

CITY OF WILLIAMSPORT, PA RESOLUTION

RESOLUTION # 9039

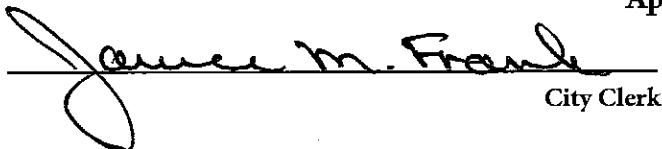
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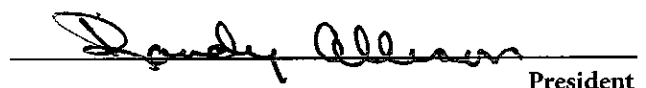
TITLE

RESOLUTION AUTHORIZING THE EXECUTION OF A SUBRECIPIENT MONITORING AGREEMENT BETWEEN THE CITY OF WILLIAMSPORT AND LYCOMING COUNTY IN CONJUNCTION WITH RIVER VALLEY TRANSIT'S UNIFIED PLANNING WORK PROGRAM FOR FY 2020 - 2022

BE IT HEREBY RESOLVED, by the City Council of the City of Williamsport that the Mayor and City Controller be authorized to execute the sub-recipient monitoring agreement between the City of Williamsport and the County of Lycoming in conjunction with River Valley Transit's Unified Planning Work Program for FY 2020 - 2022.

Approved


City Clerk


President



MEMORANDUM

TO: Mayor Derek Slaughter and Members of City Council

FROM: Adam L. Winder, General Manager

DATE: June 3, 2020

SUBJECT: Resolution Executing Subrecipient Monitoring Agreement

Attached for your review is the following resolution to be considered at the upcoming June 11, 2020 Williamsport City Council meeting as follows:

RESOLUTION AUTHORIZING THE EXECUTION OF A SUBRECIPIENT MONITORING AGREEMENT BETWEEN THE CITY OF WILLIAMSPORT AND LYCOMING COUNTY IN CONJUNCTION WITH RIVER VALLEY TRANSIT'S UNIFIED PLANNING WORK PROGRAM FOR FY 2020-2022

Biennially, RVT requests approval of a subrecipient monitoring contract between the City of Williamsport and the County of Lycoming for transit planning activities funded by the Federal Transit Administration (FTA) and the Pennsylvania Department of Transportation (PennDOT). The planning sub-contract is for two fiscal years (FY 2021 and FY 2022) and matches the planning activities to be conducted in RVT's Unified Planning Work Program (UPWP) for FY 2020-2022 which has already been approved by the WATS Technical and Coordinating Committees. The budget for the transit portion of the annual work program, under Section 5309 funding, has been established at \$66,250 annually. The local share is 10% and is provided through RVT's annual operating budget approved by City Council as part of RVT's budget in December 2019. It should be noted that this contract is similar to the previous planning contracts approved by City Council. A copy of the Subrecipient Monitoring Agreement along with the FY 2020-2022 UPWP scope of work are included for your review.

Should you have any questions or need additional information prior to the next City Council meeting, please feel free to give me a call.

**SUBRECIPIENT MONITORING AGREEMENT
BETWEEN
COUNTY OF LYCOMING
AND
CITY OF WILLIAMSPORT**

THIS AGREEMENT made between the County of Lycoming, a political sub-division of the Commonwealth of Pennsylvania, hereinafter sometimes referred to as “the COUNTY”, and City of Williamsport a Subrecipient of a grant to the COUNTY, sometimes hereinafter referred to as “SUB.”

WHEREAS, the COUNTY is a recipient of the following grant (hereinafter “the Grant”):

Grant Name:	WATS Transportation Planning and Programming Agreement	Subrecipient EIN #:	24-6000719
Grant Contract #:	521172 Work Order # 3	Subrecipient DUNS #:	05-254-5357
Grantor Agency:	PA Department of Transportation	Funding Source:	Federal Transit Administration Metropolitan Planning Funds
Grant Term:	July 1, 2020-June 30, 2022	Federal CFDA#:	20.505
Subrecipient Grant Contact:		Grant Amount:	\$ 103,000.00

The terms of this Agreement shall be in accordance with the provisions of the Grant award itself, including any subsequent modifications or amendments thereto.

WHEREAS, the City of Williamsport, is about to become a subrecipient under the COUNTY of the Grant, and

WHEREAS, the SUB shall utilize Grant funds to perform federally funded transit planning work task requirements as described in Exhibit 1, and

WHEREAS, the COUNTY desires to impose certain responsibilities of the SUB with respect to the Grant.

