

BILL NO. 2023-26

RESOLUTION 2023-26

A RESOLUTION AUTHORIZING PARTICIPATION IN MISSOURI'S HIGHWAY SAFETY PROGRAM THROUGH THE MISSOURI DEPARTMENT OF TRANSPORTATION.

WHEREAS, the City of West Plains (the "City") recognizes the importance of highway safety; and

WHEREAS, the Missouri Department of Transportation, Highway Safety and Traffic Division, at times provides funding to enforce and encourage safe driving to municipal governments; and

WHEREAS, the City Council of the City has determined that it is in the best interest of the City to be supportive of and participate in programs and funding available through the Missouri Highway Safety Program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST PLAINS, MISSOURI AS FOLLOWS:

Section 1: That the City Council of the City of West Plains, Missouri does authorize the Mayor and City Councilpersons of the City of West Plains, Missouri to execute the attached City Council Authorization and submit it to the Missouri Department of Transportation, Highway Safety and Traffic Division.


Section 2: That this Resolution shall be in full force and effect from and after its date of passage and approval.

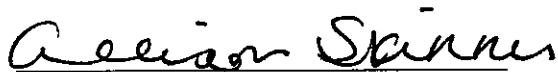
PASSED AND APPROVED THIS 18th DAY OF SEPTEMBER 2023.

CITY OF WEST PLAINS, MISSOURI

ATTEST:

A circular notary seal for the City of West Plains, Missouri, with the date 2023 visible.


MIKE TOPLIFF, MAYOR


ALLISON SKINNER, CITY CLERK

CANTRELL & NICHOLSON, LLC
Attorneys at Law

Charles C. Cantrell
Deedra L. Nicholson

P.O. Box 1030
Mountain View, MO 65548
(417) 934-2226
FAX (417)934-6223

September 7, 2023

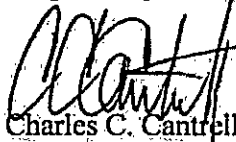
The Honorable Mike Topliff
Mayor of City of West Plains
City Hall
City of West Plains, Missouri

Dear Mayor Topliff:

This communication will serve as the requisite opinion of counsel to be filed with the Missouri Department of Transportation in connection with the application of the City of West Plains, Missouri for financial assistance pursuant to the provisions of Section 5311 of Title 49, United States Code herein referred to as 5311. I understand the City of West Plains, Missouri has been duly designated a recipient in accordance with the provisions of Section 5311, and that the Missouri Department of Transportation has concurred in the designation. The legal authority for the City of West Plains, Missouri's ability to carry out the project directly, by lease, contract, or otherwise, is set forth below:

1. The City of West Plains, Missouri is authorized under Chapter 82, RSMo, as amended, to provide and assist public transportation by acquisition, construction, and operation of existing or additional transit facilities. This assistance may be provided directly by the City of West Plains, Missouri, and/or purchase of service or lease arrangements with other parties.
2. I have reviewed the pertinent federal, state, and local laws, and I am of the opinion that there is no legal impediment to making this application. Furthermore, as a result of my examinations, I find that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of the City of West Plains, Missouri, to carry it out.

Respectfully submitted,


Charles C. Cantrell
City Attorney

**CERTIFICATION OF PRIMARY AND LOWER-TIER
PARTICIPANTS REGARDING
DEBARMENT, SUSPENSION, AND OTHER INELIGIBILITY
AND VOLUNTARY EXCLUSION**

49 CFR Part 29
Executive Order 12549

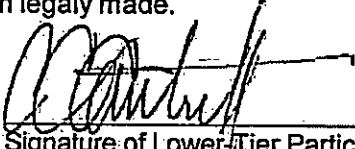
Executive Order 12549, as implemented by 49 CFR, prohibits FTA recipients and sub recipients from contracting for goods and services from organizations that have been suspended or debarred from receiving Federally assisted contracts. As part of their applications each year, recipients are required to submit a certification to the effect that they will not enter into contracts over \$25,000 with suspended or debarred contractors and that they will require their contractors (and their subcontractors) to make the same certification to them.

The Primary Participant submitting this application under an FTA assistance, Missouri Highways and Transportation Commission, certifies, by admission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

The Lower Tier Participant under contract with the primary participant, City of West Plains, certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certifies certification and understands that the provisions of 31 U.S.C. Sections 3801 et seq. are applicable thereto.

Signature of Lower-Tier Participant

The undersigned chief legal counsel for City of West Plains hereby certifies City of West Plains has authority under State and Local law to comply with the subject assurances and that the certification above has been legally made.



