## DTA OVERSIGHT CHECKLIST Section 1, LEGAL

view D	Date: Soft 22, 2020 Period of Review: Jan Soft 2020
ađ	The DTA must promptly notify the FTA on legal matters, include clauses in its third party and subrecipient agreements, and iditionally notify the U.S. DOT Office of Inspector General (OIG) of any instances relating to false claims under the False laims Act. DTA must comply with restrictions on lobbying requirements.
1.	Information to be provided by the DTA:  (a) List of litigations, breaches, defaults, disputes or instances where the Federal government was named as a party to
	litigation or a legal disagreement since the last review.
	<ul><li>(b) Listing of false claims received or criminal violation committed related to Federal assistance since the last review</li><li>(c) List of law enforcement investigations concerning the DTA's federally funded projects, to the extent known by</li></ul>
۳.	the DTA.
	<ul><li>(d) Examples of procurement agreements and sub-grant agreements.</li><li>(e) Details of lobbying activities conducted and/or award received based on such activities.</li></ul>
L.1	A. Did the DTA promptly notify the FTA of any legal matters affecting the FTA during the last review period?
	Requirement: The DTA is required to promptly notify the FTA Region V Counsel of any current or prospective legal matter that may affect the federal government. Type of matters that require notification include, but are not limited to:
	(a) A major dispute Complied?NoYesNo disputes occurred this period
	(b) Breach Complied? No Yes No breaches occurred this period
	(c) Default Complied? No Yes No defaults occurred this period
	(d) Litigation Complied? No Yes No new litigation this period
	(e) Other legal action involving Federal GovernmentNoYesNo new legal disagreements this period
	For any "yes' answer, DTA must provide a copy of the notice to FTA Region V Counsel on notification and action.
	Copy received?NoYesNot applicable
	Commental
	every tier for all Third Party contracts. Review two procurement contracts for notification inclusion under FTA Required clauses, "Government-Wide Debarment and Suspension," 2 C.F.R. Part 180, 2 C.F.R. part 1200  Procurement contract: Development Feasibility Study Clause page 25  Procurement contract: Language 10 placement of Diesel Clause page 23-24
	The DTA must include a notification in its Third Party Agreements, and require Third Parties to notify in sub agreements at every tier for all Third Party contracts. Review two procurement contracts for notification inclusion under FTA Required clauses, "Government-Wide Debarment and Suspension," 2 C.F.R. Part 180, 2 C.F.R. part 1200  Procurement contract: Daynton Development Feasibility Study Clause page 25  Procurement contract: La moval Replacement of Direct Clause page 23-24
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В.	The DTA must include a notification in its Third Party Agreements, and require Third Parties to notify in sub agreements at every tier for all Third Party contracts. Review two procurement contracts for notification inclusion under FTA Required clauses, "Government-Wide Debarment and Suspension," 2 C.F.R. Part 180, 2 C.F.R. part 1200  Procurement contract: Development Feedball, Study Clause page 25  Procurement contract: Procurement contract: Campublic placement of Direct Clause page 25  Comments:  A. Did the DTA promptly notify the FTA Region V Counsel and U.S. DOT OIG of any instances relating to false claims under the False Claims Act or fraud, waste or abuse during the last review period?  Requirement: The DTA must promptly notify the FTA Region V Counsel and the U.S. DOT OIG if the DTA has knowled that a Principal, Official, Employee, Agent or Third Party Participant or other person potentially may have submitted a false claim under the False Claims Act, 31 U.S.C. §3729 et. seq., or has committed a criminal or civil violation of law pertaining fraud, conflict of interest, bribery, gratuity, or similar misconduct involving federal assistance.  "Knowledge" includes, but is not limited to, knowledge of a criminal of civil investigation by a Federal, state or local law enforcement or other investigative agency; a criminal indictment or civil complaint, or probable cause that could support criminal indictment, or any other credible information in the possession of DTA. Examples:  (a) Fraud  (b) Conflict of Interest  (c) Bid rigging  (d) Misappropriation or embezzlement  (e) Bribery  (f) Gratuity  (g) Other similar misconduct  For any "yes" answer, DTA must provide a copy of the notice to FTA Region V Counsel on notification and action.
