

*a program of Land of Sky*

# **FRENCH BROAD RIVER**

METROPOLITAN PLANNING ORGANIZATION

## **APPLICATION FOR FTA SECTION 5310 FUNDING**

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**Enhanced Mobility of Seniors and Individuals with  
Disabilities**

**1/26/2018**

French Broad River MPO  
339 New Leicester Hwy, Suite 140  
Asheville, NC 28806

[mpo@landofsky.org](mailto:mpo@landofsky.org)  
828.251.6622

# FTA Section 5310 Funding Program

The following information is for the French Broad River MPO spring 2018 call for projects for FTA Section 5310 funding—Enhanced Mobility of Seniors and Individuals with Disabilities. This call for projects is being held to allocate FY 2017 apportionment of FTA Section 5310 funds to the Asheville Urbanized Area.

## FUNDING AVAILABLE

<b>FY 2017 5310 Total Available</b>	<b>\$ 329,452, based on FTA Apportionments<sup>1</sup></b>
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## PROGRAM GOAL

“The goal of the Section 5310 program is to improve mobility for seniors and individuals with disabilities throughout the country by removing barriers to transportation services and expanding the transportation mobility options available. Toward this goal, FTA provides financial assistance for transportation services planned, designed, and carried out to meet the special transportation needs of seniors and individuals with disabilities in all areas- large urbanized, small urbanized, and rural. The program requires coordination with other federal assisted programs in order to make the most efficient use of federal resources.”

## PROGRAM HISTORY

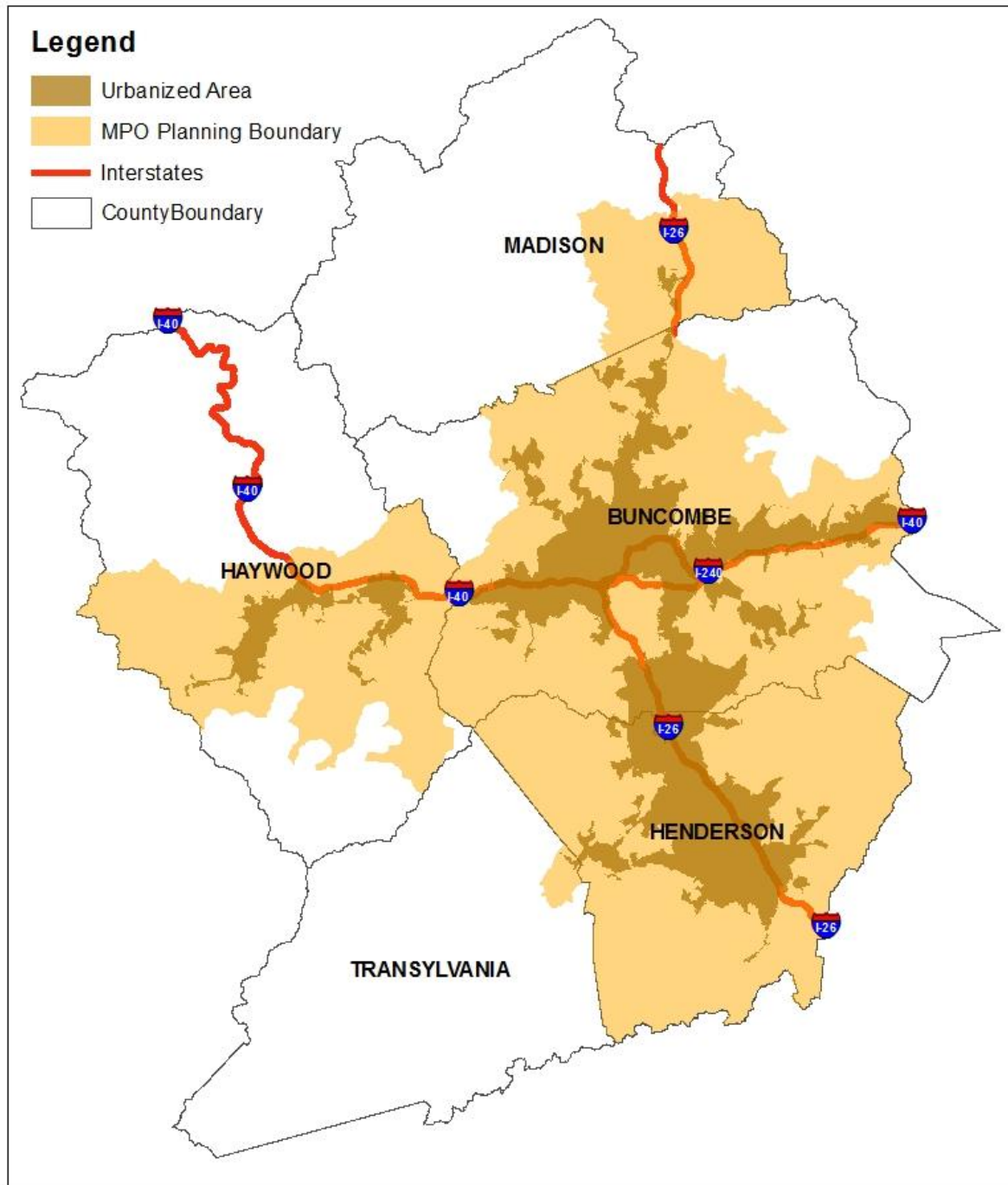
The Section 5310 program was established in 1975 as a capital assistance program for public transportation providers (or nonprofit organizations where public transit was unavailable, insufficient, or inappropriate.) Since 1975 the program has undergone a number of transformations that included the eligibility of public transportation providers to coordinate human service transportation and requirements that projects be linked to a Coordinated Human Services Transportation Plan.