Signature of Lower-Tier Participant's Attorney

Charles C. Cantrell

Date: September 7, 2023

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the City of West Plains on September 18th, 2023, at 1910 Holiday Lane at 5:30 P.M. to consider a project partially funded by the Missouri Highway and Transportation Department pursuant to Section 5311 of Title 49, United States Code.

1. The location of the project will be 303 Jackie Garrett Dr. West Plains, MO, to serve the City of West Plains, Missouri.
2. Request financial assistance to purchase a new bus and improve current bus stop locations with new benches, signs, and cover. Estimated cost is \$134,600.
3. Request financial assistance in an amount necessary to complete funding and operate the city's public transit system from 2023 through 2025 Estimated cost is \$451,179
4. Total Cost of the Public Transportation Project is
Federal Funds \$228,078
Local Funds \$223,101
5. The Source of the local match will be from the city general funds.
6. At the hearing, the city will afford an opportunity for interested persons or agencies to be heard regarding social, economic, and environmental aspects of the project. Interested persons may submit orally, or in writing evidence and recommendations with respect to said project. If no person requests to give either oral or written evidence and recommendations three days prior to the public hearing, the applicant is not required to hold public hearing.
7. Organizations interested in the proposed service may request information concerning the project from the applicant.
8. **The City of West Plains does not discriminate on the basis of race, color, creed, national origin, sex, or age in employment or provision of services.**
9. Any person requesting information or requiring special accommodations to attend the public hearing may contact Mike Falwell, Project Manager, P.O. Box 710 West Plains, MO 65775 or telephone (417) 256-1241 or (417) 256-7176. (Missouri Relay Service for hearing impaired 1-800-735-2966).

Done by the order of the City Council of the City of West Plains, Missouri this 2nd day of August 2023.

Allison Skinner
City Clerk

Insert dates: August 16, 2023 and September 6, 2023

APPLICATION FOR ASSISTANCE
UNDER SECTION 5311 OF CHAPTER 53,
TITLE 49, UNITED STATES CODE
(CFDA #20.509)
2023-2025

Missouri Department Of Transportation
P.O. Box 270
Jefferson City, Missouri 65102

Revised July 2023

AUTHORIZING RESOLUTION
FOR
NONPROFIT CORPORATIONS AND QUASI-PUBLIC ENTITIES

WHEREAS, the Missouri Department of Transportation is authorized to make grants for general public transportation projects; and,

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs; and

WHEREAS, it is the goal of the applicant to provide the best transit system possible provided with the funds available.

NOW THEREFORE, be it resolved by the City of West Plains as follows:

1. That the Executive Director is authorized to execute and file applications for Section 5311 assistance on behalf of the City of West Plains, a nonprofit organization, with the Missouri Department of Transportation to aid in the financing of a public transportation system.
2. That the Executive Director is authorized to furnish additional information as the Missouri Department of Transportation may require in relation with the application of the project.
3. That the President or Chairperson is authorized to execute grant agreement(s) on behalf of the City of West Plains with the Highways and Transportation Commission for aid in the financing of Section 5311 assistance.

Adopted this ___ 18th ----- day of September 2023

Signature Michael Topliff
Typed Name Michael Topliff

ATTEST

Title Mayor

Alexis Skinner, city clerk
Secretary of the Board

ATTACHMENT B

COMMITMENT OF THE LOCAL SHARE

The local contribution for capital purchases will be made in cash by the City of West Plains, Missouri from sources other than Federal funds or transit revenues. Funds are currently available in the account for matching capital transit assistance.

It is further understood that no refund or reduction of the local contribution shall be made at any time unless there is at the same time a refund of a proportional amount of the federal grant.

Michael Dophoff
Mayor/Authorized Official

9/18/2023
Date

ATTEST:

Aaron Skinner
City Clerk/Secretary

ADA CERTIFICATION FOR PUBLIC ENTITIES

Certification of Equivalent Service

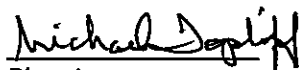
City of West Plains certifies that its demand responsive service offered to individuals with disabilities, including individuals who use wheelchairs, is equivalent to the level and quality of service offered to individuals without disabilities. Such service, when viewed in its entirety, is provided in the most integrated setting feasible and is equivalent with respect to:

- 1. Response time
- 2. Fares
- 3. Geographic service areas
- 4. Hours and days of service
- 5. Restrictions on trip purpose
- 6. Availability of information and reservation capability and
- 7. Constraints on capacity or service availability.