NOW THEREFORE, it is hereby agreed as follows:

1. The SUB, in its administration of the Grant, shall comply with all laws, regulations, terms and conditions of the Grant as set forth by the funding sources and shall comply with all other applicable federal, state, and local laws and regulations as attached hereto as Attachment (A) and incorporated herein by this reference.
2. The SUB shall provide the COUNTY with completed reports required under the terms of the Grant or otherwise required by the COUNTY by forwarding copies to the COUNTY at its Office of Fiscal Services within the time frame set forth in the Grant. The reports shall include, but not be limited to, the following:
 - a. A signed grant application

- b. A signed grant request and budget
 - c. Monthly or quarterly reports (if required by grantor):
 - Revenue and Expenditure Report
 - Progress or Performance Report
 - d. Budget amendment reports
 - e. The required audit reports including agreed upon procedures report.
 - f. All non-compliance response.
 - g. Quarterly calculations of interest earned on grant funds
3. The SUB will provide the COUNTY at its Office of Fiscal Services with invoices and/or copies of the front and backs of checks to substantiate all use of the funds within the term set forth, and shall maintain such records and keep them available for review by the COUNTY and its agents.
 4. The SUB shall provide the COUNTY with an audit report in accordance with Attachment (B) on the use of the Grant funds, which will be submitted to the COUNTY within (30) days after completion of the audit.
 5. The SUB shall allow independent auditors or the COUNTY's auditors access to the SUB's records, financial and otherwise, in order to determine compliance with all laws, regulations, terms and conditions of the Grant.
 6. The SUB's audit will be reviewed by the COUNTY for the purpose of determining compliance or non-compliance. If non-compliance arises, the SUB will be directed to take corrective action. Upon direction to take corrective action, the SUB will, in writing, inform the COUNTY of its timetable for implementation of the required corrective action and after the completion of the timetable, certify to the COUNTY the completion of the necessary corrective action.
 7. In the event of the SUB fails to comply with the requirements of the Grant or of this Agreement, the COUNTY may terminate the SUB's further participation in the Grant or withhold payment of the Grant funds until all conditions are met.
 8. The SUB shall indemnify, defend and hold the COUNTY harmless from and against any and all claims, demands, damages and causes of action arising out of or pertaining to any act or omission of the Grant agency, its officers, directors, agents, servants and/or employees and for any costs incurred by the COUNTY arising out of the SUB's failure to comply with this Agreement or the Grant.
 9. Under no circumstance shall the COUNTY be liable on any claims, demands, damages or causes of action arising out of or pertaining to any unavailability of the Grant funds.
 10. This monitoring agreement shall be effective as of July 1, 2020 and shall expire on June 30, 2022.

11. Any further sub-awards of the Grant funds by the SUB must include provisions for subrecipient monitoring consistent with this Agreement.

IN WITNESS WHEREOF, and intending to be legally bound hereby, this agreement has been executed this _____ day of _____ 20_____.

ATTEST:

SUBRECIPIENT

COUNTY OF LYCOMING

ATTEST:

Scott Metzger, Chairman

Matthew A. McDermott, Chief Clerk

Tony R. Mussare, Vice Chairman

Richard Mirabito, Secretary

ATTACHMENT (A)

Please reference grant agreement and requirements for pass-through entities in §200.331- Super Circular.

Certification Requirements:

1. Certification Regarding Debarment and Suspension

The undersigned (authorized official signing for the applicant organization) certifies the best of his or her knowledge and belief, that the applicant defined as the primary participant in accordance with 45 CFR Part 76, and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared, ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency.
- (b) Have not, within a 3-year period preceding this proposal, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offence in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) 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 (Federal, State or local) with commission of any of the offenses enumerated in paragraph (b) of this certification.
- (d) Have not, within a 3-year period preceding this application/proposal, had one or more public transactions (Federal, State, or local) terminated for cause or default.

2. Certification Regarding Drug-Free Workplace Requirements

The undersigned (authorized official signing for the applicant organization) certifies that the applicant will, or will continue to, provide a drug-free work-place in accordance with 45 CFR Part 76 by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying that actions that will be taken against employees for violation of such prohibition.
- (b) Establishing an ongoing drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace.
 - (2) The grantee's policy of maintaining a drug-free workplace.
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs.
 - (4) The penalties that may be imposed upon employees for drug abuse violations
 - (a) above.
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a) above.

- (d) Notifying the employee in the statement requires by paragraph (a), above, that, as a condition of employment under the grant, the employee will –
 - (1) Abide by the terms of the statement.
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

- (e) Notifying the agency in writing within ten calendar days after receiving notice under paragraph (d) (2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant.

- (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted –
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended.

 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency.

- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

For purposes of paragraph (e) regarding agency notification of criminal drug convictions, the DHHS has designated the following central point for receipt of such notices:

Office of Grants and Acquisition Management
Office of Grant Management
Office of the Assistant Secretary for Management and Budget
Department of Health and Human Services
200 Independence Avenue, S. W., Room 517-D
Washington, D.C. 20201

3. **Certification Regarding Lobbying**

Title 31, United States Code, Section 1352, entitled “Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,” generally prohibits recipients of Federal grants and cooperative agreements from using Federal (appropriated) funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a SPECIFIC grant or cooperative agreement. Section 1352 also requires that each person who requests or receives a Federal grant or cooperative agreement must disclose lobbying undertaken with non-Federal (non-appropriated) funds. These requirements apply to grants and cooperative agreements EXCEEDING \$100,000 in total costs (45 CFR Part 93).