Under MAP-21, FTA's Section 5317 program (New Freedom) and its eligible activities were consolidated into the Section 5310. As a result, projects that were eligible under New Freedom are now eligible under Section 5310.

In our region, the City of Asheville was appointed as the designated recipient of FTA Section 5310 funds for the Asheville Urbanized Area (shown below) in 2014. While the French Broad River MPO and its 5310 Selection Committee are responsible for holding a call for projects and selecting projects to be programmed, any selected subrecipients will be required to contract with the City of Asheville in order to receive funds.

<sup>1</sup><https://www.transit.dot.gov/sites/fta.dot.gov/files/fy17fullyearapportionmenttable8section5310enhancedmobilityofseniorsandpwdapportionments.xlsx>

# Asheville Urbanized Area



## ELIGIBLE APPLICANTS

Private nonprofit organization, state or local government authorities, and private operators of public transportation systems are eligible for Section 5310 funding. However, applicants that are eligible for Section 5310 funding differ based on the type of funding that is being requested: Traditional Section 5310 Projects or Other Section 5310 Projects.

Organizations eligible for Traditional 5310 funding activities include:

- Private nonprofit organizations
- A state or local government authority that:
  - Is approved by a state to coordinate services for seniors and individuals with disabilities; or
  - Certifies that there are no nonprofit organizations readily available in the area to provide the service

Organizations eligible for Other Section 5310 activities include:

- State or local government authority
- Private nonprofit organization
- An operator of public transportation that receives a Section 5310 grant indirectly through a recipient

## ELIGIBLE ACTIVITIES

Section 5310 covers a wide range of eligible activities, but the funding source has several specific requirements that determine how much of the region's funding can go towards specific activities. The FTA requires that 55% of a region's 5310 funds be used for traditional 5310 activities. Up to 10% may be used for administrative expenses by the designated recipient and the remaining funds may be used for Other 5310 activities.

## TRADITIONAL SECTION 5310 PROJECTS

At least 55% of program funds must be used on capital projects that are public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable. Capital expenses that are considered traditional projects include, but are not limited to:

- Vehicle rehabilitation (e.g. radios, wheelchair lifts, ramps)<sup>2</sup>
- Passenger facilities (benches, shelters, and amenities)

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<sup>2</sup> Legal ownership of all vehicles purchased under the § 5310 program is retained by the transit operators and in the case of private provider, by the City of Asheville. Subrecipients are required to submit a "Buy America" provision and certification with their bidding documents for vehicles.

- Intelligent transportation systems (ITS)
- Dispatch and fare collection systems
- Lease of equipment when it is more cost effective
  - Transportation services under contract or lease
  - Capital and operating expenses associated with contracted services
  - Mobility management (including travel training, marketing of services, & eligibility management)
  - Coordination programs among public transportation providers and other human services agencies

**Mobility Management** is an eligible capital cost. Activities may include: promotion and enhancement of access to transit services; short term management activities for planning/implementation of coordination; support of local coordination bodies and councils; operation of transportation brokerages to coordinate providers; provision of coordination services such as travel training and trip planning for customers; development and operation of one-stop travel call centers; eligibility management; operations and planning using intelligent transportation technology (GIS, GPS, coordinated vehicle scheduling/dispatch/monitoring, coordinated billing, and single smart customer payment systems). **The purchase of technology** is also an eligible capital expense.