В.	The DTA must include a notification in its Third Party Agreements, and require Third Parties to notify in sub agreements at every tier for all Third Party contracts. Review two procurement contracts for notification inclusion under FTA Required clauses, "Government-Wide Debarment and Suspension," 2 C.F.R. Part 180, 2 C.F.R. part 1200  Procurement contract: Deviction Devicement Fees bit of Standard Clause page 25  Procurement contract: Procurement Contracts of Clause page 25  Clause page 23-24  Comments:  A. Did the DTA promptly notify the FTA Region V Counsel and U.S. DOT OIG of any instances relating to false claims under the False Claims Act or fraud, waste or abuse during the last review period?  Requirement: The DTA must promptly notify the FTA Region V Counsel and the U.S. DOT OIG if the DTA has knowled that a Principal, Official, Employee, Agent or Third Party Participant or other person potentially may have submitted a false claim under the False Claims Act, 31 U.S.C. §3729 et. seq., or has committed a criminal or civil violation of law pertaining fraud, conflict of interest, bribery, gratuity, or similar misconduct involving federal assistance.  "Knowledge" includes, but is not limited to, knowledge of a criminal of civil investigation by a Federal, state or local law enforcement or other investigative agency; a criminal indictment or civil complaint, or probable cause that could support criminal indictment, or any other credible information in the possession of DTA. Examples:  (a) Fraud  (b) Conflict of Interest  (c) Bid rigging  (d) Misappropriation or embezzlement  No Yes  (e) Bribery  (f) Gratuity  No Yes  (g) Other similar misconduct  No Yes  (g) Other similar misconduct
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	Procurement contract: <u>Landvel Deplacement</u> of Dresd Storage Procurement contract: <u>Engineering</u> Services	Clause page 25 Clause page 16	
	Comments:		
L. 3	Did the DTA use only non-appropriated funds for any lobbying activities at	nd did each file the required disclosure	
A.	form?  DTA is prohibited from using Federal funds to lobby for Federal funds. If the DTA uses local funds to lobby for transit purposes, the DTA must file the OMB Standard Form LLL with the FTA.		
	Note: Disclosure is not required for activities performed by the DTA's own regularly employed officers and employees.  Activities that must be disclosed include hiring a third party (e.g. lobbyist) to influence or attempt to influence:  (a) the award of any Federal contract or subcontract exceeding \$100,000		
	(b) the award of any Federal Grant or subgrant exceeding \$100,000		
	(c) awarding any Federal loan or loan guarantee exceeding \$150,000 (d) Entering into any Federal cooperative agreement exceeding \$100,000		
	(e) Extension, continuation, renewal, amendment, or modification of any agreement exceeding \$100,000 or of a loan guarantee exceeding \$150,000	Federal contract, grant or cooperative )	
If.	d the DTA pay for lobbying activities during the current review period?No_ yes, what types of funds were used to pay for lobbying activities?		
If	local funds were used, was it disclosed on OMB Form LLL?  No_	Yes	
В.	The DTA must include a notification in its Third Party Agreements over \$100,0 Lobbying activities. Review two procurement contracts for notification inclusion Restrictions."	00 at any tier requiring disclosure of n under FTA Required clauses, "Lobbyin	
	Procurement contract: Driver Barriers  Procurement contract: Le movel Deplacement 4  Dressel Full Starge TENKS	Clause page 24	
	Procurement contract: Le movel/Deplacement of	Clause page <u>O</u>	
_	nents: Dresal Find Storge TEINES	,	
	affect the Federal Government?  The requirement to notify FTA of any current or prospective legal matters that is down to third party agreements.  Does the DTA's standard terms for nonprocurement awards over \$25,000 or requirement.		
٠.	agency include a notice requirement and flow-down requirement to lower tiers?		
	Contract Removal Replacement of Dield Tanks	Clause page 25 Clause page 14	
	Contract Mover Barrers	Clause page / —	
	2. Does the DTA's standard terms for procurement transactions of at least \$25,	000 include a notice requirement and flow	
	down requirement of lower tiers?	Clause page	
	Procurement contract Denough ( Deplacement of	Clause page 23	
	Dresol Full Steering Tarks	<u> </u>	
	Comments:		
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ared by	: Harley "Frog" Prell to	) [ ]	
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