but are now consistently meeting the NAAQS. The following list of counties includes maintenance areas for ozone or particulate matter (PM) 2.5 in Tennessee. If the vehicles are expected to operate primarily in any of the following counties, please identify the county/counties below.

Memphis area

☐ Shelby

Nashville area

☐ Davidson

☐ Rutherford

☐ Sumner

☐ Williamson

☐ Wilson

Knoxville area

☐ Anderson

☐ Blount

☐ Cocke

- ☐ Jefferson
- ☐ Knox
- ☐ Loudon
- ☐ Roane
- ☐ Sevier
- Chattanooga area
- ☐ Hamilton
- Clarksville area
- ☐ Montgomery

To view the U.S. Environmental Protection Agency's full list of nonattainment areas in Tennessee as of September 30, 2017, visit: https://www3.epa.gov/airquality/greenbook/anayo_tn.html.

Note: As of August 29, 2017, the entire state of Tennessee was redesignated as compliant with federal air quality health standards for particle pollution, also known as particulate matter or PM 2.5. The U.S. EPA finalized its official redesignation of all of Anderson, Knox, Blount, and Loudon counties, and the remaining part of Roane County, as in "attainment." This means that the aforementioned areas now meet federal particle pollution standards. These areas were the last remaining areas in Tennessee to achieve the designation. Only Sullivan County is currently in nonattainment (for sulfur dioxide).

Vehicle Disposition: Will the applicant replace and scrap an older vehicle or engine if awarded grant funding? Yes ☐ No ☒

If yes, detail the make, model, year, annual miles of usage, annual GGEs/gallons consumed, gross vehicle weight (GVW), and fuel type of the vehicle(s) or engine(s) to be scrapped. In order to verify that the older vehicle or engine is no longer contributing emissions to a given area, scrappage shall include the permanent disabling of the vehicle by drilling a hole completely through the engine block and by cutting the chassis rail in half. (Note: Scrappage is not required to be eligible to receive a grant. However, if an applicant indicates intent to scrap if awarded grant funding, the grant contract will require scrappage).

Project Description – City of Kingsport Application

For the 2018 Tennessee Natural Gas & Propane Vehicle Grant Program

Number & Type of Eligible Vehicles

The City of Kingsport would like to convert nine current vehicles they have, which are all 2017 Dodge Chargers that are used in the city's police department. Eight vehicles are all-wheel drive, while one is rear-wheel drive. We will purchase Alliance AutoGas "PRINS" systems and they will be installed at our maintenance facility in Kingsport. Alliance AutoGas has the necessary EPA certificates for the 2017 Dodge Chargers we wish to convert.

Vehicle Fueling Infrastructure Description

The city fleet has maintained its own propane refueling infrastructure for almost a decade that is onsite at our vehicle maintenance facilities just off W. Industry Drive in central Kingsport. It is private refueling equipment; only city vehicles can refuel there. There is more than enough capacity at this site to refuel our current fleet of over 90 propane vehicles plus the additional nine vehicles that we are requesting funding assistance for in this grant application.

Projected Use of Propane in these Vehicles

(Please see the calculations in the provided "Simple Budget & Fiscal Calculations" sheet that is attached to this Project Description.)

The 2017 Dodge Chargers were acquired during 2017 and have been using gasoline since their start date with the city. We estimated their gasoline use over an entire year and averaged across all of the nine vehicles and ended up with about 19,000 miles and 1,500 gallons of gasoline used per year-vehicle. Based on our experience of having a 19 percent reduction in fuel economy going from gasoline to propane vehicles, that 1,500 gasoline gallons (or GGEs) equates to 1,785 gallons of propane that would be used per year-vehicle *if the vehicle used only propane*. As these vehicles are bi-fuel and will use gasoline some of the time, we used 75 percent of the time in our calculations which results in an annual propane usage of 12,049 gallons for all nine of the vehicles, alongside a reduced gasoline usage for all vehicles of 3,375 gallons.

Financial Viability of the Project

(Please see the calculations in the provided "Simple Budget & Fiscal Calculations" sheet that is attached to this Project Description.)

Our payback period with the grant assistance is more reasonable for the city at 6.1 years, based on the included cost assumptions for propane and gasoline in the coming several years. If the project costs were to be fully incurred by the city (\$58,500), our payback period would become 12.8 years. 6.1 years is something the city can undertake; almost 13 years is not something the city can undertake. This project becomes viable if we can receive the grant assistance.

Purchase & Conversion Schedule

We would like to get these conversions done as soon as is possible. With an expectation that it might be late summer before the grant contracts are completed, that would put us into fall to start the system ordering process and vehicle conversions. System ordering would likely not take that long, so I would put it at about 1-2 months to have ordered and received all the systems (roughly October 2018). As it takes us about 2 days to complete one vehicle conversion, we should be able to complete all of the conversions in about one month. So without any hiccups in ordering and receiving the systems and getting the systems installed, we should have all the vehicles on the road by the start of the 2019 calendar year.

Costs & Cost Share Breakdown

Please reference the provided "Simple Budget & Fiscal Calculations" sheet that is attached to this Project Description (at the end). All costs and cost shares are provided there.

Driving Routes Information

These city police vehicles work on a daily basis throughout the greater Kingsport area, spending over 95 percent of their time within the city limits of Kingsport. However the vehicles on occasion need to go elsewhere in Sullivan County, or into nearby Hawkins County, in which part of the City of Kingsport rests, as we reside on the far west side of Sullivan County (for example, pursuing a vehicle into that county). They also infrequently need to travel to Nashville to carry inmates or evidence to and from jails or other facilities located in our state capital. We have to travel basically all of the roads in our area handling various police matters, and take major arteries like I-81 and I-40 to Nashville.

Simple Budget & Fiscal Calculations

2018 City of Kingsport Application

For the 2018 Tennessee Natural Gas & Propane Vehicle Grant Program

19% is the increase in use of fuel rate that is used here moving from gasoline to propane. That is the rate we have seen for fuel economy decrease in our own vehicles.

Vehicle	Conv. System & Installation Cost
1. 2017 Dodge Charger - RWD	\$6,500.00
2. 2017 Dodge Charger - AWD	\$6,500.00
3. 2017 Dodge Charger - AWD	\$6,500.00
4. 2017 Dodge Charger - AWD	\$6,500.00
5. 2017 Dodge Charger - AWD	\$6,500.00
6. 2017 Dodge Charger - AWD	\$6,500.00
7. 2017 Dodge Charger - AWD	\$6,500.00
8. 2017 Dodge Charger - AWD	\$6,500.00
9. 2017 Dodge Charger - AWD	\$6,500.00
TOTALS	\$58,500.00

Fuel Use GGEs	Propane gallons
1,500	1,785
1,500	1,785
1,500	1,785
1,500	1,785
1,500	1,785
1,500	1,785
1,500	1,785
1,500	1,785
1,500	1,785
13,500	16,065

Request in Grant Funding:	\$30,712.50	52.5%
Amount covered by CoK:	\$27,787.50	47.5%
Checksum =	\$58,500.00	100.0%

Pricing	
Gasoline =	\$2.00
Propane =	\$1.30

Per vehicle grant request =	\$3,412.50
Per vehicle CoK cost share =	\$3,087.50
Checksum =	\$6,500.00

Annual Cost Savings	
Gasoline	Propane
\$27,000	\$20,885
If all vehicles use propane 75% of the time, these are the annual fuel costs and ultimate cost savings:	
(gallons)	(cost)
3,375	\$6,750.00
12,049	\$15,663.38
	\$22,413.38
Difference =	\$4,586.63

Gasoline gallons + cost per year =
Propane gallons + cost per year =
Total annual fuel cost =

Payback Calculation - All Vehicles

$$\frac{\text{CoK Cost, with Grant}}{\text{Cost Savings / Year}} = \frac{\$27,787.50}{\$4,586.63} = 6.1$$

The projected Payback Period based on above costs and cost savings is **6.1 years**.



AGENDA ACTION FORM

Apply for and Receive a Law Enforcement Agency Highway Safety Grant from the Tennessee Highway Safety Office (THSO)

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager

Action Form No.: AF-29-2018
 Work Session: March 19, 2018
 First Reading: N/A

Final Adoption: March 20, 2018
 Staff Work By: Capt. Gore
 Presentation By: Chief Quillin

Recommendation:

Approve the Resolution.

Executive Summary:

The Tennessee Highway Safety Office (THSO) provides grant funding to programs designed to reduce the number of fatalities, injuries and related economic losses that result from traffic crashes on Tennessee's roadways. Local governments can apply for National Highway Safety Transportation Administration pass-through funding for projects related to various areas of highway safety.

The Kingsport Police Department is seeking funding to assist with a Multiple Traffic Violation/Crash Reduction Campaign consisting of overtime enforcement.

This request is for approximately \$20,800 with no match required. Funding is for a one year period.

Attachments:

1. Resolution

	<u>Y</u>	<u>N</u>	<u>O</u>
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL
DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND
RECEIVE A HIGHWAY SAFETY GRANT FROM THE TENNESSEE
HIGHWAY SAFETY OFFICE

WHEREAS, the city, through the police department, would like to apply for a grant from the Tennessee Highway Safety Office, which will provide funds to support programs designed to reduce the number of fatalities, injuries, and related economic losses that result from traffic crashes on Tennessee's roadways; and

WHEREAS, the maximum amount of the grant award is \$20,800.00, and the grant requires no local match;

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the mayor, or in his absence, incapacity, or failure to act, the vice mayor, is authorized to execute, in a form approved by the city attorney, and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, all documents necessary and proper to apply for and receive Highway Safety grant funds from the Tennessee Highway Safety Office in the amount of \$20,800.00, which requires no local match.

SECTION II. That the mayor is authorized to execute any and all documents including those necessary and proper to demonstrate the city's compliance with the grant requirements or its provisions necessary to effectuate the purpose of the grant or this resolution.

SECTION III. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the public.

SECTION IV. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 20th day of March, 2018.

JOHN CLARK, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



AGENDA ACTION FORM

Authorizing Contract Amendment Merging Kingsport MPO Transportation Planning Funds

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager

Action Form No.: AF-32-2018
 Work Session: March 19, 2018
 First Reading: March 20 2018

Final Adoption: March 20, 2018
 Staff Work By: Bill Albright
 Presentation By: Bill Albright

Recommendation:

Approve the Resolution Amending MPO's Transportation Planning Fund Contract.

Executive Summary:

The Kingsport Metropolitan Transportation Planning Organization (MPO) Staff, who are located in the Public Works Administration area, are responsible for transportation planning activities in the Kingsport urban area. Their annual operating expenses are funded primarily by the Federal Highway Administration (FHWA), with additional dollars from the Federal Transit Administration (FTA). Matching funds are also provided by the Tennessee Department of Transportation and the City of Kingsport. In the past, these two funds, or grants, were provided through two separate contracts. Financial record-keeping and reporting was also accomplished separately. Recently TDOT, who manages these grants, along with FHWA and FTA, determined that it would be more efficient to combine these into one contract, one set of records, and one periodic report. Because the City processes these annually the BMA has been asked to approve a contract amendment merging these two transportation planning grants together.

Attachments:

1. Resolution
2. TDOT Contract Amendment

Funding source appropriate and funds are available: 

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENT TWO TO GRANT CONTRACT Z14MPO007 WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

WHEREAS, the Kingsport Metropolitan Transportation Planning Organization (MPO) is responsible for transportation planning activities in the Kingsport urban area; and

WHEREAS, its annual operating expenses are funded primarily by the Federal Highway Administration (FHWA), with additional dollars from the Federal Transit Administration (FTA), with matching funds also provided by the Tennessee Department of Transportation and the city; and

WHEREAS, in the past, these two funds, or grants, were provided through two separate contracts, and financial record-keeping and reporting was also accomplished separately; and

WHEREAS, recently, the Tennessee Department of Transportation, who manages these grants, along with FHWA and FTA, determined that it would be more efficient to combine these into one contract, one set of records, and one periodic report.

WHEREAS, the amendment as set out below will allow this combination.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That Amendment Two of Grant Contract Z14MPO007 with Tennessee Department of Transportation is approved.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized and directed to execute, in a form approved by the city attorney and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, Amendment Two of Grant Contract Z14MPO007 with Tennessee Department of Transportation and all other documents necessary and proper, and to take such acts as necessary, to effectuate the purpose of the amendment or this resolution, said amendment being as follows:

**AMENDMENT TWO
OF GRANT CONTRACT Z14MPO007**

This Grant Contract Amendment is made and entered by and between the State of Tennessee, Department of Transportation, hereinafter referred to as the "State" and City of Kingsport, hereinafter referred to as the "Grantee." It is mutually understood and agreed by and between said, undersigned contracting parties that the subject Grant Contract is hereby amended as follows:

1. Grant Contract Section C.1. Maximum Liability is deleted in its entirety and replaced with the following:

C.1. Maximum Liability. In no event shall the Maximum Liability of the State under this Grant Contract exceed One Million One Hundred Ninety-Six Thousand Nine Hundred Eighty-Two Dollars and No Cents (\$1,196,982.00) ("Maximum Liability"). The Grant Budget, attached and incorporated as Attachment Two, is the maximum amount due to the Grantee under this Grant Agreement. The Grant Budget line-items include, but are not limited to, all

applicable taxes, fees, overhead, and all other direct and indirect costs incurred or to be incurred by the Grantee.

2. Grant Contract Attachment Two is deleted in its entirety and replaced with the new Attachment Two attached hereto.

3. The following is added as Grant Section D.30.:

D.30. State Interest in Equipment or Motor Vehicles. The Grantee shall take legal title to all equipment or motor vehicles purchased totally or in part with funds provided under this Grant Contract, subject to the State's equitable interest therein, to the extent of its *pro rata* share, based upon the State's contribution to the purchase price. The term "equipment" shall include any article of nonexpendable, tangible, personal property having a useful life of more than one year and an acquisition cost which equals or exceeds five thousand dollars (\$5,000.00). The term "motor vehicle" shall include any article of tangible personal property that is required to be registered under the "Tennessee Motor Vehicle Title and Registration Law", Tenn. Code Ann. Title 55, Chapters 1-6.

As authorized by the Tennessee Uniform Commercial Code, Tenn. Code Ann. Title 47, Chapter 9 and the "Tennessee Motor Vehicle Title and Registration Law," Tenn. Code Ann. Title 55, Chapters 1-6, the parties intend this Grant Contract to create a security interest in favor of the State in the equipment or motor vehicles acquired by the Grantee pursuant to the provisions of this Grant Contract. A further intent of this Grant Contract is to acknowledge and continue the security interest in favor of the State in the equipment or motor vehicles acquired by the Grantee pursuant to the provisions of this program's prior year Grant Contracts between the State and the Grantee.

