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2015

State Management Plan

FLORIDA DEPARTMENT OF TRANSPORTATION

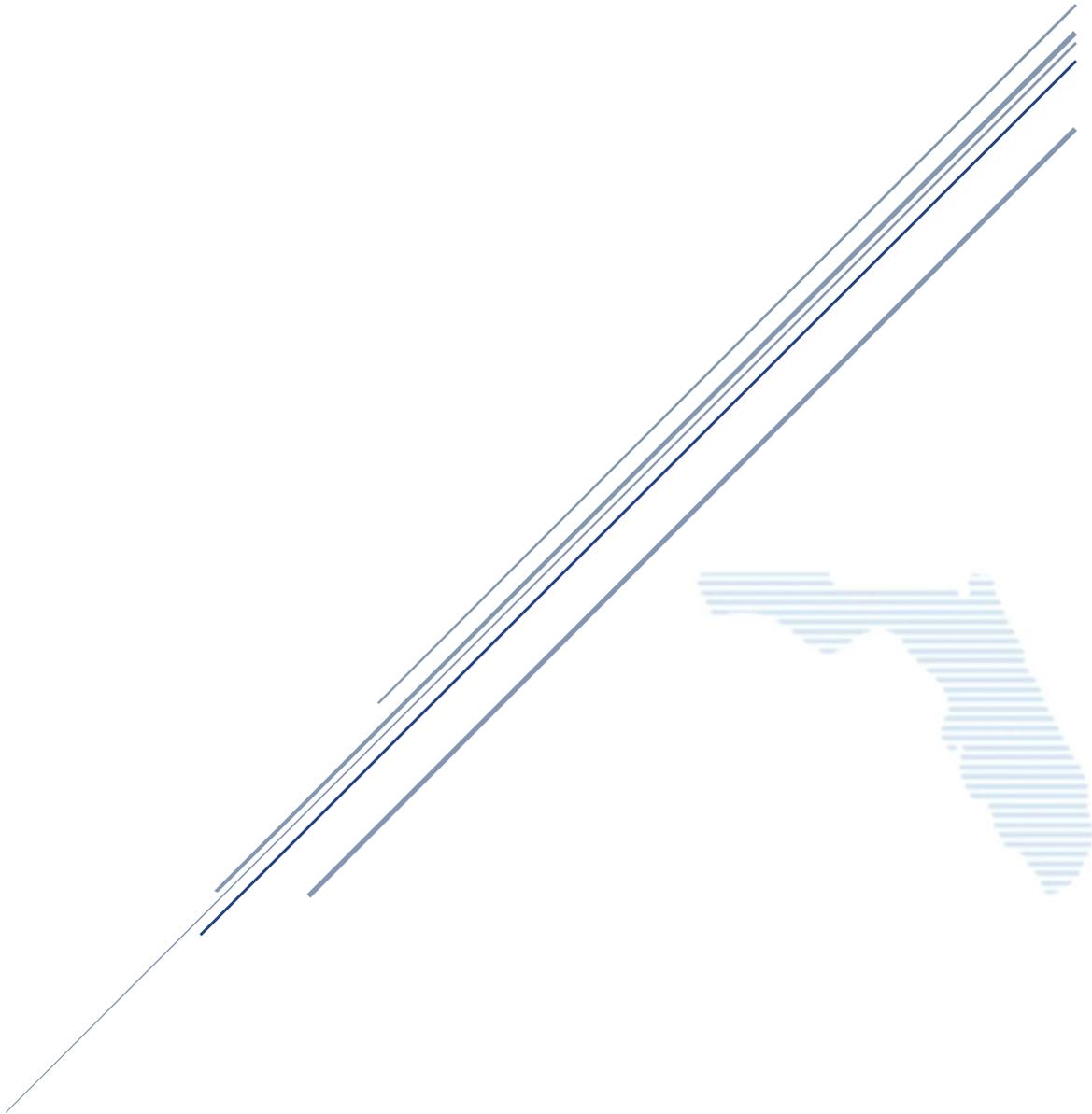
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INTRODUCTION



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INTRODUCTION

The Florida Department of Transportation (FDOT) is designated under **Chapters 20.05(1)(a) & (b), 20.23(1)(a), and 341.051(1)(a), Florida Statutes**, to receive and administer Section 5305(d), 5305(e), 5310, 5311 and 5339 programs. FDOT operates a decentralized program comprised of a Central Office in Tallahassee and seven (7) District Offices. The Central Office is responsible for the development of policies for the administration of the programs, financial management and all TEAM functions. The District Offices implement and monitor the programs, including but not limited to managing the grant notification, application and award processes; sub-recipient monitoring; and on-site program management. The FDOT Central Office is responsible for the procurement of all Section 5310 vehicles. This includes advertising, negotiating and awarding multiple vehicle contracts from which sub-recipients select the vehicles which best meet their needs.

The Transit Office, within the Freight, Logistics and Passenger Operations Section of the Intermodal Systems Development Division of FDOT, administers the Federal Transit Administration (FTA) and state transit programs. The Central Office is divided into three sections: Transit Planning, Grant Programs Administration and Transit Operations. The Grant Programs Administration Section, with an administrator and two staff members, coordinates the FTA programs, completes applications and reports for FTA, monitors the staff members in the District Offices, manages the Rural Transportation Assistance Program (RTAP) and provides statewide training and technical assistance. The Transit Operations section, with an administrator and two staff members, monitors sub-recipients' maintenance programs, conducts statewide procurements for sub-recipients' vehicles, manages the drug and alcohol program, manages the state safety oversight program and provides statewide training and technical assistance.

Staff members in the seven (7) FDOT District Offices monitor the sub-recipients; advertise, evaluate and award grant applications; provide on-site sub-recipient oversight; and provide technical assistance. The individual FDOT District Financial Offices provide an audit review and forward the invoice to the Florida Department of Financial Services for payment. The FDOT Comptroller's Office processes ECHO drawdowns. The Administration Division of the FDOT is responsible for all EEO and the Department's compliance with Title VI. The Grant Programs Administration Office, in cooperation with the FDOT Civil Rights Office, monitors and administers the DBE and sub-recipient Title VI programs.

COORDINATION

The Transit Office Planning Section staff fully participates in all activities associated with metropolitan transportation planning. The staff also administers a robust statewide research and planning agenda, while participating in the University Research Centers program with several of our state universities.

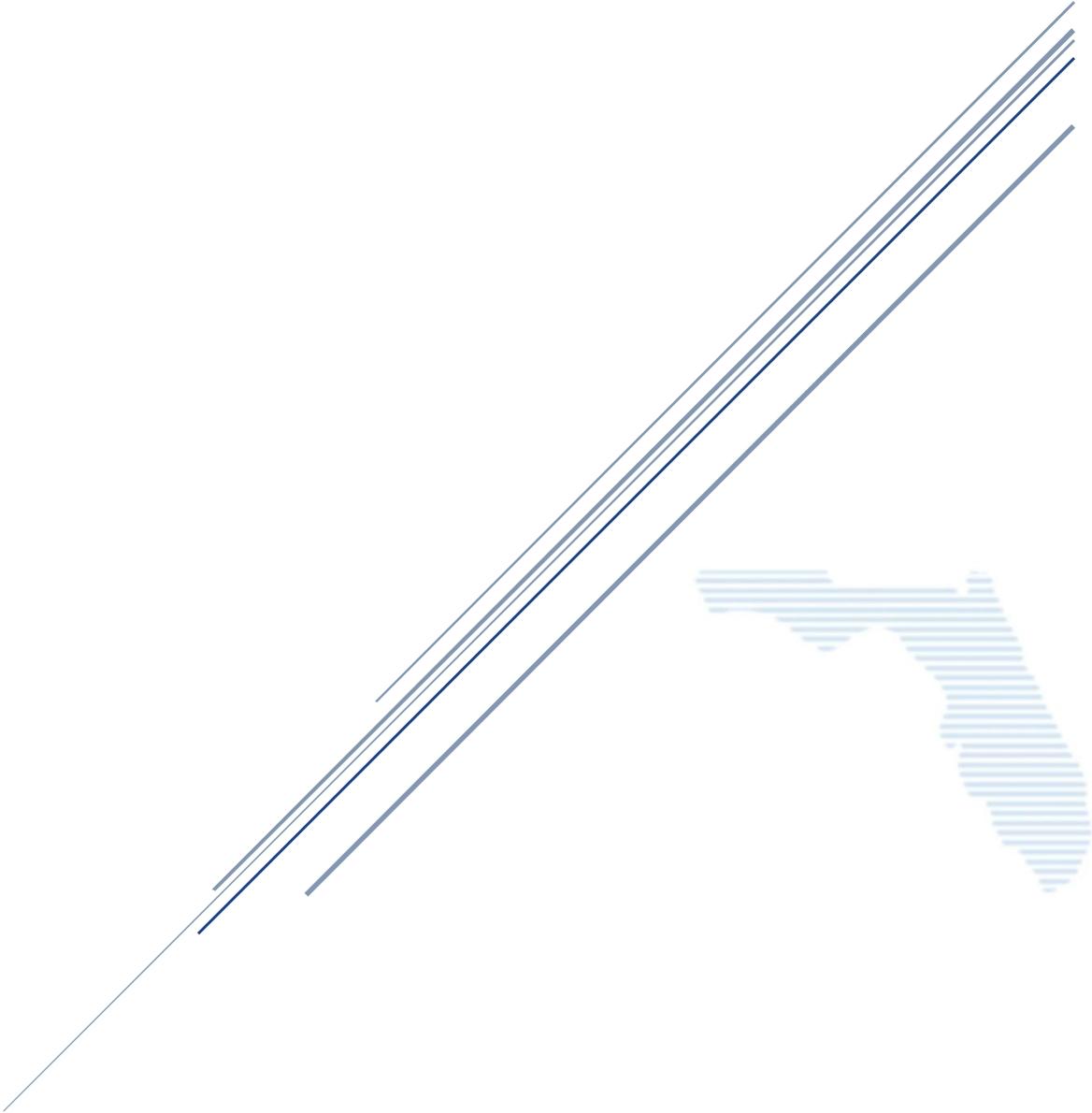
The Central Office coordinates with the Commission for the Transportation Disadvantaged to ensure that all locally developed TDSPs meet the requirements of the Locally Developed Coordinated Human Services Transportation Plan. Under **Chapter 427, Florida Statutes**, it is mandated that all new transportation funding for the transportation disadvantaged be coordinated with the Commission for the Transportation Disadvantaged. TDSPs are developed using local stakeholder groups and are approved by local coordinating boards (LCBs).

The Central Office staff and District Office staff coordinate on rural transportation planning issues. Community Transportation Coordinators, as designated under **Chapter 427, Florida Statutes**, participate in the rural transportation planning process in the rural areas.

PROGRAM MANAGEMENT

The following sections include our program procedures for each of the FTA and state transit programs and our processes for managing particular activities associated with FTA and state requirements. Each procedure outlines the roles and responsibilities specifically for that program. It includes eligibility criteria, match information, and definitions specific to that program. Each process outlines the roles and responsibilities of Central Office staff, District Office staff and Grantees for specific activities that may apply to more than one program. The Triennial Site Visit, Triennial System Safety Review and Triennial Maintenance Review processes outline how District Office staff or their contractors provide grantee oversight. We have also included sample forms used in administration of the FTA programs and any other guidance developed by the Central Office for the District Office staff and Grantees. The final section of the document includes templates developed for use by our grantees.

PROCEDURES



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SECTION 5310 PROCEDURES
725-030-010

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Approved:

Effective: Draft

Office: Transit

Topic No.: 725-030-010-k

Department of Transportation

Secretary

SECTION 5310 PROGRAM

PURPOSE:

To detail the Florida Department of Transportation Public Transit Office's administration and management of the Federal Transit Administration's (FTA) **Section 5310 Program**, (previously **Section 16**) authorized by **49 U.S.C. 5310**. This procedure also serves as the State Management Plan required by FTA.

AUTHORITY:

Sections 20.23(4)(a) and 334.048(3) Florida Statutes (F.S.)

SCOPE:

The principal users of this procedure are public transportation staff at both the Central Office and District levels, specifically those involved in administering the **Section 5310 Program** (i.e., Central Office Grant Programs Administrator and staff, District Public Transportation Managers, Modal Development Administrator/Manager, and District Transit Programs staff).

REFERENCES:

Section 341.051, Florida Statutes (F.S.)

FTA Circular 9070.1, as amended

Notice of Program Changes, Authorized Funding Levels and Implementation of the Moving Ahead for Progress in the 21st Century Interim Guidance

Rule Chapter 14-73, Florida Administrative Code (F.A.C.), Public Transportation Chapters 339, 427

Chapters 14-90, 41-2, F.A.C.

49 CFR Part 18 and 19

FTA Circular 9040.1, as amended;

Procedure [725-030-025](#), Transit Vehicle Inventory Management

Procedure [725-030-001](#), Public Transportation Vehicle Leasing

FDOT Guidelines for Acquiring Vehicles
Annual 5310 Application Manual
In-kind Local Match Guidance
Annual Grantee Site Visit Process
Invoice Processing for Payment Process
Grant Application, Development, Distribution, Evaluation and Award Process
Single Audit Compliance Process
Charter Service Technical Assistance, Monitoring, and Reporting Process
Maintenance Oversight Review Process
Third-Party Procurement Review Process
Grantee Compliance Report

DEFINITIONS:

CATEGORY A PROJECT: A transit project certified by the District Office as having met all the statutory and administrative requirements for approval.

CATEGORY B PROJECT: A transit project the District Office anticipates approving, but that has not met all the statutory and administrative requirements for approval.

CENTRAL OFFICE: Department of Transportation, Public Transit Office or staff located in Tallahassee.

COMMUNITY TRANSPORTATION COORDINATOR (CTC): A transportation entity recommended by a metropolitan planning organization (MPO), or by the appropriate designated official planning agency as provided for in **Section 427.015(1), F.S.** in an area outside the purview of a MPO, and approved by the Commission for the Transportation Disadvantaged, to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area.

THE CONTRACTOR: The Contractor is the administrating entity of the Florida Vehicle Procurement Program (FVPP) who is under contract to the Department to establish statewide vehicle contracts for the purpose of procuring vehicles at the lowest cost possible while ensuring that the best product is available for the program. The Contractor is also responsible to coordinate, assist as needed, and report in all procurement activities under the **Section 5310 Program**.

COORDINATION CONTRACT: A written agreement between the CTC and an agency receiving transportation disadvantaged funds which performs some, if not all of its own transportation services, as well as transportation services to others, when shown to be more effective and more efficient from a total system perspective. The agreement reflects the specific terms and

conditions that will apply to those agencies who perform their own transportation, as well as joint utilization and cost provisions for transportation services to and from the CTC.

COST ALLOCATION OR FORCE ACCOUNT PLAN: This plan documents how an agency will allocate indirect or capital preventative maintenance costs to a specific project. The plan will contain, but need not be limited to, the nature and extent of services provided and their relevance to the federally sponsored project; items of expense to be included; methods to be used in distributing costs; and the appropriate Civil Rights program data.

DESIGNATED OFFICIAL PLANNING AGENCY: A planning entity so designated by the Florida Commission for the Transportation Disadvantaged to conduct planning and support functions for transportation disadvantaged services.

DISTRICT OFFICE: For the purposes of this procedure, the Department of Transportation District Public Transportation Office or District Office of Modal Development and/or staff.

DISTRICT PROGRAM OF PROJECTS: A district listing of each applicant agency for which a grant award is proposed, a description of the equipment to be awarded, and the proposed federal, state and local share of the project cost. The district program of projects includes certification by the District Office that all applicants and projects so proposed either meet all program requirements or will meet all program requirements before a **Notice of Grant Award** is executed. See sample provided in **Attachments A** of this procedure.

ELIGIBLE EXPENSES: Eligible capital expenses are limited to buses, vans or other paratransit vehicles (including sedans and station wagons), radios and communications equipment, wheelchair lifts and restraints, vehicle rehabilitation, vehicle overhaul, data processing hardware/software, other durable goods such as spare components with a useful life of more than one (1) year and a per unit cost over \$300, initial installation costs, vehicle procurement/testing, vehicle inspection and vehicle preventative maintenance, passenger facilities related to Section 5310-funded vehicles, support facilities and equipment for Section 5310-funded vehicles, operating costs associated with providing transit service, costs associated with transit service that exceeds the requirements of the Americans with Disabilities Act of 1990, projects that improve access to fixed route service and decrease reliance by individuals with disabilities on complementary paratransit, and alternative to public transportation that assist seniors and individuals with disabilities with transportation. An applicant applying for preventative maintenance costs must have a District approved preventative maintenance plan and a cost allocation if activities are performed in house. The Federal share for eligible capital expenses may not exceed 80%. Operating costs for transportation services that address the needs of seniors and individuals with disabilities may not exceed a 50% federal share. Operating costs can be the total administrative, management, and operation costs directly incident to the provision of public transportation services less operating revenues. Activities listed under the New Freedom definition may be funded at a percentage not to exceed a 50% federal share.

ELIGIBLE RECIPIENT: FTA *Section 5310 Program* funds may be awarded only to private nonprofit organizations providing transportation to seniors and persons with disabilities, and to public bodies approved by the State to coordinate services for seniors and persons with disabilities (i.e., the CTC). Recipients must be either the CTC or providing service under the terms of a coordination or transportation operator contract with a CTC. Non-CTC local governments can receive funding directly if they certify that there are no eligible non-profit organizations readily available to provide the service. Agencies must keep their CTC Agreements current and in force at all times when in possession of a vehicle purchased through the *Section 5310 Program*.

Private taxi companies that provide shared-ride taxi service to the general public on a regular basis are operators of public transportation, and therefore eligible subrecipients. “Shared-ride” means two or more passengers in the same vehicle who are otherwise not traveling together. Similar to general public and ADA demand response service, every trip does not have to be shared-ride in order for a taxi company to be considered a shared-ride operator, but the general nature of the service must include shared rides.

Taxi companies that provide only exclusive-ride service are not eligible subrecipients; however, they may participate in the Section 5310 program as contractors. Exclusive-ride taxi companies may receive Section 5310 funds to purchase accessible taxis under contract with a state, designated recipient, or eligible subrecipient such as a local government or nonprofit organization.

ELIGIBLE SERVICE: Transit service provided to seniors and individuals with disabilities when public transit services are unavailable, insufficient or inappropriate for seniors and individuals with disabilities. Although all transportation disadvantaged persons may benefit from the program, services should be designed for the maximum benefit of seniors and persons with disabilities. Vehicles may be used in public transit service on an incidental basis (after services have been provided in accordance with the terms of the application and/or the notice of grant award for specified clientele). The Department will award a minimum of 55% of the grant to capital projects.

LEGAL AUTHORITY AND FISCAL & MANAGERIAL CAPABILITY: Applicants for funding must have the legal authority and fiscal/managerial capability to apply for federal assistance. Applicants are required to have sufficient local funds for match requirements and for maintenance and operation of vehicles/equipment. Failure to properly manage, maintain, and operate vehicles/equipment could jeopardize the existing and future grants and may result in the removal of vehicles/equipment.

LOCAL CAPITAL MATCHING FUNDS: The local capital share must be at least 20%. State funds may support up to ten percent (10%) of eligible capital costs, with the remaining ten percent (10%) being supported by a local match. Applicants may not borrow funds to use as match nor may they place liens on Section 5310 funded vehicles or equipment.

LOCAL OPERATING MATCHING FUNDS: The local operating share can be a cash match, human services transportation contract or in-kind services. Income from contract to provide human service transportation may be used either to reduce the net project cost or to provide local match. The cost of providing the contract service is included in the total project cost. No FTA program funds can be used as a source of local match for other FTA programs, even when used to contract for service. In-kind services must be approved, prior to invoicing, by the Comptroller's Office and be an eligible source listed in the FTA Master Agreement. The **In-kind Local Match** Guidance provides the process for District Offices to issue approval of in-kind match.

LOCALLY DEVELOPED, COORDINATED PUBLIC TRANSIT-HUMAN SERVICES TRANSPORTATION PLAN: A plan that identifies the transportation needs of individuals with disabilities, older adults, and people with low incomes, provides strategies for meeting those local needs, and prioritizes transportation services for funding and implementation. Projects considered for **Section 5310 Program** funding must serve identified needs of seniors and the disabled population. A locally developed Transportation Disadvantaged Services Plan (TDSP) will qualify in most instances. Stakeholders identified in the circular should be included in the development of the TDSP.

METROPOLITAN PLANNING ORGANIZATION (MPO): MPOs are the policy and planning bodies, designated by the Governor, responsible for transportation planning in urbanized areas, as defined in 339.175 and **427.011(2), F.S.**

MOBILITY MANGEMENT: Consists of short-range planning and management activities and projects for improving coordination among public transportation and other transportation-service providers carried out by a recipient or subrecipient through an agreement entered into with a person, including a government entity, under **49 U.S.C. Chapter 53** (other than **Section 5309**). Mobility management does not include operating public transportation services.

NEW FREEDOM TYPE ACTIVITIES: New Freedom activities include public transportation projects that exceed the requirement of the ADA; public transportation projects that improve access to fixed-route service and decrease reliance by individuals with disabilities on complementary paratransit; or alternatives to public transportation that assist seniors and individuals with disabilities.

NONPROFIT ORGANIZATION: A corporation or association determined by the U.S. Secretary of the Treasury to be an organization described by **26 U.S.C. Section 501(c)** which is exempt from taxation under **26 U.S.C. Section 501(a)** and/or one which has incorporated within Florida and certified as not for profit by the Secretary of State.

NOTICE OF GRANT AWARD: A **Notice of Grant Award** is a form used to notify a successful **Section 5310 Program** applicant that they have been selected to receive a capital grant award and for the applicant to accept the grant being offered as a **Section 5310 Program** grant recipient.

PREVENTATIVE MAINTENANCE COSTS: Preventative maintenance as defined in the National Transit Database (NTD). All the activities, supplies, materials, labor, services, and associated costs required to preserve or extend the functionality and serviceability of the asset in a cost effective manner, up to and including the current state of the art for maintaining such asset. These capital maintenance expenses are eligible to use FTA capital funds for vehicle maintenance. If the subrecipient is using its own employees to perform the maintenance activities, the subrecipient must submit a force account or cost allocation plan to the Department.

PREVENTATIVE MAINTENANCE PLAN: A living document that outlines an agency's current preventative maintenance goals, policies and procedures. It includes short and long term goals and objectives, filing procedures, staff responsibilities, and maintenance inspection policies and procedures. It should also include sample documents that are used by the agency for A B C inspections, daily inspections, road call logs and work orders.

PRIVATE NONPROFIT PROVIDER: A nonpublic entity with a tax-free status that provides public transportation services. Nonprofit entities exist to provide a particular service (e.g., public transportation) to the community. Nonprofit refers to a type of business – one that is organized under rules that forbid the distribution of profits to owners. Profit refers to a surplus of revenues over expenditures.

PRIVATE ORGANIZATION: A non-public organization, bodies which are not municipalities or other political subdivisions of States; are not public agencies or instrumentalities of one or more states; are not Indian Tribes (except private nonprofit corporations formed by Indian Tribes); are not public corporations, boards or commissions established under the law of any state; or are not subject to direct control by public authority, Federal, State, county, or municipal.

SENIORS AND INDIVIDUALS WITH DISABILITIES: Those individuals who by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, including persons using wheelchairs and those with semi-ambulatory capabilities, who are unable, without special facilities or special planning or design, to utilize mass transportation facilities and services as effectively as persons who are not so affected.

TECHNICAL CAPACITY: Is evaluated using criteria such as staffing levels, staff training and experience, level of documentation of procedures, ability to submit required reports correctly and on time, ability to maintain project equipment, and ability to comply with FTA and state requirements.

TRANSPORTATION DISADVANTAGED: Those persons who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life sustaining activities, or children who are handicapped or high-risk as defined in **Section 411.202, F.S.**

TRANSPORTATION DISADVANTAGED SERVICE PLAN (TDSP): A plan developed by the CTC and approved by the Local Coordinating Board that identifies service gaps and recommends strategies to provide service in areas of need. The TDSP may serve as the Local Coordinated Human Services Transportation Plan. The TDSP is updated annually and includes a five year planning window.

TRANSPORTATION IMPROVEMENT PROGRAM (TIP): The result of a continuing, cooperative and comprehensive planning process that delineates transportation improvements recommended for federal and state funding during the program period, as defined in **427.011(4), F.S.** The MPO submits the TIP to the Department per the requirements of **Chapter 339, F.S.**

TRANSPORTATION OPERATOR CONTRACT: A written agreement between the CTC and the transportation operator, prepared at the local level that outlines the terms and conditions for any services to be performed.

PROGRAM GOALS AND OBJECTIVES

The **Section 5310 Program, 49 U.S.C. 5310**, was established by the U.S. Congress to provide capital funding/equipment for agencies providing transportation for seniors and persons with disabilities. The state is given some latitude in the management and administration of the program. The Florida Department of Transportation has been designated by the Governor to manage the **Section 5310 Program** for small urban and rural areas.

The Federal goal of the **Section 5310 Program** is to provide assistance in meeting the needs of seniors and persons with disabilities where public transit services are unavailable, insufficient or inappropriate.

In Florida, program funds will be used to support state designated CTCs and private nonprofit agencies, in small urban and rural areas, providing service under the terms of a coordination or transportation operator contract. These agencies coordinate and maximize the passenger carrying capacity of surface transportation facilities, providing significant services for the transportation disadvantaged.

The Department is responsible for notifying community transportation coordinators and private nonprofit organizations of the availability of the program; developing project selection criteria; determining applicant eligibility; selecting projects for funding; and ensuring adherence to federal and state program guidelines by all recipients per **49 CFR 18.37; 49 CFR 19.5; FTA C9040.1 Ch VI, 3b & 3c; FTA C9070.1 Ch V, 10b & 10c.**

Individual projects located in an urbanized area or metropolitan area planning boundary must be listed in the Transportation Improvement Program (TIP) to receive funds/equipment. The District Office submits projects selected for funding to the MPO for listing in the TIP. All projects must be listed (in aggregate form) in the Statewide Transportation Improvement Program (STIP) developed by the Central Office.

1. ROLES AND RESPONSIBILITIES

The Department has been designated by the Governor to administer all state administered programs of the FTA. Details on specific roles and responsibilities are also outlined in the ***Grant Application Development, Distribution, Evaluation and Award Process***. The Central Office is responsible for notifying the District Offices of the annual program allocations and for distributing grant application packages to the District Offices. The District Offices are responsible for selecting individual projects to form the District program of projects.

1.1 The Central Office will provide the draft grant application manuals to the Districts by July 20 annually. The District Offices will provide comments and revisions to the Central Office by August 5 annually. The Central Office will provide the application manuals to the Districts by August 20 annually, with final comments being provided to the Central Office by August 25 annually. The Central Office will distribute an electronic version of the final grant application manual to the District Offices no later than September 5 annually. Grant application packages will contain a full description of all state and federal program requirements as well as required application forms.

1.2 ***Section 5310 Program*** funds will be allocated to the District Offices on a formula basis that considers the most recently available statistics from the Census.gov website for senior and disabled populations in each District. The Central Office will notify the District Offices of their allocation levels within two (2) weeks of Federal Register publication of the state's allocation in this program.

1.3 District Offices will announce the availability of grant application packages by means appropriate to the local area (for example, by letter to interested parties, or announcements at public meetings, or newspaper notices, etc.). District Offices may send application packages directly to known potential applicants, but should also make appropriate efforts (see examples above) to inform other eligible program recipients. Announcement of the availability of grant application packages for the ***Section 5310 Program*** may be concurrent with the announcement of the availability of grant application packages for the ***Section 5311***.

1.3.1 The announcement should be made prior to the first working day of November each year. All deadlines in Section 1 of this procedure may be waived if there no annual federal appropriation for this program by the specified deadline. Application packages shall be distributed to those responding to the notice (at a minimum) as soon as practical after the application packages have been received from the Central Office.

1.3.2 Grant application packages shall also be made available to the general public upon request. A fee, (determined by the District Office based on its own costs of reproduction) may be charged. Application packages will be provided to eligible recipients and governmental agencies at no cost.

1.4 District Offices shall establish a single grant application deadline, after which applications will not be accepted. This deadline shall be sufficiently early to allow for the full and fair

consideration of applications and to permit a complete, timely and accurate submission of the district program of projects to the Central Office before the first working day in March each year.

2. Coordination and Planning

The Central Office will coordinate with the Commission for the Transportation Disadvantaged to ensure that all locally developed TDSPs meet the requirements of the Locally Developed Coordinated Human Services Transportation Plan. Under **Chapter 427, F.S.**, it is mandated that all new transportation funding for the transportation disadvantaged be coordinated with the Commission for the Transportation Disadvantaged. TDSPs are developed using local stakeholder groups and are approved by local coordinating boards (LCBs).

3. ELIGIBLE SUBRECIPIENTS

3.1 All **Section 5310 Program** recipients must meet the minimum requirements of the federal program as outlined in **FTA Circular 9070.1**, or subsequent revisions. Implicit in this requirement is a history of contract compliance. Grant awards will not be made to recipients having a history of contract violations without having thoroughly evaluated the likelihood of future compliance.

3.2 Public agencies applying for **Section 5310 Program** funds must afford an adequate opportunity for a public hearing, and such hearings must be held if someone with a significant economic, social, or environmental interest in the matter requests a hearing.

3.3 Grant recipients must be a CTC or, if ineligible because it is a private for-profit corporation, a public body approved by the Commission for the Transportation Disadvantaged to coordinate services for elderly persons and persons with disabilities, or a private nonprofit transportation provider furnishing services under the terms of a coordination or transportation operator contract with a CTC. District Offices shall not make a grant award to any recipient in any county not having a coordinated system pursuant to **Chapter 427, F.S.**

4. PROJECT SELECTION AND METHOD OF DISTRIBUTING FUNDS

Project selection includes proper notification of program availability, selection of projects according to approved selection criteria, and submission of the district program of projects to the Central Office. Subrecipient responsibilities are outlined in the **Section 5310 Program** application.

4.1 Applications shall be evaluated and ranked on the basis of merit and need by a minimum of three knowledgeable persons within each District. At least one evaluator shall be from outside the Department of Transportation, unaffiliated with any applicant under consideration, and familiar with transportation, public issues, and needs in the district.

The criteria below, or alternate criteria approved in writing by the Central Office, shall be used in ranking applications. District Offices must verify that selected projects are derived from the locally developed, coordinated human services public transportation plan. Alternate criteria

must be requested by the first working day of November each year. Requests for alternate criteria shall list the criteria, discuss how the evaluation can be made on the basis of information contained in the grant application, and explain why alternate criteria are desirable. All grant application packages shall include evaluation criteria. All applications in a District shall be evaluated using the same criteria.

4.1.1 *Service efficiency and effectiveness.* Examine the data submitted in the application in Exhibit A-1 Fact Sheet. Calculate the number of trips provided divided by the number of seats provided and calculate the number of hours per week of service provided. Rank all applications based on who provides the most riders per seat provided and the most service hours provided per week.

4.1.2 *Extent to which seniors and persons with disabilities are served.* Examine the data submitted in the application in Exhibit A-1 Fact Sheet. Rank agencies based on the number of seniors and persons with disabilities served (line 2) divided by the County's senior and persons with disabilities estimated population from the most recently available census data. This category will also be evaluated based on the project description, system description, and coordination efforts as described in Exhibit A, B, and D of an application.

4.1.3 *Need.* Evaluate the project description and budget. Rank agencies based on the total number of seniors and persons with disabilities served (line 2) to demonstrate current need. Also rank agencies based on unserved population if it is an expansion project. Examine the vehicle inventory and rank agencies on the average mileage of vehicles to be replaced (in accordance with the replacement criteria in *FDOT Transit Vehicle Inventory Management, Procedure No. 725-030-025* with the higher mileage given a higher rank.

4.1.4 *Fiscal and managerial capability.* Consider the overall quality of the proposal as prepared, previous record of timely and accurate reports, prior audit compliance (if applicable, new applicants should not be penalized due to lack of history), and the history of meeting contractual obligations and maintenance requirements.

4.2 Once applications are ranked, the District Office shall determine the extent to which each request will be awarded. Use the ranking in allocating grant awards.

4.3 All score sheets, written comments, and summaries used in making grant award decisions shall be kept on file by the District Office and be readily available for at least five years after submittal of the district program of projects to the Central Office. The District should consider using a computer spreadsheet program to calculate, summarize, and check numerical scores to ensure mathematical accuracy. The District Office must be able to re-create and justify the original rankings in the event of a protest or challenge.

5. ANNUAL PROGRAM OF PROJECTS AND APPROVAL PROCESS

5.1 Once all grant award decisions are made, the District Office shall forward a district program of projects (POPs) to the Central Office. The district program of projects shall be

submitted in a format similar to that provided in the **Grant Application Development, Distribution, Evaluation and Award Process**. This format consolidates District POPs into the State POP that the Central Office is required to submit to the FTA. Activity Line Item codes for use in your POP development are provided in **Attachment A**.

5.1.1 Projects for which all statutory and administrative requirements have been met shall be listed as **Category A** projects in the district program of projects.

5.1.2 Projects the District Office expects to be able to approve, but which have not yet met all statutory and administrative requirements shall be listed as **Category B** projects in the district POP. For example, a project awaiting inclusion in the TIP should be included in **Category B**. FTA no longer allows for Category C in the 5310 Program. A District may not hold funds in reserve. Any funds a District does not make awards with will be reallocated to other Districts with more **Category A** needs than available funds.

5.1.3 Districts shall submit with their program of projects a record of approved and rejected requests identifying applicants that are minority organizations or that provide assistance to minority communities. The District will also provide a description of the process they used to assure equity of distribution of resources among groups within the State as required by *Title VI of the Civil Rights Act*.

5.1.4 When a project award is made to a sub-recipient located within an urbanized area, the District will coordinate with the appropriate MPO to assure that the project is included in the TIP/STIP.

5.2 The Central Office shall manage program funds in accordance with the Districts' POP.

5.3 District Offices shall notify each applicant of their grant application status within 30 days from when the Central Office submits the State POP to the FTA. For applicants not selected to receive a grant award, the notice shall include information on the next annual grant application cycle. For applicants receiving grants, a **Notice of Grant Award** shall indicate the amount of grant award and have a location for a signature indicating the acceptance of the Grant Award. A joint participation agreement (JPA) will be issued by the District for all operating type activities awarded under the **Section 5310** program. **Exhibit C** of the JPA will also include all applicable federal clauses and federal program requirements.

5.4 All grant awards issued to a recipient in the amount of \$100,000 or more will include a signed standard lobbying form. A copy of this form will be transmitted to the Central Office for submittal to the FTA Region IV Office in Atlanta. Copies of signed standard lobbying forms are due in the Central Office within two (2) weeks of the execution of the JPA or the signed Notice of Grant Award for capital projects.

6. PROJECT MANAGEMENT and ADMINISTRATION

District Offices are responsible for selecting grant award recipients, developing JPAs for operating projects, and maintaining satisfactory continuing control as defined in **FTA Circular**

9070.1 and subsequent revisions, including oversight/approval of recipient procurement actions and monitoring recipient compliance with state and federal requirements. The Central Office is responsible for managing the vehicle contracts. District Offices are responsible for coordinating with the Central Office to maintain accurate POPs between the state and the federal government. The Central Office shall transmit a copy of the POP to the Accounts Receivable Office, attention: Grants Section, in the Comptroller's office each time it is changed.

The Central Office shall supply the Contractor with a copy of the State POP. The Contractor shall coordinate with each grant recipient, assist in the ordering of vehicles, monitor of vehicle procurement statuses, ensure timely vehicle deliveries, review invoices for vendor payments, and provide necessary and required reports.

6.1 The Contractor will work with each recipient to ensure that vehicle purchase orders are properly prepared and processed. No vehicle purchase order shall be submitted to the applicable vendor until the Central Office has reviewed and approved the purchase order and the grant recipient has submitted their 10% local match. The Contractor will outline the terms and conditions of assistance by which the award will be undertaken and completed. The **Notice of Grant Award** shall identify a mechanism for the state to pass through the applicable Federal and State requirements to the subrecipients.

6.2 No vehicle orders shall be accepted or placed prior to July 1 and the formal approval of the Federal grant application. No vehicle purchase order shall be executed for any project which has not advanced to a **Category A** project.

6.2.1 The Contractor will assign vehicle inventory control numbers and complete and distribute the vehicle inventory data form on all vehicles delivered under the **Section 5310 Program**, as required by the **Transit Vehicle Inventory Management, Procedure No. 725-030-025**. Subrecipients accepting awards will be subject to maintenance requirements as outlined in **Procedure No. 725-030-025**. District Offices will review for compliance during site visits.

6.3 By September 1 and March 1 of each year the District Offices shall coordinate with the Central Office to update district POPs if actual project costs differ from the most current district POPs, if a project selected for award is canceled for any reason, and/or projects are advanced from **Category B** to **Category A**.

6.4 District Offices or their contractor at the District's request and with Central Office approval, shall visit each recipient annually. Vehicle inventory inspections for those agencies currently operating more than 20 vehicles received through the Department must be completed at least once a year at their place of business. Recipients operating 20 or fewer vehicles may have vehicle inventory inspections biennially as required by the vehicle inventory management procedures. Recipients receiving operating awards will be visited at least once per year. The purpose of the visits will be to monitor the recipient's compliance with program guidelines. The visit shall be documented in the District Office file by a summary of each monitoring visit and/or a checklist as found in the **Annual Grantee Site Visit Process**. Any areas

of concern or non-compliance will be documented during the site visit, along with the type of technical assistance provided to the recipient to resolve the issue. The District may contact the Central Office to request technical assistance and/or support in resolving identified issues. The District will submit the **Grantee Compliance Report** to the Central Office by April 1 annually. The Annual **Grantee Site Visit Process** outlines the roles and responsibilities of both District and Central Office staff.

6.5 All capital equipment purchased with grant funds will be purchased in accordance with the Department's equipment procurement guidelines as documented in the Department's **Guidelines for Acquiring Vehicles**. Once delivered and accepted, vehicles purchased under the **Section 5310 Program** will be managed according to the Department's **Transit Vehicle Inventory Management, Procedure No. [725-030-025](#)**.

6.6 Districts are responsible for ensuring all vehicles purchased under the **Section 5310 Program** carry sufficient insurance or self-insurance reserve to protect the federal and state interest in the event of loss. The Department shall be named as certificate holder on any policy covering equipment purchased with grant funds. (Use the address of the District Office for this purpose.) Agencies that are self-insured shall be required to certify that they are self-insured and document the existence of a reserve against which claims can be made. All vehicles purchased under the **Section 5310 Program** will have a copy of the FHP exemption letter with the vehicle registration.

6.7 Vehicles purchased under the **Section 5310 Program** may be leased to a private for-profit operator only for the services identified in the grant application, when such companies could not otherwise provide required services and where such arrangements result in more efficient and effective service for seniors and individuals with disabilities. Recipients must demonstrate to the District Office that the selection of private for-profit operators, who operate **Section 5310 Program** vehicles under a lease have been chosen in a manner that does not discriminate or financially harm other operators. Recipients must obtain written approval from the Department prior to executing a lease agreement for **Section 5310 Program** equipment. When **Section 5310 Program** funded vehicles or other equipment are operated by an agent other than the agency in the grant application, control and responsibility for the operation of the vehicles or other equipment must remain with the original recipient.

6.8 Recipients shall submit a certification verifying the adoption of a System Safety Program Plan and performance of safety inspections in accordance with **Rule Chapter 14-90, F.A.C.**, if applicable. The definitions listed in **Chapter 14-90, F.A.C** will determine whether or not the recipient must develop a System Safety Program Plan.

6.9 It may be necessary to terminate a grant award by mutual agreement or because the recipient has failed to comply with grant award requirements. To protect the federal and state interest in capital equipment awarded, District Offices may require recipients to submit an annual certification of use by January 15 each year. The certification attests to the continued use of vehicle for the project for which the grant was approved, that the agency will maintain

insurance on the vehicles and list the Department as certificate holder, that the agency is maintaining its contribution to operate and maintain the vehicles in safe and good working condition, and it is continuing its membership in the local coordinated transportation system, as a condition of receiving grant funding.

6.9.1 The value of the equipment will be determined as outlined in the *Transit Vehicle Inventory Management, Procedure No. [725-030-025](#)*.

6.9.2 Equipment may be transferred to another agency eligible to receive *Section 5310 Program* funds. District Offices should canvas eligible recipients in their districts, then statewide, to locate an eligible recipient able to make use of the equipment. Transfers of equipment and titles will be handled as outlined in the *Vehicle Inventory Management, Procedure No. [725-030-025](#)*. The transfer recipient shall reimburse the original recipient its prorata share based on the value determined. If the original local share was 10%, the original recipient will receive 10% of the current value. The original recipient may waive this refund. The new recipient must comply with all Program requirements. Full applications will be necessary only if there are several potential recipients. If there is only one potential recipient in a district (as is frequently the case when used equipment is considered), that recipient may omit narrative portions of the application and complete only the budget pages and sign the assurances. If the transfer recipient has received *Section 5310 Program* funding in the past, they will update their most recent application to include the equipment transferred. If the new recipient has not received *Section 5310 Program* funding in the past, a new application must be submitted. The transfer recipient shall be managed and monitored as if it had been selected to receive the equipment originally.

6.10 The District Office shall maintain the official Program files which shall include, at a minimum:

- (A)** A copy of the recipient's completed grant application;
- (B)** A copy of the signed and accepted *Notice of Grant Award* or JPA;
- (C)** A summary of each monitoring visit made to the recipient's place of business and/or a completed checklist (see [Grantee Compliance Report](#));
- (D)** Any additional correspondence and information considered by the District Office to be important to a comprehensive understanding of the project;
- (E)** All scoring sheets and a summary of the grant applicants' rankings (not applicable if all requests were funded). See the sample format provided in [Attachment C](#) of this procedure;
- (F)** An inventory of all vehicles awarded to include a record of all interagency transfers. The inventory may consist of the inventory provided by the Central Office as described in the *Vehicle Inventory Management, Procedure No. [725-030-025](#)*;
- (G)** A copy of the original district POP and all revisions thereto (including assurances) to include notations of work program item numbers applicable to each project;

(H) Documentation of the notification of the availability of grant application packages. The organization of the files is left to the District Office, but required elements listed above shall be readily available.

(I) A copy of the signed standard lobbying form, if agreement is \$100,000 or more.

(J) A copy of the recipients Title VI Plan.

6.11 The FDOT may elect to use up to the eligible amount of State Administration funding. This funding will not be used for Department employee salaries. State Administration funds will be used for technical assistance and research projects to assist Department recipients of **Section 5310** Program funding.

7. TRANSFER OF FUNDS

There shall be no transfer of funds between the 5307, 5310, and 5311 programs.

8. PRIVATE SECTOR PARTICIPATION

Private sector providers are encouraged to apply for **Section 5310** Program grants through the CTC in their service area. When considering New Freedom type activities, CTCs are encouraged to apply on behalf of and award third-party agreements to private sector providers. Private sector providers are also consulted in the development of the coordinated human service transportation development plans.

9. MAINTENANCE AND ASSET MANAGEMENT

9.1 All **Section 5310** Program recipients must have a vehicle maintenance plan on file. During the annual site visit, the District Office will complete a review to ensure that the recipient is following the policies outlined in the recipient's maintenance plan. The District will also check for maintenance of ADA accessibility features during the site visit. The Central Office will provide technical assistance resources for the development and evaluation of recipient maintenance plans. The District will follow the guidelines in the **Maintenance Oversight Review Process** during annual oversight review visits.

9.2 If the District awards **Section 5310** funds for a recipient facility refurbishment or facility construction, the recipient is required to have a facility maintenance plan. The District will keep a copy of the facility maintenance plan in the project file. The District will maintain on file a copy of the facility maintenance during the useful life of the facility. Any incidental uses of the federally funded facility must be approved by FTA. The recipient will submit the request for incidental use to the District. The District will forward the request to the Central Office, which will submit the request to FTA. The District must document how it maintains continuing control over federally funded facility projects.

9.3 Any disposition of federally funded real property must be completed under the guidelines issued in FTA Circular 5010. Additionally, FTA concurrence with the disposition must be obtained, prior to disposing of the federally funded facility.

10 FEDERAL COMPLIANCE

This section outlines the Department's method of complying with federal requirements not previously outlined in this document. Most requirements will be monitored and compliance assured by the use of the site visits and file reviews.

10.1 CIVIL RIGHTS - Recipients are informed of the applicable federal Civil Rights requirements as part of the application process. The Notice of Grant Award also references the requirements. The District Office shall receive a copy of the recipients Title VI Plan prior to the execution of the Notice of Grant Award or JPA operating projects. At the recipients' request, the District will provide technical assistance to the recipient in the development of their Title VI Plan. The District may request technical assistance from the Central Office in assisting their recipients in meeting the Title VI requirements. The District ensures the requirements are being met with onsite visits and file reviews, including noting whether the Title VI policy is posted at the recipient's physical location and on the recipient's website. The Central Office EEO provides all Title VI, EEO and DBE planning and goal setting functions; the Central Office PTO completes the required reporting. Further guidance is available in the ***Title VI Program Compliance Process***.

10.2 The District Office will monitor and evaluate the recipients' compliance with ***Section 504*** and ADA requirements through site visits and file reviews.

10.3 Buy America pre-award and post-delivery reviews are maintained at the Department's inspection facility. Copies are provided to the award recipient.

10.4 Restrictions on lobbying, prohibition of exclusive school transportation, charter service and monitoring of subrecipients is accomplished during annual site visits. Additional guidance on monitoring Charter Service activities is provided in the ***Charter Service Technical Assistance, Monitoring, and Reporting Process***.

10.5 OTHER PROVISIONS – Buy America provisions for vehicle purchases, including pre-award and post-delivery, are monitored and completed by the Central Office Procurement Manager. Ensuring recipient compliance with Buy America provisions of construction projects and third-party procurements which are not vehicles, is the responsibility of the District Project Manager. The ***Third-Party Procurement Review Process*** provided additional guidance on how to ensure compliance. District Project Managers must ensure recipient compliance with the prohibition of exclusive school transportation and charter service requirements. The ***Charter Service Technical Assistance, Monitoring, and Reporting Process*** provides additional guidance on ensuring grantee compliance.

10.6 PROGRAM MEASURES - District Offices are responsible for gathering information for the newly required FTA reporting measures. The District will submit to the Central Office both quantitative and qualitative information, as available, on each of the following measures by September 1 of each year: 1) gaps in service filled – provision of transportation options that would not otherwise be available for seniors and individuals with disabilities measured in

numbers of seniors and individuals with disabilities afforded mobility they would not have without program support, and; 2) ridership – actual or estimated number of rides (as measured by one-way trips) provided annually for individuals with disabilities and older adults on **Section 5310 Program** supported vehicles and services.

11 TRAINING

Orientation for this program should be provided for new transit program employees in the Districts. Experienced transit staff in the Central Office and/or the District can provide this training. Additionally, training will be made available on how to apply for and utilize **Section 5310 Program** funds through annual workshops to potential recipients. Individual requests for assistance will be responded to by either Central Office or District Staff.

12 FORMS

Districts must submit a completed District **Grantee Compliance Report** to the Central Office by April 1 annually. The template for the spreadsheet is attached to **Annual Grantee Site Visit Process**.

The SAMPLES provided in this procedural document can be tailored or changed to fit specific circumstances, and provide a starting point for users.

Samples are not official forms of the Department.

**Sample
Attachment A
SECTION 5310 PROGRAM OF PROJECTS**

The preferred format for a program of projects (POPs) is attached to the ***Grant Application Development, Distribution, Evaluation and Award Process***. The following list of Activity Line Item (ALI) codes should be used on your 5310 POPs.

ALI Code	Description
11.12.03	Bus 30 feet, replacement
11.12.04	Bus Under 30 feet, replacement
11.12.07	Commuter Bus, replacement
11.12.15	Van, replacement
11.12.16	Sedan/Station Wagon, replacement
11.12.40	Spare parts, Maintenance Items, replacement
11.13.03	Bus 30 feet, expansion
11.13.04	Bus Under 30 feet, expansion
11.13.07	Commuter Bus, expansion
11.13.15	Van, expansion
11.13.16	Sedan/Station Wagon, expansion
11.13.40	Spare parts, Maintenance Items, replacement
11.42.06	Shop equipment, acquisition
11.42.07	ADP Hardware, acquisition
11.42.08	ADP Software, acquisition
11.42.09	Surveillance/Security, acquisition
11.42.10	Fare Collection, acquisition
117A.00	Preventative Maintenance
11.7L.00	Mobility Management
11.92.02	Bus Shelters
11.92.06	Bicycle Equipment on Buses
30.09.01	Operating Assistance

**Sample
Attachment B**

CERTIFICATIONS AND ASSURANCES FOR SECTION 5310 PROGRAM FUNDS

Based on its own knowledge and, as necessary, on information submitted by the subrecipient, the Florida Department of Transportation District ____ Office certifies and assures that the following requirements and conditions will be fulfilled before any Federal assistance authorized by **49 U.S.C. 5310** is provided to a specific subrecipient:

- A. Each subrecipient has the necessary legal, financial, and managerial capability to apply for **49 U.S.C. 5310** funds; and to implement and manage the project.
- B. Each subrecipient is recognized under state law as a private nonprofit organization with the legal capability to contract with the state to carry out the proposed project, or is a public body that has met the statutory requirements to receive a program grant authorized by **49 U.S.C. 5310**.
- C. The subrecipients' applications for **49 U.S.C. 5310** assistance contain information from which the District Office evaluates whether the mass transportation service provided or offered to be provided by existing public or private mass transportation operators is unavailable, insufficient, or inappropriate to meet the special needs of seniors and individuals with disabilities.
- D. Sufficient non-Federal funds have been or will be committed to provide the required local share at the time the vehicle purchase order is approved.
- E. The subrecipients have, or will have by the time of delivery, sufficient funds to operate and maintain the vehicles and equipment purchased with Federal assistance awarded for these projects.
- F. All projects in urbanized areas recommended for approval are included in the annual element of the metropolitan Transportation Improvement Programs in which the subrecipients are located.
- G. The subrecipients have, to the maximum extent feasible, coordinated with other transportation providers and users, including social service agencies authorized to purchase mass transportation service.
- H. The subrecipients are in compliance with all applicable civil rights requirements, and have signed the ***Title VI Nondiscrimination Assurance***.
- I. The subrecipients will comply with applicable requirements of U.S. DOT regulations for participation of disadvantaged business enterprises in U.S. DOT programs.
- J. The subrecipients have provided to the state an Assurance of Nondiscrimination on the Basis of Disability. If non accessible vehicles are being purchased for use by a public entity in demand

responsive service for the general public, the state will obtain from the subrecipient a "Certification of Equivalent Service."

K. Unless otherwise noted, each of the subrecipient's projects qualifies for the type of categorical exclusion that does not require further FTA environmental approvals. In the case of any project not qualifying for a categorical exclusion, the state assures that financial assistance will not be provided for that project until FTA has made the required environmental finding.

L. The subrecipients have submitted or will submit all certifications and assurances currently required, including, but not limited to: a nonprocurement suspension and debarment certification; a bus testing certification for new models; a pre-award and post-delivery audit certification; and for an application exceeding \$100,000, a lobbying certification.

M. The District Office will enter into a written grant award with each subrecipient stating the terms and conditions of assistance by which the project will be undertaken and completed.

N. The state recognizes FTA's authority to conduct audits to verify compliance with the foregoing requirements and stipulations.

District Public Transportation Manager

Date

**Attachment C
Sample Criteria
FTA SECTION 5310 GRANT PROGRAM
DISTRICT EVALUATION CRITERIA**

AGENCY:		
POINTS	CATEGORY	SCORE
	1. SERVICE EFFICIENCY & EFFECTIVENESS	
0-2	HOURS & DAYS OF SERVICE	
0-10	RIDERSHIP/BY NUMBER OF SEATS	
0-8	TOTAL EXPENSES/TOTAL ONE WAY TRIPS	
0-8	TOTAL EXPENSES/TOTAL MILEAGE	
0-28	(SUBTOTAL)	
	2. EXTENT TO WHICH THE COMMUNITY (seniors and persons with disabilities) IS SERVED	
0-5	PROJECT & SYSTEM DESCRIPTION	
0-10	ONE WAY PASSENGER TRIPS X CLIENTS SERVED	
0-2	COORDINATION EFFORTS	
0-2	SERVICE AREA	

0-19	(SUBTOTAL)	
	3. NEED	
0-7	NUMBER OF CLIENTS SERVED BY EXPANSION	
0-8	REPLACEMENT OF HIGH MILAGE VEHICLES	
0-15	FINANCIAL NEED	
0-5	NUMBER OF CLIENTS TRANSPORTED/NUMBER OF SEATS	
0-35	(SUBTOTAL)	
	4. FISCAL & MANAGERIAL CAPABILITY	
0-5	AUDIT REVIEW	
0-5	APPLICATION COMPLETENESS & ACCURACY	
0-3	DOCUMENT SUBMITTAL - PAST PERFORMANCE	
0-5	MAINTENANCE RECORDS	
0-18	(SUBTOTAL)	
0-100	TOTAL	

Evaluator: _____ Date: _____

Attachment D
Standard Lobbying Certification Form

Standard Lobbying Certification Form

The undersigned [Contractor] 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 an 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 making lobbying contacts to 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 [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*)]

(3) 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 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 31 U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). 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. § 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 Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

_____ Signature of Contractor's Authorized Official

_____ Name and Title of Contractor's Authorized Official

_____ Date

Appendix 1

Miami UZA

The Miami TMA is comprised of Miami-Dade, Broward and Palm Beach Counties, with a small portion of Martin County included within its northern boundary. Authorized to administer the Section 5310 Grant in the Miami TMA, Florida Department of Transportation Districts 4 and 6 will adopt the State Management Plan, Public Transit Office Topic Number 725-030-010-K, with the following exceptions:

Project Selection:

Except when there are sufficient funds allocated to grant all eligible requests, applications shall be evaluated and ranked on the basis of merit and need by a minimum of three knowledgeable persons within each District. At least one evaluator shall be from outside the Department of Transportation, unaffiliated with any applicant under consideration, and familiar with transportation, public issues, and needs in the district.

In the Miami TMA, the evaluation committee will include MPO staff, and either Local Coordinating Board members or a representative from the Treasure Coast or the South Florida Regional Planning Council.

In addition, in the Miami TMA, the following, or alternate criteria approved in writing by the Central Office, shall be used in ranking applications.

FTA SECTION 5310 GRANT PROGRAM

MIAMI TMA EVALUATION CRITERIA

AGENCY:		
POINTS	CATEGORY	SCORE
1. SERVICE EFFICIENCY & EFFECTIVENESS		
0-2	HOURS & DAYS OF SERVICE	
0-10	RIDERSHIP/BY NUMBER OF SEATS	
0-8	TOTAL EXPENSES/TOTAL ONE WAY TRIPS	

0-8	TOTAL EXPENSES/TOTAL MILEAGE	
0-28	(SUBTOTAL)	
2. EXTENT TO WHICH THE INDIVIDUALS WITH DISABILITIES AND SENIORS ARE SERVED		
0-5	PROJECT & SYSTEM DESCRIPTION	
0-8	ONE WAY – DISABLED AND SENIOR TRIPS X CLIENTS SERVED	
0-2	EXTENT TO WHICH THE COMMUNITY AT LARGE IS SERVED BY THE APPLICANT	
0-2	COORDINATION EFFORTS WITH OTHER AGENCIES AND OTHER ROUTES	
0-2	SERVICE AREA	
0-19	(SUBTOTAL)	
3. NEED		
0-7	NUMBER OF CLIENTS SERVED BY EXPANSION (UNSERVED POPULATIONS RANK HIGHER)	
0-8	REPLACEMENT OF HIGH MILEAGE VEHICLES (AS PER PROCEDURE 725-030-025)	
0-15	FINANCIAL NEED	
0-5	NUMBER OF CLIENTS TRANSPORTED/NUMBER OF SEATS	
0-35	(SUBTOTAL)	
4. FISCAL & MANAGERIAL CAPABILITY		

0-5	AUDIT REVIEW	
0-5	APPLICATION COMPLETENESS & ACCURACY	
0-3	DOCUMENT SUBMITTAL - PAST PERFORMANCE	
0-5	MAINTENANCE RECORDS	
0-18	(SUBTOTAL)	
0-100	TOTAL	

Evaluator: _____

Date: _____

Appendix 2

Jacksonville UZA

The Jacksonville urbanized area is comprised of the city of Jacksonville and Duval County, as well as parts of Clay and St. Johns Counties. Authorized to administer the Section 5310 Grant in the Jacksonville UZA, the Florida Department of Transportation District 2 adopts the State Management Plan, Public Transit Office Topic Number 725-030-010-K, as the program management plan for the Jacksonville UZA with the following exceptions:

Project Selection:

Except when there are sufficient funds allocated to grant all eligible requests, applications shall be evaluated and ranked on the basis of merit and need by a minimum of three knowledgeable persons within each District. At least one evaluator shall be from outside the Department of Transportation, unaffiliated with any applicant under consideration, and familiar with transportation, public issues, and needs in the district. The evaluation team may include members from the North Florida TPO, the North Central Florida Regional Planning Council, the Northeast Florida Regional Planning Council, the Withlacoochee Planning Council and/or the Jacksonville Transportation Authority.

FTA SECTION 5310 GRANT PROGRAM JACKSONVILLE UZA EVALUATION CRITERIA

AGENCY:		
POINTS	CATEGORY	SCORE
1. SERVICE EFFICIENCY & EFFECTIVENESS		
0-2	HOURS & DAYS OF SERVICE	
0-10	RIDERSHIP/BY NUMBER OF SEATS	
0-8	TOTAL EXPENSES/TOTAL ONE WAY TRIPS	
0-8	TOTAL EXPENSES/TOTAL MILEAGE	

0-28	(SUBTOTAL)	
2. EXTENT TO WHICH THE INDIVIDUALS WITH DISABILITIES AND SENIORS ARE SERVED		
0-5	PROJECT & SYSTEM DESCRIPTION	
0-8	ONE WAY – DISABLED AND SENIOR TRIPS X CLIENTS SERVED	
0-2	EXTENT TO WHICH THE COMMUNITY AT LARGE IS SERVED BY THE APPLICANT	
0-2	COORDINATION EFFORTS WITH OTHER AGENCIES AND OTHER ROUTES	
0-2	SERVICE AREA	
0-19	(SUBTOTAL)	
3. NEED		
0-7	NUMBER OF CLIENTS SERVED BY EXPANSION (UNSERVED POPULATIONS RANK HIGHER)	
0-8	REPLACEMENT OF HIGH MILEAGE VEHICLES (AS PER PROCEDURE 725-030-025)	
0-15	FINANCIAL NEED	
0-5	NUMBER OF CLIENTS TRANSPORTED/NUMBER OF SEATS	
0-35	(SUBTOTAL)	
4. FISCAL & MANAGERIAL CAPABILITY		
0-5	AUDIT REVIEW	

0-5	APPLICATION COMPLETENESS & ACCURACY	
0-3	DOCUMENT SUBMITTAL - PAST PERFORMANCE	
0-5	MAINTENANCE RECORDS	
0-18	(SUBTOTAL)	
0-100	TOTAL	

Evaluator: _____

Date: _____

Appendix 3
Pensacola UZA

The Pensacola urbanized area includes parts of Escambia and Santa Rosa Counties in Florida and part of Baldwin County, Alabama. Authorized to administer the Section 5310 Grant in the Pensacola UZA, the Florida Department of Transportation District 3 adopts the State Management Plan, Public Transit Office Topic Number 725-030-010-K, as the program management plan for the Pensacola UZA.

Project Selection:

Except when there are sufficient funds allocated to grant all eligible requests, applications shall be evaluated and ranked on the basis of merit and need by a minimum of three knowledgeable persons within each District. At least one evaluator shall be from outside the Department of Transportation, unaffiliated with any applicant under consideration, and familiar with transportation, public issues, and needs in the district.

AGENCY:		
POINTS	CATEGORY	SCORE
1. SERVICE EFFICIENCY & EFFECTIVENESS		
0-2	HOURS & DAYS OF SERVICE	
0-10	RIDERSHIP/BY NUMBER OF SEATS	
0-8	TOTAL EXPENSES/TOTAL ONE WAY TRIPS	
0-8	TOTAL EXPENSES/TOTAL MILEAGE	
0-28	(SUBTOTAL)	
2. EXTENT TO WHICH THE INDIVIDUALS WITH DISABILITIES AND SENIORS ARE SERVED		
0-5	PROJECT & SYSTEM DESCRIPTION	

0-8	ONE WAY – DISABLED AND SENIOR TRIPS X CLIENTS SERVED	
0-2	EXTENT TO WHICH THE COMMUNITY AT LARGE IS SERVED BY THE APPLICANT	
0-2	COORDINATION EFFORTS WITH OTHER AGENCIES AND OTHER ROUTES	
0-2	SERVICE AREA	
0-19	(SUBTOTAL)	
3. NEED		
0-7	NUMBER OF CLIENTS SERVED BY EXPANSION (UNSERVED POPULATIONS RANK HIGHER)	
0-8	REPLACEMENT OF HIGH MILEAGE VEHICLES (AS PER PROCEDURE 725-030-025)	
0-15	FINANCIAL NEED	
0-5	NUMBER OF CLIENTS TRANSPORTED/NUMBER OF SEATS	
0-35	(SUBTOTAL)	
4. FISCAL & MANAGERIAL CAPABILITY		
0-5	AUDIT REVIEW	
0-5	APPLICATION COMPLETENESS & ACCURACY	
0-3	DOCUMENT SUBMITTAL - PAST PERFORMANCE	
0-5	MAINTENANCE RECORDS	

0-18	(SUBTOTAL)	
0-100	TOTAL	

Appendix 4
Tallahassee UZA

The Tallahassee urbanized area includes the city of Tallahassee and parts of Leon and Gadsden Counties. Authorized to administer the Section 5310 Grant in the Tallahassee UZA, the Florida Department of Transportation District 3 adopts the State Management Plan, Public Transit Office Topic Number 725-030-010-K, as the program management plan for the Tallahassee UZA.

Project Selection:

Except when there are sufficient funds allocated to grant all eligible requests, applications shall be evaluated and ranked on the basis of merit and need by a minimum of three knowledgeable persons within each District. At least one evaluator shall be from outside the Department of Transportation, unaffiliated with any applicant under consideration, and familiar with transportation, public issues, and needs in the district.

AGENCY:		
POINTS	CATEGORY	SCORE
1. SERVICE EFFICIENCY & EFFECTIVENESS		
0-2	HOURS & DAYS OF SERVICE	
0-10	RIDERSHIP/BY NUMBER OF SEATS	
0-8	TOTAL EXPENSES/TOTAL ONE WAY TRIPS	
0-8	TOTAL EXPENSES/TOTAL MILEAGE	
0-28	(SUBTOTAL)	
2. EXTENT TO WHICH THE INDIVIDUALS WITH DISABILITIES AND SENIORS ARE SERVED		
0-5	PROJECT & SYSTEM DESCRIPTION	

0-8	ONE WAY – DISABLED AND SENIOR TRIPS X CLIENTS SERVED	
0-2	EXTENT TO WHICH THE COMMUNITY AT LARGE IS SERVED BY THE APPLICANT	
0-2	COORDINATION EFFORTS WITH OTHER AGENCIES AND OTHER ROUTES	
0-2	SERVICE AREA	
0-19	(SUBTOTAL)	
3. NEED		
0-7	NUMBER OF CLIENTS SERVED BY EXPANSION (UNSERVED POPULATIONS RANK HIGHER)	
0-8	REPLACEMENT OF HIGH MILEAGE VEHICLES (AS PER PROCEDURE 725-030-025)	
0-15	FINANCIAL NEED	
0-5	NUMBER OF CLIENTS TRANSPORTED/NUMBER OF SEATS	
0-35	(SUBTOTAL)	
4. FISCAL & MANAGERIAL CAPABILITY		
0-5	AUDIT REVIEW	
0-5	APPLICATION COMPLETENESS & ACCURACY	
0-3	DOCUMENT SUBMITTAL - PAST PERFORMANCE	

0-5	MAINTENANCE RECORDS	
0-18	(SUBTOTAL)	
0-100	TOTAL	

Appendix 5

Tampa UZA

The Tampa UZA includes the cities of Tampa, St. Petersburg, and Clearwater; and portions of Hillsborough, Pinellas, and Pasco Counties. Authorized to administer the Section 5310 Grant in the Tampa UZA, Florida Department of Transportation Districts 7 adopts the State Management Plan, Public Transit Office Topic Number 725-030-010-K, with the following exceptions:

Project Selection:

Except when there are sufficient funds allocated to grant all eligible requests, applications shall be evaluated and ranked on the basis of merit and need by a minimum of three knowledgeable persons within each District. At least one evaluator shall be from outside the Department of Transportation, unaffiliated with any applicant under consideration, and familiar with transportation, public issues, and needs in the district.

The project selection committee will include Department staff and representatives from the 3 Metropolitan Planning Organizations in the UZA. Additionally, the Local Coordinating Boards (LCBs) in Hillsborough, Pinellas and Pasco Counties will be consulted during project review.

Coordinated Planning:

MPOs plan to jointly develop a 5310 regional component to be included in the Transportation Disadvantaged Service Plan (TDSPs) for each County. Until that is complete the review committee will consult Tri County Access Plan as well as the TDSPs to ensure that all projects selected meet the coordinated human service plan requirement.

Evaluation Criteria:

In addition to the evaluation criteria outlined in the existing State Management Plan, the Tampa UZA adds criteria G.

G. When considering operations projects, additional points will be given to projects previously funded under the New Freedom program. New operational projects will be evaluated on their ability to increase access to transportation for seniors and persons with disabilities.

Supporting Documentation:

Large urban transit providers requesting grant awards under this program may submit their Capital Replacement or Fleet Management plans instead of completing the Vehicle Inventory Form in the application package.

Appendix 6

Palm Bay-Melbourne UZA

The Palm Bay-Melbourne urbanized area is comprised of the cities of Palm Bay and Melbourne in Brevard County. Authorized to administer the Section 5310 Grant in the Palm Bay-Melbourne UZA, the Florida Department of Transportation District 5 adopts the State Management Plan, Public Transit Topic Number 725-030-010-K, as the program management plan for the Palm Bay-Melbourne UZA with the following exceptions:

Project Selection:

Except when there are sufficient funds allocated to grant all eligible requests, applications shall be evaluated and ranked on the basis of merit and need by a minimum of three knowledgeable persons within each District. At least one evaluator shall be from outside the Department of Transportation not affiliated with any applicant under consideration, and familiar with transportation public issues, and needs in the district. The selection committee consists of three knowledgeable persons within each District and one evaluator from outside the Department.

Applicants are required to submit copies of the relevant Transportation Disadvantaged Service Plan (TDSP) pages applicable to the project they are applying for.

FTA SECTION 5310 GRANT PROGRAM

PALM BAY-MELBOURNE UZA EVALUATION CRITERIA

AGENCY:		
POINTS	CATEGORY	SCORE
1. SERVICE EFFICIENCY & EFFECTIVENESS		
2-10	Normal Vehicle Hours per day	
2-10	Average Number of Unduplicated Passengers per Vehicle	
2-10	Total Expense/Total One-way Passenger Trips	
6-30	(SUBTOTAL)	

2. COMMUNITY SERVED		
5-10	System Description	
3-15	Total Unduplicated Passengers Served	
8-25	(SUBTOTAL)	
3. NEED		
1-5	Passengers served/Ambulatory Seats + Wheelchair positions	
3-15	Average Passenger Trips per day per Vehicle	
3-15	Average Annual Mileage per Vehicle	
7-35	(SUBTOTAL)	
4. FISCAL & MANAGERIAL CAPABILITY		
0-15	Site Reviews	
0-15	Review for Application Completeness	
0-30	(SUBTOTAL)	
5. QUALITATIVE		
0-20	Proposed Project Description	
0-20	(SUBTOTAL)	

6. VEHICLE ITEMIZATION		
-20 – 20	Vehicle Mileage	
-10 - 10	Vehicle Age	
-30 -30	(SUBTOTAL)	
-9- 170	TOTAL	

Evaluator: _____

Date: _____

Appendix 7

Palm Coast-Daytona Beach-Port Orange UZA

The Palm Coast-Daytona Beach-Port Orange urbanized area is comprised of the City of Palm Coast in Flagler County, and the cities of Daytona Beach and Port Orange in Volusia County. Authorized to administer the Section 5310 Grant in the Palm Coast-Daytona Beach-Port Orange UZA, the Florida Department of Transportation District 5 adopts the State Management Plan, Public Transit Topic Number 725-030-010-K, as the program management plan for the Palm Coast-Daytona Beach-Port Orange UZA with the following exceptions:

Project Selection:

Except when there are sufficient funds allocated to grant all eligible requests, applications shall be evaluated and ranked on the basis of merit and need by a minimum of three knowledgeable persons within each District. At least one evaluator shall be from outside the Department of Transportation not affiliated with any applicant under consideration, and familiar with transportation public issues, and needs in the district. The selection committee consists of three knowledgeable persons within each District and one evaluator from outside the Department.

Applicants are required to submit copies of the relevant Transportation Disadvantaged Service Plan (TDSP) pages applicable to the project they are applying for.

FTA SECTION 5310 GRANT PROGRAM

PALM COAST-DAYTONA BEACH-PORT ORANGE UZA EVALUATION CRITERIA

AGENCY:		
POINTS	CATEGORY	SCORE
1. SERVICE EFFICIENCY & EFFECTIVENESS		
2-10	Normal Vehicle Hours per day	
2-10	Average Number of Unduplicated Passengers per Vehicle	
2-10	Total Expense/Total One-way Passenger Trips	

6-30	(SUBTOTAL)	
2. COMMUNITY SERVED		
5-10	System Description	
3-15	Total Unduplicated Passengers Served	
8-25	(SUBTOTAL)	
3. NEED		
1-5	Passengers served/Ambulatory Seats + Wheelchair positions	
3-15	Average Passenger Trips per day per Vehicle	
3-15	Average Annual Mileage per Vehicle	
7-35	(SUBTOTAL)	
4. FISCAL & MANAGERIAL CAPABILITY		
0-15	Site Reviews	
0-15	Review for Application Completeness	
0-30	(SUBTOTAL)	
5. QUALITATIVE		
0-20	Proposed Project Description	

6. VEHICLE ITEMIZATION		
-20 – 20	Vehicle Mileage	
-10 - 10	Vehicle Age	
-30 -30	(SUBTOTAL)	
-9- 170	TOTAL	

Evaluator: _____

Date: _____

Appendix _8_
Bonita Springs UZA

The Bonita Springs UZA is comprised of the City of Bonita Springs and the City of Naples as well as parts of unincorporated Lee County and Collier Counties. Authorized to administer the Section 5310 Grant in the Bonita Springs UZA, Florida Department of Transportation District 1 will adopt the State Management Plan, Public Transit Office Topic Number 725-030-010-K, with the following exceptions:

Project Selection:

Except when there are sufficient funds allocated to grant all eligible requests, applications shall be evaluated and ranked on the basis of merit and need by a minimum of three knowledgeable persons within each District. At least one evaluator shall be from outside the Department of Transportation, unaffiliated with any applicant under consideration, and familiar with transportation, public issues, and needs in the district.

