

## DISCLAIMER

### (COMBINED CONSULTANT SELECTION, NEPA, UNIFORM ACT, SIGNING OF THE FINANCIAL MANAGEMENT SYSTEMS CERTIFICATION RESOLUTION)

The Local Public Agency (LPA) is responsible for the language in the resolution. The following is offered ONLY as an example resolution that could be used by the LPA with appropriate modifications, for participation in the LPA Federal-Aid program, and is subject to change. The user of this document must ensure that the document as drafted is accurate, complete and meets all requirements of state and federal laws and LPA Guidelines Manual.

#### **NOTE – Before you fill out the Resolutions:**

If the LPA puts names of personnel in the resolution, for Consultant Selection, NEPA and Uniform Act, they will have to re-do the resolution when the named person(s) are no longer with the LPA. That is why the examples recommend to Insert the position or positions within the LPA's organization responsible for managing the Consultant Selection, NEPA and Uniform Act Processes.

An individual's name and position is required in the resolution for the individual authorized to sign the Financial Management Systems Certification. That is why the example states Insert the individual's name and position here. The LPA will have to re-do and resubmit the resolution and the Financial Management Systems Certification when the named person is no longer with the LPA.

**RESOLUTION**  
**COMBINED CONSULTANT SELECTION, NEPA, UNIFORM ACT, SIGNING OF THE**  
**FINANCIAL MANAGEMENT SYSTEMS CERTIFICATION**

[Insert name of Local Public Agency(LPA)]  
Resolution No. \_\_\_\_\_

**Whereas:** Certain transportation facilities (roads, streets, trails, and others) in [Insert name of LPA] have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto;

**Whereas:** [Insert name of LPA] desires to continue to participate in Federal-Aid transportation construction programs;

**Whereas:** The Nebraska Department of Roads as a recipient of said Federal funds is charged with oversight of the expenditures of said funds;

**Whereas:** [Insert name of LPA] as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads, including the Consultant Selection process as stated in the LPA Guidelines Manual, the National Environmental Policy Act (NEPA), the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) and the maintaining of adequate Financial Management Systems; and

**Whereas:** [Insert name of LPA] understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in [Insert name of LPA] being required to repay some or all of the federal funds expended for a project(s).

**Be It Resolved:** The [Insert name of LPA] [City Council, Board of Commissioners or Supervisors, etc. as appropriate] does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads, including the consultant selection process as stated in the LPA Guidelines Manual, the National Environmental Policy Act (NEPA), the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) and the maintaining of adequate Financial Management Systems.

**Be It Further Resolved:** The [Insert name of LPA] [City Council, Board of Commissioners or Supervisors, etc. as appropriate] does hereby designate the following as responsible for the management of the following processes:

Consultant Selection process: [Insert the position or positions within the LPA's organization responsible for managing the Consultant Selection process]

The National Environmental Policy Act (NEPA): [Insert the position or positions within the LPA's organization responsible for managing the NEPA process]

The Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act): [Insert the position or positions within the LPA's organization responsible for managing the Uniform Act process]

The following individual is hereby authorized to sign the Financial Management Systems Certification attached to this Resolution: [Insert the individual's name and position here]

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2009 at \_\_\_\_\_ Nebraska.  
(Month) (Year)

The [Insert City Council, Board of Commissioners or Supervisors, etc. as appropriate] of [Insert name of LPA]

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

Board/Council Member \_\_\_\_\_

Moved the adoption of said resolution

Member \_\_\_\_\_ Seconded the motion

Attest:

Roll Call: \_\_\_Yes \_\_\_No \_\_\_Abstained \_\_\_Absent

Resolution adopted, signed and billed as adopted

\_\_\_\_\_  
[Signature of City or County Clerk or Notary Public]



**LOCAL PUBLIC AGENCY (LPA)**  
**FINANCIAL MANAGEMENT SYSTEMS CERTIFICATION**  
**ATTACHMENT**

Name of Local Public Agency \_\_\_\_\_

Date: \_\_\_\_\_

**Additional Financial Management System Requirements**

- A. The LPA is responsible for maintaining an adequate financial management system and will immediately notify the NDOR when the LPA can no longer comply with the requirements established below.
- B. The LPA's financial management system shall provide for:

Financial Reporting: The LPA must maintain accurate, current and complete disclosure of the results of the financial audits of Federal financially-assisted activities in conformity with generally accepted principles of accounting, and reporting in a format that is in accordance with the financial reporting requirements of the Federal-aid program.

Accounting Records: The LPA must maintain records that adequately identify the source and application of funds for Federal financially-assisted activities. These records must contain information pertaining to Federal financial assistance and authorizations, project expenditures to date and the project funds remaining and available to pay for future expenditures. The LPA agrees to grant NDOR and FHWA access to these records immediately upon request.

Internal Control: The LPA must maintain effective internal and accounting controls over all funds, property and other assets. The LPA shall adequately safeguard all such assets and assure that they are used solely for authorized purposes.

Budget Control: The LPA will maintain records for Federal financial assistance that compares actual expenditures or outlays with budgeted amounts. Financial information must be related to performance and productivity data including the development of unit cost information.

Allowable Cost: The LPA must have procedures for determining whether costs are reasonable, allowable, and allocable; consistent with State and Federal requirements.

Source Documentation: The LPA must maintain, or cause to be maintained, the source documentation for its accounting records.

- C. The NDOR will periodically review the adequacy of the financial management system of any applicant for financial assistance, as part of a pre-award review or at any time during the Federal-aid project. If NDOR determines that the LPA's accounting system does not meet the standards described in paragraph B above, the NDOR will require remedial action by the applicant to maintain eligibility for federal assistance. Failure to comply with any requirements imposed by the NDOR may result in sanctions as identified in Chapter 15 of the LPA Guidelines Manual.