The Grantee grants the State a security interest in all equipment or motor vehicles acquired in whole or in part by the Grantee under this Grant Contract. This Grant Contract is intended to be a security agreement pursuant to the Uniform Commercial Code for any of the equipment or motor vehicles herein specified which, under applicable law, may be subject to a security interest pursuant to the Uniform Commercial Code, and the Grantee hereby grants the State a security interest in said equipment or motor vehicles. The Grantee agrees that the State may file this Grant Contract or a reproduction thereof, in any appropriate office, as a financing statement for any of the equipment or motor vehicles herein specified. Any reproduction of this or any other security agreement or financing statement shall be sufficient as a financing statement. In addition, the Grantee agrees to execute and deliver to the State, upon the State's request, any financing statements, as well as extensions, renewals, and amendments thereof, and reproduction of this Grant Contract in such form as the State may require to perfect a security interest with respect to said equipment or motor vehicles. The Grantee shall pay all costs of filing such financing statements and any extensions, renewals, amendments and releases thereof, and shall pay all reasonable costs and expenses of any record searches for financing statements the State may reasonably require. Without the prior written consent of the State, the Grantee shall not create or suffer to be created pursuant to the Uniform Commercial Code any other security interest in said equipment or motor vehicles, including replacements and additions thereto. Upon the Grantee's breach of any covenant or agreement contained in this Grant Contract, including the covenants to pay when due all sums secured by this Grant Contract, the State shall have the remedies of a secured party under the Uniform Commercial Code and, at the State's option, may also invoke the remedies herein provided.

The Grantee agrees to be responsible for the accountability, maintenance, management, and inventory of all property purchased totally or in part with funds provided under this Grant Contract. The Grantee shall maintain a perpetual inventory system for all equipment or motor vehicles purchased with funds provided under this Grant Contract and shall submit an inventory control report which must include, at a minimum, the following:

- a. Description of the equipment or motor vehicles;
- b. Vehicle identification number;
- c. Manufacturer's serial number or other identification number, when applicable;
- d. Consecutive inventory equipment or motor vehicles tag identification;
- e. Acquisition date, cost, and check number;
- f. Fund source, State Grant number, or other applicable fund source identification;
- g. Percentage of state funds applied to the purchase;
- h. Location within the Grantee's operations where the equipment or motor vehicles is used;
- i. Condition of the property or disposition date if Grantee no longer has possession;
- j. Depreciation method, if applicable; and
- k. Monthly depreciation amount, if applicable.

The Grantee shall tag equipment or motor vehicles with an identification number which is cross referenced to the equipment or motor vehicle item on the inventory control report. The Grantee shall inventory equipment or motor vehicles annually.

The Grantee must compare the results of the inventory with the inventory control report and investigate any differences. The Grantee must then adjust the inventory control report to reflect the results of the physical inventory and subsequent investigation.

The Grantee shall submit its inventory control report of all equipment or motor vehicles purchased with funding through this Grant Contract within thirty (30) days of its end date and in form and substance acceptable to the State. This inventory control report shall contain, at a minimum, the requirements specified above for inventory control. The Grantee shall notify the State, in writing, of any equipment or motor vehicle loss describing the reasons for the loss. Should the equipment or motor vehicles be destroyed, lost, or stolen, the Grantee shall be responsible to the State for the *pro rata* amount of the residual value at the time of loss based upon the State's original contribution to the purchase price.

Upon termination of the Grant Contract, where a further contractual relationship is not entered into, or at another time during the term of the Grant Contract, the Grantee shall request written approval from the State for any proposed disposition of equipment or motor vehicles purchased with Grant funds. All equipment or motor vehicles shall be disposed of in such a manner as the parties may agree from among alternatives approved by the Tennessee Department of General Services as appropriate and in accordance with any applicable federal laws or regulations.

4. The following is added as Grant Sections D.31.:

D.31. Iran Divestment Act. The requirements of Tenn. Code Ann. § 12-12-101 et seq., addressing contracting with persons as defined at T.C.A. §12-12-103(5) that engage in investment activities in Iran, shall be a material provision of this Grant Contract. The Grantee certifies, under penalty of perjury, that to the best of its knowledge and belief that it is not on the list created pursuant to Tenn. Code Ann. § 12-12-106.

5. Grant Contract Section E.5. is deleted in its entirety.

Required Approvals. The State is not bound by this Amendment until it is signed by the contract parties and approved by appropriate officials in accordance with applicable Tennessee laws and regulations (depending upon the specifics of this contract, said officials may include, but are not limited to, the Commissioner of Finance and Administration, the Commissioner of Human Resources, and the Comptroller of the Treasury).

Amendment Effective Date. The revisions set forth herein shall be effective April 1, 2018. All other terms and conditions of this Grant Contract not expressly amended herein shall remain in full force and effect.

[Acknowledgements Deleted for Inclusion in this Resolution]

SECTION III. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the amendment set out herein that do not substantially alter the material provisions of the amendment, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

SECTION IV. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the citizens of the city.

SECTION V. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 20th day of March, 2017.

JOHN CLARK, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER
APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



GRANT AMENDMENT

Agency Tracking # 40100-29014	Edison ID 38616	Contract # Z14MPO007	Amendment # 2		
Contractor Legal Entity Name City of Kingsport			Edison Vendor ID 1562		
Amendment Purpose & Effect(s) To add Consolidated Planning Grant funds.					
Amendment Changes Contract End Date: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		End Date: 9/30/2018			
TOTAL Contract Amount INCREASE <u>per this Amendment</u> (zero if N/A):			\$48,210.00		
Funding —					
FY	State	Federal	Interdepartmental	Other	TOTAL Contract Amount
2014	0.00	224,458.00			224,458.00
2015	0.00	202,306.00			202,306.00
2016	0.00	280,611.00			280,611.00
2017	0.00	240,000.00			240,000.00
2018	5357.00	244,250.00			249,607.00
TOTAL:	5357.00	1,191,625.00			1,196,982.00
American Recovery and Reinvestment Act (ARRA) Funding: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
Budget Officer Confirmation: There is a balance in the appropriation from which obligations hereunder are required to be paid that is not already encumbered to pay other obligations.			OCR USE		
Speed Chart (optional) TX00229523L	Account Code (optional) 71302000				

**AMENDMENT TWO
OF GRANT CONTRACT Z14MPO007**

This Grant Contract Amendment is made and entered by and between the State of Tennessee, Department of Transportation, hereinafter referred to as the "State" and City of Kingsport, hereinafter referred to as the "Grantee." It is mutually understood and agreed by and between said, undersigned contracting parties that the subject Grant Contract is hereby amended as follows:

1. Grant Contract Section C.1. Maximum Liability is deleted in its entirety and replaced with the following:

C.1. Maximum Liability. In no event shall the Maximum Liability of the State under this Grant Contract exceed One Million One Hundred Ninety-Six Thousand Nine Hundred Eighty-Two Dollars and No Cents (\$1,196,982.00) ("Maximum Liability"). The Grant Budget, attached and incorporated as Attachment Two, is the maximum amount due to the Grantee under this Grant Agreement. The Grant Budget line-items include, but are not limited to, all applicable taxes, fees, overhead, and all other direct and indirect costs incurred or to be incurred by the Grantee.
2. Grant Contract Attachment Two is deleted in its entirety and replaced with the new Attachment Two attached hereto.
3. The following is added as Grant Section D.30.:

D.30. State Interest in Equipment or Motor Vehicles. The Grantee shall take legal title to all equipment or motor vehicles purchased totally or in part with funds provided under this Grant Contract, subject to the State's equitable interest therein, to the extent of its *pro rata* share, based upon the State's contribution to the purchase price. The term "equipment" shall include any article of nonexpendable, tangible, personal property having a useful life of more than one year and an acquisition cost which equals or exceeds five thousand dollars (\$5,000.00). The term "motor vehicle" shall include any article of tangible personal property that is required to be registered under the "Tennessee Motor Vehicle Title and Registration Law", Tenn. Code Ann. Title 55, Chapters 1-6.

As authorized by the Tennessee Uniform Commercial Code, Tenn. Code Ann. Title 47, Chapter 9 and the "Tennessee Motor Vehicle Title and Registration Law," Tenn. Code Ann. Title 55, Chapters 1-6, the parties intend this Grant Contract to create a security interest in favor of the State in the equipment or motor vehicles acquired by the Grantee pursuant to the provisions of this Grant Contract. A further intent of this Grant Contract is to acknowledge and continue the security interest in favor of the State in the equipment or motor vehicles acquired by the Grantee pursuant to the provisions of this program's prior year Grant Contracts between the State and the Grantee.

The Grantee grants the State a security interest in all equipment or motor vehicles acquired in whole or in part by the Grantee under this Grant Contract. This Grant Contract is intended to be a security agreement pursuant to the Uniform Commercial Code for any of the equipment or motor vehicles herein specified which, under applicable law, may be subject to a security interest pursuant to the Uniform Commercial Code, and the Grantee hereby grants the State a security interest in said equipment or motor vehicles. The Grantee agrees that the State may file this Grant Contract or a reproduction thereof, in any appropriate office, as a financing statement for any of the equipment or motor vehicles herein specified. Any reproduction of this or any other security agreement or financing statement shall be sufficient as a financing statement. In addition, the Grantee agrees to execute and deliver to the State, upon the State's request, any financing statements, as well as extensions, renewals, and amendments thereof, and reproduction of this Grant Contract in such form as the State may require to perfect a security interest with respect to said equipment or motor vehicles. The

Grantee shall pay all costs of filing such financing statements and any extensions, renewals, amendments and releases thereof, and shall pay all reasonable costs and expenses of any record searches for financing statements the State may reasonably require. Without the prior written consent of the State, the Grantee shall not create or suffer to be created pursuant to the Uniform Commercial Code any other security interest in said equipment or motor vehicles, including replacements and additions thereto. Upon the Grantee's breach of any covenant or agreement contained in this Grant Contract, including the covenants to pay when due all sums secured by this Grant Contract, the State shall have the remedies of a secured party under the Uniform Commercial Code and, at the State's option, may also invoke the remedies herein provided.

The Grantee agrees to be responsible for the accountability, maintenance, management, and inventory of all property purchased totally or in part with funds provided under this Grant Contract. The Grantee shall maintain a perpetual inventory system for all equipment or motor vehicles purchased with funds provided under this Grant Contract and shall submit an inventory control report which must include, at a minimum, the following:

- a. Description of the equipment or motor vehicles;
- b. Vehicle identification number;
- c. Manufacturer's serial number or other identification number, when applicable;
- d. Consecutive inventory equipment or motor vehicles tag identification;
- e. Acquisition date, cost, and check number;
- f. Fund source, State Grant number, or other applicable fund source identification;
- g. Percentage of state funds applied to the purchase;
- h. Location within the Grantee's operations where the equipment or motor vehicles is used;
- i. Condition of the property or disposition date if Grantee no longer has possession;
- j. Depreciation method, if applicable; and
- k. Monthly depreciation amount, if applicable.

The Grantee shall tag equipment or motor vehicles with an identification number which is cross referenced to the equipment or motor vehicle item on the inventory control report. The Grantee shall inventory equipment or motor vehicles annually. The Grantee must compare the results of the inventory with the inventory control report and investigate any differences. The Grantee must then adjust the inventory control report to reflect the results of the physical inventory and subsequent investigation.

The Grantee shall submit its inventory control report of all equipment or motor vehicles purchased with funding through this Grant Contract within thirty (30) days of its end date and in form and substance acceptable to the State. This inventory control report shall contain, at a minimum, the requirements specified above for inventory control. The Grantee shall notify the State, in writing, of any equipment or motor vehicle loss describing the reasons for the loss. Should the equipment or motor vehicles be destroyed, lost, or stolen, the Grantee shall be responsible to the State for the *pro rata* amount of the residual value at the time of loss based upon the State's original contribution to the purchase price.

Upon termination of the Grant Contract, where a further contractual relationship is not entered into, or at another time during the term of the Grant Contract, the Grantee shall request written approval from the State for any proposed disposition of equipment or motor vehicles purchased with Grant funds. All equipment or motor vehicles shall be disposed of in such a manner as the parties may agree from among alternatives approved by the Tennessee Department of General Services as appropriate and in accordance with any applicable federal laws or regulations.

4. The following is added as Grant Sections D.31.:

D.31. Iran Divestment Act. The requirements of Tenn. Code Ann. § 12-12-101 et seq., addressing contracting with persons as defined at T.C.A. §12-12-103(5) that engage in investment activities in Iran, shall be a material provision of this Grant Contract. The Grantee certifies, under penalty of perjury, that to the best of its knowledge and belief that it is not on the list created pursuant to Tenn. Code Ann. § 12-12-106.

5. Grant Contract Section E.5. is deleted in its entirety.

Required Approvals. The State is not bound by this Amendment until it is signed by the contract parties and approved by appropriate officials in accordance with applicable Tennessee laws and regulations (depending upon the specifics of this contract, said officials may include, but are not limited to, the Commissioner of Finance and Administration, the Commissioner of Human Resources, and the Comptroller of the Treasury).

Amendment Effective Date. The revisions set forth herein shall be effective April 1, 2018. All other terms and conditions of this Grant Contract not expressly amended herein shall remain in full force and effect.

IN WITNESS WHEREOF,

CITY OF KINGSFORT:

GRANTEE SIGNATURE

DATE

PRINTED NAME AND TITLE OF GRANTEE SIGNATORY (above)

CITY ATTORNEY, APPROVED AS TO FORM

DATE

DEPARTMENT OF TRANSPORTATION:

JOHN SCHROER, COMMISSIONER

DATE

APPROVED AS TO FORM AND LEGALITY:

JOHN REINBOLD, GENERAL COUNSEL

DATE

ATTACHMENT TWO
GRANT BUDGET

Kingsport FY 2014 – FY 2018 PL				
APPLICABLE PERIOD: The grant budget line-item amounts below shall be applicable only to expense incurred during the period beginning October 1, 2013, and ending September 30, 2018.				
POLICY 03 Object Line-item Reference	EXPENSE OBJECT LINE-ITEM CATEGORY ¹ (detail schedule(s) attached as applicable)	GRANT CONTRACT	GRANTEE PARTICIPATION	TOTAL PROJECT
1 & 2	Salaries and Benefits & Taxes	872,381.00	211,400.00	1,083,781.00
4, 15	Professional Fee/ Grant & Award ²	212,961.00	53,240.00	266,201.00
5, 6, 7, 8, 9, 10	Supplies, Telephone, Postage & Shipping, Occupancy, Equipment Rental & Maintenance, Printing & Publications	57,800.00	14,450.00	72,250.00
11, 12	Travel, Conferences & Meetings	45,440.00	11,360.00	56,800.00
13	Interest ²	0.00	0.00	0.00
14	Insurance	400.00	100.00	500.00
16	Specific Assistance To Individuals	0.00	0.00	0.00
17	Depreciation ²	0.00	0.00	0.00
18	Other Non-Personnel ²	8,000.00	2,000.00	10,000.00
20	Capital Purchase ²	0.00	0.00	0.00
22	Indirect Cost	0.00	0.00	0.00
24	In-Kind Expense	0.00	0.00	0.00
25	GRAND TOTAL	1,196,982.00	292,550.00	1,489,532.00

¹ Each expense object line-item shall be defined by the Department of Finance and Administration Policy 03, *Uniform Reporting Requirements and Cost Allocation Plans for Subrecipients of Federal and State Grant Monies, Appendix A*. (posted on the Internet at: <http://www.state.tn.us/finance/act/documents/policy3.pdf>).

