

a program of Land of Sky

FRENCH BROAD RIVER

METROPOLITAN PLANNING ORGANIZATION

APPLICATION FOR FTA JARC FUNDING

JOBS ACCESS REVERSE COMMUTE

1/31/2019

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

mpo@landofsky.org
828.251.6622

FTA JARC Funding Program

The following information is for the French Broad River MPO spring 2019 call for projects for JARC funding—Jobs Access Reverse Commute. This call for projects is being held to Haywood County allocation of FTA Section 5307 FY 2018 Apportionment to the Asheville Urbanized Area.

FUNDING AVAILABLE

Haywood County JARC-FY 2018 Funding	\$208,482
Haywood County JARC-10% Administration	\$20,848
Haywood County JARC Available for Spring 2019 JARC Call for Projects (FY 2018) minus 10% Administrative Fee	\$187,634

*Regional JARC funding will be available for calls for project in the spring of 2020 and future years but is not available for applicants outside of Haywood County for this current call for projects since all of the FY 2018 Regional JARC funding has been allocated to projects based on past calls for projects.

PROGRAM GOAL

The Job Access Reverse Commute grant program is intended to fund the development and maintenance of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment.

PROGRAM HISTORY

In the wake of 1996 welfare reform, a newly implemented system of time-limited benefits and work requirements meant that many individuals had to find work or allowable work activities under a tight deadline and confront many institutional and personal barriers in the process. Transportation was one of the barriers faced by low-

income individuals seeking employment. In 1998, the Congress enacted the Transportation Equity Act for the 21st Century (TEA-21)- a \$217 billion transportation bill, which included up to \$750 million over five years for the Job Access and Reverse Commute (JARC) competitive grant program. The scope of the JARC program was extended to:

- Include low-income people whose family income is at or below 150 percent of the poverty line,
- Meet the needs of both un-served and under-served rural communities, and
- Ensure that successful applicants involve a broad-based coalition of community stakeholders in its planning process¹.

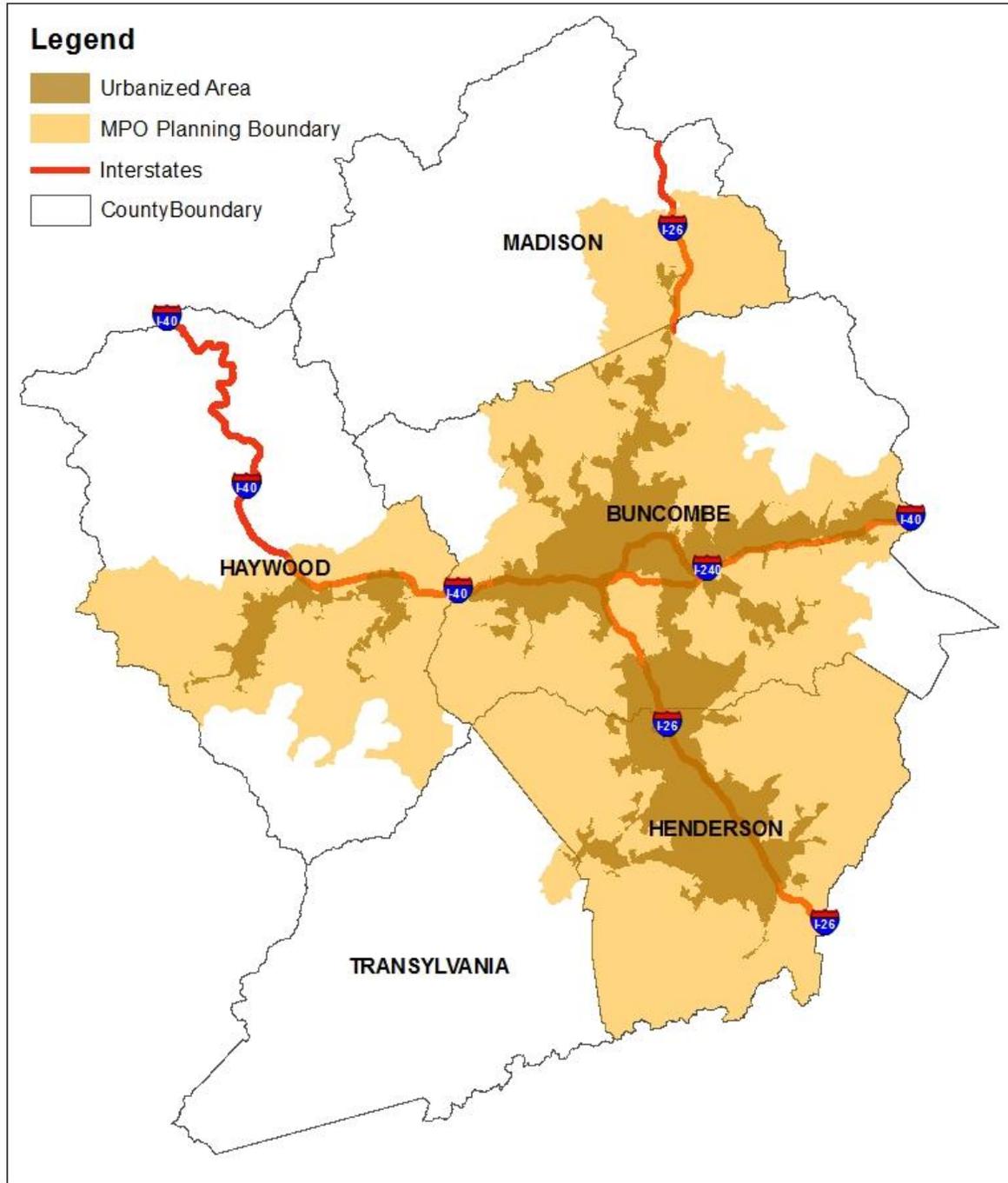
The JARC program served to close some of the transportation gaps that working families and low-income individuals face when trying to access jobs and job training.

