



# Resolution

## NO. 903-UPWP

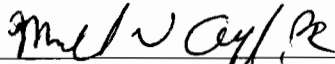
### MPO SELF-CERTIFICATION

WHEREAS, In accordance with Title 43, Part 1, Chapter 15, Subchapter A, Rule §15.5 of the Texas Administrative Code, the Texas Department of Transportation , and the Houston-Galveston Area Council Metropolitan Planning Organization for the Houston, Galveston, Texas City, La Marque, Lake Jackson, and Woodlands urbanized areas hereby certify that the transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

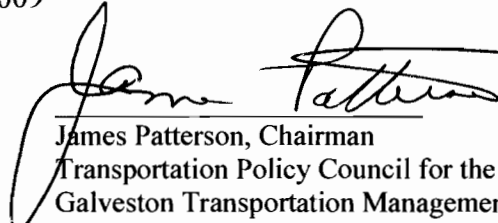
- (1) 23 U.S.C. 134, 49 U.S.C. 5303, and this subpart; (compliance with Metropolitan Planning)
- (2) In non-attainment and maintenance areas, sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93;
- (3) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
- (4) 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
- (5) Section 1101(b) of the SAFETEA-LU (Public Law 109-59) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
- (6) 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
- (7) The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37, and 38;
- (8) The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
- (9) Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
- (10) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

**NOW, THEREFORE, BE IT RESOLVED BY THE TRANSPORTATION POLICY COUNCIL,  
THAT SAID 2009 CERTIFICATION IS HEREBY APPROVED AND INCORPORATED  
INTO SUCH DOCUMENTS AS DEEMED APPROPRIATE BY TxDOT, FHWA AND FTA.**

Witness these signatures this 29<sup>th</sup> day of May, 2009

  
to- Delvin Dennis, P.E. District Engineer  
Texas Department of Transportation  
Houston District

5-29-09  
Date

  
James Patterson, Chairman  
Transportation Policy Council for the Houston-  
Galveston Transportation Management Area

5/29/09  
Date

## **Annual Certification of the Metropolitan Planning Process**

### **Background**

Under Title 43, Part 1, Chapter 15, Subchapter A, Rule §15.5, entitled **Metropolitan Planning Process** of the Texas Administrative Code, the Texas Department of Transportation and the Metropolitan Planning Organization shall annually certify to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) that the planning process is addressing the major transportation management issues facing the area and is being conducted in accordance with all applicable requirements of 23 CFR §450.334.

The Transportation Policy Council (TPC) passed the 2008 certification resolution on June 27, 2008, signed by the District Engineer and the Transportation Policy Council Chairman. The adopted resolution was then included with the current TIP and UPWP per request. As part of this action, the Debarment, Procurement, and Lobbying certifications are also signed annually by the District Engineer and TPC Chairman.

### **Current Situation**

While the FHWA and FTA no longer require the annual metropolitan planning process certification to be included with the current UPWP, the Texas Administrative Code requires the annual certification to be part of the current TIP. The annual certifications for Debarment, Procurement and Lobbying are still required annually in the UPWP by all parties.

### **Requested Action**

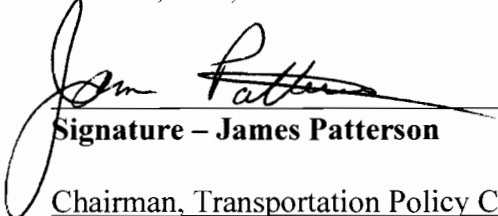
Staff request approval and signing of the annual metropolitan planning process resolution and certifications.


**DEBARMENT CERTIFICATION**

**(Negotiated contracts)**

- (1) The Houston-Galveston Area Council as **CONTRACTOR** certifies to the best of its knowledge and belief, that it and its principals:
  - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any federal debarment or agency;
  - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public\* transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted or otherwise criminally or civilly charged by a governmental entity\* with commission of any of these offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions\* terminated for cause or default.
- (2) Where the **CONTRACTOR** is unable to certify to any of the statements in this certification, such **CONTRACTOR** shall attach an explanation to this certification.

\*federal, state, or local

  
 Signature – James Patterson  
 Chairman, Transportation Policy Council  
 Title

  
 Signature – Jack Steele  
 Executive Director  
 Title

Houston-Galveston Area Council  
MPO

Houston-Galveston Area Council  
Fiscal Agent

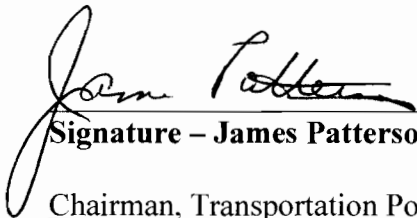
05/29/09  
Date

**LOBBYING CERTIFICATION**  
**for**  
**Contracts, Grants, Loans, and Cooperative Agreements**

The undersigned 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 any federal 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 influencing or attempting to influence 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.
- (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 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.

  
\_\_\_\_\_  
**Signature – James Patterson**

Chairman, Transportation Policy Council  
**Title**

Houston-Galveston Area Council  
**MPO**

05/29/09  
**Date**

  
\_\_\_\_\_  
**Signature – Jack Steele**

Executive Director  
**Title**

Houston-Galveston Area Council  
**Fiscal Agent**

**Certification of Procurement Compliance**

I, James Patterson, Chairman, a duly authorized representative of the Houston-Galveston Area Council (H-GAC), do hereby certify that the contract and procurement procedures that are in effect and used by the forenamed MPO are in compliance with 49 CFR 18, “Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments,” as it may be revised or superseded.

  
\_\_\_\_\_  
**Signature – James Patterson**

Chairman, Transportation Policy Council  
**Title**

Houston-Galveston Area Council  
**MPO**


05/29/09  
**Date**

Concurrence:  
  
\_\_\_\_\_  
**Signature – Jack Steele**

Executive Director  
**Title**

Houston-Galveston Area Council  
**Fiscal Agent**

Attest:

  
\_\_\_\_\_  
Alan C. Clark  
MPO Director