² Applicable detail attached if line-item is funded.

ATTACHMENT TWO (continued)
GRANT BUDGET LINE-ITEM DETAIL
Page 2

PROFESSIONAL FEE/ GRANT & AWARD	AMOUNT
Redevelopment Corridor Study II	\$43,500.00
Fort Henry Drive Corridor Study	\$33,819.00
Downtown Area Traffic Circulation Study	\$21,746.00
2040 Long Range Transportation Plan	\$161,236.00
Auditing Fees	\$5,900.00
TOTAL	\$266,201.00

OTHER NON-PERSONNEL	AMOUNT
Advertising	\$6,000.00
Professional Association Membership Dues	\$4,000.00
TOTAL	\$10,000.00



AGENDA ACTION FORM

Approving Application and Contract with VDOT for Transit Planning

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager

Action Form No.: AF-45-2018
 Work Session: March 19, 2018
 First Reading: N/A

Final Adoption: March 20, 2018
 Staff Work By: Bill Albright
 Presentation By: Bill Albright

Recommendation:

Approve the Resolution.

Executive Summary:

Each Federal Fiscal Year, the City of Kingsport, on behalf of the Kingsport MTPO, applies for and receives an allocation of Section 5303 Planning funds from the Federal Transit Administration via the Virginia Department of Rail and Public Transportation (DRPT). The Kingsport MTPO's jurisdiction covers part of Virginia as well as Tennessee and receives separate FTA funding through each state government. Consequently, this is a separate application and contract through Virginia's DRPT based on population in the Virginia portion of the urbanized area. These funds are used by the Kingsport MTPO for transportation planning activities. For FY 2019 the total grant funding is \$4,473, which is proportioned as follows: FTA 80% or \$3,577, Va DRPT 10% match or \$448, and City of Kingsport match 10% or \$448. Appropriation and a project budget for these funds have already been programmed through the City's FY 2019 budget process. The action approves submittal of the application and acceptance of the contract and Section 5303 funds.

FTA requires the FY18 Certifications and Assurances be executed by the City of Kingsport, which sets out the requirements for the Section 5303 Planning funds.

Attachments:

1. Resolution
2. Certifications and Assurances

Funding source appropriate and funds are available:

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE ELECTRONIC APPLICATION AND CONTRACT BETWEEN THE CITY OF KINGSPORT AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO RECEIVE FEDERAL HIGHWAY ADMINISTRATION PLANNING FUNDS FOR USE BY THE KINGSPORT AREA METROPOLITAN TRANSPORTATION PLANNING ORGANIZATION FOR THE FISCAL YEAR 2019; AUTHORIZING THE MAYOR TO EXECUTE THE FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES, AND ANY OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE LETTER OF AUTHORIZATION

WHEREAS, the Federal Highway Administration provides planning funds for use by the Metropolitan Planning Organization (MPO) available through the Virginia Department of Transportation (VDOT) in the amount of \$4,473.00 for fiscal year 2019; and

WHEREAS, matching funds in the amount of \$448.00 are required, which are accounted for during the annual budget process and will come from the approved FY2019 budget for the MPO; and

WHEREAS, the Federal Transit Authority requires the Certifications and Assurances be executed to receive the Section 5303 Planning Funds.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the online application and contract with the Virginia Department of Transportation to receive Federal Highway Administration Planning Funds in the amount of \$4,473.00 and requiring \$448.00 in matching funds for use by the Kingsport Area Metropolitan Transportation Planning Organization for the fiscal year 2018, is approved.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice mayor, is authorized to execute, in a form approved by the city attorney and subject to the requirements of Article X, Chapter 10 of the Charter of the City of Kingsport, the online application and contract with the Virginia Department of Transportation to receive Federal Highway Administration Planning Funds in the amount of \$4,473.00 and requiring \$448.00 in matching funds for use by the Kingsport Area Metropolitan Transportation Planning Organization for the fiscal year 2019 and any other documents necessary and proper to effectuate the purpose of the letter of Authorization.

SECTION III. That the Federal Transit Administration Fiscal Year 2018 Certifications and Assurances is approved.

SECTION IV. That the mayor, or in his absence, incapacity, or failure to act, the vice mayor, is authorized to execute, in a form approved by the city attorney and subject to the requirements of Article X, Chapter 10 of the Charter of the City of Kingsport, a Federal Transit

Administration Fiscal Year 2018 Certifications and Assurances and any other documents necessary and proper to effectuate the purpose of the same.

SECTION V. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the document set out herein that do not substantially alter the material provisions of the agreement, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

SECTION VI. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the public.

SECTION VII. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 20th day of March, 2018.

JOHN CLARK, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

PREFACE

Before the Federal Transit Administration (FTA or We) may award federal assistance for public transportation in the form of a federal grant, cooperative agreement, loan, line of credit, loan guarantee, master credit agreement, or State Infrastructure Bank (SIB) cooperative agreement, certain pre-award Certifications and Assurances are required, except as FTA determines otherwise in writing. The Applicant must authorize a representative (Authorized Representative) to select and sign its Certifications and Assurances and bind the Applicant's compliance. You, as your Applicant's Authorized Representative, must select and sign all Certifications and Assurances that your Applicant must provide to support each application it submits to FTA for federal assistance during federal fiscal year (FY) 2018.

We request that you read each Certification and Assurance and select those that will apply to any application for which your Applicant might seek FTA assistance during FY 2018. As provided by federal laws, regulations, and requirements, FTA may award federal assistance only if the Applicant's Authorized Representative selects adequate Certifications and Assurances.

We have consolidated our Certifications and Assurances into twenty-one (21) Categories.

We encourage you to make a single selection that will encompass all twenty-one (21) Categories of Certifications and Assurances that apply to our various programs. FTA, the Applicant, and the Applicant's Authorized Representative, understand and agree that not every provision of these twenty-one (21) Categories of Certifications and Assurances will apply to every Applicant or every Award or Project included in an Award, even if you make a single selection encompassing all twenty-one (21) Categories. Nor will every provision of each Certification or Assurance within a single Category apply if that provision does not apply to your Applicant or the Award it seeks. The type of Applicant and its application will determine which Certifications and Assurances apply.

In the alternative:

- *All Applicants must select the Assurances in Category 01, "Required Certifications and Assurances for each Applicant.*
- *If your Applicant requests or intends to request more than \$100,000 in federal assistance during FY2018, you must select the "Lobbying" Certification in Category 02, except if your Applicant is an Indian tribe, Indian organization, or an Indian tribal organization.*
- *Depending on the nature of your Applicant and the Award it seeks, you may also need to select one or more Certifications and Assurances in Categories 03 through 21.*

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected that apply to its Award, itself, any Subrecipient, or any other Third

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

Party Participant in its Award, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant as necessary to assure your Applicant's compliance with the applicable Certifications and Assurances selected on its behalf.

Except as FTA determines otherwise in writing, if your Applicant is a team, consortium, joint venture, or partnership, it understands and agrees that you must identify the activities that each member will perform and the extent to which each member will be responsible for compliance with the selected Certifications and Assurances. You also must identify each member's role in the Award, whether as a Recipient, Subrecipient, Third Party Contractor, or other Third Party Participant.

It is important that you and your Applicant also understand that these Certifications and Assurances are pre-award requirements, generally imposed by federal law or regulation, and do not include all federal requirements that may apply to it or its Award. We expect you to submit your Applicant's FY 2018 Certifications and Assurances and its applications for federal assistance in FTA's Transit Award Management System (TrAMS). You must be registered in TrAMS to submit your Applicant's FY 2018 Certifications and Assurances. TrAMS contains fields for selecting among the twenty-one (21) Categories of Certifications and Assurances and a designated field for selecting all twenty-one (21) Categories of Certifications and Assurances. If FTA agrees that you are unable to submit your Applicant's FY 2018 Certifications and Assurances electronically, you must submit the Signature Pages at the end of this document, as FTA directs, marked to show the Categories of Certifications and Assurances that you are submitting.

Be aware that these Certifications and Assurances have been prepared in light of:

- *The Fixing America's Surface Transportation (FAST) Act, Public Law No. 114-94, December 4, 2015, and other authorizing legislation to be enacted,*
- *The Moving Ahead for Progress in the 21st Century Act (MAP-21), Public Law No. 112-141, July 6, 2012, as amended by the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015, Public Law No. 114-41, July 31, 2015,*
- *Previous enabling legislation that remains in effect, and*
- *Appropriations Acts or Continuing Resolutions funding the U.S. Department of Transportation during Fiscal Year 2018.*

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

CATEGORY 01. REQUIRED CERTIFICATIONS AND ASSURANCES FOR EACH APPLICANT.

Before FTA may provide federal assistance for your Applicant's Award, you must select the Certifications and Assurances in Category 01 in addition to any other applicable Certifications and Assurances, except as FTA determines otherwise in writing.

Any provision of the Certifications and Assurances in Category 01 that does not apply will not be enforced.

01.A. Certifications and Assurances of Authority of the Applicant and Its Authorized Representative.

You certify and affirm that in signing these Certifications, Assurances, and Agreements, both you, as your Applicant's Authorized Representative, and your Applicant's attorney who is authorized to represent your Applicant in legal matters, may undertake the following activities on your Applicant's behalf, in compliance with applicable state, local, or Indian tribal laws, regulations, and requirements and your Applicant's by-laws or internal rules:

1. Execute and file its application for federal assistance,
2. Execute and file its Certifications, Assurances, Charter Service Agreement, and School Bus Agreement, as applicable, binding its compliance,
3. Execute its Grant Agreement, Cooperative Agreement, Loan, Loan Guarantee, Line of Credit, Master Credit Agreement, or State Infrastructure Bank (SIB) Cooperative Agreement for which the Applicant is seeking federal assistance from FTA,
4. Comply with applicable federal laws, regulations, and requirements, and
5. Follow applicable federal guidance.

01.B. Standard Assurances.

On behalf of your Applicant, you assure that it understands and agrees to the following:

1. It will comply with all applicable federal laws, regulations, and requirements in implementing its Award.
2. It is under a continuing obligation to comply with the terms and conditions of its Grant Agreement or Cooperative Agreement with FTA for each Award, including the FTA Master Agreement and other documents incorporated by reference and made part of its Grant Agreement or Cooperative Agreement, or latest amendment thereto.
3. It recognizes that federal laws, regulations, and requirements may be amended from time to time and those amendments may affect the implementation of its Award.
4. It understands that Presidential executive orders and federal guidance, including federal policies and program guidance, may be issued concerning matters affecting it or its Award.
5. It agrees that the most recent federal laws, regulations, requirements, and guidance will apply to its Award, except as FTA determines otherwise in writing.
6. Except as FTA determines otherwise in writing, it agrees that requirements for FTA programs may vary depending on the fiscal year for which the federal assistance for those programs was appropriated or made available.

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

01.C. Intergovernmental Review Assurance.

(This assurance in this Category 01.C does not apply to an Indian tribe, an Indian organization, or an Indian tribal organization that applies for federal assistance made available under 49 U.S.C. § 5311(c)(1), which authorizes FTA's Tribal Transit Programs.)

As required by U.S. Department of Transportation (U.S. DOT) regulations, "Intergovernmental Review of Department of Transportation Programs and Activities," 49 CFR part 17, on behalf of your Applicant, you assure that it has submitted or will submit each application for federal assistance to the appropriate state and local agencies for intergovernmental review.

01.D. Nondiscrimination Assurance.

On behalf of your Applicant, you assure that:

1. It will comply with the following laws, regulations, and requirements so that no person in the United States will be denied the benefits of, or otherwise be subjected to discrimination in, any U.S. DOT or FTA assisted program or activity (particularly in the level and quality of transportation services and transportation-related benefits) based on race, color, national origin, religion, sex, disability, or age including:
 - a. Federal transit laws, specifically 49 U.S.C. § 5332 (prohibiting discrimination based on race, color, religion, national origin, sex (including gender identity), disability, age, employment, or business opportunity),
 - b. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d,
 - c. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* (prohibiting discrimination based on race, color, religion, sex, (including gender identity and sexual orientation) or national origin,
 - d. Executive Order No. 11246, "Equal Employment Opportunity" September 24, 1965, 42 U.S.C. § 2000e note, as amended by any later Executive Order that amends or supersedes it in part and is applicable to federal assistance programs,
 - e. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681 *et seq.*,
 - f. U.S. DOT regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 CFR part 25,
 - g. The Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, *et seq.*,
 - h. The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 *et seq.*,
 - i. U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964," 49 CFR part 21,
 - j. U.S. DOT regulations, specifically 49 CFR parts 27, 37, 38, and 39, and
 - k. Any other applicable federal statutes that may be signed into law, federal regulations that may be issued, or federal requirements that may be imposed.
2. It will comply with federal guidance implementing federal nondiscrimination laws, regulations, or requirements, except as FTA determines otherwise in writing.
3. As required by 49 CFR § 21.7:

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- a. It will comply with 49 U.S.C. § 5332, 42 U.S.C. § 2000d, and 49 CFR part 21 in the manner that:
 - (1) It implements its Award,
 - (2) It undertakes property acquisitions, and
 - (3) It operates all parts of its facilities, as well as its facilities operated in connection with its Award.
- b. This assurance applies to its Award and to all parts of its facilities, as well as its facilities used to implement its Award.
- c. It will promptly take the necessary actions to carry out this assurance, including the following:
 - (1) Notifying the public that discrimination complaints about transportation-related services or benefits may be filed with U.S. DOT or FTA Headquarters Office of Civil Rights, and
 - (2) Submitting information about its compliance with these provisions to U.S. DOT or FTA upon their request.
- d. If it transfers U.S. DOT or FTA assisted real property, structures, or improvements to another party, any deeds and instruments recording that transfer will contain a covenant running with the land assuring nondiscrimination:
 - (1) While the property is used for the purpose that the federal assistance is extended, or
 - (2) While the property is used for another purpose involving the provision of similar services or benefits.
- e. The United States has a right to seek judicial enforcement of any matter arising under:
 - (1) Title VI of the Civil Rights Act, 42 U.S.C. § 2000d,
 - (2) U.S. DOT regulations, 49 CFR part 21, or
 - (3) This assurance.
- f. It will make any changes in its Title VI implementing procedures, as U.S. DOT or FTA may request, to comply with:
 - (1) Title VI of the Civil Rights Act, 42 U.S.C. § 2000d,
 - (2) U.S. DOT regulations, 49 CFR part 21, and
 - (3) Federal transit law, 49 U.S.C. § 5332.
- g. It will comply with applicable federal guidance issued to implement federal nondiscrimination requirements, except as FTA determines otherwise in writing.
- h. It will extend the requirements of 49 U.S.C. § 5332, 42 U.S.C. § 2000d, and 49 CFR part 21 to each Third Party Participant, including any:
 - (1) Subrecipient,
 - (2) Transferee,
 - (3) Third Party Contractor or Subcontractor at any tier,
 - (4) Successor in Interest,
 - (5) Lessee, or
 - (6) Other Participant in its Award, except FTA and the Applicant (and later, the Recipient).
- i. It will include adequate provisions to extend the requirements of 49 U.S.C. § 5332, 42 U.S.C. § 2000d, and 49 CFR part 21 to each third party agreement, including each:
 - (1) Subagreement at any tier,
 - (2) Property transfer agreement,

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- (3) Third party contract or subcontract at any tier,
- (4) Lease, or
- (5) Participation agreement.
- j. The assurances you have made on your Applicant's behalf remain in effect as long as FTA determines appropriate, including, for example, as long as:
 - (1) Federal assistance is provided for its Award,
 - (2) Its property acquired or improved with federal assistance is used for a purpose for which the federal assistance is extended, or for a purpose involving similar services or benefits,
 - (3) It retains ownership or possession of its property acquired or improved with federal assistance provided for its Award,
 - (4) It transfers property acquired or improved with federal assistance, for the period during which the real property is used for a purpose for which the financial assistance is extended or for another purpose involving the provision of similar services or benefits, or
 - (5) FTA may otherwise determine in writing.
- 4. As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 CFR part 27, specifically 49 CFR § 27.9, and consistent with 49 U.S.C. § 5332, you assure that:
 - a. It will comply with the following prohibitions against discrimination based on disability listed below in subsection 4.b of this Category 01.D Assurance, of which compliance is a condition of approval or extension of any FTA assistance awarded to:
 - (1) Construct any facility,
 - (2) Obtain any rolling stock or other equipment,
 - (3) Undertake studies,
 - (4) Conduct research, or
 - (5) Participate in any benefit or obtain any benefit from any FTA administered program.
 - b. In any program or activity receiving or benefiting from federal assistance that U.S. DOT administers, no qualified individual with a disability will, because of his or her disability, be:
 - (1) Excluded from participation,
 - (2) Denied benefits, or
 - (3) Otherwise subjected to discrimination.