Under MAP-21, the Moving Ahead for Progress in the 21st Century Act, signed into law in July 2012, FTA's Section 5316 program (JARC) and its eligible activities were consolidated into the FTA Section 5307 urban transit formula funding. The French Broad River MPO has adopted a resolution to keep a 10% set-aside for JARC out of the overall 5307 apportionment to the Asheville Urbanized Area. Most recently, a 10% JARC set-aside in the French Broad River MPO region was reaffirmed by the FBRMPO Board during the 5307 Urban Transit Formula update in February of 2017. Further, a portion of 5307 urban funding (FY 2016, 2017 and 2018) allocated to Haywood County has been set aside as JARC funds based to allow non-profit agencies in Haywood County to access those funds during the transitional period.

In the French Broad River MPO region, the City of Asheville is the designated recipient of FTA Section 5307 funds for the Asheville Urbanized Area (see map shown below). The French Broad River MPO holds an annual call for JARC projects. The French Broad River MPO Prioritization Subcommittee serves as the Selection Committee for JARC and 5310 project selection. Any agency that submits a project that is selected for JARC funding will become a JARC subrecipient under the City of Asheville and will be required to contract with the City of Asheville in order to receive funds.

¹ Community Transportation Association of America, "A Brief History of the Jobs Access and Reverse Commute Program". <http://web1.ctaa.org/webmodules/webarticles/anmviewer.asp?a=108>

Asheville Urbanized Area



ELIGIBLE APPLICANTS

For Spring 2019 JARC call for projects through the French Broad River MPO, only Haywood County agencies may apply.

Jobs Access Reverse Commute funding applicants may include state or local government authorities; private non-profit organizations; and operators of public transportation services including private operators of public transportation services.

The FTA 5307 Circular (FTA C 9030.1E) notes that although private nonprofit organizations are not eligible sub-recipients for other Section 5307 funds, private nonprofit organizations may receive funding for job access and reverse commute projects as a sub-recipient of an FTA designated recipient or direct recipient.

ELIGIBLE ACTIVITIES

JARC funds may be used for planning, capital or operating costs of providing access to jobs and employment training for low-income individuals. The City of Asheville, as the Designated Recipient of 5307 and JARC funds in our region, reserves the right to use up to 10 percent of the JARC funding to support program administrative costs including administration, planning, and technical assistance, which may be funded at 100 percent Federal share.

The FTA circular on 5307 funds (FTA C 9030.1E) provides guidance on eligible use of 5307 funds for JARC projects and can be found at http://www.fta.dot.gov/documents/FINAL_FTA_circular9030.1E.pdf

The map on page 3 illustrates the Asheville Urbanized Area. A project eligible for JARC funding could provide trips beginning or ending outside of Asheville Urbanized Area, as long as it serves either job locations or job seekers located inside Asheville Urbanized Area.