In accordance with 49 CFR 37.77, public entities operating demand responsive systems for the general public which receive financial assistance under Chapter 53 of Title 49, United States Code must file this Certification with the appropriate state program office before procuring any inaccessible vehicle. Such public entities not receiving any Federal Transit Administration (FTA) funds shall also file the certification with the appropriate state program office. Such public entities receiving FTA funds under Chapter 53 of Title 49, United States Code must file the certification with the appropriate FTA regional office. **This certification is valid for no longer than one year from its date of filing.**

Michael Topliff

Name of Official



Signature

Mayor

Title

September 18th 2023

Date

APPLICATION FOR SECTION 5311 ASSISTANCE

August 2nd 2023

Applicant's Name: City of West Plains, MO

Mailing Address: PO Box 710

Street Address (if different from mailing address): 1910 Holiday Lane

City: West Plains

State: MO

Zip: 65775

Contact Person: Mike Falwell

Phone Number (417)256-1241

Fax Number: (417) 256-4953

E-Mail Address: mike.falwell@westplains.gov

County: Howell

U.S. Congressional District: 8

UEI (Unique Entity Identifier) #: 44-6000287

Does applicant agency have a Title VI / Non-Discrimination Plan? yes no

If yes, Title VI/Nondiscrimination Plan approval date (mm/dd/yy): 6 / 2 / 2 0 2 2

Our governing body (board of director, city council, etc.) is made up predominantly of minority and/or low-income individuals. yes no

Potential riders/clients of our transportation service will be predominantly minority and/or low-income individuals. yes no

General description of Project

Funding is being requested to fund the system operations and administration of public transportation to all residents. The City is operating three 16 passenger buses that are equipped with lifts for the handicapped.

Proposed Capital Funding:

Federal Funds	\$107,680
Local Match	\$26,920
TOTAL BUDGET	\$134,600

Proposed Operating Funding:

Federal Funds	\$228,078
Local Match	\$223,101
TOTAL BUDGET	\$451,179


Authroizing Official

FEDERAL TRANSIT ADMINISTRATION
CERTIFICATIONS AND ASSURANCES
(Signature page alternative to signing individual certifications and assurances)

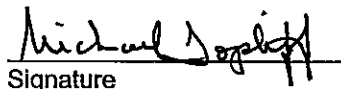
Name of Applicant: City of West Plains

**The Applicant agrees to comply with applicable requirements it has selected
as shown in Exhibits H-V on the following pages:**

check all that
apply

- Exhibit H ✓ Assurance of Charter and School Bus
- Exhibit I ✓ Program Fraud and False/Fraudulent Statements
- Exhibit J ✓ Breaches and Dispute Resolution
- Exhibit K ✓ Clean Water Requirements
- Exhibit L ✓ Federal Changes
- Exhibit M ✓ Energy Conservation Requirements
- Exhibit N ✓ Disadvantaged Business Enterprises Requirements
- Exhibit O ✓ Procurement Provisions of FTA Circular 4220.1F
- Exhibit P ✓ Termination Provision
- Exhibit Q ✓ Clean Air Requirements
- Exhibit R ✓ Privacy Act Requirements
- Exhibit S ✓ No Government Obligation to Third Parties
- Exhibit T Certification of Section 5323(a)(1) Requirements
 ✓ (public entities only)
- Exhibit U Certification of Compliance with FTA ITS Architecture
 ✓ Policy
- Exhibit V Certification of Compliance with FTA
 ✓ Terms

By signing below, I declare the applicant has duly authorized me to make these certifications and assurances and bind the Applicant's compliance.


Signature

Mayor _____

Title

September 18th 2023

Date

**CERTIFICATION OF COMPLIANCE WITH
DRUG AND ALCOHOL MISUSE
RULE FOR FTA RECIPIENTS**

49 CFR Part 655 Amended Part 40

DATE: September 18th 2023

Missouri Department of Transportation
Attention: Transit
P. O. Box270
Jefferson City, MO 65102

I, Michael Topliff, Mayor, certify that the City of West Plains has established and implemented an anti-drug and alcohol program and have conducted employee training complying with the requirements of 49 CFR Part 655 and Amended CFR Part 40; and that we have no employees regulated by the U.S. Federal Railroad Administration (FRA).

Michael Topliff
Signature of Authorized Official

Michael Topliff, Mayor
Name and Title of Authorized Official

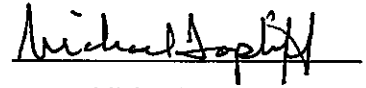
September 18th 2023

Date

City of West Plains

September 18th, 2023

I, Michael Topliff, certify that an opportunity to hold a public hearing was afforded and that no person(s) requested to appear before or submit written testimony on this grant application.

A handwritten signature in black ink that reads "Michael Topliff". The signature is written in a cursive style and is positioned above a solid horizontal line.