01.E Procurement Certification.

The Applicant agrees to comply with:

- a. U.S. DOT regulations, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR part 1201, which incorporates by reference U.S. OMB regulatory guidance, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR part 200, particularly 2 CFR §200.317-26 "Procurement Standards;
- b. Federal laws, regulations, and requirements applicable to FTA procurements; and
- c. The latest edition of FTA Circular 4220.1 and other applicable federal guidance.

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01.F. Suspension and Debarment, Tax Liability, and Felony Convictions Certifications.

01.F.1 Suspension and Debarment.

On behalf of your Applicant, you certify that:

- a. It will comply and facilitate compliance with U.S. DOT regulations, "Nonprocurement Suspension and Debarment," 2 CFR part 1200, which adopts and supplements the U.S. Office of Management and Budget (U.S. OMB) "Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," 2 CFR part 180.
- b. To the best of its knowledge and belief, that its Principals and Subrecipients at the first tier:
 - (1) Are eligible to participate in covered transactions of any federal department or agency and are not presently:
 - (a) Debarred,
 - (b) Suspended,
 - (c) Proposed for debarment,
 - (d) Declared ineligible,
 - (e) Voluntarily excluded, or
 - (f) Disqualified.
 - (2) Within a three-year period preceding its latest application or proposal, its management has not been convicted of or had a civil judgment rendered against any of them for:
 - (a) 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,
 - (b) Violation of any federal or state antitrust statute, or
 - (c) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making any false statement, or receiving stolen property.
 - (3) It is 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 the preceding subsection b(2) of this Certification.
 - (4) It has not had one or more public transactions (federal, state, or local) terminated for cause or default within a three-year period preceding this Certification.
 - (5) If, at a later time, it receives any information that contradicts the preceding statements of subsections a or b of this Category 01.F Certification, it will promptly provide that information to FTA.
 - (6) It will treat each lower tier contract or subcontract under its Award as a covered lower tier contract for purposes of 2 CFR part 1200 and 2 CFR part 180 if it:
 - (a) Equals or exceeds \$25,000,
 - (b) Is for audit services, or
 - (c) Requires the consent of a federal official.
 - (7) It will require that each covered lower tier contractor and subcontractor:
 - (a) Comply and facilitate compliance with the federal requirements of 2 CFR parts 180 and 1200, and
 - (b) Assure that each lower tier participant in its Award is not presently declared by any federal department or agency to be:

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- 1 Debarred from participation in any federally assisted Award,
 - 2 Suspended from participation in any federally assisted Award,
 - 3 Proposed for debarment from participation in any federally assisted Award,
 - 4 Declared ineligible to participate in any federally assisted Award,
 - 5 Voluntarily excluded from participation in any federally assisted Award, or
 - 6 Disqualified from participation in any federally assisted Award.
- c. It will provide a written explanation if it or any of its principals, including any of its first tier Subrecipients or its Third Party Participants at a lower tier, is unable to certify compliance with the preceding statements in this Category 01.F.1 Certification.

01.F.2. Tax Liability.

If your Applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, on behalf of your Applicant, you certify that:

- a. Your Applicant and its prospective Subrecipients have no unpaid federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.
- b. Your Applicant and its Subrecipients will follow applicable U.S. DOT guidance when issued.

01.F.3. Felony Convictions.

If your Applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, on behalf of your Applicant, you certify that:

- a. Your Applicant and its prospective Subrecipients have not been convicted of a felony criminal violation under any federal law within the preceding 24 months.
- b. Your Applicant and its Subrecipients will follow applicable U.S. DOT guidance when it is issued.

01.G. U.S. OMB Assurances in SF-424B and SF-424D.

The assurances in this Category 01.G are consistent with the U.S. OMB assurances required in the U.S. OMB SF-424B and SF-424D, and updated as necessary to reflect changes in federal laws, regulations, and requirements.

1. *Administrative Activities.* On behalf of your Applicant, you assure that:
 - a. For any application it submits for federal assistance, it has adequate resources to plan, manage, and properly complete the tasks to implement its Award, including:
 - (1) The legal authority to apply for federal assistance,
 - (2) The institutional capability,
 - (3) The managerial capability, and
 - (4) The financial capability (including funds sufficient to pay the non-federal share of the cost of incurred under its Award).
 - b. As required, it will give access and the right to examine materials related to its Award to the following entities or individuals, including, but not limited to:

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- (1) FTA,
 - (2) The Comptroller General of the United States, and
 - (3) The State, through an appropriate authorized representative.
- c. It will establish a proper accounting system in accordance with generally accepted accounting standards or FTA guidance.
- d. It will establish safeguards to prohibit employees from using their positions for a purpose that results in:
 - (1) A personal or organizational conflict of interest or personal gain, or
 - (2) An appearance of a personal or organizational conflict of interest or personal gain.
2. *Specifics of the Award.* On behalf of your Applicant, you assure that:
 - a. It will begin and complete work within the period of performance that applies following receipt of an FTA Award.
 - b. For FTA assisted construction Awards:
 - (1) It will comply with FTA provisions concerning the drafting, review, and approval of construction plans and specifications,
 - (2) It will provide and maintain competent and adequate engineering supervision at the construction site to assure that the completed work conforms to the approved plans and specifications,
 - (3) It will include a covenant to assure nondiscrimination during the useful life of the real property financed under its Award in its title to that real property, and it will include such covenant in any transfer of such property,
 - (4) To the extent FTA requires, it will record the federal interest in the title to FTA assisted real property or interests in real property, and
 - (5) It will not alter the site of the FTA assisted construction or facilities without permission or instructions from FTA by:
 - (a) Disposing of the underlying real property or other interest in the site and facilities,
 - (b) Modifying the use of the underlying real property or other interest in the site and facilities, or
 - (c) Changing the terms of the underlying real property title or other interest in the site and facilities.
 - c. It will furnish progress reports and other information as FTA or the state may require.
3. *Statutory and Regulatory Requirements.* On behalf of your Applicant, you assure that:
 - a. Your Applicant will comply with all federal laws, regulations, and requirements relating to nondiscrimination that apply, including, but not limited to:
 - (1) The prohibitions against discrimination based on race, color, or national origin, as provided in Title VI of the Civil Rights Act, 42 U.S.C. § 2000d.
 - (2) The prohibitions against discrimination based on sex, as provided in:
 - (a) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 – 1683, and 1685 – 1687, and
 - (b) U.S. DOT regulations, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 49 CFR part 25.

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- (3) The prohibitions against discrimination based on age in federally assisted programs, as provided in the Age Discrimination Act of 1975, as amended, 42 U.S.C. §§ 6101 – 6107.
 - (4) The prohibitions against discrimination based on disability in federally assisted programs, as provided in section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794.
 - (5) The prohibitions against discrimination based on disability, as provided in the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101.
 - (6) The prohibitions against discrimination in the sale, rental, or financing of housing, as provided in Title VIII of the Civil Rights Act, 42 U.S.C. § 3601 *et seq.*
 - (7) The prohibitions against discrimination based on drug abuse, as provided in the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. § 1101 *et seq.*
 - (8) The prohibitions against discrimination based on alcohol abuse, as provided in the Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, as amended, 42 U.S.C. § 4541 *et seq.*
 - (9) The confidentiality requirements for records of alcohol and drug abuse patients, as provided in the Public Health Service Act, as amended, 42 U.S.C. § 290dd – 290dd-2.
 - (10) The prohibitions against discrimination in employment as provided in Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.*,
 - (11) The nondiscrimination provisions of any other statute(s) that may apply to its Award.
- b. As provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Relocation Act), 42 U.S.C. § 4601 *et seq.*, and 49 U.S.C. § 5323(b), regardless of whether federal assistance has been provided for any real property acquired or improved for purposes of its Award:
- (1) It will provide for fair and equitable treatment of any displaced persons or any persons whose property is acquired or improved as a result of federally assisted programs.
 - (2) It has the necessary legal authority under state and local laws, regulations, and requirements to comply with:
 - (a) The Uniform Relocation Act. 42 U.S.C. § 4601 *et seq.*, as specified by 42 U.S.C. §§ 4630 and 4655, and
 - (b) U.S. DOT regulations, “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs,” 49 CFR part 24, specifically 49 CFR § 24.4.
 - (3) It has complied with or will comply with the Uniform Relocation Act and implementing U.S. DOT regulations because:
 - (a) It will adequately inform each affected person of the benefits, policies, and procedures provided for in 49 CFR part 24.
 - (b) As provided by 42 U.S.C. §§ 4622, 4623, and 4624, and 49 CFR part 24, if its Award results in displacement, it will provide fair and reasonable relocation payments and assistance to:
 - 1 Displaced families or individuals, and
 - 2 Displaced corporations, associations, or partnerships.

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- (c) As provided by 42 U.S.C. § 4625 and 49 CFR part 24, it will provide relocation assistance programs offering the services described in the U.S. DOT regulations to such:
 - 1 Displaced families and individuals, and
 - 2 Displaced corporations, associations, or partnerships.
 - (d) As provided by 42 U.S.C. § 4625(c)(3), within a reasonable time before displacement, it will make available comparable replacement dwellings to families and individuals.
 - (e) It will do the following:
 - 1 Carry out the relocation process to provide displaced persons with uniform and consistent services, and
 - 2 Make available replacement housing in the same range of choices with respect to such housing to all displaced persons regardless of race, color, religion, or national origin.
 - (f) It will be guided by the real property acquisition policies of 42 U.S.C. §§ 4651 and 4652.
 - (g) It will pay or reimburse property owners for their necessary expenses as specified in 42 U.S.C. §§ 4653 and 4654, understanding that FTA will provide federal assistance for its eligible costs of providing payments for those expenses, as required by 42 U.S.C. § 4631.
 - (h) It will execute the necessary implementing amendments to FTA assisted third party contracts and subagreements.
 - (i) It will execute, furnish, and be bound by such additional documents as FTA may determine necessary to effectuate or implement these assurances.
 - (j) It will incorporate these assurances by reference into and make them a part of any third party contract or subagreement, or any amendments thereto, related to its Award that involves relocation or land acquisition.
 - (k) It will provide in any affected document that these relocation and land acquisition provisions must supersede any conflicting provisions.
- c. It will comply with the Lead-Based Paint Poisoning Prevention Act, specifically 42 U.S.C. § 4831(b), which prohibits the use of lead-based paint in the construction or rehabilitation of residence structures.
 - d. It will, to the extent applicable, comply with the protections for human subjects involved in research, development, and related activities supported by federal assistance of:
 - (1) The National Research Act, as amended, 42 U.S.C. § 289 *et seq.*, and
 - (2) U.S. DOT regulations, "Protection of Human Subjects," 49 CFR part 11.
 - e. It will, to the extent applicable, comply with the labor standards and protections for federally assisted Awards of:
 - (1) The Davis-Bacon Act, as amended, 40 U.S.C. §§ 3141 – 3144, 3146, and 3147,
 - (2) Sections 1 and 2 of the Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. § 874, and 40 U.S.C. § 3145, respectively, and
 - (3) The Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. § 3701 *et seq.*
 - f. It will comply with any applicable environmental standards prescribed to implement federal laws and executive orders, including, but not limited to:

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- (1) Complying with the institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. §§ 4321 – 4335 and following Executive Order No. 11514, as amended, 42 U.S.C. § 4321 note.
 - (2) Following the notification of violating facilities provisions of Executive Order No. 11738, 42 U.S.C. § 7606 note.
 - (3) Following the protection of wetlands provisions of Executive Order No. 11990, 42 U.S.C. § 4321 note.
 - (4) Following the evaluation of flood hazards in the floodplains provisions of Executive Order No. 11988, May 24, 1977, as amended, 42 U.S.C. § 4321 note.
 - (5) Complying with the assurance of consistency with the approved state management program developed pursuant to the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. §§ 1451 – 1465.
 - (6) Complying with the Conformity of Federal Actions to State (Clean Air) Implementation Plans requirements under section 176(c) of the Clean Air Act of 1970, as amended, 42 U.S.C. §§ 7401 – 7671q.
 - (7) Complying with protections for underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. § 300f – 300j-6.
 - (8) Complying with the protections for endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. §§ 1531 – 1544.
 - (9) Complying with the environmental protections for federal transportation programs, including, but not limited to, protections for parks, recreation areas, or wildlife or waterfowl refuges of national, state, or local significance or any land from a historic site of national, state, or local significance to be used in a transportation Award, as required by 49 U.S.C. § 303 (also known as “Section 4f”).
 - (10) Complying with the protections for national wild and scenic rivers systems, as required under the Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. §§ 1271 – 1287.
 - (11) Complying with and facilitating compliance with:
 - (a) Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. § 300108,
 - (b) The Archaeological and Historic Preservation Act of 1974, as amended, 54 U.S.C. § 312501 *et seq.*, and
 - (c) Executive Order No. 11593 (identification and protection of historic properties), 54 U.S.C. § 300101.
- g. To the extent applicable, it will comply with the following federal requirements for the care, handling, and treatment of warm-blooded animals held or used for research, teaching, or other activities supported with federal assistance:
- (1) The Animal Welfare Act, as amended, 7 U.S.C. § 2131 *et seq.*, and
 - (2) U.S. Department of Agriculture regulations, “Animal Welfare,” 9 CFR subchapter A, parts 1, 2, 3, and 4.
- h. To the extent applicable, it will obtain a certificate of compliance with the seismic design and construction requirements of U.S. DOT regulations, “Seismic Safety,” 49 CFR part 41, specifically 49 CFR § 41.117(d), before accepting delivery of any FTA assisted buildings.