In the Bonita Springs UZA, the evaluation committee will include Department staff and at least one independent evaluator.

In addition, in the Bonita Springs UZA, the following, or alternate criteria approved in writing by the Central Office, shall be used in ranking applications:

FTA SECTION 5310 GRANT PROGRAM
BONITA SPRINGS UZA EVALUATION CRITERIA

AGENCY:		
POINTS	CATEGORY	SCORE
1. SERVICE EFFICIENCY & EFFECTIVENESS		
0-2	HOURS & DAYS OF SERVICE	
0-10	RIDERSHIP/BY NUMBER OF SEATS	
0-8	TOTAL EXPENSES/TOTAL ONE WAY TRIPS	
0-8	TOTAL EXPENSES/TOTAL MILEAGE	

0-28	(SUBTOTAL)	
2. EXTENT TO WHICH THE INDIVIDUALS WITH DISABILITIES AND SENIORS ARE SERVED		
0-5	PROJECT & SYSTEM DESCRIPTION	
0-8	ONE WAY – DISABLED AND SENIORS TRIPS X CLIENTS SERVED	
0-2	EXTENT TO WHICH THE COMMUNITY AT LARGE IS SERVED BY THE APPLICANT	
0-2	COORDINATION EFFORTS WITH OTHER AGENCIES AND OTHER ROUTES	
0-2	SERVICE AREA	
0-19	(SUBTOTAL)	
3. NEED		
0-7	NUMBER OF CLIENTS SERVED BY EXPANSION (UNSERVED POPULATIONS RANK HIGHER)	
0-8	REPLACEMENT OF HIGH MILEAGE VEHICLES (AS PER PROCEDURE 725-030-025)	
0-15	FINANCIAL NEED	
0-5	NUMBER OF CLIENTS TRANSPORTED/NUMBER OF SEATS	
0-35	(SUBTOTAL)	
4. FISCAL & MANAGERIAL CAPABILITY		
0-5	AUDIT REVIEW	

0-5	APPLICATION COMPLETENESS & ACCURACY	
0-3	DOCUMENT SUBMITTAL - PAST PERFORMANCE	
0-5	MAINTENANCE RECORDS	
0-18	(SUBTOTAL)	
0-100	TOTAL	

Evaluator: _____

Date: _____

Appendix _9__
Cape Coral UZA

The Cape Coral UZA is comprised of the majority of the Cities of Cape Coral and Fort Myers; the Town of Fort Myers Beach; part of the City of Sanibel, and parts of unincorporated Lee County. Authorized to administer the Section 5310 Grant in the Cape Coral UZA, Florida Department of Transportation District 1 will adopt the State Management Plan, Public Transit Office Topic Number 725-030-010-K, with the following exceptions:

Project Selection:

Except when there are sufficient funds allocated to grant all eligible requests, applications shall be evaluated and ranked on the basis of merit and need by a minimum of three knowledgeable persons within each District. At least one evaluator shall be from outside the Department of Transportation, unaffiliated with any applicant under consideration, and familiar with transportation, public issues, and needs in the district.

In the Cape Coral UZA, the evaluation committee will include Department staff and at least one independent evaluator.

In addition, in the Cape Coral UZA, the following, or alternate criteria approved in writing by the Central Office, shall be used in ranking applications:

FTA SECTION 5310 GRANT PROGRAM
CAPE CORAL UZA EVALUATION CRITERIA

AGENCY:		
POINTS	CATEGORY	SCORE
1. SERVICE EFFICIENCY & EFFECTIVENESS		
0-2	HOURS & DAYS OF SERVICE	
0-10	RIDERSHIP/BY NUMBER OF SEATS	
0-8	TOTAL EXPENSES/TOTAL ONE WAY TRIPS	
0-8	TOTAL EXPENSES/TOTAL MILEAGE	

0-28	(SUBTOTAL)	
2. EXTENT TO WHICH THE INDIVIDUALS WITH DISABILITIES AND SENIORS ARE SERVED		
0-5	PROJECT & SYSTEM DESCRIPTION	
0-8	ONE WAY DISABLED AND SENIOR TRIPS X CLIENTS SERVED	
0-2	EXTENT TO WHICH THE COMMUNITY AT LARGE IS SERVED BY THE APPLICANT	
0-2	COORDINATION EFFORTS WITH OTHER AGENCIES AND OTHER ROUTES	
0-2	SERVICE AREA	
0-19	(SUBTOTAL)	
3. NEED		
0-7	NUMBER OF CLIENTS SERVED BY EXPANSION (UNSERVED POPULATIONS RANK HIGHER)	
0-8	REPLACEMENT OF HIGH MILEAGE VEHICLES (AS PER PROCEDURE 725-030-025)	
0-15	FINANCIAL NEED	
0-5	NUMBER OF CLIENTS TRANSPORTED/NUMBER OF SEATS	
0-35	(SUBTOTAL)	
4. FISCAL & MANAGERIAL CAPABILITY		
0-5	AUDIT REVIEW	

0-5	APPLICATION COMPLETENESS & ACCURACY	
0-3	DOCUMENT SUBMITTAL - PAST PERFORMANCE	
0-5	MAINTENANCE RECORDS	
0-18	(SUBTOTAL)	
0-100	TOTAL	

Evaluator: _____

Date: _____

Appendix _10__

Lakeland UZA

The Lakeland UZA is comprised of nearly all of the City of Lakeland, and parts of the City of Bartow, the City of Mulberry, and unincorporated Polk County. Authorized to administer the Section 5310 Grant in the Lakeland UZA, Florida Department of Transportation District 1 will adopt the State Management Plan, Public Transit Office Topic Number 725-030-010-K, with the following exceptions:

Project Selection:

Except when there are sufficient funds allocated to grant all eligible requests, applications shall be evaluated and ranked on the basis of merit and need by a minimum of three knowledgeable persons within each District. At least one evaluator shall be from outside the Department of Transportation, unaffiliated with any applicant under consideration, and familiar with transportation, public issues, and needs in the district.

In the Lakeland UZA, the evaluation committee will include Department staff and at least one independent evaluator.

In addition, in the Lakeland UZA, the following, or alternate criteria approved in writing by the Central Office, shall be used in ranking applications:

**FTA SECTION 5310 GRANT PROGRAM
LAKELAND UZA EVALUATION CRITERIA**

AGENCY:		
POINTS	CATEGORY	SCORE
1. SERVICE EFFICIENCY & EFFECTIVENESS		
0-2	HOURS & DAYS OF SERVICE	
0-10	RIDERSHIP/BY NUMBER OF SEATS	
0-8	TOTAL EXPENSES/TOTAL ONE WAY TRIPS	
0-8	TOTAL EXPENSES/TOTAL MILEAGE	

0-28	(SUBTOTAL)	
2. EXTENT TO WHICH THE INDIVIDUALS WITH DISABILITIES AND SENIORS ARE SERVED		
0-5	PROJECT & SYSTEM DESCRIPTION	
0-8	ONE WAY DISABLED AND SENIOR TRIPS X CLIENTS SERVED	
0-2	EXTENT TO WHICH THE COMMUNITY AT LARGE IS SERVED BY THE APPLICANT	
0-2	COORDINATION EFFORTS WITH OTHER AGENCIES AND OTHER ROUTES	
0-2	SERVICE AREA	
0-19	(SUBTOTAL)	
3. NEED		
0-7	NUMBER OF CLIENTS SERVED BY EXPANSION (UNSERVED POPULATIONS RANK HIGHER)	
0-8	REPLACEMENT OF HIGH MILEAGE VEHICLES (AS PER PROCEDURE 725-030-025)	
0-15	FINANCIAL NEED	
0-5	NUMBER OF CLIENTS TRANSPORTED/NUMBER OF SEATS	
0-35	(SUBTOTAL)	
4. FISCAL & MANAGERIAL CAPABILITY		
0-5	AUDIT REVIEW	

0-5	APPLICATION COMPLETENESS & ACCURACY	
0-3	DOCUMENT SUBMITTAL - PAST PERFORMANCE	
0-5	MAINTENANCE RECORDS	
0-18	(SUBTOTAL)	
0-100	TOTAL	

Evaluator: _____

Date: _____

Appendix 11

Sarasota - Bradenton UZA

The Sarasota – Bradenton UZA is comprised of nearly all of the City of Bradenton; the City of Bradenton Beach, the City of Holmes Beach, the Town of Longboat Key, the City of Palmetto, and the City of Sarasota, and parts of unincorporated Manatee and Sarasota Counties. Authorized to administer the Section 5310 Grant in the Sarasota – Bradenton UZA, Florida Department of Transportation District 1 will adopt the State Management Plan, Public Transit Office Topic Number 725-030-010-K, with the following exceptions:

Project Selection:

Except when there are sufficient funds allocated to grant all eligible requests, applications shall be evaluated and ranked on the basis of merit and need by a minimum of three knowledgeable persons within each District. At least one evaluator shall be from outside the Department of Transportation, unaffiliated with any applicant under consideration, and familiar with transportation, public issues, and needs in the district.

In the Sarasota – Bradenton UZA, the evaluation committee will include Department staff and at least one independent evaluator.

In addition, in the Sarasota - Bradenton UZA, the following, or alternate criteria approved in writing by the Central Office, shall be used in ranking applications:

FTA SECTION 5310 GRANT PROGRAM SARASOTA – BRADENTON UZA EVALUATION CRITERIA

AGENCY:		
POINTS	CATEGORY	SCORE
1. SERVICE EFFICIENCY & EFFECTIVENESS		
0-2	HOURS & DAYS OF SERVICE	
0-10	RIDERSHIP/BY NUMBER OF SEATS	
0-8	TOTAL EXPENSES/TOTAL ONE WAY TRIPS	

0-8	TOTAL EXPENSES/TOTAL MILEAGE	
0-28	(SUBTOTAL)	
2. EXTENT TO WHICH THE INDIVIDUALS WITH DISABILITIES AND SENIOR ARE SERVED		
0-5	PROJECT & SYSTEM DESCRIPTION	
0-8	ONE WAY – DISABLED AND SENIOR TRIPS X CLIENTS SERVED	
0-2	EXTENT TO WHICH THE COMMUNITY AT LARGE IS SERVED BY THE APPLICANT	
0-2	COORDINATION EFFORTS WITH OTHER AGENCIES AND OTHER ROUTES	
0-2	SERVICE AREA	
0-19	(SUBTOTAL)	
3. NEED		
0-7	NUMBER OF CLIENTS SERVED BY EXPANSION (UNSERVED POPULATIONS RANK HIGHER)	
0-8	REPLACEMENT OF HIGH MILEAGE VEHICLES (AS PER PROCEDURE 725-030-025)	
0-15	FINANCIAL NEED	
0-5	NUMBER OF CLIENTS TRANSPORTED/NUMBER OF SEATS	
0-35	(SUBTOTAL)	
4. FISCAL & MANAGERIAL CAPABILITY		

0-5	AUDIT REVIEW	
0-5	APPLICATION COMPLETENESS & ACCURACY	
0-3	DOCUMENT SUBMITTAL - PAST PERFORMANCE	
0-5	MAINTENANCE RECORDS	
0-18	(SUBTOTAL)	
0-100	TOTAL	

Evaluator: _____

Date: _____

Appendix _12__

Winter Haven UZA

The Winter Haven UZA is comprised of the City of Winter Haven; the City of Eagle Lake; and parts of the City of Auburndale, the City of Davenport, the Town of Dundee, the City of Haines City, the City of Lake Alfred, the Town of Lake Hamilton, the City of Lake Wales, the City of Polk City, and parts of unincorporated Polk County. Authorized to administer the Section 5310 Grant in the Winter Haven UZA, Florida Department of Transportation District 1 will adopt the State Management Plan, Public Transit Office Topic Number 725-030-010-K, with the following exceptions:

Project Selection:

Except when there are sufficient funds allocated to grant all eligible requests, applications shall be evaluated and ranked on the basis of merit and need by a minimum of three knowledgeable persons within each District. At least one evaluator shall be from outside the Department of Transportation, unaffiliated with any applicant under consideration, and familiar with transportation, public issues, and needs in the district.

In the Winter Haven UZA, the evaluation committee will include Department staff and at least one independent evaluator.

In addition, in the Winter Haven UZA, the following, or alternate criteria approved in writing by the Central Office, shall be used in ranking applications:

**FTA SECTION 5310 GRANT PROGRAM
WINTER HAVEN UZA EVALUATION CRITERIA**

AGENCY:		
POINTS	CATEGORY	SCORE
1. SERVICE EFFICIENCY & EFFECTIVENESS		
0-2	HOURS & DAYS OF SERVICE	
0-10	RIDERSHIP/BY NUMBER OF SEATS	
0-8	TOTAL EXPENSES/TOTAL ONE WAY TRIPS	

0-8	TOTAL EXPENSES/TOTAL MILEAGE	
0-28	(SUBTOTAL)	
2. EXTENT TO WHICH THE INDIVIDUALS WITH DISABILITIES AND SENIORS ARE SERVED		
0-5	PROJECT & SYSTEM DESCRIPTION	
0-8	ONE WAY DISABLED AND SENIOR TRIPS X CLIENTS SERVED	
0-2	EXTENT TO WHICH THE COMMUNITY AT LARGE IS SERVED BY THE APPLICANT	
0-2	COORDINATION EFFORTS WITH OTHER AGENCIES AND OTHER ROUTES	
0-2	SERVICE AREA	
0-19	(SUBTOTAL)	
3. NEED		
0-7	NUMBER OF CLIENTS SERVED BY EXPANSION (UNSERVED POPULATIONS RANK HIGHER)	
0-8	REPLACEMENT OF HIGH MILEAGE VEHICLES (AS PER PROCEDURE 725-030-025)	
0-15	FINANCIAL NEED	
0-5	NUMBER OF CLIENTS TRANSPORTED/NUMBER OF SEATS	
0-35	(SUBTOTAL)	

4. FISCAL & MANAGERIAL CAPABILITY		
0-5	AUDIT REVIEW	
0-5	APPLICATION COMPLETENESS & ACCURACY	
0-3	DOCUMENT SUBMITTAL - PAST PERFORMANCE	
0-5	MAINTENANCE RECORDS	
0-18	(SUBTOTAL)	
0-100	TOTAL	

Evaluator: _____

Date: _____

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SECTION 5311 PROCEDURES
725-030-004

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Approved:

Effective:

Office: Transit

Topic No.: 725-030-004-k

Department of Transportation

Secretary

SECTION 5311 PROGRAM

PURPOSE:

To describe the Florida Department of Transportation Public Transit Office's administration and management of the Federal Transit Administration's (FTA) **Section 5311 Program, 49 U.S.C. 5311**. This procedure shall also serve as the State Management Plan required by FTA.

AUTHORITY:

Sections 20.23(4)(a) and 334.048(3), Florida Statutes, (F.S.)

SCOPE:

The principal users of this procedure are public transportation staff at both the Central Office and District Office levels, and the Office of Comptroller (OOC), specifically those involved in administering the **Section 5311 Program** (i.e., Central Office Grant Programs Administrator and staff, District Public Transportation/Office of Modal Development/Mobility Management Managers, and District Office staff).

REFERENCES:

Sections 341.051, 411.202, and 215.97, F.S.

49 CFR, Part 18 and 19

Notice of Program Changes, Authorized Funding Levels and Implementation of the Moving Ahead for Progress in the 21st Century Interim Guidance

Chapter 341, Florida Statutes

Chapter 427, Florida Statutes

Rule Chapter 14-73, Florida Administrative Code (F.A.C.), Public Transportation

Rule Chapter 14-90, F.A.C. Public Transportation

Rule Chapter 41-2, F.A.C., Commission for the Transportation Disadvantaged

OMB Circular A-87

OMB Circular A-133

Procedure 725-030-025, Transit Vehicle Inventory Management

Procedure 725-030-009, Bus Transit System Safety Program
Procedure 725-030-001, Public Transportation Vehicle Leasing
Procedure 725-000-005, Public Transportation Joint Participation Agreement
Procedure 450-021-001, Federal and Florida Single Audit
FDOT Guidelines for Acquiring Vehicles
Annual 5311 Application Manual
In-kind Local Match Guidance
Annual Grantee Site Visit Process
Invoice Processing for Payment Process
Grant Application, Development, Distribution, Evaluation and Award Process
Single Audit Compliance Process
Charter Service Technical Assistance, Monitoring, and Reporting Process
Maintenance Oversight Review Process
Third-Party Procurement Review Process
Grantee Compliance Report

DEFINITIONS:

CATEGORY A PROJECT: A project certified by the District Office as having met all the statutory and administrative requirements for approval.

CATEGORY B PROJECT: A project the District Office anticipates approving, but that has not met all the statutory and administrative requirements for approval.

CENTRAL OFFICE: The Department of Transportation, Public Transit Office or staff located in Tallahassee.

COMMUNITY TRANSPORTATION COORDINATOR (CTC): A transportation entity recommended by a metropolitan planning organization, or by the designated official planning agency as provided for in *Sections 427.015(1), F.S.*, in an area outside the purview of a metropolitan planning organization, and approved by the Commission for the Transportation Disadvantaged, to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area.

COORDINATION CONTRACT: A written agreement between the CTC and an agency who receives transportation disadvantaged funds and performs some, if not all of its own transportation services, as well as transportation services to others, when shown to be more effective and efficient from a total system perspective. The agreement reflects the specific terms and conditions that will apply to those agencies performing their own transportation

services, as well as joint utilization and cost provisions for transportation services to and from the CTC.

DESIGNATED OFFICIAL PLANNING AGENCY: A planning entity so designated by the Florida Commission for the Transportation Disadvantaged to perform planning and support functions for transportation disadvantaged services.

DISTRICT OFFICE: The Department of Transportation District Public Transportation Office/District Office of Modal Development/Mobility Management and/or staff.

DISTRICT PROGRAM OF PROJECTS (POP): A district listing of each applicant agency for which a grant award is proposed, a description of the project to be funded, and the proposed federal, state and local share of the project cost. The district program of projects includes certification by the District Office that all applicants and projects so proposed either meet or will meet all program requirements before a JPA is executed. See **Attachments A** and **B** of these procedures for a sample format.

ELIGIBLE CAPITAL EXPENSES: Eligible capital expenses are limited to buses, vans or other paratransit vehicles, the capital cost of contracting (see **Attachment E**), radios and communications equipment, wheelchair lifts and restraints, vehicle rehabilitation, microcomputer hardware/software, initial installation costs, vehicle procurement, inspection and acceptance costs, construction or rehabilitation of transit facilities including design, engineering, and land acquisition, and other durable goods such as spare components with unit cost over \$300 and a useful life of more than one year. Equipment purchased must be necessary and reasonable to the provision of public transportation services in non-urbanized areas. The federal share for eligible capital expenses shall not exceed 80% except in the following instances: the federal share may be 90% for those capital projects used to provide access for bicycles to mass transit facilities; used to purchase vehicle-related equipment required by the **Clean Air Act Amendments of 1990 (CAAA)**; or required to comply with the **Americans with Disabilities Act of 1990 (ADA)**. It is only the incremental cost of the required equipment that may be funded at 90%, not the entire cost of the vehicle.

ELIGIBLE OPERATING EXPENSES: The total administrative, management, and operation costs directly incident to the provision of public transportation services less operating revenues. The Federal share for net eligible operating costs shall not exceed 50%.

ELIGIBLE RECIPIENT: Political subdivisions of the State of Florida and agencies thereof, Indian Tribes and private non-profit agencies designated as Community Transportation Coordinators, per **Chapter 427, F.S.**, are eligible recipients for both the **Section 5311**. Private for-profit agencies may receive funds through contractual arrangements with eligible recipients. All recipients who are not CTCs must enter into coordination or transportation operator contracts with the appropriate CTC for the purpose of coordinating services. Local governments providing fixed route/fixed schedule service are not required to have an agreement with the CTC.

ELIGIBLE SERVICE: Public transit service provided in non-urbanized areas on a regular and continuing basis is eligible. Service provided to non-sponsored transportation disadvantaged persons and to social service clients is eligible. Services will be designed to maximize usage by transportation disadvantaged persons in general, as long as public use of the service is not restricted. Services may not be designed exclusively to serve the transportation requirements of social service agencies without regard for the mobility needs of the community as a whole. The non-prioritization service plan must be submitted to the District Office. Charter, sightseeing, and exclusive school bus services are not eligible services. Since the goal of **Section 5311** is to enhance access of people living in non-urbanized areas to activities, **Section 5311** projects may include the transportation of non-urbanized area residents to and from urbanized areas.

INTERCITY BUS SERVICE: Regularly scheduled service for the general public which operates with limited stops over fixed routes connecting two or more urban areas not in close proximity, which has the capacity for transporting baggage carried by passengers, and which makes meaningful connection with scheduled service to more distant points, if such service is available. Package express service may also be included, if incidental to passenger transportation. Intercity bus service projects may hereafter be referred to as **Section 5311(f)**. Eligible **Section 5311(f)** projects must support intercity bus service in rural and small urban areas. Eligible activities include, but are not limited to, planning and marketing for intercity bus transportation, capital grants for intercity bus shelters, joint-use stops and depots, operating grants through purchase-of-service agreements, user-side subsidies and demonstration projects, and coordination of rural connections between small transit operations and intercity bus carriers.

JOINT PARTICIPATION AGREEMENT (JPA): An agreement between the Department and a local sponsor (i.e., eligible recipient) of a transportation project, defining a project and the Department's participation. JPAs are to be developed and executed in accordance with the provisions outlined in **Public Transportation Joint Participation Agreement Procedure, 725-000-005** and the **Public Transportation JPA Handbook**.

LOCAL MATCH: Can be a cash match, human services transportation contract or in-kind services. Income from contract to provide human service transportation may be used either to reduce the net project cost or to provide local match. The cost of providing the contract service is included in the total project cost. No FTA program funds can be used as a source of local match for other FTA programs, even when used to contract for service. In-kind services must be approved, prior to invoicing, by the Comptroller's Office and be an eligible source listed in the FTA Master Agreement. The **In-kind Local Match Guidance** provides the process for District Offices to issue approval of in-kind match.

MOBILITY MANGEMENT Consists of short-range planning and management activities and projects for improving coordination among public transportation and other transportation-service providers carried out by a recipient or subrecipient through an agreement entered into

with a person, including a government entity, under **49 U.S.C. Chapter 53** (other than **Section 5309**). Mobility management does not include operating public transportation services.

NON-PRIORITIZATION PLAN: The plan developed by the recipient, and provided to the funding District, which outlines how the recipient plans to provide non-prioritized general public transportation services. All transportation services funded with **Section 5311** funds must be available to the general public.

NON-URBANIZED AREA: The area outside of an urbanized area. An urbanized area is defined as "a core area and the surrounding densely populated area with a population of 50,000 or more, with boundaries fixed by the Census Bureau or extended by State and local officials." For the purposes of this procedure, the urbanized area map as approved by the Metropolitan Planning Organization, Florida Department of Transportation and the Federal Highway Administration, available from the District Office Planning Sections, shall be used to determine eligible service areas.

OPERATING REVENUE: The sum of all fares paid by passengers, whether such fares are paid at the time service is provided or via a prepaid arrangement such as passes or tokens. Operating revenue excludes revenues from contracts with social service agencies which pay for transportation of social service clients.

PARATRANSIT: Types of passenger transportation which are more flexible than conventional fixed-route transit but more structured than the use of private automobiles. Paratransit includes demand response (DR) transportation services, shared-ride taxis, carpooling and vanpooling (VP), and jitney (JT) services. Paratransit most often refers to wheelchair-accessible, demand response (DR) service.

PREVENTATIVE MAINTENANCE COSTS: Preventative maintenance as defined in the National Transit Database (NTD). All the activities, supplies, materials, labor, services, and associated costs required to preserve or extend the functionality and serviceability of the asset in a cost effective manner, up to and including the current state of the art for maintaining such asset. These capital maintenance expenses are eligible to use FTA capital funds for vehicle maintenance. If the subrecipient is using their own employees to perform the maintenance activities, they must submit a force account or cost allocation plan to the Department.

PREVENTATIVE MAINTENANCE PLAN: A living document that outlines an agency's current preventative maintenance goals, policies and procedures. It includes short and long term goals and objectives, filing procedures, staff responsibilities, and maintenance inspection policies and procedures. It should also include sample documents that are used by the agency for A B C inspections, daily inspections, road call logs and work orders.

PRIVATE NONPROFIT PROVIDER: A nonpublic entity with a tax-exempt status that provides public transportation services. Nonprofit entities exist to provide a particular service (e.g., public transportation) to the community. Nonprofit refers to a type of business organized

under rules forbidding the distribution of profits to owners. Profit refers to a surplus of revenues over expenditures.

PUBLIC TRANSIT: The transporting of people by conveyances or systems of conveyances, traveling on land or water, local or regional in nature, and available for use by the general public. Public transit includes those forms of transportation commonly known as "paratransit" having a nonscheduled, non-fixed route nature.

TECHNICAL CAPACITY: Is evaluated using criteria such as staffing levels, staff training and experience, level of documentation of procedures, ability to submit required reports correctly and on time, ability to maintain project equipment, and ability to comply with FTA and state requirements.

TRANSPORTATION DISADVANTAGED: Those persons who because of physical or mental disability, income or age are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk as defined in **Section 411.202, F.S.**

TRANSPORTATION OPERATOR CONTRACT: A written agreement between the CTC and the transportation operator prepared at the local level outlining the terms and conditions for any services to be performed.

PROGRAM GOALS AND OBJECTIVES:

Section 5311 of the **Federal Transit Act of 1998**, as codified at **49 U.S.C.**, provides funding for public transportation projects in non-urbanized areas. The state is given some latitude in the management and administration of the program. The Department has been designated by the Governor to manage the **Section 5311** program in Florida.

The federal goal of the program is to enhance the access of people in rural areas to health care, shopping, education, employment, public services and recreation; to assist in the maintenance, development, improvement and use of public transportation systems in rural and small urban areas; to encourage and facilitate the most efficient use of all federal funds used to provide passenger transportation in rural areas through the coordination of programs and services; and to provide for the participation of private transportation providers in non-urbanized transportation to the maximum extent feasible. Wherever possible, **Section 5311** services should be coordinated with **JARC** type activities and **New Freedom** type services.

In Florida, program funds shall be used to support local transportation services that act to maximize the passenger carrying capacity of surface transportation facilities, of which services for the transportation disadvantaged is a significant part. All recipients of funds shall provide their non-prioritization service plan to the funding District Office to ensure access to the general public.

The Department will for notify eligible potential applicants of the availability of the program; developing project selection criteria; determining applicant eligibility; selecting projects for funding; and ensuring adherence to Federal and state program guidelines by all recipients per **49CFR18.37; 49 CFR 19.5; FTA C9040.1 Ch VI, pars 3b & 3c; FTA C9070.1 Ch V, pars 10b & 10c.**

49 U.S.C. 5311(f) requires states to spend a portion of their **Section 5311** apportionment "to carry out a program for the development and support of intercity bus transportation." The objectives of this program are to support the connection between non-urbanized areas and the larger regional or national system of intercity bus service; to support services to meet the intercity travel needs of residents in non-urbanized areas; and to support the infrastructure of the intercity bus network through planning and marketing assistance and capital investment in facilities. A minimum of 15% of Florida's **Section 5311** apportionment must be spent for these purposes, unless the Governor certifies that the intercity bus needs of the State are currently being met.

1. PROJECT DEVELOPMENT, ROLES & RESPONSIBILITIES, SELECTION

The Central Office will distribute funding allocations and grant application packages to the District Offices, in support of selection of **Section 5311** projects. The District Offices will develop individual projects to form the district program of projects, and entering projects in the Department's work program. Project development includes proper notification of program availability, selection of projects according to approved selection criteria, and submission of the district program of projects to the Central Office.

1.1 The Central Office will provide the application manuals to the Districts by July 20 annually. The District Offices will provide comments and revisions to the Central Office by August 5 annually. The Central Office will provide the application manuals to the Districts by August 20 annually, with final comments being provided to the Central Office by August 25 annually. The Central Office will distribute an electronic version of the final application manual to the District Offices no later than September 5 annually. The application packages shall contain a full description of all state and federal program requirements as well as required application forms.

1.2 District Offices will announce the availability of grant application packages by means appropriate to the local area (for example, by letter to interested parties, announcements at public meetings, newspaper notices, etc.). District Offices may send application packages directly to known potential applicants, but should also make appropriate efforts (see examples above) to inform other eligible program recipients, including Indian tribes. Announcement of the availability of grant application packages for the **Section 5311** program shall be concurrent with the announcement of the availability of grant application packages for the **Section 5310** program.

1.2.1 The announcement should be made prior to the first working day of November each year. All deadlines in Section 1 of this procedure may be waived if there isn't an annual federal appropriation for this program by the specified deadline. Application packages shall be distributed to those responding to the notice as soon as practical after the application packages have been received from the Central Office.

1.2.2 District Offices will take steps to make the general public aware of the availability of application packages, taking special care to make eligible recipients aware. Such notice shall include notice of the requirement to provide services under the terms of a coordination or transportation operator contract with the appropriate CTC. (Exception: local governments providing fixed-route/fixed-schedule service.)

1.2.3 Grant application packages shall be made available to the general public upon request. Application packages shall be provided to eligible recipients and governmental agencies at no cost.

1.3 District Offices will establish a single grant application deadline. Applications received after the deadline will not be accepted. This deadline shall be sufficiently early to allow for the full and fair consideration of applications and to permit a complete, timely and accurate submission of the district program of projects to the Central Office before the first working day in March each year.

2. COORDINATION AND PLANNING:

The Central Office will coordinate with the Commission for the Transportation Disadvantaged to ensure that all locally developed TDSPs meet the requirements of the Locally Developed Coordinated Human Services Transportation Plan. Under **Chapter 427, F.S.**, it is mandated that all new transportation funding for the transportation disadvantaged be coordinated with the Commission for the Transportation Disadvantaged. TDSPs are developed using local stakeholder groups and are approved by local coordinating boards (LCBs).

3. ELIGIBLE SUBRECIPIENTS

All **Section 5311** recipients must meet the minimum requirements of this federal program as outlined in **FTA Circular 9040.1**, and all subsequent revisions. Special attention shall be given to the following federal requirements:

(A) Funds shall be used for public transit services in non-urbanized areas. For applicants whose service area includes both urbanized and non-urbanized areas, special care shall be taken to ensure that **Section 5311** funding is not inappropriately applied to urbanized area service. It is understood that the desired destination for many trips provided to non-urbanized area residents is in an urbanized area. Such trips are appropriately funded with **Section 5311** funds. Recipients must develop a method of allocating costs between urbanized and non-urbanized area service. The availability of the information needed in any allocation method

should be a factor in the selection of the allocation method. Methods for segregating urbanized and non-urbanized area costs include, but are not limited to:

(B) Recipients whose systems are designed to maximize use by transportation disadvantaged persons often know the addresses of all passengers. If 60% of all passengers live in non-urbanized areas, it is fair to say that 60% of all costs are eligible for **Section 5311** funding.

(C) Recipients providing fixed-route service can segregate urbanized and non-urbanized miles based on route maps and allocate system-wide costs accordingly.

(D) Drivers' logs or client trip records can be maintained to segregate mileage or hours within the urbanized area and costs allocated accordingly.

3.1 Funds must be used for services for the general public and at the same time local recipients shall coordinate services with social service agencies. Because so much of the demand for transit service in rural areas will be from transportation disadvantaged persons, the District Office will exercise good judgment when selecting applicants and when guiding recipients of funds to ensure that: (a) services are not restricted to transportation disadvantaged persons but open to the general public, or (b) that service modes inappropriate to rural settings are not implemented and then underutilized.

3.2 If the applicant provides service designed to maximize usage by the transportation disadvantaged, special care shall be taken to ensure that services are not designed without regard to the mobility needs of the community as a whole. If all routes and schedules were designed to meet the requirements of social service agencies alone, other mobility needs of the community might go unmet.

3.3 Applicants shall not be compelled to provide services typical to urbanized settings (i.e. fixed route/fixed schedule service) in order to demonstrate their public nature. The flexible paratransit mode so well suited to social service transportation is often well suited to rural areas in general.

3.4 District Offices will not enter into a JPA granting **Section 5311** funds with a transportation provider whose service is designed to meet the needs of the transportation disadvantaged, who does not display the words "public transportation" on all vehicles, and use the words "public transportation" in all brochures, notices, schedules and other printed material regarding services, without the written approval of the Central Office. The Department allows the provider the leeway to determine the best position of public transportation signage on the vehicle; however, it must be clearly visible to the public. Applicants who are not CTCs shall enter into written coordination or transportation operator contracts with the CTCs for the purpose of coordinating services. Except where a local government is providing fixed-route, fixed-scheduled service, District Offices shall not enter into a JPA granting funds for use in any county not having a coordinated system in compliance with **Chapter 427, F.S.**

4. PROJECT SELECTION AND METHOD OF DISTRIBUTING FUNDS

Section 5311 funds shall be allocated to the District Offices by the Central Office on a population formula basis that considers the non-urbanized population of each county.

4.1 Within each district, operating funds may be suballocated on a non-urbanized population (or other formula approved in writing by the Central Office) basis among the eligible recipients or awarded based on merit and need according to the criteria detailed in **Section 4.3**.

4.2 Within each district, capital funds shall be awarded to eligible recipients on the basis of merit and need in accordance with the criteria detailed in **Sections 4.3-4.3..4**. Applications for **Section 5311** capital funding should be considered together with requests for **Section 5310** funds for maximum benefit to the transportation system as a whole.

4.3 Capital applications and operating applications, where operating funds are not suballocated on the basis of population, shall be evaluated and ranked by a minimum of three knowledgeable persons within each District. At least one evaluator shall be from outside the Department, unaffiliated with any applicant under consideration, and as familiar as possible with transportation and public issues and needs in the district.

Professional judgment shall be exercised when evaluating and ranking applicants. The criteria below, or alternate criteria approved in writing by the Central Office, shall be used in ranking applications. Alternate criteria must be requested by the first working day of November each year. Requests for alternate criteria shall list the criteria, discuss how the evaluation can be made on the basis of information contained in the grant application, and explain why alternate criteria are desirable and how proposed alternate criteria support the goals for the program as described in **FTA Circular 9040.1** and all subsequent revisions. All recipients of grant application packages shall be informed of the criteria used. All applications in a district shall be evaluated using the same criteria, whether the criteria below or alternate criteria are used.

4.3.1 Service Efficiency and Effectiveness

Examine the data submitted in the application under system description. Compare hours and days of service provided. Rank applicants providing more service, per week, higher than others. Rank applicants providing more rides per seat higher than others.

4.3.2 Extent to Which the Community at Large Is Served

Examine the project description, system description and coordination efforts. Rank applicants providing the broadest scope of services and the most service to non-sponsored riders and the general public higher than others.

4.3.3 Need

Evaluate the project description and budget. For example, are funds requested for items essential to passenger service, have vehicles being replaced reached the end of their useful life

(in accordance with FDOT *Transit Vehicle Inventory Management, Procedure No. 725-030-025*), is there a large unserved population to which service is being expanded, is there a large number of people dependent on existing service? Rank those demonstrating greater need higher than others.

4.3.4 Fiscal and Managerial Capability

Consider the overall quality of the proposal as prepared, previous record of timely and accurate reports, prior audit records (if applicable; new applicants should not be penalized by lack of history), maintenance capability (as evidenced by age and mileage of vehicles being replaced), and rank overall capabilities accordingly.

4.4 Once applications are ranked, the District Office will determine the extent to which each request will be funded. Use the ranking in allocating funds.

4.5 All score sheets, written comments, and summaries used in making the funding decisions (from all evaluators) must be kept on file by the District Office and be readily available for a period of five (5) years. The District Office should consider using a computer spreadsheet program to calculate, summarize, and check numerical scores to ensure mathematical accuracy.

5. ANNUAL PROGRAM OF PROJECTS AND APPROVAL PROCESS

5.1 Once all funding decisions are made, the District Office will forward a district program of projects to the Central Office. The district program of projects will be submitted in a format similar to that provided in the [Grant Application Development, Distribution, Evaluation and Award Process](#). This format consolidates District programs of projects into the State program of projects that the Central Office is required to submit to the FTA. Activity Line Item codes for use in your POP development are provided in **Attachment A**.

5.1.1 Projects meeting all statutory and administrative requirements will be listed as **Category A** projects in the district program of projects. Most, if not all projects should be **Category A** projects.

5.1.2 Projects the District Office expects to be able to approve in the current year, but which have not yet met all statutory and administrative requirements, will be listed as **Category B** projects in the district program of projects.

5.1.3 Up to 10% of District Office **Schedule B** allocations may be held in program reserve to accommodate unanticipated project needs. This reserve is **Category C** projects.

5.1.4 Districts Offices will submit with their program of projects a record of approved and rejected funding requests that identify applicants that are minority managed/owned organizations or that provide assistance to minority communities. The District will also provide a description of the process they used to assure equity of distribution of resources among groups within the State as required by *Title VI of the Civil Rights Act*.

5.2 The Central Office shall manage program funds in accordance with the Districts' programs of projects.

5.3 District Offices shall notify each applicant of their grant award or non-selection for a grant award within 30 days from when the Central Office submits the State program of projects to the FTA. For applicants not receiving a grant award, the notice shall include information on the annual grant application cycle. For applicants receiving grants, a **Notice of Grant Award** shall indicate the amount of grant award and have a location for a signature indicating the acceptance of the Grant Award. A joint participation agreement will be issued by the District. **Exhibit C** of the JPA will also include all applicable federal clauses and federal program requirements.

5.4 All grant awards issued to a recipient in the amount of \$100,000 or more will include a signed standard lobbying form. A copy of this form will be transmitted to the Central Office for submittal to the FTA Region IV Office in Atlanta. Copies of signed standard lobbying forms are due in the Central Office within two (2) weeks of the execution of the JPA or the signed Notice of Grant Award for capital projects.

6. PROJECT MANAGEMENT AND ADMINISTRATION

District Offices will administer and manage individual grant projects. This includes development and execution of JPAs and any required amendments, oversight of recipient procurement actions, and monitoring recipient compliance with state and federal requirements. The JPA must state the terms and conditions of assistance by which the project will be undertaken and completed. The JPA provides a mechanism for the state to pass through the applicable federal and state requirements to subrecipients. The federally required clauses are included in **Attachment C** of the JPA. District Offices will provide the Central Office with information required to maintain a complete and accurate program of projects between the state and the federal government. The Central Office will transmit a copy of the program of projects to the Accounts Receivable Office, attention: Grants Section, in the Comptroller's office each time it is changed.

6.1 The District Office will enter into a JPA with recipients following the latest JPA procedure, **Public Transportation Joint Participation Agreement (Procedure No. 725-000-005)**. No JPA shall be executed prior to receipt of an approved program of projects from the Central Office (which will be transmitted upon receipt from the FTA, usually by July 1 of each year) which shall contain correct federal project numbers. No JPA shall be executed for any project which has not advanced to a **Category A** project. No original JPA, supplemental JPA, encumbrance, or work order shall be executed that is not in conformance with an approved program of projects from the Central Office.

6.1.1 The project description in **Exhibit A** of the JPA shall include, at a minimum, a description of any capital equipment to be purchased and/or a brief description of the services provided.

6.1.2 *Exhibit B* of the JPA shall be structured so that the federal participation does not exceed 80% of the capital cost (or 90% for the incremental cost of *ADA or Clean Air Act* equipment) or 50% of the net eligible operating cost of a project funded under the *Section 5311* program. The state may participate in an amount not to exceed one-half the non-federal share of the capital cost of a project funded under the *Section 5311* program.

6.1.3 *Exhibit C* of the JPA shall include, at a minimum, the following: "the agency shall require the independent auditor, retained to perform the audit as required by the *Office of Management and Budget (OMB) Circular A-133* and/or the *Florida Single Audit Act, 215.97 F.S.*, to specifically test and certify that services funded by the program were provided in non-urbanized areas, that there was no restriction on public use, and that the State and Federal share of eligible costs did not exceed amounts specified in the approved project budget (*Exhibit B*). Note that this test and certification shall be provided along with the *Single Audit Report*. The grant recipient agrees to require the auditor retained to test and certify for program operational items in addition to the financial management items

6.2 By September 1 of each year the District Offices will send the Central Office an updated district program of projects if JPAs differ from the most current district program of projects, as projects are advanced from *Category B* to *Category A*, or in the event a project selected for funding is canceled for any reason. The Central Office shall return an approved amended program of projects within 10 working days of receipt of the updated district program of projects. For those changes to the program of projects requiring FTA approval, Central Office will return the approved program of projects within 10 days of receipt from the FTA.

6.3 District Offices will visit each recipient no less than once a year at their place of business. The purpose of the visit will be to monitor the recipient's compliance with program guidelines. The visit shall be documented in the District Office file by a summary of each monitoring visit and/or a checklist as found in the *Annual Grantee Site Visit Process*. Any areas of concern or non-compliance will be documented during the site visit, along with the type of technical assistance provided to the recipient to resolve the issue. The District may contact the Central Office to request technical assistance and/or support in resolving identified issues. The District will submit the *Grantee Compliance Report* to the Central Office by April 1 annually. The Annual *Grantee Site Visit Process* outlines the roles and responsibilities of both District and Central Office staff.

6.4 All goods and services (including capital equipment) purchased with grant funds shall be purchased in accordance with the Department's equipment procurement guidelines as documented in the *Public Transportation Joint Participation Agreement (Procedure No. 725-000-005)* and in FDOT's *Guidelines for Acquiring Vehicles*. Once delivered and accepted, vehicles purchased under the *Section 5311* program will be managed according to the Department's *Transit Vehicle Inventory Management, Procedure No. 725-030-025*. Grantees

must submit the Third-Party Procurement checklist with all approval requests for third-party procurements.

6.5 All vehicles purchased under the **Section 5311** program will carry sufficient insurance to protect the federal interest in the event of loss. The Department of Transportation shall be named as certificate holder on any policy covering equipment purchased with grant funds. The District Office address shall be used for this purpose. Agencies that are self-insured shall be required to certify that they are self-insured, and document the existence of a reserve against which claims can be made. All vehicles purchased under this program are subject to safety and maintenance inspections as outlined in the Department's **Transit Vehicle Inventory Management, Procedure No. 725-030-025**.

6.6 Recipients shall submit a certification verifying the adoption of a System Safety Program Plan and performance of safety inspections in accordance with **Rule Chapter 14-90, F.A.C.**

6.7 Applicants for **Section 5311** capital funds must afford an adequate opportunity for a public hearing, and such hearings must be held if someone with a significant economic, social, or environmental interest in the matter requests a hearing.

6.8 From time to time it may be necessary to terminate a contract by mutual agreement or if the recipient has failed to comply with contract requirements. If this occurs, the federal and state interest in capital equipment awarded must be protected as outlined below.

6.8.1 The value of any such equipment should be determined as outlined in the **Transit Vehicle Inventory Management, Procedure No. 725-030-025**.

6.8.2 Equipment may be transferred to another agency eligible to receive **Section 5311** funds. District Offices should first canvass eligible recipients in their own districts, then statewide, to locate an eligible recipient able to make use of the equipment. Transfers of equipment and titles should be handled as outlined in the **Transit Vehicle Inventory Management, Procedure No. 725-030-025**. The new recipient shall reimburse the original recipient its prorata share based on the value determined. If the original local share was 10%, the original recipient should receive 10% of the current value. The original recipient may waive this refund. The new recipient must comply with all program requirements. Full applications will be necessary only if there are several potential recipients. If there is only one potential recipient in a district (as is frequently the case when used equipment is considered), that recipient may omit narrative portions of the application and complete only the budget pages and sign the assurances. If the new recipient has received **Section 5311** funding in the past, they will update their most recent application to include the equipment transferred. If the new recipient has not received **Section 5311** funding in the past, a new application must be submitted. The new recipient shall be managed and monitored as if it had been selected to receive the equipment originally.

- 6.9** The District Office will maintain the official files, including, at a minimum:
- (A)** A copy of the recipient's completed grant application.
 - (B)** A copy of the JPA and any supplemental agreements.
 - (C)** A copy of each invoice presented for payment.
 - (D)** Documentation of any audit exceptions or deficiencies noted in the audit performed in compliance with the ***Single Audit Act of 1984***, and the ***Single Agency Audit Act Amendment of 1996***, per the ***Federal and Florida Single Audit, Procedure No. 450-010-001***.
 - (E)** A summary of each monitoring visit made to the recipient's place of business and/or a completed checklist (see ***Grantee Compliance Report***).
 - (F)** Documentation that procurements were approved as required by the JPA.
 - (G)** Evidence of insurance for any vehicles purchased with grant funds, such as notices from the insurance company sent to the District Office because the Department is a named certificate holder.
 - (H)** The project file may also contain additional correspondence and information considered by the District Office to be important to a comprehensive understanding of the project, including but not limited to the non-prioritization service plan.
 - (I)** All scoring sheets and a summary of the rankings of grant applicants (not applicable if all requests were funded.) See sample in ***Attachment C*** of this procedure.
 - (J)** An inventory of all vehicles awarded including a record of all interagency transfers. This inventory may consist of the inventory provided by the Central Office as described in the ***Transit Vehicle Inventory Management, Procedure No. 725-030-025***.
 - (K)** A copy of the original district program of projects and all revisions thereto (including assurances) to include notations of financial project item numbers applicable to each project.
 - (L)** Documentation of the notification of the availability of grant application packages. The organization of the files is left to the discretion of the District Office, but required elements listed above shall be readily available.
 - (M)** A copy of the signed standard lobbying form, if agreement is \$100,000 or more (see ***Attachment E***).
 - (N)** A copy of the recipients Title VI Plan.
- 6.10** The FDOT may elect to use up to the eligible amount of State Administration funding. This funding will not be used for Department employee salaries. State Administration funds will be used for technical assistance and research projects to assist Department recipients of ***Section 5311*** funding.

7. TRANSFER OF FUNDS

The FDOT does not allow for the transferring of funds between the 5307, 5310, and 5311 programs.

8. PRIVATE SECTOR PARTICIPATION

Private sector providers are encouraged to apply for **Section 5311** awards through the CTC in their service area. When considering JARC type activities, CTCs are encouraged to apply on behalf of and award third-party agreements to private sector providers. Private sector providers are also consulted in the development of the coordinated human service transportation development plans.

9. MAINTENANCE AND ASSET MANAGEMENT

9.1 All **Section 5311** recipients must have a vehicle maintenance plan on file. During the annual site visit, the District Office will complete a review to ensure that the recipient is following the policies outlined in the recipient's maintenance plan. The District will also check for maintenance of ADA accessibility features during the site visit as stated above. The Central Office will provide technical assistance resources for the development and evaluation of recipient maintenance plans. The District will follow the guidelines in the **Maintenance Oversight Review Process** during annual oversight review visits.

9.2 If the District awards **Section 5311** funds for a recipient facility refurbishment or facility construction, the recipient is required to have a facility maintenance plan. The District will keep a copy of the facility maintenance plan in the project file. The District will maintain on file a copy of the facility maintenance during the useful life of the facility. Any incidental uses of the federally funded facility must be approved by FTA. The recipient will submit the request for incidental use to the District. The District will forward the request to the Central Office, which will submit the request to FTA. The District must document how it maintains continuing control over federally funded facility projects.

9.3 Any disposition of federally funded real property must be completed under the guidelines issued in FTA Circular 5010. Additionally, FTA concurrence with the disposition must be obtained, prior to disposing of the federally funded facility.

10. FEDERAL COMPLIANCE

This section outlines the Department's method for complying with federal requirements not previously outlined in this document. Most requirements will be monitored and compliance assured by the use of the JPA, site visits and file reviews.

10.1 Subrecipients are informed of the applicable federal Civil Rights requirements as part of the application process. The JPA that they agree to also references the requirements. The District Office shall receive a copy of the recipients Title VI Plan prior to the execution of the Notice of Grant Award or JPA operating projects. At the recipients' request, the District will provide technical assistance to the recipient in the development of their Title VI Plan. The

District may request technical assistance from the Central Office in assisting their recipients in meeting the Title VI requirements. The District Office will ensure the requirements are being met with onsite visits and file reviews, including noting whether the Title VI policy is posted at the recipient's physical location and on the recipient's website. The Central Office EEO will provide all Title VI, EEO and DBE planning and goal setting functions; the Central Office PTO will do the required reporting. Further guidance is available in the ***Title VI Program Compliance Process***.

10.2 The District Office will monitor and evaluate the subrecipients' compliance with ***Section 504*** and ADA requirements by conducting site visits and file reviews.

10.3 Buy America pre-award and post-delivery reviews are maintained at the Department's inspection facility. Copies are provided to the award recipient.

10.4 Restrictions on lobbying, prohibition of exclusive school transportation, charter service and monitoring of subrecipients is accomplished during annual site visits. Additional guidance on monitoring Charter Service activities is provided in the ***Charter Service Technical Assistance, Monitoring, and Reporting Process***.

10.5 OTHER PROVISIONS – Recipient compliance with employee protection provisions and environmental protection requirements are reviewed during annual recipient oversight visits. Buy America provisions for vehicle purchases, including pre-award and post-delivery, are monitored and completed by the Central Office Procurement Manager. Ensuring recipient compliance with Buy America provisions of construction projects and third-party procurements which are not vehicles, is the responsibility of the District Project Manager. District Project Managers must ensure recipient compliance with the prohibition of exclusive school transportation and the drug and alcohol testing requirements. The Central Office provides the Substance Abuse Program management consultant as a technical resource for District Offices and recipients of ***Section 5311*** funding.

11. NTD REPORTING

The National Transit Database (NTD) is FTA's primary national database for statistics on the transit industry. Recipients (the Department) and subrecipients (grantees) of Section 5311 grants are required by 49 U.S.C. Section 5335(a) and (b) to submit data to the NTD as a condition of the award. Specific reporting requirements are included in the NTD reporting instructions manual issued each year.

The Department, as the recipient, collects and ensures that data is collected and compiled for the data collection and compilation from each Section 5311 subrecipient and transportation provider in the State that benefits from the grant. The Central Office is responsible for NTD reporting. Section 5311(b)(4) specifies that each Section 5311 recipient shall submit an annual report containing information on capital investment, operations, and service provided under Section 5311. Items to be reported include total annual revenue; sources of revenue; total annual operating costs; total annual capital costs; fleet size and type, and related facilities;

revenue vehicle miles; and ridership. The ***Rural National Transit Data Collection Process*** outlines how the Department works with the contractor to collect and submit the NTD reporting information.

12. RTAP

The Department delivers RTAP services through a university contract. The program objectives are to promote the safe and effective delivery of public transportation in rural areas and to make more efficient use of public and private resources; to foster the development of State and local capacity for addressing the training and technical assistance needs of the rural transportation community; to improve the quality of information and technical assistance available through the development of training, technology, and technical assistance resource materials; to facilitate peer-to-peer self-help through the development of local networks of transit professionals; to support the coordination of public, private, specialized, and human service transportation services; and to build a national database on the rural segment of the public transportation industry. The Department will allow 5310 grantees to use RTAP resources whenever possible.

13. INTERCITY BUS TRANSPORTATION

The Department's first objective of the funding for intercity bus service under Section 5311(f), is to support the connection between rural areas and the larger regional or national system of intercity bus service. The second objective is to support services to meet the intercity travel needs of residents in rural areas. The third objective is to support the infrastructure of the intercity bus network through planning and marketing assistance and capital investment in facilities.

13.1 ***Section 5311(f) Intercity Bus*** funds shall be allocated for specific projects at the state level. District Offices will be consulted when major facility projects are proposed in their District.

13.2 Applications for ***Section 5311(f)*** funds proposals will be reviewed and evaluated by an Intercity Bus Project Review Committee chaired by the Grant Programs Administrator. Proposals are evaluated and ranked by an Intercity Bus Project Review Committee. Prior to awarding an intercity bus facility project the Intercity Bus Project Review Committee will consult with District staff in the area in which the facility is to be constructed. If there are insufficient eligible projects in a given year, the Department may either keep the funds in reserve to be combined with the next year's ***Section 5311(f)*** funding, or seek a Governor's certification and reallocate funds for regular ***Section 5311*** services.

14. TRAINING

It is recommended that orientation for the ***Section 5311*** program be provided for new transit program employees in the District Offices. Experienced transit staff in the Central Office and/or the District Offices may provide this training. Additionally, training will be made available to

potential subrecipients on how to apply and utilize **Section 5311** program funds through annual workshops. Individual requests for assistance will be responded to by either Central Office or District Office Staff.

15. FORMS

Districts must submit a completed District **Grantee Compliance Report** to the Central Office by April 1 annually. The template for the spreadsheet is attached to **Annual Grantee Site Visit Process**.

The SAMPLES provided in this procedural document can be tailored or changed to fit specific circumstances, providing only a starting point for users. These samples are not official forms of the Department.

Attachment A

Sample

SECTION 5311 PROGRAM OF PROJECTS

The preferred format for a program of projects (POPs) is attached to the ***Grant Application Development, Distribution, Evaluation and Award Process***. The following list of Activity Line Item (ALI) codes should be used on your 5311 POPs.

ALI Code	Description
11.12.03	Bus 30 feet, replacement
11.12.04	Bus Under 30 feet, replacement
11.12.07	Commuter Bus, replacement
11.12.15	Van, replacement
11.12.16	Sedan/Station Wagon, replacement
11.12.40	Spare parts, Maintenance Items, replacement
11.13.03	Bus 30 feet, expansion
11.13.04	Bus Under 30 feet, expansion
11.13.07	Commuter Bus, expansion
11.13.15	Van, expansion
11.13.16	Sedan/Station Wagon, expansion
11.13.40	Spare parts, Maintenance Items, replacement
11.42.06	Shop equipment, acquisition
11.42.07	ADP Hardware, acquisition
11.42.08	ADP Software, acquisition
11.42.09	Surveillance/Security, acquisition
11.42.10	Fare Collection, acquisition
117A.00	Preventative Maintenance
11.7L.00	Mobility Management
11.92.02	Bus Shelters
11.92.06	Bicycle Equipment on Buses
30.09.01	Operating Assistance

Attachment B

Sample

CERTIFICATIONS AND ASSURANCES FOR SECTION 5311

Based on its own knowledge and, as necessary, on information submitted by the subrecipient, the Florida Department of Transportation District ____ Office certifies and assures that the following requirements and conditions will have been fulfilled before any Federal assistance authorized for 49 U.S.C. 5311 are provided to a specific subrecipient:

- A. Each subrecipient has or will have the necessary legal, financial, and managerial capability to apply for, receive and disburse funds authorized for 49 U.S.C. 5311; and to implement and manage the project.
- B. Sufficient non-Federal funds have been or will be committed to provide the required local share.
- C. The subrecipients have, or will have by the time of delivery, sufficient funds to operate and maintain the vehicles and equipment purchased with Federal assistance authorized for these projects.
- D. To the extent applicable, Section 5311 projects are included in a metropolitan Transportation Improvement Program.
- E. The District Office has provided for a fair and equitable distribution of assistance authorized for 49 U.S.C. 5311 within the district, including Indian reservations.
- F. The subrecipients have, to the maximum extent feasible, coordinated with other transportation providers and users, including social service agencies authorized to purchase mass transportation service.
- G. The subrecipients are in compliance with all applicable civil rights requirements, and have signed the Title VI Nondiscrimination Assurance.
- H. The subrecipients will comply with applicable requirements of U.S. DOT regulations on participation of disadvantaged business enterprises in U.S. DOT programs.

Attachment B

- I. The subrecipients have provided to the state an Assurance of Nondiscrimination on the Basis of Disability. If non-accessible vehicles are being purchased for use by a public entity in demand responsive service for the general public, the state will obtain from the subrecipient a "Certification of Equivalent Service."
- J. The subrecipients have complied with the labor protection provisions of 49 U.S.C. 5333(b) (formerly Section 13(c)), by one of the following actions: (1) signing the Special Warranty for the Nonurbanized Area Program; (2) agreeing to alternative comparable arrangements approved by the Department of Labor; or (3) obtaining a waiver from DOL.
- K. Unless otherwise noted, each of the subrecipient's projects qualifies for the type of categorical exclusion that does not require further FTA environmental approvals. In the case of any project not qualifying for a categorical exclusion, the state assures that financial assistance will not be provided for that project until FTA has made the required environmental finding.
- L. The subrecipients have submitted or will submit all certifications and assurances currently required, including, but not limited to: A nonprocurement suspension and debarment certification; a bus testing certification for new models; a pre-award and post-delivery audit certification; for an application exceeding \$100,000, a lobbying certification; and anti-drug program and alcohol testing certifications.
- M. The District Office will enter into a written agreement with each subrecipient stating the terms and conditions of assistance by which the project will be undertaken and completed.
- N. The state recognizes FTA's authority to conduct audits to verify compliance with the foregoing requirements and stipulations.

District Public Transportation Manager

Date

Attachment C

Sample

**FLORIDA DEPARTMENT OF TRANSPORTATION
SECTION 5311 PROPOSAL SELECTION CRITERIA**

APPLICANT

CRITERIA	SCORE
1. Service efficiency/effectiveness	_____
Comments _____	
2. Extent to which elderly persons and persons with disabilities are served	_____
Comments _____	
3. Need	_____
Comments _____	
4. Fiscal and managerial capability	_____
Comments _____	
5. Approved alternate/additional criterion _____ (if applicable)	
Comments _____	
TOTAL SCORE	_____

Evaluator

Date

This score sheet shall be used when there is insufficient funding to grant all eligible capital and/or operating requests. The maximum score for each criterion is 10 points. Written comments are optional.

Score sheets may be completed for each applicant either by reaching a consensus among the evaluators or by averaging evaluators' individual scores.

Attachment D

CAPITAL COST OF CONTRACTING

The Federal Transit Administration (FTA) identifies the capital cost of contracting for service as an eligible capital expense. The following table shows the percent of various types of contracts which are eligible for FTA capital assistance without further justification to FTA. The percentages apply no matter whether the service is local, express, shuttle, or paratransit.

PERCENT OF CONTRACT ALLOWED FOR CAPITAL ASSISTANCE WITHOUT FURTHER JUSTIFICATION

Type of Contract	Percent
1. Service Contract (contractor provides maintenance and transit service; grantee provides vehicles)	40 percent
2. Service Contract (contractor provides transit service only; grantee provides vehicles and maintenance)	0 percent
3. Vehicle Maintenance Contract (contractor provides maintenance; grantee provides vehicles and transit service)	100 percent
4. Vehicle Lease Contract (contractor provides vehicles; grantee provides maintenance and transit service)	100 percent
5. Maintenance/Lease Contract (contractor provides vehicles and maintenance; grantee provides transit service)	100 percent
6. Turnkey Contract (contractor provides vehicles, maintenance, and transit service)	50 percent
7. Vehicle/Service Contract (contractor provides vehicles and transit service; grantee provides maintenance)	10 percent

A recipient may request FTA participation in a higher percentage of the contract than is shown in the table, but must provide appropriate written cost information and documentation to justify the higher percentage to FTA. The State should obtain FTA's approval of any such requests for a level of capital participation higher than the percentages shown in the chart before advancing the project to Category A.

Attachment E

STANDARD LOBBYING FORM

Standard Lobbying Certification Form

The undersigned [Contractor] 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 an 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 making lobbying contacts to 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 [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*)]

(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 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). 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. § 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 Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor

understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

_____ Signature of Contractor's Authorized Official

_____ Name and Title of Contractor's Authorized Official

_____ Date



**SECTION 5305(d) PROGRAM
PROCEDURES 725-030-040**

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Approved:

Effective:

Office: Transit

Topic No. 725-030-040-c

Department of Transportation

Secretary

SECTION 5305(d) PROGRAM

PURPOSE:

To establish directives applicable to the application, approval, and use of Metropolitan Planning Program Section 5303 Grants and Unified Planning Work Programs.

This procedure shall detail the Florida Department of Transportation Transit Office's administration and management of the Federal Transit Administration's Section 5305(d) Program **49 U.S.C. 5305(d)**.

AUTHORITY:

Sections 20.23(4)(a) and 334.048(3), Florida Statutes (F.S.)

SCOPE:

The principal users of this procedure are public transportation staff at both the Central Office and District levels, specifically those involved in administering the Section 5305(d) Program. The requirements or processes related to this procedure may affect the State Transit Office, District Public Transportation Offices, District Planning Offices, Policy Planning, Statistics, Systems Planning, Comptroller, and Production Management.

REFERENCES:

- Chapter 341, F.S.
- Rule Chapter 14-73.001, Florida Administrative Code, Public Transportation
- FTA C 8100.1C, Federal Transit Administration (FTA) Circular, Program Guidance for Metropolitan Planning and State Planning and Research Program Grants
- FTA C 5010.1D, Federal Transit Administration Circular, Grant Management Requirements
- The most recent Master Agreement adopted by the Federal Transit Administration which is amended and published every October
- FDOT Procedure 725-000-005 Public Transportation Joint Participation Agreement

- FDOT Procedure 000-725-021 Public Transportation JPA Agreements with Deferred Reimbursement Provisions
- OMB Circular A-87, Federal Office of Management and Budget (OMB) Circular, Attachment E, State and Local Indirect Cost Rate Proposals
- FDOT MPO Program Management Handbook

BACKGROUND:

Metropolitan Planning Program (MPP) Section 5305(d) Grants may only be awarded to Metropolitan Planning Organizations (MPOs) and the Florida Metropolitan Planning Organization Advisory Council (MPOAC) that have adopted a Unified Planning Work Program (UPWP). Section 5305(d) funds shall only be used on approved work tasks within an adopted UPWP.

DEFINITIONS:

Category A: A grant status indicating an MPO has successfully completed the MPP Section 5303 Grants application process.

Category B: A grant status indicating an MPO has submitted either an incomplete or inaccurate request for federal assistance under the MPP Section 5305(d) Grants application process.

Category C: The grant status indicating an MPO either has not submitted a request for federal assistance under the MPP Section 5305(d) Grants application process or has withdrawn from the application process.

Central Office: For the purposes of this procedure, the Florida Department of Transportation (FDOT), Transit Office and/or staff.

District Director: For the purposes of this procedure, the District Director with responsibilities for oversight of the 5305(d) Program.

District Office: For the purposes of this procedure, the District Public Transportation Office and/or staff, or Planning Office and/or staff, or Modal Development Office if designated by the District Secretary to manage the program.

Eligible Grant Activities: FTA *Circular C 8100.1C* defines what grant activities are eligible for funding. This *Circular* lists eligible activities in Chapter II.

Planning Emphasis Areas: FTA *Circular C 8100.1C* states Planning Emphasis Areas (PEAs) are jointly established by the FTA and the Federal Highway Administration (FHWA) to advance national goals as established by Federal law to reflect FTA and FHWA priorities, and to respond to congressional direction established through the appropriations process. PEAs are intended to highlight subjects that should be addressed in FTA and FHWA planning programs. PEAs are designed to encourage the application of some planning assistance to studies addressing national goals and priorities, in addition to goals and priorities directly benefiting local

transportation operations or otherwise serving state and local needs. The FDOT may develop PEAs to advance State goals and priorities.

Unified Planning Work Program: Each MPO prepares a UPWP, which is a document describing metropolitan transportation and transportation related planning work expected to be undertaken in the MPOs metropolitan area during the next one (1) to two (2) year period, including all transportation related planning work to be financed with federal transportation planning assistance. The State's grant application to FTA for MPP (Section 5305(d)) assistance must reflect the planning activities described in the approved UPWP's prepared by MPOs within the state.

GENERAL:

All MPP Grants (Section 5305(d)) awarded to MPOs shall be approved by the Central Office. This approval must be coordinated with the District Office. All UPWPs shall be reviewed by the Central Office.

1. PROGRAM MANAGEMENT AND IMPLEMENTATION

1.1 Central Office Responsibilities Shall Include:

- 1.1.1** Maintaining continuous communication with the District Offices and the U.S. Department of Transportation on matters regarding the MPP (Section 5305(d)) and the transit portions of the UPWP.
- 1.1.2** Examining the *Federal Register* for publication of the *Annual List of Certifications and Assurances* for FTA Grants and Cooperative Agreements (known as, *FTA Annual List of Certifications*). Distributing *FTA Annual List of Certifications* to the District Director within ten (10) days of publication in the *Federal Register*.
- 1.1.3** Determining how MPP Grants (Section 5305(d)) should be allocated to each MPO according to a formula approved by the FTA. Distributing a copy of the MPP (Section 5305(d)) Grants allocations to the District Director and the Office of Policy Planning within ten (10) days of publication in the *Federal Register*.
- 1.1.4** Contacting the FTA Regional Office and the FHWA Division Office to determine the current PEAs. List(s) of identified Federal PEAs shall be transmitted to the District Directors within ten (10) days of publication in the *Federal Register*. The Central Office may develop and transmit State PEAs to the District Office within twenty (20) days of the publication of the Federal PEAs in the *Federal Register*.
- 1.1.5** Making an initial application in a timely manner to FTA for Section 5305(d) funds so that Section 5305(d) funds shall be available for obligation on 1 July of state fiscal year following appropriation. Upon review and approval of a MPO's Section 5305(d) application, the initial application made to FTA shall be revised to reflect the approved MPO's 5305(d) application.

1.1.6 Reviewing draft and final UPWPs. Submit, in a timely manner, UPWP review comments to Districts.

1.1.7 Monitoring compliance with established procedures.

1.1.8 Providing technical assistance to Districts.

1.1.9 Providing a status of each MPO's grant status to the District once all the UPWP's and grant applications have been received and reviewed. Category A means the District may execute a Joint Participation Agreement (JPA) for the purpose of awarding and administering MPP Section 5305(d) Grants to an MPO in this category. Category B means the District shall not execute a JPA for the purpose of awarding and administering MPP Section 5305(d) Grants to an MPO in this category.

1.2 District Office Responsibilities Shall Include:

1.2.1 Maintaining communication with the Central Office on program status and implementation.

1.2.2 Distributing copies of the ***FTA Annual List of Certifications*** to MPOs either within ten (10) days of receipt of ***FTA Annual List of Certifications*** from the Central Office or within the District's Office staff annual notification and required document distribution process consistent with the FDOT ***MPO Program Management Handbook***.

1.2.3 Transmitting list of identified PEAs to MPOs either within ten (10) days of receipt from the Central Office, or within the District's annual process initiation package produced and distributed consistent with the FDOT ***MPO Program Management Handbook***.

1.2.4 Maintaining administration and monitoring records. Records shall include a either an electronic or hard copy of the MPP Grant (Section 5305(d)) applications, adopted UPWPs, executed JPAs, invoices, and amendments to applications, work programs, and JPAs.

1.2.5 Notifying the Central Office in writing when an MPO's MPP (Section 5305(d)) Grant is expended and the fiscal year account is closed.

1.2.6 Ensuring grants awarded to an MPO produce deliverables contained in approved UPWP and listed in the JPA.

1.2.7 Districts shall collect and collate annual work products from the MPOs and submit to the Central Office.

2. MPP GRANTS (SECTION 5305(d)) PROCESS

The MPP Grants (Section 5305(d)) process is divided into three phases: information gathering and distribution; application preparation and approval; and close out.

2.1 Information Gathering and Distribution

2.1.1 The Central Office shall examine the ***Federal Register*** for publication of the ***Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements*** and PEAs. The notices are usually published ten (10) days after the President signs the transportation budget allocations enacted by Congress. The signing of the transportation budget occurs after the Congress passes the transportation budget.

Each MPO Grant Application shall include the following:

2.1.2 The Central Office shall distribute to each District Director within ten (10) days of publication in the ***Federal Register*** a copy of the ***Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements*** and the current PEA.

2.1.3 The Central Office, in consultation with the MPOAC, shall determine how the MPP (Section 5305(d)) Grants assistance shall be allocated to each MPO. This allocation shall be according to the formula approved by the FTA. The Central Office will distribute to each District Director and District Office Manager a copy of the MPP (Section 5305(d)) assistance allocations.

2.1.4 District Directors or designee shall distribute copies of the Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements and the current PEAs to both the MPOs within the District and the appropriate District staff within ten (10) business days of their receipt or within the District's annual process initiation package, produced and distributed consistent with the FDOT ***MPO Program Management Handbook***.

2.2 Application Preparation and Approval

2.2.1 Each MPO requesting MPP Grants (Section 5305(d)) shall submit an annual application to the District Office. The MPO shall submit two (2) copies of its annual application. Applications may be included as part of the UPWP or submitted separately, and shall include the items listed below. Applications submitted separately from the UPWP shall be consistent with the grant award amounts and deliverables included in the UPWP. Each MPP Grant Application shall include the following:

(A) A current ***Federal Certifications and Assurances for FTA Assistance*** form as printed in the ***Federal Register***. This form shall be completed and contain an original signature of an authorized MPO representative.

(B) The appropriate ***Federal Application for Federal Assistance*** form (currently Federal ***Form 424***). This form shall be completed and contain an original signature of an authorized MPO representative.

- (C) A completed and accurate budget sheet for Section 5305(d) funds only. The budget shall provide technical classifications, accounting classifications, and fund allocations on the budget sheet.
- (D) A completed and accurate FTA Grants Management Information System (GMIS) planning line item budget sheet for all Federal, State, and local funds. The budget shall provide technical classifications, accounting classifications, and fund allocations.
- (E) A cost allocation plan if indirect costs (overhead) are to be charged to Section 5305(d) funds.
- (F) The Federal lobbying certification and debarment certification if not already on file with the FDOT as part of an appropriately submitted UPWP.
- (G) A complete and accurate list of work products which are funded with Section 5305(d) MPP Funds.

2.2.2 The District shall review the annual application for completeness and accuracy. After review the District shall forward the complete and accurate application to the Central Office.

2.2.3 The Central Office shall review the annual application for completeness and accuracy. If all elements of the application are completed and accurate, the Central Office shall approve the application. If the application is approved, the Central Office shall place the MPO's MPP Section 5305(d) Grant application in Category A and shall notify the District that a JPA may be executed. If the application is either incomplete or inaccurate, the Central Office shall place the MPO's MPP Section 5305(d) Grant application in Category B and shall notify the District that a JPA cannot be executed until the application is certified by the Central Office as complete and accurate. See **Section 2.3.3** on reversion of funds.

2.2.4 Applications for MPP Grants (Section 5305(d)) shall only be approved for eligible grant activities.

2.2.5 The District Office shall ensure funds are programmed, write scope of services and budget, request encumbrance(s), and prepare the JPA.

2.3 UPWP Amendment Process

In the event that the FTA allocations are provided subsequent to the UPWP adoption cycle, the MPOs shall amend their UPWPs to reflect the deliverables, task activities and funding allocation amounts approved by the Central Office. If only minor changes to the allocation amounts are necessary to modify the UPWP, than a revision may be made to the UPWP without MPO Board action. However, if major changes are necessary to the UPWP which involve adding, modifying or deleting deliverables or task activities, then a

full amendment and adoption of the revised UPWP by the MPO Board is required consistent with the ***MPO Program Management Handbook***.