Michael Topliff, Mayor

**ACCEPTANCE OF SPECIAL 5333(6) OF TITLE 49, UNITED STATES CODE
WARRANTY FOR APPLICATION TO THE SMALL
URBAN AND RURAL PROGRAM**

Name of Grantee: City of West Plains

Address: PO Box 710

West Plains, MO 6775

Telephone: (417) 256-7176

The recipient, for and in consideration of a transportation grant to be made available to the recipient, pursuant to Section 5311 of Title 49, United States Code, hereby agrees to accept the terms and conditions of the Special 5333 (b) Warranty, incorporated herein and made a part hereof by reference, absent a waiver by the U.S. Department of Labor.

The recipient hereby agrees that it is the exclusive designated legally responsible party under the terms of the Special Section 5333 (b) Warranty and that the state of Missouri, acting through the Missouri Department of Transportation, assumes no obligation under the terms of the Special Warranty which are not otherwise part of its normal obligation as a grant administering agency.

The recipient hereby authorizes the presentation of this acceptance by the state of Missouri to the U.S. Department of Labor as evidence of the Recipient's commitments above described.

Recipient: City of West Plains

Signature: Michael Joplin

Title: Mayor

Date: September 18th, 2023

CERTIFICATION
OF
RESTRICTIONS ON LOBBYING

I, Michael Topliff, Mayor, hereby

certify on behalf of City of West Plains

(1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any persons for influencing or attempting to influence 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 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 influencing or attempting to influence an officer or employee of any agency, a Member of Congress, or an officer in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit standard Form LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

(3) The undersigned shall require that 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 is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

[Note: Pursuant to 31 U.S.C. Section 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 certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Applicant understands and agrees that the provisions of 31 U.S.C. A 3801, et seq., apply to this certification and disclosure, if any.

Michael Topliff
Signature of Authorized Official

Michael Topliff, Mayor
Name and Title of Authorized Official

September 18th 2023
Date

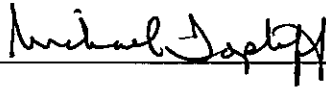
The following information is required by the Federal Transit Administration. The economic/racial/ethnic composition of your governing body or riders will not be considered as a factor in awarding grants.

Check yes or no:

Our governing body (board of director, city council, etc.) is made up predominantly of minority and/or low-income individuals. J yes J no

Potential riders/clients of our transportation service will be predominantly minority and/or low-income individuals.
 J yes J no

Signature



Title: Mayor

Date: September 18th, 2023



September 18th, 2023

Missouri Department of Transportation
C/O Transit
P.O. Box 270
Jefferson City, MO 65101

Dear Director:

The City of West Plains is applying for a grant of \$228,078 under Section 5311 of title 49, United States Code, to assist in financing a public transportation project. The applicant affirms that the data shown in this application are true and correct.

Sincerely,


Michael Topliff, Mayor

Year	License#	Average Riders per day/hours per day	Miles Last 12 months	Condition	Mileage	Vehicle use and other notes
2018	1026	20/8	12,640	Good	29,621	Back-up Bus used when main bus is unavailable
2009	1027	0/0	2,152	Fair	128,521	Back-up Bus used when main bus is unavailable
2012	1028	20/8	10,825	Good	90,461	Route or Point Deviation -Various stops around town

NOTICE OF PUBLIC HEARING

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Local Funds \$223,101
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6. At the hearing, the city will afford an opportunity for interested persons or agencies to be heard regarding social, economic, and environmental aspects of the project. Interested persons may submit orally, or in writing evidence and recommendations with respect to said project. If no person requests to give either oral or written evidence and recommendations three days prior to the public hearing, the applicant is not required to hold public hearing.
7. Organizations interested in the proposed service may request information concerning the project from the applicant.
8. The City of West Plains does not discriminate on the basis of race, color, creed, national origin, sex, or age in employment or provision of services.
9. Any person requesting information or requiring special accommodations to attend the public hearing may contact Mike Falwell, Project Manager, P.O. Box 710 West Plains, MO 65775 or telephone (417) 256-1241 or (417) 256-7176.
(Missouri Relay Service for hearing impaired 1-800-735-2966).

Done by the order of the City Council of the City of West Plains, Missouri this 2nd day of August 2023.

Allison Skinner
City Clerk

Insert dates: August 16, 2023 and September 6, 2023

**NOTICE OF PUBLIC
HEARING**

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7. Organizations interested in the proposed service may request information concerning the project from the applicant.

8. The City of West Plains does not discriminate on the basis of race, color, creed, national

Acc.Id: 58514
Name: CITY OF WEST PLAINS
-LEGAL
Phone: 417-256-7176
Address: PO BOX 710
City: WEST PLAINS
State: MO
Postcode: 65775
Class: 2035 Legal-West
Plains
Edition: WP WP
Start: 08/16/2023
Stop: 09/06/2023
Issues: 2
Units: 348.0
Order ID: CC 156541
TFN: C
TFN cycle:
Rep: AMANDADO
Status: OK
Source: EM
Paytype: BI
Rate: PP
Cost EXC 348.00
GST:
Tax: 0.00
Total Charge: 348.00
Printed on: 08/02/2023 11:24:57
Printed by: AMANDADO

race, color, creed, religion,
origin, sex, or age in employ-
ment or provision of services.