### NON-TRADITIONAL SECTION 5310 PROJECTS

Up to 45% of program funds may be used for public transportation projects that exceed the requirements of the ADA, improve access to fixed route service and decrease reliance on paratransit service, or provide alternatives to public transportation that assist seniors and individuals with disabilities with transportation. The following activities are examples of eligible projects that go beyond the minimum requirements of ADA:

- Expansion of paratransit service beyond the ¾ mile required by ADA
- Expansion of service hours for ADA paratransit beyond hours of fixed-route services
- Incremental cost of providing same day service; incremental cost of making door-to-door service available to all ADA paratransit riders
- Enhancing service by providing escorts or assisting riders through the door of their destination
- Purchase of equipment designed for mobility aids that exceed the dimensions/weight ratings under the ADA and labor costs of aides to help drivers with over-sized wheelchairs
- Installation of additional securement locations in public buses beyond ADA requirement feeder service to other transit services for which complementary

- paratransit service is not required under the ADA
- Making accessibility improvements to transit and intermodal stations not designated as key stations or renovation to an existing station
- Building accessible paths to bus stops that are currently inaccessible (curb cuts, sidewalks, pedestrian signals, or other accessible features)
- Improving signage or wayfinding technology
- Other technology improvements that enhance accessibility for those with disabilities including ITS
- Travel training
- Public transportation alternatives that assist seniors and individuals with disabilities with transportation.

**Public Transportation Alternatives** activities may include: ride sharing, and/or vanpooling programs; supporting the administration and expense related to new voucher programs for existing transportation services offered by human service providers (mileage reimbursement as part of a volunteer driver program, taxi trip, or trips provided by human service agency). Vouchers are an operational expense that requires a 50/50 match. Support of volunteer driver and aide programs is also an eligible activity (administration, safety, background checks, scheduling, coordination of passengers, and insurance associated with volunteer driver programs).

For a more exhaustive and/or detailed list of traditional and other project types, please refer to the Section 5310 circular at:

[http://www.fta.dot.gov/legislation\\_law/12349\\_16011.html](http://www.fta.dot.gov/legislation_law/12349_16011.html)

or contact MPO staff at [mpo@landofsky.org](mailto:mpo@landofsky.org).

In addition to the eligible project types mentioned above, the City of Asheville's Program Management Plan for Section 5310 specifies the following requirements:

- Eligible matching funds must be identified and available.
- The primary focus of the proposed service or program must serve the target populations, namely seniors and individuals with disabilities
- The project must benefit the French Broad River MPO urbanized area.

More details about project eligibility are available in the FTA Section 5310 Circular, mentioned above.

### **COST SHARING/MATCH REQUIREMENT:**

The 5310 grant program requires a local match to ensure projects are 100% funded. The FTA's contribution varies according to project type (please see below). Non-DOT funds and local and private funds can be used as the local match. Examples of types of programs that are potential sources of local match include: employment, training, aging, medical, community services, and rehabilitation services. Funds can be used to support:

- Capital Projects – 80% Fed/20% Local Match

- Operating – 50% Fed/ 50% Local Match
- ADA vehicle-related equipment (on and attached to the vehicle) – 90% Fed/ 10% local

Below are some examples of potential sources of local match which may be used for any or the entire local shares amount:

- State or local appropriations (such as EDTAP funds);
- Other non-DOT Federal funds that are eligible to be expended for transportation
- Private donations;
- Revenue from human service contracts;
- Net income generated from advertising and concessions.
- Non-cash share such as donations, volunteered services, or in-kind contributions is eligible to be counted toward the local match as long as the value of each is documented and supported, AND is a cost that will otherwise be eligible under the program.
- Income from contracts to provide human service transportation.

## APPLICATION PROCEDURES

This Section 5310 program application is for funds to be used within the Asheville Urbanized Area. The initial project application consists of the program-specific requirements detailed in this package of forms and instructions.

All applications and other required materials will be due by the **close of business (5:00PM) on Thursday, March 29, 2018.** Electronic submissions are preferred and should be sent to [mpo@landofsky.org](mailto:mpo@landofsky.org) by that time. Any submissions sent via mail should be submitted to:

French Broad River MPO  
Land-of-Sky Regional Council  
339 New Leicester Highway, Suite 140  
Asheville, NC 28806  
[mpo@landofsky.org](mailto:mpo@landofsky.org)

The information in this application is a public record. Applicants should not include information that may be regarded as confidential. The applicant must comply with all necessary Certifications and Assurances if funding is awarded.

