

# **CERTIFICATION FORMS**

## **CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER INELIGIBILITY AND VOLUNTARY EXCLUSION**

1. This certification is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, FACT may, in addition to other remedies available to the Federal Government, pursue available remedies, including suspension and/or debarment.
2. The prospective lower tier participant shall provide immediate written notice to FACT if it learns at any time that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
3. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "persons," "lower tier covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause and certification have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549 (49 CFR Part 29). FACT may be contacted for assistance in obtaining a copy of those regulations.
4. The prospective lower tier participant agrees, by submitting this proposal, that, should the proposed covered transaction be entered into, it shall not knowingly enter into any subcontract with a person or firm who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless so authorized in writing by FACT.
5. The prospective lower tier participant further agrees that it will include the same "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction", without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
6. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. A participant may, but is not required to, check the Non-procurement List issued by U.S. General Service Administration.
7. Nothing detailed above shall be construed to require establishment of system of records in order to render in good faith the required certification. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
8. If it is determined that a participant in a covered transaction knowingly entered into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction (except for transactions authorized by FACT, under Paragraph 4 of these instructions,), FACT may, in addition to all remedies available to the Federal Government, pursue available remedies including suspension and/or debarment.

# CERTIFICATION FORMS

## **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion- Lower Tier Covered Transaction**

The prospective lower tier participant named below, by submission of this bid or proposal, hereby certifies that neither it nor its "principals" [as defined at 49 CFR 29.105(p)] is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

Name of Lower Tier Participant

**If the Lower Tier Participant named above is unable to certify to any of the statements in this certification, such participant must attach an explanation to this proposal.**

\_\_\_\_\_  
Signature and Title of Authorized Official

\_\_\_\_\_  
Date

# CERTIFICATION FORMS

## CERTIFICATION REGARDING LOBBYING

The undersigned Contractor certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, 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) If any funds other than Federal appropriated funds have been paid or 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 undersigned shall complete and submit Standard Form--LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 USC 1601, *et seq.* )

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 USC 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Pursuant to 31 USC 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 Contractor, \_\_\_\_\_, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 USC 3801(A), *et seq.*, apply to this certification and disclosure, if any.

\_\_\_\_\_  
Signature of Contractor's Authorized Official

\_\_\_\_\_  
Typed Name and Title of Contractor's Authorized Official

\_\_\_\_\_  
Date

# CERTIFICATION FORMS

## BIDDER/PROPOSER NON-COLLUSION CERTIFICATION

**THIS DOCUMENT MUST BE NOTARIZED AND RETURNED WITH ALL BIDS.**

Bidders/proposers must fill out the appropriate sections of this Certificate and return with bid.

1. If the Bidder/Proposer is not the parent company, insert below the name and main office address of the parent company. (A parent company is one that owns at least a majority (51%) of the voting rights and/or assets in that company.) If Bidder/Proposer is the parent company, complete only Section 2.

I, \_\_\_\_\_,  
(typed name - authorized official) (title)

for \_\_\_\_\_, the Bidder/Proposer,  
(executing agent)

attest to the proposal on behalf of the Bidder/Proposer and the parent company if other than the Bidder.

\_\_\_\_\_  
(authorized official - signature)

2. By submission of this Bid/Proposal, each respondent and each person signing on behalf of any respondent certifies and in the case of a joint bid, each party certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:
  - a. The prices in this Bid/Proposal have been arrived at independently without collusion, consultation, communication or agreement for the purpose of restricting competition as to any other matter relating to such prices with any other bidder or with any other competitor.
  - b. Unless otherwise required by law or this solicitation, the prices which have been included in this Bid/Proposal have not been knowingly disclosed by the Bidder/Proposer and will not knowingly be disclosed by the Bidder/Proposer prior to the bid opening (submission deadline for proposals) to any competitor; and
  - c. No attempt has been made or will be made by the Bidder/Proposer to induce any other person, partnership or corporation to submit or not to submit a Bid/Proposal for the purpose of restricting competition.

\_\_\_\_\_  
Signature

Title

\_\_\_\_\_  
Typed Name

Company

Taken, subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_

Notary Public in and for the County of

My commission expires

# CERTIFICATION FORMS

## DRUG AND ALCOHOL TESTING COMPLIANCE CERTIFICATION CONTRACTS AND SUBCONTRACTS FOR TRANSIT OPERATIONS AND OTHER SAFETY SENSITIVE FUNCTIONS AS APPLICABLE

\_\_\_ **Option 1** The Contractor agrees to participate in FACT's drug and alcohol program established in compliance with 49 CFR 653 and 654.

\_\_\_ **Option 2** The Contractor agrees to establish and implement a drug and alcohol testing program that complies with 49 CFR Parts 653 and 654, to produce any documentation necessary to establish its compliance with Parts 653 and 654, and to permit any authorized representative of the U.S. Department of Transportation or its operating administrations, the State Oversight Agency of Pennsylvania or FACT, to inspect the facilities and records associated with implementation of the drug and alcohol testing program as required under 49 CFR Parts 653 and 654 and review the testing process. The contractor agrees further to certify annually its compliance with Parts 653 and 654 before \_\_\_\_\_, a date to be specified by FACT, and to submit the Management Information System (MIS) reports before February 15<sup>th</sup> of each year to: Ms. Amy Revak, Director of Operations, FACT, 825 Airport Road, Lemont Furnace, PA 15456. To certify compliance, the Contractor shall use the "Substance Abuse Certifications" in the "Annual List of Certifications and Assurances for FTA Grants and Cooperative Agreements," published annually in the Federal Register.

\_\_\_ **Option 3** The Contractor agrees to establish and implement a drug and alcohol testing program that complies with 49 CFR Parts 653 and 654, to produce any documentation necessary to establish its compliance with Parts 653 and 654, and to permit any authorized representative of the U.S. Department of Transportation or its operating administrations, the State Oversight Agency of Pennsylvania or FACT, to inspect the facilities and records associated with implementation of the drug and alcohol testing program as required under 49 CFR Parts 653 and 654 and review the testing process. The contractor agrees further to certify annually its compliance with Parts 653 and 654 before \_\_\_\_\_, a date to be specified by FACT and to submit the Management Information System (MIS) reports before February 15<sup>th</sup> of each year to: Ms. Amy Revak, Director of Operations, FACT, 825 Airport Road, Lemont Furnace, PA 15456. To certify compliance, the Contractor shall use the "Substance Abuse Certifications" in the "Annual List of Certifications and Assurances for FTA Grants and Cooperative Agreements," published annually in the Federal Register. The Contractor agrees further to:

- \_\_\_ submit, prior to contract award, a copy of its Policy Statement developed to implement its drug and alcohol testing program, or
- \_\_\_ adopt FACT's Drug and Alcohol Policy Statement as its policy statement required under 49 CFR 653 and 654, or
- \_\_\_ submit for review and approval, prior to contract award, a copy of its Policy Statement developed to implement its drug and alcohol testing program, and to follow the procedures detailed below for specific aspects of the program (such as selection of a certified laboratory, substance abuse professional or Medical Review Officer, or use of a consortium) as determined by FACT.

\_\_\_\_\_  
\_\_\_\_\_

Contractor or subcontractor

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Typed Name and Title

\_\_\_\_\_  
Date