9. Any person requesting infor-
mation or requiring special
accommodations to attend the
public hearing may contact
Mike Falwell, Project Manager,
P.O. Box 710 West Plains, MO
65775 or telephone (417)
256-1241 or (417) 256-7176.

(Missouri Relay Service for
hearing impaired
1-800-735-2966).

Done by the order of the City
Council of the City of West
Plains, Missouri this 2nd day of
August 2023.

Allison Skinner
City Clerk

Insert dates: August 16, 2023
and September 6, 2023

CAPITAL PROJECT BUDGET

Project Period: July 1, 2023 thru June 30, 2025

Capital Purchases	Description	Estimated Cost	Federal Portion	Local Portion
	Improve bus stop locations with new benches, signs, and overhead cover	\$26,600	\$21,280	\$5,320
	Purchase a new bus for operations	\$108,000	\$86,400	\$21,600
	SUBTOTAL	\$134,600	\$107,680	\$26,920
	Federal Share (80%)	\$107,680		
	Local Share (20%)	\$26,920		
	TOTAL	\$134,600		

**CERTIFICATION OF COMPLIANCE WITH
CIVIL RIGHTS**

**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.**

Civil Rights - The following requirements apply to the underlying contract:

(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 certifies 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 following equal employment opportunity requirements apply to the underlying contract:

(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) Disadvantaged Business Enterprise - To the extent authorized by Federal law, the Applicant agrees to facilitate participation by Disadvantaged Business Enterprises (DBEs) in the Project and assures that each subrecipient, lessee, third party contractor, or other participant at any tier of the Project will facilitate participation by DBEs in the Project to the extent applicable.

(4) Access to Services for Persons with Limited English Proficiency- The Applicant agrees to facilitate compliance with the policies of Executive Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency," 42 U.S. C. section 2000d-1 note, and follow applicable provisions of U.S. DOT Notice, "DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficiency (LEP) Persons," 70 *Fed. Reg.* 74087, December 14, 2005, except to the extent that FTA determines otherwise in writing.

(5) 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.

LABOR

This project will not affect the employment conditions of West Plains Transit employees or employees of other public transportation providers listed in Exhibit B-2.

EXHIBIT B-2

LISTING OF RECIPIENTS, ELIGIBLE SURFACE TRANSPORTATION PROVIDERS AND LABOR REPRESENTATION

(1) Project	(2) Recipient	(3) Other Surface Public Transportation Providers	(4) Union Representation of Employees, if any
Cite project by name, description	Identify recipient of transportation assistance	Identify other eligible surface public transportation providers	Key to employees of providers in Columns 1 and 3
Application for Public Transportation Funds under Section 5311. Formula Grant Program for West Plains Transit Service within corporate city limits. Curb to Curb Demand Responsive for all vehicles.	City of West Plains	West Plains City Cab Ready Transportation SMTS OATS Medical Transports Town & Country Cab Co. Teresa Clinton	(1) Transit- Non Union (2) Other City Public Works - IBEW753

CERTIFICATION OF COMPLIANCE
CHARTER SERVICE AND SCHOOL BUS
REGULATIONS

49 CFR Part 605

School Bus Operations -the Applicant agrees to comply with 69 U.S.C. 5323(1) and 49 CFR Part 605, which provides that recipients and sub recipients of FTA assistance may not engage in school bus operations exclusively for the transportation of students and school personnel in competition with private school bus operators unless qualified under specified exemptions. When operating exclusive school bus service under an allowable exemption, recipients and sub recipients may not use federally funded equipment, vehicles, or facilities.

49 U.S.C. 5323(d)
49 CFR Part 604

Charter Service Operations - The Applicant agrees to comply with 49 U.S.C. 5323(d) and 49 CFR Part 604 and any Charter Service regulations or FTA directives that may be issued, except to the extent FTA determines otherwise in writing. The Applicant understands and agrees that: (1) the requirements of FTA's Charter Service regulations and any amendments thereto will apply to any charter service it, or its sub recipients, lessees, third party contractors, or other participants in the Project provide; (2) the definitions of FTA's Charter Service regulations will apply to the Applicant's charter operations, and (3) a pattern of violations of FTA's Charter Service regulations may require corrective measures and imposition of remedies, including barring the Applicant, sub recipient, lessee, third party contractor, or other participant in the Project from receiving Federal financial assistance from FTA, or withholding an amount of Federal assistance as set forth in Appendix D of FTA's Charter Service regulations.