2.4 Close Out

- 2.4.1** District Offices should bill out older MPP (Section 5305(d)) grants, when possible, before new MPP (Section 5305(d)) grants are billed.
- 2.4.2** When all funds of an MPP (Section 5305(d)) grant are expended, the District Office shall notify the Central Office in writing within thirty (30) business days after the exhaustion of said funds that funds are exhausted and project is closed out.
- 2.4.3** If an MPO does not apply for allocated funds within two (2) fiscal years of the fund allocation and a JPA has not been executed, the funds shall revert to the Central Office for re-allocation during the subsequent state fiscal year in accordance with the formula approved by the FTA.
- 2.4.4** Unused funding, remaining after a project is completed or closed, shall revert to the Central Office for re-allocation during the next state fiscal year, unless specifically approved by the Central Office.

Sequence of Events Date Sequence	Office Actor	Event Action
1	Central	Examine Federal Register for List of Certifications and Federal Planning Emphasis Areas.
2	Central	Allocate Section 5305(d) Grants among MPOs.
3 Ten (10) Days After FTA Lists Published in Federal Register	Central	Distribute List of Certifications, Federal PEAs and State PEAs to District Directors.
4 Ten (10) Days After Receipt from Central Office or per the approved District schedule	District	Distribute Lists of Certifications, Federal PEAs and State PEAs to MPOs.
5	District	Distribute MPOs' Section 5305(d) grant application to Central Office for review, comment, and approval.

6 Ongoing	Central	Review MPOs' Section 5305(d) grant application and Categorize grant application in A, B, or C. Notify District of status.
7	Central	Submit FDOT Section 5305(d) Grant Application to FTA for approval.

3. TRAINING

There is no mandatory training for this program. The Central Office will provide training as needed and identified by the Districts.

4. FORMS

The only forms required are the FTA forms associated with the application for Section 5305(d) funds and JPA forms. These forms can be obtained from the Central Office.



**TRANSIT VEHICLE INVENTORY
MANAGEMENT PROCEDURES
725-030-025**

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Approved:

Effective:

Office: Transit

Topic No.: 725-030-025-j

Department of Transportation

Secretary

TRANSIT VEHICLE INVENTORY MANAGEMENT

PURPOSE:

This document outlines the requirements for continuing management control, inventory, transfer and disposal actions for vehicles procured under the ***Federal Transit Administration (FTA) Section 5310 (Enhanced Mobility of Seniors and Individuals with Disabilities), Section 5311 (Rural Transportation Assistance Formula Program)***, programs, and public transit vehicles (excluding public transit fleet lease vehicles) in which the Florida Department of Transportation (hereafter referred to as "the Department") funded 50% or more in the purchase price.

AUTHORITY:

The authority for program administration has been assigned to the Department by the Office of the Governor. The Public Transit Office has the specific responsibilities for program management under the provisions of ***Chapter 341, Florida Statutes (F.S.)***

SCOPE:

The principal users of this procedure are public transportation staff at both the Central Office and District levels, specifically those involved in administering the ***Section 5310, Section 5311***, (i.e., Central Office Grant Programs Administrator and staff, District Public Transportation, Office of Modal Development Managers and District Transit Programs staff).

REFERENCES:

FEDERAL:

Section 5310, Seniors and Individuals with Disabilities Program Guidance and Application Instructions, Circular FTA C 9070.1

Section 5311, Nonurbanized Area Formula Program Guidance and Grant Application Instructions, Circular FTA 9040.1F

DEPARTMENT OF TRANSPORTATION:

Section 341.051, Florida Statutes
Rule Chapter 14-90, Florida Administrative Code
Procedure 725-030-010, Section 5310 Program
Procedure 725-030-004, Section 5311 Program

Procedure 725-030-009, Bus Transit System Safety Program
Procedure 725-030-001, Public Transportation Vehicle Leasing
The Department's Transit Office Guidelines for Acquiring Vehicles
The Department's Transit Office Preventative Maintenance Guidelines for Small Bus, Vans, and Wagons

DEFINITIONS:

CENTRAL OFFICE: When appearing within this procedure, this title pertains to Department staff assigned to the Public Transit Office, Tallahassee, responsible for the transit vehicle fleet inventory.

COMMUNITY TRANSPORTATION COORDINATOR (CTC) - A transportation entity recommended by an MPO, or by the appropriate designated official planning agency, as provided for in *Sections 427.015(1), Florida Statutes*, in an area outside the purview of an MPO, to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area.

DISTRICT MANAGER: When appearing within this procedure, this title pertains to the appropriate District staff member charged with the responsibility for the transit vehicle fleet inventory and other transit vehicle programs. It also applies to the supervisory level overseeing public transportation programs (transit), usually the public transportation manager or Office of Modal Development Administrator.

FDOT INVENTORY CONTROL NUMBER: A number assigned by FDOT once the vehicle has been purchased, received and titled to the subrecipient with the Department of Transportation as the first lienholder.

TRANSIT RESEARCH INSPECTION PROCUREMENT SERVICE (TRIPS) CONTRACTOR: When appearing within this procedure, this title pertains to the appropriate contractor, Center for Urban Transportation Research (CUTR), or staff charged with the responsibility of ordering and delivery process of vehicles to transit agencies.

VEHICLE USEFUL LIFE STANDARDS: Vehicles the Department controls and for which the Department maintains an up-to-date inventory under this procedure are defined as:

- (A) **Type A, Transit Buses Heavy Duty:** Heavy Duty Buses, approximately 30-40 feet, manufactured as Fixed Route Transit Equipment, using diesel (or alternative fuel) engines, and are considered to have a **minimum** useful life of twelve (12) years, and/or 500,000 miles.
- (B) **Type B, Transit Bus Medium Duty:** Transit Buses, approximately 30 feet in length and under, manufactured as Fixed Route Transit Equipment, using diesel (or alternative fuel) engines, and are considered to have a **minimum** useful life of ten (10) years, and/or 350,000 miles.
- (C) **Type C, Transit Bus:** May be purpose built which are assembled using add-on bodies

installed by a manufacturer other than the original equipment chassis supplier. These vehicles are usually under thirty (30') feet in length. These units shall be classified as having a **minimum** useful life of seven (7) years, and/or 250,000 miles.

(D) Type D, Transit Bus: Assembled using add-on bodies installed by manufacturers other than the original equipment chassis supplier and usually under twenty-eight (28') feet in length. These units shall be classified as having a **minimum** useful life five (5) years, and/or 200,000 miles.

(E) Type E, Transit Bus (Modified Mini Vans): Vehicles with modified original equipment by manufacturers of the body and chassis which may include the installation and use of manual ramps for accessibility. Vehicles are subject to design and specifications approval by FDOT. They must comply with all State and Federal requirements. They shall be classified as having a **minimum** useful life of five (5) years, and/or 200,000 miles.

(F) Type F, Sedans/Station Wagons/Vans: Vehicles supplied by original equipment manufacturer only with capacities of up to twelve (12) passengers. These units shall not be structurally modified by aftermarket manufacturers. They shall be classified as having a **minimum** useful life of four (4) years and/or 100,000 miles.

(G) Type G, Service Trucks: (up to 1/2 ton capacity) shall be classified as having a **minimum** useful life of five (5) years and/or 150,000 miles.

1. GENERAL

1.1 The **Common Rule (49 CFR, Part 5311)** permits a state to use, manage, and dispose of equipment acquired under the **Section 5310, Section 5311** programs in accordance with state laws and procedures.

1.2 FTA permits states to:

(A) establish their own minimum useful life standards for vehicles;

(B) use their own procedures for determining fair market value; and

(C) develop their own policies and procedures for maintenance and replacement of vehicles.

1.3 This procedure pertains ONLY to capital procurement of **rolling stock** using the **FTA Section 5310, Section 5311** programs as the funding source, or where the Department participates in 50% or more of the public transit vehicle's purchase price. This may include vehicles purchased under the State Transit Block Grant Program, State Transit Corridor Program, State Transit Service Development Program, or other applicable Departmental programs.

2. FAIR MARKET VALUE

- 2.1** The Department's preferred method of establishing fair market value is to declare the vehicle as surplus (end of life) vehicles and enter them into a competitive sale, either via auction or sealed bid sale. The Department of Management Services arranges auctions or public sales on a regular basis, at various geographical locations throughout Florida for the purpose of selling items declared as surplus.
- 2.2** A commonly accepted financial accounting method for determining fair market value (for vehicles) is an accelerated depreciation calculation, based on the remaining life of the unit(s) at time of disposal. One accelerated method is called "Sum of the Years' Digits". Straight line depreciation is not considered a realistic approach for calculating vehicle depreciation **AND SHOULD BE AVOIDED**.
- 2.3** The third option for establishing value of rolling stock is to locate interested purchasers through public notification, and obtain written firm price offers (bids). A minimum of three written offers are required. The highest offer shall represent the fair market value.
- 2.4** Lastly, experience or documented prior sales experience of comparable equipment is considered acceptable as a basis for calculating market values. Documentation of these comparable sales is required.

3. MAINTENANCE MANAGEMENT

- 3.1** Prescribed inspection schedules, published by the equipment manufacturer(s), shall be adhered to and appropriately documented to protect the equipment warranties and to comply with the requirements of the grantor agency(ies).
- 3.2** In addition, maintenance management procedures have been developed which cover the maintenance requirements for equipment commonly purchased under the funding programs covered herein. These maintenance management procedures are documented in the Department's *Transit Office Preventative Maintenance Guidelines for Bus, Vans, and Wagons*, and are available on request from the Public Transit Office.
- 3.3** Preventative maintenance inspection checklists, work (or repair) orders which adequately record labor actions, parts replaced, consumables added and any sub-contracted repairs are considered essential records for documentation.

4. PROGRAM MANAGEMENT

4.1 TRIPS RESPONSIBILITIES

4.1.1 Vehicle Identification and Inventory Requirements

- 4.1.1.1** The recording and placement of new rolling stock into the Department inventory system shall begin at the time of delivery to the local grantee (owner agency). As

required during the bid process, the successful bidder for the equipment shall be informed that the Department is the "only lien holder" on the vehicles to be delivered. The TRIPS Contractor is responsible for coordinating with the grantee on assigning and affixing of the "FDOT Control Number" on the vehicle(s).

- 4.1.1.2** The requirement for affixing the FDOT control number on the vehicle(s) may be incorporated into the bid document to have the contractor affix the assigned number on the vehicle prior to delivery. If not, it will be the responsibility of the agency, overseen by the TRIPS Contractor, to assure compliance with this requirement immediately after delivery and acceptance.
- 4.1.1.3** Control numbers shall be assigned to the TRIPS Contractor in writing, by the Central Office, in blocks of no less than ten, on request from the TRIPS Contractor. Once assigned, numbers shall **not** be transferred from one vehicle to another vehicle. The control number is a primary reference source for the Department's inventory control system.
- 4.1.1.4** Control numbers shall measure no less than one (1) inch vertically. They shall be black in color and may be either painted or "decal type". They shall be affixed to the rear of the vehicle(s), above the license plate, on all **Section 5310, Section 5311** vehicles, and on vehicles purchased with 50% or more Departmental funds subsequent to the effective date of this procedure.
- 4.1.1.5** Agency/grantee applications for title must list the Department as the only lien holder specifying the "title repository" address as FDOT, 605 Suwannee Street, MS-26, Tallahassee, FL, 32399-0450). Approval of agency invoice submittals shall be subject to verification of this action.
- 4.1.1.6** The TRIPS Contractor shall complete the **Vehicle Inventory Data and Record of Biennial Inspection, Form No. 725-030-25** in its entirety and forward a copy of the completed form to the Public Transit Office (MS-26) and designated District office within fifteen (15) days of receipt of the reimbursement request.
- 4.1.2 Inter-agency Transfers**
 - 4.1.2.1** There are occasions when the transfer of vehicles from one agency to another is necessary. The transfer of title(s) must continue to include the Department as named only lien holder until such time as the "end of useful life" period has passed.
 - 4.1.2.2** District managers will request the original title certificate from the Public Transit Office, to initiate the transfer action. The lien will not be released on the certificate. When the replacement title and the amended **Vehicle Inventory Data, Form No. 725-030-25** are received by the Public Transit Office, the inventory shall be updated accordingly.

4.1.2.3 The administrative costs of title transfer will be the responsibility of the agency receiving the vehicle.

4.1.3 Agency Leasing

4.1.3.1 There are instances where agencies procuring vehicles may assign or transfer responsibility for operation of the procured vehicles to another agency, without relinquishing title/ ownership, as provided for in the individual funding program procedures listed in the **References Section** of this procedure.

4.1.3.2 Any lease or assignment of operational responsibility must be specified in the vehicle inventory records (**Form 725-030-25, Vehicle Inventory Data**, under "**Agency in Possession**"). It shall be the responsibility of the District manager to update the records accordingly.

4.1.4 Vehicle Disposal

4.1.4.1 The useful life specified herein in **Vehicle Useful Life Standards**, in the **Definitions Section**, shall be used as the basis for determining the minimum disposal criteria unless there are extenuating circumstances which justify premature disposal actions. (For example: major accident/incident resulting in total loss).

4.1.4.2 When a vehicle has been determined to have reached the end of its useful life per this procedure and it is determined by the local grantee that the vehicle is no longer serviceable or is becoming highly expensive to repair, the local grantee shall submit a letter to the District manager's requesting disposal of the vehicle. Upon approval of the local grantee's request, the District manager shall submit a letter to the Central Office requesting release of lien. As appropriate, the title certificate with release of lien shall be forwarded to the District manager for recording and completion of the disposition.

4.1.4.3 If a vehicle has reached both age and the minimum mileage, the lien will be released without question. If one of the minimum requirements has not been reached, the District may require additional documentation. It is at the **discretion** of the District staff to request release of the lien on any vehicle that has not satisfied either minimum requirement.

4.1.4.4 The following conditions shall be adhered to in the disposal of the equipment wherein release of lien has not occurred due to the vehicle reaching both the age and/or the minimum mileage requirements.

(A) Gross proceeds of sale \$5,000.00, or per unit of equipment shall be used for capital replacement for the program or projects under which the equipment was originally acquired.

(B) Gross proceeds of sale less than \$5,000.00, per unit of equipment shall be retained by the owner agency, and the Department shall have no further interest in

the equipment or proceeds.

- 4.1.4.5** Requests by agencies for disposal of equipment prior to the prescribed end of useful life, either age or mileage of the vehicle, must be fully justified. Vehicles covered in the request should be inspected to determine serviceability. Requests for early disposition may reflect inadequate or improper maintenance management practices, and may be grounds for disqualification from eligibility for future capital replacement funds, as determined by the District Public Transportation Manager. Agencies involved in inadequate or improper maintenance may also be classified "high risk", as defined in **49 CFR Part 18 5311, Subpart B, Section 12, "Special grant or subgrant conditions for 'high risk' grantees."** Examples of acceptable premature release of vehicles by an agency include low usage, or surplus units due to loss of contracts for services.
- 4.1.4.6** Disposal of vehicles prior to end of useful life should first consider transfer to another agency which is pre-qualified for the funding category under which the vehicle(s) was originally purchased. That is, a **Section 5310** funded vehicle should be transferred to a qualified **Section 5310** agency which has a demonstrated need for additional equipment. Accountability, financial transactions and document transfers shall be accomplished by the District manager, and coordinated with the Central Office on a case-by-case basis. Maintenance history of vehicles should be a prime consideration in any transfer actions, versus disposal.
- 4.1.4.7** Disposition of the vehicle(s) shall be documented by the District manager.

4.1.5 Periodic Reports and Inspections

A biennial **physical** inventory of vehicles is required as a condition of Federal grants (**49 CFR 18.32**). These inventories/inspections shall be accomplished and documented by the responsible District manager(s). A copy of the inspection results shall be forwarded to the Central Office for updating of the inventory. These inspections shall be conducted, completed and reported no later than March 1 of each even year. In addition, the District Office shall provide the agency with written documentation of the findings resulting from the aforementioned inspection.

4.1.6 Other Requirements

- 4.1.6.1** Local grantees are required to insure the vehicles in accordance with published grant document instructions. The Department shall be named as "certificate holder" on the insurance policy throughout the time period the Department is the only lien holder. The intent is not for the Department to be insured under the grantees policy, but rather to have the Department notified by the insurance company of any insurance claims, break in coverage, or other issues affecting insurance coverage. The local grantees shall be required to submit proof of insurance showing minimum coverage and the Department listed as "certificate holder".

4.1.6.2 Any accidents involving vehicles covered under these procedures shall be reported to the District office. Accidents involving a fatality shall be reported as required in **Rule 14-90, F.A.C.** and **Procedure 725-030-009, Bus Transit System Safety Program** (not required for **Section 5310** recipients that are not designated CTCs).

4.2 CENTRAL OFFICE RESPONSIBILITY

4.2.1 The Public Transit Office shall retain all **Certificates of Title** for vehicles purchased under the **Section 5310 Programs and Section 5311 Programs**, as well as for those vehicles purchased with 50% or more Department participation.

4.2.2 The Public Transit Office shall maintain the vehicle inventories for vehicles purchased under the **Section 5310 and Section 5311 Programs**, as well as those vehicles purchased with 50% or more Department participation. Included in the inventory shall be a record of control numbers assigned and control number blocks available for the grant programs covered by this procedure.

4.2.3 The Public Transit Office shall update the vehicle inventories on a continuous basis, using data submitted by the Districts, receipt of the **Certificates of Title**, or other appropriate documents or correspondence.

4.2.4 The Public Transit Office shall distribute the vehicle inventory listing to the District semi-annually, not later than March 1 and September 1.

4.2.5 The biennial physical inventory reports shall be reconciled prior to issuance of the even year March inventory.

4.2.6 The Public Transit Office shall conduct periodic analysis of vehicle data to assess utilization, forecast replacement requirements, evaluate the distribution of resources and coordination of transportation services.

4.2.7 Equipment and inventory management functions contained herein are subject to quality assurance review.

4.2.8 The program of projects will be updated when a transfer of a vehicle with remaining useful life occurs.

4.3 TRIPS Process

4.3.1 The TRIPS Contractor will receive final statewide Program of Projects (POP) for the **5310 Program** from the Central Office upon approval by FTA.

4.3.2 The TRIPS Contractor will log POP approval capital projects by agency in **5310 Program Tracking Log** noting type of vehicles and amount of the award.

4.3.3 The TRIPS Contractor will receive and log the purchase order and confirm receipt of a 10% local match check/voucher made out to the appropriate vendor. Purchase order is checked against State POP, then the TRIPS Contractor will confirm approval of purchase by

FDOT and District Office via a **Vehicle Purchase Order Approval Form**. Any discrepancies are noted in log by the TRIPS Contractor. An order discrepancy notification will be issued to the FDOT Central Office Grant Program Administrator with a copy issued to respective FDOT District personnel, if discrepancies are identified. Orders will **not** be placed until discrepancies are resolved.

4.3.4 When the vehicle purchase order approval form is received by TRIPS Contractor, the order form, purchase order/check from the recipient is forward to Central Office. Central Office will complete Purchase Order for 90% of vehicle price and return completed package to the TRIPS Contractor. All orders will be shipped over-night to vendors. Orders forwarded on Friday or a day before a federal holiday will be mailed to ensure delivery on next business day. Date of transmittal will be noted in **5310 Tracking Log**.

4.3.5 Any adjustments in processing resulting from discrepancies in the purchase order, check, order form, or other documents will be noted on a schedule adjustment form. Any adjustments necessary due to internal related events will also be noted on the forms. The form will note the date issued, circumstances of adjustment, follow-up required and estimate of time necessary to remedy issuance.

4.3.6 When a chassis assigned for vehicle is ordered, the TRIPS Contractor will log date on **5310 Tracking Log** with a **Vehicle Identification Number (VIN)** for each vehicle.

4.3.7 When vehicle delivery notification is issued by the vendor, the TRIPS Contractor will identify and log FDOT control number for the vehicle. The TRIPS Contractor will ensure that agency put the number on the vehicle.

4.3.8 When the local grantee issues a **Letter of Acceptance** for a vehicle, the TRIPS Contractor will log date on **5310 Program Log**. The local grantee will provide the TRIPS Contractor an acceptance package including a copy of the agency letter acceptance, certificate of title with DOT identified as primary lien holder, vendor executed **Buy America Federal Motor Vehicle Safety Standards (FMVSS)** certifications, proof of insurance, delivery receipts, warranty documents, post-delivery report.

4.3.9 Vendor will issue an invoice for vehicle subtracting any local funds provided during the order process (10% match), any late fees and/or adjustments. Vendor will submit invoice to the TRIPS Contractor or appropriate Financial Services Offices/Disbursement Operations Office if a MyFloridaMarketPlace order for payment by the Department. The TRIPS Contractor will log date invoice is received on **5310 Program Log**.

4.3.10 The TRIPS Contractor will have 5 days from receipt of invoice (if not a MyFloridaMarketPlace order) to forward to the appropriate Financial Services Office/Disbursement Operations Office for payment. Transmittal memo will be issued with invoice and a copy to the vendor. Date will be noted on **5310 Program Log**.

4.3.11 The TRIPS Contractor will submit **5310** tracking log to Central Office Program

Administrator by the 5th day of each month via electronic mail.

4.3.12 Schedule adjustment form will be submitted to FDOT Grant Program Administrator via electronic mail as utilized.

5. TRAINING

It is recommended that orientation for this program be provided for new transit program employees in the Districts. Experienced transit staff in the Central Office and/or the Districts may provide this training.

6. FORMS

Form number 725-030-25, Vehicle Inventory Data and Record of Biennial Inspection is available from the Forms Library or by contacting the Public Transit Office at (850) 414-4500.



**PUBLIC TRANSIT BLOCK
GRANT PROGRAM
PROCEDURES 725-030-030**

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Approved:

Effective: December 11, 2008

Office: Transit

Topic No.: 725-030-030-i

Stephanie C. Kopelousos

Secretary

PUBLIC TRANSIT BLOCK GRANT PROGRAM

PURPOSE:

To detail the Florida Department of Transportation Public Transit Office's administration and management of the State Public Transit Block Grant Program.

AUTHORITY:

Sections 341.052, 341.071, 20.23(3)(a), and 334.048(3) Florida Statutes (F.S.), Rule Chapter, 14-73, Florida Administrative Code (F.A.C.)

SCOPE:

This procedure impacts the Department's Transit Office and District Modal Development Offices responsible for managing this program and Block Grant recipients.

REFERENCES:

Chapter 341, Florida Statutes (F.S.)

Procedure No. 725-030-025, Transit Vehicle Inventory Management

Procedure No. 725-030-005, Public Transit Service Development Program

Procedure No. 725-030-003, Transit Corridor Program

Procedure No. 725-000-005, Public Transportation Joint Participation Agreement

Rule Chapter 14-73, Public Transportation

CSFA Number 55010

DEFINITIONS:

Community Transportation Coordinator: A transportation entity so designated by the Florida Commission for the Transportation Disadvantaged, as provided for in **Chapter 427, F.S. and Rule Chapter 41-2, F.A.C.**, to serve the transportation disadvantaged population within a designated service area.

Central Office: For the purposes of this procedure, the Department of Transportation, Public Transit Office and/or staff.

District Office: For the purposes of this procedure, the Department of Transportation, District Modal Development Office and/or staff.

Eligible Transit Capital Cost: Any costs related to the purchase of tangible property. Property includes tangible assets with an expected service life of more than one year at the time of their installation/purchase. Examples would include, but not be limited to: the acquisition of buses for fleet and service expansions; bus maintenance and administrative facilities; transfer facilities; intermodal terminals and park and ride facilities; acquisition of replacement vehicles; passenger amenities, such as passenger shelters and bus stop signs; and miscellaneous equipment such as mobile radio units, supervisory vehicles, fareboxes, computers, and shop and garage equipment.

Eligible Transit Operating Costs: The total costs of administration, management, and operations directly incident to the provision of public bus transit services, but excluding the depreciation or amortization of capital assets.

Front End Funding: Funding allocation method whereby a local grant recipient incurs eligible expenses to which state block grant funds are first applied and the required local share is applied only after state funds have been drawn down.

Joint Participation Agreement (JPA): A contract between the Department of Transportation and a local sponsor of a transportation project, defining a project and the Department's participation (*Form No. 725-030-06*).

Local Revenue Sources: The sum of money received from local government entities to assist in paying transit operation costs, including tax funds, and revenue earned from fare box receipts, charter service, contract service, express service, advertising, and non-transportation activities.

Local Tax Revenue: Local tax revenues are those revenues that are made available for operating expenses and are derived from local taxes, whether the taxes are collected by the public transit provider directly or not. Specifically those revenues properly coded to revenue object classes **408** and **409** in the *National Transit Data Base (Section 5335)* Report are local tax revenues.

Project Income: Revenues earned by the public transit agency such as those for advertisements, charter, and farebox.

Public Transit: The transporting of people by conveyances or systems of conveyances, traveling on land or water, local or regional in nature, and available for use by the public. Public transit systems may be either government owned or privately owned. Public transit includes those forms of transportation commonly known as "paratransit" characterized by their non-scheduled, non-fixed route nature.

Public Transit Operating Revenues: The total revenues received during the year to defray operation and administrative costs. These revenues include: project income, such as advertising and charter revenue; farebox; and local funds, including tax revenues.

Public Transit Provider: A public agency providing public transit service, including rail authorities created in *Chapter 343, F.S.*

Public Transit Service Development Project: A project to test a new or innovative technique or measure to improve or expand public transit services as defined in the *Public Transit Service Development Program, Procedure No. 725-030-005.*

National Transit Data Base (Section 5335): A report submitted by a public transit provider to the Federal Transit Administration in accordance with the uniform System of Accounts and Reports prescribed by *Section 5335* of the *Federal Transit Act*. This report is one basis for the allocation of block grant funds, and the uniform accounts therein are used to validate the lawful use of funds. Requirements can be found in *Attachment A*.

Section 5307 Provider: A public transit provider eligible to receive funds from the *Federal Transit Administration's Section 5307 Program* for the purpose of providing public transportation within their service area. Section 5307 funds may be granted to public agencies in urbanized areas of 50,000 population or more, as designated by the U.S. Bureau of the Census. Such an agency becomes eligible to receive block grant funds when the annual element of its Transportation Improvement Program contains a block grant project.

Section 5311 Provider: An agency receiving funds from the *Federal Transit Administration's Section 5311 Program* for the purpose of providing public transportation outside an urbanized area. For the purposes of this procedure, the term *Section 5311 Provider* does not include any Community Transportation Coordinators.

Supplant: To take the place of, to supersede. To use block grant program funds in place of local tax revenues made available for an eligible public transit provider for operations in the previous year. Such use would result in the block grant award to the public transit operator being reduced by the amount of supplanted local funds. As provided in *Section 341.052(3)(c), F.S.*, the Secretary of Transportation may waive this provision for public transit providers located in a county recovering from a state of emergency.

Transit Corridor Project: A project to relieve congestion and improve capacity within a transportation corridor as defined in *Procedure No. 725-030-003, Transit Corridor Program.*

Transit Development Plan: A *Transit Development Plan (TDP)* is a locally adopted document which includes an assessment of the need for transit services in the local area, identifies the local transit policies, existing services and proposed service improvements, capital and operating costs of the proposed services, existing and proposed sources of funding and a staged implementation plan. The preparation and content of the *TDP* complies with the provisions of *Rule Chapter 14-73, F.A.C.* The Department will accept *TDPs* for review at any time. *TDPs* must be submitted by September 1. Late filed *TDPs* will be accepted if extenuating circumstances beyond the provider's control exist and the District Office is able to complete its review and approval process by the last business day of December.

Transportation Improvement Program (TIP): The result of a continuing, cooperative and comprehensive planning process which delineates transportation improvements recommended for federal and state funding during the program period. The TIP is submitted to the Department per the requirements of **Chapter 339, F.S.**

1. GENERAL

1.1 The Public Transit Block Grant Program was enacted by the Florida Legislature to provide a stable source of funding for public transit. Funds are to be awarded to those public transit providers eligible to receive funding from the **Federal Transit Administration's Sections 5307** and **5311** programs and to Community Transportation Coordinators (see definitions). The Department of Transportation will distribute 85% of the funds to **Section 5307** providers and to **Section 5311** providers who are not Community Transportation Coordinators via this procedure. The Florida Commission for the Transportation Disadvantaged will distribute 15% of the funds to Community Transportation Coordinators according to their own procedures.

1.2 The block grant funds may be used for eligible capital and operating costs of public transit providers. Funds may also be used for transit service development and transit corridor projects. Projects shall be consistent with applicable approved local government comprehensive plans. State participation is limited to 50% of the non-federal share of capital projects. Up to 50% of eligible operating costs can be paid with program funds, or an amount equal to the total revenue, excluding farebox, charter, advertising revenue and federal funds, received by the provider for operating costs, whichever amount is less.

1.3 Local tax revenues made available for operating costs shall not be supplanted by block grant funds.

2. PROJECT DEVELOPMENT

2.1 The Central Office is responsible for distributing tables allocating funds to the District Offices and eligible public transit providers each year. The tables will be sent to the District Offices within 30 days following the signing of the appropriations act by the Governor. The Department may supplement the block grant allocations to recipients if **non PTO** funds are available, if requested by the Metropolitan Planning Organization (MPO) or, if there is no MPO, by the county with jurisdiction, consistent with **Section 341.052(8), F.S.**

2.2 District Offices are responsible for programming those funds according to work program instructions. District Offices are also responsible for informing eligible public transit providers of final allocations no more than 30 days after receipt of the allocation tables from the Central Office. The District Office shall also make final distribution of block grant funds to operating and/or capital projects in response to the written requests of the public transit providers. The District Offices are responsible for preparing Joint

Participation Agreements (JPA) between the Department and eligible providers for the identified operating and/or capital projects.

2.3 Joint Participation Agreement (JPA)

- 2.3.1** The District Office shall obtain a written request for a JPA from a public transit provider prior to the preparation of any JPA. The request from the public transit provider shall include a statement of intent to use funds within the limits of the law and shall state how funds will be divided between eligible capital and operating expenses, and whether any funds will be used in a public transit service development project or transit corridor project. The request need only contain enough detail to complete a JPA and required exhibits. Prior to entering into contract with the provider, the District Office shall analyze the request to substantiate that block grant funds, including any supplemental funds, are not expected to 1) exceed the amount local revenue sources will provide to the system, 2) exceed eligible transit operating costs, or 3) supplant local tax revenues made available for operations. The analysis shall be documented by the District Office and kept in the project files. This analysis may be performed by the Central Office if requested by the District Office, or if questions arise regarding the ability of the transit operator to spend block grant funds within the limits of the law.

If the analysis reveals that a public transit provider may not be able to expend funds without breaching the limits listed above, the District Office shall contact the provider prior to preparation of the JPA to inform them of the finding and to discuss the means by which the public transit provider intends to use the funds within the limits of the law. For example, if the analysis indicates that the request for operating assistance appears to be for more funds than there appear to be eligible expenses, the public transit provider may indicate that there are service expansion plans which will generate the necessary eligible expenses.

If the Department and the provider agree that the total block grant cannot be expended, the provider may agree to accept a block grant of less than the total amount. The funds that exceed such lesser agreed-upon amount shall be redistributed to other eligible providers by formula on a statewide basis, in the subsequent block grant allocation.

- 2.4** The District Office shall prepare, within 30 calendar days of a request from an eligible public transit provider, a JPA between the Department and the public transit provider receiving block grant funds. An extension to this 30 days may be granted by the District Public Transportation Manager if the analysis of the request indicates that the recipient may not be able to use the funds within the limits of the law, or cannot be completed because the recipient failed to supply the Department with its ***National Transit Data Base (Section 5335)*** reports and most current budget. The District Office shall not execute a JPA for block grant funds with any transit agency until that agency's annual TDP has been approved. If the TDP is not approved by December 31, the funds for that

fiscal year will return to the Central Office to be reallocated among all eligible transit systems in the next work program cycle. JPAs shall be executed as directed in ***Procedure No. 725-000-005, Public Transportation Joint Participation Agreement***.

- 2.5 The District Office may prepare and execute separate JPAs for operating grants and for capital grants. Capital grants may be divided into as many separate project JPAs as necessary and desirable. Where block grant funds are to be used in eligible service development projects and/or transit corridor projects, the use of these funds is governed by the Department's ***Procedure No. 725-030-005, Public Transit Service Development Program***, and/or ***Procedure No. 725-030-003, Transit Corridor Program***.
- 2.6 Front End Funding (see definition) may be used at the discretion of the District Office, but is not recommended in cases where the questions raised in the analysis (above) are not answered to the satisfaction of the District Office. Any block grant funds distributed to an eligible provider which cannot be expended within the limitations of the block grant program shall be returned to the Department within the same year of the allocation. These funds will be retained in the District cost center, but the amounts will be included in the subsequent statewide block grant formula allocation. Authority will then be reissued for the de-obligated funds, and the District Office will use these funds to reach 100 percent of the District's full block grant allocation in the fiscal year subsequent to the year the funds were de-obligated.
- 2.7 ***Exhibit "C"*** of the JPA shall include, at a minimum, the language in ***Procedure No. 725-000-005, Public Transportation Joint Participation Agreement***.

3. PROJECT MANAGEMENT

- 3.1 District Offices will visit each recipient no less than once a year at their place of business. The purpose of the visit will be to monitor the recipient's compliance with program guidelines. The visit will be documented in the agency file using the checklist found in ***Attachment B*** of this procedure.
- 3.2 The District Office shall monitor the progress that the public transit provider is making in preparing the ***Transit Development Plan*** as required by ***341.071(1), F.S., and Chapter 14-73, F.A.C.***
- 3.3 The District Office shall review for consistency with the ***Recipient's National Transit Data Base (Section 5335) report***, and approve any set of performance measures established by recipients which accurately includes the measures indicated in ***Attachment A*** of this procedure. Recipients may publish additional measures, but all recipients shall be required to publish the core set of measures indicated by the symbol o.

- 3.4** District Offices are responsible for collection of the material required to determine eligibility and allocations (***National Transit Data Base (Section 5335)*** reports and updates or revisions, and current adopted budgets.)
- 3.5** District Offices shall process all invoices in accordance with the ***Disbursement Operations Manual, Topic No. 350-030-400***. For operating costs, the format described in ***Attachment C*** of this procedure will serve as the necessary documentation for the invoice. Only if the invoice includes travel costs will additional documentation of incurred costs be required. If travel costs are included, documentation as outlined in ***Travel, Chapter 3, of the Disbursement Operations Manual, Topic No. 350-030-400***, shall be submitted. Invoices for capital expenses shall be supported by documentation of capital expenses as outlined in the JPA.
- 3.6** In the event the public transit provider cannot use its entire block grant allocation within the limits of the law, as provided in ***Subsection 2.3.1***, the District Office shall de-obligate the funds and notify the Central Office of the amount of excess funds. These funds will be redistributed statewide in accordance with the provisions of ***Section 2.6***.
- 3.7** If an audit reveals that an eligible provider expended block grant funds on unauthorized uses, the provider must repay to the Department an amount equal to the funds expended for unauthorized uses occurring in the year of the allocation. The Department shall redistribute such repayments to other eligible providers in the subsequent allocation per the process described in ***Section 2.6***.
- 3.8** Upon project closure, the District Office shall have readily available, at a minimum:
- (A)** a copy of the National Transit Data Base (***Section 5335***) report for the year funds were allocated (see ***Attachment A***);
 - (B)** the public transit provider's adopted budget for the year funds were allocated;
 - (C)** a copy of the relevant pages of the TIP for the year funds were allocated;
 - (D)** all Joint Participation Agreements for block grant funds and any amendments for the year funds were allocated together with the letter from the recipient requesting funds;
 - (E)** a copy of the performance report for the year funds were allocated with the affidavit of publication or an actual copy of the newspaper publication;
 - (F)** a copy of the Transit Development Plan prepared in the year funds were allocated;
 - (G)** documentation that procurement was approved as required by the JPA;
 - (H)** a copy of each invoice presented for payment;
 - (I)** documentation of the site visit performed by the District Office; and

(J) the file may also contain additional correspondence and information considered by the District Office to be important to a comprehensive understanding of the project.

4. TRAINING

No training is required by this procedure.

5. FORMS

There are no forms required for this procedure. A sample invoice format is provided as a guide. Samples are not official forms of the Department. They provide only a starting point and can be changed or tailored to fit specific circumstances.

Attachment A

REQUIREMENTS FOR TRANSIT PERFORMANCE REPORTING

The 1990 Florida Legislature amended **Section 341.041(3), Florida Statutes (F.S.)**, which provides for the Department's transit responsibilities with respect to state transit measures, as follows:

Develop, publish, and administer state measures concerning system management, performance, productivity, cost distribution and safety of government owned public transit systems and privately owned or operated systems financed wholly or in part by state funding. Such measures shall be developed jointly with representatives of affected publicly owned transit systems and in coordination with affected privately owned systems, with full considerations given to nationwide industry norms.

Section 341.071, Florida Statutes, was also enacted requiring the following:

(2) Each public transit provider shall establish productivity and performance measures, which must be approved by the department and which must be selected from measures developed pursuant to s. 341.041(3). Each provider shall report annually to the department relative to these measures. In approving these measures, the department shall give consideration to the goals and objectives of each system, the needs of the local area, and the role for public transit in the local area.

(3) Each public transit provider shall publish in the local newspaper of its area the productivity and performance measures established for the year and a report which provides quantitative data relative to the attainment of established productivity and performance measures.

For the purpose of performance measures reporting the public transit provider shall be defined as all **Section 5307** transit systems and **Section 5311** transit systems that are not designated as Community Transportation Coordinators pursuant to **Chapter 427 F.S.** (The Commission for the Transportation Disadvantaged is responsible for the program with respect to Community Transportation Coordinators as per **Section 341.052(5), F.S.**)

Specific Requirements for Transit System Performance Reporting

Pursuant to **Section 341.071, F.S.**, the following specific requirements for transit system performance reporting shall be part of the Florida Department of Transportation Transit Block Grant Procedure:

1. The transit agency shall publish in the local newspaper of its area, in the form prescribed by the Department, the productivity and performance measures established for the transit providers' most recent completed fiscal year and the prior fiscal year.
2. The performance report shall be approved by the Department prior to its publication.
3. The performance report shall be submitted to the Department no later than September 15 of each year, and published either by November 1, or no later than twenty-eight (28) calendar days after the Department's written approval of the report.
4. The transit agency shall furnish an affidavit of publication and a copy of the newspaper report to the Department within twenty-eight (28) calendar days of publication.
5. Publish performance measures must be consistent with the transit agency's **National Transit Database (NTD)** report.
6. In computing per capita measures, service area population shall be used as the denominator. Service area population shall be determined according to the Federal Transit Administration's NTD guidelines.
7. For agencies operating both fixed-route and demand response systems, performance measures shall be reported separately for fixed-route and demand response services. Published fixed-route and demand response data shall include purchased transportation data for each of those modes. If data for purchased transportation are not available to compute any of the required measures, agencies can report that measure for directly-operated service only, but make a notation (footnote) that the reported value for that measure does not include purchased transportation.
8. When a new system begins to report, the first year becomes the baseline and that system would only report their first year data. In the second year of reporting, a new system shall report two years of performance data. To allow for meaningful comparison, computation of all prior year data must be consistent with methodology used to compute current year measures.
9. Performance reports shall be given as much prominence as possible in newspaper publications and must include an introductory paragraph as to why these measures are being published.
10. The newspaper publication shall at the minimum report the values of the following nine (9) performance measures (**1 – 9, shown in Table A-1**):

Table A-1
Required Performance Measures for Newspaper Publication
(update based on FY 2002 NTD online reporting forms)

INDICATOR/MEASURE	DEFINITION	SOURCE
GENERAL PERFORMANCE INDICATORS		
1. Passenger Trips	Annual number of boardings on transit vehicles. A trip is counted each time a passenger boards a transit vehicle.	Transit Agency Service Module Form S-10 non-rail: line 13, column <i>d</i> rail: line 16, column <i>d</i> — note the modes included
2. Revenue Miles	Number of annual miles of vehicle operation while in active service (available to pick up revenue passengers).	Transit Agency Service Module Form S-10 non-rail: line 8, column <i>d</i> rail: line 12, column <i>d</i> — note the modes included
3. Total Operating Expense	Reported annual total spending on operations, including administration, maintenance, and operation of service vehicles.	Financial Module Form F-30 line 15, column <i>e</i> — note the modes included
4. Operating Revenue	Directly-generated revenue, including passenger fares, park-and-ride parking revenues, auxiliary transportation revenues, non-transportation funds, and other transportation revenues. Operating revenue excludes taxes or funds dedicated to transit or other government subsidies.	Financial Module Form F-10 add column <i>d</i> from line 01 (for DO total), line 03, line 04, line 08, line 09, and line 22. Include line 02, column <i>d</i> if reporting purchased transportation service.
5. Vehicles Operated in Maximum Service	The largest number of vehicles required for providing service during peak hours (typically the rush period).	Transit Agency Service Module Form S-10 line 01, column <i>a</i> ; or Basic Information Module Form B-10 — note the modes included
6. Base Fare	The base price of one transit trip, not including any discounts or passes.	Report by mode.
EFFECTIVENESS MEASURES		
7. Revenue Miles Between Vehicle System	Number of revenue miles divided by vehicle system failures. Indicates the	Reported for directly-operated service only. Subtract any purchased transportation miles

Failures	average frequency of delays due to equipment problems.	from item "2." (revenue miles), then divide by Total Revenue Vehicle System Failures for the modes included in item "2.", found on Form R-20 (Maintenance Performance) of the Resource Module.
8. Days/Hours Service is Available	Hours per day and days per week service is provided.	Transit Agency Service Module Form S-10 non-rail: lines 03-04, column a and line 16 rail: lines 03-03, column a and line 18
EFFICIENCY MEASURES		
9. Operating Expense per Passenger Trip	Annual operating expense divided by total annual trips; a measure of the efficiency of transporting riders.	Item "3." divided by item "1." — keep modes consistent

Attachment B

RECIPIENT MONITORING SITE VISIT

Review all block grant files pertaining to the recipient. Become familiar with the status of each project, fund balances, audit exceptions, Transit Development Plans, etc. Note any problems that have arisen in the past.

If possible, coordinate the required site visit with visits required by other Department procedures such as the transit safety program or the triennial review conducted by FTA staff. Schedule the visit with the recipient in advance. Try to accommodate local schedules as much as possible, but don't permit excessive delay. The following checklist is provided as a suggested format for recording the site visit. Notations should document any problems that might be identified, as well as how the issues will be resolved.

CHECKLIST

1. What is the status of the TDP at the time of the visit? Has the TDP been adopted by the policy board and been reviewed by the MPO?
2. Are recommendations for service changes in the TDP being adopted?
3. Has FTA, the A-128 auditors or the Office of the Inspector General taken exception to or disallowed any of the recipient's **National Transit Data Base (Section 5335)** data in the past? If so what corrective actions have been taken?
4. Review the RFP or other instructions to auditors retained to perform the audits required by the **Single Audit Act of 1984**. Have the auditors been instructed to specifically test and certify that the limitations of the block grant program have been adhered to? Review the A-128 audit to identify whether any audit exceptions were identified. Contact the Public Transportation Auditor within the Office of Inspector General, if A-128 audit exceptions are found from the review of the recipient's files.
5. If the review of the recipient's files revealed any problems, discuss each of those problems with the recipient. Make discussion notes as part of the documentation for the site visit.
6. At the end of the visit, ask the recipient if they have any questions about or problems with DOT policies and procedures that they need to discuss further. If questions arise that you are unable to answer immediately, make the commitment to follow up quickly.

District Staff Person Making the Visit

Date

Attachment C
SAMPLE INVOICE FORMAT
RECIPIENT LETTERHEAD

DATE _____

(Addressed to Public Transportation Manager at appropriate District Office)

In accordance with **Chapter 341, F.S.**, the **Joint Participation Agreement** and any **Supplemental Agreements** dated _____ between the Florida Department of Transportation and:

The Agency incurred the indebtedness listed below between
_____ and _____.
(JPA Date) (Date)

This invoice (is) (is not) for costs incurred on a pre-qualified Joint Participation Agreement.

FDOT Financial Project Number _____

FDOT Contract Number _____

We have incurred costs eligible for reimbursement under the public transit block grant program as follows:

Total Expenses:	\$ _____
Ineligible Expenses:	\$ _____
Total Eligible Expenses:	\$ _____
Maximum DOT participation:	\$ _____
Total State share of eligible expenses incurred to date:	\$ _____
Previously billed:	\$ _____
This billing	\$ _____

I certify that the aforesaid listing is true and correct, and that all of the costs included are eligible operating costs for eligible public bus transit or local public fixed-guideway projects,

and that the aforesaid listing does not include costs for depreciation or amortization of capital assets, and that the amounts billed do not exceed local revenue, and that public transit block grant funds have not been used to supplant local tax

revenues made available for operations in the year immediately preceding this agreement, and that any travel costs included are documented in attachments to this invoice, and that costs included in aforesaid listing were incurred during the term of the Joint Participation Agreement dated _____ and that where costs attributable to third party contracts or capital expenses have been billed, the Florida Department of Transportation has issued written concurrence as outlined in **Sections 12.10** and **15** of the **Joint Participation Agreement**.

I certify that the aforesaid listing is true and correct.

I certify that the Agency has complied with the provisions of this agreement.

Approved

By /s/ _____
(Agency Head or Auth.Rep.)

Title

District Public Trans. Manager

Date

Date _____

Approved as Meeting Terms of Contract

District Project Manager

Date _____

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**COMMUTER ASSISTANCE
PROGRAM PROCEDURES
725-030-008**

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Approved:

Effective: September 24, 2002

Office: Transit

Topic No.: 725-030-008-g

Thomas F. Barry, Jr., P.E.

Secretary

COMMUTER ASSISTANCE PROGRAM

PURPOSE:

To establish procedures and guidelines to the implementation of the Department's Commuter Assistance Program, identify effective employer-based transportation demand management (TDM) strategies, foster development of public/private partnerships, and fund appropriate eligible recipients to carry out commuter assistance program projects.

AUTHORITY:

Chapters 187 and 341, Florida Statutes (F.S.)

SCOPE:

The requirements or processes related to this procedure affect the State Public Transportation Office, District Offices and recipients of funds administered as part of the commuter assistance program.

DEFINITIONS:

Agency Annual Work Plan - An annual written plan submitted by agencies requesting state participation in local ridesharing projects or Transportation Management Associations (TMAs) and/or Transportation Management Organizations (TMOs). This plan identifies project goals, objectives and related project information, and serves in evaluating a project's progress and success.

Annual Summary Report and Survey - An annual summary report and survey administered by regional or local commuter assistance services. The summary report analyzes the success of the agency efforts for the year. The survey is used to verify monitoring and reporting data. The survey is to be done annually or biannually at the discretion of the District, and with the agreement of the Central Office.

Central Office - For the purposes of this procedure, it means the Department of Transportation, Public Transit Office.

District Office - For the purposes of this procedure, it means the Department of Transportation, District Public Transportation Office.

District Work Plan - An annual written plan identifying District program goals and direction. This serves as a guide for the Districts and grantees in developing individual project work plans. Service to Enterprise Zones should be considered.

Eligible Project Recipients - Local governments or their designees including: Metropolitan Planning Organizations, Regional Planning Councils, Transportation Authorities, or Community Transportation Coordinators designated pursuant to **Chapter 427, F.S.**, are eligible recipients of matching grants. Private for-profit and private-not-for-profit corporations that have been selected pursuant to Chapter 287, Florida Statutes, may receive funds to operate Regional Commuter Services projects. Transportation Management Associations and/or Transportation Management Organizations created pursuant to **Chapter 617, F.S.**, may also receive grants.

Enterprise Zone - Areas that chronically display extreme and unacceptable levels of unemployment, physical deterioration, and economic disinvestments, pursuant to **Chapter 290, F.S.**

Local Commuter Services - Public or private agencies providing commuter assistance services to a defined local area, usually serving one municipality or county. The local commuter service organization will provide ridematching, marketing, survey, Transportation Management Association and/or Transportation Management Organization support and/or other needed coordination.

Memorandum of Understanding - This is a written agreement between the Regional Commuter Service or the Local Commuter Service office and each existing Transportation Management Association and/or Transportation Management Organization. The agreement outlines the responsibilities of each agency in achieving the goals of the Commuter Assistance Program. The District shall approve the Memorandum of Understanding. This document should be reviewed and updated on a three-year cycle.

Regional Commuter Services - Multi-county agencies, that can be private-not-for-profit corporations, funded by the state, and established to provide the basic support for a network of smaller, localized Transportation Management Association/Transportation Management Organization within a specified region of the state. To the extent feasible, these programs should be placed at an existing regional entity (i.e., regional planning council, metropolitan planning organization, transit agency, or other private agency). This does not preclude other arrangements better suiting community needs. These projects are developed cooperatively between the Central Office and the District and/or Districts involved. Regional Commuter Services will provide ridematching, marketing, survey and other support as determined by the Districts and this procedure.

Statewide Commuter Assistance Annual Report - A report compiled by the Central Office detailing Commuter Assistance activities statewide. This report will include all the data and monitoring compliance figures provided by the projects to the District offices. This report will cover the preceding calendar year.

Telecommuting - A work arrangement, by which selected employees are allowed to do the normal duties and responsibilities of their positions with computers or telecommunications, at home or an alternative worksite other than the employees' usual place of work.

Transportation Demand Management (TDM) Strategies - A set of measures designed to reduce the number of trips made by single occupant vehicles and enhance the regional mobility of all citizens. These strategies can include but are not limited to: traditional ridesharing (carpooling & vanpooling); public transportation, alternative work hours (flextime, compressed work week, etc.), non-motorized transportation (bicycle and pedestrian modes); development and implementation of shuttle services; priority/preferential parking for ridesharers; promotion and distribution of discounted transit passes; and fostering telecommuting programs.

TDM Clearinghouse - Is a service of the Department, currently operated by the Center for Urban Transportation Research, which provides technical support for the Department, local governments and emerging Transportation Management Association and/or Transportation Management Organizations. Services include but are not limited to: strategic planning assistance, evaluations and survey assistance, training, TDM Resource Center and periodic newsletters. The Central Office has monitoring and fiscal responsibilities for the clearinghouse. Major requests need to be coordinated between the District and Central offices before approval to proceed.

Transportation Management Associations / Transportation Management Organizations - The terms Transportation Management Associations or Transportation Management Organizations have been used interchangeably. For the purposes of this procedure the acronym TMA will be used. TMAs are public/private partnerships formed so that employers, developers, building owners, central business districts, downtown merchant associations, and government entities can work collectively to establish policies, programs and services to address local transportation problems. TMAs realize their potential in addressing traffic congestion, air quality, and occasionally, employment issues through TDM strategies. TMAs are established within a limited geographical area to address the transportation management needs of their members. TMAs are expected to obtain private sector financing in addition to public funding.

Transportation Management Initiatives (TMIs) - These are hybrid entities that are the first step in a process in which employers and other interested parties consider collective actions for improving the means to carry people and/or goods. TMIs are usually not legally constituted and may be projects or field offices of larger organizations with broader missions. TMIs are frequently led by an advisory committee of the private sector in partnership with the public sector to solve transportation problems.

GENERAL

Coordinated use of existing transportation resources can provide a responsive, low cost alternative for alleviating urban highway congestion, improving air quality and by that reducing

the need for costly highway improvements. The commuter assistance program focuses on the single occupant commuter trip that is the greatest cause of peak hour highway congestion. A coordinated effort to provide alternatives to these commuters, using existing or low cost resources, can be beneficial to the development of public transit statewide and the Department's priority efforts to relieve traffic congestion, improve air quality and to assure energy conservation. The State's Commuter Assistance Program encourages a public/private partnership to provide brokerage services to employers and individuals for: carpools, vanpools, buspools, express bus service, subscription transit service, group taxi services, heavy and light rail and other systems designed to increase vehicle occupancy.

The program encourages the use of transportation demand management strategies including: employee trip reduction planning, Transportation Management Associations, alternative work hour programs, telecommuting, parking management, and bicycle and pedestrian programs.

PROGRAM MANAGEMENT AND IMPLEMENTATION

(1) CENTRAL OFFICE responsibilities shall include:

- (a) Maintain continuing communication with the District Offices on matters regarding the Commuter Assistance Program.
- (b) Develop and maintain program policies and procedures.
- (c) Monitor compliance with established procedures.
- (d) Provide training and technical support to Districts and local programs as required, through contracts like the TDM Clearinghouse.
- (e) Stay current on national and international methods for promotion of commuter alternatives and transportation demand management, and providing this information to the Districts.
- (f) Provide any necessary support for demonstration projects that are statewide or regional in scope or require staffing in excess of district capabilities.
- (g) Assure the coordination and implementation of support programs (Transit Corridor and Park and Ride).
- (h) Compile data provided by the District into Annual Report.
- (i) Provide the latest transit trends and performance measurements.

(2) DISTRICT OFFICE responsibilities shall include:

- (a) Maintain communication with the Central Office on program status and implementation.
- (b) Establish and maintain communications with local public and private organizations to advise them of the availability of Department financial and technical assistance programs for commuter assistance and transportation demand management.

- (c) Establish specific and achievable program objectives for the District, based upon information from local and regional programs. Develop the Annual District Work Plan including project-funding needs for the next two years and assuring that the commitment of Department funds is consistent with the established production schedule. The District Work Plan provides the framework and direction for the commuter assistance activities funded by the District.
 - (d) Assure the provision of technical assistance in the development of commuter assistance services.
 - (e) Provide and manage grants to local agencies and the private sector for the implementation of Commuter Assistance Projects. This includes ensuring that grantees or contractors comply with Joint Participation Agreement or contract requirements, and that requirements of this procedure are included in the Joint Participation Agreement or contract.
 - (f) Ensure that appropriate application of commuter alternatives further the development of public transportation projects in the Districts and the inclusion of private transportation providers.
 - (g) Perform annual reviews of each agency's progress to determine the effective implementation of the Agency Annual Work Plan. Modifications to the Agency Annual Work Plan will be documented.
 - (h) Prepare a District Annual Local or Regional Commuter Assistance Service Report summarizing each agency's progress in the implementation of the Agency Annual Work Plans. The report will include the written reports submitted by the agencies detailing successes, mandatory reporting measures, problems and plans. These reports are due in the Central Office by March 1st of each year and will cover the preceding calendar year. This information is necessary for the maintenance of data for the Statewide Commuter Assistance Annual Report. Reports from established TMAs (more than three years old) may be submitted annually and will also be included in those District reports.
 - (i) Participate, as appropriate, on the Boards of Directors of private-not-for-profit TMAs and Regional Commuter Services Corporations.
- (3)** Issues not specifically mentioned in this procedure, nor with statewide implications, are left to the discretion of the individual District.
- (4)** The Districts shall program Commuter Assistance Projects in coordination with the Central Office, the appropriate metropolitan planning organization, local agencies and the private sector to ensure statewide programming to optimize available funding sources.

1. ELIGIBLE PROJECT COSTS

- (a) Program administration and operational costs including: salaries, marketing materials, advertising, computerized matching, reporting, purchase of promotional items as part of

public information and education campaigns for the promotion of alternatives to single-occupant vehicle travel (promotional items must first be cleared through the FDOT Comptroller) and other project related costs.

- (b) Computer hardware and software necessary to establish trip-matching services, where not redundant or sharing could be a more efficient use of equipment.
- (c) Specialized demonstration projects of statewide or regional impact designed to show innovative approaches to commuter assistance.
- (d) Other capital purchases for the accomplishment of program objectives.
- (e) Other operating expenses for the accomplishment of program objectives, such as a Guaranteed Ride Home Project or vanpool administration.

2. ELIGIBLE GRANT RECIPIENTS

Local governments or their designees including Metropolitan Planning Organizations, Regional Planning Councils, Transportation Authorities, or Community Transportation Coordinators designated pursuant to **Chapter 427, F.S.**, are eligible recipients of matching grants.

Although funds may be used to administer these projects within local government, recipients should be encouraged to consider subcontracting services to the private sector. Grants may be made to private organizations pursuant to **Chapter 617, F.S.**

3. FUND PARTICIPATION

- (a) Funding for this program will be allocated to the Districts based on a statewide assessment of Commuter Assistance Program need. Allocation requests identified in the Annual District Work Plan will be given first priority.
- (b) The Department is authorized to fund up to 100 percent of the eligible costs of commuter assistance projects determined by the District to be regional in scope and application or statewide in nature.
- (c) The Department's participation in a local project cannot exceed the amount of local participation.
- (d) State funding participation in Federal Transit Administration funded projects shall be at the level defined in **Chapter 341, F.S.**
- (e) The Department's participation in Federal Highway Administration funded projects shall be at the levels required for the particular highway system fund involved according to **Section 339.08(2), F.S.**
- (f) Specific match rates are identified in the Work Program Instructions.

4. WORK PLANS

Each District shall develop an annual work plan for its District Commuter Assistance Program. This plan will detail program goals and objectives for the period October 1 through September 30. The district work plan shall identify annual program goals and emphasis areas, targets for regional and local commuter assistance services, and targets for TMAs. Plans shall be submitted to the Central Office by October 1 of each year and will be used in the development of the Department's Work Program.

5. PROJECT TYPES

5.1 Regional or Local Commuter Services operated by government agencies, transit operators or private contractors under contract to the Department shall be administered in the following manner:

5.1.1 Each agency shall submit an annual work plan consistent with Department and regional goals. The work plan will be incorporated as a "Special Consideration of the Department" in all Joint Participation Agreements, and shall include, at a minimum:

- (a) An organization chart identifying all personnel funded by this project
- (b) Measurable program goals and objectives with milestones to determine progress in stated emphasis areas consistent with District work plans
- (c) A marketing plan identifying market penetration and client service targets
- (d) An annual project budget identifying expenses and revenues by source

5.1.2 All commuter assistance service agencies receiving state funding will be required to monitor and report to the District office the following data on an annual basis or as the Joint Participation Agreement may stipulate:

- (a) Number of commuters requesting assistance
- (b) Number of commuters switching from single occupant vehicles
- (c) Number of agency vans in service, and other coordinating agency vans that are participating in the rideshare-matching program (where applicable)
- (d) Number of vehicle trips eliminated for all commuters participating in the commuter assistance program
- (e) Number of vehicle miles eliminated for all commuters participating in the commuter assistance program
- (f) Number of employer contacts and employers participating
- (g) Description of major accomplishments
- (h) Number of parking spots saved / parking needs reduced
- (i) Amount of commuter costs saved

Definitions for each reporting category are provided in [Attachment A](#).

5.1.3 Regional and local commuter assistance service programs shall administer an annual survey to collect and verify data for reporting requirements. This requirement may be waived by the District if the agency can show statistically accurate follow-up compiled in a monthly or quarterly manner. Requests to waive this requirement will be reviewed by the Central Office. Surveys may be accomplished in-house or contracted out and must not have a sample error greater than 5% and a confidence interval no less than 95%. Refer to survey guidelines in [Attachment A](#).

5.1.4 All projects shall be programmed according to the latest Work Program Instructions and according to the provisions of **Chapter 341, F.S.**, as follows:

- (a) If the local eligible recipient has taken action to secure or designate federal funds as a funding source for a project, in which case the appropriate federal match ratio applies.
- (b) If the Central Office has indicated on a project-by-project basis that other funds (e.g., Transit Corridor) can be reasonably anticipated for the project, the appropriate match ratio associated with such funds shall apply.
- (c) If the project is regional in scope and no regional financing mechanism exists, the project is eligible to be programmed up to 100% state participation.

5.2 Transportation Management Associations operated as public/private partnerships:

5.2.1 Funding may be provided to TMAs organized as private-not-for-profit corporations, in cooperation with local government, that are established according to local comprehensive plans, other locally adopted plans or regional commuter assistance program goals.

5.2.2 State funds may be granted in the following ratio:

TMAs will be eligible for continued funding at the lesser of \$75,000 or 50% of their total budget, provided they are meeting the performance criteria outlined in their existing Joint Participation Agreement. Board member in-kind contributions may count toward local match requirements. However, in-kind contributions must have the prior approval of the District Office. Districts may use **49 CFR 18.24 (Title 49, Code of Federal Regulation, Part 18.24, "Uniform Administration Requirements for Grants and Cooperative Agreements to State and Local Governments"** deals with matching and cost sharing. This Federal regulation can be accessed at www.access.gpo.gov/nara/cfr as guidance in determining allowable in-kind contributions. Funding may exceed the \$75,000 limit, if the District can justify the need and verify that any commuter assistance program within the District will not be adversely affected. Variation from these levels is permitted with prior consultation with the Central Office.

5.2.3 Grants supporting TMAs may be made directly to the incorporated organization or to the appropriate local governmental agency for pass-through to the TMA following the current Joint Participation Agreement procedure. TMAs receiving these grants shall include the Department as an ex officio member of its Board of Directors during the grant period.

5.2.4 To be eligible for state funding a TMA must send the Department a detailed Agency Annual Work Plan, articles of incorporation as a private not for profit body, bylaws, geographical boundaries, trip management goals, a financing plan, an institutional structure, and potential membership estimates. Future year work plans will be required. A TMA shall use the Department's TMA Self Evaluation program annually. The District will coordinate with the TMA in the selection of criteria to be used in the Self Evaluation. Results of the evaluation will be reported to the District office annually. Records of services received from regional commuter assistance programs should be maintained. A summary of these activities shall be included with the invoice progress reports provided to the District office pursuant to the requirements outlined in the Joint Participation Agreement.

5.2.5 No TMA will be funded unless the District office has determined that its Agency Annual Work Plan is consistent with regional commuter assistance program plans, metropolitan planning organization transportation plans, local comprehensive plans and regional strategic policy plans.

5.2.6 Funds granted to TMAs under this program are for administrative, planning, marketing and operational purposes only. The Department will not participate in the acquisition of computerized ride matching capabilities unless this service is not available through a regional or local commuter assistance program.

5.2.7 Special projects and operations (shuttles, vanpools, guaranteed ride home programs, transit discounts, etc.) may be funded on a 50% state ratio to established TMAs (more than three years old).

6. PROJECT FILES

The District shall maintain the official project files, which at a minimum, shall include or have readily accessible:

- (a) All Joint Participation Agreements and/or Contracts and a copy of any amendments or supplements thereto.
- (b) A copy of each invoice and accompanying progress report presented for payment by the grant/contract recipient
- (c) Documentation of any official on-site visits and annual evaluations scheduled by the District.
- (d) An inventory of all capital acquisitions including description, state participation, current location, and cost when acquired.
- (e) All pertinent correspondence regarding the project.
- (f) A copy of the agency annual audit (report) performed according to the **Public Transportation Joint Participation Agreement Procedure**, [No. 725-000-005](#), and **Recipient/Subrecipient Single Audit Procedure**, [No. 450-021-001](#).

7. TRAINING

The basic TDM training is mandatory for all Department Commuter Assistance Program managers and Commuter Assistance Program agency directors. Additionally, the State Commuter Assistance Office periodically offers training classes that provide the most recent technical assistance and program information available.

8. FORM ACCESS

There are no required forms associated with this procedure.

ATTACHMENT A

1. EVALUATION MEASURE DEFINITIONS

Number of Commuters Requesting Assistance: This is the number of people that request assistance of some sort including:

Carpool match list, Vanpool match list or formation assistance, Transit route and/or schedule information, Telecommuting information, Bicycle route and/or locker/rack information

Number of Commuters Switching Modes: This is the number of people that actually use the information you provide to change their current Single Occupant Vehicle mode to carpooling, vanpooling, transit use, telecommuting, walking and/or bicycling.

This information can be gathered by doing sample survey of commuters assisted on a monthly basis by either phone or mail. Every month contact a random sample of the commuters assisted the previous month to see how many actually used the information you provided. Extrapolate survey results to estimate total. It is recommended that actual data be used where available.

Number of Vans In Service: Report the number of commuter vans on the road and/or the number of vanpoolers. These are vans that are operated either by the CAP agency or any other coordinating agency that participates in the commuter rideshare-matching program operated by the CAP.

Number of Vehicle Trips Eliminated: Using the follow-up survey data or actual data multiply the frequency of alternative mode use by the estimated number of commuters using a shared mode or telecommuting.

Number of Vehicle Miles Eliminated: Using the follow-up survey data take the average trip length times the frequency of use times the number of formations.

Employer Contacts: When reporting include the number of employees at each site. Report number of employer contacts and provide a brief summary of methods of contact used.

Major Accomplishments: When reporting consider the following categories: new transit services initiated and/or improved; education programs initiated; transportation planning initiatives; guaranteed ride home projects initiated; or other implementation activities.

Parking Spots Saved / Parking Needs Reduced: Determined by the number of people using alternative modes at each employment site.

Commuter Costs Saved: Multiply vehicle mile eliminated by the average cost per mile. The American Automobile Association is a good source for the average cost per mile.

2. DISTRICT OPTIONAL EVALUATION MEASURE DEFINITIONS

Gasoline Saved: Multiply the vehicle miles eliminated by the average miles per gallon figure from the American Automobile Association.

Emissions Reduction: Multiply the vehicle miles eliminated by the emission factors for your area. Emission factors are available from the Department of Environmental Protection.

Information Materials Distributed: Categories may include but are not limited to:

Brochures, Information packets, Posters, Surveys

Special Events: Categories may include but are not limited to:

Transportation Fairs, Commuter Fairs, Special Promotions

Media / Community Relations: Categories may include but are not limited to:

Number of Public Service Announcements shown, Number of newspaper articles, Number of news stories, Number of magazine articles

3. SURVEY GUIDELINES

This is meant to be a guide for agencies choosing to administer an internal annual survey.

Probability Samples: Probability samples are those in which everyone has an equal chance or probability of being chosen. The assumption is that the people who are selected are believed to be just like those who are not selected. Types of techniques associated with probability sampling include: simple random sampling, stratified random sampling, and simple random cluster sampling.

Sample Size: Once the sampling methodology has been decided upon, a sample size may be determined. Three issues must be addressed when determining sample size: sampling error (the degree of precision desired), stratification (the examination of sub segments of the population), and confidence levels (the degree of certainty with which the sample is representative of the population).

Sampling Error: The degree of precision in a survey sample can be determined by calculating the standard error. Specifically, as the sample size increases, the standard error associated with that sample decreases. The issue of precision with a survey sample is an important one.

Stratification: In a stratified sampling, the surveyor draws a sample with a pattern of important characteristics that is the same as the population's. If 80 percent of employees in the target area drive alone to work while 10 percent carpool, then the sample should have the same distribution of modes.

Confidence Levels: The confidence level indicates the degree to which the researcher is confident that the sample is representative. Frequently, the 95 percent confidence level is chosen, meaning that there is a 95 percent chance that the sample and the population will look alike, and a 5 percent chance that it will not.

Example: The following example illustrates the process of determining sample size. Suppose a new Transportation Management Area (TMA) wants to determine mode split for employees in its area. Census data for the region suggests that the carpool rate is 15 percent. The confidence level was chosen to be 95 percent and the standard error 2.5 percent. The following equation is used:

$$N = (p) (1-p) / (te/z)^2$$

N = unadjusted sample size

p = estimated proportion or incidence of cases

te = tolerable error

z = the standard score of a given confidence level

A new statistic used in this calculation is a tolerable error (te), which is defined as the standard error times the t- statistic (1.96 for a 95 percent confidence interval). Given that p = 0.15, z = 1.96, and the standard error = 0.025, te = 0.05. Thus:

$$N = (0.15) (1 - .15) / (0.05 / 1.96)^2$$

$$N = 196$$

To adjust for the population, the following equation is used:

$$N' = N / (1 + (N / P))$$

N' = adjusted sample size

N = initial sample size (calculated above)

P = target population

For this scenario, if the target population in the study area is 5,000, then:

$$N' = 196 / (1 + (196 / 5,000))$$

$$N' = 188$$

Finally, the sample size is determined by accounting for anticipated sample size. Many researchers report results with a 30 percent response rate. Therefore, this example will also anticipate the same.

$$n = N' / X$$

n = final sample size

N' = adjusted sample size

X = anticipated response rate

Given this equation, the final sample size for this example is:

$$n = 188 / 0.30$$

$$n = 629$$

Therefore, in order to determine mode split for its area, the new TMA must distribute 629 surveys to employees of its members. If the TMA is using the simple random sampling

technique it would randomly choose 629 names from its database. However, if the TMA wants to use the stratified random sampling technique, the above process should be repeated for each organization. This will allow the TMA to construct a profile of each employer in its area that is statistically significant, and will ensure a statistically significant sample for the entire region as well.

4. EVALUATION MEASURE REPORTING GUIDANCE

This is an example of how an agency could go about compiling the data needed for the reports they are required to submit to the Department. **This is meant to be an example, not a prescribed format.** However, calculations must be based on known real data and mathematically correct. In our example the agency will be called ICAP (Imaginary Commuter Assistance Program).

Number of Commuters Requesting Assistance

ICAP reports the following for Month X:

100 carpool match lists processed

5 new vanpool clients

Number of Commuters Switching Modes

ICAP sends mail back cards to all 100 clients requesting carpool match lists. All the information needed from the vanpoolers is available in their fare payment and registration records.

25 mail back cards are returned by carpoolers with 5 clients reporting that they are carpooling.

5: 100 = 5%

Phone calls are made to the remaining 75 carpool clients. Of those ICAP reaches 30 and finds out 5 more clients are carpooling.

5 + 5: 100 = 10%

Number of Vans in Service

ICAP has 20 vans currently in service. There are additional 45 vans that in service and available for rideshare-matching recommendations. These vans are located in the local transit agency, which has 10 vans in service, and two private van-leasing companies, which have 35 vans in service.

Number of Vehicle Trips Eliminated

The average frequency of carpooling reported on the mail back cards was 3 days a week. The frequency of the vanpoolers is 5 days a week.

$10 \times 3 \times 2 = 60$ trips eliminated by carpoolers / week

$5 \times 5 \times 2 = 50$ trips eliminated by vanpoolers / week

Vehicle Miles Eliminated

The average carpool trip distance is 10 miles one way. The average vanpool distance is 35 miles one way.

$10 \times 60 = 600$ miles eliminated / week

$35 \times 50 = 1,750$ miles eliminated / week

To get the total number eliminated for the report, multiply by the number of weeks in the report.

Employer Contacts

ICAP reports the following contacts:

13 employers contacted by letter

10 employers contacted by phone

5 employers visited in person

Major Accomplishments

ICAP expanded the guaranteed ride home program to include 3 new employers.

Parking Spaces Saved / Parking Needs Reduced

15 parking spaces saved this period.

Commuter Costs Saved

The American Automobile Association estimates that the average cost per mile for ICAP=s service region is \$.40.

$$.40 \times 600 = \240 saved / week by carpoolers

$$.40 \times 1,750 = \700 saved / week by vanpoolers.

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**PARK AND RIDE LOT
PROGRAM PROCEDURES
725-030-002**

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Approved:

Effective: May 14, 2001

Office: Transit

Topic No. 725-030-002-f

Thomas F. Barry, Jr., P.E.

Secretary

PARK AND RIDE LOT PROGRAM

PURPOSE:

To establish procedures applicable to the planning, implementation, promotion, maintenance and monitoring of park and ride facilities by the Department.