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- i. It will comply with and assure that each of its Subrecipients located in special flood hazard areas will comply with section 102(a) of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. § 4012a(a), by:
 - (1) Participating in the federal flood insurance program, and
 - (2) Purchasing flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- j. It will comply with:
 - (1) The Hatch Act, 5 U.S.C. §§ 1501 – 1508, 7324 – 7326, which limits the political activities of state and local agencies and their officers and employees whose primary employment activities are financed in whole or part with federal assistance, including a federal loan, grant agreement, or cooperative agreement, and
 - (2) 49 U.S.C. § 5323(l)(2) and 23 U.S.C. § 142(g), which provide an exception from Hatch Act restrictions for a nonsupervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving federal assistance appropriated or made available under 49 U.S.C. chapter 53 and 23 U.S.C. § 142(a)(2) to whom the Hatch Act does not otherwise apply.
- k. It will perform the financial and compliance audits as required by the:
 - (1) Single Audit Act Amendments of 1996, 31 U.S.C. § 7501 *et seq.*,
 - (2) U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR part 200, and
 - (3) Most recent applicable U.S. OMB Compliance Supplement, 2 CFR part 200, appendix XI (previously known as the U.S. OMB Circular A-133 Compliance Supplement).
- l. It will comply with all other federal laws, regulations, and requirements that apply.
- m. It will follow federal guidance governing it and its Award, except as FTA has expressly approved otherwise in writing.

CATEGORY 02. LOBBYING.

Before FTA may provide federal assistance for a grant or cooperative agreement exceeding \$100,000 or a loan, line of credit, loan guarantee, or loan insurance exceeding \$150,000, you must select the Lobbying Certifications in Category 02, unless your Applicant is an Indian Tribe, Indian organization, or an Indian tribal organization exempt from the requirements of 31 U.S.C. § 1352, and/or except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 02 that does not apply will not be enforced.

On behalf of your Applicant, you certify that:

- 1. As required by 31 U.S.C. § 1352 and U.S. DOT regulations, “New Restrictions on Lobbying,” specifically 49 CFR § 20.110:
 - a. The lobbying restrictions of this Certification apply to its requests:
 - (1) For \$100,000 or more in federal assistance for a grant or cooperative agreement, and

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- (2) For \$150,000 or more in federal assistance for a loan, line of credit, loan guarantee, or loan insurance, and
- b. Your Certification on your Applicant's behalf applies to the lobbying activities of:
 - (1) The Applicant,
 - (2) Its Principals, and
 - (3) Its Subrecipients at the first tier.
- 2. To the best of your knowledge and belief:
 - a. No federal appropriated funds have been or will be paid by your Applicant or on its behalf to any person to influence or attempt to influence:
 - (1) An officer or employee of any federal agency regarding the award of a:
 - (a) Federal grant or cooperative agreement, or
 - (b) Federal loan, line of credit, loan guarantee, or loan insurance, or
 - (2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:
 - (a) Federal grant or cooperative agreement, or
 - (b) Federal loan, line of credit, loan guarantee, or loan insurance.
 - b. Your Applicant will submit a complete OMB Standard Form LLL (Rev. 7-97), "Disclosure of Lobbying Activities," consistent with the instructions on that form, if any funds other than federal appropriated funds have been or will be paid to any person to influence or attempt to influence:
 - (1) An officer or employee of any federal agency regarding the award of a:
 - (a) Federal grant or cooperative agreement, or
 - (b) Federal loan, line of credit, loan guarantee, or loan insurance, or
 - (2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:
 - (a) Federal grant or cooperative agreement, or
 - (b) Federal loan, line of credit, loan guarantee, or loan insurance.
 - c. Your Applicant will include the language of this Certification in its Award documents under a federal grant, cooperative agreement, loan, line of credit, or loan insurance including, but not limited to:
 - (1) Each third party contract,
 - (2) Each third party subcontract,
 - (3) Each subagreement, and
 - (4) Each third party agreement.
- 3. Your Applicant understands that:
 - a. This Certification is a material representation of fact that the Federal Government relies on, and
 - b. It must submit this Certification before the Federal Government may award federal assistance for a transaction covered by 31 U.S.C. § 1352, including a:
 - (1) Federal grant or cooperative agreement, or
 - (2) Federal loan, line of credit, loan guarantee, or loan insurance.
- 4. Your Applicant understands that any person who does not file a required Certification will incur a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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CATEGORY 03. PRIVATE SECTOR PROTECTIONS.

Before FTA may provide federal assistance for an Award that involves the acquisition of public transportation property or the operation of public transportation facilities or equipment, you must select the Private Property Protections Assurances in Category 03.A and enter into the Agreements in Category 03.B and Category 03.C on behalf of your Applicant, except as FTA determines otherwise in writing.

Any provision of the Assurances and Agreements in Category 03 that does not apply will not be enforced.

03.A. Private Property Protections.

If your Applicant is a state, local government, or Indian tribal government and seeks federal assistance from FTA to acquire the property of a private transit operator or operate public transportation in competition with or in addition to a public transportation operator, the Private Property Protections Assurances in Category 03.A apply to your Applicant, except as FTA determines otherwise in writing.

To facilitate FTA's ability to make the findings required by 49 U.S.C. § 5323(a)(1), on behalf of your Applicant, you assure that:

1. Your Applicant has or will have:
 - a. Determined that the federal assistance it has requested is essential to carrying out its Program of Projects as required by 49 U.S.C. §§ 5303, 5304, and 5306,
 - b. Provided for the participation of private companies engaged in public transportation to the maximum extent feasible, and
 - c. Paid just compensation under state or local laws to the company for any franchise or property acquired.
2. Your Applicant has completed the actions described in the preceding section 1 of this Category 03.A Certification before:
 - a. It acquires the property or an interest in the property of a private provider of public transportation, or
 - b. It operates public transportation equipment or facilities:
 - (1) In competition with transportation service provided by an existing public transportation operator, or
 - (2) In addition to transportation service provided by an existing public transportation operator.

03.B. Charter Service Agreement.

If your Applicant seeks federal assistance from FTA to acquire or operate transit facilities or equipment, the Charter Service Agreement in Category 03.B applies to your Applicant, except as FTA determines otherwise in writing.

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To comply with 49 U.S.C. § 5323(d) and (g) and FTA regulations, "Charter Service, 49 CFR part 604, specifically 49 CFR § 604.4, on behalf of your Applicant, you are entering into the following Charter Service Agreement:

1. FTA's "Charter Service" regulations apply as follows:
 - a. FTA's Charter Service regulations restrict transportation by charter service using facilities and equipment acquired or improved under an Award derived from:
 - (1) Federal transit laws, 49 U.S.C. chapter 53,
 - (2) 23 U.S.C. §§ 133 or 142, or
 - (3) Any other Act that provides federal public transportation assistance, unless otherwise excepted.
 - b. FTA's charter service restrictions extend to:
 - (1) Your Applicant, when it receives federal assistance appropriated or made available for:
 - (a) Federal transit laws, 49 U.S.C. chapter 53,
 - (b) 23 U.S.C. §§ 133 or 142, or
 - (c) Any other Act that provides federal public transportation assistance, unless otherwise excepted.
 - (2) Any Third Party Participant that receives federal assistance derived from:
 - (a) Federal transit laws, 49 U.S.C. chapter 53,
 - (b) 23 U.S.C. §§ 133 or 142, or
 - (c) Any other Act that provides federal public transportation assistance, unless otherwise excepted.
 - c. A Third Party Participant includes any:
 - (1) Subrecipient at any tier,
 - (2) Lessee,
 - (3) Third Party Contractor or Subcontractor at any tier, and
 - (4) Other Third Party Participant in its Award.
 - d. You and your Applicant agree that neither it nor any governmental authority or publicly owned operator that receives federal public transportation assistance appropriated or made available for its Award will engage in charter service operations, except as permitted under:
 - (1) Federal transit laws, specifically 49 U.S.C. § 5323(d) and (g),
 - (2) FTA regulations, "Charter Service," 49 CFR part 604, to the extent consistent with 49 U.S.C. § 5323(d) and (g),
 - (3) Any other federal Charter Service regulations, or
 - (4) Federal guidance, except as FTA determines otherwise in writing.
 - e. You and your Applicant agree that the latest Charter Service Agreement selected in its latest annual Certifications and Assurances is incorporated by reference and made part of the Underlying Agreement accompanying its Award of federal assistance from FTA.
 - f. You and your Applicant agree that:
 - (1) FTA may require corrective measures or impose remedies on it or any governmental authority or publicly owned operator that receives federal assistance from FTA that has demonstrated a pattern of violating of FTA's Charter Service regulations by:
 - (a) Conducting charter operations prohibited by federal transit laws and FTA's Charter Service regulations, or

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- (b) Otherwise violating its Charter Service Agreement selected in its latest annual Certifications and Assurances.
- (2) These corrective measures and remedies may include:
 - (a) Barring your Applicant or any Third Party Participant operating public transportation under its Award that has provided prohibited charter service from receiving federal assistance from FTA,
 - (b) Withholding an amount of federal assistance as provided by Appendix D to FTA's Charter Service regulations, or
 - (c) Any other appropriate remedy that may apply.
- 2. In addition to the exceptions to the restrictions in FTA's Charter Service regulations, FTA has established the following additional exceptions to those restrictions:
 - a. FTA's Charter Service restrictions do not apply to your Applicant if it seeks federal assistance appropriated or made available under 49 U.S.C. §§ 5307 or 5311 to be used for Job Access and Reverse Commute (JARC) activities that would have been eligible for assistance under former 49 U.S.C. § 5316 in effect in FY 2012 or a previous fiscal year, provided that it uses that federal assistance from FTA for those program purposes only.
 - b. FTA's Charter Service restrictions do not apply to your Applicant if it seeks federal assistance appropriated or made available under 49 U.S.C. § 5310 to be used for New Freedom activities that would have been eligible for assistance under former 49 U.S.C. § 5317 in effect in FY 2012 or a previous fiscal year, provided it uses that federal assistance from FTA for those program purposes only.
 - c. An Applicant for assistance under 49 U.S.C. chapter 53 will not be determined to have violated the FTA Charter Service regulations if that Applicant provides a private intercity or charter transportation operator reasonable access to that Applicant's federally assisted public transportation facilities, including intermodal facilities, park and ride lots, and bus-only highway lanes, as provided in 49 U.S.C. § 5323(r).

03.C. School Bus Agreement.

If your Applicant seeks federal assistance from FTA to acquire or operate transit facilities or equipment, the School Bus Agreement in Category 03.C applies to your Applicant, except as FTA determines otherwise in writing.

To comply with 49 U.S.C. § 5323(f) and (g) and FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. § 5323(f) and (g), your Applicant agrees to enter into the following School Bus Agreement:

- 1. FTA's "School Bus Operations" regulations at 49 CFR part 605 restricts school bus operations using facilities and equipment acquired or improved with federal assistance derived from:
 - a. Federal transit laws, 49 U.S.C. chapter 53,
 - b. 23 U.S.C. §§ 133 or 142, or
 - c. Any other Act that provides federal public transportation assistance, unless otherwise excepted.
- 2. FTA's school bus operations restrictions extend to:
 - a. Your Applicant, when it receives federal assistance appropriated or made available for:

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- (1) Federal transit laws, 49 U.S.C. chapter 53,
 - (2) 23 U.S.C. §§ 133 or 142, or
 - (3) Any other Act that provides federal public transportation assistance, unless otherwise excepted.
- b. Any Third Party Participant that receives federal assistance derived from:
 - (1) Federal transit laws, 49 U.S.C. chapter 53,
 - (2) 23 U.S.C. §§ 133 or 142, or
 - (3) Any other Act that provides federal public transportation assistance, unless otherwise excepted.
3. A Third Party Participant includes any:
 - a. Subrecipient at any tier,
 - b. Lessee,
 - c. Third Party Contractor or Subcontractor at any tier, and
 - d. Any other Third Party Participant in the Award.
4. You and your Applicant agree, and will obtain the agreement of any Third Party Participant, that it will not engage in school bus operations in competition with private operators of school buses, except as permitted under:
 - a. Federal transit laws, specifically 49 U.S.C. § 5323(f) and (g),
 - b. FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. § 5323(f) and (g),
 - c. Any other federal School Bus regulations, or
 - d. Federal guidance, except as FTA determines otherwise in writing.
5. You and your Applicant agree that the latest School Bus Agreement selected on its behalf in FTA's latest annual Certifications and Assurances is incorporated by reference and made part of the Underlying Agreement accompanying its Award of federal assistance.
6. You and your Applicant agree that after it is a Recipient, if it or any Third Party Participant has violated this School Bus Agreement, FTA may:
 - a. Bar your Applicant or Third Party Participant from receiving further federal assistance for public transportation, or
 - b. Require the Applicant or Third Party Participant to take such remedial measures as FTA considers appropriate.

CATEGORY 04. ROLLING STOCK REVIEWS AND BUS TESTING.

Before FTA may provide federal assistance for an Award to acquire rolling stock for use in revenue service or to acquire a new bus model, you must select the Rolling Stock Reviews and Bus Testing Certifications in Category 04, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 04 that does not apply will not be enforced.

04.A. Rolling Stock Reviews.

If your Applicant seeks federal assistance from FTA to acquire rolling stock for use in revenue service, the Rolling Stock Reviews Certifications in Category 04.A apply to your Applicant, except as FTA determines otherwise in writing.

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On behalf of your Applicant, you certify that, when procuring rolling stock for use in revenue service:

1. Your Applicant will comply with:
 - a. Federal transit laws, specifically 49 U.S.C. § 5323(m), and
 - b. FTA regulations, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR part 663, and
2. As provided in 49 CFR § 663.7:
 - a. Your Applicant will conduct or cause to be conducted the required pre-award and post-delivery reviews of that rolling stock, and
 - b. It will maintain on file the Certifications required by 49 CFR part 663, subparts B, C, and D.

04.B. Bus Testing.