EXHIBIT I

CERTIFICATION OF COMPLIANCE
PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS
AND RELATED ACTS
31 U.S.C. 3801 et seq. 49 CFR Part 31 18 U.S.C. 1001 49 U.S.C. 5307

Program Fraud and False or Fraudulent Statements or Related Acts.

(1) The applicant acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. § 3801 et seq. and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. Part 31, apply to its actions pertaining to this Project. Upon execution of the underlying contract, the Applicant certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying contract or the FTA assisted project for which this contract work is being performed. In addition to other penalties that may be applicable, the Applicant further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on the Applicant to the extent the Federal Government deems appropriate.

(2) The Applicant also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under a contract connected with a project that is financed in whole or in part with Federal assistance originally awarded by FTA under the authority of 49 U.S.C. § 5307, the Government reserves the right to impose the penalties of 18 U.S.C. § 1001 and 49 U.S.C. § 5307(n)(1) on the Applicant, to the extent the Federal Government deems appropriate.

(3) The Applicant agrees to include the above two clauses in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject to the provisions.

CERTIFICATION OF COMPLIANCE
BREACHES AND DISPUTE RESOLUTION
49 CFR Part 18
FTA Circular 4220.1F

Disputes - Disputes arising in the performance of this Contract that are not resolved by agreement of the parties shall be decided in writing by the applicant's authorized representative. This decision shall be final and conclusive unless within ten (10) days from the date of receipt of its copy, the Contractor mails or otherwise furnishes a written appeal to the applicant's authorized representative. In connection with any such appeal, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its position. The decision of the applicant's authorized representative shall be binding upon the Contractor and the Contractor shall abide by the decision.

Performance During Dispute - Unless otherwise directed by the applicant, Contractor shall continue performance under this Contract while matters in dispute are being resolved.

Claims for Damages - Should either party to the Contract suffer injury or damage to person or property because of any act or omission of the party or of any of his employees, agents or others for whose acts he is legally liable, a claim for damages therefore shall be made in writing to such other party within a reasonable time after the first observance of such injury or damage.

Remedies - Unless this contract provides otherwise, all claims, counterclaims, disputes and other matters in question between the applicant and the Contractor arising out of or relating to this agreement or its breach will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State in which the applicant is located.

Rights and Remedies - The duties and obligations imposed by the Contract Documents and the rights and remedies available thereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law. No action or failure to act by Applicant, Architect or Contractor shall constitute a waiver of any right or duty afforded any of them under the Contract, nor shall any such action or failure to act constitute an approval of or acquiescence in any breach thereunder, except as may be specifically agreed in writing.

CERTIFICATION OF COMPLIANCE WITH CLEAN WATER REQUIREMENTS
33 U.S.C. 1251

Clean Water - (1) The applicant agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq. The Applicant agrees to report each violation to the Purchaser and understands and agrees that the Purchaser will, in turn, report each violation as required to assure notification to FTA and the appropriate EPA Regional Office.

(2) The Applicant also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

CERTIFICATION OF COMPLIANCE WITH FEDERAL CHANGES
49 CFR Part 18

Federal Changes - The applicant shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the Agreement (Form FTA MA (20)-dated October, 2013)-between Purchaser and FTA, as they may be amended or promulgated from time to time during the term of this contract. Applicant's failure to so comply shall constitute a material breach of this contract.

EXHIBIT M

CERTIFICATION OF COMPLIANCE
ENERGY CONSERVATION REQUIREMENTS
49 CFR Part 18, 42 U.S.C. 6321 et seq.

The applicant agrees to comply with mandatory standards and policies relating to energy efficiency contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

EXHIBIT N

CERTIFICATION OF COMPLIANCE
DISADVANTAGED BUSINESS ENTERPRISE (DBE)
49 CFR Part 26

To the extent authorized by Federal law, the Recipient (the "applicant") agrees to facilitate participation by Disadvantaged Business Enterprises (DBE) in the Project and assures that each sub recipient, lessee, and third party contractor at any tier of the Project will facilitate participation by DBEs in the Project to the extent applicable. Therefore:

(1) The Recipient agrees and assures that it will comply with section 1101(b) of SAFETEA LU,23

U.S.C. § 101 note, and U.S. DOT regulations, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs," 49 C.F.R. Part 26.