AUTHORITY:

Chapter 341, Florida Statutes

SCOPE:

The requirements or processes related to this procedure may affect the State Public Transportation Office, District Public Transportation Offices, District Design Offices, District Construction Offices, and District Production Offices.

BACKGROUND:

The statewide Park and Ride Program was initiated in 1982 to provide organized, safe parking for vehicles constantly congregating on roadsides. Initially park and ride lots were constructed on publicly owned land such as rights of way, park lands and state owned land. The program provides for the purchase and/or leasing of private land for the construction of park and ride lots, the promotion of these lots, and the monitoring of their usage. This program is an integral part of the commuter assistance program efforts to encourage the use of transit, carpools, vanpools and other high occupancy modes. It is essential in efforts to meet federal, state, regional and local goals for reducing single occupant vehicle travel.

DEFINITIONS:

CENTRAL OFFICE: For the purposes of this procedure, the Department of Transportation, Public Transit Office and/or staff.

DISTRICT OFFICE: For the purposes of this procedure, the Department of Transportation, District Public Transportation Office and/or staff.

DISTRICT PARK AND RIDE PROJECT LIST: A list of local or regional park and ride projects, updated annually, included in corridor studies, comprehensive plans, Transit Development Plans, long-range transportation plans or other local plans.

MAINTENANCE AGREEMENT: A formal, written, executed agreement between the Department and the agency or organization accepting the responsibility for maintaining a park and ride facility. The agreement shall include, at a minimum: the name of the organization accepting responsibility for the facility; a contact person and telephone number; schedule for cleaning, re-striping, and repair of the facility; and term of the agreement. In cases where a facility is owned by another agency, the term of this agreement shall be in perpetuity, unless the facility is closed or ownership is transferred. An initial term of agreement should be reached (minimum 10 years) to prevent removal in near term.

STATE PARK AND RIDE FACILITIES INVENTORY: An electronic database containing the following information: location (city, county and highway), size (number of regular and handicapped spaces), cost, owner, operator, ancillary facilities (security, shelters, day care, etc.), available transit services, commuter assistance programs promoting facilities and annual occupancy reports. The inventory data is maintained by the District and provided to the Central Office and shall include information on all park and ride facilities constructed in whole, or in part, with state or federal funds, whether state owned or owned by others.

STATE PARK AND RIDE LOT PLANNING HANDBOOK: A handbook of planning guidelines for the siting, sizing, maintenance, promotion and disposition of park and ride lots and ancillary facilities, published by the State Public Transportation Administrator. Copies of this handbook are available from the Public Transit Office.

STATE PARK AND RIDE PROGRAM: A program designed to encourage the use of transit, carpools, vanpools and other high occupancy vehicle modes, by providing safe and convenient parking facilities for commuters. The Park and Ride Program provides primary support for the Department's Commuter Assistance Program and local transit authorities.

1. GENERAL

All Park and Ride facilities constructed by the Department must be coordinated with the District Public Transportation Office.

Park and Ride facilities constructed by the Department, or funded in whole, or in part by the Department, must be sited, sized, and promoted in such a way that there is a reasonable expectation of at least an average 60% occupancy. They also serve as intermodal facilities and, as such, should be designed to facilitate transfer between modes. Ensure coordination with corridor and special lane planning if applicable.

The Central Office has established criteria for park and ride planning to assist in siting, sizing, and disposal of park and ride facilities. These criteria are contained in the ***State Park and Ride Lot Planning Handbook***. Proposed plans and designs for park and ride lots should be reviewed

and approved by the appropriate District Public Transportation Office to ensure that FDOT park and ride lot guidelines have been met.

1.1 PROGRAM MANAGEMENT AND IMPLEMENTATION

1.1.1 CENTRAL OFFICE responsibilities shall include:

- (A)** Maintaining continuing communication with the District Offices on matters regarding the Park and Ride Program.
- (B)** Developing and maintaining program policies and procedures.
- (C)** Monitoring compliance with established procedures.
- (D)** Developing, maintaining and publishing the *State Park and Ride Lot Planning Handbook*.
- (E)** Providing technical assistance to Districts as required.
- (F)** Maintaining the State Park and Ride Facilities Inventory.

1.1.2 DISTRICT OFFICE responsibilities shall include:

- (A)** Maintaining communication with the Central Office on program status and implementation.
- (B)** Establishing and maintaining communication with local transit systems, commuter assistance programs, Transportation Management Associations/Organizations and others interested in developing park and ride facilities.
- (C)** Development and documentation of park and ride facilities in accordance with this established procedure.
- (D)** Development of regional or district-wide park and ride plans or lists.
- (E)** Assisting Metropolitan Planning Organizations (MPO's), and transit systems in the development of park and ride plans.
- (F)** Assuring implementation and promotion of facilities is coordinated with the District Commuter Assistance Program.
- (G)** Planning and implementation of the state funded program, including coordinating with those responsible for design, construction, right of way acquisition, promotion and maintenance of facilities.
- (H)** Assisting transit systems and local governments in the planning and implementation of locally initiated park and ride lots, including coordinating with those responsible for design, construction, right-of-way acquisition, and promotion.
- (I)** Providing funds to contract with local agencies for planning, design and construction of park and ride lots. This funding can be up to 100% state funds.

- (J) Preparing plans, letting projects to contract by FDOT, managing, and monitoring of park and ride facility development by other public agencies under the terms of a Joint Participation Agreement (JPA).
- (K) Monitoring and evaluation of all park and ride lots in which state funds were utilized.
- (L) Reporting annually on occupancy levels.
- (M) Providing grants to local governments for the project phases of park and ride facilities including those associated with the promotion of the lot.
- (N) Providing technical assistance to local governments as required.
- (O) Aiding the coordination of all park and ride lot construction by the Department with the District Public Transportation Office.
- (P) Ensure coordination with corridor and special lane planning if applicable.

2. **PARK AND RIDE PROGRAM PLANNING, IMPLEMENTATION AND EVALUATION**

The Park and Ride Program is divided into three phases: Planning, Implementation, and Evaluation

2.1 **PLANNING**

- 2.1.1 In order to program funds for park and ride facilities, such facilities must be a part of a District park and ride project list. This plan may either be regional or district-wide in scope, or part of a Transit Corridor Plan, Transit Development Plan (TDP), a major highway construction justification plan or other locally published plans. The project list should be reviewed annually and submitted to the Central Office by May 31 of each year. The project list will become part of the statewide inventory.
- 2.1.2 All Department initiated plans should be developed in accordance with the ***State Park and Ride Lot Planning Handbook***, and coordinated with the appropriate MPO and Local Government Comprehensive Plan.
- 2.1.3 All locally developed projects from locally adopted plans will be reviewed for eligibility by the District. Project selection will be made on the basis of project selection process established in federal and state law in conjunction with MPO's, local transit operators and local governments. Suitable projects will be considered for funding.
- 2.1.4 Funds appropriated for the Park and Ride Program may be utilized for the development of District Park and Ride Program Plans. State participation in these planning efforts shall be in accordance with ***Chapter 341, F.S.***

2.2 **IMPLEMENTATION**

- 2.2.1 The Department may provide funds for the planning, design, right of way acquisition, engineering, construction, inspection and marketing of park and ride lots that are part

of an approved park and ride project list or other locally adopted plan. State participation shall be in accordance with **Chapter 341, F.S.**

- 2.2.2** The Department may fund 100% of a Park and Ride project when it is carried out totally by the Department, when title to such facility shall be retained by the Department or when approved for the Local Advance Program.
- 2.2.3** Individual facilities shall be sited, sized and promoted in accordance with the ***State Park and Ride Lot Planning Handbook*** or other locally approved, reasonable planning practices.
- 2.2.4** The Department or grantee must comply with all local requirements for the construction of a park and ride facility. This includes local comprehensive plans, zoning, environmental impact statements, permits and the approval of plans and specifications, at a minimum.
- 2.2.5** Current DOT construction contract procedures shall be followed for contracts let by the Department.
- 2.2.6** If a grant to a public agency in conjunction with a local project is in the best interest of the Department, then the local share may be provided in cash, donated land value or in kind services. If federal funds are involved, federal match guidelines shall prevail.
- 2.2.7** Plans and specifications shall include a provision for signing, lighting, security, ADA requirements, landscaping, and other ancillary facilities as appropriate or as required by the ***State Park and Ride Lot Planning Handbook***.
- 2.2.8** Current JPA procedures shall be followed for a grant to a public agency for the planning, right of way acquisition, engineering, inspection, marketing, design and/or construction of a park and ride facility.

2.3 MAINTENANCE AND EVALUATION

- 2.3.1** Maintenance of each state owned facility shall be coordinated between the District Public Transportation Office and the District Maintenance Office. If a facility is to be a shared use operation, or is to be operated by others, the Department shall negotiate and execute a maintenance agreement with the party that intends to share or operate the facility. The agreement shall delineate the responsibilities of each participant and shall be included as a special consideration of the Department in all contractual arrangements.
- 2.3.2** If a facility is to be owned and operated by others (e.g. when a church owns the property and has agreed to the joint use agreement), a formal, written, executed Maintenance Agreement to maintain the facility shall be provided to the Department.
- 2.3.3** Within 90 days of a facility being opened for operation, the District Public Transportation Office shall inspect the facility and report the following data to the

Central Office: location, size, cost, owner, operator, ancillary facilities and available transit services. This information will then be included in the park and ride facilities inventory by the Central Office.

- 2.3.4** All facilities shall be physically inspected at least twice a year. The inspection shall ensure that the maintenance of the facility is adequate, appropriate public safety factors exist and that no improvements or repairs are needed. Should deficiencies exist, the District should notify the appropriate party and request that action be taken to correct the deficiencies. Documentation of these inspections and corrective measures if needed shall be maintained on file in the District Office in accordance with current records retention criteria.
- 2.3.5** The District shall submit to the Central Office a report by the end of the tenth month of each fiscal year, that indicates dates inspected and the average usage for each park and ride facility included in the State Park and Ride Facility Inventory.
- 2.3.6** Any facility failing to meet minimum occupancy standards set by the District for a period of one year may be closed or otherwise appropriately disposed of in accordance with the ***State Park and Ride Lot Planning Handbook*** and the Department's procedure for Disposal of Surplus Real Property, as appropriate.
- 2.3.7** Any facility operating at a level of 95% or greater shall be a prime candidate for expansion. Investigation of other locations may also be feasible.

3. TRAINING

There is no mandatory training for this program. The Central Office will provide training as needed and identified by the Districts.

4. FORMS

There are no required forms associated with this procedure.



**TRANSIT CORRIDOR
PROGRAM PROCEDURES
725-030-003**

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Approved:

Effective:

Office: Transit

Topic No.: 725-030-003-e

Jose Abreu, P.E.

Secretary

TRANSIT CORRIDOR PROGRAM

PURPOSE:

To establish procedures for the Department's Transit Corridor Program.

AUTHORITY:

Chapter 341, Florida Statutes

SCOPE:

The requirements or processes related to this procedure may affect the State Public Transportation Office, District Public Transportation Office, state funded transit agencies and commuter assistance programs, local governments and metropolitan planning organizations.

DEFINITIONS:

Central Office: For the purposes of this procedure, the Department of Transportation, Transit Office and/or staff.

Congestion Management System Mobility Management Process: A systematic process that provides information on transportation system performance and alternative strategies to alleviate congestion and enhance the mobility of persons and goods.

District Office: For the purposes of this procedure, the Department of Transportation, District public transportation office and/or staff.

Eligible Designated Transportation Corridors: For the purposes of this procedure, are those transportation corridors which are included in a local or the statewide Congestion Management Plan/Mobility Management Plan where increased traffic congestion and overcrowding are causing an inefficient transportation system. This definition also includes interstate corridors, as well as other constrained corridors listed in Transit Development Plans.

Public Agency: For the purposes of this procedure, is any unit of local government or subdivision of the state, including: Counties, Transportation Authorities, Universities, Municipalities, and Community Transportation Coordinators (Selected pursuant to **Chapter 427, Florida Statutes**)

Technical Advisory Group: A group of qualified individuals established and chaired by the District Office for Transit Corridor Projects. This group establishes goals and objectives for the project, evaluates the project's successes and/or failures, and recommends future actions. A Metropolitan Planning Organization's Technical Advisory Committee may serve as the technical advisory group where appropriate. If the District chooses they may have a "standing" technical advisory group for a regional area, which may serve as the technical advisory group for all corridor projects in the District.

Transit Corridor Plans: Studies to determine feasibility, methodology, capital needs, operating requirements, ancillary support needs, cost analysis, measurements, implementation schedules, alternatives and recommendations for Transit Corridor Projects. Plans should also investigate the viability of other alternatives such as park and ride lots, Transportation Demand Management strategies or service development projects. Plans should include a service or implementation plan for the project. If the appropriate information is available in the Congestion Management System/Mobility Management Plan, Project Development and Environment study, or a Transit Development Plan, a formal study or plan may not be required. A service or implementation plan would be required in this instance.

Transit Corridor Project: A project identified in a Transit Development Plan, Congestion Management System, or other formal study undertaken by a public agency designed to relieve congestion and improve capacity within an identified corridor, by increasing people carrying capacity through the use and facilitated movement of high occupancy conveyances.

Transportation Demand Management Strategies: A set of measures designed to reduce the number of trips made by single occupant vehicles and enhance the regional mobility of all citizens. These strategies can include but are not limited to: traditional ridesharing (carpooling & vanpooling); encouragement and enhancement of public transportation; encouragement of alternative work hours (flextime, compressed work week, etc.); encouragement of non-motorized transportation (bicycle and pedestrian modes); development and implementation of shuttle services; encouragement of priority or preferential parking for ride sharers; encouragement, facilitation and distribution of discounted transit passes; fostering telecommuting programs.

Transit Development Plan: A five-year document that describes and supports a transit agency's vision for the future. The plan includes a compilation of relevant data for the transit system's service area, identification of alternatives for meeting community mobility needs, and a prioritized list of recommended actions.

GENERAL:

Department participation shall be based on documentation by the Department that the project is the most cost-effective method of relieving congestion and improving capacity within the identified corridor. As funding allows, this program will consider improvements on facilities designed to prevent them from becoming constrained.

Priority for funding of projects will be given to existing projects currently meeting the goals and objectives as set by the District.

PROGRAM MANAGEMENT AND IMPLEMENTATION:

1. CENTRAL OFFICE responsibilities shall include:
 - (A) Maintaining continuing communication with the District Offices on matters regarding the Transit Corridor Program.
 - (B) Developing and maintaining program policies and procedures.
 - (C) Monitoring compliance with established procedures.
 - (D) Providing technical assistance to Districts as required.
 - (E) Assuring that implementation and promotion of transit corridor service is coordinated with the Commuter Assistance Program where appropriate.
 - (F) Reporting periodically to the Districts on the statewide status of the program and on the results of specific projects.

2. DISTRICT OFFICE responsibilities shall include:
 - (A) Maintaining communication with the Central Office on program status and implementation.
 - (B) Establishing and maintaining communication with local transit systems, commuter assistance programs, Transportation Management Associations/Organizations and others interested in receiving funds to implement Transit Corridor Projects.
 - (C) Development or acceptance of Transit Corridor Plans.
 - (D) Assisting transit systems and local agencies in the development and/or implementation of transit corridor plans as appropriate.
 - (E) Selection of corridor projects for funding based on priorities established in consultation with the Central Office.
 - (F) Selecting and chairing Transit Corridor Technical Advisory Groups, as required.
 - (G) Monitoring and evaluation of all transit corridor projects.
 - (H) Reporting to the Central Office periodically, at a minimum biennially, on the success and failures of the program and making recommendations for change if necessary.
 - (I) Providing grants to public entities or contracting with professional consultants for the planning and implementation of corridor projects.
 - (J) Providing technical assistance to grantees, as required.

- (K) Assuring proper project close out and disposition of capital acquisitions.
- (L) Development and administration of transit corridor projects in accordance with this established procedure.

1. FUNDING AND ELIGIBLE COST

The Central Office will annually review all existing (i.e. currently approved and operating as of the annual review) projects, and will then allocate to the District sufficient target funds to cover these ongoing projects. First priority for funding under this program will be to existing projects meeting their adopted goals and objectives. Any remaining funds will be allocated to the Districts by formula, based on each District's percentage of the total state urbanized population. It is recommended that new corridor funding requests be submitted to the Central Office at least 12 months prior to the initial year of funding need.

The District may program up to one hundred percent (100%) of the cost for transit corridor projects, as provided by statute, involving the activities indicated below, either by grants to a public entity or by Department contract for services for part or all services necessary to plan and execute a transit corridor project including, but not limited to:

- (A) Development of Transit Corridor Plans.
- (B) Design and construction or installation oversight of project facilities and improvements.
- (C) Providing guidance and administrative support to the Technical Advisory Group during planning and implementation of the project.
- (D) Development of marketing and public relations activities.
- (E) Capital acquisition and investments based on study findings and as agreed to by the project Technical Advisory Group, including but not limited to:
 - 1. Rolling stock such as buses, vans, light rail vehicles and other high occupancy vehicles.
 - 2. Purchase of land for installation of project facilities and right of way for transportation corridor improvements.
 - 3. Construction and installation of facilities, such as Park and Ride lots, shelters and stations.
 - 4. Transportation corridor improvements such as turn lanes, traffic controls, and exclusive lanes or facilities for high occupancy vehicles.
- (F) Operational costs including but not limited to:
 - 1. Pre-service preparations

2. Service operating deficits
3. Marketing and public relations
4. Project administration
5. Security and traffic control
6. Equipment and project lease, including appraisals
7. Commuter transportation services
8. Carpool and vanpool activities
9. Other Transportation Demand Management strategies targeting employers along the corridor or legitimate costs deemed appropriate by the District

2. CAPITAL ACQUISITION AND MANAGEMENT

2.1 Capital acquisitions funded solely by the Department:

2.1.1 Non-vehicular capital acquisitions to meet the needs of the project shall be used only for those needs. Should any of these acquisitions no longer be required for the project they shall be returned to the Department for re-allocation or disposal.

2.1.2 Vehicular capital acquisitions to meet the needs of the project shall be titled to the state, included in the State Bus Fleet, and shall be treated in accordance with the ***Transit Vehicle Inventory Management Procedure, Topic No. 725-030-025***. Vehicles no longer required for the project shall be returned to the State Bus Fleet for re-allocation or disposal.

2.2 Capital acquisitions funded in part by the Department:

2.2.1 Non-vehicular capital acquisitions to meet the needs of the project shall be used only for those needs. Should any of these acquisitions no longer be required for the project, the Department's share of the acquisition shall be returned to the Department as described in ***49 Code of Federal Regulations Part 18 - "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments."***

2.2.2 The Department shall be named as the only lien holder for all vehicles acquired for the project. Should these vehicles no longer be required for the project, the Department's share of the acquisition shall be returned to the Department as described in the ***Transit Vehicle Inventory Management Procedure, Topic No. 725-030-025***.

2.3 Vehicle Leasing

Districts may authorize local agencies to enter into lease agreements and/or contract with the private sector for transit services during an established demonstration period.

3. PROJECT IMPLEMENTATION AND MONITORING

- 3.1** A Technical Advisory Group will be established upon approval of a transit corridor project. The Technical Advisory Group may include, but is not limited to, representatives of the following organizations:

District Public Transportation, Planning, Traffic Engineering, Preconstruction and Design, Metropolitan Planning Organization, city and/or county planning, traffic operations and law enforcement, transit agency and transportation providers, Regional Commuter Services Programs, Transportation Management Associations/Organizations, Central Office.

- 3.2** The Technical Advisory Group will be organized and chaired by the District Office. The Technical Advisory Group activities will include the determination of the scope of work to be performed by the consultants or public agency and participate in the selection of consultants in accordance with **Chapter 287, Florida Statutes**. The study findings will be analyzed by the Technical Advisory Group which will in turn help to coordinate and implement the program. The Technical Advisory Group should work in coordination with the congestion management system process.
- 3.3** Implementing a transit corridor project may consist of a series of events which occur over multiple years prior to the beginning of service. Before operations are initiated and depending on the complexity of the project, contracts may be required for capital equipment, design and construction of facilities, land or rights-of-way and roadway improvements.
- 3.4** Each corridor project shall have clearly defined goals and objectives. Milestones are to be established by which progress toward the goals and objectives can be measured. Decision points should be established where continuation of certain elements of the project or the entire project can be acted upon. The goals, objectives, milestones and decision points shall be defined by the grantee, be consistent with the Local Government Comprehensive Plan(s), Strategic Regional Policy Plan, Metropolitan Planning Organization Long Range Transportation Plan and the Florida Transportation Plan, and approved by the District Office initiating the project. Input may be received from the Technical Advisory Group and Central Office. After the initial two year period, projects consistently meeting milestones can be reauthorized by being added to the Department's work program.
- 3.5** A schedule of written progress reports shall be established as a part of the Joint Participation Agreement or Contract. At a minimum, a quarterly submission schedule will be required. These reports will be copied to the Central Office.
- 3.6** The Central Office periodically will inform the other districts of the successes and problems encountered in an effort to aid future projects.

- 3.7** A transit corridor project may have more than one Joint Participation Agreement executed for the different aspects of the project. These aspects may be the purchase of buses, operating assistance, right-of-way purchase, park and ride lot construction, etc.
- 3.8** A final report from the grantee will be provided and approved by the District Office before submission of the final invoice for the project. The report shall include, at a minimum: a description of the project's history, summarization of its successes, problems encountered, and recommendations for future implementation.
- 3.9** Joint Participation Agreement execution shall follow the ***Public Transportation Joint Participation Agreement Procedure, Topic No. 725-000-005.***
- 3.10** The District files shall, at a minimum, include:
- (A) All Joint Participation Agreements and/or contracts, and any amendments or supplements thereto.
 - (B) A copy of each invoice presented for payment.
 - (C) A clear statement of the project's goals and a description of the process used to set and evaluate those goals.
 - (D) Membership roster and meeting minutes of all Technical Advisory Group meetings.
 - (E) Quarterly reports from the service provider.
 - (F) An inventory of all capital acquisitions including description, state participation, current location, and cost when acquired.
 - (G) All pertinent correspondence regarding the project.
 - (H) A copy of the portion of the audit performed in compliance with the Joint Participation Agreement /Contractual requirements as directed by the Central Office Audit Section.
 - (I) Project justification (i.e. copy of designation in Transit Development Programs or Congestion Management Systems, Transit Corridor Plan; etc.)

4. TRAINING:

There is no mandatory training for this program. The Central Office will provide training as needed and identified by the Districts.

5. FORMS ACCESS:

There are no required forms associated with this procedure.

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**PUBLIC TRANSIT SERVICE
DEVELOPMENT PROGRAM
PROCEDURES 725-030-005**

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Approved:

Effective: November 19, 2008

Office: Transit

Topic No.: 725-030-005-i

Stephanie C. Kopelousos

Secretary

PUBLIC TRANSIT SERVICE DEVELOPMENT PROGRAM

PURPOSE:

This procedure details the Florida Department of Transportation's administration and management of the Public Transit Service Development Program.

AUTHORITY:

Sections 341.051, 20.23(3)(a) and 334.048(3), Florida Statutes (F.S.)

Rule Chapter 14-73, Public Transportation, Florida Administrative Code (F.A.C.)

SCOPE:

The principal users of this procedure are public transportation staff at both the Central Office and District levels, specifically those involved in administering the Service Development Program (i.e., Central Office Grant Programs Administrator and staff, District Public Transportation Managers/District Modal Development, and District Transit Programs staff.)

REFERENCE:

Public Transportation Joint Participation Agreement, Procedure 725-000-005

DEFINITIONS:

Central Office: For the purposes of this procedure, the Department of Transportation, Public Transit Office and/or staff.

Community Transportation Coordinator (CTC): A transportation entity so designated by the Florida Transportation Disadvantaged Commission, as provided for in **Chapter 427, F.S.**, and **Rule Chapter 41-2, F.A.C.** to serve the transportation disadvantaged population in a designated service area.

District Office: For the purposes of this procedure, the Department of Transportation, District Public Transportation office or District Office of Modal Development, and/or staff.

Eligible Capital Costs: Any costs that would be defined as capital costs by the Federal Transit Administration. Examples would include, but not be limited to: the acquisition of buses for fleet and service expansions; transfer facilities; intermodal terminals and park and ride facilities; and passenger amenities, such as passenger shelters and bus stop signs.

Eligible Net Operating Costs: All operating costs of a project; less any federal funds, fares, or other sources of income to the project.

Eligible Recipients: Public agencies providing or implementing public transit services directly or through contractual arrangements. Community Transportation Coordinators which are public agencies are eligible recipients.

Joint Participation Agreement (JPA): A contract between the Department of Transportation and a local sponsor of a public transportation project, defining a project and the Department's participation (*Form No. 725-030-06*).

Public Agency: An authority, commission, committee, council, department, division, bureau, board, section or any other unit or entity of the state or of a town, city, municipality, county, or other local governing body.

Public Transit: The transporting of people by conveyances or systems of conveyances, traveling on land or water, local or regional in nature, and available for use by the public. Public transit systems may be either government owned or privately owned. Public transit specifically includes those forms of transportation commonly known as "paratransit" or "demand response," characterized by their non-scheduled, non-fixed route nature.

Transit Development Plan (TDP): A locally adopted document that addresses a minimum ten-year time frame. Preparation of the TDP is the responsibility of the public transit provider, in cooperation with the appropriate Metropolitan Planning Organization. It is consistent with the applicable approved local government comprehensive plan and with the appropriate comprehensive (long range) transportation plan and supports the Transportation Improvement Program. The TDP includes an assessment of the need for transit services in the local area. It identifies the local transit policies, existing services and proposed service improvements and/or changes, capital and operating costs of the proposed services, existing and proposed sources of funding and a staged implementation plan. A TDP is updated annually.

BACKGROUND: The Public Transit Service Development Program (hereinafter referred to as the Service Development Program) was enacted by the Florida Legislature to provide **initial** funding for **special** projects. The program is **selectively** applied to determine whether a **new or innovative** technique or measure can be used to improve or expand public transit. Service Development Projects specifically include projects involving the use of new technologies, services, routes, or vehicle frequencies; the purchase of special transportation services, and other such techniques for increasing service to the riding public as are applicable to specific localities and transit user groups. Projects involving the application of new technologies or methods for improving operations, maintenance, and marketing in public transit systems can be funded through the Service Development Program.

Service Development Projects are subject to specified times of duration, but no more than three years. Recipients accepting Service Development funds accept the commitment to continue the project, if deemed successful by their own measures, without additional Public

Transit Service Development Program funds. This procedure is not applicable to rail service development projects as defined in **Section 341.303(4), F.S.**

1. PROJECT DEVELOPMENT

District Offices shall develop a program of eligible Service Development projects and submit that program of projects to the Central Office by the first working day of July each year, for implementation beginning July 1 of the following fiscal year. Projects shall be developed in consultation with eligible recipients, and the need for such projects shall be justified in the recipient's TDP (or transportation disadvantaged plan, if applicable). For example, a project to initiate a new marketing campaign must be generally supported in the recipient's TDP with a statement of need for improved marketing efforts, as well as an objective to provide these efforts.

As delineated in **Section 341.051, F.S.**, the Department is authorized to fund Service Development Projects that will improve system efficiencies, ridership, or revenues. The following are eligible functional areas along with specified time durations for Service Development Projects: projects that improve system operations, having a duration of no more than three years; projects that improve system maintenance procedures, having a duration of no more than three years; projects that improve marketing and consumer information programs, having a duration of no more than two years; and projects that improve technology involved in overall operations, having a duration of no more than two years.

- 1.1** District Offices shall consult with eligible recipients to identify projects that may be eligible for Service Development Program funding. Consultation shall include discussions of the extent to which a proposed project is consistent with local transportation, transit, and comprehensive plans, and the extent to which it may be necessary to amend any local plans to permit the inclusion of the proposed project in the Department's work program.
- 1.2** Upon completion of these consultations, the District Offices shall prepare a list of projects containing: project objectives; estimated capital and operating expenses; assigned operational and financial responsibilities; the time frame required to develop the project; and the criteria by which the success of the project will be judged. Priority shall be given to projects that are statewide in nature or will demonstrate services, technologies, or methods that would be applicable elsewhere in the state.
 - 1.2.1** Project objectives shall specifically identify results expected from the implementation of the project in terms specific to the functional area in which the project is being proposed. (For example, if the project is to improve system operations, a specific objective might be to test a new fare collection system.)
 - 1.2.2** Operating and capital expenses shall be estimated for the project.

- 1.2.3** Assigned operational and financial obligations shall be delineated.
- 1.2.3.1** The operational responsibilities shall include a list of specific actions to be taken by the parties to the *JPA* to meet the objectives. (For example, if the project involved a new fare collection system, the list might include an audit of existing fare collections, the evaluation of fare collection equipment available, obtaining public input, procuring new equipment, implementing new systems, collecting data, and evaluating results.)
- 1.2.3.2** The financial responsibilities shall include at least a breakdown of federal funds, fares, other sources of income (including contract and charter income), and proposed state financial participation. District Offices may propose that the state share be any percentage of the eligible net operating and capital cost of the project negotiated with the local recipient. To calculate maximum state funding for a local service development project, first subtract from the total project cost any federal funds, fares, contract revenues or Transportation Disadvantaged funds, etc. to determine the net project cost. The Department may then provide up to one-half of the net project cost, but no more than the amount of funding committed by the local project sponsor. Any proposed state participation of more than 50% of the net project cost shall be for projects of statewide significance. Include a narrative on the statewide implications for any project proposed for more than 50% participation by the State.
- 1.2.3.3** The final determination of whether a project qualifies for more than 50% state participation shall be made by the Central Office. District offices shall be notified of the determination before the appropriation request is forwarded to the Legislature.
- 1.2.3.4** The length of time expected to be required to develop the required service shall be explicitly stated. The statute limits projects to improve system operations and maintenance procedures to three years and projects improving marketing and technology to two years. The time clock for projects begins when actual expenses are incurred. It should be noted that projects experiencing delays in implementation will not be eligible for inflationary increases in project budget.
- 1.2.3.5** The criteria by which the success of the project will be judged shall be included and shall be expressed in terms of the project objectives and the results expected from the project. (For example, the success of a new route alignment might be expressed in terms of ridership.)
- 1.3** The list of projects shall be forwarded to the Central Office by the first working day of July each year, for implementation in the following fiscal year.
- 1.4** The Central Office shall then develop a *Work Program Schedule B* based on the needs expressed in the submitted programs of eligible projects. The Central Office shall consult with the District Offices as necessary to allocate funds appropriately.

1.5 Upon receipt of **Schedule B**, District Offices shall advise local recipients that projects have been selected for funding so that local plans and Transportation Improvement Programs may be amended as necessary. The District Offices shall then incorporate the identified projects in the work program to the limits of **Schedule B**, so that the projects will be included in the appropriation request to the Florida Legislature.

2. PROJECT MANAGEMENT

2.1 Upon notification from the Central Office that the Department's work program, including the proposed Service Development Project, has been approved and that fund approval has been obtained through the Contract Funds Management system, the District Office shall prepare and execute a **JPA** between the Department and the recipient. Each **JPA** shall include an **Exhibit C and Exhibit D** as provided in the **Public Transportation Joint Participation Agreement Procedure, 725-000-005**.

2.2 District Offices shall maintain a record of reports on the progress of the project as compared to objectives and milestones as set forth in the Service Development project proposal and/or **Exhibit C** of the **JPA**. The frequency of required progress reports shall be specified in the **JPA**.

2.3 District Offices shall visit each recipient no less than once a year at their place of business. More frequent on site monitoring requirements may be specified in the Service Development project proposal and/or **Exhibit C** of the **JPA** if warranted by the nature of the project. The purpose of the visit will be to consult with the recipient on the reported progress in meeting objectives and milestones. The visit will be documented in the project file.

2.4 The District Office shall maintain project files that contain, at a minimum:

(A) A copy of the **JPA** and any supplements thereto.

(B) A copy of all progress reports, whether annual or more frequent, as specified in the **JPA**.

(C) A copy of each invoice presented for payment.

(D) A copy of the portion of the audit performed in compliance with the **Florida Single Audit Act, Section 215.97 F.S.**, as directed by the Office of the Inspector General.

(E) A summary of each monitoring visit made to the recipient's place of business.

(F) A final report on the project, analyzing the success or lack thereof in terms of the criteria established at the beginning of the project, and the basis on which the decision to continue or not to continue the experimental service, method, technology, etc., was made.

2.5 A copy of the final report from every Service Development Project shall be provided to the Central Office and copied to each District Office. District Offices shall provide copies of the interim progress reports to the Central Office upon request.

2.6 The Central Office shall biennially compile a statewide report to analyze and communicate results of Service Development Projects.

3. TRAINING

No training is required by this procedure.

4. FORMS

Form No. 725-030-06, Public Transportation Joint Participation Agreement, is available from the Department's Forms Library. Requirements for use of the form are provided in ***Procedure No. 725-000-005, Public Transportation Joint Participation Agreement***.

**PUBLIC TRANSIT
SUBSTANCE ABUSE
MANAGEMENT
PROGRAM PROCEDURES
725-030-035**

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Approved:

Effective: July 1, 2010
Office: Public Transit
Topic No.: 725-030-035-e

Stephanie C. Kopelousos
Secretary

PUBLIC TRANSIT SUBSTANCE ABUSE

MANAGEMENT PROGRAM

PURPOSE

To establish specific procedures applicable to the Florida Department of Transportation (Department) Public Transit Office's responsibilities for compliance with the ***Omnibus Transportation Employee Testing Act of 1991*** and ***Federal Transit Administration (FTA) Drug and Alcohol Testing Regulations***. These regulations apply to any recipient of Federal financial assistance under ***Sections 5307, 5309 or 5311 of the Federal Transit Act*** or under ***Section 103(e)(4) of Title 23 of the United States Code***. This procedure only addresses responsibilities associated with ensuring compliance by transit systems that receive ***Section 5311*** financial assistance through the Department.

Title 49 Code of Federal Regulations (49 CFR), [s. 655.81] requires that each grantee including states, ensure that recipients of funds under ***49 U.S.C. 5307, 5309, 5311, or 23 U.S.C. 103(e)(4)*** comply with this part. The regulation ***[s. 655.82(c)]*** also requires that each state certify compliance on behalf of its subrecipients of these funding programs. In order to provide the certification, the state must ensure that each subrecipient is in compliance with the regulations, or the state may suspend its funding.

FTA does not specify what actions must be taken by states to ensure subrecipient compliance, however states are encouraged to develop a compliance oversight program. These procedures provide a reasonable level of confidence that subrecipients are complying with the most current ***Federal Regulations (49 CFR, Parts 40 and 655)***. For purposes of these procedures, ***Section 5311*** transit systems are considered subrecipients.

AUTHORITY

Sections 20.23(4)(a) and 334.048(3), Florida Statutes (F.S.)

SCOPE

This procedure sets forth the Department's Public Transit Office and the District Public Transportation Offices responsibilities for implementation of the Public Transit Substance Abuse Management Program requirements pursuant to federal regulations applicable to ***Section 5311*** subrecipients and covered contractors.

REFERENCES

Title 49 Code of Federal Regulations Parts 32, 40, and 655

FTA Implementation Guidelines for Drug and Alcohol Regulations in Mass Transit

Procedure No. 725-030-004, Section 5311 Program

1. DEPARTMENT RESPONSIBILITIES

1.2 Certification of Compliance: The Department shall certify to the FTA Regional Office, on behalf of the Department's subrecipients, compliance with **49 CFR Part 655**.

1.2.1 The certification described in **Section 1.2** must be submitted to the FTA Regional Office by March 15 each year. The certification must be authorized by a designated official of the Department and a record of the certification shall be maintained for at least five (5) calendar years.

1.3 Recordkeeping: The Department shall document receipt of initial and annual certifications submitted by subrecipients.

1.3.1 Anti-drug and alcohol misuse program administration and testing records shall be maintained by a consortium consultant/contractor and subrecipients, as applicable, according to Federal requirements.

1.3.2 Pursuant to **49 CFR Part 655.71(a)**, anti-drug and alcohol misuse program records shall be maintained in a secure location with controlled access.

1.3.3 The period of retention for anti-drug and alcohol misuse program records shall be in accordance with **49 CFR Part 655.71(b)**.

1.4 Reporting: The Department shall submit, at the request of the FTA, annual Management Information System (FTA-MIS) reports to FTA summarizing test results for subrecipients pursuant to **49 CFR Part 655**.

1.4.1 FTA-MIS reports shall be submitted by subrecipients on behalf of the subrecipient contractors covered by **49 CFR Part 655**.

1.4.2 Subrecipient annual FTA-MIS reports shall be submitted to the FTA Office of Safety and Security by March 15 each year.

1.4.3 FTA-MIS reports shall be reviewed for compliance with federal requirements and technical assistance as required to assure accuracy and completion of reports.

2. PROGRAM MANAGEMENT AND IMPLEMENTATION

2.1 The Department has the responsibility for implementation and oversight of the Public Transit Substance Abuse Program in accordance with federal regulations.

2.2 The Central Office shall ensure implementation of the Public Transit Substance Abuse Program according to federal regulations.

2.3 Procedures development and management is the responsibility of the Central Office Public Transit Safety Programs Manager.

Responsibilities of the Central Office Public Transit Safety Programs Manager shall include:

2.3.1 Maintaining continuing communication with the District Public Transportation Offices on all matters relating to the implementation of the Substance Abuse Management Program.

2.3.2 Monitoring, reviewing and disseminating any legislative proposals or federal regulatory changes that might affect program operational procedures and implementation.

2.3.3 Monitoring and assuring compliance with established procedures by District Public Transportation Offices.

2.3.4 Providing training and technical assistance to the Districts as required or requested for program implementation.

2.3.5 Reviewing and submitting annual FTA-MIS reports to FTA pursuant to federal requirements.

2.3.6 Preparing and submitting annual certifications to FTA pursuant to federal requirements.

2.3.7 Preparing program status reports, as required.

2.3.8 Keeping abreast of transit industry developments which could influence or affect program implementation requirements and responsibilities.

2.4 The District Public Transportation Office shall maintain communication with the Central Office Public Transit Safety Programs Manager on program status, implementation and compliance requirements. Responsibilities of the District Public Transportation Offices shall include:

2.4.1 Establishing and maintaining communication with subrecipient transit systems on program implementation and compliance requirements.

2.4.2 Monitoring and ensuring that any transit system (subrecipient) that receives **Section 5311** federal financial assistance through the Department, develops, adopts, and implements a substance abuse program in compliance with federal regulations, **49 CFR Part 655**.

2.4.3 Monitoring and ensuring that subrecipients have established and implemented substance abuse program compliance requirements for their applicable contractors pursuant to federal regulations.

2.4.4 Ensuring that each subrecipient has formally adopted and implemented, at a

minimum, one of the following:

(A) The Department's model "zero tolerance substance abuse policy", in which an applicant or covered employee who violates the substance abuse policy by testing positive or refusing to test is terminated, or

(B) The Department's model "second chance substance abuse policy", in which a covered employee is provided an opportunity to be evaluated and treated by a U.S. Department of Transportation approved Substance Abuse Professional following a positive result or a refusal to test.

- 2.4.5** Ensuring that each subrecipient submits a compliance certification (Form No. 725-030-10, Certificate of Compliance for a Section 5311 Subrecipient) by February 15 each year certifying compliance for the subrecipient and its applicable contractors.
- 2.4.6** Ensuring that subrecipients establish and implement procedures for conducting employee background checks on the drug and alcohol testing record of employees intending to perform safety-sensitive functions.
- 2.4.7** Ensuring that each subrecipient prepares and maintains FTA-MIS reports summarizing the results of its drug and alcohol testing programs. The reports shall be prepared by February 15 each year.
- 2.4.8** Ensuring that each subrecipient submits FTA-MIS reports for the subrecipient and its applicable contractors to the District Public Transportation Office by February 15 of the calendar following the year requested.
- 2.4.9** Collecting, as required, the FTA-MIS reports completed by the subrecipients and their applicable contractors.
- 2.4.10** Reviewing the FTA-MIS reports submitted by the subrecipients to determine completeness, accuracy, and compliance with federal regulations.
- 2.4.11** Maintaining copies of the FTA-MIS reports submitted by subrecipients for a period of five (5) calendar years.
- 2.4.12** Forwarding of reviewed federally compliant subrecipient and applicable contractor FTA-MIS reports to the Central Office Public Transit Safety Programs Manager by March 1 each year.
- 2.4.13** Monitoring and conducting on-site reviews of subrecipients for verification of compliance with federal regulations.
- 2.4.14** Documenting and maintaining oversight monitoring and review activities.
- 2.4.15** Providing technical assistance to subrecipients for program implementation and compliance with federal regulations.

3. PROGRAM QUALITY CONTROL

- 3.1** Quality control and evaluation of program performance is a continuing responsibility of the Central Office Public Transit Safety Programs Manager and the District Public Transportation Managers. Activities shall be regularly monitored and performance evaluated to assure proper program implementation and oversight pursuant to federal regulatory provisions and reporting requirements.
- 3.2** The District Public Transportation Office shall schedule and conduct on-site compliance reviews of subrecipients at least annually. The District Public Transportation Offices may coordinate and schedule their on-site reviews with the annual Section 5311 system monitoring visit required by Procedure No. 725-030-004, Section 5311 Program. Additional oversight activities or follow-up reviews shall be conducted as determined by the District Public Transportation Offices.
- 3.3** The District Public Transportation Offices shall conduct an on-site review of a subrecipient whenever the Central Public Transit Office or District Public Transportation Office believes the subrecipient or its applicable contractor is in non-compliance with federal requirements or; the Central Public Transit Office or District Public Transportation Office cannot substantiate or verify that the recipient or its applicable contractor(s) is in compliance with federal regulations through normal oversight activities or review of reports or documentation submitted by the subrecipient.

4. PROGRAM OVERSIGHT

- 4.1** Monitoring: The District Public Transportation Office shall be responsible for monitoring and reviewing activities associated with program implementation and federal compliance. These activities are outlined in *Exhibit I* and shall include:
 - 4.1.1** Maintaining records of subrecipient and applicable contractor certifications of compliance in accordance with **49 CFR Part 655. (Form No. 725-030-10, Certificate of Compliance for a Section 5311 Subrecipient)**.
 - 4.1.2** Advising subrecipients of the requirements for certification and reporting as a condition for receiving financial assistance.
 - 4.1.3** Documenting receipt of annual FTA-MIS reports for subrecipients and applicable contractors.
 - 4.1.4** Maintaining records of FTA-MIS report reviews that indicate any discrepancies or inaccuracies, or that are incomplete or that have non-compliance items.
- 4.2** Oversight: Program oversight shall be a joint activity of the Central Public Transportation Office and District Public Transportation Offices. The Central Office shall monitor oversight activities to ensure program compliance with **49 CFR Part 655**.

- 4.3** The District Public Transportation Office shall conduct, contract, or use the Central Office Statewide oversight and technical assistance contract, to conduct annual on-site compliance reviews of subrecipients in accordance with the guidelines in **Exhibit II**. A compliance review report shall be prepared describing the findings and any areas of concern or deficiencies. The report shall address Federal regulations **49 CFR Parts 40 and 655** including, but not limited to, anti-drug and alcohol misuse policies and programs, certification and reporting requirements. The compliance review report shall be completed and provided from the District Public Transportation Office to the subrecipient within thirty (30) calendar days following the on-site review. The report shall serve as notification to the affected subrecipient and consist of:
- 4.3.1** Name and address of the subrecipient.
 - 4.3.2** Identification of person(s) interviewed and person(s) conducting the review.
 - 4.3.2** Date(s) review(s) conducted.
 - 4.3.3** Areas and items reviewed.
 - 4.3.4** Findings, including any specific areas of concern, recommendations, and deficiencies.
 - 4.3.5** Statement(s) from the subrecipient providing reasons or justification for any deficiency.
 - 4.3.6** A description of any areas of concern or deficiencies and a specific timetable for correction actions.
 - 4.3.7** A requirement that the subrecipient certify in writing to the Department completion and implementation of corrective action in accordance with the established timetable.
 - 4.3.9** A timetable for Department follow-up review(s), as required.
- 4.4** The District Public Transportation Office shall ensure that required compliance certification provisions are made a part of **Joint Participation Agreements (JPA) Exhibit "C"** prior to execution of any JPA between the Department and an entity applying for **Federal Section 5311** financial assistance.
- 4.5** If a subrecipient refuses to initiate and achieve corrective action pursuant to the requirements of a compliance review, the Department shall suspend any or all of its obligations under any proposed or existing **JPA** for **Section 5311** financial assistance.
- 5. TRAINING**
- 5.1** The Central Public Transit Office provides training and technical assistance for District Public Transportation Office personnel in specific transit program management areas.
 - 5.2** Substance Abuse Management and Program Compliance training is available from the statewide contract for substance abuse technical assistance and training or the U.S.D.O.T. Transportation Safety Institute (**Course No. FT00465**).

(hyperlink) <http://transit-safety.volpe.dot.gov/Training/CourseListing.asp>

6. FORMS

- 6.1** Form No. 725-030-10, Certification of Compliance for a Section 5311 Subrecipient, is available from the Department's Forms Library.

EXHIBIT I
PROGRAM IMPLEMENTATION SCHEDULE

Frequency or Retention	Activity	C	D	Section 5311 System
Annually	Certification of compliance with FTA drug and alcohol testing regulations			X
Feb. 15 Annually	Preparation and completion of FTA-MIS reports			X
Feb. 15 As Required	Submittal of FTA-MIS reports to the District Office			X
March 1 As Required	District completion of FTA-MIS report reviews and submittal to Central Office		X	
As Required	Provide technical assistance to Districts on program implementation	X		
March 15 Annually	Submittal of certification of compliance to FTA on behalf of Section 5311 subrecipients	X		
March 15 As Required	Submittal of FTA-MIS reports to FTA on behalf of Section 5311 subrecipients and applicable contractors	X		
Five (5) Years	Maintain certifications of compliance with FTA regulations	X	X	

Five (5) Years	Maintain copies of FTA-MIS reports; records of receipt, review and submittal		X	
Annually	Conduct reviews of Section 5311 subrecipient performance and compliance requirements and records		X	
As Required	Conduct reviews of any Section 5311 subrecipient in non-compliance		X	
As Required	Maintain communication with the CO on program management and implementation		X	
Annually	Review program and make procedural changes as required	X		
Annually	Preparation of program status reports	X		
Annually	Conduct program quality assurance reviews	X		
Continuous	Maintain program files	X	X	X

EXHIBIT II
GUIDELINES FOR A SUBRECIPIENT
SUBSTANCE ABUSE PROGRAM REVIEW

1. DESCRIPTION

- 1.2** A substance abuse program review is an on-site inspection of a subrecipient's substance abuse program to determine if the subrecipient has adopted and implemented a drug and alcohol testing program in compliance with Federal Transit Administration (FTA) regulations **49 CFR Parts 40 and 655**, as amended.
- 1.3** The District Public Transportation Office shall schedule and conduct on-site reviews at least annually. The District Offices may use a contractor to conduct reviews and coordinate the reviews with the annual **Section 5311** system monitoring visit required by **Procedure No. 725-030-004, Section 5311 Program**. At the discretion of the District Public Transportation Office, additional oversight activities or follow-up reviews may be performed.
- 1.4** A substance abuse program review report shall be prepared within thirty (30) calendar days subsequent to the completion of a review. The report shall state items reviewed, a description of the findings, including any specific areas of concern, recommendations, deficiencies, any required corrective actions with a completion timetable. The report shall be submitted to the affected subrecipient with a copy simultaneously to the Central Office Public Transit Safety Programs Manager.
- 1.5** If the review findings indicate deficiencies or non-compliance with any part of **Federal Regulations 49 CFR Parts 40 and 655**, the subrecipient shall be required to initiate and achieve corrective action to non-compliance items. If the affected subrecipient refuses to initiate and achieve corrective action pursuant to the corrective action requirements of the review, the Department shall suspend any or all of its obligations under any proposed or existing **JPA** for **Section 5311** financial assistance. In addition, the annual certification of compliance submitted by the **Section 5311** subrecipient shall be deemed invalid until such time the Department determines the subrecipient has achieved compliance.

2. REVIEW ACTIVITIES

- 2.1** A substance abuse program review shall consist of the following activities:
- 2.1.1** Verification that the subrecipient has adopted written policies on prohibited drug use and alcohol misuse in the workplace. (**Reference 49 CFR Part 655.15**)
- The policy should be consolidated and address both drugs and alcohol. (**Reference 49 CFR Part 655.15**)

The policy should reflect components of the *"Drug-Free workplace Act"*. **(Reference 49 CFR Part 32)**

- 2.1.2 Ascertain the implementation of an employee (for drug program only) and supervisor education and training program for probable drug use and alcohol misuse. **(Reference 49 CFR Part 655.14)**
- 2.1.3 Verification that a prohibited drug and alcohol testing program has been implemented for employees and applicants for employment in safety sensitive positions. **(Reference 49 CFR Parts 655.11, 655.12, 655.15, 655.16, 655.17)**
- 2.1.4 Verification that an employee evaluation program has been established for employees who have violated the drug and alcohol regulations. **(Reference 49 CFR Parts 655.61, 655.62)**
- 2.1.5 Verification that administrative procedures, addressing the following areas, have been developed for compliance with the regulations:
 - Retention of Records **(Reference 49 CFR Part 655.71)**
 - Reporting **(Reference 49 CFR Part 655.72)**
 - Releasing information **(Reference 49 CFR Part 655.73)**
 - Certifying compliance **(Reference 49 CFR Part 655.83)**
 - Employee background checks **(Reference 49 CFR Part 40.25)**
- 2.1.6 Verification that the subrecipient has established and implemented procedures for conducting employee background checks on the drug and alcohol testing record of employees intending to perform safety-sensitive functions. **(Reference 49 CFR Part 40.25)**
- 2.1.7 Verification that the subrecipient has established compliance requirements, monitoring and oversight activities for covered employees of applicable contractors.
- 2.1.8 Verification that the subrecipient has documented compliance monitoring and oversight activities of covered contract employees. **(Reference 49 CFR Part 655.81)**
- 2.1.9 Verification that the subrecipient has provided copies of information regarding the subrecipient's prohibited drug and alcohol testing program to all covered safety sensitive employees. **(Reference 49 CFR Parts 655.16, 655.17)**
- 2.1.10 Following completion of a substance abuse program review, conduct an exit interview with the subrecipient to give a preliminary report of the review and the findings, including any areas of concern, deficiencies, recommendations or required corrective actions.
- 2.1.11 If the Department's review findings indicate deficiencies or non-compliance with the provisions of the most current **Federal Regulations 49 CFR Parts 40 and 655**, the

subrecipient shall be required to initiate and achieve corrective action to non-compliance items. If the affected subrecipient refuses to initiate and achieve corrective action pursuant to the required corrective actions identified by the review, the Department shall advise the subrecipient that part or all of its financial obligations under any proposed or existing *JPA* for **Section 5311** financial assistance may be suspended. In addition, the Department shall advise the subrecipient that the annual certification of compliance submitted by the subrecipient shall be deemed invalid until such time the Department determines the subrecipient has addressed achieved compliance of deficient items.



**BUS TRANSIT SYSTEM
SAFETY PROGRAM
PROCEDURES 725-030-009**

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Approved:

Effective: January 20, 2011

Office: Public Transit

Topic No.: 725-030-009-j

Stephanie C. Kopelousos

Secretary

BUS TRANSIT SYSTEM SAFETY PROGRAM

PURPOSE:

To establish specific procedures for the management, implementation and oversight of safety and security standards for bus transit systems.

AUTHORITY:

Sections 20.23(4)(a) and 334.048(3), Florida Statutes (F.S.)

REFERENCES:

Section 341.041, 334.044(2), and 341.061(2)(a), F.S., require the establishment of minimum equipment and operational safety standards for all governmentally owned bus transit systems; privately owned or operated bus transit systems operating in this state that are financed wholly or partly by state funds; all bus transit systems created pursuant to **Chapter 427, F.S.**; and all privately owned or operated bus transit systems under contract with any of the aforementioned systems. Under **Section 341.061(2), F.S.**, the Department has been assigned the responsibility for implementing the provisions of the statutes. Safety standards for bus transit systems are provided by **Rule Chapter 14-90, Florida Administrative Code**.

DEFINITIONS:

Definitions are as set forth in **Rule 14-90.002, F.A.C.**

SCOPE:

This procedure guides Central and District Modal Development/Public Transportation Offices responsible for establishing standards and implementing the public transit safety program requirements pursuant to **Section 341.061(2), F.S.**, and **Rule Chapter 14-90, F.A.C.**

1.0 DEPARTMENT RESPONSIBILITIES

1.1 The Department responsibilities for oversight of adopted standards are as follows:

1.1.1 Assuring that each bus transit system develops, adopts, and complies with a System Safety Program Plan (SSPP) and Security Program Plan (SPP) in accordance with the minimum established criteria set forth in **Rule Chapter 14-90, F.A.C.**

1.1.2 Assuring that all transit buses operated by each bus transit system have received annual safety inspections according to standards set forth in **Rule 14-90**.

- 1.1.3 Assuring annual certification by all bus transit systems pursuant to **Section 341.061(2), F.S.,** and **Rule Chapter 14-90 F.A.C.**
- 1.1.4 Conducting a review of any bus transit system that the Department believes to be in noncompliance with the provisions of **Section 341.061(2), F.S., Rule Chapter 14-90,** and their adopted SSPP).
- 1.1.5 Initiating action to suspend affected bus transit system's service if a deficiency or unsafe condition exists to the extent that the continued operation of the system, or a portion thereof, is not safe for passenger service, or is posing a potential danger or threat to public safety.
- 1.1.6 Suspending affected passenger service operations if the bus transit system fails to correct a deficiency in accordance with **Rule Chapter 14-9, F.A.C.** and the established implementation schedule.
- 1.1.7 Preparing a detailed report of any safety and/or security compliance review conducted at a bus transit system.
- 1.2 Providing technical assistance to systems in development and implementation of safety and security programs. Safety and security standards and requirements shall be incorporated in designs, construction, procurement activities, training, operation, and maintenance of bus transit systems.

2.0 CENTRAL OFFICE RESPONSIBILITIES

- 2.1 Maintaining communication with district offices on all matters relating to the implementation of the Bus Transit System Safety Program, and changes in regulatory requirements.
- 2.2 Assuring the development and maintenance of the Bus Transit System Safety Program procedures.
- 2.3 Developing minimum equipment and operational safety standards for all state funded bus transit systems.
- 2.4 Developing responsibilities for implementing and monitoring the Public Transit Bus Safety Program.
- 2.5 Monitoring transit industry developments, legislation and Federal regulatory issues that could influence or impact the Bus Transit System Safety Program.

3.0 DISTRICT OFFICE RESPONSIBILITIES

- 3.1 Establishing and maintaining communication with bus transit systems regarding safety standards, security standards, or regulatory requirements.
- 3.2 Assuring that each bus transit system submits an annual written certification to the Department that it has complied with its adopted SSPP and that safety inspections

have been performed by a qualified entity, at least once during the certification period on all transit buses operated by the system.

- 3.3** Assuring that required safety certification provisions are made a part of Public Transportation Operations (PTO) Joint Participation Agreements (JPA) Exhibit C, or other JPA exhibits as appropriate, prior to execution of any PTO-JPA between the Department and any bus transit system which is financed wholly or in part by state funds and as defined in **Rule Chapter 14-90, F.A.C.** Provisions shall include:
 - 3.3.1** Assuring that each bus transit system submits to the Department an annual written certification of adoption and compliance with their approved SSPP and SPP in accordance with minimum established standards in **Rule Chapter 14-90, F.A.C.**
 - 3.3.2** Assuring that each bus transit system submits to the Department a written of performance of safety inspections on all buses operated.
- 3.4** Documenting, maintaining, and reviewing system safety and security certifications for compliance, submitted to the Department.
- 3.5** Conducting a review at least once every three (3) years, of each bus transit system within the respective district to assess performance and compliance with **Rule Chapter 14-90, F.A.C.**, and the bus transit system's adopted SSPP and SPP. Reviews shall be conducted according to this procedure's **Template and Guidelines for Bus Transit System Safety and Security Review** in **Exhibit I**.
- 3.6** Conducting a review of any bus transit system that fails to certify compliance within ninety 90-calendar days of the due date; or if, upon certification by the bus transit system, the Department has good cause to believe the system is in noncompliance with its adopted SSPP or SPP, or providing passenger service in an unsafe manner, or if there is evidence of an immediate danger to public safety. Reviews may be conducted more often by the district, in cases of deficient past safety performance. In addition, the district shall conduct reviews of new starts as deemed appropriate, but no later than 90-calendar days after start of passenger service operations.
- 3.7** Preparing a written report of each review conducted and providing a copy of the report to the affected bus transit system upon completion of the onsite review.
 - 3.7.1** Submitting written reports to the bus transit system within 30-calendar days after completion of a regularly scheduled on-site review.
 - 3.7.2** Submitting written reports conducted as a result of a bus transit system not complying with its adopted SSPP, **Rule Chapter 14-90, F.A.C.**, or determined not safe for passenger service during a regularly scheduled review, to the bus transit system within 3-business days of completion of the onsite review.

- 3.8** Reviewing each transit agency’s SSPP and SPP to determine compliance with the provisions and requirements of **Rule Chapter 14-90, F.A.C.**, and providing technical assistance, as necessary, for compliance.
- 3.9** Communicating with the Central Office Public Transit Safety Programs Manager on program status and implementation, and making recommendations relative to bus transit system safety requirements or improvements.
- 4.0 PROGRAM QUALITY CONTROL**
- 4.1** Quality control and evaluation of program performance is a continuing responsibility of the Central and district offices. Activities shall be regularly monitored and performance evaluated to assure proper implementation and compliance attained, time schedules are followed, and all functions are in accordance with statutory and administrative rule provisions.
- 4.2** The performance and frequency of review activities shall be in accordance with **Rule Chapter 14-90, F.A.C.**, and this procedure.
- 5.0 PROGRAM IMPLEMENTATION**
- 5.1 Records Maintenance** - The district office shall be responsible for maintaining the following information for a minimum of 5 years:
- 5.1.1** Records of corrective actions and follow-up activities pursuant to a compliance review or inspection.
- 5.1.2** Records and reports of monitoring and/or review activities.
- 5.1.3** Records of annual required certifications, including SSPP and annual safety inspection certification, by each bus transit system.
- 5.2 Oversight/Evaluation** - Program activities shall be reviewed and evaluated to assure compliance with **Rule Chapter 14-90, F.A.C.** District office activities shall include:
- 5.2.1** Reviewing and evaluating each bus transit system’s SSPP or SPP, at least once every three years, either before or during the on-site review, and any other time as needed or requested by the bus transit system. The SPP shall be reviewed on-site only at the location of the bus transit system and protected from disclosure.
- 5.2.2** Reviewing safety certifications submitted by the bus transit systems to determine compliance with **Section 341.061(2), F.S.**, and **Rule Chapter 14-90.010, F.A.C.**
- 5.2.3** In addition to the scheduled 3 year review, conducting an on-site review of any bus transit system determined by the Department to be in non-compliance with **Section 341.061(2), F.S.**, and **Rule Chapter 14-90, F.A.C.**, their adopted SSPP and/or their adopted SPP. If a review is performed, a compliance review report shall be prepared identifying and describing the deficiencies and/or unsafe conditions and forwarded by

certified mail to the affected bus transit system within three (3) business days of the onsite review. The report shall serve as notification to the affected bus transit system of non-compliance with **Rule Chapter 14-90, F.A.C.**, and their adopted SSPP and/or SPP.

5.3 Safety Certification - The district office shall be responsible for assuring timely submittal of safety certifications, and verifying that required safety certification provisions are included on the certification submission.

5.3.1 Annual safety certifications covering the prior calendar year shall be submitted by bus transit systems and received by the district office no later than February 15. The district office shall maintain a copy of each certification a minimum of 5 years.

5.3.2 Safety certifications for bus transit systems shall consist of:

5.3.2.1 Name and address of the bus transit system.

5.3.2.2 Statement verifying the adoption of a SSPP and SPP in accordance with the provisions of **Rule Chapter 14-90, F.A.C.**, and attesting to compliance with its adopted SSPP and SPP. The statement shall include the current date of the adopted SSPP and SPP.

5.3.2.3 Statement attesting to the performance of safety inspections on all buses operated according to the provisions of **Rule Chapter 14-90, F.A.C.**

5.3.2.4 The name and address of the entity that performed safety inspections along with the date of inspection(s).

5.3.2.5 Typed or printed name, title, and signature of the officer or person directly responsible for management of the bus transit system certifying compliance with **Section 341.061(2), F.S.**, and **Rule Chapter 14-90, F.A.C.**

5.3.2.6 The name, address, and phone number of each contract bus transit system subject to the provisions of **Rule Chapter 14-90, F.A.C.**

6.0 SAFETY and SECURITY REVIEWS

6.1 The Department, or its designee, is authorized to conduct inspections of bus transit systems to verify compliance with the provisions of **Rule Chapter 14-90, F.A.C.**

6.1.2 Each bus inspected during a safety and security review shall be checked for compliance with the requirements for safety devices and equipment, as referred or specified in **Rule 14-90.009(3), F.A.C.**

6.2 The district office shall ensure that each individual performing a bus safety inspection, as part of a Department safety and security review of a bus transit system, is qualified as follows:

6.2.1 The inspector understands the requirements set forth in **Rule 14-90.009, F.A.C.**, and can identify defective components.

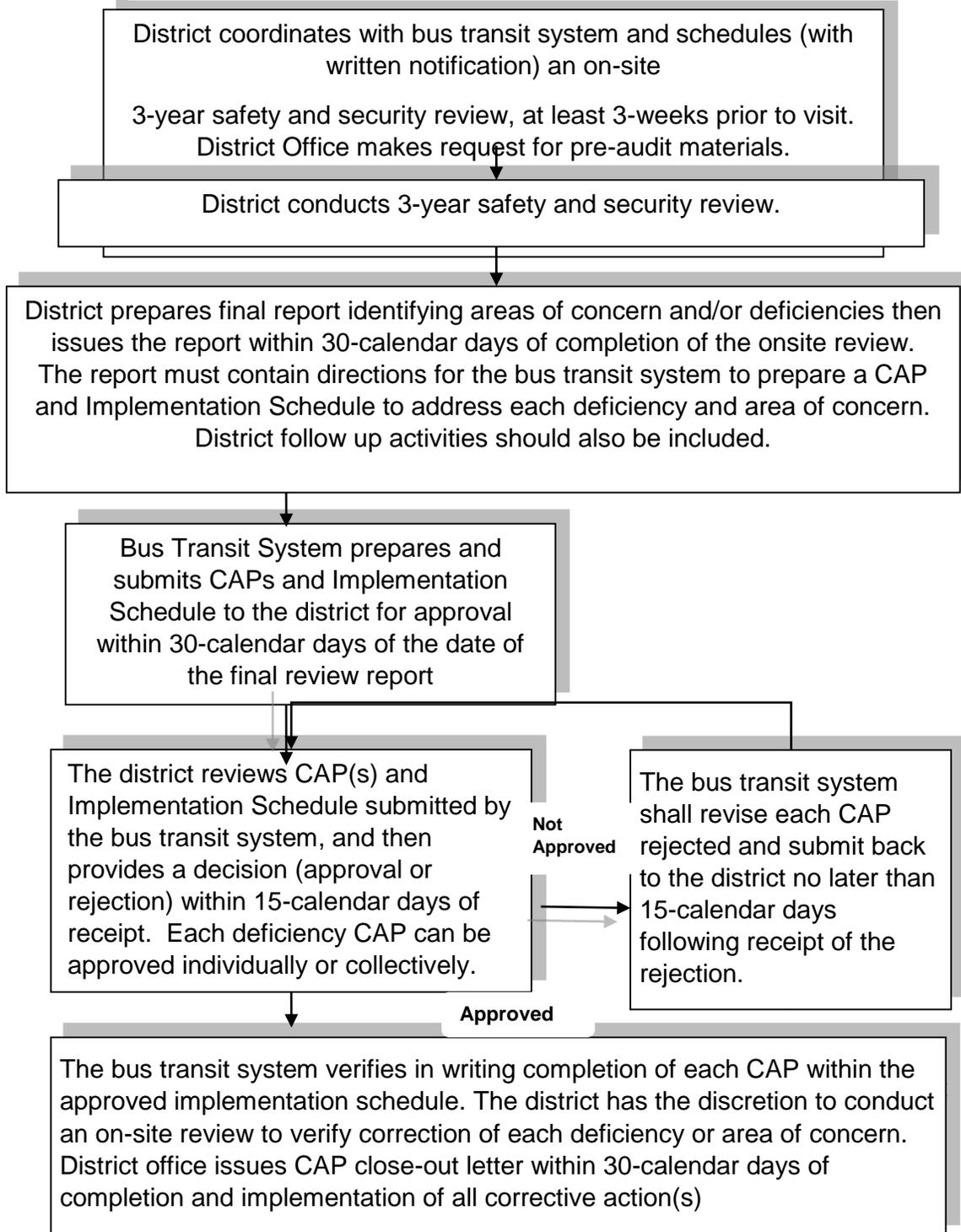
- 6.2.2** The inspector is knowledgeable of and understands the methods, procedures, tools, and equipment used when performing a bus safety inspection.
- 6.2.3** The inspector has at least one year of training and/or experience as a mechanic or inspector in a vehicle-maintenance program, and has sufficient general knowledge of buses owned and operated by the bus transit system to recognize deficiencies or mechanical defects.
- 6.3** **3 Year Review** - The district office, or its designated contractor, shall conduct an on-site review of each bus transit system's safety and security program at least once every 3 years. The purpose of the review is to determine compliance with the bus transit system's SSPP and SPP, and to verify that adequate safety management controls are in place and functioning to meet the minimum standards provided by **Rule Chapter 14-90, F.A.C.**
- 6.4** Reviews shall be conducted at those bus transit systems defined in **Rule 14-90.002(2), F.A.C.** Bus transit systems shall be responsible for conducting and documenting safety and security reviews of their covered contractors. The district office shall provide technical assistance and guidance to the bus transit system in the performance of this requirement.
- 6.5** Each bus transit system shall be notified in writing at least three (3) weeks prior to a safety and security review, except for an unscheduled review resulting from identified deficiencies or unsafe conditions. The district office shall coordinate scheduling and areas of review with the bus transit system prior to written notification. Written notification to the bus transit system should include any request for pre-audit materials, such as a copy of the bus transit system's SSPP, and the most current vehicle inventory list, and other materials that would further expedite the onsite review process. At the discretion of the district office, additional reviews may be scheduled for follow-up or further evaluation.
- 6.6** The safety and security formal review report shall be submitted to the person directly responsible for management of the bus transit system by a cover letter or email authorized by the District Modal Development/Public Transportation Manager. The review report shall be prepared and submitted to the bus transit system within 30-calendar days following the completion of the on-site review. Submission of the formal review report may be delayed an additional 7 calendar days in order to request and receive additional information that would provide clarification on materials gathered during the onsite review. The formal review report shall contain the following:
- 6.6.1** Name and address of the bus transit system, the dates the review was conducted, and the name of each reviewer.

- 6.6.2 Specific items reviewed and a description of any deficiencies, unsafe conditions, or areas of concern.
- 6.6.3 A requirement for the bus transit system to develop and submit a corrective action plan (CAP) and implementation schedule for each deficiency and /or area of concern within 30-calendar days from the date of the final report.
- 6.6.4 A requirement that the bus transit system verify in writing, completion of required corrective action(s).
- 6.6.5 A description of any Department planned follow-up activities.
- 6.7 The district office shall notify the bus transit system of its approval or rejection of each corrective action and implementation schedule within 15-calendar days of receiving the plan. In the event the district office rejects a CAP, the district office shall state its reasons in writing and recommend revisions. The district shall require the bus transit system to submit a revised CAP and implementation schedule, for each CAP not approved, no later than 15-calendar days following receipt of the notification.
- 6.8 **Noncompliance Review** - The district office, or its designee, shall conduct a safety and security review of any bus transit system, which the Department believes to be in noncompliance with its SSPP or SPP, providing passenger service operations in an unsafe manner, or there is evidence of an immediate danger to public safety. The district office shall prepare and submit a report of the review to the affected bus transit system. The report shall be submitted to the bus transit system within 3 business days from completion of the review and contain the following:
 - 6.8.1 Identification of the findings, including a detailed description of each deficiency.
 - 6.8.2 Required corrective action(s) and schedule for implementation of the corrective action(s).
 - 6.8.3 Any requirements for suspension of bus transit system service should the Department determine the continued operation of the service, or a portion thereof, poses an immediate danger to public safety.
- 6.9 **Suspension of Operation** - The district office shall initiate the following actions to suspend the affected bus transit system service anytime a specific deficiency or unsafe condition exists, to the extent that the continued operation of the system or a portion thereof, is not safe for passenger service, or is posing a potential danger or threat to public safety:
 - 6.9.1 Immediately notify the affected bus transit system of the unsafe condition(s), followed by a certified letter describing each deficiency or unsafe condition. The notification shall include required corrective actions for each deficiency or unsafe condition, and requirements for the bus transit system to certify, in writing to the

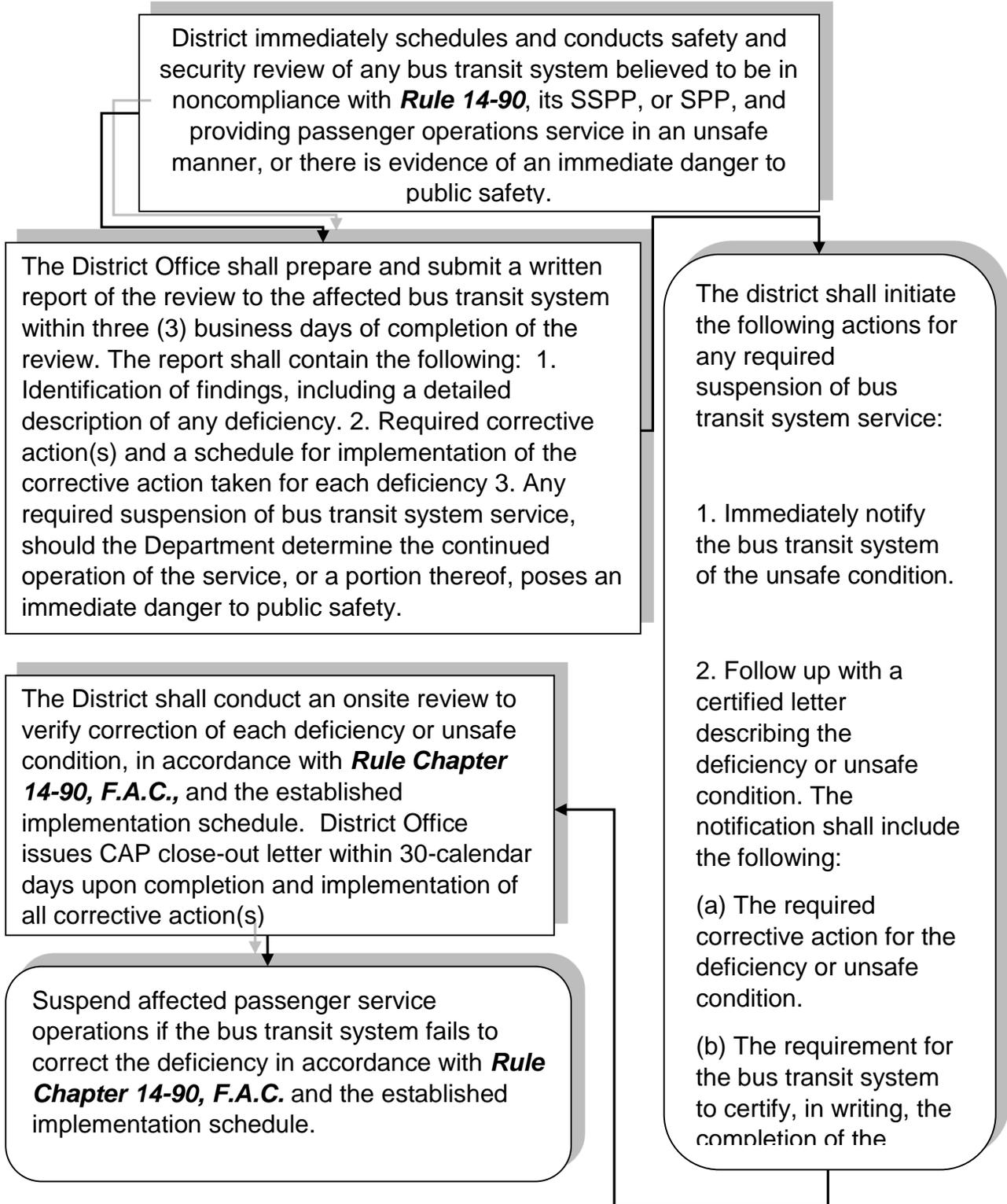
district office, completion of each required corrective action in accordance with an established implementation schedule.