Specific eligible projects include, but are not limited to:

- (1) Late-night and weekend service;
- (2) Guaranteed ride home service;
- (3) Shuttle service;
- (4) Expanding fixed route public transit routes, including hours of service or coverage;
- (5) Demand-responsive van service;
- (6) Ridesharing and carpooling activities;

(7) Transit-related aspects of bicycling (e.g., adding bicycle racks to vehicles, providing secure bicycle parking at transit stations, or support for bicycle sharing programs in the vicinity of transit stations);

(8) Promotion, through marketing efforts, of the: (i) use of transit by low-income individuals and welfare recipients with nontraditional work schedules; (ii) use of transit voucher program by appropriate agencies for welfare recipients and other low-income individuals; (iii) development of employer-provided transportation such as shuttles, ridesharing, carpooling; or (iv) use of transit pass programs and benefits under Section 132 of the Internal Revenue Code of 1986;

(9) Supporting the administration and expenses related to voucher programs intended to supplement existing transportation services by expanding the number of providers available or the number of passengers receiving transportation services. Job access and reverse commute projects can provide vouchers to low-income individuals to purchase rides, including (i) mileage reimbursement as part of a volunteer driver program, (ii) a taxi trip, or (iii) trips provided by a human service agency. Vouchers are an operational expense which requires a 50 percent local match;

(10) Supporting local car loan programs that assist individuals in purchasing and maintaining vehicles for shared rides;

(11) Implementing intelligent transportation systems (ITS), including customer trip information technology, vehicle position monitoring systems, or geographic information systems (GIS) software;

(12) Integrating automated regional public transit and human service transportation information, scheduling, and dispatch functions;

(13) Subsidizing the costs associated with adding reverse commute bus, train, carpool van routes or service from urbanized and nonurbanized areas to suburban workplaces;

(14) Subsidizing the purchase or lease by a private nonprofit organization or public agency of a van or bus dedicated to shuttling employees from their residences to a suburban workplace;

(15) Otherwise facilitating the provision of public transportation service to suburban employment opportunities; and

(16) Supporting mobility management and coordination programs among public transportation providers and other human service agencies providing transportation. Mobility management is intended to build coordination among existing public transportation providers and other transportation service providers with the result of expanding the availability of service. Mobility management is an eligible capital cost.

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

- The proposed project must be a non-duplicative service or program

- The proposed project must be a new or expanded service or program, unless providing maintenance of a service or program previously funded with JARC grant funding
- Eligible matching funds must be identified and available.
- The primary focus of the proposed service or program must serve the target populations, (i.e., persons with low-income and welfare recipients)
- The project must benefit the French Broad River MPO urbanized area

Please see additional information below regarding the low-income threshold and new and existing service requirement. For a more exhaustive and/or detailed list of traditional and other project types, please refer to the 5307 Circular or contact MPO staff at mpo@landofsky.org.

TRANSPORTATION PROJECTS DESIGNED TO SERVE LOW-INCOME INDIVIDUALS

Projects funded as “job access and reverse commute projects” must be designed to provide transportation for welfare recipients and eligible low-income individuals. The term “low-income individual” is defined as an individual whose family income is at or below 150 percent of the poverty line, as that term is defined in Section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that Section, for a family of the size involved.

A project funded as a jobs access reverse commute project, and primarily intended to serve the needs of welfare recipients and low-income individuals, may also provide service to the general public. Such a transportation project does not have to be exclusive as long as the transportation routes or design characteristics are first and foremost intended to respond to the needs of the target (low-income) populations.

NEW AND EXISTING SERVICES REQUIREMENT

Eligible job access and reverse commute projects must provide for the development or maintenance of eligible job access and reverse commute services. Recipients may not reclassify existing public transportation services that have not received funding under the former Section 5316 JARC program as job access and reverse commute services in order to qualify for operating assistance. In order to be eligible as a job access and reverse commute project, a proposed project must qualify as either a “development project” or “maintenance project” as follows:

(1) Development Projects. “Development of transportation services” means new projects that meet the statutory definition and were not in service as of the date MAP-21 became effective October 1, 2012. This includes projects that expand the service area or hours of operation for an existing service. Projects for the development of new qualifying job access and reverse commute projects must be identified as such in the recipient’s program of projects (POP).

(2) Maintenance Projects. “Maintenance of transportation services” means projects that continue and maintain job access and reverse commute projects and services that received funding under the former Section 5316 JARC program.