If your Applicant seeks federal assistance from FTA to acquire a new bus model, the Bus Testing Certifications in Category 04.B apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that:

1. FTA's bus testing requirements apply to all acquisitions of new buses and new bus models that require bus testing as defined in FTA's Bus Testing regulations, and it will comply with:
 - a. 49 U.S.C. § 5318, and
 - b. FTA regulations, "Bus Testing," 49 CFR part 665.
2. As required by 49 CFR § 665.7, when acquiring the first bus of any new bus model or a bus model with a major change in components or configuration, your Applicant will not spend any federal assistance appropriated under 49 U.S.C. chapter 53 to acquire that new bus or new bus model until:
 - a. That new bus or new bus model has been tested at FTA's bus testing facility, and
 - b. It has received a copy of the test report prepared for that new bus or new bus model.
3. It will ensure that the new bus or new bus model that is tested has met the performance standards consistent with those regulations, including the:
 - a. Performance standards for:
 - (1) Maintainability,
 - (2) Reliability,
 - (3) Performance (including braking performance),
 - (4) Structural integrity,
 - (5) Fuel economy,
 - (6) Emissions, and
 - (7) Noise, and
 - b. Minimum safety performance standards established under 49 U.S.C. § 5329, when issued.
4. It will ensure that the new bus or new bus model that is tested has received a passing aggregate test score under the "Pass/Fail" standard established by regulation.

CATEGORY 05. DEMAND RESPONSIVE SERVICE.

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Before FTA may provide federal assistance to a public entity that operates demand responsive service for an Award to acquire a non-rail vehicle that is not accessible, you must select the Demand Responsive Service Certifications in Category 05, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 05 that does not apply will not be enforced.

As required by U.S. DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 CFR part 37, specifically 49 CFR § 37.77(d), on behalf of your Applicant, you certify that:

1. Your Applicant offers public transportation services equivalent in level and quality of service to:
 - a. Individuals with disabilities, including individuals who use wheelchairs, and
 - b. Individuals without disabilities.
2. Viewed in its entirety, your Applicant's service for individuals with disabilities is:
 - a. Provided in the most integrated setting feasible, and
 - b. Equivalent to the service it offers individuals without disabilities with respect to:
 - (1) Response time,
 - (2) Fares,
 - (3) Geographic service area,
 - (4) Hours and days of service,
 - (5) Restrictions on priorities based on trip purpose,
 - (6) Availability of information and reservation capability, and
 - (7) Constraints on capacity or service availability.

CATEGORY 06. INTELLIGENT TRANSPORTATION SYSTEMS.

Before FTA may provide federal assistance for an Award in support of an Intelligent Transportation System (ITS), you must select the Intelligent Transportation Systems Assurances in Category 06, except as FTA determines otherwise in writing.

Any provision of the Assurances in Category 06 that does not apply will not be enforced.

On behalf of your Applicant, you and your Applicant:

1. Understand that, as used in this Assurance, the term Intelligent Transportation System is defined to include technologies or systems of technologies that provide or significantly contribute to the provision of one or more Intelligent Transportation System (ITS) user services as defined in the "National ITS Architecture."
2. Assure that, as provided in 23 U.S.C. § 517(d), any Award that includes an ITS or related activity financed with appropriations made available from the Highway Trust Fund, including amounts made available to deploy ITS facilities or equipment, will conform to the appropriate regional ITS architecture, applicable standards, and protocols developed under 23 U.S.C. § 517(a) or (c), unless it obtains a waiver as provided in 23 U.S.C. § 517(d)(2).

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CATEGORY 07. INTEREST AND FINANCING COSTS AND ACQUISITION OF CAPITAL ASSETS BY LEASE.

Before FTA may award federal assistance appropriated or made available under 49 U.S.C. chapter 53 to support the interest, financing, or leasing costs of any Award financed under the Urbanized Area Formula Grants Program, Fixed Guideway Capital Investment Grants Program, any program to which the requirements of 49 U.S.C. § 5307 apply, or any other program as FTA may specify, you must select the Certifications in Category 07, except as FTA may determine otherwise in writing.

Any provision of the Certifications and Assurances in Category 07 that does not apply will not be enforced.

07.A. Interest and Financing Costs.

If your Applicant intends to use federal assistance to support the interest or any other financing costs for an Award financed under the Urbanized Area Formula Grants Program, the Fixed Guideway Capital Investment Grants Program, the New Starts, Small Starts, and Core Capacity Programs, any program that must comply with the requirements of 49 U.S.C. § 5307, or any other program as FTA may specify, the Interest and Financing Costs Certifications in Category 07.A apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that:

1. It will not seek reimbursement for interest or any other financing costs unless:
 - a. It is eligible to receive federal assistance for those costs, and
 - b. Its records demonstrate that it has shown reasonable diligence in seeking the most favorable financing terms, as FTA may require.
2. It will comply with the same favorable financing cost provisions for Awards financed under:
 - a. The Urbanized Area Formula Grants Program,
 - b. A Full Funding Grant Agreement,
 - c. An Early Systems Work Agreement,
 - d. The Fixed Guideway Capital Investment Program financed by previous FTA enabling legislation,
 - e. Any program that must comply with the requirements of 49 U.S.C. § 5307, or
 - f. Any other program as FTA may specify.

07.B. Acquisition of Capital Assets by Lease.

If your Applicant seeks federal assistance from FTA to acquire capital assets (other than rolling stock or related equipment) through a lease, the Acquisition of Capital Assets by Lease Certifications and Assurances in Category 07.B apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify and assure that, as required by FTA regulations, "Capital Leases," 49 CFR part 639, to the extent consistent with the FAST Act. If your

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Applicant acquires any capital asset (other than rolling stock or related equipment) through a lease financed with federal assistance appropriated or made available under 49 U.S.C. chapter 53, it will not enter into a capital lease for which FTA can provide only incremental federal assistance unless it has adequate financial resources to meet its future lease obligations if federal assistance is not available.

CATEGORY 08. TRANSIT ASSET MANAGEMENT PLAN, PUBLIC TRANSPORTATION AGENCY SAFETY PLAN, AND STATE SAFETY OVERSIGHT REQUIREMENTS.

Before FTA may provide federal assistance appropriated or made available under 49 U.S.C. chapter 53 to support an Award, you must select the Certifications in Category 08, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 08 that does not apply will not be enforced.

08.A. Transit Asset Management Plan.

If your Applicant applies for funding appropriated or made available for 49 U.S.C. chapter 53, the Transit Asset Management Certifications in Category 08.A apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that it and each of its Subrecipients will:

1. Comply with FTA regulations, "Transit Asset Management," 49 CFR part 625, and
2. Follow federal guidance that will implement the regulations at 49 CFR part 625.

08.B. Public Transportation Safety Program.

If your Applicant applies for funding under 49 U.S.C. chapter 53 and it is a State, local government authority, or any other operator of a public transportation system, the particular provisions under the Public Transportation Safety Program in Category 08.B apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that it will comply with applicable regulations, and follow federal guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.

08.C. State Safety Oversight Requirements.

If your Applicant applies for funding under 49 U.S.C. chapter 53 and is in a state with a rail fixed guideway public transportation system, Category 08.C applies to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, if it is a state and has a rail fixed guideway public transportation system, you certify that:

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1. The Applicant will comply with FTA regulations, "State Safety Oversight," 49 CFR part 659, until the Applicant has a certified State Safety Oversight Program under the regulations at 49 CFR part 674.
2. For those Applicants that do have a certified State Safety Oversight Program, the Applicant will comply with the regulations at 49 CFR part 674.
3. For those Applicants that do not have a certified State Safety Oversight Program, the Applicant will make progress towards meeting the April 15, 2019, State Safety Oversight Program certification deadline.

CATEGORY 09. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

If your Applicant must comply with the alcohol and controlled substance testing requirements of 49 U.S.C. § 5331 and its implementing regulations, before FTA may provide federal assistance for an Award, you must select the Certifications in Category 09, except as FTA may determine otherwise in writing.

Any provision of the Certifications in Category 09 that does not apply will not be enforced.

As required by 49 U.S.C. § 5331, and FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR part 655, subpart I, specifically 49 CFR § 655.83, on behalf of your Applicant, including an Applicant that is a state, and on behalf of its Subrecipients and Third Party Contractors, you certify that:

1. Your Applicant, its Subrecipients, and Third Party Contractors to which these testing requirements apply have established and implemented:
 - a. An alcohol misuse testing program, and
 - b. A controlled substance testing program.
2. Your Applicant, its Subrecipients, and its Third Party Contractors to which these testing requirements apply have complied or will comply with all applicable requirements of 49 CFR part 655 to the extent those regulations are consistent with 49 U.S.C. § 5331.
3. Consistent with U.S. DOT Office of Drug and Alcohol Policy and Compliance Notice, issued October 22, 2009, if your Applicant, its Subrecipients, or its Third Party Contractors to which these testing requirements apply reside in a state that permits marijuana use for medical or recreational purposes, your Applicant, its Subrecipients, and its Third Party Contractors to which these testing requirements apply have complied or will comply with the federal controlled substance testing requirements of 49 CFR part 655.

CATEGORY 10. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS PROGRAM (NEW STARTS, SMALL STARTS, AND CORE CAPACITY IMPROVEMENT).

Before FTA may provide federal assistance for an Award financed under the New Starts, Small Starts, or Core Capacity Improvement Program authorized under 49 U.S.C. § 5309, you must select the Certifications in Category 10, except as FTA may determine otherwise in writing.

Any provision of the Certifications in Category 10 that does not apply will not be enforced.

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Except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award,
2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
3. It will maintain its equipment and facilities acquired or improved under its Award in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625,
4. It will comply with:
 - a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
 - b. The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304, and
5. It will comply with FTA guidance, "Final Interim Policy Guidance, Federal Transit Administration Capital Investment Grant Program," June 2016.

CATEGORY 11. STATE OF GOOD REPAIR PROGRAM.

Before FTA may provide federal assistance for an Award financed under the State of Good Repair Program authorized under 49 U.S.C. § 5337, you must select the Certifications in Category 11, except as FTA determines otherwise in writing.

Any provision of the Assurance in Category 11 that does not apply will not be enforced.

On behalf of your Applicant, you certify that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award,
2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award,
3. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with the Applicant's transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625, and
4. It will comply with:
 - a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
 - b. The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.

CATEGORY 12. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS

Before FTA may provide federal assistance for an Award under the Buses and Bus Facilities Program authorized under 49 U.S.C. § 5339, as amended by the FAST Act, which authorizes grants for formula and competitive Bus and Bus Facilities and Low or No Emission buses or an award under the Low or No Emission Vehicle Development Program authorized under former 49 U.S.C. § 5312(d)(5), you must select the Certifications in Category 12, except as FTA determines otherwise in writing.

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Any provision of the Certifications in Category 12 that does not apply will not be enforced.

12.A. Grants for Buses and Bus Facilities Program

The following Certifications for the Grants for Buses and Bus Facilities Program and Low or No Emission Buses are required by 49 U.S.C. § 5339, as amended by the FAST Act, which provides that the requirements of 49 U.S.C. § 5307 shall apply to Recipients of grants made in urbanized areas and under the Low or No Emission Bus Program, 49 U.S.C. § 5339(c) The requirements of 49 U.S.C. § 5311 shall apply to Recipients of Bus and Bus Facilities grants made in rural areas. Therefore:

1. If your Applicant is in an urbanized area, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
 - a. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
 - b. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
 - c. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
 - d. When using or involving a facility or equipment acquired or improved with federal assistance under 49 U.S.C. § 5339 during non-peak hours for transportation, Applicants in an urbanized area will charge a fare not exceeding fifty (50) percent of the peak hour fare to the following individuals:
 - (1) Any senior,
 - (2) Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), is unable to use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
 - (3) Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act, 42 U.S.C. § 401 *et seq.*, and
 - (4) Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act, 42 U.S.C. § 1395 *et seq.*
 - e. When carrying out a procurement under 49 U.S.C. § 5339, it will comply with:
 - (1) The applicable general provisions of 49 U.S.C. § 5323, and
 - (2) The applicable third party contract provisions of 49 U.S.C. § 5325.
 - f. It has complied with or will comply with 49 U.S.C. § 5307(b).
 - g. As required by 49 U.S.C. § 5307(d):
 - (1) It has or will have the amount of funds required for the non-federal share,
 - (2) It will provide the non-federal share from sources approved by FTA, and
 - (3) It will provide the non-federal share when needed.
 - h. It will comply with:
 - (1) The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and

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- (2) The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.
- i. It has a locally developed process to solicit and consider public comment before:
 - (1) Raising a fare, or
 - (2) Implementing a major reduction of public transportation service.
- j. It will comply with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.
- 2. Except as FTA determines otherwise in writing, if your Applicant is in a rural area, you certify, on behalf of your Applicant, that:
 - a. It has or will have and require each Subrecipient to have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
 - b. It has or will have and require each Subrecipient to have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
 - c. It will maintain and require each Subrecipient to maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
 - d. Its state program has provided for a fair distribution of federal assistance appropriated or made available under 49 U.S.C. § 5311(b) within the state to eligible entities, including Indian reservations.
 - e. Its program provides or will provide the maximum feasible coordination of federal assistance for public transportation service with transportation service financed by other federal sources.
 - f. Its Awards and Subawards in its Formula Grants for the Rural Areas Program are included in:
 - (1) The statewide transportation improvement program, and
 - (2) To the extent applicable, a metropolitan transportation improvement program.
 - g. With respect to the non-federal share:
 - (1) It has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the non-federal share, as required by 49 U.S.C. § 5311(g),
 - (2) It will provide and, as necessary, will require each Subrecipient to provide the non-federal share from sources approved by FTA, and
 - (3) It will provide and, as necessary, will require each Subrecipient to provide the non-federal share when needed.
 - h. It may transfer a facility or equipment acquired or improved under its Award to any other entity eligible to receive assistance under 49 U.S.C. chapter 53, if:
 - (1) The Recipient possessing the facility or equipment consents to the transfer, and
 - (2) The facility or equipment will continue to be used as required under 49 U.S.C. § 5311.

12.B. Low or No Emission Vehicle Deployment.

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If your Applicant seeks federal assistance from FTA for an Award financed under the Low or No Emission Vehicle Development Program authorized under former 49 U.S.C. § 5312(d)(5), the Certifications and Assurances in Category 12.B apply to your Applicant, except as FTA determines otherwise in writing.