- 6.9.2** The district shall conduct an on-site review of the bus transit system to verify correction of each deficiency in accordance with ***Rule Chapter 14-90, F.A.C.***, and the established implementation schedule.
- 7.0** The district office shall submit to the bus transit system a CAP close-out letter within 30 calendar days of completion and implementation of all corrective actions resulting from a review or investigation.
- 7.1** If the affected transit system fails or refuses to implement the required corrective action pursuant to the requirements of any safety or security compliance review, the bus transit system may be required to suspend affected passenger operations. In addition, the Department shall suspend any or all of its obligations under any pending or existing PTO-JPA with the bus transit system and shall remain suspended until verification of completion of the corrective actions.

3-YEAR SAFETY & SECURITY REVIEW PROCESS



NONCOMPLIANCE SAFETY AND SECURITY REVIEW PROCESS



8.0 TRAINING

- 8.1 Courses in bus transit system safety are available from the U.S. Department of Transportation -Transportation Safety Institute.

Website: <http://transit-safety.volpe.dot.gov/training/new/OnlineResources.aspx>

Upon request, the Central Office will conduct training for district office personnel in specific transit program management and implementation. Best practices, technical assistance, and safety/security tools and guidance materials are available from the Department's "**Bus Safety Resource Guide**" Website: www.cutr.usf.edu/bussafety

9.0 FORMS

- 9.1 **Form No. 775-030-011, Medical Examination Report for Bus Transit System Driver**, is available from the Transit Office and the Department's internet website www.dot.state.fl.us

This form is incorporated by reference into **Rule Chapter 14-90, F.A.C.** Any revisions, additions or updates to this form must be coordinated with the Office of the General Counsel to update the affected **F.A.C.** provisions.

EXHIBIT I
TEMPLATE and GUIDELINES
BUS TRANSIT SYSTEM SAFETY AND SECURITY REVIEW
of
Bus Transit System
by
FLORIDA DEPARTMENT OF TRANSPORTATION

District ____

Modal Development Office/Public Transportation Office

FINAL REPORT

Review Date(s): _____ Prepared by: _____

Report Date: _____ Approved by: _____

Reviewer/Consultant (As Applicable)

Name: _____ Phone: _____

Email: _____

Contractor/Consultant

Firm: _____

Address: _____

Phone: _____ Email: _____

I. INTRODUCTION

On _____ (*date*) _____ the Florida Department of Transportation District No. _____

Modal Development/Public Transportation Office conducted an on-site Bus Safety & Security Review of (*Transit System or CTC*) at (*address*). The purpose of the Bus Safety & Security Review was to determine your agency’s compliance with the provisions of **Rule Chapter 14-90, F.A.C.** The provisions include the development of and compliance with a System Safety Program Plan (SSPP) and Security Program Plan (SPP), performance of safety inspections of all operational buses, documentation of compliance with equipment and operational safety standards, and safety monitoring of covered contractors. Bus transit systems are prohibited from publicly disclosing, under any circumstance their SPP or other security sensitive documents.

The Department representative(s) and/or contractor/consultant(s) who conducted the review:

Name: _____ Title: _____

Phone: _____

Email: _____

The Bus Transit System representatives who were interviewed and/or assisted in the review:

Name: _____ Title: _____

Phone: _____

Email: _____

II. SYSTEM INFORMATION

General Information:

Total Number of drivers _____

Full-time _____ PartTime _____ Volunteers _____

Number of operational buses: _____

Buses W/C accessible _____

Number of Type I buses _____ Type II buses _____

Dispatch Location(s): _____

Maintenance Locations: _____

Community Transportation Coordinator (CTC): Yes _____ No _____

CTC Operator: Yes _____ No _____

CTC Name: _____

Contracted passenger service operations: (Describe)

Contract operator(s) has own adopted SSPP and SPP approved by transit system or CTC:

Yes _____ No _____ Describe _____

Contract operator(s) adopts and implements the Transit System's or CTC's SSPP:

Yes _____ No _____ Describe _____

III. SAFETY REVIEW CHECKLIST ITEMS

Equipment and Operational Standards

- (1) Develop and Adopt System Safety Program Plan (SSPP)
- (2) Develop and Adopt Security Program Plan (SPP)
- (3) Develop and Adopt Wireless Communications Plan
- (4) Qualification, Selection and Training of Drivers
- (5) Record Maintenance, Retention and Distribution
- (6) Drug Free Workplace & Substance Abuse Management
- (7) Establish Written Maintenance Plan/Bus Maintenance
- (8) Event Investigation
- (9) Medical Examinations & Certifications for Bus Drivers
- (10) Operational and Driving Requirements
- (11) Vehicle Procurement
- (12) Bus Safety Inspections
- (13) Certification

IV. EXPLANATION OF FINDINGS

Reviewer Guidance: SAFETY & SECURITY REVIEW TEMPLATE

The district office may combine a safety and security compliance review with other state required on-site compliance reviews, but only findings or comments resulting from compliance with **Rule Chapter 14-90, F.A.C.**, and/or the Bus Transit System's SSPP and SPP, should be included in the safety and security formal review written report submitted to the bus transit system.

Any finding resulting from the review will be categorized as follows:

Deficiency: Area(s) found to be deficient or inadequate in complying with the bus transit System's SSPP or SPP and/or the Department's **Safety and Security Standards and Technical Guidelines**. Requirements to address deficiency will be indicated. The bus transit system is required to develop and submit a CAP and implementation schedule for

approval for each deficiency arising from a compliance review. The district office will provide the CAP and implementation schedule for all deficiencies arising from a non-compliance review.

Areas of Concern: Weakness in the adoption or implementation of the Bus Transit System's SSPP or SPP and implementing procedures, and/or weaknesses with regard to conformance with the Department's ***Safety and Security Standards and Technical Guidelines***. Recommendations will be provided to address areas of concern. The bus transit system is required to develop and submit a CAP and implementation schedule for each area of concern, for approval by the district office.

Observation: An offered suggestion, view, or comment regarding safety and security performance. An observation may address or refer to information obtained during the review.

Corrective Action Plan: Action(s) required to correct deficiency, including individual(s) and departments responsible for completing each action, plan and actual date(s) of completion, and rationale for incomplete or postponed action, as necessary.

V. COMPLIANCE REVIEW FINDINGS

Described below are the findings derived from the inspection of each of the 13 areas identified in the review. Findings shall consist of information obtained during the review and identified as an "Area of Concern" or "Deficiency", as applicable. A sampling of records may be performed for any individual area. Observations are not intended to reflect a condition of non-compliance.

(1) System Safety Program Plan (SSPP) (Rule14-90.004, F.A.C.)

At a minimum, the SSPP appropriately addresses the following safety elements and requirements	Yes/No	Comments, Deficiency, Areas of Concern, Observation
Safety polices and responsibilities.		
Vehicle and equipment standards and procurement criteria.		
Operational standards and procedures.		
Bus driver and employee selection.		
Driving requirements.		
Bus driver and employee training.		
Vehicle maintenance.		
Investigation of events.		
Hazard identification and resolution.		
Equipment for transporting wheelchairs.		
Safety data acquisition and analysis.		
SSPP requirements for contractors.		
Records retention.		
Certification requirements.		
Requirements for safety inspections of all operable transit buses at least annually in accordance with Rule Chapter 14-90, F.A.C.		

Wireless Communications Plan (WCP) requirements.		
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(2) Security Program Plan (SPP) (Rule14-90.004, F.A.C.)

SPP addresses the following security elements and requirements at a minimum	Yes/No	Comments Deficiency, Areas of Concern, Observation
Security policies, goals, and objectives.		
Organization, roles, and responsibilities.		
Emergency management processes and procedures: mitigation, preparedness, response and recovery.		
Procedures for the investigation of events under Rule 14-90.004(5) F.A.C.		
Procedures for the establishment of interfaces with emergency response organizations.		
Procedures for interagency coordination with local law enforcement jurisdictions.		
Employee security and threat awareness training programs.		
Security data acquisition and analysis.		
Emergency preparedness drills and exercises.		
Certification requirements.		
SPP requirements for Contractors.		
Procedures for oversight and monitoring of contactors compliance with security requirements.		

Procedures for SPP maintenance and distribution: includes disclosure prohibition per Section 119.071(3)(a), F.S.		
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(3) Wireless Communications Plan (WCP) (Rule 14-90.004, F.A.C.)

At a minimum, the WCP appropriately addresses the following safety elements and requirements	Yes/ No	Comments Deficiency, Areas of Concern, Observation
Prohibits the use of a personal wireless communications device while the transit vehicle is in motion.		
Plan requires that all personal wireless communications devices be turned off, with any earpieces removed from the operator’s ear while occupying the driver’s seat.		
Contains a policy on the use of a wireless communications device issued to the operator by the transit system.		
Has guidelines developed for the use of a wireless communications device in emergency situations (example: medical emergencies, family emergencies, and/or when regular issued equipment is inoperable during the emergency).		
Has a policy or procedure that guarantees the use of a wireless communications device will not interfere the operator’s safety related duties.		
Has a wireless communications driver educational training program.		

The driver educational program address the proper use of a wireless communications device issued by the transit system.		
The driver educational program addresses hazards (accidents/incidents) associated with the use of a wireless communications device.		

(4) Qualification, Selection, and Training of Drivers (Rule 14-90.004, F.A.C.)

The bus transit system has established the following criteria for the selection and qualification of all drivers	Yes/No	Comments Deficiency, Areas of Concern, Observation
Standards for driver qualifications and criteria for background checks.		
Driver and criminal background checks for all new drivers.		
Verification and documentation of valid driver licenses for employees who drive buses.		
The bus transit system has a driver training program that provides explicit instructional and procedural training and testing in the following areas		
1. Bus transit system safety and operational policies and procedures.		
2. Operational bus and equipment inspections.		
3. Bus equipment familiarization.		
4. Basic operations and maneuvering.		

5. Specific instructions to the bus driver on how to safely approach and depart from a transit bus stop to avoid contact with pedestrians and other hazards.		
6. Boarding and alighting passengers.		
7. Operations of wheelchair lifts and other special equipment		
8. Defensive Driving.		
9. Passenger assistance and securement.		
10. Handling of emergencies and security threats.		
11. Security & threat awareness.		
12. Driving Conditions.		

5) Operational and Safety Procedures (Rule 14-90.004)(3)(e), F.A.C.)

bus transit system provides the following written operational and safety procedures	Yes/No	Comments Deficiency, Areas of Concern, Observation
1. Communication & handling of hazards, unsafe conditions, security threats, and emergencies.		
2. Familiarization and operation of safety and emergency equipment, wheelchair lift equipment and restraining devices.		
3. Application and compliance with all applicable federal and state laws, rules, and regulations.		

4. Requirements for drivers to complete and submit a daily inspections report. (<i>Rule 14-90.006, F.A.C.</i>)		
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(6) Records Retention, and Distribution

The bus transit system maintain the following records for at least four years	Yes/No	Comments Deficiency, Areas of Concern, Observation
Driver Records (<i>Rule 14-90.004</i>)(3)(g), F.A.C.)		
Records of bus drivers background check and qualifications.		
Detailed description of training administered & completed by each driver.		
Each bus drivers daily duty status: total days worked, on-duty hours, driving hours and time reporting on and off duty.		
Maintenance Records (<i>Rule 14-90.004</i>)(4)(d), F.A.C.)		
Make, model, license number, or other means of identification and ownership of vehicles.		
Date, mileage, description of inspection, maintenance and lubrication intervals		
Transit system maintains records of vehicle inspections, PMs and repairs made off site.		
If not owned by bus transit system, name of person or lessor furnishing vehicles.		

Name and address of entity or contractor performing inspection, maintenance, lubrication, or repairs.		
Safety Inspections (Rule 14-90-009)(5), F.A.C.)		
Records of annual safety inspections and documentation of any corrective actions.		
Event and Incident Reporting and Investigation Records (Rule 14-90.004)(7), F.A.C.)		
Notification and Investigation reports, findings, causal factors, corrective action plans, supporting documents.		
Medical Records (Rule 14-90.0041)(4, F.A.C.)		
Required proof of Biennial, Pre-employment and any Follow-up medical exams of employee bus drivers .		
SSPP & SPP Review and Revision (Rule 14-90.010)(d), F.A.C.)		
Reviews of the SSPP and SPP have been conducted to ensure they are up-to-date.		
Pre-trip Inspections and Corrective Action (Rule 14-90.006, F.A.C.)		
Bus transit system maintains daily vehicle inspections and documented corrective actions a minimum of two weeks.		

(7) Drug Free Workplace (Rule 14-90.004(3)(h), F.A.C.)

Substance abuse management program criteria includes the following	Yes/No	Comments Deficiency, Areas of Concern, Observation
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<p>The bus transit system has established a drug free workplace policy statement in accordance with <i>Drug-Free Workplace Act [Reference Title 49, Code of Federal Regulations, Part 32 and Rule 14-90.004(3)(h)</i> and a substance abuse management and a testing program pursuant to <i>49CFR parts 40 and 655</i>.</p>		
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(8) Bus Maintenance (Rule 14-90.004)(4), F.A.C.)

Bus Maintenance Plans and Procedures are established as follows	Yes/No	Comments Deficiency, Areas of Concern, Observation
The bus transit system has established a maintenance plan and procedures for preventive and routine maintenance for all buses operated.		
Maintenance plan and procedures assure that all buses operated, all parts and accessories on such buses, and any additional parts and accessories which may affect safety of operation, are regularly and systematically inspected, maintained and lubricated to standards that meet or exceed the bus manufacturer's recommendations and requirements.		
Maintenance plan assures that a recording and tracking system is established for types of inspections, maintenance, and lubrication intervals, including date or mileage when services are due.		
Maintenance plan assures that proper preventive maintenance is performed when a bus is assigned away from the system's regular maintenance facility or when maintenance services are performed under contract.		

(9) Event Investigation (Rule14-90.004)(5), F.A.C.)

Bus transit systems addresses investigation of events as follows	Yes/ No	Comments, Deficiency, Areas of Concern, Observation
Bus transit system has written investigation policy or procedure(s) for any event involving a bus or taking place on the bus transit system.		
Investigation is conducted for a fatality or where an individual is confirmed dead within 30 days of a bus transit event.		
Investigation is conducted for injuries involving medical attention away from the scene for two or more individual.		
Investigation is conducted for property damage over \$1,000 to transit system buses, non-bus transit system vehicles, other bus system property or facilities, or any other property.		
Investigation is conducted for evacuation of bus due to life safety event, where there is imminent danger to the passengers.		
Events are investigated and documented in a final report that includes a description of the investigation activities, identified causal factors and any identified corrective actions.		
Corrective action plans are developed by the bus transit system that will identify planned actions and schedule for implementation.		
Bus transit system monitors and tracks the implementation and completion of each corrective action.		

(10) Medical Examinations for Bus Transit System Drivers (Rule 14-90.0041, F.A.C.)

Bus transit system has established the following medical examination requirements for all applicants to driver positions and for existing drivers	Yes/No	Comments Deficiency, Areas of Concern, Observation
Medical Examination requirements are established using Form Number 725-030-011 , effective 05/09, or an equivalent form that meets or exceeds standards.		
Medical Examinations are completed for new drivers.		
Bus transit system have on file a completed and signed medical examination certificate (signed by medical examiner and driver)for each bus driver, dated within the past 24 months.		
A return to duty examination is completed for any driver prior to returning to duty after having been off duty for 30 or more days due to an illness, medical condition or injury.		

Note: For determining compliance with the medical examination requirements, the review should only involve the inspection of the medical examination certificate for certification status, dates, signatures, and completion of information. The reviewer should never record an individual’s personal medical history or examination results.

(11) Operating and Driving Requirements (Rule 14.90.006, F.A.C.)

The bus transit systems has established a driver’s handbook and/or procedures to address the following operating and driving requirements	Yes/No	Comments Deficiency, Areas of Concern, Observation

<p>A requirement for buses to be operated at all times in compliance with applicable traffic regulations, ordinances, and laws of the jurisdiction in which they are being operated.</p>		
<p>A procedure for a bus transit system driver to report the suspension or revocation of a license to operate a motor vehicle immediately or no later than the end of the business day following the day he or she received the notice.</p>		
<p>A process for tracking and monitoring on duty and driving hours compliant with the driving and on-duty hours standards of Rule 14-90.006, F.A.C.</p>		
<p>A driver that has been required to drive for 12 hours in a 24 hour period or a driver that has been on duty for 16 hours in a 24 hour period has had 8 hours off duty prior to returning to duty.</p>		
<p>A driver that has been on duty for 72 hours in any period of seven consecutive days has had 24 consecutive hours off duty prior to returning to duty.</p>		
<p>Pre-operational or daily inspections and reporting are required for drivers to identify defects and deficiencies.</p>		

<p>Inspections address the following parts and devices to ascertain that they are in safe condition and good working order: service brakes, parking brakes, tire and wheels, steering, horn, lighting devices, windshield wipers, rear mirrors, passenger doors, exhaust system, equipment for transporting wheelchairs, and safety, security, and emergency equipment.</p>		
<p>A process or procedure exists to address and resolve deficiencies and record corrective actions for inspection findings.</p>		
<p>The Bus Transit System addresses the following required safety criteria in their operational procedures, driver’s handbook, and the driver training program</p>		
<p>Requirement that a bus with any passenger door in the open position shall not be operated with passengers aboard.</p>		
<p>During darkness, interior lighting and lighting in stepwells on buses shall be sufficient for passengers to enter and exit safely.</p>		
<p>Prohibition against passengers occupying the stepwell or any area forward of the standee line while the bus is in motion.</p>		
<p>Prohibitions for fueling buses in closed building or refueling while passengers are on-board.</p>		
<p>Requirement for the driver to be properly secured to the driver’s seat with a restraining belt at all times while the bus is in motion</p>		

Requirement that buses shall not be left unattended with passengers aboard for longer than 15 minutes.		
Requirement that buses shall not to be left unattended in an unsafe condition with passengers aboard at any time.		
Proper setting of parking brake and holding device.		

(12) Vehicle Equipment Standards & Procurement Criteria (*Rule 14-90.007, F.A.C*)

Bus transit system has established the following minimum equipment standards and procurement criteria	Yes/No	Comments Deficiency, Areas of Concern, Observation
The SSPP has procedures that address State and Federal motor vehicle safety and procurement standards.		
Requirements for manufacturers to submit proof of strength and structural integrity tests on new buses.		
Vehicles purchased and operated are equipped in compliance with Rule 14.90. 007, F.A.C. with the following: mirrors, wiring & battery, brake interlock systems, standee line, handrail & stanchions, flooring, steps & thresholds, doors, emergency exits, tires & wheels, seat belts & fire extinguishers.		
Type1 buses are equipped with portable red reflectors warning devices in compliance with Section 316.300, F.S.		

Certification label for wheel chair lifts, ramps and securement devices in or on vehicle. Rule 14.90.007(14), F.A.C.		
Inspections and maintenance procedures are established for wheel chair lift equipment, ramps and securement devices.		
Instructions for normal and emergency operation are carried or displayed in vehicle.		

(13) Vehicle Safety Inspections (Rule 14.90.009, F.A.C.)

The bus transit system has established the following annual bus inspection criteria:	Yes/No	Comments Deficiency, Areas of Concern, Observation
Annual inspections are conducted for each vehicle operated by the agency and all contractors according to 14-90.009 F.A.C.		
Safety inspection report includes: individual(s) performing inspection, identification of bus transit system, date of inspection, equipment & devices inspected, any deficiencies, required corrective actions for defective and/or deficient items, and dates of completion.		
Safety inspections are conducted as part of routine scheduled maintenance inspections.		

(14) Certification (Rule 14.90.010, F.A.C.)

	Yes/No	Comments Areas of Concern, Deficiency, Observation
Bus transit system has submitted an annual safety and security certification to the Department for the prior calendar year, and the certification is on file and current.		
Safety Certification address SSPP, SPP, and safety inspections.		

VI. DEFICIENCIES, AREAS OF CONCERN, CORRECTIVE ACTIONS

(Transit System or CTC) must respond to all deficiencies and identified areas of concern within 30 calendar days of the date of this final report. The response shall be submitted to the Florida Department of Transportation District _____ Office with a copy to the reviewer.

If, during the course of the review process, it is determined that a specific deficiency or unsafe condition exists to the extent that continued operation of the system, or a portion thereof, is not safe for passenger service or is posing an immediate danger to public safety and (transit system or CTC) fails to suspend affected system service, the District _____ Office shall immediately notify and require (transit system or CTC) to immediately suspend affected system service. A certified letter will follow this notification and be sent to (transit system or CTC) with notification of the required corrective actions and implementation schedule.

If the deficiency or unsafe condition is immediately corrected, a complete description of the deficiency, unsafe condition, or threat and completed corrective action will be documented in the final report. For other deficiencies, a detailed Corrective Action Plan (CAP) and implementation schedule for each item shall be developed within 30-calendar days of the date of the final report. The CAP shall be submitted as part of the response to the District _____ Office, and with a copy to the Reviewer.

If, (transit system or CTC) fails to submit as part of their response a detailed CAP, as required by this report, within 30-calendar days of the date of the final report, or fully resolve the deficient items or areas of concern within the approved CAP and implementation schedule, the District _____ Office will issue to (transit system or CTC) a formal finding of Non-Compliance” to the Department ***Safety and Security Standards in***



**TRANSPORTATION
OPERATING PROCEDURE FOR
5310 ONLY RECIPIENTS**

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TRANSPORTATION OPERATING PROCEDURE for 5310 Only Recipients

Most FDOT grant recipients fall under the requirements of Florida Administrative Code Rule 14.90. A small number of recipients, only receive grant awards through the Federal Transit Administration's Section 5310, Enhanced Mobility for Seniors and Individuals With Disabilities, Program. These Section 5310 only recipients must provide the District Office a Transportation Operating Procedure (TOP) that covers the following items. Agencies will be required to undergo a triennial review and inspection by FDOT to ascertain compliance with the baseline requirements. All grant application packages must contain the most recent TOP.

Maintenance

- The TOP must outline how drivers conduct and document a pre-operational bus inspection report according to Rule 14-90.006, FAC.
- The pre-trip and post-trip inspections must include the following safety sensitive items:
 - Steering System
 - Service and Parking Brake
 - Suspension and Undercarriage
 - Tires, Wheels, and Wheel End Components
 - Fuel and Exhaust Systems
 - All Lights, Mirrors, Wipers, and Warning Devices
 - Interlock Systems
 - Interior Controls, Gauges, and Safety Equipment
 - Wheelchair Lifts
 - Air System
 - Emergency exits (doors, windows, etc.)
- Pre- and post-trip records must be maintained for a minimum of 14 days.
- The TOP must document how the agency performs preventive maintenance on the vehicles. Agencies will develop a maintenance plan that outlines the agency's basic maintenance policies and procedures for maintaining vehicles even when using contracted services. It should follow, at a minimum, the guidelines established by the Department. ***Maintenance Plan Templates can be found on pages 809 to 825*** of this document.

Operations

- The TOP must document the qualifications they require when hiring a driver. This should include verifying that the employee has a valid driver license, a CDL if necessary for the size vehicle being operated by the agency, and if a background check is required. It will also include how the agency ensures that all drivers have valid licenses while operating vehicles.
- The TOP must document the training provided to ensure the driver has adequate skills and capabilities to safely operate each type of vehicle operated by the agency. At a minimum this should include:
 - Bus equipment familiarization
 - Basic operations and maneuvering
 - Boarding and alighting passengers
 - Operation of wheelchair lifts and other special equipment
 - Passenger assistance and securement
 - Defensive driving
- The TOP must document the agency's procedures for handling emergency situations that occur when the vehicle is being used away from the facility.
- The TOP must document how the agency establishes and maintains a drug-free workplace policy according to Section 112.0455, F.S. Additionally, a driver holding a Commercial Driver's License is subject to the federal requirements related to drug testing. The TOP must document how an agency meets these requirements.
- The TOP must document how the agency will ensure drivers not be permitted to drive more than 12 hours in a 24 hour period; and drivers not be permitted to be on duty more than 72 hours in any period of 7 consecutive days.

Safety

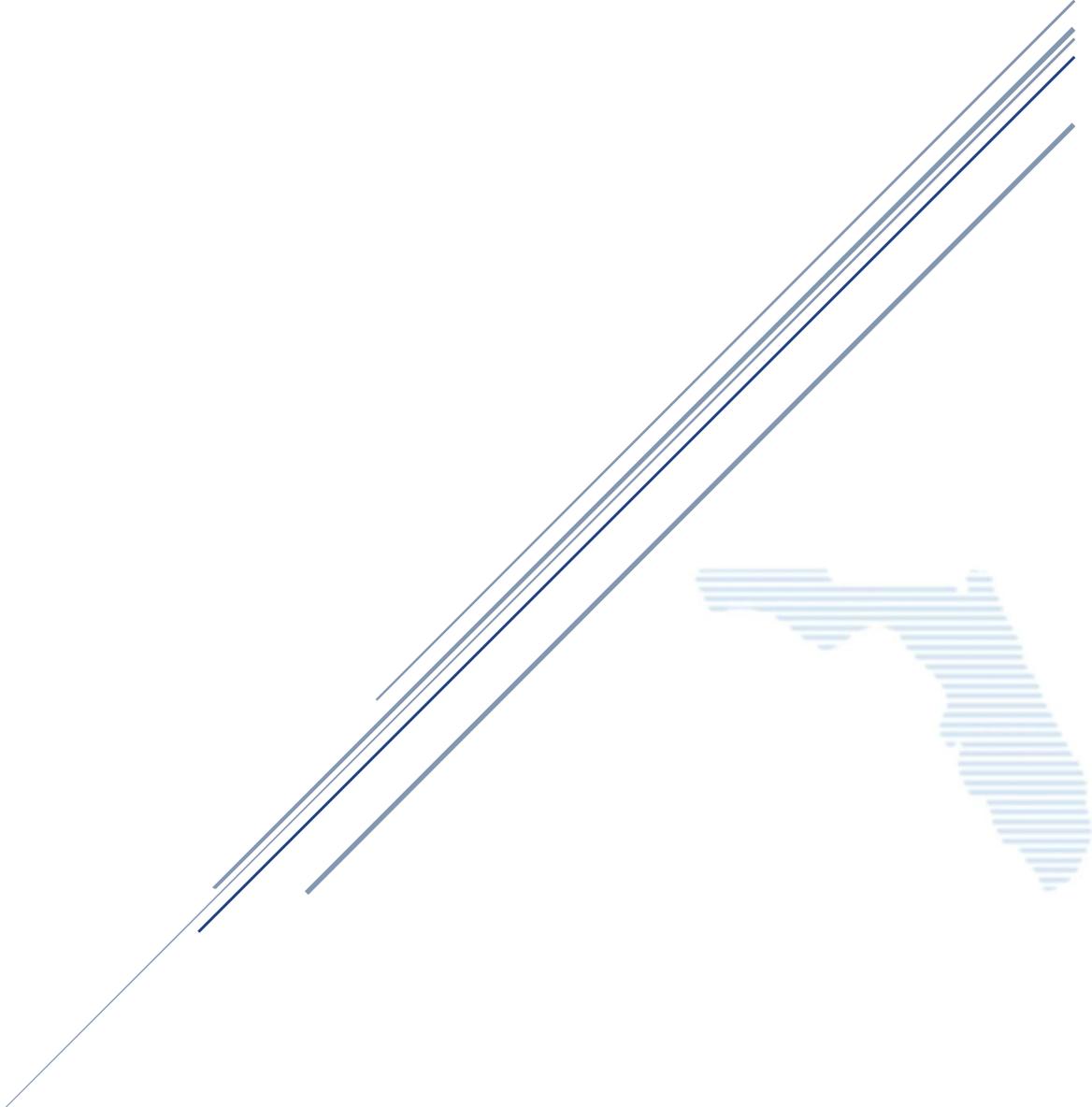
- The TOP must state how the agency ensures that no driver operates a vehicle when his or her ability is impaired, or likely to be impaired, by fatigue, illness, or other causes.
- The TOP must document how the agency ensures that the vehicles are operated in compliance with applicable traffic regulations, ordinances, and the laws of the jurisdiction in which they are being operated.
- The TOP must include the agency's policy for the use of wireless communication devices while occupying the vehicle.

- Agencies will be required to investigate events involving vehicles and resulting in fatality, injury or property damage. The development of necessary reports, corrective action plans and other documentation and must be submitted to FDOT.

A template for 5310 Transportation Operating Procedure (TOP) can be found on page 859 of this document.

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PROCESSES



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**FIRST-TIME AND NEW
SUBRECIPIENT PROCESS**

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Process for First-time and New Subrecipients

A site visit should be performed for all first-time and new agencies within the first year of receiving an award (**applies to all programs**), this could be done at the same time as the Program Management Oversight requirements.

Discuss Triennial Review Process with the agency to ensure understanding of the compliance requirements and schedule time for triennial review. Provide support and/or develop training schedule in any of the below compliance areas where the agency needs assistance.

- Maintenance activities
- Single Audit compliance
- ADA compliance
- DBE Program compliance
- Title VI Program compliance
- Procurement compliance
- Charter and School Bus Program compliance
- Reporting (Progress/Quarterly and NTD)
- Safety/Security
- Drug and Alcohol

Complete the Grantee Compliance Report with information for the new sub-recipient (see page 295).

Definitions:

First-time subrecipient – An agency/organization that has not previously received an award.

New subrecipient - An agency/organization that has not received an award in the last two fiscal years.

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**TRIENNIAL REVIEW PROCESS
(TRP 100)**

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TRIENNIAL REVIEW PROCESS

PURPOSE

The Triennial Review Process outlines the areas to be covered when District Project Managers conduct triennial onsite reviews of federal/state program grantees. The required areas for review include:

- Maintenance activities
- Single Audit compliance
- ADA compliance
- DBE Program compliance
- Title VI Program compliance
- Procurement compliance
- Charter and School Bus Program compliance
- Reporting (Progress/Quarterly and NTD)
- Safety/Security
- Drug and Alcohol
- Financial Compliance

DISTRICT RESPONSIBILITIES

Triennial oversight visits are conducted in conjunction with other required activities such as Bus System Safety Reviews and Triennial Maintenance Audits. It is recommended that District Project Managers use the ***TRIENNIAL REVIEW GUIDE*** when conducting their Triennial oversight visits. If the Triennial Review Guide is not used or modified, then the District will submit the proposed review materials to the Central Office for review prior to conducting the Triennial Reviews.

District Project Managers will contact, in writing, sub-recipient agencies to schedule the activities associated with the Triennial oversight visit, regardless of whether the reviews are being done by Department or Consultant staff. At a minimum, a District Project Manager must participate in the entrance and exit interviews associated with the review.

If the review is conducted by a Consultant Team, the Team will provide a draft report, including any identified findings or recommendations, to the District. The draft report must include all attachments related to or documenting any of the findings and/or recommendations. The report will include three sections: General Grant Requirements, Maintenance Audit and System Safety Review. The District must accept the draft report.

It is acceptable to ask for clarifications or changes prior to accepting the report. The District accepted final report will be sent to the sub-recipient agency with a cover letter, on Department letterhead, outlining the timeframe in which the sub-recipient agency needs to provide a plan to the District which resolves findings identified in the final report. The sub-recipient agency response to the District must include a timeline in which the agency plans to have all of the identified findings resolved and closed.

The District can accept the sub-recipient corrective action plan or identify in writing what is not acceptable in the sub-recipient corrective action plan. District Project Managers are encouraged to request assistance from their Consultant Teams or Central Office staff at any point in the process. It is not acceptable to have unresolved findings continually show up on the same sub-recipient's Triennial Review.

The Central Office has also provided the ***Maintenance Oversight Review Process***; the ***Third-Party Procurement Review Process***; the ***Single Audit Compliance Process***; the ***Title VI Program Compliance Process***; and the ***Charter Service Technical Assistance, Monitoring, and Reporting Process*** to assist in determining if a Grantee is in compliance.

District Project staff will complete the ***Grantee Compliance Report*** by April 1 annually. The ***Grantee Compliance Report*** allows the District to record areas of concern with Grantees, identify areas where additional technical assistance is needed and keep a record of Grantee compliance with all program requirements. The ***Grantee Compliance Report*** will be sent to the Central Office by April 1 annually for inclusion in our Federal Transit Administration reporting.

Finding Prioritization

The following is an overview of how the Department desires to have findings categorized. Each consulting firm will prioritize the findings identified in the report. Anything that is considered a clear and present danger to the public and/or agency employees, or is clearly an illegal use of public funds, must be reported immediately to the District Office Project Manager. All other findings will be placed into the following ranking system. Time limits on corrective actions can vary depending on the type of finding. Agencies understand local limitations better than anyone so they should propose the time needed to complete the corrective actions. Each District has the right to reject those proposals based on legitimate concerns.

- **Priority 1 Finding:** Corrective actions that require immediate action from the agency and requires district site monitoring until complete. These type of findings typically consist of safety related findings that have the potential of becoming a danger to the public and/or agency employees. Priority 1 findings are top priority and should be the initial main focus of any corrective action plan.

- **Priority 2 Finding:** Corrective actions that require action taken in a reasonable amount of time (typically 30 to 90 days) requiring multiple and/or sequential actions. For example, if an agency is not following its own procedure they may need to do employee training that spans over a 30-90 day time period. They will need time to develop the curriculum, implement the training, and monitor its success before clearing the finding. Districts will monitor each step to verify that the agency is making progress.
- **Priority 3 Finding:** Category three findings usually require a change in policy and/or operational actions taken. An example is an incomplete, or nonexistent, plan such as a System Safety Plan, Maintenance Plan, etc. The agency will need to write the plan and then submit for approval. The District will then need to verify that the agency implemented and practices the requirements. These are usually findings that require long term corrective actions. No corrective action should exceed beyond a twelve month period without concurrence from both the Central and District Offices.
- **Priority 4 Findings:** Corrective actions that involve minimal effort and are not time sensitive. An example is missing documents that are easily obtainable.

Note: Consulting firms performing reviews for the department. - *The Department is responsible for oversight compliance therefore each district has the right to accept or reject a review, remove findings, add findings, or modify the report. The Department owns the report. All communications with the agencies must have district concurrence. All approvals or rejections are made by the Department, but consulting services must be available to answer questions on any review they performed until all findings are closed.*

CENTRAL OFFICE RESPONSIBILITIES

The Central Office Subject Matter Experts (SMEs) will develop tools, technical assistance and training for District Project Managers and Grantees based on District identification of areas of concern. Central Office SMEs will coordinate and provide training in each oversight area for District Project Managers. The training will focus on spotting “red flags” during oversight reviews. Program specific training will be provided to Grantees as requested. The Central Office will provide a statewide contract that Districts may purchase services from that ensures qualified consultants are available for the District Triennial Reviews. The Central Office Federal Grant Programs Manager will file the annual **Grantee Compliance Reports** with FTA annually.

RESOURCES

Maintenance Compliance: The Central Office created a contract that provides the technical resources for the District to complete Triennial Maintenance Reviews. To

access these services the District needs to contact the Transit Operations Administrator to request services and schedule reviews. The Central Office covers the cost of these services. The Central Office also provide technical resources to grantees for the development of Maintenance Plans, Best Practices and training. To request technical assistance or training on Maintenance Compliance, please contact the Transit Operations Administrator. *References: SMP Process MRP 100; [49 CFR 18.32\(a\)](#), [18.32\(b\)](#); [FTA C 9040.1F](#), Ch. VI; [FTA C 9070.1G](#), Ch. VI; [FTA C 9050.1](#), Ch. VI; [FTA C 9045.1](#), Ch. VI; and [FTA C 5010.1D](#), Ch. II*

Single Audit Compliance: The Single Audit Process outlines how the Department does oversight of its grantees in regards to Single Audit requirements. Additional assistance is provided by the Single Audit Specialist. *References: SMP Process SAP 100; [49 CFR Part 18](#); [Single Audit Act Amendment of 1996](#); [OMB Circular A-133](#); [FTA C 9040.1F](#); [FTA C 9070.1G](#); [FTA C 9050.1](#); and [FTA C 9045.1](#)*

ADA Compliance: ADA Compliance responsibilities fall under several different program areas. The Central Office has contracted for ADA issue assistance. Technical assistance in ADA issues can be requested by contacting the Transit Operations Administrator. *References: [Titles II and III of the Americans with Disabilities Act of 1990](#); [49 CFR Part 27](#); [49 CFR Part 37](#); [49 CFR Part 38\(b\)](#); [FTA C 9040.1F](#); [FTA C 9070.1G](#); [FTA C 9050.1](#); and [FTA C 9045.1](#)*

DBE Program Compliance: The Federal Grants Manager heads up the Transit Office team dealing with DBE Compliance. If you have DBE Program Compliance questions please contact the Federal Grants Manager. If you want to request grantee training, please contact the Grant Programs Administrator. *References: SMP Process DBE 100; [FTA Master Agreement](#); [49 CFR Part 26](#); [Executive Order 11988](#); [FTA C 9040.1F](#); [FTA C 9070.1G](#); [FTA C 9050.1](#); and [FTA C 9045.1](#)*

Title VI Program Compliance: The Central Office and District 2, under contracts with CUTR and HDR, have developed several tools to assist with Title VI Compliance. There is an instructional power point available that explains the Title VI program and what is required in a Title VI Plan. There is also a Title VI Plan Template available for use by grantees. If you wish to request Title VI training, please contact the Grant Programs Administrator. *References: SMP Process T6P 100; [Title VI of the Civil Rights Act of 1964](#); [49 CFR Part 21](#); [FTA C4702.1B](#); [Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency](#); [FTA C 9040.1F](#); [FTA C 9070.1G](#); [FTA C 9050.1](#); and [FTA C 9045.1](#)*

Procurement Compliance: The Central Office has developed several tools to assist grantees in complying with State and Federal purchasing requirements. The Procurement Process and checklist are a part of the State Management Plan. There is a Procurement Handbook and a Procurement Policy template available for use by

grantees. To request Procurement Compliance technical assistance or training, please contact the Florida TRIPS Manager. *References:* [SMP Process PP 100](#); [29 CFR Parts 4 and 5](#); [41 CFR Parts 50-201 and 50-206](#); [49 CFR Part 18.36](#); [FTA C 4220.1F](#); [FTA C 9040.1F](#); [FTA C 9070.1G](#); [FTA C 9050.1](#); [FTA C 9045.1](#); [FTA C 9300.1B](#); and [FTA C 8100.1C](#)

Charter and School Bus Program Compliance: The Central Office has developed several tools for District staff and grantees to assist with compliance issues associated with Charter and School Bus Program requirements. These resources are a part of the State Management Plan. To request technical assistance and/or training on the Charter or School Bus Program Compliance issues, please contact the Grant Programs Administrator. *References:* [SMP Process CSP 100](#); [49 CFR Part 604, Charter Service Final Rule](#); [49 CFR Part 605, School Bus Operations](#); [FTA Master Agreement](#); [FTA C 9040.1F](#); [FTA C 9070.1G](#); [FTA C 9050.1](#); and [FTA C 9045.1](#)

Reporting: For assistance with issues on grantee compliance reporting, please contact the Transit Operations Administrator or the Section 5310 contact person. For assistance with Rural NTD reporting issues, please contact the Florida RTAP Manager. For assistance with Urban NTD issues, please contact the Urban NTD Program Specialist Transit Planner. *References:* [FTA C 9070.1G](#); [FTA C 9030.1E](#); [FTA C 5010.1D](#); [FTA C 9040.1G](#); [FTA C 8100.1C](#); [FTA Master Agreement](#); [49 CFR Part 18](#); [Public Law 109-282, Federal Funding Accountability and Transparency Act of 2006](#); [49 CFR Part 20](#); [OMB Standard Form LLL](#); [49 CFR Part 633](#); [Executive Order 11988](#); [49 CFR Part 26](#); and [49 CFR Part 604, Charter Service Final Rule](#)

Safety/Security: The Central Office provides several resources in the areas of Safety and Security Compliance. A System Safety Plan template is available for use by grantees. To request technical and oversight monitoring assistance, please contact the Transit Safety Programs Manager. *References:* [SMP Process SSP 100](#); [F.S. 341.061\(2\); Rule 14-90, F.A.C.](#); and [Transit Office Procedure 725-030-009](#)

Drug and Alcohol Program Compliance: The Central Office contracts with the Center for Urban Transportation Research to provide Drug and Alcohol Program Compliance. For technical assistance and training, please contact the Transit Safety Programs Manager or Diana Byrnes at 813-426-6980. *References:* [49 CFR Part 655](#); and [49 CFR Part 40](#)

Financial Compliance: Triennial Reviews will be conducted in a manner to verify that the grantee is financially sound. A review of agency records should be conducted to ensure federal requirements are being met and expenses are being supported and reported in an appropriate manner. *References:* [FTA C 9070.1G](#); [FTA C 9030.1E](#); [FTA C 5010.1D](#); [FTA C 9040.1G](#); [FTA C 8100.1C](#); [FTA Master Agreement](#)

The Central Office Subject Matter Experts (SMEs) Contact List

Title:	Contact Information:
Federal Grants Manager	Jon Ausman 850-414-4519 jon.ausman@dot.state.fl.us
Florida TRIPS Manager	Erin Schepers 850-414-4526 erin.schepers@dot.state.fl.us
Grant Programs Administrator	Liz Stutts 850-414-4530 Elizabeth.Stutts@dot.state.fl.us
Section 5310	Kristin Gladwin 850-414-4239 kristin.gladwin@dot.state.fl.us
Single Audit Specialist	Sandy Watson 850-414-4325 Sandy.Watson@dot.state.fl.us
Statewide CAP & Florida RTAP Manager	Mike Wright 850-414-4529 michael.wright1@dot.state.fl.us
Transit Operations Administrator	Bobby Westbrook 850-414-4533 Robert.Westbrook@dot.state.fl.us
Transit Safety Programs Manager	Victor Wiley 850-414-4525 Victor.Wiley@dot.state.fl.us
Urban NTD Program Specialist	Gabrielle Matthews 850-414-4532 gabrielle.matthews@dot.state.fl.us

TRIENNIAL REVIEW GUIDE

INTRODUCTION

FDOT Compliance Monitoring Program

Goal

The goal of the Florida Department of Transportation Compliance Monitoring Program (CMP) is to provide a consistent and thorough review of the compliance practices of FDOT subrecipients that receive Federal funding under 49 U.S.C. § 5305 (d), 5310, and 5311.

General Approach

FDOT will adopt a risk-based approach in conducting on-site periodic compliance reviews of its federally funded subrecipients. In this approach, FDOT will conduct compliance reviews of **all** subrecipients in the Section 5305(d), 5310, and 5311, programs once every three years (100 percent sample coverage).

FDOT District offices may employ the services of its technical assistance consultant to conduct the reviews. This will ensure impartiality in the conduct of the reviews and ensure that the reviewers possess the technical competence to conduct the reviews. FDOT will accompany the consultants on each review.

A principle tenant of the FDOT approach to the Compliance Monitoring Program is the provision of technical assistance. The consultant team will be required to assist each subrecipient under review to understand the requirements of any particular circular, rule, regulation or law, to provide copies of relevant regulatory citations and technical assistance materials, and to render additional assistance in subrecipient remedy of findings, as necessary.

The process will consist of both a desk review and an on-site visit by the review team and FDOT. Following each site visit, the consultant review team will issue a report outlining the areas reviewed, compliance deficiencies, actions necessary by the subrecipient to remedy the deficiency, and the timeframe for corrective action.

Subrecipient materials for the desk review will include, for traditional Section 5310 only subrecipients (capital only), may include:

- ◆ Written vehicle maintenance policies;
- ◆ Asset inventories
- ◆ Transportation service policies (if any)
- ◆ Title VI program

- ◆ Driver training programs
- ◆ 5310 TOP
- ◆ Coordinated Human services plan

Subrecipient materials and subject areas for the desk review for 5307 and 5311 recipients, may include:

- ◆ Written maintenance policies and compliance with policies;
- ◆ Bus System Safety Plan;
- ◆ Project management, including lobbying certifications;
- ◆ Financial management, including appropriate match, in-kind match verification;
- ◆ Procurement files, including procurement policy, third party contract approvals;
- ◆ DBE program, including reports
- ◆ ADA policies, including complimentary ADA service plan if operating fixed route service;
- ◆ Charter Bus and School Bus;
- ◆ Title VI Program;
- ◆ EEO program, if applicable;
- ◆ Drug and Alcohol/Drug Free Workplace

Both FDOT and the subrecipients will be provided 30 days to compile and upload desk review items. The review consultants will have a minimum of 14 days desk review time prior to conducting the site visit.

Standardized Review Guide

To ensure equitable treatment and consistency among the various review teams that will be used by the compliance consultant, FDOT or its consultant will prepare a standard Triennial Review guide that will explain the review process and provide the subrecipient with all questions and subject areas that will be part of the compliance review.

Technical Assistance

The focus of the Compliance Monitoring Program will be both compliance *and* technical assistance. Technical assistance will be provided:

- ◆ As necessary during the data compilation period (assistance with data uploads);

- ◆ On-site while explaining preliminary compliance findings during an exit conference;
- ◆ After release of the draft report, assisting the subrecipient understand the nature of the deficiency;
- ◆ In the development of subrecipient remedial action to the deficiency; and
- ◆ To FDOT as systemic compliance problems arise in the course of the reviews.

Compliance Reports

Draft and final reports will be issued.

Draft Report

The draft Triennial Review report will be organized by subject matter, consistent with the organization of the State Management Review workbook. Some subject areas may be consolidated for efficiency in the on-site review process.

Within 30 days after the site review, the review consultant will issue the draft compliance report. The report will provide narrative on the following subject areas:

- ◆ Overview of the process
- ◆ Participants in the process
- ◆ An overview of the general compliance elements of each subject
- ◆ The results of the review in each subject area
- ◆ Identification of deficiencies in the subject area
- ◆ Recommended remedial actions
- ◆ Timeframe for subrecipient remedy.

At the end of each report, all compliance findings will be summarized in tabular form.

The draft report will be submitted to FDOT for review prior to issuance to the subrecipient.

Subrecipient Review and Response

The subrecipient will have 30 days to review the draft final report.

During this review period, the subrecipient may present additional information regarding compliance actions in the event the subrecipient disagrees with a review

finding. Any such rebuttals will be mutually reviewed by FDOT and the review consultants so that a final determination may be made.

During the review period, the subrecipient will have opportunity to begin remedy of the finding. To the extent possible, FDOT will encourage subrecipient to utilize the review period to prepare remedies for identified compliance deficiencies.

The subrecipient's response, along with all proposed remedial actions that may have been accomplished during the review period, will be submitted to the review consultant for determination of potential closure of the finding.

Final Report

Following receipt of the subrecipient's response, the review consultant will issue the Final Report.

The final report will document which findings have been satisfactorily addressed and closed during the review period. For all remaining open findings, the subrecipient will have agreed to the proposed timeframe for remedy and will initiate work on corrective actions pursuant to that schedule.

The District will be responsible for monitoring subsequent corrective actions and findings closure after issuance of the final report. The District will report to the Central Office any subrecipient who fails to remediate any finding within the specified timeline for further action.

In the sections that follow, the subject areas and questions that may be asked during the review are detailed.

Section 1. Selection and Eligibility/Eligible Services

FTA Funds Received by Subrecipient

States and subrecipients must be eligible under the specific requirements of the FTA programs and have the legal, financial, and technical capacity to carry out the proposed program of projects.

1. What are the Federal funds received by this subrecipient during the last three years (check all that apply)?

Section 5311 Section 5310 Section 5305(d) JARC
 New Freedom Other _____

2. What best describes this project? Please provide a short description (For example, for 5310 public transportation projects that improve access to fixed-route service and decrease reliance on complementary paratransit etc.)

3. Does the subrecipient receive any state funds from the Block Grant, Commuter Assistance, Park and Ride Lot, Service Development or Transit Corridor programs?

Organizational Status of the Subrecipient

4. What is the organizational status of the subrecipient and does this agency qualify as an eligible subrecipient the Federal funds received by this subrecipient? Provide a short description. (For example, for 5310 is the subrecipient a private nonprofit organization, local government etc.)

5. What type of activities were funded under:

a. Section 5311:

b. Section 5310:

c. Section 5305(d):

Local Match/Financial Capability

Funds may be used to finance capital and operating expenses. The federal share of eligible capital costs shall be in an amount equal to 80 percent of the net cost of the activity. The federal share of the eligible operating costs may not exceed 50 percent of the net operating costs of the activity.

The local share may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a state or local service agency or private social service organization. Some examples of these sources of local match include: state or local appropriations; dedicated tax revenues; private donations; revenue from service contracts; transportation development credits; and net income generated from advertising and concessions. Non-cash share such as donations, volunteered services, or in-kind contributions is eligible to be counted toward the local match as long as the value of each is documented and supported, represents a cost which would otherwise be eligible under the program, and is included in the net project costs in the project budget.

Income from contracts to provide human service transportation may be used either to reduce the net project cost (treated as revenue) or to provide local match for operating assistance. In either case, the cost of providing the contract service is included in the total project cost. No FTA program funds can be used as a source of local match for other FTA programs, even when used to contract for service. All sources of local match must be identified and described in the grant application at the time of grant award.

In addition, the local share may be derived from federal programs that are eligible to be expended for transportation, other than DOT programs, or from DOT's Federal Lands Highway program. Examples of types of programs that are potential sources of local match include: employment, training, aging, medical, community services, and

rehabilitation services. Specific program information for other types of federal funding is available at www.unitedweride.gov.

It is also imperative to determine if the subrecipient has the financial capability to accept and manage the federal funds.

6. What are the sources funds being used to generate the local match? Are these sources non-Federal as defined above?

7. Is the subrecipient generating sufficient local match for the grant?

8. Does the subrecipient appear financial sound?

9. Do subrecipient financial records appear to be maintained using Generally Accepted Accounting Principles?

10. Sample invoice to ensure reported expenditures are supported by the proper documentation?

Coordinated Public Transit/Human Services Transportation Plan

Federal transit law, as amended by SAFETEA-LU, required that projects funded from the Section 5310, programs be derived from a locally developed, coordinated public transit-human service transportation plan (“coordinated plan”). A coordinated plan should maximize the programs’ collective coverage by minimizing duplication of services. A coordinated plan may incorporate activities offered under other programs sponsored by federal, state, and local agencies to greatly strengthen its impact. FTA also encourages participation in coordinated service delivery as long as the coordinated services will continue to meet the purposes of all programs.

Under MAP-21, Section 5310 is the only program that still has this coordinated plan requirement. However, recipients with unobligated JARC and New Freedom funds must continue to certify that projects are included in a coordinated plan. Therefore, FTA encourages recipients with unobligated JARC and New Freedom funds to include/continue to include the Section 5310 program funds when developing the coordinated plan.

11. Obtain a copy of the coordinated plan. What is the date of the most recent plan?

Section 2. Equipment Management

Equipment – General (non-vehicle or facility)

Any property (equipment, furniture and fixtures, vehicles, buildings, and land) purchased with Federal or state funds administered by the FDOT and valued at \$5,000 or more must be accounted for in the agency fixed asset listing. The asset listing is to contain the federally required information outlined in the Common Rule and generally accepted accounting principles, as appropriate.

Each capital items shall be assigned a unique identification number throughout its life; the identification number should not be reused. Equipment purchased as an integral part of the vehicle does not need to be separately inventoried; for example, a lift or destination sign that is purchased as part of a vehicle does not need to be inventoried. Capital items are to be depreciated in accordance with generally accepted accounting principles. However, depreciation expense is not an allowable reimbursable cost to Federal programs if purchased, in part or in whole, with federal funds.

Guidance Regarding Useful Life of Equipment

FTA provides a useful life policy for rolling stock, trolleys, ferries, facilities, and some equipment. Where a useful life policy has not been defined by FTA, the grantee, in consultation with the FTA regional or metropolitan office shall “make the case” by identifying a useful life period for all equipment and facilities with an acquisition value greater than \$5,000 to be procured with Federal funds. Because the FDOT is the grantee, our subrecipients must propose and identify a useful life for the capital asset to be purchased with Federal funds. The subrecipient should identify the method used to determine the useful life. Acceptable methods to determine useful life include but are not limited to:

- *Generally accepted accounting principles.*
- *Independent evaluation.*
- *Manufacturer’s estimated useful life.*
- [Internal Revenue Service guidelines](#)
- *Industry standards.*
- *Grantee experience.*
- *The grantee’s independent auditor who needs to concur that the useful life is reasonable for depreciation purposes.*
- *Proven useful life developed at a Federal test facility.*

FTA approval of the Department’s grant and the execution of the subrecipient joint participation agreement represents FTA concurrence of the final determination of useful life for the purpose of project property acquisition. This in turn will identify the useful life of the Federal interest for the disposition of the project property in later years.

Determining Useful Life for Project Property

For all State administered programs the State is responsible for approving the useful life proposed by the subrecipient. In the grant application, the grantee shall propose and identify a useful life for the capital asset to be purchased with Federal funds. The department recommends using [Internal Revenue Service guidelines](#) when determining useful life for project property/equipment. The grantee should make sure to check these guidelines for changes on a regular basis.

1. Does the subrecipient use all equipment acquired with FTA funds in a manner consistent with the original project application or purpose?

Yes No

2. Does the subrecipient have any project equipment that is no longer needed for transportation purposes?

Yes No

If "Yes," has the subrecipient notified FDOT that the equipment is no longer needed for program purposes?

Yes No

3. Has the subrecipient disposed of any project equipment during the last three years?

Yes No

If "Yes," had the equipment exceeded its useful life as determined by FDOT?

Yes No

If "No," did the subrecipient notify FDOT for transfer to another transit program?

Yes No

4. Does the subrecipient maintain property/asset records for all equipment acquired with FTA funds?

Yes No

If "Yes," are all the required data elements contained in the inventory record?

Yes	No	Requirement
<input type="checkbox"/>	<input type="checkbox"/>	Description of the property
<input type="checkbox"/>	<input type="checkbox"/>	Serial number or other identification numbers
<input type="checkbox"/>	<input type="checkbox"/>	Source of the property (grant source, program number)
<input type="checkbox"/>	<input type="checkbox"/>	Name of the title holder
<input type="checkbox"/>	<input type="checkbox"/>	Acquisition date

Yes	No	Requirement
<input type="checkbox"/>	<input type="checkbox"/>	Cost
<input type="checkbox"/>	<input type="checkbox"/>	Percentage of Federal participation in the cost of the property
<input type="checkbox"/>	<input type="checkbox"/>	Location of the equipment
<input type="checkbox"/>	<input type="checkbox"/>	Use and current condition
<input type="checkbox"/>	<input type="checkbox"/>	Disposition information (if applicable), including date of disposal and sales price

5. If the subrecipient disposed of any project equipment prior to the end of useful life via a transfer to another project, what methods were used to establish fair market value?

6. Has the subrecipient transferred any project equipment with remaining useful life to another entity?

Yes No

If "Yes," did the subrecipient transfer real property to another entity eligible to receive assistance under 49 U.S.C. Chapter 53?

Yes No

If "Yes," Did FDOT approve of the transfer?

Yes No

Property Management and Control (Vehicle and Facility)

The Common Rule requires all recipients and subrecipients adopt property management standards for all equipment acquired under any program. Property management records must adhere to the elements specified in this section.

A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft of the equipment. Any loss, damage, or theft of equipment shall be investigated and fully documented; if the equipment was purchased with FDOT administered federal or at least 50% state funds, and had not passed the end of its useful life, the subrecipient shall promptly notify FDOT.

Subrecipients shall, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired with Federal funds or 50% state funds as provided to property owned by the recipient.

Subrecipients must carry insurance on vehicles, equipment, and facilities to cover the federal interest and state interest in the asset.

If a vehicle is out of service more than 30 days, transit providers must provide written notification to the appropriate FDOT Program Manager. For the period of time the vehicle is out of service, the transit provider must ensure that the time does not count toward the minimum useful life; accounting must stop the depreciation calculation. Additionally, incidental service mileage does not count toward the minimum useful life mileage.

1. Does the subrecipient maintain satisfactory continuing control over all FDOT administered federally funded assets (e.g., maintains direct control over the asset)?

Yes No

If "No," has the subrecipient leased equipment to another entity?

Yes No

If "Yes," is there a formal agreement between the parties?

Yes No

If "Yes," does the lease:

Yes	No	Lease Requirement
<input type="checkbox"/>	<input type="checkbox"/>	Specify FDOT interest in the vehicle?
<input type="checkbox"/>	<input type="checkbox"/>	Specifies permissible/non-permissible incidental use of the vehicle?
<input type="checkbox"/>	<input type="checkbox"/>	Require lessee to perform vehicle maintenance in accordance with OEM recommendations?
<input type="checkbox"/>	<input type="checkbox"/>	Assign insurance responsibility and all appropriate hold-harmless/indemnification provisions?
<input type="checkbox"/>	<input type="checkbox"/>	Have a finite period of performance?
<input type="checkbox"/>	<input type="checkbox"/>	Notification protocols in the event the vehicle is involved in an accident?

2. Has the subrecipient suffered any casualty loss of project equipment during the last three years?

Yes No

If "Yes," did the subrecipient receive an insurance settlement?

Yes No

Did the subrecipient request guidance from FDOT on the procedures for re-investing the settlement proceeds in a replacement vehicle?

Yes No

3. Does the subrecipient utilize project equipment for use on other projects or programs supported directly or indirectly by the Federal government?

Yes No

Equipment Maintenance

Subrecipients are required to certify that any property purchased under the project shall be used for the provision of specialized transportation services within the subrecipient's service area or other areas as described in the grant application, and for the life of the equipment or facility in compliance with the property management standards of 49 CFR part 19.30 through 19.37.

FDOT requires all subrecipients who utilize assets purchased with federal and/or state funds to submit a comprehensive maintenance plan that will include, at a minimum, procedure for maintaining vehicles, facilities and ADA accessibility features.

Subrecipients must maintain an up-to-date vehicle file for each vehicle containing key identification information and all information about maintenance events.

The subrecipient must insure that all vehicles under its control and all required accessories on the vehicles, are regularly checked and inspected, maintained, and lubricated to ensure that they are in safe operating condition. The subrecipient must have a means of indicating the types on inspection, maintenance, and lubrication operation to be performed on each vehicle and the date or mileage that these operations are due. The Triennial Maintenance Audit will review all areas associated with vehicle maintenance for both state and federally funded vehicles.

Incidental Use of Project Equipment

FTA and FDOT encourage maximum use of vehicles funded under the Section 5310 and 5311 programs. Consistent with the requirements of 49 CFR parts 18 and 19, vehicles are to be used first for program-related needs for which a Section 5310 or 5311 grant is made and then to meet other federal programs or project needs, providing these uses do not interfere with the project activities originally funded. If the vehicle is no longer needed for the original program or project, the vehicle may be used in other activities currently or previously supported by a federal agency.

The program must provide for maximum feasible coordination with transportation services assisted by other federal sources. Subrecipients should be encouraged to the

extent feasible to also provide service to seniors and people with disabilities not affiliated with their agency, as well as to the general public, on an incidental basis if such service does not interfere with transportation services for seniors and people with disabilities in 5310 and with the delivery of public transportation in 5311. In some situations it may be appropriate to provide Section 5310 assistance to an agency to provide transportation exclusively to its own clients, but even in situations in which it is not feasible for the agency to provide services to those in the community beyond its own clients, that agency must, when practicable, make the vehicle itself available to provide transportation service to other seniors and people with disabilities at times the agency is not using the vehicle for grant-related purposes.

Transit service providers receiving assistance under this section may coordinate and assist in providing meal delivery services for homebound people on a regular basis if the meal delivery services do not conflict with the provision of transit services or result in a reduction of service to transit passengers. The number and size of vehicles applied for under Section 5310 must be determined only by the number of passengers to be transported, not meal delivery capacity. Section 5310 funds may not be used to purchase special vehicles to be used solely for meal delivery or to purchase specialized equipment such as racks or heating or refrigeration units related to meal delivery.

FDOT does allow incidental use of assets provided that the incidental use does not interfere with the public transit services for which it was originally obtained. Incidental use is addressed as part of FDOT's on-site compliance reviews.

Certain additional services (such as meal delivery) are permitted within program funding restrictions as long as they are incidental and do not disrupt the general public service normally provided. However, the cost of these incidental services must be fully allocated and mileage associated with the incidental service must not count towards the useful life of the vehicle. If FTA-funded vehicles are used occasionally to deliver meals, FDOT requires nutrition programs to pay the operating costs attributable to meal delivery.

4. Does the subrecipient use FTA funded equipment to engage in homebound meal delivery?

Yes No

If "Yes," does the subrecipient have a cost allocation/costing methodology in place to assess the meals program the fully allocated cost of service?

Yes No

5. Does the subrecipient use FTA funded equipment to engage in any other incidental uses for other than service to elderly persons and individuals with disabilities?

Yes No

If "Yes," does the subrecipient have a cost allocation/costing methodology in place to assess the meals program the fully allocated cost of service?

Yes No

6. Does the subrecipient have a means to track mileage for incidental use (FDOT does not permit incidental mileage towards useful life calculation)?

Yes No

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Section 3. Project and Financial Management

CTC & CTC Agreements (5310 Recipients)

1. If the review of the recipient's files revealed any problems, discuss each of those problems with the recipient. Make discussion notes as part of the documentation for the site visit.

2. Does a recipient who is not a CTC maintain coordination or a transportation operator contract with the CTC? (Unless the recipient is a local government providing fixed route/fixed schedule service.)

Transportation Operations Procedure (5310 only Recipients)

1. Has the recipient submitted a Transportation Operations Procedure? Is driver training provided? (Did District approve the plan using the checklist?).

2. If the pre-monitoring review of the recipient's files revealed any problems, discuss each problem with the recipient. Make discussion notes a part of the documentation for the site visit. If no problems were found, this check is not applicable.

3. Make sure you have a signed standard lobbying certification form for any sub-recipient agreement at \$100,000 or more. Make sure you have a valid EPLS search in your file for the agency.

Audit

1. Review the agency’s most recent A-133 audit performed in accordance with the Single Audit Act. Ask the agency if there are any audit exceptions included in the audit, and discuss these with the agency to determine the nature and severity of the exceptions. Review the Recipient/Subrecipient Single Audit Procedure No. 450-010-001, or contact the Statewide Grant Coordinators at 850-414-4391 if you have additional questions regarding the audit findings. *(An A-133 audit is required for any entity that exceeds \$750,000 or more in Federal awards in a single year. If the entity expends less than \$750,000 in Federal awards in a year they are exempt from the Federal audit requirements for that year.)*

DBE

1. Is the recipient undertaking and documenting the necessary and reasonable steps required by FTA for compliance with the Federal DBE Program requirements?

Section 4. Procurement

Acquisition Methods

Subrecipients must comply with FTA procurement requirements contained in the current FTA Circular 4220.1. States and designated recipients are responsible for ensuring that subrecipients are aware of and comply with these additional requirements.

1. Does the subrecipient have an agency purchasing policy?

Yes No

If “Yes”, does the agency’s purchasing policy incorporate Federal purchasing rules?

Yes No

2. Has the subrecipient purchased vehicles through a state contract administered either by the Florida Department of Transportation (TRIPS Program) or the Department of Management Services (DMS)?

Yes No

If vehicles were purchased through the DMS state contract, has the subrecipient ensured that all Federal provisions have been met?

Yes No

3. Has the subrecipient made any other purchases?

Yes No

If “Yes”, review a sampling of procurements to determine if the subrecipient followed their purchasing policy and utilized the Third Party Checklist found in the Procurement Guidance for Transit Agencies.

Yes No

Purchase of Service Contracts

Subrecipients may purchase service from private sector transportation providers as well as public providers. Under such arrangements, certain special conditions apply to the purchase of service agreement.

The purchase of service contracts must be either a cost reimbursement or fixed price contract.

- Fixed price contracts should have the cost calculated on a service or route specific basis, either vehicle or passenger miles, or a combination of both. It is not subject to any adjustment on the basis of a contractor's cost experience in performing the contract.
- Cost reimbursement contracts should allow for a periodic evaluation of the fixed rate in order to accommodate changes in transportation costs. These contracts establish an estimate of total cost for obligating funds and establishing a ceiling that the contractor may not exceed (except at its own risk) without approval.

Profit is an eligible cost in the contract. The amount of profit must be established as a fixed fee, not as a percentage figure.

Depreciation of vehicles is an eligible expense in private sector purchase of service agreements and must be based on acquisition, not replacement costs, and is not eligible if the vehicles were originally purchased with Federal funds.

Management or administrative costs incurred by the contract provider should be prorated for only that portion of the operator's service being purchased.

Division of Multimodal Transportation Resources shall approve the proposed purchase of service contracts prior to execution by the subrecipient.

1. Has the subrecipient entered into any purchase of service contracts?

Yes No

If "Yes," what type of contract did the subrecipient use with the service provider?

Fixed price contract

Cost reimbursement contract

2. Has the subrecipient used "capital cost of contracting" in any service contract entered into with a private sector provider?

Yes No

If “Yes,” has the subrecipient correctly classified the type of contract and corresponding capital participation rate in the contract?

Yes No

If “No,” has the subrecipient adhered to FDOT guidelines in structuring the respective types of contracts?

Yes No

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Section 5. Other Provisions

Title VI

Federal civil rights requirements are encompassed in laws, regulations, and Executive Orders. The objective of FTA's oversight in this area is to:

- Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
- Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
- Promote the full and fair participation of all affected populations in transportation decision making;
- Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations; and
- Ensure meaningful access to programs and activities by persons with limited English proficiency.

1. Has the subrecipient developed a Title VI Program?

Yes No

If "Yes," has it been adopted by the subrecipient's governing board?

Yes No

2. Has the program been submitted to FDOT?

Yes No

If "Yes," did the District review it using the Title VI checklist? If they approved it using the checklist they can skip this section?

Yes No Required List Elements

 A notice to the public that indicates the subrecipient complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI.

 A copy of the recipient's instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form.

Yes	No	Required List Elements
<input type="checkbox"/>	<input type="checkbox"/>	A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient since the time of the last submission to FDOT.
<input type="checkbox"/>	<input type="checkbox"/>	A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission.
<input type="checkbox"/>	<input type="checkbox"/>	A copy of the recipient's plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance.
<input type="checkbox"/>	<input type="checkbox"/>	A table depicting the racial breakdown of the membership of advisory boards or non-elected planning boards and a description of efforts made to encourage the participation of minorities on such committees or councils.
<input type="checkbox"/>	<input type="checkbox"/>	A narrative or description of efforts the primary recipient uses to ensure subrecipients are complying with Title VI, as well as a schedule of subrecipient Title VI program submissions.

3. Does the notice include the following items?

Yes	No	Required List Elements
<input type="checkbox"/>	<input type="checkbox"/>	A statement that the agency operates programs without regard to race, color, and national origin.
<input type="checkbox"/>	<input type="checkbox"/>	A description of the procedures that members of the public should follow in order to request additional information on the subrecipient's nondiscrimination obligations.
<input type="checkbox"/>	<input type="checkbox"/>	A description of the procedures that members of the public should follow in order to file a discrimination complaint against the subrecipient.

4. How has the subrecipient disseminated this notice?

5. Has the subrecipient translated this notice into languages other than English consistent with the subrecipient's LEP program?

Yes No

6. Does the subrecipient have procedures for investigating and tracking Title VI complaints and for making such complaints available to the public?

Yes No

If "Yes," does the subrecipient have a specific complaint form?

Yes No

7. Has the subrecipient integrated into its established public participation and outreach processes procedures that ensure involvement and participation by minority and LEP populations?

Yes No

If "Yes," describe these activities.

8. Are these efforts effective?

Yes No

Do these effective practices include elements that FTA considers "best practice:"

Yes	No	Required List Elements
<input type="checkbox"/>	<input type="checkbox"/>	Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities
<input type="checkbox"/>	<input type="checkbox"/>	Employing different meeting sizes and formats
<input type="checkbox"/>	<input type="checkbox"/>	Coordinating with community- and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
<input type="checkbox"/>	<input type="checkbox"/>	Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts
<input type="checkbox"/>	<input type="checkbox"/>	Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.

Limited English Proficiency (LEP)

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter. DOT recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Subrecipients should apply four (4) factors to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
- The frequency with which LEP individuals come in contact with the program.
- The nature and importance of the program, activity, or service provided by the recipient to people's lives.
- The resources available to the recipient and costs.

After completing the above four-factor analysis, subrecipients can determine the appropriate "mix" of LEP services required. Subrecipients have two main ways to provide language services: oral interpretation, either in person or via telephone interpretation service, and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.

9. Has the subrecipient assessed and addressed the ability of persons with limited English proficiency (LEP) to use transit services?

Yes No

10. Describe the subrecipient's efforts to provide access to information and services by LEP persons.

Equal Employment Opportunity (EEO) (5307 and 5311 When Applicable)

A subrecipient must ensure that it does not discriminate in its hiring practices on the basis of race, color, sex (including pregnancy), national origin, creed, or religion. All subrecipients must take affirmative action to ensure that applicants are employed, and that employees, are treated during employment without regard to race, color, creed, national origin, sex, or age. Such action must include, but not be limited to: hiring, promotion or upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, disciplinary actions, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The subrecipient shall have a written affirmative action plan designed to achieve full utilization of minorities and women in all parts of the work force.