The undersigned (authorized official signing for the applicant organization) certifies, to the best

of his or her knowledge and belief, that:

- (a) 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 agency, a Member of Congress, 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 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.
- (b) If any funds other than Federally 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.
- (c) The undersigned shall 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.

The 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, 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.

4. Certification Regarding Program Fraud Civil Remedies Act (PFCRA)

The undersigned (authorized official signing for the applicant organization) certifies that the statements herein are true, complete, and accurate to the best of his or her knowledge. And that he or she is aware that any false, fictitious, or fraudulent statements or claims may subject him or her to criminal, civil, or administrative penalties. The undersigned agrees that the applicant organization will comply with the Public Health Service terms and conditions of award if a grant is awarded as a result of this application.

5. Certification Regarding Environmental Tobacco Smoke

Public Law 103-227, also known as the Pro-Children Act of 1994 (ACT), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, early childhood development services, education or library services to children under the age of 18, if the services are funded by Federal programs wither directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law also applies to children's services that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds. The law does not apply to children's services that are provided in private residence, portions of facilities used for inpatient drug or alcohol treatment, service providers whose sole source of applicable Federal funds is Medicare or Medicaid, or facilities where WIC coupons are redeemed

Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 for each violation and/or the imposition of an administrative compliance order on the responsible entity.

By signing the certification, the undersigned certifies that the applicant organization will comply with the requirements of the Act and will not allow smoking within any portion of any indoor facility used for the provision of services for children as defined by the Act.

The applicant organization agrees that it will require that the language of this certification be included in any sub-awards which contain provisions for children's services and that all sub-recipients shall certify accordingly.

The Public Health Services strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of tobacco products. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Uniform Guidance Procurement Requirements:

1. State Procurement Guidelines

Departments shall comply with all Pennsylvania state procurement statutes when utilizing state grant funds to make purchases as outlined below. Bidding thresholds are adjusted annually for inflation by the Pennsylvania Department of Labor & Industry under Act 90 of 2011.

- Purchases below \$10,700.00 shall require no formal bidding or written/telephonic quotations.
- Purchases between \$10,700.00 - \$19,699.99 shall require three (3) written/telephonic quotations.
- Purchases over \$19,699.99 shall require formal bidding.

2. Federal Procurement Guidelines

For federal grant awards issued on or after December 26, 2014, Department shall comply with the five (5) federal procurement methods outlined below by Uniform Guidance when utilizing federal grant funds to make purchases.

- Purchases below \$3,000.00 shall require no formal bidding or written/telephonic quotations (Micro-Purchases).
- Purchases between \$3,000.00 - \$150,000.00 shall require three (3) written/telephonic quotations (Small Purchases).
- Purchases over \$150,000.00 shall require sealed bids (Formal Advertising).
- Purchases over \$150,000.00 shall require competitive proposals.
- Purchases where an item is available only from a single source and competition is determined inadequate shall require non-competitive proposals (Sole Source).

ATTACHMENT (B)

Audit Requirements:

(a) **Audit required.** Non-Federal entities that expend \$750,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR 200" and in accordance with the laws and regulations governing the program in which it participates.

(b) **Single audit.** Non-Federal entities that expend \$750,000 or more in a year in Federal awards shall have a single audit conducted in accordance with the provisions of 2 CFR Chapter 1, Chapter 11, Part 200, et al. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards and in accordance with the laws and regulations governing the program in which it participates.

(c) **Program-specific audit election.** When an auditee expends Federal awards under only one Federal program and the Federal program's laws, regulations, or grant agreements do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted in accordance with the provisions of 2 CFR Chapter 1, Chapter 11, Part 200, et al. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards and in accordance with the laws and regulations governing the program in which it participates.

A program-specific audit may not be elected unless all of the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a subrecipient, approves in advance a program-specific audit.

(d) **Exemption.** Federal awards expended are less than \$750,000. Non-Federal entities that expend less than \$750,000 a year in Federal awards are exempt from Federal audit requirements for that year, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and General Accounting Office (GAO).

(e) **Federally Funded Research and Development Centers (FFRDC).** Management of an auditee that owns or operates a FFRDC may elect to treat the FFRDC as a separate entity for purposes of this part.

(f) **Drug-Free Work Place Act.** A contract involving an expenditure of \$25,000 or more of federal funding with a contractor or an individual must certify a drug-free workplace, and establish several conditions and requirements to certify a drug-free workplace.

Exhibit 1

Williamsport Area Transportation Study (WATS) Metropolitan Planning Organization (MPO)
2020-2022 Unified Planning Work Program

Adopted by the WATS Coordinating Committee on November 18, 2019