Former section 5312(d)(5)(C)(i) of title 49, United States Code, requires the following Certifications for Low or No Emission Vehicle Deployment Program before awarding federal assistance appropriated or made available under MAP-21. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify and assure that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
3. It will maintain its equipment and facilities acquired or improved under its Award in accordance with its transit management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
4. When using or involving a facility or equipment acquired or improved with federal assistance under former 49 U.S.C. § 5312(d)(5) during non-peak hours for transportation, it will charge a fare not exceeding fifty (50) percent of the peak hour to the following individuals:
 - a. Any senior,
 - b. Any individual who, because of illness, injury, age, a congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or who has semi-ambulatory capability) and is unable to use a public transportation service or a public transportation facility effectively without special facilities, special planning, or special design,
 - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act, 42 U.S.C. § 401 *et seq.*, and
 - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act, 42 U.S.C. § 1395 *et seq.*
5. When carrying out a procurement under this Program, it will comply with:
 - a. The applicable general provisions of 49 U.S.C. § 5323, and
 - b. The applicable third party contract provisions of 49 U.S.C. § 5325.
6. It has complied with or will comply with 49 U.S.C. § 5307(b) because:
 - a. It has informed or will inform the public of the amounts of its federal assistance available under this Program,
 - b. It has developed or will develop, in consultation with interested parties including private transportation providers, its proposed Program of Projects for activities to be financed,
 - c. It has published or will publish its proposed Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Projects and its performance as an Applicant,
 - d. It has provided or will provide an opportunity for a public hearing to obtain the views of individuals on its proposed Program of Projects,
 - e. It has assured or will assure that its proposed Program of Projects provides for coordination of public transportation services assisted under 49 U.S.C. § 5336, as

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- amended by the FAST Act, with federally assisted transportation services supported by other federal sources,
- f. It has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of Projects, and
 - g. It has made or will make the final list of Projects for which an Award is sought available to the public.
7. With respect to the non-federal share:
 - a. It has or will have the amount of funds required for the non-federal share,
 - b. It will provide the non-federal share from sources approved by FTA, and
 - c. It will provide the non-federal share when needed.
 8. It will comply with:
 - a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
 - b. The statewide and nonmetropolitan planning requirements of 49 U.S.C. § 5304.
 9. It has a locally developed process to solicit and consider public comment before:
 - a. Raising a fare, or
 - b. Implementing a major reduction of public transportation service.
 10. It will comply with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.

CATEGORY 13. URBANIZED AREA FORMULA GRANTS PROGRAMS AND PASSENGER FERRY GRANT PROGRAM.

Before FTA may provide federal assistance for an Award financed under the Urbanized Area Formula Grants Program authorized under 49 U.S.C. § 5307, as amended by the FAST Act, which authorizes federal assistance for Job Access and Reverse Commute (JARC) activities, and the Passenger Ferry Grant Program authorized under 49 U.S.C. § 5307(h), you must select the Certifications in Category 13, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 13 that does not apply will not be enforced.

13.A. Urbanized Area Formula Grants Program under the FAST Act.

If your Applicant seeks federal assistance from FTA for an Award financed under the Urbanized Area Formula Grants Program authorized under 49 U.S.C. § 5307, as amended by the FAST Act, the Certifications in Category 13.A apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications for the Urbanized Area Formula Grants Program under 49 U.S.C. § 5307, as amended by the FAST Act, are required by 49 U.S.C. § 5307(c)(1). Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.

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3. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625,
4. When using or involving a facility or equipment acquired or improved with federal assistance under 49 U.S.C. § 5307 during non-peak hours for transportation, it will charge a fare not exceeding fifty (50) percent of the peak hour fare to the following individuals:
 - a. Any senior,
 - b. Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), is unable to use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
 - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act, 42 U.S.C. § 401 *et seq.*, and
 - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act, 42 U.S.C. § 1395 *et seq.*
5. When carrying out a procurement under 49 U.S.C. § 5307, it will comply with:
 - a. The applicable general provisions of 49 U.S.C. § 5323, and
 - b. The applicable third party contract provisions of 49 U.S.C. § 5325.
6. It has complied with or will comply with 49 U.S.C. § 5307(b) because:
 - a. It has made or will make available to the public information on the amounts of federal assistance available to it under 49 U.S.C. § 5307,
 - b. It has developed or will develop, in consultation with interested parties including private transportation providers, its proposed Program of Projects for activities for which federal assistance is sought,
 - c. It has published or will publish its proposed Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on its proposed Program of Projects and its performance as an Applicant or Recipient,
 - d. It has provided or will provide an opportunity for a public hearing to obtain the views of individuals on its proposed Program of Projects,
 - e. It has ensured or will ensure that its proposed Program of Projects provides for coordination of transportation services financed by FTA under 49 U.S.C. § 5336, as amended by the FAST Act, with transportation services supported by other Federal Government sources,
 - f. It has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
 - g. It has made or will make its final Program of Projects available to the public.
7. As required by 49 U.S.C. § 5307(d):
 - a. It has or will have the amount of funds required for the non-federal share,
 - b. It will provide the non-federal share from sources approved by FTA, and
 - c. It will provide the non-federal share when needed.
8. As required by 49 U.S.C. § 5307(c)(1)(H), it will comply with:
 - a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and

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- b. The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.
- 9. As required by 49 U.S.C. § 5307(c)(1)(I), it has a locally developed process to solicit and consider public comment before:
 - a. Raising a fare, or
 - b. Implementing a major reduction of public transportation.
- 10. Each fiscal year:
 - a. It will assure that at least one (1) percent of the amount of federal assistance under 49 U.S.C. § 5307 apportioned to its urbanized area must be expended for Public Transportation Security activities as described in 49 U.S.C. § 5307(c)(1)(J)(i) including:
 - (1) Increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages),
 - (2) Increased camera surveillance of an area in or adjacent to that system,
 - (3) Emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and
 - (4) Any other activity intended to increase the security and safety of an existing or planned public transportation system, or
 - b. The Designated Recipients in its urbanized area certify that such expenditures for Public Transportation Security activities are not necessary.
- 11. If it serves an urbanized area with a population of at least 200,000 individuals, as determined by the Bureau of the Census:
 - a. It will provide a report by the end of the fourth quarter of the preceding federal fiscal year that lists projects carried out in the preceding fiscal year under this section for associated transit improvements as defined in 49 U.S.C. § 5302, and
 - b. The report of its Associated Transit Improvements or related activities is or will be incorporated by reference and made part of its Certifications and Assurances.
- 12. It will comply with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.

13.B. Passenger Ferry Grant Program.

If your Applicant seeks federal assistance from FTA for an Award financed under the Passenger Ferry Grant Program authorized under 49 U.S.C. § 5307(h), as amended by the FAST Act, the Certifications in Category 13.B apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications for the Passenger Ferry Grant Program are required by 49 U.S.C. § 5307(c)(1) or (h). Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

- 1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
- 2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.

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3. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
4. When using or involving a facility or equipment acquired or improved with federal assistance under 49 U.S.C. § 5307(h) during non-peak hours for transportation, it will charge a fare not exceeding fifty (50) percent of the peak hour fare to the following individuals:
 - a. Any senior,
 - b. Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), is unable to use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
 - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act, 42 U.S.C. § 401 *et seq.*, and
 - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act, 42 U.S.C. § 1395 *et seq.*
5. When carrying out a procurement under 49 U.S.C. § 5307(h), it will comply with:
 - a. The applicable general provisions of 49 U.S.C. § 5323, and
 - b. The applicable third party contract provisions of 49 U.S.C. § 5325.
6. As required by 49 U.S.C. § 5307(d):
 - a. It has or will have the amount of funds required for the non-federal share,
 - b. It will provide the non-federal share from sources approved by FTA, and
 - c. It will provide the non-federal share when needed.
7. As required by 49 U.S.C. § 5307(c)(1)(H), it will comply with:
 - a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
 - b. The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.
8. As required by 49 U.S.C. § 5307(c)(1)(I), it has a locally developed process to solicit and consider public comment before:
 - a. Raising a fare, or
 - b. Implementing a major reduction of public transportation service.
9. It will comply with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.

CATEGORY 14. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAMS.

Before FTA may provide federal assistance for an Award financed under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program authorized under 49 U.S.C. § 5310, as amended by the FAST Act, or the Pilot Program for Innovative Coordinated Access and Mobility under Section 3006(b) of the FAST Act, you must select the Certifications in Category 14, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 14 that does not apply will not be enforced.

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1. The following Certifications for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program are required by 49 U.S.C. § 5310. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
 - a. Each Subrecipient is:
 - (1) A private nonprofit organization, or
 - (2) A state or local governmental authority that:
 - (a) Is approved by a state to coordinate services for seniors and individuals with disabilities, or
 - (b) Certifies that there are no private nonprofit organizations readily available in the area to provide the services authorized for support under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program.
 - b. Your Applicant will comply with the following selection and planning requirements:
 - (1) The Projects it has selected or will select for an Award or Subaward of federal assistance appropriated or made available under 49 U.S.C. § 5310 are included in a public transit-human services transportation plan that has been:
 - (a) Locally developed, and
 - (b) Coordinated.
 - (2) The public transit-human services transportation plan was developed and approved through a process that included participation by:
 - (a) Seniors,
 - (b) Individuals with disabilities,
 - (c) Representatives of public, private, and nonprofit transportation providers,
 - (d) Representatives of public, private, and nonprofit human services providers, and
 - (e) Other members of the public.
 - (3) Within its Award, the Projects selected to receive federal assistance will assist in providing transportation services for seniors and individuals with disabilities are included in its Program of Projects submitted to FTA annually.
 - (4) To the maximum extent feasible, the services financed by 49 U.S.C. § 5310 will be coordinated with transportation services financed by other federal departments and agencies, including any transportation activities carried out by a Recipient of federal assistance from the Department of Health and Human Services.
 - c. As required by 49 U.S.C. § 5310(e)(2)(B), it certifies that if it allocates federal assistance received under 49 U.S.C. § 5310 to any Subrecipient, it will have allocated that federal assistance on a fair and equitable basis.
 - d. It will not transfer a facility or equipment acquired or improved with federal assistance appropriated or made available for a grant under 49 U.S.C. § 5310 to any other Recipient eligible to receive assistance under 49 U.S.C. chapter 53, unless:
 - (1) The Recipient possessing the facility or equipment consents to the transfer, and
 - (2) The facility or equipment will continue to be used as required under 49 U.S.C. § 5310.
 - e. As required by 49 U.S.C. § 5310(b)(2), it will use at least fifty-five (55) percent of the federal assistance it receives for Capital Projects to meet the special needs of seniors and individuals with disabilities.

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- f. The requirements of 49 U.S.C. § 5307, as determined by FTA, will apply to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program authorized by 49 U.S.C. § 5310.
- 2. FTA has determined that certain requirements of 49 U.S.C. § 5307 are appropriate for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, some of which require Certifications. Therefore, as specified under 49 U.S.C. § 5307(c)(1), your Applicant certifies that:
 - a. It has or will have and will require each Subrecipient to have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
 - b. It has or will have and will require each Subrecipient to have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award or Subaward.
 - c. It will maintain and will require each Subrecipient to maintain its equipment and facilities acquired or improved under its Award or Subaward, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
 - d. When carrying out a procurement under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, it will require each Subrecipient to comply with:
 - (1) The applicable general provisions of 49 U.S.C. § 5323, and
 - (2) The applicable third party contract provisions of 49 U.S.C. § 5325.
 - e. With respect to the non-federal share:
 - (1) It has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the non-federal share, as required by 49 U.S.C. § 5310,
 - (2) It will provide and, as necessary, will require each Subrecipient to provide the non-federal share from sources approved by FTA, and
 - (3) It will provide and, as necessary, will require each Subrecipient to provide the non-federal share when needed.
 - f. It has complied or will comply and will require each Subrecipient to comply with:
 - (1) The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
 - (2) The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.
 - g. To the extent applicable, it will and will require its Subrecipients to comply with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.

CATEGORY 15. RURAL AREAS AND APPALACHIAN DEVELOPMENT PROGRAMS.

Before FTA may provide federal assistance for an Award financed under the Formula Grants for Rural Areas Program authorized under 49 U.S.C. § 5311(b), as amended by FAST Act, and the Appalachian Development Public Transportation Assistance Program authorized under

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49 U.S.C. § 5311(c)(2), as amended by FAST Act, you must select the Certifications in Category 15, except as FTA determines otherwise in writing.

Any provision of the Certifications and Assurances in Category 15 that does not apply will not be enforced.

15.A. Formula Grants for Rural Areas Program.

If your Applicant seeks federal assistance from FTA for an Award financed under the Formula Grants for the

Rural Areas Program authorized under 49 U.S.C. § 5311, the Certifications in Category 15.A apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications apply to each state or state organization serving as your Applicant for federal assistance appropriated or made available for the Rural Areas Formula Program financed under 49 U.S.C. § 5311(b), as amended by FAST Act. On its behalf, you certify and assure that:

1. It has or will have and require each Subrecipient to have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have and require each Subrecipient to have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
3. It will maintain and require each Subrecipient to maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
4. It will and will require each Subrecipient to comply with applicable regulations and guidance that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.
5. Its state program has provided for a fair distribution of federal assistance appropriated or made available under 49 U.S.C. § 5311(b) within the state to eligible entities, including Indian reservations.
6. Its program provides or will provide the maximum feasible coordination of federal assistance for public transportation service authorized by 49 U.S.C. § 5311(b) with transportation service financed by other federal sources.
7. Its Awards and Subawards in its Formula Grants for the Rural Areas Program are included in:
 - a. The statewide transportation improvement program, and
 - b. To the extent applicable, a metropolitan transportation improvement program.
8. With respect to the non-federal share:
 - a. It has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the non-federal share, as required by former 49 U.S.C. § 5311(g),
 - b. It will provide and, as necessary, will require each Subrecipient to provide the non-federal share from sources approved by FTA, and
 - c. It will provide and, as necessary, will require each Subrecipient to provide the non-federal share when needed.

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9. It may transfer a facility or equipment acquired or improved under its Award to any other Recipient eligible to receive assistance under 49 U.S.C. chapter 53, if:
 - a. The Recipient possessing the facility or equipment consents to the transfer, and
 - b. The facility or equipment will continue to be used as required under 49 U.S.C. § 5311.
10. Each fiscal year:
 - a. It will spend at least fifteen (15) percent of its federal assistance authorized under 49 U.S.C. § 5311 and available that fiscal year for eligible activities to develop and support intercity bus transportation within the state including:
 - (1) Planning and marketing for intercity bus transportation,
 - (2) Capital grants for intercity bus facilities.
 - b. If it will spend less than fifteen (15) percent of its federal assistance authorized under 49 U.S.C. § 5311 and available that fiscal year for eligible activities to develop and support intercity bus transportation within the state, it will provide to FTA a Certification from the governor of the state that:
 - (1) It has consulted with the affected intercity bus service providers about the intercity bus needs of the state, and
 - (2) The state's intercity bus service needs are being met adequately.

15.B. Appalachian Development Public Transportation Assistance Program.

If your Applicant seeks federal assistance from FTA for an Award financed under the Appalachian Development Public Transportation Assistance Program authorized under 49 U.S.C. § 5311(c)(2), the Certifications in Category 15.B apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify and assure that, if it is unable to use its federal assistance made available or appropriated for public transportation operating assistance, in accordance with 49 U.S.C. § 5311(c)(2)(D), it may use the federal assistance for a Highway Project only after:

1. It provides notice and an opportunity for comment and appeal to affected public transportation providers,
2. It approves such use in writing, and
3. In approving the use, it determines that local transit needs are being addressed.

CATEGORY 16. TRIBAL TRANSIT PROGRAMS (PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS PROGRAMS).