## APPLICATION AND PROJECT SELECTION TIMELINE

2018 5310 Call for Projects Timeline	
January 26, 2018	5310 and JARC call for projects opens
March 29, 2018	5310 and JARC applications due to FBRMPO
April 2018	5310 and JARC selection committee meets to review the 5310 and JARC applications
May 10, 2018	TCC approves 5310 and JARC project selection
May 24, 2018	MPO Board votes on 5310 and JARC project selection
June 28, 2018	MPO Board approves TIP Amendments for 5310 and JARC projects

### REQUIRED DOCUMENTS FOR APPLICATION

The following will be required for review for this call for projects:

1. A completed application form (at the end of the packet)
2. Map of Applicant Service Area
3. Letter of local match commitment
4. Appropriate Certifications and Assurances (\*or a statement indicating when the necessary certifications and assurances will be submitted, if submitting at a later date)

### CERTIFICATIONS AND ASSURANCES

The City of Asheville Program Management Plan for 5310 specifies the following requirement for 5310 subrecipients:

"subrecipients recommended for federal funding submit all project appropriate FTA certifications and assurances prior to contract execution and annually thereafter. These include, but are not limited to:

- Standard Assurances
- Nondiscrimination Assurances
- Private Mass Transportation Companies
- Assurance of Nondiscrimination on the Basis of Disability

The COA will not execute any grant contract without having first received these items. The City shall exercise an active oversight role with regard to the equipment procurement process. "

### PROJECT SELECTION

This call for projects will be non-competitive, unless a sufficient number of projects are submitted to require a competitive process. If there is significant competition for Section 5310 funding, projects will be passed along from MPO Staff to the 5310 Selection committee. Membership of the 5310 Selection Committee has been approved by the FBRMPO Board and would include representatives from the following agencies (subject



to no direct conflict of interest; the City of Asheville staff would be invited to be present as the Designated Recipient for 5310, even if submitting an application):

- Land-of-Sky Regional Council Aging & Volunteer Services Division
- Workforce Development Board
- Buncombe County Planning
- Haywood County Planning
- Henderson County Planning
- Buncombe County DSS
- Haywood County DSS
- Henderson County DSS
- Buncombe County Division of Vocational Rehabilitation Services (DVRS)
- Pisgah Legal Services
- Town of Black Mountain
- On-Track Financial Education & Counseling
- Haywood County Vocational Opportunities
- Henderson County Vocational Solutions
- AB-Tech Community College
- Blue Ridge Community College
- Haywood Community College
- UNCA
- Goodwill
- Warren Wilson College
- City of Asheville

### SCORING CRITERIA

Per requirements of the Section 5310 program, the call for projects must be competitive. The MPO will assemble a Selection Committee made up of staff and representatives of regional stakeholder organizations to help score projects based on selection criteria. Final selection of projects will also need to go before the MPO Technical Coordinating Committee (TCC) as well as the MPO Board.

The following information and scoring criteria will be used to score and prioritize submitted projects for Section 5310 funding:

1. **Project Needs/Goals and Objectives (30 points):** The project should directly address priority transportation needs identified through the FBRMPO's locally developed Coordinated Public Transportation – Human Services Transportation Plan. 2012 Plan available at <http://www.fbrmpo.org/tdm/cpt-hst-plan-update-2012/> and the latest draft version, scheduled for adoption in February 2018, is available at <http://www.fbrmpo.org/tdm/cpt-hst-plan/> Applicants may use either version of the plan. Project applications should clearly state the overall program goals and objectives, and demonstrate how the project is consistent with the programs goal of the Section 5310 program.
2. **Implementation Plan and Evaluation (20 points):** For all projects, applicants must provide a well-defined service operations plan and/or capital procurement plan, and describe implementation steps and timelines for carrying out the plan. The implementation plan should identify key personnel assigned to this project and their qualifications. Project sponsors should demonstrate their institutional capability to carry out the service delivery aspect of the project as described.
3. **Project Budget (15 points):** Applicants must submit a clearly defined project budget, indicating anticipated project expenditures and revenues, including documentation of matching funds. Proposals should address long-term efforts

and identify potential funding sources for sustaining the service beyond the grant period.