(2) The Recipient agrees and assures that it shall not discriminate on the basis of race, color, sex, or national origin in the award and performance of any third party contract, or sub agreement supported with Federal assistance derived from U.S. DOT in the administration of its DBE program and will comply with the requirements of 49 C.F.R. Part 26. The Recipient agrees to take all necessary and reasonable steps set forth in 49 C.F.R. Part 26 to ensure nondiscrimination in the award and administration of all third party contracts and sub agreements supported with Federal assistance derived from U.S. DOT. As required by 49 C.F.R. Part 26 and approved by U.S. DOT, the Recipient's DBE program, if any, is incorporated by reference and made part of the Grant Agreement or Cooperative Agreement for the Project. The Recipient agrees that implementation of this DBE program is a legal obligation, and that failure to carry out that DBE program shall be treated as a violation of the Grant Agreement or Cooperative Agreement for the Project and the Master Agreement. Upon notification by U.S. DOT to the Recipient of its failure to implement its approved DBE program, U.S. DOT may impose sanctions as provided for under 49 C.F.R. Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. § 1001, and/or the Program Fraud Civil Remedies Act, 31 U.S.C. §§ 3801 et seq.

**COMPLIANCE WITH PROCUREMENT PROVISIONS OF
FTA CIRCULAR 4220.1 F**

The applicant certifies that its procurements and procurement system will comply with all applicable requirements imposed by Federal laws, executive orders, or regulations and the requirements of FTA circular 4220.1F, "Third Party Contracting Requirements," and other implementing requirements FTA may issue. The Applicant certifies that it will include in its contracts financed in whole or in part with FTA assistance all clauses required by Federal laws, executive orders, or regulations, and will ensure that each sub recipient and each applicant will also include in its sub agreements and contracts financed in whole or in part with FTA assistance all applicable clauses required by Federal laws, executive orders, or regulations.

EXHIBIT P

**COMPLIANCE WITH TERMINATION PROVISION
49 U.S.C. Part 18 FTACircular4220.1F**

a. Termination for Convenience (General Provision) The Missouri Highways and Transportation Commission (the "Commission") may terminate this contract, in whole or in part, at any time by written notice to the Applicant when it is in the Government's best interest. The Applicant shall be paid its costs, including contract closeout costs, and profit on work performed up to the time of termination. The Applicant shall promptly submit its termination claim to the Commission to be paid the Applicant. If the Applicant has any property in its possession belonging to the Commission, the Applicant will account for the same, and dispose of it in the manner the Commission directs.

b. Termination for Default [Breach or Cause] (General Provision) If the Applicant does not deliver supplies in accordance with the contract delivery schedule, or, if the contract is for services, the Applicant fails to perform in the manner called for in the contract, or if the Applicant fails to comply with any other provisions of the contract, the Commission may terminate this contract for default. Termination shall be effected by serving a notice of termination on the applicant setting forth the manner in which the Applicant is in default. The applicant will only be paid the contract price for supplies delivered and accepted, or services performed in accordance with the manner of performance set forth in the contract.

If it is later determined by the Commission that the Applicant had an excusable reason for not performing, such as a strike, fire, or flood, events which are not the fault of or are beyond the control of the Applicant, the Commission, after setting up a new delivery of performance schedule, may allow the Applicant to continue work, or treat the termination as a termination for convenience.

c. Opportunity to Cure (General Provision) The Commission in its sole discretion may, in the case of a termination for breach or default, allow the Applicant 60 calendar days in which to cure the defect. In such case, the notice of termination will state the time period in which cure is permitted and other appropriate conditions

If the Applicant fails to remedy to Commission's satisfaction the breach or default or any of the terms, covenants, or conditions of this Contract within [ten (10) days] after receipt by Applicant or written notice from Commission setting forth the nature of said breach or default, Commission shall have the right to terminate the Contract without any further obligation to Applicant. Any such termination for default shall not in any way operate to preclude Commission from also pursuing all available remedies against Applicant and its sureties for said breach or default.

d. Waiver of Remedies for any Breach in the event that Commission elects to waive its remedies for any breach by Applicant of any covenant, term or condition of this Contract, such waiver by Commission shall not limit Commission's remedies for any succeeding breach of that or of any other term, covenant, or condition of this Contract.

**CERTIFICATION OF COMPLIANCE WITH CLEAN AIR
42 U.S.C. 7401 et seq 40 CFR 15.61 49 CFR Part 18**

Clean Air - (1) The Applicant agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. §§ 7401 et seq. The Applicant agrees to report each violation to the Purchaser and understands and agrees that the Purchaser will, in turn, report each violation as required to assure notification to FTA and the appropriate EPA Regional Office.

(2) The Applicant also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

**CERTIFICATION OF COMPLIANCE WITH FEDERAL PRIVACY ACT REQUIREMENTS
5 U.S.C. 552**

Contracts Involving Federal Privacy Act Requirements - Drug or Alcohol Abuse-Confidentiality and Other Civil Rights Protections.