Subrecipients must post, in a conspicuous place, and make available to employees and applicants for employment, notices setting forth the subrecipient's EEO policy. These policies must include procedures for filing complaints of discrimination, both internally as well as externally with the Federal Economic Employment Opportunity Commission (EEOC), a local or state human rights commission, and/or FTA.

If a subrecipient exceeds size threshold requirements set by FTA, it must prepare an EEO plan and submit this plan to FDOT every three (3) years. A formal EEO program is required of any grantee that both employed 50 or more transit-related employees (including temporary, full-time or part-time employees) and received in excess of \$1 million in capital or operating assistance or in excess of \$250,000 in planning assistance. This section only applies to agencies meeting the threshold requirements.

11. Who is responsible for ensuring that EEO obligations are fulfilled on behalf of the subrecipient?

12. Has the subrecipient posted an EEO statement in a conspicuous and accessible place in the workplace?

Yes No

13. Is the subrecipient's EEO policy included in personnel policies and/or employee handbook?

Yes No

14. Are EEO statements included on the subrecipient's job applications and employment notices/job postings?

Yes No

15. How does the subrecipient ensure non-discrimination for ADA-eligible persons in terms of employment?

If requested, were reasonable accommodations made for hiring a person with disabilities in accordance with Title I of the ADA?

Yes No

If "Yes," describe the accommodation.

16. Were any EEO complaints or lawsuits received in the past three years?

Yes No

If "Yes," describe the nature of the complaint or lawsuit.

Did the subrecipient report the complaint or lawsuit to FDOT?

Yes No

17. Does the subrecipient (*check all that apply*):

- Have 50 or more transit-related employees? AND
- Receive capital or operating assistance in excess of 1 million? OR
- Receive planning assistance in excess of \$250,000?

If "Yes," to 1 and 2, or 3, subrecipient must prepare an Affirmative Action Plan.

Americans with Disabilities Act (ADA)

Compliance responsibilities will vary depending upon the type of entity providing the service. The regulations recognize three types of entities as follows:

Public entities include city, town, county, or state governments, or special authorities created under public law such as transit authorities.

Private, primarily engaged entities include private companies whose primary business is transportation. This includes private taxi companies, van or bus companies, or private intercity bus companies. This category includes private, non-profit agencies whose main business is transportation.

Private, not primarily engaged entities are private companies or organizations, including non-profit organizations, whose primary business is something other than transportation, but who provide transportation as a secondary or support service. This includes human service agencies that operate transportation services as a secondary or support service.

Compliance responsibilities will also vary depending on the type of transportation service provided by the subrecipient. Several types of service that are particularly relevant to these reviews are:

Fixed route system means a system of transporting individuals (other than by aircraft), including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including, but not limited to, specified public transportation service, on which a vehicle is operated along a prescribed route according to a fixed schedule.

Commuter bus service means fixed route bus service, characterized by service predominantly in one direction during peak periods, limited stops, use of multi-ride tickets, and routes of extended length, usually between the central business district and outlying suburbs. Commuter bus service may also include other service, characterized by a limited route structure, limited stops, and a coordinated relationship to another mode of transportation.

Demand responsive system means any system of transporting individuals, including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including but not limited to specified public transportation service, which is not a fixed route system.

Route Deviation, Point Deviation, or Flex-Bus systems, which do not have prescribed routes, or which allow for on-request deviations off of prescribed routes, are considered types of demand responsive systems if the on-request, off-route deviations are available to all riders. If off-route deviations are made only for certain individuals, such as persons with disabilities, these types of services are considered fixed route.

ADA complementary paratransit is a specific type of demand responsive service that is required of public entities that provide non-commuter fixed route service.

To determine compliance responsibilities, the review must determine the type of entity and service modes delivered.

1. Based on the articles of incorporation or enabling legislation, identify the type of subrecipient under review:

Public entity

Private entity, primarily engaged in transportation

Private entity, not primarily engage in transportation

2. Evaluate the scope of services and determine all modes of service operated by the subrecipient. For each subrecipient, check all the primary and sub-modes that apply:

Fixed route

Non-commuter bus

Commuter bus

Inter-city bus

Route/point deviation with deviations limited to certain riders

Demand Response

ADA complementary paratransit

Route/point deviation with deviations for the general public

Other demand responsive service

3. If the subrecipient offers route deviation service, how does it advertise the deviation request process? Does the agency schedule deviations for all riders, not just those with disabilities?

4. If the subrecipient provides fixed route service, does the agency have an ADA Complementary Paratransit Plan? Does the plan include the agency's procedures for eligibility determinations, service criteria, service capacity, origin-to-destination service, visitors' service, and no-show policies? Is the complaint and/or appeal process readily available?

5. Following are examples of common policies that discriminate against persons with disabilities. Determine if the subrecipient engages in any of these actions, or has any other policies that discriminate:

- | Yes | No | Requirement |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Does the subrecipient have policies that impose any special charges for individuals with disabilities, including wheelchair users? |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the subrecipient deny service to any individual because its insurance company conditions coverage or rates? |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the subrecipient require that wheelchairs have working brakes, be “in good working condition,” or place any other restrictions on mobility devices? (Exception: situation that poses a “direct threat to others.”) |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the subrecipient have policies that suggest a denial of service for rude behavior, swearing, or other behaviors that do not rise to illegal or seriously disruptive? |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the subrecipient require individuals with disabilities to use designated priority seats? |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the subrecipient require persons traveling in securement areas to wear seat belts or shoulder straps when all other passengers do not have the same requirement? |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the subrecipient require wheelchair users to wear a body belt when traveling up and down on the lift? |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the subrecipient policy prohibit respirators or portable oxygen supplies (Exception: items that are prohibited under applicable Department of Transportation rules on the transportation of hazardous materials—49 CFR subtitle B, chapter 1, subchapter C.) |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the subrecipient have any other policy that could discriminate against persons with disabilities? |

6. Does the subrecipient have a policy for dealing with individuals who engage in violent, seriously disruptive, or illegal conduct?

- Yes No

If “Yes,” are supervisors, dispatchers, and vehicle operators trained on this policy?

- Yes No

Is there an appropriate appeal policy for any service refusals?

Yes No

7. Does the subrecipient have an established process for making decisions and providing reasonable modifications under the ADA?

Yes No

If “Yes,” is information about the process, and how to use it, readily available to the public, including individuals with disabilities? (For example included in printed media and/or available on the agency’s website).

Yes No

Attendant Policies

Individuals with disabilities should be allowed to travel with attendants. Attendants cannot be required, though, except if service could otherwise be refused for illegal, violent or seriously disruptive behavior.

8. Does the subrecipient allow persons with disabilities to travel with attendants?

Yes No

If “Yes,” does definition of attendant extend beyond assistance during travel to also include assistance at destination?

Yes No

9. Are any claimed attendants allowed (*i.e.*, no registration of only certain persons who can be attendants)?

Yes No

10. Are persons with disabilities allowed to travel without attendants, even if they indicate they sometimes use attendants (Exception: Caregiver or guardian requests that attendant always be present, or documented past behavior allows refusal and person/caregiver agree to use attendant to mitigate issues)?

Yes No

If entities operating demand response services plan to purchase vehicles that are not accessible, they must first make a determination that the services they will be providing (after the purchase of the inaccessible vehicle or vehicles) are “equivalent.” Therefore, if entities have inaccessible vehicles as part of their fleet that were purchased since the issuance of the regulations, the services they provide must be “equivalent.” Equivalency is defined by specific criteria (noted below). If inaccessible vehicles are purchased, certification of equivalency must also be provided to FDOT.

Service Equivalency

11. **Service Area:** Consider the service area and how accessible and inaccessible vehicles are distributed throughout the area. Are persons with disabilities who need an accessible vehicle able to travel throughout the area on an equivalent basis to all other riders?

Yes No

12. **Response Time:** Consider the advance notice requirement to use the service. If accessible vehicles are operated separate from or different from inaccessible vehicles, consider the advance notice required for use of each type of vehicle. Is the same (or lesser) advance notice required of riders with disabilities who need and use accessible vehicles?

Yes No

13. **Fares:** Consider the fares charged for the service. Note if there are different costs to riders who need and use accessible vehicles versus those who can use inaccessible vehicles. Is the fare the same (or lower) for riders with disabilities who need to use accessible vehicles?

Yes No

14. **Days and Hours:** Consider the days and hours of operation of the service. Note if there are any differences in days and hours based on the accessibility of the vehicles. Are the days and hours the same (or greater) for persons with disabilities who need and use accessible vehicles?

Yes No

15. **Trip Purpose:** Consider the types of trips that are provided by the subrecipient. Note if there are any differences in policy about trip purpose for service provided with accessible versus inaccessible vehicles. Are persons with disabilities able to travel for the same purposes (or more) than individuals who do not need accessible vehicles?

Yes No

16. **Capacity Constraints (Part 1):** Consider if trip requests are sometimes denied for lack of capacity, or if waiting lists or trip caps are employed due to capacity limitations. Examine trip denials records, waiting lists, or other documentation to determine if persons with disabilities who need to use accessible vehicles are denied or wait-listed more frequently than other riders.

Are there any trip denials, or are wait lists or trip caps used?

Yes, Trip Denials

Yes, Wait Lists

Yes, Trip Caps

No

If there are denials, wait lists, or trip caps, are persons with disabilities who need to use accessible vehicles denied/wait-listed, capped at the same (or lower) rate than other riders?

Yes No

Note what information or data the system develops and uses to compare the level of trip denials, wait lists, or trip caps for persons with disabilities and for other riders to allow for this type of comparison and analysis.

17. Capacity Constraints (Part 2): Examine records of service quality (on-time performance, on-board ride times). Consider if there are differences in service quality for trips provided to riders who need to use accessible vehicles versus other riders. Consider if the number and percentage of accessible vehicles in the system suggests that there could likely be problems responding to late trips in an equivalent way throughout the service area. Do persons with disabilities, including persons who need to use accessible vehicles receive the same (or better) level of service?

Yes No

Note what information or data the system develops and uses to compare the level of service (on-time performance, on-board ride times) for persons with disabilities and for other riders to allow for this type of comparison and analysis.

18. Information and Reservations Capacity: Consider the service information that is provided and the trip reservations capacity (hours of call-taking, accessibility of information and phone services). If information and reservations are different for using accessible versus inaccessible vehicles, note the differences. Is information and communications provided in accessible formats, and are persons with disabilities who need an accessible vehicle able to get information and reservations assistance in an equivalent way?

Yes No

19. Has the subrecipient acquired vehicles in the last three (3) years?

Yes No

If "Yes," were the vehicles accessible pursuant to 49 CFR part 38 standards?

Yes No

If "No," did the subrecipient, before any procurement of an inaccessible vehicle, file with FDOT the required certificate that it provides equivalent service meeting the equivalent service of 49 CFR part 37.77(c)?

Yes No

20. How does the subrecipient keep lifts and other accessibility features on system vehicles in working order?

When a vehicle is removed from revenue service, does the subrecipient take reasonable steps to accommodate individuals with disabilities who were scheduled on that vehicle?

Yes No

21. Are vehicle operators trained to immediately report that a lift is not in working order?

Yes No

22. Are vehicles removed from revenue service when it is reported that a lift is not in working order?

Yes No

23. Are vehicles repaired promptly and within the five day period for non-urbanized areas?

Yes No

24. Does the subrecipient transport all wheelchairs and occupants if the lift and vehicle can physically accommodate them, unless doing so is inconsistent with legitimate safety requirements?

Yes No

25. Does the subrecipient "do the best it can" to secure mobility devices, but not deny riders because the mobility devices they are using cannot be secured to the satisfaction of the driver or agency?

Yes No

26. Does the subrecipient permit standees to use the lift?

Yes No

27. Does the subrecipient require scooter users or wheelchair passengers to transfer to another seat?

Yes No

28. Do the subrecipient's operators assist individuals with disabilities with the use of securement systems, ramps, and lifts?

Yes No

29. Does the subrecipient permit service animals on system vehicles?

Yes No

Is the subrecipient's service animal policy consistent with regulatory requirements? (The policy should not require certification of training, should not inappropriately limit type of animal—except emotional support or comfort animal, or animal that cannot be trained to assist.)

Yes No

30. Does the subrecipient make available to individuals with disabilities adequate information concerning transportation services?

Yes No

31. Does the subrecipient permit a passenger who uses a lift to disembark from a vehicle at any designated stop, unless the lift cannot be deployed, the lift will be damaged if it is deployed, or temporary conditions at the stop, not under the control of the entity, preclude the safe use of the stop by all passengers?

Yes No

32. Does the subrecipient ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities?

Yes No

Charter Service

Title 49 U.S.C. 5323(d) limits charter service provided by federally assisted public transportation operators. FTA regulations specify these limitations in 49 CFR part 604— Charter Service, amended effective April 30, 2008 (73 FR 2326, Jan.14, 2008). Each recipient must enter into an agreement with FTA that the recipient will not engage in charter service unless permitted by FTA charter service regulations. FTA includes that agreement in its annual publication of certifications and assurances. Charter service is defined based on whether a third party requests the service or whether the transit agency initiates the service. If a third party requests service, FTA will utilize four characteristics of charter service to determine whether the proposed service meets the definition of charter. If a transit agency initiates the service, FTA will look at whether the transit agency also charges a premium fare or accepts a subsidy from a third party.

1. Does the subrecipient provide charter service?

Yes No

If yes, does the subrecipient provide the quarterly charter report to the Department?

Yes No

2. Can all of the subrecipient's services be called "program" transportation?

Yes No

School Bus Service

1. Does the subrecipient provide transportation to/from school for school children?

Yes No

Is the transport of school children to/from school done on an exclusive basis (*e.g.*, in demand response mode is the run built entirely on school children)?

Yes No

Service Development Related Questions

1. Prior to conducting the site visit, review all Service Development files pertaining to the recipient. Become familiar with the status of each project, fund balances, audit exceptions, etc. Note any problems that have arisen in the past.

2. List recipient's current Service Development projects.

3. Consult with the recipient on the reported progress in meeting objectives and milestones of project/s.

Commuter Assistance Related Questions

1. Prior to conducting the site visit, review all Commuter Assistance files pertaining to the recipient. Become familiar with the status of each project, fund balances, audit exceptions, etc. Note any problems that have arisen in the past.

2. List recipient's current Commuter Assistance projects.

3. Consult with the recipient on the reported progress in meeting objectives and milestones of project/s.

Drug and Alcohol Testing

Recipients or subrecipients that receive only Section 5310 program assistance are not subject to FTA's drug and alcohol testing rules, but must comply with the Federal Motor Carrier Safety Administration (FMCSA) rule for all employees who hold commercial driver's licenses (49 CFR part 382). Section 5310 recipients and subrecipients that also receive funding under one of the covered FTA programs (Section 5307, 5309, or 5311) should include any employees funded under Section 5310 projects in their testing program.

1. Does the subrecipient operate vehicles that require the driver to hold a Commercial Driver's License?

Yes No

If "Yes," has the subrecipient initiated a drug and alcohol testing program that meets the requirements of 49 CFR part 382?

Yes No

Contracting and Invoicing Related Questions

1. List the types of funds agency receives

2. Fill out the following matrix for each funding program or contract (as applicable)

Funding Program:		Contract/s:	
Review Item	Status	Comments	Action Item
Missing Documents in files			
Invoice issues			
Time extension/SJPA needs			
Work Program discussion			
Any other relevant topics (specify_____)			

Funding Program:		Contract/s:	
Review Item	Status	Comments	Action Item
Missing Documents in files			
Invoice issues			
Time extension/SJPA needs			
Work Program discussion			
Any other relevant topics (specify_____)			

Funding Program:		Contract/s:	
Review Item	Status	Comments	Action Item
Missing Documents in files			
Invoice issues			
Time extension/SJPA needs			
Work Program discussion			
Any other relevant topics (specify_____)			

At the end of the visit, ask the recipient if they have any questions about or problems with DOT policies and procedures that they need to discuss further. If questions arise that you are unable to answer immediately, make the commitment to follow up quickly.

Reporting (5307, 5311 & Block Grant)

Recipients that receive Section 5307, 5311, and State Public Transit Block grant funds must collect, record and report financial and non-financial data in accordance with the Uniform System of Accounts (USOA) and the National Transit Database (NTD) Reporting Manual. (49 USC 5335(a) and F.S. Chapter 341.052).

All other recipients are required to report based on reporting requirements identified in their JPAs (typically in Exhibit A for JPAs and Attachment A for SJPA).

1. When was the Recipient's last progress or quarterly report? Is it timely and consistent with the JPA/SJPA? Was it entered into or uploaded into TransCIP? (Recipient's projects in TransCIP should be reviewed prior to the on-site review.)

2. When did the recipient last provide a complete report to NTD of all transit operations?

3. How does the grantee ensure correct reporting of operating expenses for ADA complementary paratransit?

4. What is the system for collecting unlinked passenger trip and passenger mile information? If the grantee uses automatic passenger counters (APCs), verify the agreement with NTD and note in this section. How does the grantee validate the counts throughout the year?

5311 Related Questions

1. If the recipient serves an urbanized area, do the records support the allocation of costs to 5311? (Not applicable if the recipient's service area is exclusively non-urbanized.)

2. Are the words "public transportation" properly displayed on vehicles and on printed materials? (For an annual visit that does not include the biennial inspection required by the Vehicle

3. Inventory Management Procedure, check only vehicles that are readily available. Check any brochures, advertisements, schedules, and public notices etc. that have been printed over the previous year.)

4. Does the recipient operate deviated fixed route or fixed route service? If operating fixed route, do they have a complementary ADA Paratransit Plan? How do they qualify clients for ADA paratransit services? The regulation stipulates that the service is equivalent in response time, fares, hours, days of service, has no restrictions based on trip purpose and has no capacity of service availability constraints. Are these criteria being met?

5. Ask the recipient if they prioritize trips. Are they denying any trips? Do they have a non-prioritization plan?

6. Do you bill according to trip rate (per trip) or direct cost? If by trip rate ask for rate justification.

Block Grant Related Questions

1. Prior to conducting the site visit, review all block grant files pertaining to the recipient. Become familiar with the status of each project, fund balances, audit exceptions, Transit Development Plans, etc. Note any problems that have arisen in the past.

2. What is the status of the TDP at the time of the visit? Has the TDP been adopted by the policy board and been reviewed by the MPO?

3. Are recommendations for service changes in the TDP being adopted?

Has FTA, the A-133 auditors or the Office of the Inspector General taken exception to or disallowed any of the recipient's National Transit Database (NTD) data in the past? If so what corrective actions have been taken?

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A stylized map of the state of Florida, composed of horizontal blue lines of varying lengths, creating a textured effect. The map is centered in the background of the text box.

**MAINTENANCE TRIENNIAL
REVIEW PROCESS (MRP 100)**

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MAINTENANCE REVIEW PROCESS OVERVIEW

Maintenance reviews should be performed every 3 years at a minimum. A copy of the most current maintenance review should be retained by the district. Transit agencies are assessed according to vehicle maintenance regulations stated in Chapter 14-90, Florida Statutes: Equipment and Operational Safety Standards for Bus Transit Systems. The minimum maintenance regulations stated in the FDOT Preventative Maintenance Standards Manual are used to assess vehicles on a 5, 7 or 10 year replacement schedule. Standard industry practices are used to assess buses on a 12 year replacement schedule. Maintenance is either performed in-house, outsourced completely, or conducted using a combination of in-house and outsourced shops. The number of agency staff dedicated to maintenance varies depending on the type of maintenance performed. The following information is examined during maintenance reviews for all varying types of agencies to ensure compliance. In each area the finding is clearly defined. This process also includes indicators that may result in a finding(s). Indicators, if multiple are found, usually are the result of non-compliance of the agencies maintenance program, state or federal rule, or industry standards. A checklist to use during maintenance reviews is provided as part of this process (see attachment). The Florida Department of Transportation requires any Consultants contracted with the Department to conduct maintenance compliance inspections meet the following minimum qualifications:

Qualifications:

- Practical knowledge of heavy duty diesel engines, transmissions, electrical systems, heating systems, brakes, and air conditioning systems used in transit applications.
- Working knowledge of Alternative fuels including CNG, Hybrid and Biodiesel.
- Practical knowledge of methods, tools, and equipment related to vehicle maintenance and repair.
- Familiarity with transit vehicle components, inventory processes, and asset management and control.
- Understanding of depreciation value for the actual fleet and fleet-related property including equipment replacement planning.
- Knowledge of maintenance plans and procedures, preventive maintenance practices, and recording/reporting analysis.
- Working knowledge of Federal, State, and local laws and requirements related to public transit, hazardous waste, emission standards, and workplace safety.
- Thorough understanding of Florida Administrative Code rule 14-90.
- Working knowledge of basic fleet-related accounting, budgeting, performance analysis, monitoring, and long term cost analysis.

- Considerable experience performing transit vehicle inspections.

Each contractor, or District Program Manager, performing maintenance oversight reviews must submit qualifications to the FDOT Central Office and must be approved prior to performing inspections. Training is available but must be requested by the District.

Maintenance Review Audit Process

The following rule will be used to determine the number of vehicle files reviewed and bus safety inspections performed at each agency:

- For file inspection and audit, a minimum of twenty (20) percent (%) of the vehicle records will be randomly selected for review. A minimum of forty (40) vehicle records will be randomly selected for review for agencies with greater than two hundred (200) vehicles.
- In conjunction with the file review, a visual safety inspection of vehicles will be performed. A minimum of ten (10) percent (%) of vehicles will be randomly selected for inspection. A minimum of three (3) vehicles will be inspected for a fleet size of thirty (30) vehicles or less. A minimum of twenty (20) vehicles will be inspected for fleet size of two hundred (200) or more.

Additional visual bus safety inspections may be performed if there are any indicators in the maintenance records of poor vehicle safety. The total number of vehicles inspected at each agency will ultimately be determined by the Maintenance Consultant performing the review.

Templates

- For *Maintenance Plan* templates see pages 809 to 825 of this document.
- For *Facility and Equipment Maintenance Plan* template see page 831 of this document.
- For *Preventative Maintenance Agreement* template see page 841 of this document.

VEHICLE INSPECTION PROCESS FOR MAINTENANCE AUDIT/SAFETY REVIEW

Performed by an FDOT approved auditor

1) Steering System

- (a) Check for excessive play in steering wheel, unusual noises, front tire wear pattern for alignment.
- (b) Pump level and leaks.

2) Service and Parking Brake

- (a) Check for scored rotors, lining thickness, hydraulic/air leaks, brake reservoir level, pedal travel.
- (b) Parking brake operation.

3) Suspension and Undercarriage

- (a) Check leveling, bushings, springs, shocks, drive shaft, and general condition of clamps, hoses and wire routing.

4) Tires, Wheels, and Wheel End Components

- (a) Check tread depth, inflation and damage.
- (b) Check wheels for cracks, welds, damage and loose or missing lugs.
- (c) Check for seal and/or axle leaks.

5) Fuel and Exhaust Systems

- (a) Check fuel tank cap, check for leaks.
- (b) Check exhaust system for routing, loose/broken hangers, hanger positions, leaks and/or unusual noise.

6) All Lights, Mirrors, Windshield Wipers and Warning Devices

- (a) Check all lights interior and exterior for location, operation, lens condition, lens seal and mounting.
- (b) Check all mirrors interior and exterior for location, tightness, and condition.
- (c) Check wipers, wiper arms, wiper operation and windshield washer.
- (d) Check horn and back-up alarm.

7) Interlock Systems

- (a) Check all installed interlock systems for operation and warning devices.

8) Interior Controls, Gauges, And Safety Equipment

- (a) Check all interior controls for operation including passenger signals.
- (b) Check all gauges for operation, mounting and illumination.
- (c) Check fire extinguisher gauge for correct fill. Check inspection tag date.
- (d) Check fire suppression system gauge(s) for correct fill.
- (e) Check safety triangles.
- (f) Check first aid kit.
- (g) All Interior signage.
- (h) Handrails and Stanchions
- (i) Floor, Steps and Thresholds
- (j) All seats and belts

9) Wheelchair Lift and all related items (belts, tie downs) to secure mobility devices.

- (a) Cycle lift and check operation.
- (b) Check for leaks, check wiring, pad kits and operation of warning devices.
- (c) Check tie-downs for operation and condition.

10) Air System

- (a) Check air system for leaks, emergency brake operation, compressor cut on and cut off pressures and drier operation.

11) Emergency Exits (doors, windows and roof hatches.)

- (a) Check Emergency exits for operation and signage.

12) Wiring and Batteries

- (a) Check battery connections, wire routing, condition and master switch operation.

13) Body

- (a) Check for exterior body damage, glass condition and overall exterior cleanliness.
- (b) Interior damage, condition and cleanliness.

FLEET SAFETY INSPECTIONS

Agency: _____ **Inspector:** _____ **Date:** _____

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	Comments
Bus ID:						
<i>General Exterior Condition</i>						
<i>General Interior Condition</i>						
<i>All Windows & Glass</i>						
<i>Exterior Lights & Operation</i>						
<i>Interior Lights & Operation</i>						
<i>Interior & Exterior Mirrors</i>						
<i>Emergency Exits & Identification</i>						
<i>All Interior Signage</i>						
<i>Dash Gauges and Indicators</i>						
<i>Check Air System</i>						
<i>Service & Emergency Brake</i>						
<i>Interlock Systems</i>						
<i>Steering & Horn</i>						
<i>Windshield Wipers/Washers</i>						
<i>First Aid Kit (If Applicable)</i>						
<i>Fire Extinguisher(s)</i>						
<i>Fire Suppression System</i>						
<i>Safety Triangles</i>						
<i>Handrails & Stanchions</i>						
<i>Floor, Steps, Thresholds</i>						
<i>All Seats & Belts</i>						
<i>Undercarriage</i>						
<i>Suspension System</i>						
<i>Wheels/lugs & Tires</i>						
<i>Batteries ,Wiring & Signage</i>						
<i>Fuel & Exhaust System</i>						
<i>Engine Comp. & All Fluids</i>						
<i>Back up Alarm</i>						
<i>Exterior Reflectors</i>						
<i>W/C Belts & Tie Downs</i>						
<i>Lift Operation & Instructions</i>						
<i>Check Lift Pad Kits/Wiring/Leaks</i>						
<i>Lift Identification</i>						

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5307 MAINTENANCE REVIEW PROCESS

The following criteria is used to evaluate an agency who receives only 5307 funding. If the agency receives both 5307 and 5311 funding, the agency will be evaluated using the 5311 Maintenance Review Process and Maintenance Compliance Workbook.

Maintenance programs for 5307 recipients are subject to review by the Federal Transit Administration during the Triennial Review process. The maintenance reviews performed by FDOT Consultants are considered part of the overall System Safety Review. As such, these reviews focus specifically on safety related maintenance items and not on standard maintenance practices, such as the ones found in the 5311 review process.

Maintenance Plan

Maintenance plans should be gathered and analyzed before the maintenance review process to gain an understanding of the agency's vehicle fleet, maintenance policies and procedures. The maintenance plan should accurately describe the roles and responsibilities in relation to the following daily and long term maintenance activities:

- Preventive maintenance inspection practices
- Pre-trip and post-trip inspection practices
- Annual safety inspection procedures
- Wheelchair lift and/or ramp maintenance activities
- Road call procedures
- Accident procedures

In addition to maintenance procedures and practices, maintenance plans are reviewed to determine if the attached fleet inventory and maintenance forms are current. Written maintenance plans should be comprehensive and detailed (see attachment) to provide the reviewer with a clear understanding of how the maintenance department operates on a daily basis. Maintenance plans shall be customized to the agency's specific maintenance process and all actual maintenance practices. It is a finding if, the agency does not have a maintenance plan, if the plan does not accurately describe current maintenance practices, if the agency does not follow the plan, or if the plan does not include the activities mentioned above.

Fleet Maintenance

Fleet maintenance is handled in a variety of ways, depending on the agency's size and capabilities. These indicators will help determine if the maintenance plan is accurate and if it addresses all areas:

- What type of preventive maintenance schedule is used? Is the schedule determined by Original Equipment Manufacturer (OEM) recommendations or the FDOT Preventative Maintenance Standards Manual? Are preventive maintenance inspections performed in a progressive manner, or is the same level of inspection performed each time? Preventive maintenance inspection forms are collected to ensure that components are inspected according to manufacturer recommendations

- What is the target mileage for the preventive maintenance inspections? Does this number vary among sub fleets?
- What method is used to monitor when vehicles are due for inspection? What is the process for scheduling vehicles for inspection?
- If any repairs are required as a result of a preventive maintenance inspection, when are the repairs performed? How are the repairs prioritized? Who makes this determination?
- Is there a procedure in place to check the fluids on the vehicles between inspections?
- How many locations does the agency operate from? If more than one how many vehicles/type are at each location?
- Do they have a preventative maintenance schedule for wheelchair lifts and/or ramps and related equipment for transporting wheelchairs outside of the standard PMI?
- What is the procedure for performing annual inspections?

Comparing this information to the actual maintenance plan will determine if the current maintenance practices are detailed in the plan. It is a finding if the agency's actual maintenance practices do not match those that are described in the agency's maintenance plan, or if the plan does not accurately describe the current maintenance practices.

For vehicles currently covered under a manufacturer's warranty, preventative maintenance inspections should be scheduled, at a minimum, using the OEM recommended intervals. For vehicles not covered under warranty, preventative maintenance inspection schedules should follow the FDOT Preventative Maintenance Standards Manual at a minimum which states that inspections cannot exceed 6,000 mile intervals.

If an agency desires to run extended oil change intervals they must use a systematic approach. At a minimum, the agency must use an oil analysis program to examine wear metals, silica, coolant contamination and fuel contamination. Wear metals consist of zinc, copper, chromium, tin, and aluminum. Prior to extending the oil change intervals the agency must pull a minimum of six oil samples for each vehicle using the preventative maintenance inspection interval described in the agency's maintenance plan to establish a baseline on wear metals and silica. The baseline serves as an average on wear metals and silica – as long as neither are showing unusually high. During the oil sample analysis, at least 75% of the fleet must fall into the same parameters of not showing contamination. Fuel or coolant contamination indicates a problem that must be addressed immediately. After establishing a baseline on wear metals and silica, and provided that oil samples do not show contamination, the agency should extend oil change intervals in 500 mile increments until the agency sees a rise in either silica or wear metals in the oil sample analysis. If the agency detects a rise in either silica or wear metals, the agency should use the previous interval as the established extended oil change interval. There must be documentation of this process kept on file. The agency must also continue to monitor the oil samples through a regular fluid analysis program, as conditions could change that might affect oil contamination, therefore potentially changing the extended oil change intervals.

File Review

A twelve month history of the maintenance files shall be reviewed. In cases where a twelve month history does not provide enough information to effectively analyze a vehicle's maintenance history, the consultant performing the maintenance review may elect to use a broader time span for the maintenance review. A minimum of twenty percent of the fleet shall be selected at random, taking into consideration model year, type of vehicle, and miles on each to get a reasonable sample of the overall fleet. During the file review the mileage or operating hours between each preventative maintenance inspection is recorded, as well as each work order that occurs between inspections.

This data gathered is entered into a spreadsheet for analysis. Preventive maintenance inspections are evaluated based on FDOT vehicle maintenance requirements. Preventative maintenance inspections should occur at manufacturer suggested intervals if the vehicle is still under warranty, or they must meet FDOT minimums listed in the Preventative Maintenance Standards Manual (see attachment) if they are not under warranty. Preventive maintenance inspections that occur within 10% of the targeted scheduled mileage are considered on time. If more than 20% of the preventative maintenance inspections observed occur outside of the 10% targeted mileage, the agency is considered deficient. Work orders should also be examined for unscheduled repairs. Some specific areas that indicate a possible concern are:

- Repairs performed immediately after the vehicle was given a preventative maintenance inspection. An example would be a work order indicating a brake job was performed and the previous inspection stating the brakes are OK.
- Repeat repairs on an issue where different symptoms were targeted but the vehicle has the same reoccurring problem. For example - a vehicle overheating continuously, electrical or engine issues, etc.
- Repeat repairs performed when the same part is changed without any indication the part was returned for warranty. This would be an indication of the maintenance not monitored closely and unnecessary repairs, labor and expenses used.
- Repairs performed or components replaced creating more repairs that could have been prevented during the initial repair. An example of this type of repair would be an engine replacement with unscheduled repairs like hose, belt, electrical, and similar problems in the engine compartment immediately following indicating subpar work.

These indicate poor preventative maintenance and/or poor fleet maintenance monitoring by the agency. It can also indicate that the bus was not examined properly during the preventative maintenance inspection, but the inspector noted it as OK. These should be identified and questioned. A finding should be issued if evidence indicates a pattern of poor maintenance practices.

Pre/Post-Trip Inspections

Pre-trip/post-trip inspections are required to be maintained for a minimum of two weeks according to Chapter 14-90.006. Failure to maintain for two weeks minimum is a finding. During the review, pre-trip/post-trip inspections for the prior two weeks are examined to ensure safety defects (see attachment) are being recorded and subsequent repairs are being performed. If any of the forms have

a safety defect then they are reviewed for a signature, initial, or have a corresponding repair order number confirming the repair was made. If no acknowledgement of the repair is noted on the defect form then the vehicle history files are reviewed for documentation of the defect repair being made. If no record is found it is considered a finding.

The following additional information is gathered:

- Where do drivers submit their pre-trip inspection forms? Who is responsible for reviewing the forms? When are the pre-trip inspection forms reviewed?
- What is the procedure for reporting safety defects found during the driver's pre-trip inspection? How are defects prioritized for repair? Who makes this determination?
- Are the wheelchair lifts and/or ramps cycled as part of the daily pre-trip inspection?
- Do the drivers use the pre-trip inspection form to note post-trip defects on or is there a separate form used?
- If a safety defect was found during the post-trip inspection, what is the procedure to ensure the defect is repaired before the bus returns to service?
- After a defect is repaired, how is it documented to correspond with the original pre-trip/post-trip inspection form? Who is responsible for ensuring this documentation?
- How long are the drivers' pre-trip/post-trip inspections forms kept on file?

Road Calls

Tracking and analyzing road calls is an indicator of a transit agency's dedication to preventive maintenance. A maintenance program's effectiveness can be determined by closely examining road call incidents that occur throughout the year. An abundance of road calls that occur between inspections may indicate that the inspections are not being performed thoroughly. This data is gathered and analyzed during the file review process. The following additional information is gathered to support road call procedures:

- What is the agencies definition of a road call?
- What is the procedure for road calls/service interruptions?
- Are road calls tracked and analyzed? If so, who is responsible for this? How often does this occur?
- Does the agency use road call data to occasionally update its maintenance program procedures and practices?

Accidents

Maintenance is responsible for two areas regarding accidents. The maintenance department must determine whether a mechanical failure contributed to an accident that has occurred. The maintenance department must also determine the severity and amount of damage that occurred during the accident, since the amount of damage determines the required level of reporting to FDOT.

Information Management

- Where are the vehicle history files located? Are all maintenance files kept together or are there different files for warranty, annual inspections, etc.?
- What type of information management system is used? Electronic or manual?
- Are all maintenance activities tracked and analyzed regularly? If so, who is responsible? How often does this occur?

Record keeping is vital for any maintenance program regardless of the size of the agency. The items listed above will indicate if, and to what extent, those files are utilized by the agency.

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<<<<<<The following 5307 Maintenance Compliance Workbook will be used to evaluate the maintenance department during a maintenance review>>>>>>

**MAINTENANCE REVIEW COMPLIANCE WORKBOOK FOR 5307 AGENCIES
2014-2015**

**Preventative Maintenance Planning, Training, and
Technical Assistance Program**



FLORIDA STATE UNIVERSITY
COLLEGE OF BUSINESS
Institute for Applied Business Research



This document was developed as a tool for compliance reviews pertaining to bus maintenance using state and federal requirements as outlined in the *FDOT Preventative Maintenance Standards Manual* and *Chapter 14-90 of State of Florida Statutes*. This workbook contains general standards against which these compliance reviews will be held.

Agency Being Reviewed:	
Date(s) of Review:	
Reviewer(s)	

The following individuals were interviewed during the course of this review.

Person	Title/Position	Date of Interview

The following maintenance documents will be reviewed as part of the Bus System, Safety, and Security Review. Whenever possible, these documents will be reviewed prior to the site visit.

Document	Does the Agency have one?		Has a copy been obtained?	
	Yes	No	Yes	No
<i>Maintenance Plan</i>				
<i>Fleet Roster</i>				
<i>Inspection Form(s)</i>				
<i>Driver's Pre-Trip/ Post-Trip Form</i>				
<i>Additional Forms Used (Specify Below)</i>				
Number of Operational Buses:				

Vehicles that are Wheelchair Accessible:	
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Review Questions

1. Who is primarily responsible for the maintenance oversight of the fleet?

2. How many locations do the buses operate out of?

Please identify the locations from which buses operate in the table below:

Primary Location	
Location 2 (if applicable)	
Location 3 (if applicable)	
Location 4 (if applicable)	

CH. 14-90.004 (h)(4)(b) stipulates:

(b) That a recording and tracking system is established for the types of inspections, maintenance, and lubrication intervals, including the date or mileage when these services are due. Required maintenance inspections shall be more comprehensive than daily inspections performed by the driver.

3. How is it determined when the buses are due for service? Computerized system or calculated manually?

4. Are all maintenance activities tracked and analyzed regularly? If so, who is responsible? How often does this occur?

CH. 14-90.004 (h)(4)(c) stipulates:

(c) That proper preventive maintenance is performed when a bus is assigned away from the system's regular maintenance facility, or when maintenance services are performed under contract.

5. Is any maintenance outsourced? YES or NO
If "YES," please explain?

CH. 14-90.004 (h)(4)(d)(5) specifies that agencies record:

5. The name and address of any entity or contractor performing an inspection, maintenance, lubrication, or repair.

6. What are the names of the shops used for outsourcing maintenance?

Name of Shop	Address	Specialty

CH. 14-90.004 (h)(4)(d) stipulates:

(d) That records are maintained and provide written documentation of preventive maintenance, regular maintenance, inspections, lubrication, and repairs performed for each bus under their control. Such records shall be maintained by the bus transit system for at least four years

7. Where are the vehicle history files located? Are all maintenance files together or are there different files for warranty, annual inspections, etc.?
8. What are the target mileage/hours for the preventive maintenance inspections?
9. If any repairs are required as a result of a preventive maintenance inspection, how is that work scheduled (e.g. during the inspection or at a later date, different shop, etc.)?
10. What provisions are in place to maintain wheelchair lifts and/or ramps?
11. Are the wheelchair lifts and/or ramps cycled as part of the daily pre-trip inspection?
12. What is the agency's definition of a road call?

13. What is the procedure for road calls/service interruptions?

14. Are road calls tracked and analyzed?

15. Are any components replaced before failure? If so, what determined this procedure?

16. Are there any wear tolerance policies in place? (Tires, brakes, etc.) If so, what are they?

17. How are the buses fueled? How often are fluids checked between preventive maintenance inspections?

CH. 14-90.006(7) stipulates that:

(7) Bus transit systems shall require preoperational or daily inspection and reporting of all defects and deficiencies likely to affect safe operation or cause mechanical malfunctions.

18. During the driver's pre-trip inspection, is there a procedure in place if a safety defect is found?

19. After the driver's pre-trip inspection is completed, is the form turned in or does it remain with the driver until the end of the day? If turned in before departure, how are post-trip defects documented and recorded?

20. When the driver's Pre/post-trip Inspection Forms are turned in, where are they placed?

21. Who is responsible for reviewing the forms?

22. When are the driver's Pre/post-trip Inspection Forms reviewed?

CH. 14-90.006 (7)(a)(1-12) stipulates that:

(a) An inspection or test shall be made of the following parts and devices to ascertain that they are in safe condition and in good working order:

23. At a minimum, the driver’s Pre-trip Inspection Form must ensure that specific vehicle components are safe for operation. Does the form identify and record the condition of the following items?

Vehicle Component(s)	Yes	No
Service Brakes		
Parking Brakes		
Tires & Wheels		
Steering		
Horn		
Lighting Devices		
Windshield Wipers		
Rear Vision Mirrors		
Passenger Doors		
Exhaust System		
Equipment for Transporting Wheelchairs		
Safety, Security, and Emergency Equipment		

CH. 14-90.006 (7)(b) stipulates that:

(b) Bus transit systems shall review daily inspection reports and document corrective actions taken as a result of any deficiencies identified by daily inspections.

24. If a safety defect was found on a driver’s Pre/post-trip Inspection Form during the review of the form, what is the procedure to ensure the defect is repaired before the bus returns to service?

25. After the defect is repaired, how is the repair verified on the Pre-trip Inspection Form? Check which of the following applies.
- Pre-Trip Inspection Form is signed and dated by the person conducting the repair.***
 - Repair Order is attached to the pre-trip inspection form***

Please provide any additional notes as necessary.

CH. 14-90.006 (7)(c) stipulates that:

(c) Bus transit systems shall retain records of daily bus inspections and any corrective action documentation a minimum of two weeks.

26. How long are the driver's Pre/post-trip Inspection Forms kept on file?

CH. 14-90.009 (1) stipulates that:

(1) Each bus transit system shall require that all buses operated by such bus transit system, and all buses operated by a private contract transit provider, be inspected at least annually in accordance with bus inspection procedures set forth in this rule.

27. What is the procedure for the annual inspections? Be as specific as possible.

CH. 14-90.009 (3)(a-u) stipulates that:

(3) Each bus receiving a safety inspection shall be checked for compliance with the safety devices and equipment requirements as referenced or specified herein. Specific operable equipment and devices as required by this rule chapter include the following (as applicable to Type I and II bus(es)):

28. At a minimum, the Annual Safety Inspection Form will include an inspection of items identified in the table below. Does the Annual Safety Inspection Form include these items?

Item/Component	Is it included on the Annual Inspection Form?	
	Yes	No
Horn		
Windshield Wipers		
Mirrors		
Wiring and Battery(ies)		
Service and Parking Brakes		
Warning Devices		
Directional Signals		
Hazard Warning Signals		
Lighting Systems and Signaling Devices		
Handrails and Stanchions		
Standee Line & Warning Signage		
Doors and Interlock Devices		
Step Wells & Flooring		
Emergency Exits		
Tires & Wheels		
Suspension System		
Steering System		
Exhaust System		
Seat Belts		
Safety Equipment		
Equipment for Transporting Wheelchairs		

CH. 14-90.009 (4)(a-f) stipulates that:

(4) A safety inspection report shall be prepared by the individual(s) performing the inspection which shall include the following:

29. Does the Annual Safety Inspection Form include the following:

	Yes	No
Signature Line for inspector?		
Agency identification?		
Date of the inspection?		
Bus ID/Unit #?		
Identification of equipment and devices inspected?		
Corrective action/Date?		

CH. 14-90.009 (5) stipulates that:

(5) Records of annual safety inspections and documentation of any required corrective actions shall be retained a minimum of four years by the bus transit system for compliance review.

30. How long are annual inspections kept on file?

VEHICLE and FILE REVIEW

31. How are files stored?

Files are located in: File folders _____ Binders _____ Other _____

32. What are the date ranges of files?

Date range of files reviewed: _____

33. Where are archived files kept?

Archived files are kept _____ for _____ years.

34. What type of forms are kept on file?

Form Name/Title	Description (if applicable)

5311 MAINTENANCE REVIEW PROCESS

Maintenance Plan

Maintenance plans should be gathered and analyzed before the maintenance review process to gain an understanding of the agency's vehicle fleet, maintenance policies and procedures. The maintenance plan should accurately describe the roles and responsibilities in relation to the following daily and long term maintenance activities:

- Preventive maintenance inspection practices
- Pre-trip and post-trip inspection practices
- Annual safety inspection procedures
- Wheel chair lift maintenance activities
- Road call procedures
- Vehicle cleaning procedures
- Accident procedures
- Warranty procedures
- Parts inventory procedures and practices, when applicable
- On-site fueling practices, when applicable

In addition to maintenance procedures and practices, maintenance plans are reviewed to determine if the attached fleet inventory and maintenance forms are current. Written maintenance plans should be comprehensive and detailed (see attachment) to provide the reviewer with a clear understanding of how the maintenance department operates on a daily basis. Maintenance plans shall be customized to the agency's specific maintenance process and all actual maintenance practices. It is a finding if, the agency does not have a maintenance plan, if the plan does not accurately describe current maintenance practices, if the agency does not follow the plan, or if the plan does not include the activities mentioned above.

Fleet Maintenance

Fleet maintenance is handled in a variety of ways, depending on the agency's size and capabilities. These indicators will help determine if the maintenance plan is accurate and if it addresses all areas:

- What type of preventive maintenance schedule is used? Is the schedule determined by Original Equipment Manufacturer (OEM) recommendations or the FDOT Preventative Maintenance Standards Manual? Are preventive maintenance inspections performed in a progressive manner, or is the same level of inspection performed each time? Preventive maintenance inspection forms are collected to ensure that components are inspected according to manufacturer recommendations while the vehicle is under warranty, or using the minimum requirements shown in the Preventive Maintenance Standards Manual.

- What is the target mileage for the preventive maintenance inspections? Does this number vary among sub fleets?
- What method is used to monitor when vehicles are due for inspection? What is the process for scheduling vehicles for inspection?
- If any repairs are required as a result of a preventive maintenance inspection, when are the repairs performed? How are the repairs prioritized? Who makes this determination?
- Is there a procedure in place to check the fluids on the vehicles between inspections?
- How many locations does the agency operate from? If more than one how many vehicles/type are at each location?
- Do they have a spare ratio? What is it?
- Do they have a preventative maintenance schedule for wheelchair lifts and related equipment for transporting wheelchairs outside of the standard PMI?
- What is the procedure for performing annual inspections?

Comparing this information to the actual maintenance plan will determine if the current maintenance practices are detailed in the plan. It is a finding if the agency's actual maintenance practices do not match those that are described in the agency's maintenance plan, or if the plan does not accurately describe the current maintenance practices.

For vehicles currently covered under a manufacturer's warranty, preventative maintenance inspections should be scheduled, at a minimum, using the OEM recommended intervals. For vehicles not covered under warranty, preventative maintenance inspection schedules should follow the FDOT Preventative Maintenance Standards Manual at a minimum which states that inspections cannot exceed 6,000 mile intervals.

Maintenance Shop

For agencies with an in-house maintenance facility, the following areas will be examined for compliance with state and federal regulations:

- Do they have a Facility and Equipment Maintenance Plan?
- Do they maintain inspection checklists for facility and equipment maintenance that correspond to the Facility and Equipment Maintenance Plan?
- Do they maintain Material Safety Data Sheets (MSDS) according to Florida's Right to Know Law?
- Do they have a Parts Inventory? If so, what are the procedures for pulling parts and balancing parts? What types of parts are kept in stock, and what types of parts are ordered as needed?

The following additional areas will be examined to assist with developing a clear understanding of how the maintenance shop functions:

- What are the operational hours of the maintenance shop? What are the hours of each maintenance shift?

- How many full-time and/or part-time maintenance technicians are employed? How many maintenance technicians work each shift? How is work communicated between shifts?
- How is the daily maintenance work generated? How is work prioritized for each maintenance shift?
- Do mechanics receive regular ongoing maintenance training?
- Is the maintenance shop equipped with equipment and tools necessary for maintaining the vehicle fleet?
- Is the maintenance shop equipped with emergency equipment (such as eyewash stations, showers, etc.)?
- How are waste materials stored and disposed?
- During a walkthrough of the maintenance facility, are the shop floors free of spills and debris? Are the work stations organized and free of clutter?
- Does the maintenance department have a line item within the agency's organizational budget? Does the Maintenance Manager have control of this line item budget?
- Does the Maintenance Department have an asset management plan and/or a capital replacement plan?

File Review

A twelve month history of the maintenance files shall be reviewed. In cases where a twelve month history does not provide enough information to effectively analyze a vehicle's maintenance history, the consultant performing the maintenance review may elect to use a broader time span for the maintenance review. A minimum of twenty percent of the fleet shall be selected at random, taking into consideration model year, type of vehicle, and miles on each to get a reasonable sample of the overall fleet. During the file review the mileage or operating hours between each preventative maintenance inspection is recorded, as well as each work order that occurs between inspections.

This data gathered is entered into a spreadsheet for analysis. Preventive maintenance inspections are evaluated based on FDOT vehicle maintenance requirements. Preventative maintenance inspections should occur at manufacturer suggested intervals if the vehicle is still under warranty, or they must meet FDOT minimums listed in the Preventative Maintenance Standards Manual (see attachment) if they are not under warranty. Preventive maintenance inspections that occur within 10% of the targeted scheduled mileage are considered on time. If more than 20% of the preventative maintenance inspections observed occur outside of the 10% targeted mileage, the agency is considered deficient. Work orders should also be examined for unscheduled repairs. Some specific areas that indicate a possible concern are:

- Repairs performed immediately after the vehicle was given a preventative maintenance inspection. An example would be a work order indicating a brake job was performed and the previous inspection stating the brakes are OK.

- Repeat repairs on an issue where different symptoms were targeted but the vehicle has the same reoccurring problem. For example - a vehicle overheating continuously, electrical or engine issues, etc.
- Repeat repairs performed when the same part is changed without any indication the part was returned for warranty. This would be an indication of the maintenance not monitored closely and unnecessary repairs, labor and expenses used.
- Repairs performed or components replaced creating more repairs that could have been prevented during the initial repair. An example of this type of repair would be an engine replacement with unscheduled repairs like hose, belt, electrical, and similar problems in the engine compartment immediately following indicating subpar work.

These indicate poor preventative maintenance and/or poor fleet maintenance monitoring by the agency. It can also indicate that the bus was not examined properly during the Preventative Maintenance Inspection, but the inspector noted it as OK. These should be identified and questioned. A finding should be issued if evidence indicates a pattern of poor maintenance practices.

Pre/Post-Trip Inspections

Pre-trip/post-trip inspections are required to be maintained for a minimum of two weeks according to Chapter 14-90.006. Failure to maintain for two weeks minimum is a finding. During the review, pre-trip/post-trip inspections for the prior two weeks are examined to ensure safety defects (see attachment) are being recorded and subsequent repairs are being performed. If any of the forms have a safety defect then they are reviewed for a signature, initial, or have a corresponding repair order number confirming the repair was made. If no acknowledgement of the repair is noted on the defect form then the vehicle history files are reviewed for documentation of the defect repair being made. If no record is found it is considered a finding.

The following additional information is gathered:

- Where do drivers submit their pre-trip inspection forms? Who is responsible for reviewing the forms? When are the pre-trip inspection forms reviewed?
- What is the procedure for reporting safety defects found during the driver's pre-trip inspection? How are defects prioritized for repair? Who makes this determination?
- Are the wheelchair lifts cycled as part of the daily pre-trip inspection?
- Do the drivers use the pre-trip inspection form to note post-trip defects on or is there a separate form used?
- If a safety defect was found during the post-trip inspection, what is the procedure to ensure the defect is repaired before the bus returns to service?
- After a defect is repaired, how is it documented to correspond with the original pre-trip/post-trip inspection form? Who is responsible for ensuring this documentation?
- How long are the drivers' pre-trip/post-trip inspections forms kept on file?

Road Calls

Tracking and analyzing road calls is an indicator of a transit agency's dedication to preventive maintenance. A maintenance program's effectiveness can be determined by closely examining road call incidents that occur throughout the year. An abundance of road calls that occur between inspections may indicate that the inspections are not being performed thoroughly. This data is gathered and analyzed during the file review process. The following additional information is gathered to support road call procedures:

- What is the agencies definition of a road call?
- What is the procedure for road calls/service interruptions?
- Are road calls tracked and analyzed? If so, who is responsible for this? How often does this occur?
- Does the agency use road call data to occasionally update its maintenance program procedures and practices?

Warranty

- Does the agency pursue warranty repairs for applicable vehicles?
- How are warranty repairs tracked?

Recovery of warranty repairs is an important part of any maintenance program. If warranties are not tracked and monitored then operating funds are often used to cover the cost. All maintenance programs should address warranties and it should be part of the Maintenance Plan.

Vehicle Cleaning

Vehicle inspections are addressed in a separate process. The cleaning of a vehicle should however be described in the maintenance plan. During the review, a couple of vehicles on site are spot checked for cleanliness and overall appearance. The following questions should be posed to the agency:

- What is the procedure for cleaning the exterior of the vehicle fleet? Who is responsible? How often does this occur?
- What is the procedure for cleaning the interior of the vehicle fleet? Who is responsible? How often does this occur?
- When incidents occur during service that include bodily fluids, are there policies in place to ensure the vehicle is sanitized before returning to service?

Unacceptable appearance of the vehicle is an indicator of poor maintenance and is considered a finding. The cleanliness of the vehicle should also be inspected during the vehicle inventory inspection (see vehicle inspection process).

Information Management

- Where are the vehicle history files located? Are all maintenance files kept together or are there different files for warranty, annual inspections, etc.?

- What type of information management system is used? Electronic or manual?
- Do they have the capability to track scheduled vs. unscheduled maintenance?
- Is unscheduled maintenance analyzed to determine the root cause of the failure?
- Are all maintenance activities tracked and analyzed regularly? If so, who is responsible? How often does this occur?

Record keeping is vital for any maintenance program regardless of the size of the agency. The items listed above will indicate if, and to what extent, those files are utilized by the agency.

<<<<<<The following 5311 Maintenance Compliance Workbook will be used to evaluate the maintenance department during a maintenance review>>>>>>

MAINTENANCE REVIEW COMPLIANCE WORKBOOK FOR 5311 AGENCIES
2014-2015

**Preventative Maintenance Planning, Training, and
Technical Assistance Program**



FLORIDA STATE UNIVERSITY
COLLEGE OF BUSINESS
Institute for Applied Business Research



This document was developed as a tool for compliance reviews pertaining to bus maintenance using state and federal requirements as outlined in the *FDOT Preventative Maintenance Standards Manual* and *Chapter 14-90 of State of Florida Statutes*. This workbook contains general standards against which these compliance reviews will be held.

Agency Being Reviewed:	
Date(s) of Review:	
Reviewer(s)	

The following individuals were interviewed during the course of this review.

Person	Title/Position	Date of Interview

The following maintenance documents will be reviewed as part of the Bus System, Safety, and Security Review. Whenever possible, these documents will be reviewed prior to the site visit.

Document	Does the Agency have one?		Has a copy been obtained?	
	Yes	No	Yes	No
<i>Maintenance Plan</i>				
<i>Fleet Roster</i>				
<i>Inspection Form(s)</i>				
<i>Driver's Pre-Trip/ Post- Trip Form</i>				
<i>Accident/Incident Form(s)</i>				
<i>Most Current Maintenance Review</i>				
<i>Facility & Equipment Maintenance Plan</i>				
<i>Additional Forms Used (Specify Below)</i>				

Review Questions

1. Who is primarily responsible for the maintenance oversight of the fleet?

2. How many locations do the buses operate out of?

Please identify the locations from which buses operate in the table below:

Primary Location	
Location 2 (if applicable)	
Location 3 (if applicable)	
Location 4 (if applicable)	

Chapter 14-90, Florida Statutes stipulates:

(a) That all buses operated, and all parts and accessories on such buses, including those specified in Rule 14-90.007, F.A.C., and any additional parts and accessories which may affect safety of operation, including frame and frame assemblies, suspension systems, axles and attaching parts, wheels and rims, and steering systems, are regularly and systematically inspected, maintained, and lubricated in accordance with the standards developed and established, at a minimum, according to the bus manufacturer's recommendations and

3. Is any maintenance performed in-house?

3a. Is there a Facility and Equipment Maintenance Plan in place?

3b. Does the agency maintain inspection checklists for facility and equipment maintenance that correspond to the Facility and Equipment Maintenance Plan?

3c. Does the agency maintain Material Safety Data Sheets (MSDS) according to Florida's Right to Know Law?

3d. Does the agency have a Parts Department?

3e. What are the procedures for pulling parts?

3f. What are the procedures for balancing parts? How often are they balanced?

3g. What types of parts are kept in stock, and what types of parts are ordered as needed?

4. What are the operational hours of the maintenance shop?

4a. What are the hours of each work shift?

5. How many maintenance technicians are employed? Full-time _____ Part-time _____

5a. How many maintenance technicians work each shift?

5b. How is work communicated between shifts? For example, if a maintenance job is in progress but is not completed by one shift, how is the status of that job communicated to the following shift?

6. How is the daily work within the maintenance shop generated?

6a. How is work prioritized for each maintenance shift?

7. Do maintenance technicians receive ongoing maintenance training?

8. Is the maintenance shop equipped with equipment and tools necessary for maintaining the vehicle fleet?

9. Is the maintenance shop equipped with emergency equipment (such as eyewash stations, showers, etc.)?

10. How are waste materials stored and disposed?

11. During a walkthrough of the maintenance facility, are the shop floors free of spills and debris? Are the work stations organized and free of clutter?

12. Does the Maintenance Department have a line item within the agency's organizational budget
 - 12a. Does the Maintenance Manager have control of this line item budget?

13. Does the Maintenance Department have an Asset Management Plan and/or a Capital Replacement Plan? If so, please explain.

CH. 14-90.004 (h)(4)(b) stipulates:

(b) That a recording and tracking system is established for the types of inspections, maintenance, and lubrication intervals, including the date or mileage when these services are due. Required maintenance inspections shall be more comprehensive than daily inspections performed by the driver.

14. How is it determined when the buses are due for service? Computerized system or calculated manually?

15. Is there the capability to track scheduled vs. unscheduled maintenance? If so, please explain.

16. Is unscheduled maintenance analyzed to determine the root cause of any mechanical failures?

17. Are all maintenance activities tracked and analyzed regularly?
 - 17a. Who is responsible for this task?
 - 17b. How often does this occur?

CH. 14-90.004 (h)(4)(c) stipulates:

(c) That proper preventive maintenance is performed when a bus is assigned away from the system's regular maintenance facility, or when maintenance services are performed under contract.

18. Is any maintenance outsourced? YES or NO
If "YES," please explain?

CH. 14-90.004 (h)(4)(d)(5) specifies that agencies record:

5. The name and address of any entity or contractor performing an inspection, maintenance, lubrication, or repair.

19. What are the names of the shops used for outsourcing maintenance?

Name of Shop	Address	Specialty

CH. 14-90.004 (h)(4)(d) stipulates:

(d) That records are maintained and provide written documentation of preventive maintenance, regular maintenance, inspections, lubrication, and repairs performed for each bus under their control. Such records shall be maintained by the bus transit system for at least four years

20. Where are the vehicle history files located? Are all maintenance files together or are there different files for warranty, annual inspections, etc.?

21. What are the target mileage/hours for the preventive maintenance inspections?

22. If any repairs are required as a result of a preventive maintenance inspection, how is that work scheduled (e.g. during the inspection or at a later date, different shop, etc.)?

23. Are warranty repairs pursued for applicable vehicles?

24. How are warranty repairs and warranty timelines tracked?

25. What provisions are in place to maintain wheelchair lifts?

26. Are the wheelchair lifts cycled as part of the daily pre-trip inspection?

27. Do you have a spare ratio? Are there buses available for road calls or in the event of an accident which requires that a vehicle be taken out of service for an extended period of time?

28. What is the agency's definition of a road call?
29. What is the procedure for road calls/service interruptions?
30. Are road calls tracked and analyzed?
31. Are any components replaced before failure? If so, what determined this procedure?
32. Are there any wear tolerance policies in place? (Tires, brakes, etc.) If so, what are they?
33. Are there any spare parts on site? If so, what type and how is the inventory tracked?
34. How are the buses fueled? How often are fluids checked between preventive maintenance inspections?
35. What is the procedure for cleaning the exterior of the vehicle fleet?
 - 35a. Who is responsible?
 - 35b. How often does this occur?

36. What is the procedure for cleaning the interior of the vehicle fleet?
- 36a. Who is responsible?
- 36b. How often does this occur?
37. When incidents occur during service that include bodily fluids, are there policies in place to ensure the vehicle is sanitized before returning to service? Please explain.

CH. 14-90.006(7) stipulates that:

(7) Bus transit systems shall require preoperational or daily inspection and reporting of all defects and deficiencies likely to affect safe operation or cause mechanical malfunctions.

38. During the driver's pre-trip inspection, is there a procedure in place if a safety defect is found?
39. After the driver's pre-trip inspection is completed, is the form turned in or does it remain with the driver until the end of the day? If turned in before departure, how are post-trip defects documented and recorded?
40. When the driver's Pre/post-trip Inspection Forms are turned in, where are they placed?
41. Who is responsible for reviewing the forms?
42. When are the driver's Pre/post-trip Inspection Forms reviewed?

CH. 14-90.006 (7)(a)(1-12) stipulates that:

(a) An inspection or test shall be made of the following parts and devices to ascertain that they are in safe condition and in good working order:

43. At a minimum, the driver's Pre-trip Inspection Form must ensure that specific vehicle components are safe for operation. Does the form identify and record the condition of the following items?

Vehicle Component(s)	Yes	No
Service Brakes		
Parking Brakes		
Tires & Wheels		
Steering		
Horn		
Lighting Devices		
Windshield Wipers		
Rear Vision Mirrors		
Passenger Doors		
Exhaust System		
Equipment for Transporting Wheelchairs		
Safety, Security, and Emergency Equipment		

CH. 14-90.006 (7)(b) stipulates that:

(b) Bus transit systems shall review daily inspection reports and document corrective actions taken as a result of any deficiencies identified by daily inspections.

44. If a safety defect was found on a driver's Pre-trip Inspection Form during the review of the form, what is the procedure to ensure the defect is repaired before the bus returns to service?
45. After the defect is repaired, how is the repair verified on the Pre-trip Inspection Form? Check which of the following applies.
- Pre-Trip Inspection Form is signed and dated by the person conducting the repair.**
 - Repair Order is attached to the pre-trip inspection form**

Please provide any additional notes as necessary.

CH. 14-90.006 (7)(c) stipulates that:

(c) Bus transit systems shall retain records of daily bus inspections and any corrective action documentation a minimum of two weeks.

46. How long are the driver's Pre/Post-Trip Inspection Forms kept on file?

CH. 14-90.009 (1) stipulates that:

(1) Each bus transit system shall require that all buses operated by such bus transit system, and all buses operated by a private contract transit provider, be inspected at least annually in accordance with bus inspection procedures set forth in this rule.

47. What is the procedure for the annual inspections? Be as specific as possible.

CH. 14-90.009 (3)(a-u) stipulates that:

(3) Each bus receiving a safety inspection shall be checked for compliance with the safety devices and equipment requirements as referenced or specified herein. Specific operable equipment and devices as required by this rule chapter include the following (as applicable to Type I and II bus(es)):

48. At a minimum, the Annual Safety Inspection Form will include an inspection of items identified in the table below. Does the Annual Safety Inspection Form include these items?

Item/Component	Is it included on the Annual Inspection Form?	
	Yes	No
Horn		
Windshield Wipers		
Mirrors		
Wiring and Battery(ies)		
Service and Parking Brakes		
Warning Devices		
Directional Signals		
Hazard Warning Signals		
Lighting Systems and Signaling Devices		
Handrails and Stanchions		
Standee Line & Warning Signage		
Doors and Interlock Devices		
Step Wells & Flooring		
Emergency Exits		
Tires & Wheels		
Suspension System		
Steering System		
Exhaust System		
Seat Belts		
Safety Equipment		
Equipment for Transporting Wheelchairs		

CH. 14-90.009 (4)(a-f) stipulates that:

(4) A safety inspection report shall be prepared by the individual(s) performing the inspection which shall include the following:

49. Does the Annual Safety Inspection Form include the following:

	Yes	No
Signature Line for inspector?		
Agency identification?		
Date of the inspection?		
Bus ID/Unit #?		
Identification of equipment and devices inspected?		
Corrective action/Date?		

CH. 14-90.009 (5) stipulates that:

(5) Records of annual safety inspections and documentation of any required corrective actions shall be retained a minimum of four years by the bus transit system for compliance review.

50. How long are annual inspections kept on file?

<<<<<The following Preventative Maintenance Standards Manual is a set of guidelines established by FDOT regarding baseline requirements for 5311 maintenance departments. This manual includes maintenance policies and inspection procedures for vehicles that have met or exceeded OEM manufacturer warranty>>>>>

PREVENTATIVE MAINTENANCE STANDARDS MANUAL

Sponsored by
The Florida Department of Transportation
Public Transit Office
(850) 414-4500
(revised 11/01/11)

Written by
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Fleet Management

Managing a fleet of vehicles that are funded by the Florida Department of Transportation requires following a set of minimum requirements established by Chapter 14-90 of the Florida Administrative Code. These standards are created to ensure maximum vehicle life and passenger safety through regularly scheduled preventive maintenance. The Preventive Maintenance Standards Manual is a description of the minimum requirements regarding preventive maintenance inspections and includes basic maintenance oversight practices.

Pre-trip/Post-trip Daily Inspections

Vehicles should be inspected each day before they enter into service. Chapter 14-90 states that the following components must be checked during this inspection:

1. Service Brakes –

- From the driver's seat pump the brake pedal three or four times, and then hold constant downward pressure on pedal for at least five seconds. The brake pedal should hold firm and not drift down.
- If equipped with a hydraulic brake reserve system, with the key off, depress the brake pedal and listen for the sound of the reserve system electric motor.
- If equipped with hydro boost system or vacuum assist system, with the key off, pump the brake at least five times and depress the brake pedal. It should feel firm. Remain holding the pedal and start the engine. The pedal should move slightly to the floor and then rise.
- Check that the warning buzzer or light is off.

2. Parking Brakes –

- Apply the parking brake and shift vehicle into low gear slightly pulling against the brakes. Vehicle should not move.

3. Tires and Wheels –

- The minimum tire tread depth on steering axle is 4/32 inch in every major groove. No re-caps are allowed on the steering axle.
- The minimum tread depth on all other tires is 2/32 inch in every major groove.
- Check all tires for uneven tread wear and cuts or damage to tread and sidewalls.
- Check for tire inflation by hitting the tires with a mallet or similar device to check for flats. To check for exact tire inflation a tire air gauge must be used.
- Check rims for bends, damage, or welds. Rims must not have any welding repairs.
- Check valve stems for damage and for missing valve caps.
- Check that the wheels and hubs are free of oil or grease. Oil or grease present could indicate a leaking hub or axle seal.

- Check that all lug nuts are present. Check for signs of rust streaks or shiny threads that could indicate loose lug nuts.
4. Steering –
 - With the engine running turn the wheel back and forth. Steering play should not exceed 2 inches (on a 20 inch wheel) until the front wheels barely move.
 5. Horn –
 - Check that the horn works properly.
 6. Lighting devices –
 - Turn on exterior lights. Turn on 4-way Flashers. Perform a complete walk around of the exterior of the vehicle and check all lights for proper operation and lens for cleanliness.
 - Turn off 4-way flashers and turn on left turn signal and check left signal lights for operation.
 - Turn on right turn signal and check right signal lights for operation.
 - Turn on hi-beam head lights and check for operation.
 - Checking brake lights and back-up lights may require assistance. With someone in the driver's seat instruct them to step on the brake pedal while observing the operation of the brake lights. At this time have the assistance place the vehicle in reverse. Check back-up light operation and back-up alarm if equipped.
 - Turn on all interior lights and check for operation.
 7. Windshield wipers –
 - Check that the wipers operate smoothly and the arms and blades are secure.
 - Check that the windshield washer works correctly.
 - Windshield should be clean with no obstructions or damage to glass.
 8. Rear vision mirrors –
 - Mirrors should be secure with no mirror bracket damage. Check for proper adjustment. Check mirror glass for cleanliness or fading.
 9. Passenger doors –
 - Check doors for damage and that they operate smoothly. Hinges should be secure with seals intact.
 - Check door entry area for debris and any loose or extensively worn flooring.
 10. Exhaust system –
 - Check tailpipe for placement and secure mounting.

- Start engine and listen for exhaust leaks and check for exhaust fumes in areas other than the tailpipe end.

11. Equipment for transporting wheelchairs –

- Check wheelchair lift doors for operation and damage.
- Cycle lift from stow position to floor level and check outboard roll stop barrier for proper latching.
- Cycle lift to ground level and check for any leaking, damaged, missing parts, and for smooth operation.

Raise lift from ground level. With platform slightly off ground make sure outboard roll stop barrier raises and it is latched securely. This must be performed by visually inspecting the latching mechanism to ensure it is in the correct locked position and by physically attempting to pull/push barrier down with an adequate amount of force to make certain the barrier is securely latched.

- Continue to raise lift to floor level and check for any unusual noises or abnormal operation.

Check all warning lights and audible signals for proper operation. Due to varying lift configurations refer to your lifts Owner's Manual for a list of warning lights and audible alarms to ensure all of these safety warning devices are working properly.

- Stow lift.
- With lift door in the open position check shift interlock by trying to shift vehicle into gear. Bus should not shift out of park.
- Inspect retractors for damaged webbing and proper locking.
- Inspect shoulder belts.
- Inspect foldaway seats for operation.
- Inspect floor anchors.

12. Safety, security and emergency equipment-

- Inspect for three red reflective triangles.
- Check for properly charged and rated fire extinguisher.
- Check two-way communication equipment.

13. Additional items -

- Your agency may require additional items to be checked during the pre-trip/post-trip inspection, such as fluid checks, engine, hoses and belts under the hood. Check additional items as necessary using procedures set forth by your agency.

A Pre-trip/Post-trip Inspection checklist should be completed with each component either marked "Ok" or with a defect noted. These checklists should be reviewed by a manager prior to the vehicle entering service for the day. Vehicles with defects that pose a safety risk should be repaired immediately before the vehicle returns to service. Other defects can be scheduled for repair in the near future.

Post-trip Daily Inspections should also be conducted when a vehicle completes service for the day and should be performed similar to the Pre-trip inspection. Post-trip inspections are important because the driver can note defects that were observed while driving the vehicle as well as other defects noted during the inspection process. These checklists should be reviewed by a manager so adjustments to the fleet can be made in the case of a vehicle needing repair.

All Pre-trip/Post-trip inspection checklists should be kept on file for a minimum of two weeks, or up to one year depending on the preference of your FDOT District Representatives.

Pre-trip/Post-trip Inspection Form

Unit ID # _____

Pre-trip Inspection

Date _____

Post-trip Inspection

Exterior	OK	Defect
Headlights		
Tail/Brake Lights		
Turn Signals		
Clearance Lights		
Windshield Wipers		
Fresh Body Damage		
Exhaust System		
Tires/Wheels		
Cleanliness		

Comments

Interior

Gauges/Instruments		
Interior Lights		
Rear Vision Mirrors		
Windshield Wipers		
Blower Fans		
Brakes		
Steering		
Horn		
Passenger Doors		
Cleanliness		

Safety Equipment

Flares/Triangles		
First Aid Kit		
Flashlight		
Back-up Alarm		
Fire Extinguisher		

Accessibility Equipment

W/C Lift and Ramp		
Belts & Securement Devices - Proper Number & Condition		

Additional Items

Driver's Name

Manager's Signature

Date

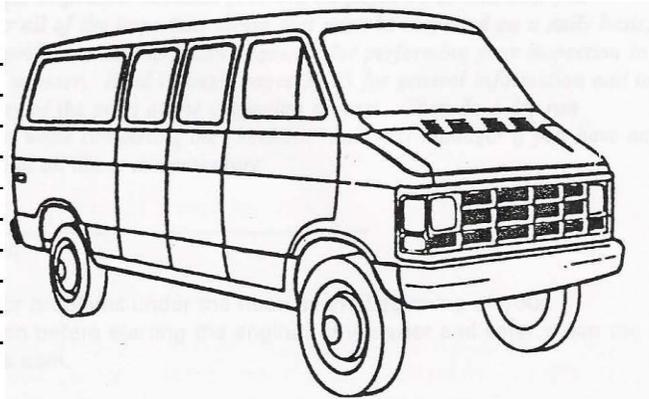
Carefully inspect the entire vehicle exterior.