4. **Partnerships and Program Outreach (20 points):** Proposed projects will be evaluated based on their ability to coordinate with other public transportation, community transportation, and/or social service resources. Project sponsors should clearly identify project stakeholders, and how they will keep stakeholders involved and informed throughout the project. Project sponsors should also describe how they would promote public awareness of the project. Letters of support from key stakeholders, applicable elected governing body, and/or customers should be attached to the grant application.
5. **Program Effectiveness and Performance Indicators (10 points):** The project will be scored based on the project sponsor's ability to demonstrate that the proposed project is the most appropriate match of service delivery to the need, and is a cost-effective approach. Project sponsors must also identify clear, measurable outcome-based performance measures to track the effectiveness of the service in meeting the identified goals. A plan should be provided for ongoing monitoring and evaluation of the service, and steps to be taken if original goals are not achieved. Sponsor should describe their steps to measure the effectiveness and magnitude of the impact that the project will have on target markets (i.e., seniors and individuals with disabilities.)
6. **Innovation (5 points):** The project will be examined to see if it contains new or innovative service concepts or facilities that have the potential for improving access and mobility for the target populations and may have future application elsewhere in the region.
7. **Alternative Fuels/Fuel Efficiency (5 points):** Projects that demonstrate the use of high-efficiency or alternative fueled vehicles/transportation methods will receive 5 points.

# French Broad River MPO 5310 CALL FOR PROJECTS

Name of Project

**INSERT PROJECT NAME HERE**

## AGENCY INFORMATION

<b>Agency Name:</b>	
<b>What Type of Entity is your agency? (Local Government, Public Transit Operator, Private Non-Profit)</b>	
<b>Contact Person for this Project:</b>	
<b>Title:</b>	
<b>Email:</b>	<b>Phone:</b>
<b>Describe the organization's primary mission. Provide an overview of the agency service area and type of services it offers.</b> <ul style="list-style-type: none"><li>• Describe when (the days and hours that service is available) your current transportation service is operated</li><li>• Describe your ridership eligibility</li><li>• Describe your service area</li><li>• Describe the type of service</li><li>• Provide the number of people served</li><li>• Provide the number of one way trips</li></ul>	

**PROJECT INFORMATION**

<b>This application request is for:</b>		
<b><u>Capital Costs</u></b>		
<b>Federal Amount (80%)</b>	<b>Local Amount (20%)</b>	<b>Total</b>
\$	\$	\$
<b><u>Operating Costs</u></b>		
<b>Federal Amount (50%)</b>	<b>Local Amount (50%)</b>	<b>Total</b>
\$	\$	\$
<b>What is the source of the local funding?</b>		
<b>Describe the service or project you propose using 5310 funds:</b>		
<b>Is this a new service (not required to be new to be eligible)?</b>		
<b>If funded, what is the proposed beginning and end date of this project? Expected funding date to start no earlier than January 2018.</b>		
<b>Estimated Cost per Trip: \$</b>		
<b>Estimated Daily Riders (weekday/weekend):</b>		

**PROJECT NEED/GOALS AND THE COORDINATED PUBLIC TRANSIT AND HUMAN SERVICES TRANSPORTATION PLAN**

**How will this project increase transportation options or improve the quality of transportation services for seniors and individuals with disabilities (the program goal)? Please include a reference to the pages in the FBRMPO Coordinated Public Transit-Human Services Transportation Plan where this transportation service need or goal is identified.**

**Will this project involve coordination with social service agencies working with seniors or individuals with disabilities? If so, please describe.**

## IMPLEMENTATION PLAN

**Number of key personnel to be involved in this project:**

**Estimated number person-hours required for this project to be implemented:**

**Provide an operational plan for delivering service. Include route or service area map, if applicable. OR provide an implementation plan for completing a capital project, including key milestones and estimated completion date.**