The applicant agrees to comply with the confidentiality and other civil rights provisions of the Drug Abuse Office and Treatment Act of 1972, Pub. L. 92-255, March 21, 1972, as amended, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, Pub. L. 91-616, Dec. 31, 1970, as amended, and the Public Health Service Act of 1912, amended, 49 U.S.C. 290dd-3 and 2390ee-3, and any subsequent amendments to these acts.

CERTIFICATION OF NO GOVERNMENT OBLIGATION TO THIRD PARTIES

No Obligation by the Federal Government.

The Purchaser and Applicant acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations or liabilities to the Purchaser, Applicant, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

The Applicant agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

**CERTIFICATION OF SECTION 5323(a)(1) REQUIREMENTS
(FOR PUBLIC ENTITIES ONLY)**

Section 5323(a)(1) Requirements - As required by 49 U.S.C. 5323(a)(1), the Applicant certifies that before it acquires property or an interest in property of a private mass transportation company or operates mass transportation equipment or a facility in competition with or in addition to transportation service provided by an existing mass transportation company it has or will have:

A. Found that the assistance is essential to carrying out a program of projects as determined by the plans and programs of the metropolitan planning organization;

B. Provided for the participation of private mass transportation companies to the maximum extent feasible;

C. Paid just compensation under State or local law to a private mass transportation company for its franchises or property acquired and;

D. Acknowledged that the assistance falls within the labor standards compliance requirements of 49 U.S.C. 5333(a) and 5333(b).

Certification of Compliance with FTA ITS Architecture Policy

In compliance with Section VII of "FTA National ITS Architecture Policy on Transit Projects" at 66 FR 1459, January 8, 2001, in the course of implementing an ITS project, the Grantee assures it will comply, and require any third party contractor to comply, with all applicable requirements imposed by Section V and Section VI of that notice.

**CERTIFICATION OF COMPLIANCE
INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION (FTA) TERMS
FTA Circular 4220.1F**

Incorporation of Federal Transit Administration (FTA) Terms - The preceding provisions include, in part, certain Standard Terms and Conditions required by the Department of Transportation (DOT), whether or not expressly set forth in the preceding contract provisions. All contractual provisions required by DOT, as set forth in FTA Circular 4220.1F dated November 1, 2008 and revised March 13, 2013, are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. The Applicant shall not perform any act, fail to perform any act, or refuse to comply with any requests that would cause the applicant to be in violation of the FTA terms and conditions.

Calculation of Funding Request

	Expense	Funding Request
Expenses to be reimbursed at 80%	\$28,460	\$22,768
Expenses to be reimbursed at up to 50%	\$422,619	
Less Fares	<u>-\$12,000</u>	
Net Eligible Expense	\$410,619	
Revenues/Local Match Available	\$234,694	
Less Match for 80% exp	<u>\$5,692</u>	
Net Revenues/Local Match	<u>\$229,002</u>	
Net Deficit		<u>\$229,002</u>
Section 5311 Funding Request		<u>\$228,078</u>
Revenue/Local Match		
General Funds	\$218,288	
State Transit	<u>\$16,406</u>	
	<u>\$234,694</u>	

PROJECTED OPERATING BUDGET

Project Period: July 1 2023 thru June 31, 2025

Total Expenses

Administrative Costs to be reimbursed at 80%

503.03	Drug & Alcohol Testing	500	
503.03	Physicals	200	
509.08	Background Checks	200	
506.00	Insurance (Prop Liab and WC)	27,560	
	.Total 80% Expenses		<u>\$28,460</u>
501.00	Project Manager's Salary	92,144	
501.00	Secretary/Bookkeeper	0	
502.01	Manager-Fringe	25,706	
502.01	Secretary-Fringe	0	
503.03	Professional/Technical Services	1,200	
505.00	Building Utilities (lights, heat, water)	26,000	
505.02	Telephone	1,200	
509.01	Memberships	1,000	
509.02	Travel (mileage)	1,000	
509.03	Office Supplies	800	
514.01	Public Hearing Notices	600	
514.02	Marketing/Advertising	3,000	
	Total 50% Expense		<u>\$152,650</u>
	Total Administrative Expense		<u>\$181,110</u>
501.01	Driver Salaries	173,056	
502.01	Drivers-Fringe	51,413	
501.03	Dispatcher	0	
503.05	Maintenance (Labor and Parts)	14,400	
502.03	Dispatcher-Fringe	0	
504.01	Fuel and Oil	30,000	
507.04	Registration and Licensing	1,200	
	.Total Operating Expense		<u>\$270,069</u>
	.Total Expense (this should be the amount shown on the application page)		\$451,179
	Less Expense to be reimbursed at 80%		<u>-\$28,460</u>
	.Total Expense to be reimbursed at up to 50%		<u>\$422,619</u>