COORDINATED PUBLIC TRANSPORTATION - HUMAN SERVICES TRANSPORTATION PLAN (CPT-HSTP) NO LONGER A REQUIREMENT FOR JARC APPLICATIONS

Beginning with funding apportioned for fiscal year 2013, the requirement that eligible projects be derived from a locally developed, coordinated public transit–human services transportation plan only applies to the FTA Section 5310 program and does not apply to the Jobs Access Reverse Commute projects. Although the coordinated planning process is no longer required for JARC projects, FTA encourages public transit systems in all areas to continue to participate in the coordinated public transit–human service transportation planning process in order to identify and develop Job Access and Reverse Commute projects for funding under Section 5307. This process gives affected populations direct participation in the formulation and approval of projects that are intended to serve them, and provides an opportunity for a variety of public, private and private nonprofit transportation providers, non-DOT transportation programs, and other community interests to likewise share their knowledge and participate in formulating projects and identify opportunities for coordination.

The French Broad River Metropolitan Planning Organization (FBRMPO) has a locally developed Coordinated Public Transportation – Human Services Transportation Plan (CPT-HSTP, also known as Locally Coordinated Plan). The latest CPT-HSTP, adopted by the French Broad River MPO Board in February 2018, is available at <http://www.fbrmpo.org/tdm/cpt-hst-plan/>. Applicants may also refer to NCDOT 5310 Statewide Locally Coordinated Plan (August 2018), available at https://connect.ncdot.gov/business/Transit/Documents/LCP_Full%20Final_30July2018.pdf. The plan outlines a vision for improving mobility options for the disabled, aging, and low-income population subgroups living in the region.

COST SHARING/MATCH REQUIREMENT:

The Jobs Access Reverse Commute (JARC) 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

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 JARC 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 Friday, March 29, 2019**. Electronic submissions are preferred and should be sent to 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

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

2019 JARC Call for Projects Timeline	
January 30, 2019	5310 and JARC call for projects opens
March 29, 2019	5310 and JARC applications due to FBRMPO
April 2019	FBRMPO Prioritization Subcommittee meets to review the 5310 and JARC applications
May 9, 2019	TCC approves 5310 and JARC project selection
May 23, 2019	MPO Board votes on 5310 and JARC project selection
June 27, 2019	MPO Board approves TIP Amendments for 5310 and JARC projects

Please note that once the MPO Board approves the project selection, it might take an estimated six to twelve months for additional steps required prior to funding being available for project cost reimbursement: TIP and STIP Amendments, FTA grant application, FTA approval of grant application and signing a subrecipient agreement with the City of Asheville.

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 specifies the following requirement for 5307 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 JARC funding, projects will be passed along from MPO staff to the Prioritization Subcommittee for further evaluation and selection.

Final selection of projects will also need to go before the MPO Technical Coordinating Committee (TCC) as well as the MPO Board.

SCORING CRITERIA

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):** Project applications should clearly state the overall program goals and objectives, and demonstrate how the project is consistent with the programs goal of the Jobs Access Reverse Commute program and would serve the transportation needs of low-income individuals and/or welfare recipients. The project will also be reviewed in comparison with priority transportation needs identified through the FBRMPO's locally developed

Coordinated Public Transportation – Human Services Transportation Plan available at <http://www.fbrmpo.org/tdm/cpt-hst-plan/>

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 JARC 2019 CALL FOR PROJECTS

Name of Project

INSERT PROJECT NAME HERE

AGENCY INFORMATION

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

PROJECT INFORMATION

This application request is for:

Capital Costs

Federal Amount (80%)

\$

Local Amount (20%)

\$

Total

\$

Operating Costs

Federal Amount (50%)

\$

Local Amount (50%)

\$

Total

\$

What is the source of the local funding?

Describe the service or project you propose using JARC funds:

Is this a new service, expanded service or a continuation of service previously funded through JARC?

If funded, what is the proposed beginning and end date of this project?
Funding availability is expected to start no earlier than January 2020.
Applicants are encouraged to consider applying for a longer period of performance than needed to draw down the funds (i.e. adding an additional year or two), in case there are delays in getting the final grant approval prior to getting started.

Estimated Cost per Trip: \$

Estimated Daily Riders (weekday/weekend):

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 low-income individuals and/or welfare recipients (the program goal)? If applicable (not required), 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 low-income individuals and welfare recipients? 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>

Authorized Representative of Applicant

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.