Before FTA may provide federal assistance for an Award financed under either the Public Transportation on Indian Reservations Formula or Discretionary Program authorized under 49 U.S.C. § 5311(c)(1), as amended by the FAST Act, (Tribal Transit Programs), you must select the Certifications in Category 16, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 16 that does not apply will not be enforced.

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FTA has established terms and conditions for Tribal Transit Program grants financed with federal assistance appropriated or made available under 49 U.S.C. § 5311(c)(1). On behalf of your Applicant, you certify and assure that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
3. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625. Its Award will achieve maximum feasible coordination with transportation service financed by other federal sources.
4. With respect to its procurement system:
 - a. It will have a procurement system that complies with U.S. DOT regulations, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR part 1201, which incorporates by reference U.S. OMB regulatory guidance, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR part 200, for Awards made on or after December 26, 2014,
 - b. It will have a procurement system that complies with U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 49 CFR part 18, specifically former 49 CFR § 18.36, for Awards made before December 26, 2014, or
 - c. It will inform FTA promptly if its procurement system does not comply with either of those U.S. DOT regulations.
5. It will comply with the Certifications, Assurances, and Agreements in:
 - a. Category 03.B and 03.C (Charter Service Agreement and School Bus Agreement),
 - b. Category 04.A and 04.B (Rolling Stock Reviews and Bus Testing),
 - c. Category 05 (Demand Responsive Service),
 - d. Category 06 (Intelligent Transportation Systems),
 - e. Category 08.A and 08.B (Transit Asset Management Plan and Public Transportation Safety Program), and
 - f. Category 09 (Alcohol and Controlled Substances Testing).

CATEGORY 17. STATE SAFETY OVERSIGHT GRANT PROGRAM.

Before FTA may provide federal assistance for an Award financed under the State Safety Oversight Grant Program authorized under 49 U.S.C. § 5329(e)(6), you must select the Certifications in Category 17, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 17 that does not apply will not be enforced.

On behalf of your Applicant, you certify that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.

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2. It has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
3. It will maintain its equipment and facilities acquired or improved under its Award in accordance with the its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
4. When carrying out a procurement under its Award, it will comply with:
 - a. The applicable general provisions of 49 U.S.C. § 5323, and
 - b. The applicable third party contract provisions of 49 U.S.C. § 5325.
5. As required by 49 U.S.C. § 5329(e)(6)(C):
 - a. It has or will have the amount of funds required for the non-federal share,
 - b. It will provide the non-federal share only from sources approved by FTA, and will not be met by:
 - (1) Any federal assistance,
 - (2) Any funds received from a public transportation agency, or
 - (3) Any revenues earned by a public transportation agency, and
 - c. Will provide the non-federal share when needed.
6. Depending on how far your Applicant has progressed in developing a certified State Safety Oversight program under 49 CFR part 674, the following FTA regulations will apply:
 - a. States With a Certified Program. Your Applicant agrees that FTA regulations, "State Safety Oversight," 49 CFR part 674, will apply;
 - b. States Without a Certified Program. Your Applicant agrees that FTA regulations, "Rail Fixed Guideway Systems; State Safety Oversight," 49 CFR part 659, will continue to apply to those states that do not have a certified Program as required by 49 U.S.C. § 5329(e) and 49 CFR part 674.

CATEGORY 18. PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM.

Before FTA may provide federal assistance for an Award financed under the Public Transportation Emergency Relief Program authorized under 49 U.S.C. § 5324, you must select the Certifications in Category 18, except as FTA determines otherwise in writing.

Any provision of the Assurance in Category 18 that does not apply will not be enforced.

As required by 49 U.S.C. § 5324(d), on behalf of your Applicant, you assure that it will:

1. Comply with the requirements of the Certifications and Assurances as FTA determines will apply to an Applicant for federal assistance appropriated or made available for the Public Transportation Emergency Relief Program, and
2. Comply with FTA regulations, "Emergency Relief," 49 CFR part 602.

CATEGORY 19. EXPEDITED PROJECT DELIVERY PILOT PROGRAM.

Before FTA may provide federal assistance for an Award financed under the Expedited Project Delivery Pilot Program authorized under section 3005(b) of the FAST Act, you must select the Certifications in Category 19, except as FTA determines otherwise in writing.

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To the extent that any Certification in Category 19 does not apply, it will not be enforced.

As required by section 3005(b)(3)(B) of the FAST Act, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
3. It will maintain its equipment and facilities acquired or improved under its Award in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
4. It will comply with:
 - a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
 - b. The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.

CATEGORY 20. INFRASTRUCTURE FINANCE PROGRAMS.

Before FTA may provide credit assistance for an Award that also is or will be financed under the Transportation Infrastructure Finance and Innovation Act (TIFIA) Program authorized under 23 U.S.C. §§ 601 – 609, or the State Infrastructure Banks (SIB) Program authorized under 23 U.S.C. § 610, you must select the Certifications in Category 20.

If the Applicant does not receive credit assistance under the TIFIA or SIB programs, the Certifications and Assurances in Category 20 will not be enforced.

20.A. Transportation Infrastructure Finance and Innovation Act (TIFIA) Program.

If your Applicant seeks federal assistance from FTA for an Award that also is or will be financed under the TIFIA Program authorized under 23 U.S.C. §§ 601 – 609 the Certifications and Assurances in Category 20.A apply to your Applicant. In administering this Program, the FAST Act cross-cutting requirements supersede inconsistent former requirements.

On behalf of your Applicant, you certify and assure, as required by 49 U.S.C. § 5323(o), that federal transit laws, specifically 49 U.S.C. § 5307, 49 U.S.C. § 5309, and 49 U.S.C. § 5337, apply to any Project under 49 U.S.C. chapter 53 that receives TIFIA credit assistance under 23 U.S.C. §§ 601 – 609.

1. To comply with 49 U.S.C. § 5307, specifically 49 U.S.C. § 5307(c)(1), on your Applicant's behalf, you certify that:
 - a. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
 - b. It has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.

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- c. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
 - d. For transportation during non-peak hours and using or involving a facility or equipment of an Award financed using 49 U.S.C. § 5307 funds, it will charge a fare not exceeding fifty (50) percent of the peak hour fare to the following individuals:
 - (1) Any senior,
 - (2) Any individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), is unable to use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
 - (3) Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act, 42 U.S.C. § 401 *et seq.*, and
 - (4) Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act, 42 U.S.C. § 1395 *et seq.*
 - e. When carrying out a TIFIA-financed procurement, the Applicant will comply with:
 - (1) The applicable provisions of 49 U.S.C. § 5323, and
 - (2) The applicable provisions of 49 U.S.C. § 5325.
 - f. It has complied with or will comply with 49 U.S.C. § 5307(b).
 - g. (1) It has or will have no more than 80 percent of the Total Award Budget as the sum of all federal grants and any TIFIA-financed awards,
 - (2) It will provide the non-federal share from sources approved by FTA, and
 - (3) It will provide the non-federal share when needed.
 - h. It will comply with:
 - (1) The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
 - (2) The statewide and nonmetropolitan planning requirements of 49 U.S.C. § 5304.
 - i. It has a locally developed process to solicit and consider public comment before:
 - (1) Raising a fare, or
 - (2) Implementing a major reduction of public transportation.
 - j. It will comply with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.
2. To comply with the interest and financing costs restrictions of 49 U.S.C. chapter 53, it agrees that it will not seek reimbursement for interest or any other financing costs incurred in connection with its Award that must be in compliance with those requirements unless:
- a. It is eligible to receive federal assistance for those expenses, and
 - b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require.
3. It will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*).
4. Pursuant to the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 5321 *et seq.*, the Project will qualify for an environmental categorical exclusion or receive a finding of no significant impact or a record of decision under NEPA before the Applicant undertakes activities for which it expects to receive federal assistance.

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5. It agrees that it will adopt a transit asset management plan that complies with regulations implementing 49 U.S.C. § 5326(d).

20.B. State Infrastructure Banks (SIB) Program.

If your Applicant is a state and seeks federal assistance from FTA for a project that also is or will be financed under the SIB Program authorized under 23 U.S.C. § 610, the Certifications and Assurances in Category 20.B apply to your state and its Award, except as the Secretary determines in writing. In administering this Program, the FAST Act cross-cutting requirements supersede inconsistent former requirements.

On behalf of the state Applicant for federal assistance for its SIB Program, you certify and assure that:

1. It will comply with the following applicable federal laws establishing the various SIB Programs since 1995:
 - a. 23 U.S.C. § 610,
 - b. Section 1511 of TEA-21, 23 U.S.C. § 181 note, or
 - c. Section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. § 181.
2. It will comply with or follow the Grant Agreement between it and FTA that provides federal assistance to the SIB, including the FTA Master Agreement, which is incorporated by reference into the Grant Agreement, except that, unless FTA determines otherwise in writing, a provision of the FTA Master Agreement incorporated by reference into that Grant Agreement will not apply if it conflicts with any provision of:
 - a. 23 U.S.C. § 610, as amended by the FAST Act,
 - b. 23 U.S.C. § 610 or its predecessor before the FAST Act was signed into law,
 - c. Section 1511 of TEA-21, 23 U.S.C. § 181 note, or section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. § 181 note,
 - d. Federal guidance pertaining to the SIB Program,
 - e. The SIB Cooperative Agreement establishing the state's SIB Program,
 - f. The Grant Agreement with FTA.
3. As required by 49 U.S.C. § 5323(o), federal transit laws, specifically 49 U.S.C. § 5307, 49 U.S.C. § 5309, and 49 U.S.C. § 5337, as amended by the FAST Act, apply to any Award under 49 U.S.C. chapter 53 that receives SIB support or financing under title 23, United States Code.
4. As required by 49 U.S.C. § 5323(o) and 49 U.S.C. § 5307(c)(1):
 - a. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
 - b. It has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
 - c. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
 - d. When using or involving a facility or equipment acquired or improved with federal assistance under a SIB-financed Award during non-peak hours for transportation, it will

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

charge a fare not exceeding fifty (50) percent of the peak hour fare to the following individuals:

- (1) Any senior,
 - (2) Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), is unable to use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
 - (3) Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act, 42 U.S.C. § 401 *et seq.*, and
 - (4) Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act, 42 U.S.C. § 1395 *et seq.*
- e. When carrying out a procurement under a SIB-financed Award, it will comply with:
- (1) The applicable general provisions of 49 U.S.C. § 5323, and
 - (2) The applicable third party contract provisions of 49 U.S.C. § 5325.
- f. It has complied with or will comply with 49 U.S.C. § 5307(b).
- g. It has or will have or provide:
- (1) The amount of funds required for the non-federal share by the SIB Program, but not less than twenty-five (25) percent of each capitalization grant,
 - (2) The non-federal share from sources approved by FTA, and
 - (3) The non-federal share when needed.
- h. It will comply with:
- (1) The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
 - (2) The statewide and nonmetropolitan planning requirements of 49 U.S.C. § 5304.
- i. It has a locally developed process to solicit and consider public comment before:
- (1) Raising a fare, or
 - (2) Implementing a major reduction of public transportation.
- j. It will comply with applicable regulations, a guidance, and directives that implement the Public Transportation Safety Program provisions of § 5329(b)-(d), except as FTA determines otherwise in writing.
5. As required by 49 U.S.C. chapter 53, it certifies that it will not seek reimbursement for interest or any other financing costs incurred in connection with its Award unless:
- a. It is eligible to receive federal assistance for those expenses, and
 - b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, as FTA may require.
6. It agrees that it will adopt a transit asset management plan that complies with FTA regulations, "Transit Asset Management," 49 CFR part 625.

CATEGORY 21. CONSTRUCTION HIRING PREFERENCES.

Before FTA may provide federal assistance for a third party contract for construction hiring financed under title 49 U.S.C. or title 23 U.S.C. using a geographic, economic, or any other hiring preference not otherwise authorized by federal law or regulation, you must select the

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

Certifications in Category 21 on behalf of your Applicant, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 21 that does not apply will not be enforced.

As provided by section 192 of division L, title I of the Consolidated Appropriations Act, 2017, Public Law No. 114-113, on behalf of your Applicant, you certify that if, in connection with any third party contract for construction hiring financed under title 49 U.S.C. or title 23 U.S.C., it uses a geographic, economic, or any other hiring preference not otherwise authorized by law or prohibited under 2 CFR § 200.319(b):

1. Except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the third party contract requires resides in the jurisdiction where the work will be performed,
2. It will include appropriate provisions in its bid document ensuring that its third party contractor(s) do not displace any of its existing employees in order to satisfy such hiring preference, and
3. That any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

Selection and Signature Page(s) follow.

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

(Signature pages alternative to providing Certifications and Assurances in TrAMS)

Name of Applicant: _____

The Applicant agrees to comply with applicable provisions of Categories 01 – 21. _____

OR

The Applicant agrees to comply with applicable provisions of the Categories it has selected:

<u>Category</u>	<u>Description</u>	
01.	Required Certifications and Assurances for Each Applicant.	_____
02.	Lobbying.	_____
03.	Private Sector Protections.	_____
04.	Rolling Stock Reviews and Bus Testing.	_____
05.	Demand Responsive Service.	_____
06.	Intelligent Transportation Systems.	_____
07.	Interest and Financing Costs and Acquisition of Capital Assets by Lease.	_____
08.	Transit Asset Management Plan, Public Transportation Safety Program, and State Safety Oversight Requirements.	_____
09.	Alcohol and Controlled Substances Testing.	_____
10.	Fixed Guideway Capital Investment Grants Program (New Starts, Small Starts, and Core Capacity Improvement).	_____
11.	State of Good Repair Program.	_____
12.	Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs.	_____
13.	Urbanized Area Formula Grants Programs and Passenger Ferry Grant Program.	_____
14.	Enhanced Mobility of Seniors and Individuals with Disabilities Programs.	_____
15.	Rural Areas and Appalachian Development Programs.	_____
16.	Tribal Transit Programs (Public Transportation on Indian Reservations Programs).	_____
17.	State Safety Oversight Grant Program.	_____
18.	Public Transportation Emergency Relief Program.	_____
19.	Expedited Project Delivery Pilot Program.	_____
20.	Infrastructure Finance Programs.	_____
21.	Construction Hiring Preferences.	_____

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2018 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE

(Required of all Applicants for federal assistance to be awarded by FTA in FY 2018)

AFFIRMATION OF APPLICANT

Name of the Applicant: _____

Name and Relationship of the Authorized Representative: _____

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in federal fiscal year 2018, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Award for which it now seeks, or may later seek federal assistance to be awarded during federal fiscal year 2018.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. § 1001 apply to any certification, assurance, or submission made in connection with a federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature _____ Date: _____

Name _____
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): _____

As the undersigned Attorney for the above-named Applicant, I hereby affirm to the Applicant that it has authority under state, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA assisted Award.

Signature _____ Date: _____

Name _____
Attorney for Applicant

Each Applicant for federal assistance to be awarded by FTA must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within TrAMS, provided the Applicant has on file and uploaded to TrAMS this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.