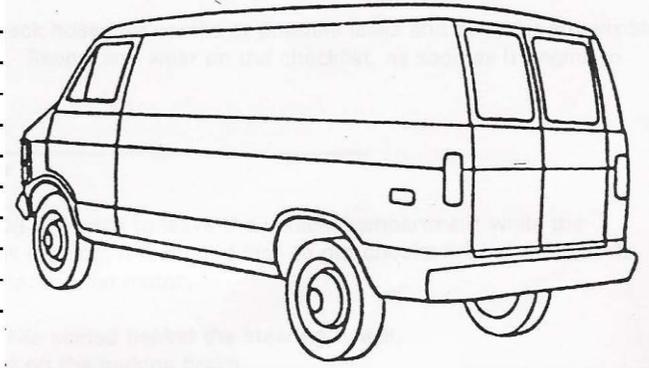
On the illustrations below, locate and note any damage or problems using the following code:

Dent: **X** Scratch: 

Indicate any other damage by circling the area and then describe the damage.

Description of damage





Scheduled Preventive Maintenance Inspections

According to Chapter 14-90 of the Florida Statutes, vehicles must be maintained using regular preventive maintenance inspections. The Florida Department of Transportation recommends conducting progressive inspections that meet or exceed OEM manufacturer recommendations. For a vehicle to remain under warranty its components must be inspected within the mileage projection noted in the vehicle's owner's manual and these inspections must be documented in the vehicle history file.

FDOT recommends that preventive maintenance inspections be performed in ABC sequence. Mileage projections can be determined by the agency but must not exceed 6,000 miles. These mileage projections are determined by keeping several factors in mind: the age of the vehicle, the number of miles traveled by each vehicle, and the road conditions that the vehicle regularly travels.

The following is an example of a preventive maintenance schedule with vehicle inspections performed at 6,000 mile intervals:

A	6,000 miles
B	12,000 miles
A	18,000 miles
C	24,000 miles
A	30,000 miles
B	36,000 miles
A	42,000 miles
C	48,000 miles

Agency _____
Address _____
City _____ State _____
Zip _____

PREVENTIVE MAINTENANCE INSPECTION REPORT

Bus ID #: _____ Date: _____ Miles _____

Inspector's Signature _____ Printed Name _____ Employee # _____

Inspection Type: A Inspection B Inspection C Inspection

Condition Indicators: = Okay X = Item was repaired or adjusted O = Follow up required N/A = Not Applicable

#	Interior	A	B	C	#	Exterior (cont.)	A	B	C	#	Chassis/Drive Line (cont.)	A	B	C
1	Passenger Door & Lift Door Interlock Operation				36	Check Operation of All Lights				71	Air Tank Mounting/Lines & Valves			
2	Standee Line & Warning				37	Fuel Cap and Door				72	Check Exhaust System for Mounting/Leaks/Restrictions			
3	Flooring/ Steps/All Interior Panels				38	All Access Doors/Engine Cover & Latch Operation				73	Underbody/Mounts & Frame			
4	Wheelchair Belts/Floor Anchors				39	Tire Damage & Wear				74	Fuel Tank Mounting & Fuel Leaks			
5	Passenger Seat Belts				40	Check Wheels/Lug Nuts/Valve Stems					Wheel Chair Lift Service May Vary Depending on Usage *Check Owners Manual			
6	Passenger Seat Condition/ Foldaway Seats Operation				41	Check Bumpers for Damage /Mounting/Rear Transition Panel				75	Lift Manufacturer Tag /Month & Year Manufactured /State of FL Certificate			
7	Stanchions & Hand Rails				42	Leveling				76	Check Wiring for Routing/ Chafing & Loose Conn.			
8	Roof Hatches/Operation					Engine Compartment				77	Check Lift for Damage/ Inspect Lift Anchor Bolts			
9	Emergency Window Operation				43	Clean Batteries Terminal Ends/ Check Electrolyte Level				78	Cycle Lift -Check all Safety Systems <u>Including Barriers</u>			
10	Fire Extinguisher/First Aid Kit Emergency Triangles				44	Check Battery Hold Downs/ Cables/Ground Straps				79	Check for Hydraulic Leaks/ Level			
11	Fire Suppression System				45	Record Voltage Output _____ V				80	Clean, Lubricate & Adjust Lift As Necessary			
12	Interior Lights				46	Check Belts/Tensioners & Hoses Air Compressor Mounting					Brake Inspection			
13	Vehicle Registration/Plates/Manual				47	Check All Fluids				81	Brake Foundation Lining/Rotors/Drums			
	Drivers Compartment				48	Inspect for Leaks				82	L/Front % Worn:			
14	Brake & Accelerator Pedals				49	Test Anti-Freeze Protection				83	R/Front % Worn:			
15	Drivers Seat & Belt				50	Check Radiator Core/Mounts				84	L/Rear % Worn:			
16	Check Rear Door Alarm & No-Start Safety System				51	Check Wiring for Routing/Chafing & Loose Connections				85	R/Rear % Worn:			
17	Service Brake Operation				52	Check Engine Mounts					Tire Tread Depth/Inflation			
18	Ignition System (Start Engine)				53	Replace Engine Oil & Filter				86	L/Front /32			
19	Check All Gauges/Switches				54	Check/Replace Air Filter				87	R/Front /32			
20	Check Fast Idle				55	Check/Replace Fuel Filter				88	R/R Inside /32			
21	Check Air System Pressures Perform Leak Down Test				56	Check/Clean A/C Filters & Cores/Lines for Routing/Chafing				89	R/R Outside /32			
22	Check Steering Wheel for Damage/Column Tilt Mechanism				57	A/C Compressor Mounting/Clutch				90	L/R Inside /32			
23	Parking Brake Operation				58	A/C Pressure Check				91	L/R Outside /32			
24	Back-Up Alarm & Horn					Chassis/Drive Line				92	L/Front PSI			
25	Driver's & Panel Lamps				59	Shocks/Springs/MOR/ryde				93	R/Front PSI			
26	Interior Mirrors/Sun visor				60	Torque Rods				94	R/R Inside PSI			
27	Windshield Wipers & Washers				61	Check Ball Joints				95	R/R Outside PSI			
28	Climate Control System/Fans				62	Steering Gear/Linkage & Arms				96	L/R Inside PSI			
29	Fare Collection System				63	Steering Shaft & Free Play				97	L/R Outside PSI			
30	Cleanliness				64	Lube Chassis					Test Drive			
	Exterior				65	Check Drive Shaft & U-Joints				98	Check Engine Performance			
31	Check for Exterior Paint/Damage/Decals				66	Check Differential Oil Level/Clean Breather/Check Axle Seals				99	Check Shift Points			
32	Condition of All Glass				67	Drain & Refill Differential				100	Steering			
33	Wiper Blades & Arms				68	Replace Transmission Fluid/Filter				101	Suspension			
34	Exterior Mirrors				69	Check Front Wheel Bearings				102	Brakes			
35	Check Light Lenses & Reflectors				70	Check Brakes (Pull Wheels)				103	Speedometer			

* Lift Must be Serviced Annually at a Minimum to Ensure Compliance With Annual Safety Inspection FAC 14.90.006

The following components must be checked during an “A” inspection:

Interior Inspection:

1. Fire Extinguisher (s)/ First Aid Kit / Safety Triangles

Inspect the above mentioned safety equipment to ensure it is in proper working order, securely mounted, and easily accessible. Fire extinguisher must be fully charged with a dry chemical or carbon dioxide, having at least a 1A:BC rating and bearing the label Underwriters Laboratory Inc.

If equipped with fire suppression system check “System OK” LED is illuminated. Check that system is properly charged and that all instruction labels are intact, clean, and legible.

Check maintenance tag for expiration date and condition of all components for damage or conditions that may prevent operation. Nozzle outlets must be unobstructed and properly aimed.

2. All Seats / Seat Belts

Seat covering for the driver and passenger seats should be inspected for rips, tears, gouges, exposed springs, and security of floor mounting. Seat belts should be inspected for proper retraction mechanisms. Arm rest(s) should be inspected for proper attachment to seat(s). Check folding seats for proper operation of adjustment controls. Check the driver’s seat for proper fore and aft movement and tracks should be lubricated as necessary.

3. Doors / Hinges / Latches/Emergency Exits

Lubricate door hinges and latches, check operation of windows, doors, and the condition of the glass.

Check condition of all exit signs to ensure location and operation decals are in place and legible. Check emergency exits to insure all exits function properly and stay shut after opening.

4. Interlock System

Check to ensure interlock system is working properly. Vehicle should not come out of park with either the front door or lift door open.

If the rear emergency exit door is open or closed and locked the vehicle should not start. Check for audible alarm and warning light if rear door is open with vehicle running.

5. Flooring /Headliner / Side Panels /Grab Rails

Inspect floor covering for tears, rips, or gouges. Inspect headliner for damage, sag, or dirt. Inspect the condition of side panels.

On vehicles designed to allow standees check the condition of the standee line and sign. The line must be of contrasting color at least two inches wide and the sign, prohibiting

anyone from occupying a space forward of the line, must be posted at or near the front of the vehicle. Check steps for yellow edge or nosing to pronounce presence of steps.

Inspect condition of the grab rails and stanchions for the standee passengers. Tighten grab rails as necessary. Note if extensive repairs are necessary.

6. Mirrors

Check inside rear view mirror(s) for proper mounting, adjustment, and condition of the glass. Also check the right and left exterior mirrors for adequate field of vision.

7. Interior Lights

Inspect the interior lights. Check step well lights if applicable for proper function by opening door. Check dome light switch/rheostat. Check turn signal and the hi-lo beam switches as well as the indicators on dash for proper function.

Check all emergency exit lights at emergency windows and rear exit door.

8. Exterior Lights / Horn

Outside assistance may be required when making this check. Check parking, low and hi beam headlights, turn signal operation front and rear, and hazard flashers. Turn on all outside clearance lights and check operation. At this time also check license plate lights, back-up lights, and brake lights. All lighting must comply with the minimum requirements set for the in Florida Statutes 316.220, 316.221, 316.224, 316.225, 316.226, 316.234, and 316.235. Check horn. The horn must be capable of emitting a sound audible under normal conditions from a distance of not less than 200 feet.

9. Warning system

Activate ignition switch and check all warning indicator lights (oil, battery, engine, etc.) for proper operation. If the vehicle is equipped with gauges check proper readings after the engine has been started. Check all switches, levers, and knobs for proper function.

10. Starter System / Back-up Alarm

When starting engine listen for starter drag or grind, belt squeal, and any other unusual noises. As engine warms monitor all gauges. Check shift selector for smooth operation and can be shifted into all ranges. While depressing the brakes shift the vehicle into reverse and check the audible back-up alarm. Check fast idle system for proper operation.

11. Air System Check

Build air system to maximum air pressure and observe governor cut out (100-125 psi). Shut off engine and chock wheels if necessary. Release emergency brake and make a full brake application and hold for one minute. Check air gauge to see if pressure drops more than three pounds in one minute. Next rapidly pump the foot brake. Buzzer should activate before air pressure drops below 60 psi. Continue to pump brakes until

emergency brake pops up. This should occur at approximately 40 psi. Drain all air tanks and check operation of system drier.

12. Windshield / Windshield Wipers / Washers / Blades

Inspect windshield for cracks, scratches, and any visible damage. Operate windshield wipers through all ranges on wet glass. Inspect condition of windshield wiper blades and arms. Replace if needed. Check washer fluid level.

13. Windows

Inspect side and rear windows for cracks, scratches, and proper function of opening mechanisms.

14. Comfort System

Operate and check heater and air conditioning controls through all selector ranges and check varying fan speed for proper function. Check rear unit output as applicable.

Exterior Inspection

15. Exterior Body and Components

Inspect exterior of vehicle for signs of body damage, missing trim, decals, paint condition, and any signs of developing rust. Inspect the outside of all windows for cracks, blemishes, or other damage. Inspect mirror brackets for secure mounting or rusting. Check mirrors for broken/fading glass.

16. Tires and Wheels

Inspect all tires for signs of uneven wear due to imbalance or improper front end alignment, check for exposed cord or steel belts, inspect valve cores, and check sidewalls for scrubbing or damage. Determine tread depth using tread depth gauge. Tread group pattern depth shall not be any less than 4/32 (1/8) inch, measured at any point on a major tread groove for tires on the steering axle and no less than 2/32 (1/16) inch measured at any point on a major tread groove for all other tires. Check air pressure in all tires including spare using tire air gauge. Check condition of spare tire and mounting.

Check tires for cuts, nails, or other embedded foreign objects. Check wheel lugs for proper torque. Check all wheels, including spare, for any damage, welds, or improper bead seating of tire. Check for missing balance weights. Check hubcaps for secure mounting.

17. Access Doors

Inspect exterior access doors and lubricate hinges or spring latches as necessary. Check fuel cap for proper fit and any signs of damage to fuel servicing piping/ hoses. Check hood latch and lubricate. Check hood retainer bar.

Service and Operation Inspection

18. Engine and Oil Filter

Change oil according to manufacturer's specifications either under the normal or severe duty operating conditions. The information listed below defines which schedule you need to follow for each vehicle.

1. Normal Operating Conditions:
 - Everyday driving conditions
2. Severe Operating Conditions:
 - Making frequent short trips (less than five miles)
 - Making frequent short trips (less than 10 miles) when temperatures are below freezing
 - Driving in hot weather stop-and-go traffic
 - Extensive idling and/or low speed driving for long periods of time (taxi, police, door-to-door delivery, etc.)
 - Driving at sustained high speeds during hot weather
 - Towing a trailer
 - Driving in areas with heavy dust (gravel roads, construction zones, etc.)

Note: Fluid change interval mileages can be different from the 6,000 mile Preventive Maintenance Inspections.

19. Ball Joints / Steering / Drive Line (Lubricate)

Inspect all ball joints according to manufacturer's recommendations. Lubricate after inspection.

Due to the varying road conditions, vehicle type, age of vehicle, and type of joint, it is recommended to check the ball joints on every "A" inspection or if any of the symptoms listed below occur.

- * Front wheel shimmy at low speed
- * Steering wander
- * Clunking noises from the front suspension
- * Camber wear on the tires

Note: *Most original equipment ball joints today are designed to provide many miles of durability. Many never make it that far for a variety of reasons. One is wear. The constant friction created by turning and driving creates friction between the ball stud and bearing. The rougher the roads and the heavier the vehicle, the faster the rate of wear will occur. Wear can be further accelerated by contamination and/or lack of lubrication. With a greaseable joint, lubing the chassis periodically is necessary to maintain a layer of grease within the joint. Lubing the joint also helps flush out the old grease and contaminants, which extends the service life of the joint. Most OEM ball joints today as well as some aftermarket replacement joints are "sealed for life" and*

have no grease fittings. Load carrying ball joints do tend to wear at a faster rate than their unloaded counterparts because of the weight they carry. That's why the lower ball joints on an SLA (short long arm) suspension typically wear out before the upper joints.

Check steering column for any absence or looseness of U-bolts or positioning parts; worn, faulty, or any welded universal joints. Check steering wheel broken spokes or cracks and for securement.

Check steering box for any mounting bolts loose or missing, any cracks in gear box or mounting brackets. Check for any looseness of the pitman arm on the steering gear output shaft. Check for leaks.

Check for any motion, other than rotational, between any linkage member and its attachment point. Check for loose clamps or clamp bolt on tie rod or drag link. Check for linkage components that are not secured with proper pins or devices. Check for any looseness in any threaded joint.

Lubricate all steering zirk fittings.

Lubricate driveline u-joints and slip yoke.

20. Battery

Check battery mounting tray condition (corrosion and wear) and battery hold-down. Check battery case for cracking or damage. Check post and fasteners for corrosion – clean and cover with protectant. Check cables for fraying or signs of deterioration. If applicable check and service water levels. If it is maintenance free battery check “green” indicator. Record output voltage.

21. Cooling System

Visually check cooling system for leaks. Check the overflow tank for adequate coolant, and inspect the cleanliness and condition of the coolant. Inspect the condition of the upper and lower radiator hoses and check the security of the fasteners. Check butterfly drain for snugness. Inspect water pump and engine intake at the thermostat housing for signs of leaks.

Inspect radiator cap for signs of leaks or pressure loss. Before removing the cap allow the engine to cool down. Relieve any built-up pressure in the system. Remove and inspect the radiator cap. At this time, the radiator cores and the interior of the radiator housing may be visually inspected for corrosion or clogging. Also, if circulation problems are suspected, operation of the water pump and circulation of the coolant may be verified with the engine running.

22. Air Cleaner / Filters

Remove air filter and inspect. Inspect air intake hoses and clamps. Visually inspect all vacuum hoses and connections. Inspect fuel lines for leaks or damage.

23. Belts / Hoses / Wiring

Inspect all belts for signs of wear, fraying, cracks, glazing, and proper tension. Inspect heater hoses and connections. Inspect wiring for signs of chafing, corrosion, loss of insulation and crimping. Ensure wiring does not come in contact with moving parts or heated surfaces.

24. Under Hood / Exhaust System

Check transmission fluid level with the fluid warm and the engine running. Check color of fluid for any signs of overheating. Visually inspect the transmission pan, front and rear seal, speedometer drive, and dipstick tube for signs of leakage. Visually check the transmission oil cooler, lines, and connections for signs of a leak. Check the exhaust system for mounting, routing, leaks and restrictions.

25. Service and Parking Brakes

From the driver's seat pump the brake pedal three or four times, and then hold constant downward pressure on pedal for at least five seconds. The brake pedal should hold firm and not drift down. If equipped with a hydraulic brake reserve system, with the key off, depress the brake pedal and listen for the sound of the reserve system electric motor.

If equipped with hydro boost system or vacuum assist system, with the key off, pump the brake at least five times and depress the brake pedal. It should feel firm. Remain holding the pedal and start the engine. The pedal should move slightly to the floor and then rise.

Check that the warning buzzer or light is off.

Apply the parking brake and shift vehicle into low gear slightly pulling against the brakes. Vehicle should not move.

26. Accelerator/ Brake Pedal

Check pedals for sticking, binding, or failure to return to normal position. Check pedals for excessive pad wear.

The following components must be checked during a "B" inspection, in addition to the components that are checked during an "A" inspection:

27. Brakes

Remove wheels and inspect all brake pads/linings for wear. Check rotors/drums for wear, scoring, and warping. Check calipers/cylinders and brake lines for signs of wear or leaks. Check for any dirt or grease accumulation on the brake system.

28. Operational Check

Check for smoothness of acceleration, centering of steering wheel, and the proper tracking of the vehicle, smoothness of turns, balance of tires, and front end alignment.

Also check for looseness in steering wheel. Check operation of speedometer.

29. Transmission

Check operation and position of shift lever and indicator. Check operation in each gear. Check shift points through all gear ranges in drive position.

The following components must be checked during a “C” inspection, in addition to the components that are checked during an “A” and “B” inspection:

30. Wheel Bearings / Driveshaft

Remove and inspect front wheel bearings, clean and lubricate or replace if necessary.

Check the driveshaft chock wheels if needed and place transmission in neutral. Grasp either side of the u-joint and rotate it back and forth while watching/feeling for any play between the cross and the yoke. If the cross moves inside the yoke, replacement of the u-joint is warranted. Check slip joint for play.

Lubricate all zirk fittings.

31. Shocks / Springs

Inspect shock absorber cylinders for signs of leakage. Check bushings for signs of wear and the mounting brackets for secure mounting. Inspect coil and/or leaf springs for signs of damage or wear. Check MOR/ryde shear springs if equipped. If equipped with air springs check for leaks, cracks and dry rotting.

32. Rear Differential

Inspect rear axles and axle housing for signs of stress, wear, and leaks. Check differential level. (Note: Change differential fluid every other “C” inspection.)

33. Fuel Tank

Check fuel tank for secure attachment to vehicle by inspecting for loose, broken or missing mounting bolts or brackets (some fuel tanks use springs or rubber bushings to permit movement).

Check fuel system for any visible leak at any point.

34. Engine Tune-Up

See vehicle service manual for details.

35. Cooling System

Test coolant with pH test strips. Change out coolant or add additive as necessary.

36. Change Transmission Fluid and Filter

Remove transmission pan and drain fluid. If the transmission torque converter is equipped with a drain plug, drain fluid from it as well. Inspect debris in the bottom of pan for signs of internal transmission damage. Check the color of fluid for signs of

overheating. Remove and replace filter screen. Note any abnormalities on the check off sheet.

Note: *Always check manufacturers recommended transmission change interval as some vehicles come from the factory equipped with synthetic oil and have an extended mileage change interval.*

Accessories

37. Wheel Chair Lift and Accessories

Cycle lift from stow position to floor level and check outboard roll stop barrier for proper latching. Continue to lower lift to ground level and check for any leaking, damaged, missing parts, and for smooth operation. Raise lift from ground level. With platform slightly off ground make certain the outboard roll stop barrier raises and it is latched securely. This must be performed by visually inspecting the latching mechanism to ensure it is in the correct locked position and by physically attempting to pull/push barrier down with an adequate amount of force to make certain the barrier is secured.

Continue to raise lift to floor level and check for any unusual noises or abnormal operation. Stand on lift platform or place at least 50 pounds of weight on platform and attempt to stow lift. Lift should not fold in. Remove weight and stow lift.

Due to varying lift configurations refer to your lifts Owner's Manual for a list of warning lights and audible alarms to ensure all of these safety warning devices are working properly.

Inspect tie down retractors for damaged webbing and proper locking. Inspect floor tie down anchors.

Check lift padding and labels. Check lift manual operation and instruction label. Lubricate appropriate lube points. (see illustrations at the end of this section) Refer to original owner's manual for lift adjustments if necessary.

38. License Plates / Registration / Operators Manual

Check condition and currency of license plate and registration and appropriate manuals. Insure accident report forms and other appropriate documents are up to date and available in the vehicle. Check for operating manual for the wheelchair lift.

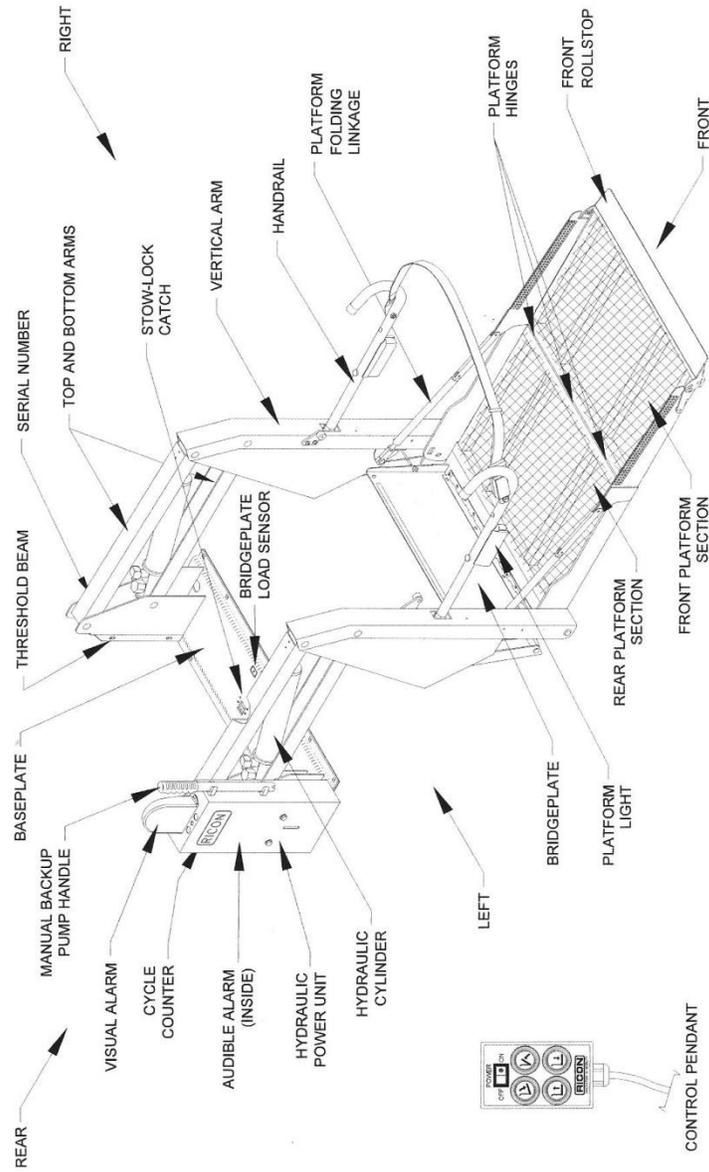
39. Air Conditioning Systems Check

Each spring, prior to the season for constant air conditioning use, the air conditioning system should be scheduled for a thorough operational check. The system should be checked with the appropriate air conditioning service equipment and gauges. Check the entire system for leaks.

Note: The Freon level should be checked and serviced as necessary.

If the system is to be serviced with the opening of a closed system, the complete system should be evacuated; the receiver dryer replaced and the system must be completely recharged, including refrigerant oil.

Note: All air conditioning work involving opening the system for repair and recharging must be performed by a licensed certified technician.



K-Series Ricon Lift Major Components

Regular maintenance of the Ricon KlearVue K-series Public Use wheelchair lift will optimize its performance and reduce the need for repairs. This chapter contains lubrication and cleaning instructions, a maintenance schedule, troubleshooting section, and maintenance diagrams.

CAUTION

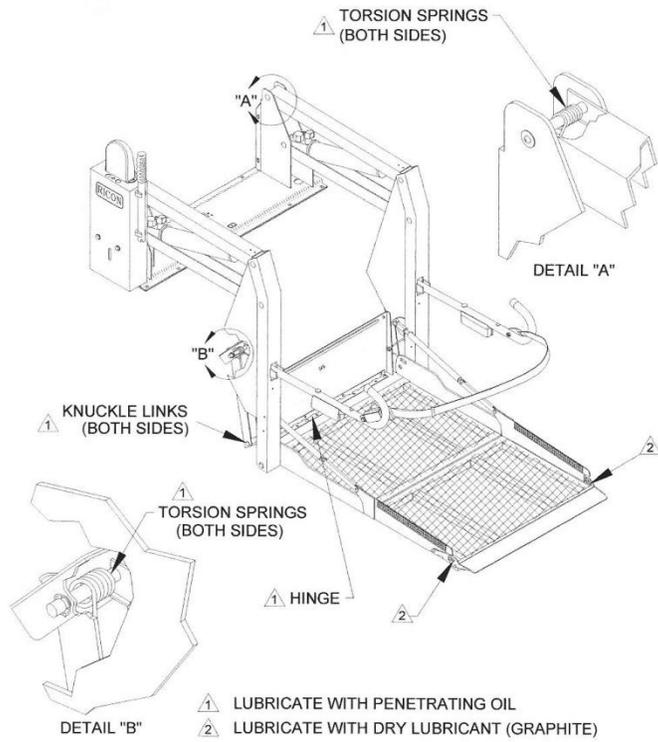
This Ricon product is highly specialized. Maintenance and repairs must be performed by an authorized Ricon service technician using Ricon replacement parts.

A. LUBRICATION

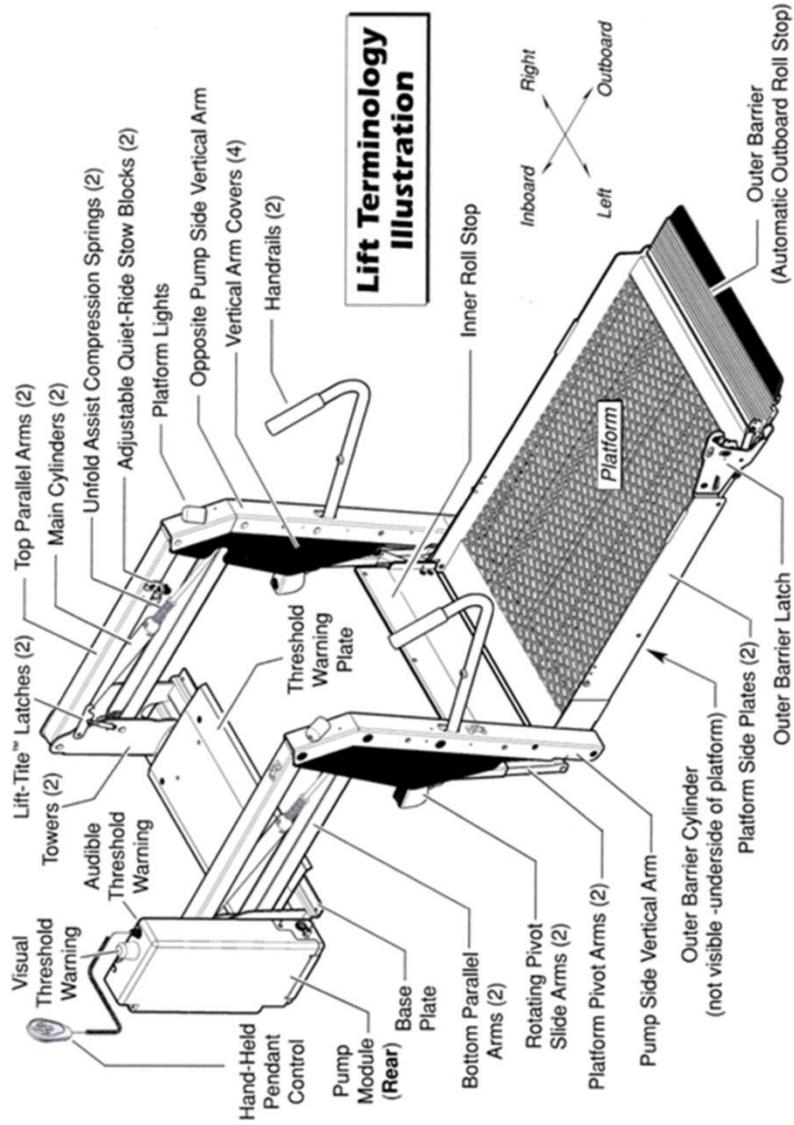
CAUTION

Do not lubricate motor or other electrical components. Lubrication of electrical components may collect dirt and debris, causing short circuits.

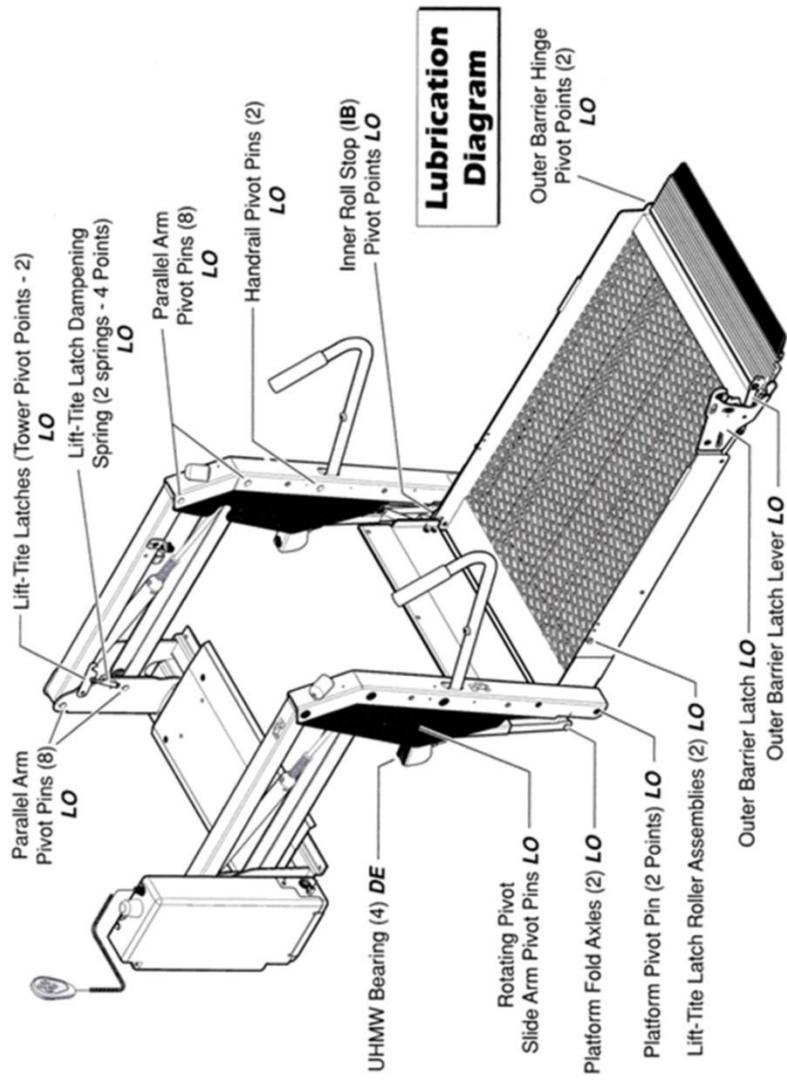
Lubrication should be performed at least every six months or sooner depending on usage.
Lubricate lift at points indicated with lubricants specified.



K-Series Ricon Lift Lubrication Points



Braun Millennium Series



LO=Light Penetrating Oil
 (30 Weight or equivalent)
 DE=Stainless Stick Style
 tube Door-Ease

Braun Millennium Series

Annual Inspections

An Annual Safety Inspection is similar to an FDOT “C” level inspection. An agency may use a “C” level inspection for a vehicle to serve as the Annual Safety Inspection as long as the vehicle receives a “C” level inspection at least once annually. An agency may make a copy of the “C” level inspection and write “Annual Safety Inspection” across the top of the page to identify it and place the inspection in the vehicle’s history file, or a separate filing area for all Annual Safety Inspections.

All vehicle components for an Annual Safety Inspection must be checked at the same time, or within 48 hours if the inspection is being performed by utilizing partial inspections, for the inspection to be determined complete.

Chapter 14-90 requires that all agencies perform an Annual Safety Inspection on each public transit vehicle. These inspections must be performed once a year using a certified mechanic and proper lift equipment. Chapter 14-90 of the Florida Statutes states:

14-90.009 Bus Safety Inspections.

- (1) Each bus transit system shall require that all buses operated by such bus transit system, and all buses operated by a private contract transit provider, be inspected at least annually in accordance with bus inspection procedures set forth in this rule.
- (2) It shall be the bus transit system’s responsibility to ensure that each individual performing a bus safety inspection is qualified as follows:
 - (a) Understands the requirements set forth in this rule chapter and can identify defective components.
 - (b) Is knowledgeable of and has mastered the methods, procedures, tools, and equipment used when performing an inspection.
 - (c) Has at least one year of training and/or experience as a mechanic or inspector in a vehicle maintenance program, and has sufficient general knowledge of buses owned and operated by the bus transit system to recognize deficiencies or mechanical defects.
- (3) Each bus receiving a safety inspection shall be checked for compliance with the requirements for safety devices and equipment, as referenced or specified herein. Specific operable equipment and devices as required by this rule chapter, include the following as applicable to Type I and II buses:
 - (a) Horn.
 - (b) Windshield wipers.
 - (c) Mirrors.
 - (d) Wiring and batteries.
 - (e) Service and parking brakes.
 - (f) Warning devices.
 - (g) Directional signals.
 - (h) Hazard warning signals.

- (i) Lighting systems and signaling devices.
 - (j) Handrails and stanchions.
 - (k) Standee line and warning.
 - (l) Doors and brake interlock devices.
 - (m) Stepwells and flooring.
 - (n) Emergency exits
 - (o) Tires and wheels.
 - (p) Suspension system.
 - (q) Steering system.
 - (r) Exhaust system.
 - (s) Seat belts.
 - (t) Safety equipment.
 - (u) Equipment for transporting wheelchairs.
 - (v) Working speedometer.
- (4) A safety inspection report shall be prepared by the individual(s) performing the inspection and shall include the following:
- (a) Identification of the individual(s) performing the inspection.
 - (b) Identification of the bus transit system operating the bus.
 - (c) The date of the inspection.
 - (d) Identification of the bus inspected.
 - (e) Identification of the equipment and devices inspected including the identification of equipment and devices found deficient or defective.
 - (f) Identification of corrective action(s) for any deficient or defective items found and date(s) of completion of corrective action(s).
- (5) Records of annual safety inspections and documentation of any required corrective actions shall be retained a minimum of four years by the bus transit system for compliance review.

Rulemaking Authority 334.044(2), 341.041(3), 341.061(2)(a) FS. Law Implemented 341.061(2) FS. History—New 9-7-87, Amended 11-10-92, 8-7-05, 9-16-10.

Annual Safety Inspection

Date of Inspection	Odometer Reading	VIN Number	FDOT Number	Year/Make/Model
Inspection Agency		Inspector's Name (Print)	Inspector's Signature	

Item Inspected	OK	Repairs Required	Comments
Horn			
Windshield Wipers			
Mirrors			
Batteries and Wiring			
Service and Parking Brakes			
Warning Devices			
Directional Signals			
Hazard Warning Signals			
Lighting System and Signaling Devices			
Handrails and Stanchions			
Standee and Warning			
Doors and Interlock Devices			
Stepwell and Flooring			
Emergency Exits			
Tires and Wheels			
Suspension System			
Steering System			
Exhaust System			
Seat Belts			
Safety Equipment			
Equipment for Transporting Wheelchairs			
Speedometer			

Note: Attach any repair order/invoice generated as a result of this inspection. Chapter 14-90.009 Bus Safety Inspections

Standards for Contractors

Preventive maintenance inspections can be performed using an in-house maintenance program, an outsourced maintenance facility, or a combination of in-house and outsourced maintenance.

If your agency wishes to use outsourced maintenance, standards must be provided to the contractor to follow when conducting preventive maintenance inspections on your vehicles. This can be accomplished by providing this handbook to the outsource facility or developing a service agreement that outlines expectations, price, and maintenance procedures that are agreed upon by both your agency and the outsource facility.

If your agency wishes to use an on-site mobile maintenance contractor to perform preventive maintenance inspections on your vehicles, the following requirements must be met by the contractor:

If the contractor is performing preventive maintenance inspections based on time projections rather than mileage projections, all vehicle components must be inspected within the mileage projections stated in the OEM recommendations for your vehicle while the vehicle is under warranty. When the vehicle is no longer under warranty, vehicle components must be inspected at least every 6,000 miles using the ABC inspection procedures previously mentioned. For example, all items listed for the “A” inspection must be inspected by the contractor before 6,000 miles, all of the items listed for the “B” inspection must be inspected by the contractor within 12,000 miles, etc.

The contractor must use proper equipment when performing preventive maintenance inspections on your vehicles. The following vehicle components must be inspected while your vehicle is suspended on a lift:

- Ball joints
- A-frames bushings
- Physical check of suspension parts
- Steering
- U-joints
- Front wheel bearings
- Rear wheel bearings

If a preventive maintenance inspection is going to be performed using a combination of an on-site inspection and maintenance garage inspection for components needing specialized vehicle equipment, both partial inspections should be performed within 48 hours of each other for the preventive maintenance inspection to be considered complete.

The maintenance contractor must provide a completed inspection checklist for the items that were examined during the preventive maintenance inspection. This checklist must be signed and dated by the contractor and filed in your vehicle history file. Your agency will need to monitor the maintenance contractor just as you would with an in-house maintenance program or an outsourced maintenance facility. These practices are listed in the section Maintenance Oversight.

Maintenance Plans

The Federal Transit Administration requires all agencies with grant funded vehicles to develop and maintain a written maintenance plan. A maintenance plan is a “living” document that describes an agency’s maintenance procedures and practices in the following areas:

- Maintenance Goals
- Fleet Inventory
- Preventive Maintenance
- Standards for Contractors
- Annual Safety Inspections
- Pre-trip/Post-trip Inspections
- Road Calls
- Accidents
- Cleaning
- Warranty
- Parts Inventory, if applicable
- On-site Fueling, if applicable

Maintenance plans must be revised as maintenance procedures, practices or fleet inventory changes. Maintenance plans are used by FDOT representatives to evaluate your current maintenance department so it is important that these maintenance plans remain current and customized to your agency’s specific maintenance procedures and practices. Maintenance plans can also assist an agency with employee turnover by providing written instructions on how your agency’s maintenance department functions. If your agency needs assistance developing a maintenance plan, contact your FDOT District Representative to request this technical assistance.

Maintenance Oversight

It should be the goal of every transportation provider to be running an optimal maintenance program, one that is operating at the highest efficiency. No matter the size of the agency or the amount of transportation the agency offers, vehicle maintenance is the only area an agency can utilize to improve service and save money. Whether your agency utilizes in-house maintenance or outsourced maintenance, it is imperative that vehicle maintenance is being monitored. Your agency may have software designed to analyze vehicle inspection and repair data. If not, it is still possible to analyze this information manually. A successful maintenance manager will be consistently looking for ways to improve their maintenance program. The following are five ways to get the most out of your maintenance program:

Be Proactive

Maintenance activities must be scheduled to be considered preventive maintenance. Scheduled maintenance includes repairs that are scheduled ahead of time, and not as a result of failure or breakdown. Agencies with optimum maintenance programs perform virtually all of their maintenance as scheduled maintenance.

Some agencies perform preventive maintenance inspections and change fluids and filters at their regular inspection intervals without making other checks or adjustments and make repairs only when something fails. Unfortunately, these agencies are performing “reactive maintenance.” Responding to failures, instead of anticipating them, limits the ability of the agency to plan and schedule their maintenance. This creates a continual cycle of responding to chance failures and making emergency repairs to get vehicles back in service creating an unmanageable and costly situation. Take control of your maintenance by actively searching for defects and failures to repair them before a breakdown occurs. Below are some examples of how your agency will benefit from a proactive maintenance program:

Bus #	Type of Maintenance	Work Performed	Parts Replaced	Total Cost
Bus 1	Scheduled	Rear Brake Job	Pads only	\$253.40
Bus 2	Unscheduled	Rear Brake Job including tow service	Calipers, Pads, and Rotors	\$1,358.88

Bus #	Type of Maintenance	Work Performed	Parts Replaced	Total Cost
Bus 1	Scheduled	Repack front wheel bearings	Front Seals	\$150.00
Bus 2	Unscheduled	Bus towed; replace all front end parts on failed side	Spindle, Brake rotor, pads, caliper, bearings, seals, and new wheel	\$1,630.00

Some managers succumb to reactive maintenance because they would prefer to limit the breaks in service due to vehicle downtime. However, this line of thinking is harmful to your maintenance program. By scheduling your maintenance, you will be able to plan for a vehicle to be out of service, and make other arrangements. You do not receive this same opportunity when a vehicle is out of service due to failure or breakdown. Be proactive in your preventive maintenance inspections and repairs. This practice alone will save your agency money and valuable time.

Cover Your Bases

Quality assurance is key with developing an optimal maintenance program. When a state-purchased vehicle is involved in a serious accident, FDOT may be called to perform an investigation. Your agency is liable for the vehicles in service and it is the job of the maintenance manager, or the person who oversees maintenance at your agency, to ensure that maintenance inspections and repairs are thoroughly performed and that all inspection and repair documentation is accurate.

A successful maintenance manager will set up a quality assurance system that will monitor inspections and repairs by randomly inspecting vehicles that have just been inspected or repaired, regardless of whether your agency uses in-house maintenance or outsourced maintenance.

Performing a quality assurance check on a recently inspected vehicle can be as easy as performing an identical preventive maintenance inspection on that vehicle and comparing your findings to those that were marked on the inspection checklist. For example, if you found a defect that was marked "OK" on the checklist, then you know that vehicle component was not properly inspected.

If your agency is not capable of performing these inspections, quality assurance can also be accomplished by manually reviewing vehicle repair files. This can be done in the same manner that was mentioned above. A maintenance manager can review unscheduled repairs that have been made between preventive maintenance inspections to determine whether the unscheduled repair could have been avoided. Unscheduled repairs can occur due to in-service failures or defects noted on pre-trip/post-trip inspections. For each unscheduled repair, the maintenance manager can review the previous preventive maintenance inspection and see whether the defective item was checked "ok" during the time of the inspection. The maintenance manager should then attempt to make a determination about whether the defect could have been identified at the time of the preventive maintenance inspection.

A maintenance manager needs to be informed on all maintenance repairs, scheduled or not. If your agency outsources your maintenance, you need to provide authorization on all repairs before they are made. By doing so, you can avoid a common error such as a repeat repair. Below is an example of an agency that did not practice quality assurance and that used outsourced maintenance without requiring authorization for repairs:

Unit #	Date	Miles	Complaint	Repairs	Cost
Bus 101	1/13/2009	99,029	Engine misfiring	Ignition coil replaced	\$254.09
Bus 101	4/23/2009	99,558	Jerking	Ignition coil replaced	\$269.57

Several questions needed to be asked after the second identical repair was made. Why did the coil have to be replaced a second time? Did this fix the root of the problem or is it another temporary repair? In slightly over 500 miles, why was the part not covered under warranty? Why is the cost of the part higher the second time? There could be a logical explanation for this repeat repair. If you are not monitoring your shop, mistakes can be made and if the invoice is paid the agency is at a loss.

Developing a good quality assurance program is all about staying informed. By analyzing inspections and repairs, you will be reassured that your maintenance inspections and repairs are being performed properly. Preventive maintenance checklists should not always come back with all items marked "OK." That is a big clue that preventive maintenance inspections are not being performed thoroughly. Repairs due to preventive maintenance inspections should be made fairly regularly. It is your job to reinforce that the service your agency is paying for is expected to be completed correctly.

Start a Campaign

Once your agency begins to track maintenance activities, repair patterns will start to surface and maintenance becomes more predictable. You do not have to be a maintenance expert to oversee a maintenance program. The key to developing good preventive maintenance is being able to analyze failure trends and use this information to predict future failures.

Some examples are:

Alternators: You find that the alternators on a particular order of buses are failing at 65,000 miles. With each failure there was a road call involved resulting in a tow charge, the bus was down until parts were shipped and the emergency repair could be made.

To avoid the unscheduled repair and added costs, the alternators can be scheduled to be replaced at 60,000 miles.

Brakes: Say your buses run an average of 20,000 miles until the rear brakes are re-lined. At close to this mileage you should expect the brakes to be re-lined at an upcoming inspection. Notify your shop of the anticipated brake lining replacement and ask for an estimated mileage of the life of the pads if they are not changed. As discussed earlier, the price of total failure can lead to over \$1,000 in unnecessary costs.

Transmissions: This is another component that has predictable failure patterns. Pay close attention to the failure mileages on transmissions to avoid tow charges, unscheduled down time, and possibly higher shipping charges for the emergency repair.

There are instances when new vehicles are placed into service and unforeseen problems occur that you may not have experienced on your existing fleet.

Example: you notice that you have a belt on the engine that seems to fail twice the rate than you can remember. This is when you need to notify the dealer and see if this is a known problem and if there is a fix for the premature failures. Until the solution is found, you should start a campaign on changing the belt at a predetermined mileage before it is noted to fail.

Reduce Your Costs

The task of beginning a preventive maintenance program with an existing fleet can be overwhelming at first, and many may be confused about how to begin this process. You should start with your next upcoming preventive maintenance inspections. If these inspections have not been thorough in the past, the amount of defects that are initially found will increase with the improved inspections, along with the cost of your maintenance. This is due to the extra labor hours and parts cost to repair mechanical problems that have escalated due to minimum maintenance performed in the past. This increase will depend on the size of your fleet, the age of your fleet and how many repairs need to be

made. But this increase in maintenance costs is temporary! Once this period of adjustment is over, the unscheduled repairs decline increasing efficiency which results in a better control of costs.

By implementing a thorough preventive maintenance program, you will be avoiding several hidden costs that arise when dealing with unscheduled repairs. These costs are often found in administrative duties such as:

- Contacting wrecker services to arrange towing
- Rescheduling trips to cover routes
- Notifying clients of the delay
- Extra invoicing
- Opportunity cost

Scheduling your repairs will put an end to these hidden administrative costs and give you valuable time to plan for purchasing the parts needed for such replacement repairs, whereas when unscheduled repairs occur there is no time to plan for new parts. Having this unique opportunity to plan major purchases will help you control your maintenance budget. Also, being able to plan for scheduled repairs gives your operations team time to make other service arrangements while the vehicle is temporarily out of service. The amount of down time for the vehicle is reduced when the repairs are scheduled. All of these advantages to preparing for scheduled repairs will help reduce your overall maintenance costs by improving fleet efficiency.

Take Advantage

The last suggestion for optimizing your maintenance program is utilizing the tools and training opportunities that have been made available to you. The Florida Department of Transportation has contracts in place to help agencies with technical assistance concerning maintenance. These assistance programs are offered at no cost to your agency.

Each agency should also ensure that they are getting the most out of their state and federal financial assistance. Agencies are encouraged to be proactive about their search for financial aid. There may be financial opportunities available to you that you are unaware of.

If you have any questions about FDOT technical assistance programs or financial assistance, please contact your local FDOT District Representative to discuss these items further.

Road Call Information Sheet

Dispatch Information

- 1. Date: _____
- 2. Vehicle Number: _____
- 3. Time of Call: _____
- 4. Operator: _____
- 5. Route: _____
- 6. Received By: _____

Location of Vehicle:

(Street, Address, City, etc.)

Reported Problem

Technicians Report

- 1. Time of Call: _____
- 2. Time Arrived at Vehicle _____

3. Circle One: In-Service Repair Vehicle Exchanged Towed

4. Problem Found/ Action Taken

5. Time of Road Call Completion _____

Mechanics Signature

Fleet Managers Signature

Date

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5310-ONLY MAINTENANCE REVIEW PROCESS

Maintenance Plan

Transportation Operation Procedures should be gathered and analyzed before the maintenance review is conducted in order to gain an understanding of the agency's vehicle fleet, maintenance policies and procedures. The maintenance portion should accurately describe the roles and responsibilities of maintenance personnel in relation to the following daily and long term maintenance activities:

- Preventive maintenance inspection practices
- Pre-trip and post-trip inspection practices
- Annual safety inspection procedures
- Vehicle History File procedures
- Wheel chair lift maintenance activities
- Accident procedures
- Information Management procedures
- Vehicle Cleaning procedures
- Warranty procedures

In addition to maintenance procedures and practices, *Transportation Operation Procedures* are reviewed to determine if the attached fleet inventory and maintenance forms are current. These plans should be comprehensive and detailed (see attachment) to provide the reviewer with a clear understanding of how the maintenance department operates on a daily basis. *Transportation Operation Procedures* shall be customized to the agency's specific maintenance process and all actual maintenance practices. It is a finding if the agency does not have a maintenance plan, if the plan does not accurately describe current maintenance practices, if the agency does not follow the plan, or if the plan does not include the activities mentioned above.

Fleet Maintenance

Fleet maintenance is handled in a variety of ways depending on the agency's size and capabilities. The following indicators will help determine if the maintenance plan is accurate and if it addresses all areas:

- What type of preventive maintenance schedule is used? Is the schedule determined by Original Equipment Manufacturer (OEM) recommendations or the FDOT Preventative Maintenance Standards Manual? Preventive maintenance inspection forms are collected to ensure that components are inspected according to manufacturer recommendations while the vehicle is under warranty, or using the minimum requirements shown in the Preventive Maintenance Standards Manual.

- Does the agency perform preventative maintenance inspections using a mileage target? Or does the agency perform preventative maintenance inspections using a time target? What is the target mileage/time for the preventive maintenance inspections?
- What method is used to monitor when vehicles are due for inspection? What is the process for scheduling vehicles for inspection?
- If any repairs are required as a result of a preventive maintenance inspection, when are the repairs performed? How are the repairs prioritized? Who makes this determination?
- How many locations does the agency operate from? If more than one how many vehicles/type are at each location?
- Do they have a preventative maintenance schedule for wheelchair lifts and related equipment for transporting wheelchairs outside of the standard PMI?
- What is the procedure for performing annual inspections?

Comparing this information to the actual maintenance plan will determine if the current maintenance practices are detailed in the plan. It is a finding if the agency's actual maintenance practices do not match those that are described in the agency's maintenance plan, or if the plan does not accurately describe the current maintenance practices.

For vehicles currently covered under a manufacturer's warranty, preventative maintenance inspections should be scheduled, at a minimum, using the OEM recommended intervals. For vehicles not covered under warranty, preventative maintenance inspection schedules should follow the *FDOT Preventative Maintenance Standards Manual* at a minimum which states that inspections cannot exceed 6,000 mile intervals.

Time targets can only be used by 5310-only agencies whose vehicles do not travel more than 20,000 miles per year. For agencies using time targets, an on-time "B" level preventative maintenance inspection must be performed by June 30th of each calendar year. An on-time "C"-level preventative maintenance inspection must be performed by December 31, 2014.

File Review

A twelve month history of maintenance files shall be reviewed. In cases where a twelve month history does not provide enough information to effectively analyze a vehicle's maintenance history, the consultant performing the maintenance review may elect to use a broader time span for the maintenance review. A minimum of twenty percent (20%) of the fleet shall be selected at random, taking into consideration model year, type of vehicle and miles on each to get a reasonable sample of the overall fleet. During the file review, the mileage or operating hours between each preventative maintenance inspection is recorded as well as each work order that occurs between inspections.

The gathered data are entered into a spreadsheet by the Consultant and then analyzed. Preventive maintenance inspections are evaluated based on FDOT vehicle maintenance requirements. Preventative maintenance inspections should occur at manufacturer suggested intervals if the vehicle is still under warranty, or they must meet FDOT minimums listed in the *Preventative Maintenance Standards Manual* (see attachment) if they are not under warranty.

Preventive maintenance inspections that occur within 10% of the targeted scheduled mileage are considered on time. For agencies using time targets, the “B” level preventative maintenance inspection is considered late if it is performed after July 21st. The “C” level preventative maintenance inspection is considered late if it is performed after January 21st. For agencies using mileage targets, if more than 20% of the preventive maintenance inspections observed occur outside of the 10% targeted mileage, the agency is considered deficient. For agencies using time targets, if more than 20% of the preventative maintenance inspections observed occur outside of the “late” dates of July 21st and January 21st, the agency is considered deficient. Work orders should also be examined for unscheduled repairs. Some specific areas that indicate a possible concern are:

- Repairs performed immediately after the vehicle was given a preventative maintenance inspection. An example would be a work order indicating a brake job was performed and the previous inspection stating the brakes are OK.
- Repeat repairs on an issue where different symptoms were targeted but the vehicle has the same reoccurring problem. For example - a vehicle overheating continuously, electrical or engine issues, etc.
- Repeat repairs performed when the same part is changed without any indication the part was returned for warranty. This would be an indication of the maintenance not monitored closely and unnecessary repairs, labor and expenses used.
- Repairs performed or components replaced creating more repairs that could have been prevented during the initial repair. An example of this type of repair would be an engine replacement with unscheduled repairs like hose, belt, electrical, and similar problems in the engine compartment immediately following indicating subpar work.

These issues indicate poor preventative maintenance and/or poor fleet maintenance monitoring by the agency. It can also indicate that the vehicle was not examined properly during the preventative maintenance inspection, but the inspector noted it as OK. These should be identified and questioned. A finding should be issued if evidence indicates a pattern of poor maintenance practices.

Pre/Post-Trip Inspections

Pre-trip/post-trip inspection files are required to be maintained for a minimum of two weeks according to *Chapter 14-90.006*. Failure to maintain these files for two weeks minimum is a finding. During the review, pre-trip/post-trip inspections for the prior two weeks are examined to ensure safety defects (see attachment) are being recorded and subsequent repairs are being performed. If any of the forms have a safety defect, then they are reviewed for a signature, initial, or for a corresponding repair order number confirming the repair was made. If no acknowledgement of the repair is noted on the defect form, then the vehicle history files are reviewed for documentation of the defect repair being made. If no record is found, it is considered a finding.

The following additional information is gathered with regards to the pre/post trip inspection review:

- Where do drivers submit their pre-trip inspection forms? Who is responsible for reviewing the forms? When are the pre-trip inspection forms reviewed?

- What is the procedure for reporting safety defects found during the driver's pre-trip inspection? How are defects prioritized for repair? Who makes this determination?
- Are the wheelchair lifts cycled as part of the daily pre-trip inspection?
- Do the drivers use the pre-trip inspection form to note post-trip defects on or is there a separate form used?
- If a safety defect was found during the post-trip inspection, what is the procedure to ensure the defect is repaired before the bus returns to service?
- After a defect is repaired, how is it documented to correspond with the original pre-trip/post-trip inspection form? Who is responsible for ensuring this documentation?
- How long are the drivers' pre-trip/post-trip inspections forms kept on file?

Warranty

Recovery of warranty repairs is an important part of any maintenance program. If warranties are not tracked and monitored then operating funds are often used to cover the cost. All maintenance programs should address warranties and it should be part of the *Transportation Operation Procedure*.

- Does the agency pursue warranty repairs for applicable vehicles?
- How are warranty repairs tracked?

Vehicle Cleaning

Vehicle inspections are addressed in a separate process. The cleaning of a vehicle, however, should be described in the maintenance plan. During the review, a sample of vehicles on site are spot checked for cleanliness and overall appearance. The following questions should be posed to the agency:

- What is the procedure for cleaning the exterior of the vehicle fleet? Who is responsible? How often does this occur?
- What is the procedure for cleaning the interior of the vehicle fleet? Who is responsible? How often does this occur?
- When incidents occur during service that include bodily fluids, are there policies in place to ensure the vehicle is sanitized before returning to service?

Unacceptable appearance of the vehicle is an indicator of poor maintenance and is considered a finding. The cleanliness of the vehicle should also be inspected during the vehicle inventory inspection (see vehicle inspection process).

Information Management

Record keeping is vital for any maintenance program regardless of the size of the agency. The items listed below will indicate if, and to what extent, those files are utilized by the agency.

- Where are the vehicle history files located? Are all maintenance files kept together or are there different files for warranty, annual inspections, etc.?
- What type of information management system is used? Electronic or manual?

<<<<<<The following 5310-Only Maintenance Compliance Workbook will be used to evaluate the maintenance department during a maintenance review>>>>>>

**MAINTENANCE REVIEW COMPLIANCE WORKBOOK FOR 5310 AGENCIES
2014-2015**

**Preventative Maintenance Planning, Training, and
Technical Assistance Program**



FLORIDA STATE UNIVERSITY
COLLEGE OF BUSINESS
Institute for Applied Business Research



This document was developed as a tool for compliance reviews pertaining to bus maintenance using state and federal requirements as outlined in the *FDOT Preventative Maintenance Standards Manual* and *Chapter 14-90 of State of Florida Statutes*. This workbook contains general standards against which these compliance reviews will be held.

Agency Being Reviewed:	
Date(s) of Review:	
Reviewer(s)	

The following individuals were interviewed during the course of this review.

Person	Title/Position	Date of Interview

The following maintenance documents will be reviewed as part of the Bus System, Safety, and Security Review. Whenever possible, these documents will be reviewed prior to the site visit.

Document	Does the Agency have one?		Has a copy been obtained?	
	Yes	No	Yes	No
<i>Transportation Operation Procedure</i>				
<i>Fleet Roster</i>				
<i>Inspection Form(s)</i>				
<i>Driver's Pre-Trip Form</i>				
<i>Accident/Incident Form(s)</i>				
<i>Most Current Maintenance Review</i>				
<i>Additional Forms Used (Specify Below)</i>				

Review Questions

1. Who is primarily responsible for the maintenance oversight of the fleet?

2. How many locations do the buses operate out of?

Please identify the locations from which buses operate in the table below:

Primary Location	
Location 2 (if applicable)	
Location 3 (if applicable)	
Location 4 (if applicable)	

Chapter 14-90, Florida Statutes stipulates:

(a) That all buses operated, and all parts and accessories on such buses, including those specified in Rule 14-90.007, F.A.C., and any additional parts and accessories which may affect safety of operation, including frame and frame assemblies, suspension systems, axles and attaching parts, wheels and rims, and steering systems, are regularly and systematically inspected, maintained, and lubricated in accordance with the standards developed and established, at a minimum, according to the bus manufacturer's recommendations and

3. Is any maintenance performed in-house? If so, please explain?

CH. 14-90.004 (h)(4)(b) stipulates:

(b) That a recording and tracking system is established for the types of inspections, maintenance, and lubrication intervals, including the date or mileage when these services are due. Required maintenance inspections shall be more comprehensive than daily inspections performed by the driver.

4. How is it determined when the buses are due for service? Computerized system or calculated manually?

CH. 14-90.004 (h)(4)(c) stipulates:

(c) That proper preventive maintenance is performed when a bus is assigned away from the system's regular maintenance facility, or when maintenance services are performed under contract.

5. Is any maintenance outsourced? YES or NO
If "YES," please explain and record additional information in Question 6?

CH. 14-90.004 (h)(4)(d)(5) specifies that agencies record:

5. The name and address of any entity or contractor performing an inspection, maintenance, lubrication, or repair.

6. What are the names of the shops used for outsourcing maintenance?

Name of Shop	Address	Specialty

CH. 14-90.004 (h)(4)(d) stipulates:

(d) That records are maintained and provide written documentation of preventive maintenance, regular maintenance, inspections, lubrication, and repairs performed for each bus under their control. Such records shall be maintained by the bus transit system for at least four years

7. Where are the vehicle history files located? Are all maintenance files together or are there different files for warranty, annual inspections, etc.?

8. What are the target mileage/time intervals used for the preventive maintenance inspections?

9. If any repairs are required as a result of a preventive maintenance inspection, how is that work scheduled (e.g. during the inspection or at a later date, different shop, etc.)?

10. Are warranty repairs pursued for applicable vehicles?

15. What is the procedure for cleaning the interior of the vehicle fleet?

15a. Who is responsible?

15b. How often does this occur?

16. When incidents occur during service that include bodily fluids, are there policies in place to ensure the vehicle is sanitized before returning to service? Please explain.

CH. 14-90.006(7) stipulates that:

(7) Bus transit systems shall require preoperational or daily inspection and reporting of all defects and deficiencies likely to affect safe operation or cause mechanical malfunctions.

17. During the driver's pre-trip inspection, is there a procedure in place if a safety defect is found?

18. After the driver's pre-trip inspection is completed, is the form turned in or does it remain with the driver until the end of the day? If turned in before departure, how are post-trip defects documented and recorded?

19. When the driver's Pre/post-trip Inspection Forms are turned in, where are they placed?

20. Who is responsible for reviewing the forms?

21. When are the driver's Pre/post-trip Inspection Forms reviewed?

CH. 14-90.006 (7)(a)(1-12) stipulates that:

(a) An inspection or test shall be made of the following parts and devices to ascertain that they are in safe condition and in good working order:

22. At a minimum, the driver’s Pre-trip Inspection Form must ensure that specific vehicle components are safe for operation. Does the form identify and record the condition of the following items?

Vehicle Component(s)	Yes	No
Service Brakes		
Parking Brakes		
Tires & Wheels		
Steering		
Horn		
Lighting Devices		
Windshield Wipers		
Rear Vision Mirrors		
Passenger Doors		
Exhaust System		
Equipment for Transporting Wheelchairs		
Safety, Security, and Emergency Equipment		

CH. 14-90.006 (7)(b) stipulates that:

(b) Bus transit systems shall review daily inspection reports and document corrective actions taken as a result of any deficiencies identified by daily inspections.

23. If a safety defect was found on a driver's Pre/post-trip Inspection Form during the review of the form, what is the procedure to ensure the defect is repaired before the bus returns to service?
24. After the defect is repaired, how is the repair verified on the Pre-trip Inspection Form? Check which of the following applies.
- Pre-Trip Inspection Form is signed and dated by the person conducting the repair.***
 - Repair Order is attached to the pre-trip inspection form***

Please provide any additional notes as necessary.

CH. 14-90.006 (7)(c) stipulates that:

(c) Bus transit systems shall retain records of daily bus inspections and any corrective action documentation a minimum of two weeks.

25. How long are the driver's Pre/post-trip Inspection Forms kept on file?

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**SYSTEM SAFETY REVIEW
PROCESS (SSP 100)**

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System Safety Review Process

The Department, or its contractor, is required and authorized to conduct inspections of bus transit systems (BTS) safety and security programs at least once every 3 years

The purpose of the review is to verify compliance with the provisions of Rule Chapter 14-90, Florida Administrative Code (F.A.C.), the bus transit system's approved Systems Safety Program Plan (SSPP), Security Programs Plan (SPP), and other applicable policies, and to verify that adequate safety management controls are in place and functioning to meet the minimum standards provided by Rule Chapter 14-90, F.A.C. Reviews are to be conducted at those bus transit systems defined in Rule 14-90.002(2), F.A.C.

The district office may combine a safety and security compliance review with other state required on-site compliance reviews, but only findings or comments resulting from compliance with **Rule Chapter 14-90, F.A.C.**, and/or the BTS's SSPP and SPP, should be included in the safety and security formal review written report submitted to the BTS.

Qualification of Safety and Security Compliance Reviewers

- i. The District office must ensure that each person conducting a bus transit safety and security review is qualified for the specific area of review. The size of the review staff should be a function of the review team skills, experience, scope of the review, size of the BTS, and length of the planned review
- ii. Lead project safety and security reviewer should have at least (3) years of professional working experience in transportation/transit systems safety and/or experience working in a transit agency's safety program with a responsibility for reviewing safety and security programs, to include conducting safety and security compliance audits. If technical expertise is needed, the Lead project safety and security reviewer should determine the types of technical requirements needed to assist in the review activities. Lead safety and security reviewer must be:
 - a) Familiar with and have a working knowledge of Florida Statute 341.061(2), and the most current versions of Rule 14-90, Florida Administrative Code, and the Department Bus System Safety Program Procedure (725-030-009-j),
 - b) Familiarization and working knowledge must include an understanding of all applicable federal laws and regulations, applicable state statutes and rules, to include any required forms relating to Federal and State compliance requirements.
 - c) Must have an understanding of the principles, procedures and standard practices of public transportation/transit - system safety, system security, including data analysis and evaluation techniques, recordkeeping, reporting requirements,

investigative techniques, and experience assessing and handling emergency incidents

- d) Must have the ability to analyze, audit, and inspect bus transit system safety plans, procedures, rules, documents, and any other area and/or condition to identify potential hazards, findings, and areas of concern.
- e) Must be able to recommend corrective actions for any identified finding, areas of concern, identified hazards, and/or unsafe conditions or practices.
- f) Must be able to articulate problem areas clearly, verbally and in writing, to the bus transit system.

- iii. All other section reviewers must have, at a minimum, basic knowledge of transit operating functions, and must have experience related to compliance oversight reviews.

Notification, Request for pre-audit materials:

- i. The bus transit system must be **notified by the FDOT District Office, in writing, at least three (3) weeks prior to a safety and security review (formal email notification, with a FDOT District Office signed document attachment is acceptable)**. The district office should coordinate scheduling of the onsite review with the bus transit system prior to written notification.
- ii. Written notification to the bus transit system should also include a request for pre-audit materials to review prior to onsite review activities. Documentation requested will allow the reviewers to maximize its familiarity with the BTS and to create onsite review checklists and review agenda prior to beginning on-site review activities. This process will ensure maximum utilization of on-site review time. Additional materials and/or follow up materials to those provided by the BTS may be required during the on-site review, including more detailed records and documents. Please note that some documents, materials, and other items requested in the pre-audit request may not have the exact name at the BTS, so BTS personnel should feel free to state, or to suggest an alternate item/document that contains the information requested. The BTS should clearly note location of items requested if contained within the SSPP or other safety plan document. Pre-audit materials that should be requested by the review team, but not limited to:
 - a) The Approved System Safety Program Plan and associated procedures and policies. (Bus Transit System Operational Standards -Rule 14-90.004 F.A.C.).
 - b) Safety policy documents and any Current Safety Bulletins
 - c) Organizational Chart with position responsibility (should cover from General Manager/Director to operating employees

- d) Vehicle and equipment standards and procurement criteria. (See procurement and maintenance sections).
- e) Operational standards and procedures.
- f) Employee/Driver “handbook”
- g) Dispatch policies/procedures
- h) Routes and Service schedules
- i) Wireless Communications Policy/Plan
- j) Driver hours of service policy/procedures (driving hours and work period’s policy).
- k) Bus driver selection policies and procedures.
- l) Background check policy / procedures
- m) License check policy/procedures
- n) Bus driver and employee training policies, procedures, and manuals (include list of courses and syllabuses).
- o) Copy of initial and refresher course syllabuses
- p) Vehicle maintenance. (see maintenance review area)
- q) List of all bus vehicles, make, models
- r) Copy of Accident/Event investigation policies and procedures.
- s) Include a list of Investigations for the last three years (select at least 10%, but no less than 5 complete files, to review onsite). Review investigation files for at least 3 major events. Review of files should include notifications, investigation activities, determination and any findings, corrective actions, and follow up activities (opened and close during the last three years).
- t) Hazard identification and resolution policy/procedure.
- u) Copy of hazard analyses and/or investigations for the last three years (select at least 10%, but no less than 5 complete files to review onsite). Review of files should include analysis and/or investigation activities, determination and any findings, corrective actions, and follow up activities (opened and close during the last three years).
- v) Any annual and/or periodic safety and hazard reports & analyses of data prepared for management
- w) SSPP polices/requirements for contractors.

- x) Records retention policy.
- y) Medical Examinations policy/procedures
- z) Request a copy of the medical form/standards use by the BTS. (Driver completed medical certifications are reviewed onsite only).
- aa) BTS Should provide the Medical Examiner Office and address
- bb) Drug Free Workplace & Substance Abuse Management Policy- (This part will be reviewed by Mrs. Diana Byrnes, C-SAPA)
- cc) Any safety certification materials
- dd) List and location of all BTS maintenance and operating facilities
- ee) Internal audit reports, findings, and corrective action plans implemented during the last three years (opened and closed).
- ff) Other items that the review team and/or FDOT District Office believes relevant to the review.

Reviewer Guidance

Any findings resulting from all areas of the review will be categorized as follows:

- i. **Deficiency:** Area(s) found to be deficient or inadequate in complying with the bus transit System's SSPP or SPP and/or Rule 14-90, F.A.C. Requirements to address deficiency will be indicated. The bus transit system is required to develop and submit a CAP and implementation schedule for approval for each deficiency arising from a compliance review. The district office will provide the CAP and implementation schedule for all deficiencies arising from a non-compliance review.
- ii. **Areas of Concern:** Weakness in the adoption or implementation of the Bus Transit System's SSPP or SPP and implementing procedures, and/or weaknesses with regard to conformance with Rule 14-90. F.A.C. Recommendations will be provided to address areas of concern. The bus transit system is required to develop and submit a CAP and implementation schedule for each area of concern, for approval by the district office.
- iii. **Observation/Recommendation:** An offered suggestion, view, or comment regarding safety and security performance. An observation may address or refer to information obtained during the review. Reviewers are encouraged to provide appropriate observations and recommendations on best practices even when no deficiency or area of concern exists.