## PUBLIC OUTREACH

**Describe any public outreach or marketing strategies that will be used to promote public awareness of the project.**

## **PROGRAM EFFECTIVENESS AND PERFORMANCE INDICATORS**

**Describe a plan for monitoring and evaluation of the service, including any performance measures to be used.**

## **INNOVATION**

**Describe any proposed use of innovative approaches that will be employed for this project.**

## FTA CERTIFICATIONS AND ASSURANCES FORM

1. The applicant has coordinated or will coordinate to the maximum extent feasible with other transportation providers and users, including social service agencies authorized to purchase transit service;
2. The applicant has complied or will comply with all applicable civil rights requirements, including but not limited to full compliance with Title VI of the Civil Rights Act of 1964 and related statutes and regulations, in all programs and activities (see Appendix A);
3. The applicant has complied or will comply with applicable requirements of U.S. DOT regulations regarding participation of disadvantaged business enterprises in U.S. DOT programs (see Appendix A);
4. The applicant has complied or will comply with all applicable lobbying requirements for each application (per 49 CFR 20.110) exceeding \$100,000 (see Appendix A);
5. The applicant will comply with all applicable federal requirements per the FTA Federal Fiscal Year 2017 (or latest available) list of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements, as referenced at:  
<https://cms.fta.dot.gov/sites/fta.dot.gov/files/docs/FTA%20FY%202017%20Certifications%20and%20Assurances.pdf>

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Authorized Representative of Applicant

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Date



## APPENDIX A: CIVIL RIGHTS, DISADVANTAGED BUSINESS ENTERPRISE AND LOBBYING REQUIREMENTS

### CIVIL RIGHTS REQUIREMENTS

29 U.S.C. § 623, 42 U.S.C. § 2000  
42 U.S.C. § 6102, 42 U.S.C. § 12112  
42 U.S.C. § 12132, 49 U.S.C. § 5332  
29 CFR Part 1630, 41 CFR Parts 60 et seq.

**(1) Nondiscrimination** - In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and Federal transit law at 49 U.S.C. § 5332, the applicant agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. In addition, the applicant agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.

**(2) Equal Employment Opportunity** - The applicant agrees to the following equal employment opportunity requirements:

**(a) Race, Color, Creed, National Origin, Sex** - In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, and Federal transit laws at 49 U.S.C. § 5332, the applicant agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 et seq., (which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. § 2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project. The applicant agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the applicant agrees to comply with any implementing requirements FTA may issue.

**(b) Age** - In accordance with section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 623 and Federal transit law at 49 U.S.C. § 5332, the applicant agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the applicant agrees to comply with any implementing requirements FTA may issue.

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

- (3)** The applicant also agrees to include these requirements in each subcontract financed in whole or in part with Federal assistance provided by FTA, modified only if necessary to identify the affected parties.
- (4)** The applicant also agrees to comply with the portion of Title VI of the 1964 Civil Rights Act that states, "No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." The applicant must supply any person who believes that he/she has been aggrieved by an unlawful discriminatory practice on the basis of race, color, or national origin by the applicant with a Title VI Complaint form (see Applicant Resources) & must investigate the matter.

## **U.S. DOT DISADVANTAGED BUSINESS ENTERPRISES (DBE) REQUIREMENTS**

49 CFR Part 26

- (1)** The applicant agrees to meet the requirements of Title 49, Code of Federal Regulations, Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.
- (2)** The applicant also agrees to not discriminate on the basis of race, color, national origin, or sex in the performance of this project. The applicant shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of this project. Failure by the applicant to carry out these requirements is a material breach, which may result in the termination of this project or such other remedy as the City of Asheville deems appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b)).
- (3)** The applicant also agrees to report its DBE participation obtained through race-neutral means throughout the period of performance.
- (4)** The applicant also agrees to pay its subcontractors performing work related to this project for satisfactory performance of that work no later than 30 days after the applicant's receipt of payment for that work from the City of Asheville. In addition, the applicant may not hold retainage from its subcontractors.
- (5)** The applicant also agrees to promptly notify the City of Asheville whenever a DBE subcontractor performing work related to this contract is terminated or fails to

complete its work, and must make good faith efforts to engage another DBE subcontractor to perform at least the same amount of work. The applicant may not terminate any DBE subcontractor and perform that work through its own forces or those of an affiliate without prior written consent of the City of Asheville.

## LOBBYING REQUIREMENTS

31 U.S.C. 1352  
49 CFR Part 19  
49 CFR Part 20

- (1)** The applicant agrees that no Federal appropriated funds will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2)** The applicant also agrees that if any funds other than Federal appropriated funds will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the applicant shall complete and submit Standard Form--LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. (See Applicant Resources.)
- (3)** The applicant also agrees to require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.
- (4)** The applicant also agrees that, pursuant to 31 U.S.C. § 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure.

The applicant also understands and agrees that the provisions of 31 U.S.C. A 3801, et seq., apply to this certification and disclosure, if any.