Review of materials

The Approved System Safety Program Plan and associated procedures and policies.

1. The overall goal of a System Safety Program Plan is to identify, eliminate, minimize and control safety hazards and their risks by establishing requirements, lines of authority, levels of responsibility and accountability, and methods of documentation for the organization. This overall theme should be express in the BTS SSPP. The BTS should begin with this overall goal and should have developed specific goals applicable to its own program. Goals should be system-specific goals, tailored to the individual needs of the BTS.
 - a. Goals expressed should be long-term. Goals can be adjusted, but those expressed in the SSPP must have a broad and continual relevance throughout the life of the BTS.
 - b. Goals expressed should be meaningful.
 - c. Goals expressed should be realizable. Any goal expressed in the first two bullets but cannot be attained is meaningless.
2. The Approved SSPP must be adopted (dated and signed by the Chief Executive Officer/General Manager of the BTS) and clearly comply with or exceed the established standards outlined in Rule 14-90, F.A.C.
3. **Safety policies and responsibilities:** policies should outline the responsibility, authority, and accountability of the BTS personnel, and any contractor responsibilities. Policies should clearly explain the organization unit(s) responsible for executiing each safety and/or security task. Look for a/an:
 - a. System Description; this section should briefly describe the system's characteristics. The information presented should be sufficient to allow non-technical persons and those not employed in transit to understand the system and its basic operations.
 - b. A detailed organizational diagrams/chart showing the title of each position (should cover from General Manager/Director to operating employees)
 - c. A diagram of the structure of the BTS safety unit identifying the key positions and showing the relationship and lines of communications between the safety unit and other units of the agency.
 - d. Explanation, chart, or diagram showing the relationship of the BTS to local political jurisdictions
4. **Vehicle and equipment standards and procurement criteria. (Rule 14-90.007, F.A.C.)** (See procurement and maintenance documentations).

5. Operational standards, procedures, and driving requirements. (Rule 14-90.006) Each BTS must provide written operational and safety procedures to all bus drivers before driving on streets or highways unsupervised. This information may be contained in this exact SSPP section, another section, or some other identified BTS safety documents, such as the “driver’s handbook”. All language must be clearly understood and must address the following.

- a. Communication and handling of unsafe conditions, security threats, and emergencies
- b. Familiarization and operation of safety and emergency equipment, wheelchair lift equipment, and restraining devices
- c. Application and compliance with all applicable federal and state laws, rules, and regulations
- d. Look for exact language or other language explaining the following definitions/standards:
 - “Drive” or “Operate” means all time spent at the controls of a bus in operation.
 - “Driver” means any person trained and designated to drive a bus on a street or highway being used for the public transport of persons for compensation.
 - “Off-Duty” means any time the driver is not on duty, required to be in readiness to work, or under any responsibility to perform work. Such time shall not be counted towards the maximum allowed on-duty hours within a 24-hour period.
 - “On Duty” means the status of the driver from the time he or she begins work, or is required to be in readiness to work, until the time the driver is relieved from work and all responsibility for performing work. “On Duty” includes all time spent by the driver as follows:
 - Waiting to be dispatched at bus transit system terminals, facilities, or other private or public property, unless the driver has been completely relieved from duty by the bus transit system.
 - Inspecting, servicing, or conditioning any vehicle.
 - Driving.
 - Remaining in readiness to operate a vehicle (stand-by).
 - Repairing, obtaining assistance, or remaining in attendance in or about a disabled vehicle.

- Bus transit systems shall not permit a driver to drive a bus when such driver's license has been suspended, cancelled, or revoked. Bus transit systems shall require a driver who receives a notice that his or her license to operate a motor vehicle has been suspended, cancelled, or revoked to notify his or her employer of the contents of the notice immediately, no later than the end of the business day following the day he or she received the notice.
- Buses shall be operated at all times in compliance with applicable traffic regulations, ordinances, and laws of the jurisdiction in which they are being operated.
- A driver shall not be permitted or required to drive more than 12 hours in a 24-hour period, or drive after having been on duty for 16 hours in a 24-hour period. A driver shall not be permitted to drive until the requirement of a minimum eight consecutive hours of off-duty time has been fulfilled. A driver's work period shall begin from the time he or she first reports for duty to his or her employer. A driver is permitted to exceed his or her regulated hours in order to reach a regularly established relief or dispatch point, provided the additional driving time does not exceed one hour.
- A driver shall not be permitted or required to be on duty more than 72 hours in any period of seven consecutive days; however, any 24 consecutive hours of off duty time shall constitute the end of any such period of seven consecutive days. A driver who has reached the maximum 72 hours of on duty time during the seven consecutive days shall be required to have a minimum of 24 consecutive hours off duty prior to returning to on duty status.
- A driver is permitted to drive for more than the regulated hours for the safety and protection of the public when conditions such as adverse weather, disaster, security threat, a road or traffic condition, medical emergency, or an accident occur.
- Bus transit systems shall not permit or require any driver to drive a bus when his or her ability is impaired, or likely to be impaired, by fatigue, illness, or other causes, likely to create an unsafe condition.
- Bus transit systems shall require pre-operational or daily inspection and reporting of all defects and deficiencies likely to affect safe operation or cause mechanical malfunctions. The list of items are identified in Rule 14-90.006 (8)(a). This section should also require that the BTS review daily

inspection reports, document any corrective actions taken, and a requirement to maintain the reports at least 2-weeks.

- The following should be included in the SSPP, driver handbook, or other safety policy or document referenced in the SSPP.
 - A bus with any passenger door in the open position shall not be operated with passengers aboard. The doors shall not be opened until the bus is stopped. A bus with any inoperable passenger door shall not be operated with passengers aboard, except to move a bus to a safe location.
 - A bus with any passenger door in the open position shall not be operated with passengers aboard. The doors shall not be opened until the bus is stopped. A bus with any inoperable passenger door shall not be operated with passengers aboard, except to move a bus to a safe location.
 - During darkness, interior lighting and lighting in stepwells on buses shall be sufficient for passengers to enter and exit safely.
 - Passengers shall not be permitted in the stepwells of any bus while the bus is in motion, or to occupy an area forward of the standee line.
 - Passengers shall not be permitted to stand on buses not designed and constructed for that purpose.
 - Buses shall not be refueled in a closed building. The fueling of buses when passengers are being carried shall be reduced to the minimum number of times necessary during such transportation.
 - Bus transit systems shall require the driver to be properly secured to the driver's seat with a restraining belt at all times while the bus is in motion.
 - Buses shall not be left unattended with passengers aboard for longer than 15 minutes. The parking or holding brake device shall be properly set at any time the bus is left unattended.
 - Buses shall not be left unattended in an unsafe condition with passengers aboard at any time.

6. Bus driver and employee selection:

- a. Driver selection policies and procedures: Policies must clearly outline the driver job duties, including the qualifications and procedures for selecting drivers.

Policies should indicate the requirements for education, prior experience, license requirement, medical qualification, etc.

- b. Include Background check policy / procedures: Policy should explain the levels and types of driving and criminal background checks for all new drivers, and include levels, types, and frequency for current drivers.
- c. License check policy/procedures: Verification and documentation of valid driver licenses for all employees who drive buses. Policy should specify type of license needed for the specific job and/or vehicle. Policy should include types and frequency for current drivers.

7. Bus driver and employee training:

- a. Training policies, procedures, and manuals (include list of courses and syllabuses)- Policy must explain the BTS training, tracking, length, and testing to demonstrate and ensure adequate skills and capabilities to safely operate each type of bus or bus combination before the driver is allowed to drive on a street or highway unsupervised.
- b. Copy of initial training and refresher course syllabuses
 - Review for, as a minimum requirement, training materials that show/demonstrate where the drivers is given explicit instructional and procedural training and testing in the following areas:
 - Bus transit system safety and operational policies and procedures.
 - Operational bus and equipment inspections.
 - Bus equipment familiarization.
 - Basic operations and maneuvering.
 - Boarding and alighting passengers.
 - Operation of wheelchair lifts and other special equipment.
 - Defensive driving.
 - Passenger assistance and securement.
 - Handling of emergencies and security threats.
 - Security and threat awareness.
 - Driving conditions

8. Vehicle maintenance. Reference **14-90.009 Bus Safety Inspections** and Rule 14-90.004(4) Bus Transit Systems shall establish a maintenance plan and procedures for

preventive and routine maintenance for all buses operated. (See process related to Maintenance Oversight Requirement)

9. Investigation of events. Rule 14-90.004 (5), (6), (7)

- a. The BTS must have a formal policy that is understood by all personnel which explains which accident/events will be investigated. Language should include a predetermination on such things as internal notifications, thresholds for automatic activation of an investigation, guidelines on whether incidents should be investigated immediately or after the fact and who is in charge of each specific level of investigation.
 - Thresholds and process for external notifications to all necessary agencies, such as FDOT, NTSB, and local regulatory agencies should also be explained.
- b. The BTS policies and procedures should explain how they will investigate, or cause to be investigated, any event involving a bus or taking place on bus transit system controlled property resulting in a fatality, injury, or property damage as follow:
 - A fatality, where an individual is confirmed dead within 30 days of a bus transit system related event, excluding suicides and deaths from illnesses.
 - Injuries requiring immediate medical attention away from the scene for two or more individuals.
 - Property damage to bus transit system buses, non-bus transit system vehicles, other bus system property or facilities, or any other property. The bus transit system shall have the discretion to investigate events resulting in property damage less than \$1,000.
 - Evacuation of a bus due to a life safety event where there is imminent danger to passengers on the bus, excluding evacuations due to operational issues.
- c. BTS policy should explain how the agency will document each investigation in a final report that must provide a description of investigation activities, identified contributory factors, and any identified corrective action plan. This part should also list requirements for any refresher training and the retention of reports for a period of no less than 4 years.
- d. BTS policy should provide an Assurance that all recommendations and identified needs for corrective actions are assigned, tracked, reported and verified.
- e. BTS Policy should include a list the investigator qualifications and identify of BTS personnel/positions qualified to conduct accident/event investigations.

10. Hazard identification and resolution:

- a. Hazard identification and resolution policy/Process: Each BTS should fit the proper process to its organization. This part must be included in the SSPP, accessible to all levels of the agency. At a minimum, look for the following in the BTS hazards resolution process:
 - Hazard identification procedure: this part describes the methods used for ensuring that as many hazards as possible can be identified and entered into a hazard resolution process before they are able to cause problems.
 - Hazard categorization: there are different methods for categorizing hazards, but the main factor is having a formal procedure in place with normal determinations made in advance as to which types of hazards must have which type of resolution. Hazards are normally categorized in terms of severity and probability of occurrence.
 - Hazard Resolution: the analysis and following actions taken by the BTS to reduce to the lowest level practical the risk associated with an identified hazard.

11. Equipment for transporting wheelchairs.(14-90.007 Vehicle Equipment Standards and Procurement Criteria)

12. Safety data acquisition and analysis. Parts or all of this section may be contained in the Hazard identification and resolution section:

- a. This section should explain the collection, maintenance, and distribution of safety data relative to system operation.
- b. The responsibilities for providing, receiving, processing and analyzing data should be listed here, and can be general or specific based on the needs of the BTS.

13. SSPP requirements for contractors:

- a. The BTS SSPP must outline standards for private contract bus transit system(s) that provide(s) continuous or recurring transportation services for compensation as a result of a contractual agreement.

14. Records retention.

- a. The BTS must maintain Driver Records, Maintenance Records, Safety Inspections Records, Investigation Reporting and Investigation Records, and Medical Records for a minimum of 4 years. A statement in each individual section attesting to the retention of these records should be included in the SSPP. Please reference retention requirements within Rule 14-90 for each section.

15. Certification requirements: Rule 14-90, F.A.C. the following items are required on an annual basis per Rule 14-90. Review to ensure that the BTS SSPP outlines how each of requirements below will occur. Must have more than a statement that says we will comply.

- a. (1) Each bus transit system shall annually submit a safety and security certification to the Department. The certification shall be submitted no later than February 15, for the prior calendar year period. The certification shall attest to the following:
 - (a) The adoption of an SSPP and an SPP in accordance with established standards set forth in this rule chapter.
 - (b) Compliance with its adopted SSPP and SPP.
 - (c) Performance of safety inspections on all buses operated by the system in accordance with this rule chapter.
 - (d) Reviews of the SSPP and SPP have been conducted to ensure they are up to date.
- b. The certification shall include:
 - (a) The name and address of the bus transit system, and the name and address of the entity(ies) who performed bus safety inspections and security assessments during the prior calendar year, if different from that of the bus transit system.
 - (b) A statement signed by an officer or person directly responsible for management of the bus transit system attesting to compliance with this rule chapter.

16. Wireless Communications Plan (WCP) requirements. The BTS MUST have a formal internal plan that addresses and complies with each of the requirements in Rule 14-90.004 (1)(a) 12, 13, 14.

- a. At a minimum, the policy must state that the use of a personal wireless communication device is prohibited while the transit vehicle is in motion.
- b. At a minimum, the policy must state that all personal wireless communications devices are turned off with any earpieces removed from the operator's ear while occupying the driver's seat.
- c. Must have a policy on the use of a wireless communications device issued to the operator by the bus transit system for business related purposes. This policy should include the use of the BTS radio and mobile data terminals.

- Guidelines must explain how and when the agency issued wireless communications devices in emergency situations. (example: medical emergencies, family emergencies, and/or when regular issued equipment is inoperable during an emergency)
 - Policy must state that the use of an agency issued wireless communications device does not interfere with the operator's safety related duties
- d. The BTS must have a driver educational training program and as part of their program it must have the following:
- A section that explain the proper use of a wireless communications device issued to the operator by the Bus Transit System while in the performance of their safety related duties.
 - A section that discusses the hazards associated with driving and utilizing a wireless communications device.

System Safety Review Form

17. Drug Free Workplace (Rule 14-90.004(3)(h), F.A.C.): In accordance with Florida Administrative Code, Rule 14.90; each Florida Bus Transit System (BTS) is required to comply with the Federal Transit Administration regulations concerning the Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations (49 CFR Part 655), as well as the USDOT regulations that detail the required procedures for workplace drug and alcohol testing (49 CFR Part 40). The following checklist identifies a partial listing of documents that are commonly used to measure transit agency compliance to the Substance Abuse Management regulations referenced above. The collected documentation and information must be forwarded for further review, to: Mrs. Diana Byrnes, C-SAPA, Center for Urban Transportation Research, 4202 E. Fowler Ave. Cut 100, Tampa, FL 33620. Electronic format of the documentation is preferred and should be emailed to: byrnes@cutr.usf.edu.

All documents submitted for review will be held confidentially. Should an employee's personal information be contained on any of the requested documents; agency representatives may alter the document so as to conceal an employee's identity or personal information, prior to providing the documents for review.

a) Collection of General Information: (checklist may be completed during pre-audit review period and onsite).

- The transit agency Designated Employer Representative (DER) is the individual responsible for the management of the drug and alcohol program, and the recipient of drug and alcohol test results. Please provide below the contact information for the BTS DER.

- Name: _____
- Phone: _____
- Email: _____
- Record the number of safety sensitive* (FTA covered) employees currently employed at the BTS: _____
 - Note: Safety-sensitive employees are those employees that perform, or may be called upon to perform, one or more of the following job functions:
 - Operate a revenue service vehicle (even if not in service)
 - Perform maintenance of a revenue service vehicle
 - Control the movement of a revenue service vehicle
 - Operate an ancillary vehicle that requires the operator to hold a Commercial Driver's License (CDL)
 - Carry a firearm as part of transit security detail
- Record the hours of operation that safety-sensitive functions are performed with this agency. (Note: this usually the hours of the day in which service is offered, however maintenance hours may extend beyond the hours of service. Record the hours of the day and days of the week in which ANY safety-sensitive function is being performed. For example: 5 am through midnight, six days per week.)

- Does the BTS utilize the services of a Third Party Administrator (TPA) to aid in the management of their drug and alcohol testing program? (Note: TPA is an outside vendor that assist the BTS with task such as the generating random selections, identification of collection site resources, laboratories, etc.). Please check one of the following:
 - Yes, the BTS uses a TPA: _____
 - No, the BTS does not use a TPA: _____
 - If yes, please identify the TPA: _____

b) Documents to be obtained and forwarded for review. Note: The BTS Designated Employer Representative (DER) will likely maintain these items.

- A copy of the BTS's most current FTA Drug and Alcohol Program Audit final Report, as prepared by the FTA audit team members. (Note: an FTA Drug

and Alcohol Program Audit is separated from an FTA Triennial, and focuses solely on the compliance to drug and alcohol testing regulations).

- OR, for rural transit agencies (5311): the most current FDOT Substance Abuse Management Review Report will be reviewed in lieu of an FTA Drug and Alcohol Program Audit Final Report. Please contact Mrs. Diana Byrnes if there are questions concerning the applicability of these audit reports.
- A copy of the BTS's most current Substance Abuse Policy, adopted by the governing board or highest ranking agency official.
- A copy of the BTS's most recent Drug and Alcohol Management Information Systems report (commonly referred to as an "MIS" report). This report is submitted to FTA electronically, on an annual basis. The BTS is required to submit testing data on all of the drug and alcohol testing that the BTS conducted within the previous year. The report must be submitted to FTA no later than March 15th of each year and must be retained for no less than 5 years from the date of submission.)
- A blank (unused) copy of the Release of Information form. This is the form that the agency uses to request drug and alcohol information from an applicant's previous U.S. DOT employers (49 CFR Part 40.25).
- A blank (unused) copy of the BTS's "notice to Test" or "Testing Notification" form. This is the form on which the agency documents written notification/direction to the employee to proceed to a collection site for an FTA/DOT required urine collection or alcohol test.
- A blank (unused) copy of the BTS's Post Accident Decision and Documentation form, used to determine if an event (accident) meets the FTA threshold requiring Post Accident drug and alcohol testing.
- A sample of 3-5 Post Accident Decision and Documentation forms that were completed within the previous 12-month period, in where the accident met the FTA criteria for testing. (Please be sure to redact names and any other personal information and discuss with Mrs. Byrnes on any confidentially concerns).

c) Designated Employer Representative (DER) Questionnaire

- What training tools does this BTS use to ensure that all safety-sensitive employees receive a minimum of sixty minutes of training of the effects and consequences of prohibited drug use? (List the name of training tools used below).

- What training tools does the BTS use to ensure that selected supervisory personnel and other designated BTS officials receive the required training to become authorized to make reasonable suspicion testing referrals? (List the name of the training tools used below).

- With regard to the BTS's Random Testing Program:
 - How often are random selections generated? (Ex: quarterly, monthly). _____
 - How does the BTS ensure that every safety-sensitive employee is included in the random testing pool prior to each random draw (such as new hires and transferees)?

- How does the BTS ensure that random testing is performed sporadically throughout the testing period, so as not to reveal any predictable pattern of testing?

- How does the BTS ensure that random testing is spread reasonable throughout all hours of operation, so as not to create and predictable pattern of testing? (Is testing performed in the early morning, late evening, weekends, and holidays?).

d) Closing:

- Reviews of the information provided for this section will be reviewed by Mrs. Byrnes and comments provided to the District Office and review team leader for inclusion in the draft and final reports.
- Please discuss BTS review dates with Mrs. Byrnes so that she may be able to arrange time on her schedule to appropriately review the documents provided to her by the review team within the required review time frame. Please be sure to provide Mrs. Byrnes a copy of the formal agenda for the review.
- Technical Assistance: Advise the BTS that assistance and training on the topics of Substance Abuse Management is available as part of the Florida Department of Transportation Substance Abuse Management Oversight and Technical Assistance Program. The BTS may contact Mrs. Diana Byrnes directly to request on-site training or technical assistance meetings: byrnes@cutr.usf.edu or 813-426-6980.
- The BTS should also be referred to the Florida DOT Substance Abuse Management Resource Website: <http://sam.cutr.usf.edu>

18. Trend analysis:

- a) Perform a trend analysis of all data collected and areas observed. Performing a trend analysis of data provides the ability to determine the effectiveness of the organization in managing its activities and improving its proficiency in safety efforts. Completing a trend analysis on the program elements provides a summary of compliance rates, areas of violation, schedule adherence, and summary of corrective action plan activities and follow activities.

Security Items, policies, procedures

(All security sensitive items and files must be REVIEWED ONSITE ONLY). The BTS should prepare the following items for review as applicable.

1. Security policies, goals, and objectives: The overall goal of a Security Program Plan is to identify, eliminate, minimize and control security hazards and their risks by establishing requirements, lines of authority, levels of responsibility and accountability, and methods of documentation for the organization. This overall theme should be express in the BTS

SPP. The BTS should begin with this overall goal and should have developed specific goals applicable to its own program. Goals should be system-specific goals, tailored to the individual needs of the BTS.

- b) Goals expressed should be long-term. Goals can be adjusted, but those expressed in the SPP must have a broad and continual relevance throughout the life of the BTS.
 - c) Goals expressed should be meaningful.
 - d) Goals expressed should be realizable. Any goal expressed in the first two bullets but cannot be attained is meaningless.
2. The Approved SPP must be adopted (dated and signed by the Chief Executive Officer/General Manager of the BTS) and clearly comply with or exceed the established standards outlined in Rule 14-90, F.A.C.
 3. Organization, roles, and responsibilities:
 - a) a detailed organizational diagrams/chart showing the title of each position (should cover from General Manager/Director to operating employees)
 - b) a diagram of the structure of the BTS safety unit identifying the key positions and showing the relationship and lines of communications between the safety unit and other units of the agency
 4. Procedures for investigation of events described under subsection 14-90.004(5), F.A.C.
 5. Emergency management processes and procedures for mitigation, preparedness, response, and recovery. Plans must be in place for prevention and also for response and recovery should an event occurs. This may also be included in the BTS interagency planning. Be sure to look for an alternate location should it be needed by the BTS.
 6. Interagency Coordination: it is important that the BTS address communications process relative to safety, security, and emergency issues. Check for:
 - a) Procedures for the establishment of interfaces with emergency response organizations.
 - b) Procedures for interagency coordination with local law enforcement jurisdictions.
 - c) At a minimum, the BTS must have a list of agencies with which regular contact and coordination is or may be required. Such items as training of emergency response personnel, emergency drills (internal and with external agencies) and familiarization processes, and procedures for actual emergencies should be developed in coordination with these agencies. The procedures must be documented, exercised and administered on a regular basis.

7. Employee security and threat awareness training programs.

- a) Security and threat awareness training should be included in the BTS training program/syllabus and topics outlined in the SPP. This part is especially important in the “new employee orientation training”.
- b) Some of the training to look for are:
 - Overall security awareness, such as explaining the importance of observing, identifying and reporting suspicious people or behavior
 - transit system threats and vulnerabilities such as identifying general security threats, vulnerabilities, and potential consequences to the BTS property and assets
 - Security concerns such as trespassing, workplace violence, vandalism, and theft.
 - How to recognize, react, and report transit crime and other security related activities.
 - BTS employee roles in following agency security policies and procedures, such wearing and looking for proper employee ID and uniforms.

8. Security data acquisition and analysis:

- a) Did the BTS conduct a threat and vulnerability assessment? A threat and vulnerability assessment is an analysis of safety hazards and security threats including vehicle and workplace accidents; acts of nature; criminal acts; terrorism; and other risks that can cause loss of life, personal injuries, and property damage and disrupt operations.
- b) Do the BTS have a process for conducting trend analysis? Note: this process may be included in the SSPP section.
 - The review should also make an analysis and look for trends in information reviewed onsite.

9. Requirements for private contract transit providers that engage in continuous or recurring transportation services for compensation as a result of a contractual agreement with the bus transit system.

10. Procedures for SPP maintenance and distribution.

- a) The SPP and associated documents are secure items and the BTS is prohibited by Section 119.071(3)(a), F.S., from publicly disclosing the SPP or the security portion of the SSPP, as applicable, under any circumstance.

- b) The BTS must have procedures in place that document who and how the security documents are maintain, by whom, and how they are distributed.

11. Each BTS that engage in a contract with a private contract transit provider must have:

- a) Establish minimum security requirements which apply to their private contract transit providers
- b) Monitor and assure that each private contract transit provider complies with the established security requirements during the term of the contract.
- c) Description of transit security qualifications and training requirements
- d) Organization and general duties of transit security assigned to bus services.
- e) Identification of transit security personal equipment and transit security department vehicles and equipment.
- f) Identification of existing surveillance equipment and physical areas of surveillance responsibility. (where, what, and who)
- g) Results of internal security audits, including findings and corrective actions (open and closed over the last 3-years).

Development of onsite Agenda and Checklist

1. The purpose of the agenda and checklist is to provide a planned, organized method for conducting the audit and to document the results. During the onsite review, the checklist allows the reviewers to stay focused on the issues. However, reviewers should not limit themselves to specific questions or items listed on the checklist but should maintain the option to expand the checklist, if necessary, to assure conformance to the safety issue.
 - a. The experience and judgment of the reviewer contributes significantly toward developing the checklist. The lead reviewer must consider and discuss with the FDOT Central and District Office as necessary, and issues in development of the checklists.
 - The reviewer must evaluate any constraints and exceptions for written procedures or requirements governing the issue area.
 - Regulatory requirements
 - BTS plan requirements (the BTS may establish standards and programs that exceed regulatory requirements). The review must consider standards that the BTS has certified to be compliant with.
 - Previous reviews conducted by FDOT
 - Overall and specific area elements to be reviewed

- Sample size, as applicable
- Facility/location(s) to be reviewed
- Bus routes to be reviewed
- BTS and review team contact information/include all reviewers who will review the specific area
- Method of verification
- Reference criteria

2. Types of Verification:

- a. During the onsite review to ensure implantation and compliance with Rule 14-90, F.A.C., and the BTS approved SSPP and SPP, sufficient information and documentation must be gathered and reviewed to support a reasonable determination of the safety and/or security issue being examined. The review team leader should discuss with the BTS and area leader(s) as early as possible, a description of other onsite documents and/or records that will be required to be reviewed and during the onsite audit.
- b. Data and information can also be acquired through inspections, observations, interviews and tests.

Onsite Review

1. Entrance Meeting:

- a. On the date of the scheduled safety and security on-site review the first order of business shall be an entrance meeting between the review team and the BTS Director, the Safety Director, Authorized Official and/or others as the BTS deems necessary. The purpose of this meeting is to finalize the safety review schedule and answer any preliminary questions regarding any aspect of the review process and/or assessment materials. The BTS should assign a staff member(s) to accompany each group of the review team throughout the on-site review process.
- b. Introductions- review team and agency personnel.
- c. Go over the agenda and make any necessary adjustments and/or request
- d. Outline areas of review and answer any questions
- e. Go over review process: how and who on the review team will conduct the specific area review
- f. Discuss interviews – Management, Supervisors, drivers, etc.
- g. Observations- bus, maintenance, dispatch, etc.

- h. Bus Inspections
 - i. Route Checks
 - j. Record checks
 - k. Request for follow documents, plans and procedures
 - l. Explain when the final report will be issued to the agency (required within 30-days of completion of the onsite review). {Report is due to the agency within 3-business days if the review was conducted as a 'noncompliance review.
 - m. Explain levels audit findings thresholds: deficiency, Areas of Concern, Observations, Recommendations
 - n. Explain requirements for a Corrective Actions Plan (CAP): The bus transit system will have 30-days to develop a CAP and reasonable implementation schedule for all identified deficiencies and areas of concern. Note: the agency can correct a finding at any time, but the allowed 30-day window should be used to develop the required CAP(s) and reasonable implementation schedule to correct each deficiency and/or area of concern. The BTS must submit their CAPs and implantation schedule for each CAP to the Department/District for approval. {The Department/District provides the corrective action and implementation for all deficiencies and areas of concern resulting from a noncompliance review. This also applies in a regular review where the Department/District believes the deficiency and/or results in immediate danger to the public and/or employee safety}
 - o. Explain the option to address any observation made by the Department/District. (Note: If the District feels strongly about an issue and believes it needs to be addressed by the BTS, please list the issue as an area of concern in the final report).
- 2. Onsite records review: Note: The BTS must maintain Driver Records, Maintenance Records, Safety Inspections Records, Investigation Reporting and Investigation Records, and Medical Records for a minimum of 4 years.**
- a. Records selected for review should be random and cover the BTS last 3-year period.
 - b. The reviewer/district must select the driver records for review:
 - c. Randomly select 30% (30 bus driver minimum) of ALL BTS Drivers. If applicable, up to 33% of the driver selection must be new hires (bus operators hired within the last 3 years and not currently in training) Review ALL BTS driver records less than 30. If the reviewer notices a major problem in a specific review area, an additional 30% selection of driver records should be reviewed. If the additional

review produces the same troubling results, then all records for the review section must be reviewed. If during their review of an area, the reviewer notices an issue with a specific record, they have the option to expand their review to include that particular record in their review.

d. Driver Licenses:

- Visually check license; picture, CDL class as applicable, endorsement, expiration date, and any restrictions.
- Cross check date of hire with date issued.
- Make sure license is current: run a free online check at:
<https://services.flhsmv.gov/DLCheck/DLCheckResultView.aspx>

e. Medical Certifications:

- Medical Certification (Rule 14-90.0041. F.A.C.) Verify expiration date, completion of form, and signature of qualified medical examiner and bus operator.
- The BTS driver files should contain only the driver medical certifications and no medical forms.
- Cross check date of hire with date on the medical certificate.

f. Hours of Service Records and Schedules:

- Carefully review the hours of service requirements outlined in Rule 14-90.006. A driver is not permitted or required to driver more than 12-hours in a 24-hours period, or drive after having been on duty for 16 hours in a 24-hours period. After reaching these limits, a driver must have 8 consecutive hours off duty to end this period.
 - Also note that a driver shall not be required or permitted to be on duty more 72 hours in any period of seven consecutive dates; a driver must be off duty 24 consecutive hours to end this period.
- Review bus operator schedules to ensure scheduling compliance by BTS.
- Review actual bus driver work records for hours of service compliance.
 - Select at least **2 separate** (not in the same year) **2-week periods** over the prior 3-year review range for review.
- Driver Event Investigation Records: Review for a sample of Investigations for the last three years. Each review should include any findings and corrective actions (opened and close during the last three years). Look for

trends, patterns, and other issues when reviewing reports. Files should be complete and contain information more other than the local law enforcement report. Select one additional 30% list of drivers if no records of events exist for the initial 30% sample selected. Look for trends, patterns, and other issues when reviewing reports.

- Hazard Investigation Records: Review a sample of hazard analyses and/or investigations for the last three years (review onsite if this information is too sensitive or too big to transmit). Each review should include any findings and corrective actions (opened and close during the last three years). Look for trends, patterns, and other issues when reviewing reports.

g. Operations and transit facility inspections:

- Identify and locate all facilities and equipment with safety-related characteristics. This will include fire protection equipment, emergency communications equipment, and employee safety devices.
- Facility inspections should be closely coordinated with hazard with the hazard analysis.

h. Observations:

- Be ready to come in early and stay late to observer start up and closing procedures
- Review interaction and monitoring of drivers as they report for duty.
- Monitor bus pre-inspections (go out to the bus)
- Observe yard operations for safety
- Take the opportunity to communicate with bus drivers, supervisor, maintenance personnel, and supervisors.
- Observe training classes
- Observe dispatch operations

i. Route and driver performance Checks: Riding the bus route to review routes coverage area, bus stop locations, and to assess the bus driver performance in order to verify compliance with road traffic laws, ADA regulations, Rule 14-90, and the BTS policies, procedures and training, is one of the most important components of the safety and security review process. Reviewers should select bus driver schedules and routes schedules that covers various times of the day, morning, noon, evening, and night routes. At least one shift route from one-third of the selected 30% of drivers should be reviewed. The reviewer must schedule

adequate time, no less than 1-hour, to conduct a thorough route and driver performance check. **Please comment “yes”, “no”, or “na” (non applicable) where appropriate on each checked item and also provide comment where appropriate.** Reviewer must include a selection of morning and evening/night shifts. The pre-trip inspection review should not be included in the 1-hour onboard review minimum.

- Bus stop locations:
 - Review for safe location (too close to electrical lines, too close to road/intersection, in a ditch, low hanging limbs, etc.). Many of these observations can be made with consideration and review of incident/event records.
- Observe that the driver:
 - Is not impaired or likely to be impaired by fatigue, illness, or other causes likely to create an unsafe condition.
 - Performs a pre-trip inspection and completely fills out the pre-trip inspection form before starting the first run of the day. Items are outlined in Rule 14-90.006(8)(a) F.A.C.
 - Service brakes.
 - Parking brakes.
 - Tires and Wheels
 - Steering
 - Horn
 - Lighting devices
 - Windshield wipers
 - Rear vision mirrors
 - Passenger doors
 - Exhaust system
 - Equipment for transporting Wheelchairs
 - Safety Security, and emergency equipment
 - Makes sure nothing is on the dashboard, rear view mirror, or sun visors that could create a hazardous situation.
 - When required, the driver safely attaches tie down straps into floor tracks, and use the four-point tie down on wheelchairs.

- Removes tie downs from floor after each use. Stores tie down straps in their proper place.
- The driver assists the wheelchair passenger on or off the bus (if needed). Renders correct assistance to passengers in wheelchairs, using all precautions with lift while moving passenger off vehicle.
- Personal wireless communications devices are not used and turned off with any earpieces removed from the driver's ear while occupying the driver seat. When using a wireless communications device (this would also include a BTS issued radio) it does not interfere with the driver performing their safety related duties.
- Attends to all other passengers requesting or requiring assistance. Acts courteously, offers help
- Stops the vehicle (6) six inches or (4) four feet from curb to keep passengers from falling off the vehicle as they load and unload. (This may depend on the stopping or parking situation).
- Uses correct language under ADA guidelines.
- The driver is not slouching in their seat while driving.
- Arms and/or hands are not extended beyond the window frame while the bus is in motion.
- The driver wears seat belt and uses it correctly at all times when the bus is in motion.
- Both hands are on the steering wheel during operation (at the 9 and 3 or the 10 and 2 position).
- Adjusts mirrors before starting out on their route for the day for safety and visibility, (mirrors should be checked and adjusted if needed anytime the driver starts out for the first time with a bus during his/her shift.
- The driver appears observant of road conditions and keeps eyes moving at all times to observe surroundings while the bus is in motion.
- Uses signals for all maneuvers in traffic and signals at proper distance for an intended turn. Cancels signal when maneuver is completed. Leaves (himself/herself) an out when making adjustments in traffic.

- Does not jerk the vehicle when stopping and starting. Uses the brakes without stomping or slamming (stops vehicle smoothly)
- Does not whip around corners. Slows the bus down appropriately when turning corners. Positions the bus for proper safe turns.
- Does not start into the intersection without proper caution (looks both ways in traffic), uses the four second rule. Keeps safety cushion under control.
- Does not travel too slow or too fast for conditions on the road (weather, heavy traffic, slowed traffic, etc.) or for the posted speed limit
- Keeps proper distance between vehicles ahead.
- Slows down appropriately (less than the posted speed limit) when approaching a traffic light and noticing that the green light has been green for some time at a distance.
- Makes sure passenger are seated and/or properly position to support themselves before proceeding.
- Stops bus behind the plane of a street intersection and does not cross over the intersection when stopping for red traffic light.
- Stops bus vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad and while stopped, listens and looks in both directions along the track for any approaching train, and for signals indicating the approach of a train, does not proceed until he/she can do so safely. (Opens doors when possible)
- Answers BTS radio properly. Uses proper radio language and does not use profanity. Uses BTS 10-codes where applicable.
- Monitors passengers and report misbehavior in the vehicle
- Keeps schedule safely and does not jeopardize safety for schedule
- Does not operate the bus with any passenger door in the open position
- The bus is at a complete stop before doors are opened. (Doors must also be completely closed before the bus pulls away from a stop).
- Passengers are not standing forward of the standee line when the bus is in motion. (Passengers should be completely behind the standee line before the bus moves forward. ****Reviewers, BTS

personnel, to include trainers and safety personnel should not be forward of the standee line when the bus is in motion.)

- During darkness, the interior lighting in step-wells is on and sufficient.
- Does not allow passengers to stand in step-wells while the bus is in motion
- Does not leave the bus unattended with passengers aboard for longer than 15 minutes.
- The parking brake device is properly set anytime the bus is left unattended.
- The bus is not left in an unsafe condition at any time
- Doors are not locked preventing passengers from exiting the bus when the driver is away from the bus (*****passengers must always have a way to exit the bus in case of an emergency).
- Reviews should include any additional items as necessary to conduct a thorough route and driver performance review.

3. Exit Briefing: Reviewers (District/Contractors), BTS Executives and other personnel: The purpose of the exit briefing is to ensure that the BTS is presented with all results, both positive and negative. The Review Team leader is responsible to assure the attendees understand all the findings deficiencies, areas of concern, and recommendations.

- a. Provide a summary of findings and any immediate need for correction action.
 - Make request for any additional documents and/or other items.
 - Answer any questions/concerns the BTS may have
 - Discuss Final report- submittal to BTS
- b. District prepares and issue final report identifying findings, per Department procedure guidelines within 30-calendar days of completion of the onsite review
- c. The District Office must submit to the BTS a corrective action plan (CAP) close-out letter within 30 calendar days of completion and implementation of ALL corrective actions resulting from the review
- d. Thank everyone for their time!

4. Important Notes to District Office:

- a. The safety and security formal review report must be submitted to the person directly responsible for management of the bus transit system by a cover letter or

email authorized by the District Modal Development/Public Transportation Manager.

- b. The review report must be prepared and submitted to the bus transit system within 30-calendar days following the completion of the on-site review. Submission of the formal review report may be delayed an additional 7 calendar days in order to request and receive additional information that would provide clarification on materials gathered during the onsite review.

5. The formal review report shall contain the following:

- a. Name and address of the bus transit system, the dates the review was conducted, and the name of each reviewer.
- b. Specific items reviewed and a description of any deficiencies, unsafe conditions, or areas of concern.
- c. A requirement for the bus transit system to develop and submit a corrective action plan (CAP) and implementation schedule for each deficiency and /or area of concern within 30-calendar days from the date of the final report.
- d. A requirement that the bus transit system verify in writing, completion of required corrective action(s).
- e. A description of any Department planned follow-up activities
- f. The district must notify the BTS of its approval or rejection of each corrective action and implementation schedule within 15-calendar days of receiving the plan. In the event the district office rejects a CAP, the district office shall state its reasons in writing and recommend revisions. The district shall require the bus transit system to submit a revised CAP and implementation schedule, for each CAP not approved, no later than 15calendar days following receipt of the notification.
- g. (Rule 14-90.012, F.A.C.) – If the District determine during the review that the BTS that a deficiency or unsafe condition exist, to the extent that the continued operation of the system, or a portion thereof, poses an immediate danger or threat to public safety, they are required to:
 - Immediately notify the BTS of the unsafe condition, followed by a certified letter describing the deficiency or unsafe condition. The notification shall include the following. (The normal 30-day window is not required)
 - The immediate required corrective action for the deficiency or unsafe condition.

- The requirement for the bus transit system to certify, in writing to the Department, the completion of the required corrective action in accordance with an established implementation schedule
 - Conduct an on-site review of the BTS to verify the correction of the deficiency in accordance with this rule and the established implementation schedule.
 - Suspend affected passenger service operations if the BTS fails to correct the deficiency in accordance with this rule and the established implementation schedule.
6. If a deficiency or unsafe condition is immediately corrected prior to the final report, a complete description of the deficiency, unsafe condition, or threat and completed corrective action will be documented in the final report. For other deficiencies, a detailed Corrective Action Plan (CAP) and implementation schedule for each item is required to be developed by the BTS within 30-calendar days of the date of the final report and submitted to the District for approval. (Please allow time for delivery of the final report).
7. The District Office must reserve the right to conduct a follow-up review to verify completion of corrective action(s) that resulted from the safety and security review. The District Office should conduct a follow-up review to verify completion of a corrective action that resulted from a deficiency or unsafe condition that existed to the extent that continued operation of system or a portion thereof, posed an immediate danger or threat to public safety.



**VEHICLE INVENTORY
INSPECTION PROCESS
(VIP 100)**

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VEHICLE INVENTORY INSPECTION PROCESS

PURPOSE

The Vehicle Inventory Inspection Process outlines the roles and responsibilities of the District Offices (DO) and the Central Office (CO) in performing vehicle inventory inspections and maintaining the statewide vehicle inventory. A biennial physical inventory of vehicles is required as a condition of Federal grants (49 CFR 18.32) and for all vehicles purchased with 50% or more state funding.

DISTRICT RESPONSIBILITIES

The vehicle inventory inspections will be completed by District Project Managers or Consultant staff. These inspections shall be conducted, completed and reported no later than March 1 of each even year. The vehicle inventory inspection is a visual inspection of the condition of the vehicle. Items to be checked include:

- Exterior body, check for damage, glass condition and overall exterior cleanliness
- Interior condition, overall condition and cleanliness
- Check for emergency exit signage
- Check to see if vehicle has safety reflectors, first aid kits and fire extinguishers
- Inspect tires and wheels for any visual defects or damage
- Visually inspect all lights, mirrors, windshield wipers and warning devices for wear or damage
- Cycle wheelchair lift and make sure all belts and tie downs are in good condition
- Check FDOT control number to confirm it matches VIN# on inventory control form
- Make sure vehicle insurance is current
- Check to see if FHP letter is in vehicle glove box

The results of the vehicle inventory inspection can be recorded on form #725-030-25, Vehicle Inventory Data and Record of Biennial Inspection (see next page).

CENTRAL OFFICE RESPONSIBILITIES

The CO shall retain the titles of any vehicle purchased with federal funds under a grant award from the Department and any vehicle purchased with 50% or more of Department funding. The Statewide Vehicle Inventory will be maintained by the CO. This inventory will include a record of control numbers assigned to these vehicles. The CO shall update the inventory on a continuous basis, using data submitted by the DO and the TRIPS Program Contractor. The CO shall distribute the inventory semi-annually, not later than March 1 and September 1. The biennial physical inventory reports shall be reconciled prior to the issuance of the even year inventory.

The CO shall conduct periodic analysis of vehicle data to assess utilization, forecast replacement, evaluate the distribution of resources, and coordination of transportation services.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

VEHICLE INVENTORY DATA AND RECORD OF BIENNIAL INSPECTION

DOT CONTROL #: _____ DOT DISTRICT #: _____ DATE: _____

REGISTERED OWNER: _____ DUNS #: _____

ADDRESS: _____

_____ COUNTY: _____

CONTACT PERSON: _____ TEL. NO _____

FM# _____ FEDERAL GRANT # _____

AGENCY IN POSSESSION: _____

(Operator of vehicle, if different from OWNER AGENCY)

ADDRESS: _____

VEHICLE MODEL YEAR: _____

VEHICLE BODY MFR.: _____ CHASSIS MFR.: _____

(End Manufacturer - consider body versus chassis). GVWR: _____

VEHICLE TYPE: _____ (Bus, Van, S/W, Mini-Van, Sedan, P/U)

VEHICLE ID. # (V.I.N.): _____

(Chassis number assigned by manufacturer)

NEW COST: _____ (including all modifications such as w/c lift, etc.).

FED. PARTIC. %: _____ STATE PARTIC. %: _____ GRANT NO. /YEAR: _____

SEATING CAPACITY: _____ (ambulatory seats)

SPECIAL EQUIPMENT: _____

(W/C Lift- mfr., Ramp, Raised Roof, No. W/C positions, etc.)

MILEAGE: _____ DATE OF READING: _____

(Mandatory on biennial inspections.)

ADDITIONAL REMARKS (Use reverse side, if required):

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**PROJECT MANAGEMENT
OVERSIGHT PROCEDURES**

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PROJECT MANAGEMENT OVERSIGHT

PURPOSE

Project management oversight is performed by District Staff or their Contractors. It provides the opportunity for District staff to assess Grantee performance in between Triennial Reviews of the Grantee. The project management oversight is not intended to be an in-depth review of the Grantee. The in-depth review is done during the Triennial Review of the Grantee.

DISTRICT RESPONSIBILITIES

Several funding programs require the submission of plans to be eligible for funding. These include the: bus system safety plan, the preventative maintenance plan, the Title VI plan, and the transportation development plan. These plans must be reviewed by the District to ensure all requirements are covered in the agency's plan. Agencies' must submit plan revisions to the District in a timely manner to ensure the most recent version of the agency's plan has been reviewed.

The Central Office has provided optional plan review checklists for use by District staff or their contractors to assist in the review process (see subsequent pages).

Project management oversight can be conducted in conjunction with other visits to the agency. Since the visit is an informal spot check review of the Grantee, there is not a recommended form for this visit. However, it is recommended that District Project Managers document the visit and place the notes in the project file.

Should District Project Managers or their Contractors identify any area of concern, District Project Managers can ask for a Triennial, System Safety or Maintenance Review at any time. Additionally, Central Office Subject Matters Experts are available to provide training to District or Grantee staff on request.



5310 TRANSPORTATION OPERATIONS PLAN REVIEW CHECKLIST

The following checklist is provided as a resource for District staff in reviewing 5310 Transportation Operations Plans (TOP). It is not mandatory for a District to use this checklist during the review and approval of the sub-recipient plan.

1. Does the plan include the fleet inventory for the agency?
2. Does the plan include the agency's procedures for completing pre-trip and post-trip inspections?
3. Does the plan include the agency's procedures for doing preventative maintenance inspections? If maintenance is outsourced, did the agency provide their procedures to the maintenance facility?
4. Does the plan include a description of what the agency will keep in their vehicle history files?
5. Does the plan include a description of the agency's procedures for ensuring drivers have valid drivers' licenses? Does the plan include a description of how they complete background checks on drivers?
6. Does the plan include a description on how the agency provides driver training? Does the plan describe any refresher training provided? How to handle emergency situations?
7. Does the plan include the agency's Drug Free Workplace statement?
8. Does the plan include a description of how the agency monitors drivers' hours so the hours don't exceed the maximum work hour periods?
9. Does the plan include a description of how the agency tracks vehicle accidents? Does it describe the accident investigative process?





TITLE VI PLAN REVIEW CHECKLIST

The following checklist is provided as a resource for District staff in reviewing sub-recipient Title VI plans. It is not mandatory for a District to use this checklist during the review and approval of the sub-recipient plan.

1. Does the plan include the Title VI Policy statement for the agency?
2. Does the plan include the agency's Title VI Notice to the Public and the list of locations where the notice is posted?
3. Does the plan include the agency's Title VI Complaint Procedures (i.e. instructions to the public regarding how to file a Title VI discrimination complaint)?
4. Does the plan include the agency's Title VI Complain Form?
5. Does the plan include any agency transit related Title VI investigations, complaints, and lawsuits?
6. Does the plan include the agency's Public Participation Plan? (For 5310 only agencies, they need to describe how they get word of their services out to potential clients.)
7. Does the plan include the agency's Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP)? (For 5310 only agencies this includes an assessment of potential LEP clients. It's a scaled down version of the required four factor analysis. It should explain how they determined their potential LEP clients and how they provide language assistance.)
8. Does the plan include a description of how the agency monitors its sub-recipients for compliance with Title VI and a schedule of sub-recipient plan submissions? In most cases this will not apply to the agency but they should include a statement saying so.
9. Does the plan include a Title VI equity analysis if the sub-recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operations center, etc.?
10. Has the plan been approved by the agency's Board of Directors?



PROCUREMENT POLICY REVIEW CHECKLIST

The following checklist is provided as a resource for District staff in reviewing procurement policies. It is not mandatory for a District to use this checklist during the review and approval of the sub-recipient plan.

1. Does the agency's procurement policy include the procurement process for using local funds? Does it reference local purchasing procedures/policies?
2. Does the agency's procurement policy include the procurement process for using state funds? Does it reference state purchasing procedures/policies?
3. Does the agency's procurement policy include the procurement process for using federal funds?
 - Does it reference the Procurement Guidance for Transit Agencies for Third Party contracts?
 - Does it reference FTA Circular 4220.1F, Third Party Contracting Guidance?
 - Does it address Personal Conflicts of Interest [FTA C 4220.1F Ch. 3 (1)(a)]?
 - Does it address Third Party Contracting Capacity [FTA C 4220.1F Ch. 3 (3)] to include Written Procurement Procedures [FTA C 4220.1F Ch. 3 (3)(a)]?
 - Solicitations [FTA C 4220.1F Ch. 3 (3)(a)(1)(a-e)]
 - Clear Descriptions
 - Nonrestrictive Specifications
 - Quality Requirements
 - Preference for Performance Specifications
 - Brand Name or Equal

The Common Grant Rule requires recipients to have written procurement procedures that address [FTA C 4220.1F Ch. 3 (3)(a)(2-5)]:

- Necessity
- Lease versus Purchase
- Metric Usage
- Environmental and Energy Efficiency Preferences
- Does it address [FTA C 4220.1F Ch. 3 (3)(a)(6-10)]:
 - Procurement Methods
 - Legal Restrictions
 - Third Party Contract Provisions
 - Sources
 - Resolution of Third Party Contracting Issues
- Does it address Record Keeping [FTA C 4220.1F Ch. 3 (3)(d)]:
 - Procurement History [FTA C 4220.1F Ch. 3 (3)(d)(1)(a-e)]
 - Procurement Method
 - Contract Type
 - Contractor Selection
 - Cost or Price
 - Reasonable Documentation



**PROCUREMENT PROCESS
(PP 100)**

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Procurement Process Overview

This information is intended to provide guidance on the processes for procurements when using state and federal dollars. Procurements should be in accordance with Chapter 287, Florida Statutes (F.S.), Chapter 60A, Florida Administrative Code (F.A.C.) and the Federal Transit Administration (FTA) Best Practices Procurement Manual. Additionally, geographic preferences are prohibited when procurements involve federal funds [reference: 49 CFR 18.36 (c)(1)(2) and FTA C 4220.1F, Ch. VI, Section 2.a(4)(g)].

Third Party Contracts refer to a recipient's contract with a vendor or contractor, including procurement by purchase order or purchase by credit card, which is financed with Federal assistance awarded by FTA.

An agency should submit their procurement request to the District Representative for approval prior to completing the purchase. To complete the procurement request, the agency should follow these steps:

1. Determine the Funding Source (i.e. – federal, state, or local funds)
2. Determine type of procurement being requested (Examples are located in the Procurement Guidance for Transit Agencies Handbook)
 - Professional Services/Architectural Engineering Services
 - Operations/Management/Subrecipients
 - Rolling Stock
 - Construction
 - Materials and Supplies
3. Determine level of procurement method
 - Micro Purchase – Procurements less than \$2,500
 - Small Purchases – Procurements greater than \$2,500 but less than \$35,000
 - Competitive Procurements – Procurements greater than \$35,000
 - Other methods listed in the Procurement Guidance for Transit Agencies Manual
4. Ensure that all potential vendors/contractors will accept the applicable federal clauses that relate to the procurement.
5. Complete the Subrecipient Procurement Checklist
6. Complete the appropriate third party checklist from the Procurement Guidance for Transit Agencies Handbook. The checklist should notate where the applicable clause can be found in the supporting documentation.

For procurements that are categorized as a “Small Purchase”, a sample Vendor Small Purchase letter is located in the Procurement Guidance for Transit Agencies Handbook. Agencies may utilize this letter as a template when third party agreements/contracts are necessary. This will ensure that the third party (vendor or contractor) accepts the applicable federal clauses.

Subrecipient Procurement Checklist

Date: _____

Step 1 - Funding Source:
(check appropriate box)

Federal (List Type)	State	Local	Other

Step 2 - Type of Procurement:
(select appropriate box – include description of procurement)

Professional Services/Architectural Engineering Services	Operations/ Management/ Subrecipients	Rolling Stock	Construction	Materials & Supplies

Step 3 - Procurement Level:
Micro Purchase – Procurements less than \$2,500
Total Amount of Procurement: \$ _____

Action	Completed (Yes/No)	Comments
Were Quotes Obtained? <i>Recommended</i>		
If quotes were obtained, are they attached?		

Small Purchase – Procurement greater than \$2,500 but less than \$35,000
Total Amount of Procurement: \$ _____

Action	Completed (Yes/No)	Comments
Minimum amount (2) of Quotes Obtained?		
Are the quotes attached?		
Is the appropriate Third Party Checklist completed and attached? Checklist can be found in the Procurement Guide.		
Is there a Vendor Small Purchase Letter attached with applicable clauses listed?		

Competitive Procurement – Procurements greater than \$35,000
Total Amount of Procurement: \$ _____

Action	Completed (Yes/No)	Comments
Was the Request for Proposal (RFP) prepared and submitted for District approval prior to advertising?		
Were the applicable clauses included in the prepared RFP?		
After RFP process is complete, is the procurement package with selected bidder ready for district approval? Should be completed prior to final award.		

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Freight, Logistics & Passenger Operations



FLORIDA DEPARTMENT OF TRANSPORTATION

PROCUREMENT GUIDANCE
FOR TRANSIT AGENCIES



PRESENTATION OVERVIEW

- District Role
- Funding Sources
- Types of Procurements
- Level of Procurement Methods
- Checklists
- Scenarios



District Role

- Ensure subrecipient has a purchasing policy that includes federal/state purchasing rules
- Grant Application – should list estimated cost for items. Initial quotes should be obtained prior to application submittal.
- Grant Award – once subrecipient is prepared to make the procurement they should follow the Procurement Process and utilize the Subrecipient Procurement Checklist for step by step instruction.



Funding Sources

- Federal
 - State
 - Local
-
- Determine what funding source will be used in the procurement
 - Follow appropriate guidelines based on source
 - Third Party Guidance
 - State Procurement Guidelines
 - Local Procurement Guidelines



Types of Procurement

Third Party Contracts

- Professional Services/Architectural Engineering Services
 - Operations/Management/Subrecipients
 - Rolling Stock
 - Construction
 - Materials and Supplies
-
- Determine what type of procurement fits the purchase



Level of Procurement Method

Third Party Contracts



- **Micro Purchases**
 - Procurements less than \$2,500
 - **Small Purchases***
 - Procurements greater than \$2,500 but less than \$35,000
 - **Competitive Procurements***
 - Procurements greater than \$35,000
 - **Other methods listed in the Procurement Guidance for Transit Agencies Manual***
-
- Determine what level of procurement fits the purchase
 - *Ensure that all potential vendors/contractors will accept the applicable federal clauses – this should be done prior to completing the checklist



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Scenarios

Third Party Contracts

Micro Purchase

- Funding Source
- Types of Procurement
- Level of Procurement Method



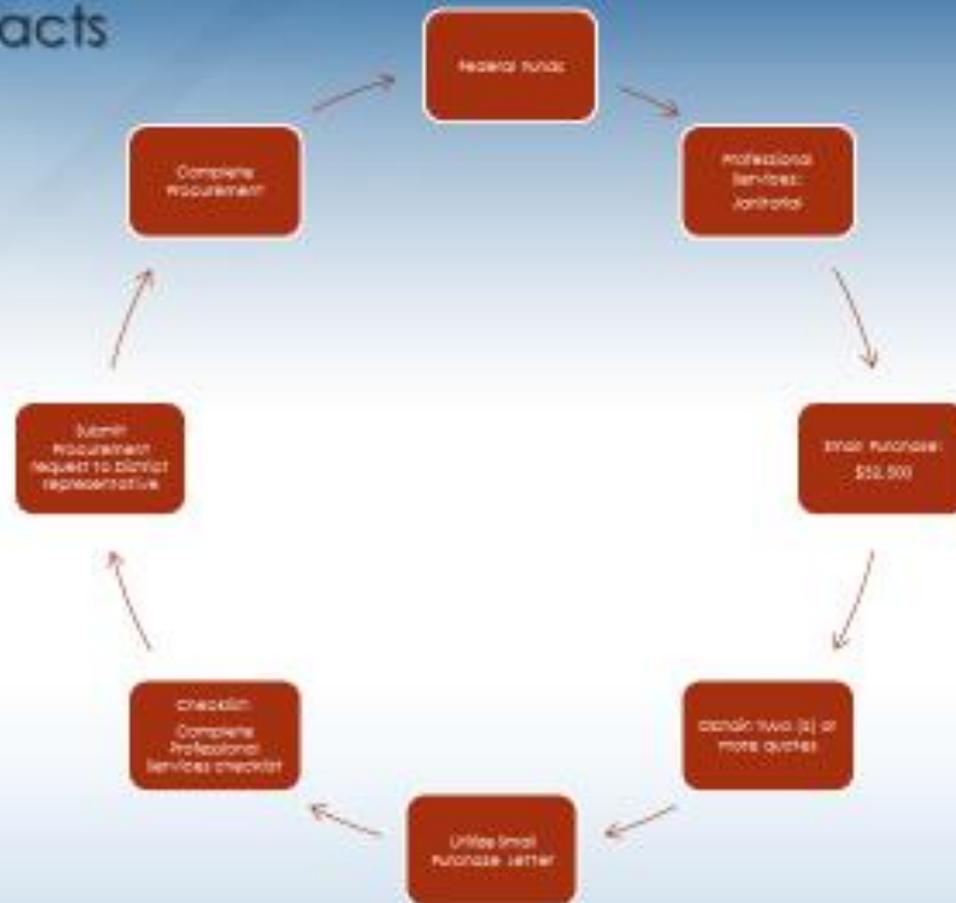
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Scenarios

Third Party Contracts

Small Purchase

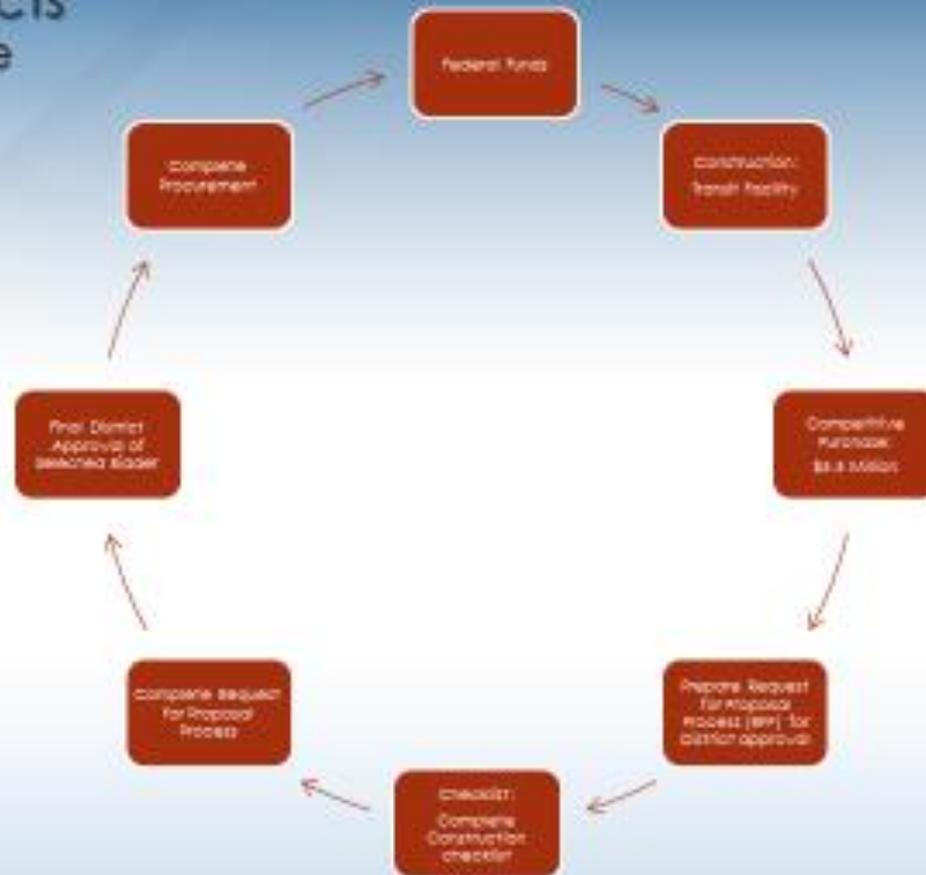
- Funding Source
- Types of Procurement
- Level of Procurement Method
 - Obtain quotes
- Checklist
- Small Purchase Letter
- District Approval
- Complete Procurement



Scenarios

Third Party Contracts Competitive Purchase

- Funding Source
- Types of Procurement
- Level of Procurement Method
- Prepare & Complete RFP
 - District Approval
- Complete Checklist
- Complete RFP Process
- Final District Approval of Selected Bidder



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Goals

Third Party Contracts

- Ensure applicable federal clauses are accepted by the vendors/contractors
- Ensure checklists are completed and approved by District Representative



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FLORIDA DEPARTMENT OF TRANSPORTATION

For questions or comments, please contact:

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Florida Department of Transportation – Transit Office Procurement Guidance for Transit Agencies





APPLICABLE FEDERAL CLAUSES BASED ON PROCUREMENT TYPE

APPLICABILITY OF THIRD-PARTY CONTRACT CLAUSES
(excluding micro-purchases, except for construction contracts over \$2,000)

CLAUSE	TYPE OF PROCUREMENT				
	Professional Services/A&E	Operations/ Management/ Subrecipients	Revenue Rolling Stock	Construction	Materials & Supplies
No Federal government obligations to third-parties by use of a disclaimer	All	All	All	All	All
Program fraud and false or fraudulent statements and related acts	All	All	All	All	All
Access to Records	All	All	All	All	All
Federal changes	All	All	All	All	All
Civil Rights (EEO, Title VI & ADA)	All	All	All	All	All
Incorporation of FTA Terms	All	All	All	All	All
Energy Conservation	All	All	All	All	All
Termination Provisions (not required of states)	>\$10,000	>\$10,000	>\$10,000	>\$10,000	>\$10,000
Debarment and Suspension	>\$25,000	>\$25,000	>\$25,000	>\$25,000	>\$25,000
Buy America			>\$100,000	>\$100,000	>\$100,000 (for steel, iron, manufactured products)
Provisions for resolution of disputes, breaches or other litigation	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Lobbying	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Clean Air	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Clean Water	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Cargo Preference			Involving property that may be transported by ocean vessel	Involving property that may be transported by ocean vessel	Involving property that may be transported by ocean vessel
Fly America	Involving foreign transport or travel by air	Involving foreign transport or travel by air	Involving foreign transport or travel by air	Involving foreign transport or travel by air	Involving foreign transport or travel by air
Davis Bacon Act				>\$2,000 (including ferry vessels)	
Copeland Anti-Kickback Act				Section 1: All Section 2: >\$2,000 (including ferry vessels)	
Contract Work Hours & Safety Standards Act		>\$100,000	>\$100,000	>\$100,000 (including ferry vessels)	

APPLICABILITY OF THIRD-PARTY CONTRACT CLAUSES
(excluding micro-purchases, except for construction contracts over \$2,000)

CLAUSE	TYPE OF PROCUREMENT				
	Professional Services/A&E	Operations/ Management/ Subrecipients	Revenue Rolling Stock	Construction	Materials & Supplies
Bonding (not required of states)				>\$100,000 (including ferry vessels)	
Seismic Safety	A&E for new buildings & additions			New buildings & additions	
Transit Employee Protective Arrangements		Transit operations funded with Section 5307, 5309, 5311 or 5316 funds			
Charter Service Operations		All			
School Bus Operations		All			
Drug and Alcohol Testing		Transit operations funded with Section 5307, 5309 or 5311 funds			
Patent Rights	Research & development				
Rights in Data and Copyrights requirements	Research & development				
Disadvantaged Business Enterprises (DBEs)	All	All	All	All	All
Prompt Payment	All non TVM purchases if threshold for DBE program met	All non TVM purchases if threshold for DBE program met	All non TVM purchases if threshold for DBE program met	All non TVM purchases if threshold for DBE program met	All non TVM purchases if threshold for DBE program met
Recycled Products		Contracts for items designated by EPA, when procuring \$10,000 or more per year		Contracts for items designated by EPA, when procuring \$10,000 or more per year	Contracts for items designated by EPA, when procuring \$10,000 or more per year
ADA Access	A&E	All	All	All	
Special Notification Requirements for States	Limited to states	Limited to states	Limited to states	Limited to states	Limited to states



FLORIDA DEPARTMENT OF TRANSPORTATION PROCUREMENT METHODS

This information is intended to provide guidance on the processes for procurements when using state and federal dollars. Procurements should be in accordance with Chapter 287, Florida Statutes (F.S.), Chapter 60A, Florida Administrative Code (F.A.C.) and Federal Transit Administration (FTA) Best Practices Procurement Manual.

Micro Purchases	Procurements less than \$2,500
Purchase Requirements	<p>Micro Purchases:</p> <p>1) Recipients may acquire property and services valued at less than \$2,500 without obtaining competitive quotations. These purchases are exempt from FTA’s Buy America requirements. Davis-Bacon prevailing wage requirements, however, will apply to construction contracts exceeding \$2,000, even though the recipient uses micro-purchase procurement procedures.</p> <p>(2) Procedures. The following procedures apply to micro-purchases:</p> <p>(a) Competition. The recipient should distribute micro-purchases equitably among qualified suppliers. Recipients are strongly encouraged to obtain quotes or procure goods and services directly from minority vendors with available.</p> <p>(b) Prohibited Divisions. The recipient may not divide or reduce the size of its procurement merely to come within the micro-purchase limit.</p> <p>(c) Documentation. FTA’s only documentation requirement for micro-purchases is a determination that the price is fair and reasonable and a description of how the recipient made its determination.</p>
Small Purchases	Procurements greater than \$2,500 but less than \$35,000
Purchase Requirements	<p>The Common Grant Rule for governmental recipients authorizes governmental recipients to use relatively simple and informal small purchase procedures as follows:</p> <p>(1) When Appropriate. Small purchase procedures may be used to acquire services, supplies, or other property valued at more than the micro-purchase threshold. These purchases are also exempt from FTA’s Buy America requirements.</p> <p>(2) Procedures. When using small purchase procedures:</p> <p>(a) Competition. The recipient must obtain price or rate quotations from an adequate number of qualified sources (minimum of two competitive quotes). Competitive quotes should be obtained from minority business enterprises whenever possible.</p> <p>(b) Prohibited Divisions. The recipient may not divide or reduce the size of its procurement to avoid the additional procurement requirements applicable to larger acquisitions.</p> <p>(c) Documentation. Written evidence of all quotes/proposals received and documentation of conditions and circumstances shall be maintained in the procurement file.</p> <p>Single Quote: Written evidence of all quotes/proposals received and documentation of conditions and circumstances to support a non-competitive award (only single quote) shall be maintained in the procurement file.</p>

Competitive Procurements (Request for Proposals)	Procurements greater than \$35,000
Purchase Requirements	<p>The Common Grant Rule for governmental recipients acknowledges the use of competitive proposals to be a generally accepted procurement method when the nature of the procurement does not lend itself to sealed bidding and the recipient expects that more than one source will be willing and able to submit an offer or proposal.</p> <p>(1) When Appropriate. Competitive proposals should be used when any of the following circumstances are present:</p> <p>(a) Type of Specifications. The property or services to be acquired are described in a performance or functional specification; or if described in detailed technical specifications, other circumstances such as the need for discussions or the importance of basing contract award on factors other than price alone are present.</p> <p>(b) Uncertain Number of Sources. Uncertainty about whether more than one bid will be submitted in response to an invitation for bids and the recipient lacks the authority or flexibility under State or local law to negotiate the contract price if it receives only a single bid.</p> <p>(c) Price Alone Not Determinative. Due to the nature of the procurement, contract award need not be based exclusively on price or price-related factors. In different types of negotiated acquisitions, the relative importance of cost or price may vary. When the recipient’s material requirements are clearly definable and the risk of unsuccessful contract performance is minimal, cost or price may play a dominant role in source selection. The less definitive the requirements, the more development work required, or the greater the performance risk, the more technical or past performance considerations may play a dominant role in source selection and supersede low price.</p> <p>(d) Discussions Expected. Separate discussions with individual offeror(s) are expected to be necessary after they have submitted their proposals. This contrasts with Formal Advertising procedures in which discussions with individual bidders are not likely to be necessary, as award of the contract will be made based on price and price-related factors alone.</p> <p>(2) Procurement Procedures. The following procedures apply to procurements by competitive proposals:</p> <p>(a) Publicity. The request for proposals is publicly advertised.</p> <p>(b) Evaluation Factors. All evaluation factors and their relative importance are specified in the solicitation; but numerical or percentage ratings or weights need not be disclosed.</p> <p>(c) Adequate Sources. Proposals are solicited from an adequate number of qualified sources.</p> <p>(d) Evaluation Method. A specific method is established and used to conduct technical evaluations of the proposals received and to determine the most qualified offeror.</p> <p>(e) Price and Other Factors. An award is made to the responsible offeror whose proposal is most advantageous to the recipient’s program with price and other factors considered.</p> <p>(f) Best Value. If permitted under its State or local law, the recipient may award the contract to the offeror whose proposal provides the greatest value to the recipient. To do so, the recipient’s solicitation must inform potential offerors that the award will be made on a “best value” basis and identify what factors will form the basis for award. The evaluation factors for a specific procurement should reflect the subject matter and the elements that are most</p>

	<p>important to the recipient. Those evaluation factors may include, but need not be limited to, technical design, technical approach, length of delivery schedules, quality of proposed personnel, past performance, and management plan. The recipient should base its determination of which proposal represents the “best value” on an analysis of the tradeoff of qualitative technical factors and price or cost factors. Apart from the statutory requirement that the contract must support the recipient’s public transportation project consistent with applicable Federal laws and regulations, FTA does not require any specific factors or analytic process.</p> <p><i>FTA strongly encourages non-governmental recipients to use similar procedures.</i></p>
Sealed Bids	
Purchase Requirements	<p>Sealed Bids (Formal Advertising). The Common Grant Rule for governmental recipients acknowledges sealed bidding to be a generally accepted procurement method in which bids are publicly solicited, and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is lowest in price.</p> <p>(1) When Appropriate. The Common Grant Rule for government recipients states a preference for the sealed bids procurement method for acquiring property, construction, and other services. Procurement using sealed bids is appropriate if:</p> <ul style="list-style-type: none"> (a) Precise Specifications. A complete, adequate, precise, and realistic specification or purchase description is available. (b) Adequate Sources. Two or more responsible bidders are willing and able to compete effectively for the business. (c) Fixed Price Contract. The procurement generally lends itself to a firm fixed price contract. (d) Price Determinative. The successful bidder can be selected on the basis of price and those price-related factors listed in the solicitation including, but not limited to, transportation costs, life cycle costs, and discounts expected to be taken. Apart from responsibility determinations discussed in later sections of this Chapter, contractor selection may not be determined on the basis of other factors whose costs cannot be measured at the time of award. (e) Discussions Unnecessary. Discussions with one or more bidders after bids have been submitted are expected to be unnecessary as award of the contract will be made based on price and price-related factors alone. This contrasts with Competitive Proposal procedures in which discussions with individual offerors are expected to be necessary and may take place at any time after receipt of proposals. However, a pre-bid conference with prospective bidders before bids have been received can be useful. <p>(2) Procurement Procedures. The following procedures apply to sealed bid procurements:</p> <ul style="list-style-type: none"> (a) Publicity. The invitation for bids is publicly advertised. (b) Adequate Sources. Bids are solicited from an adequate number of known suppliers. (c) Adequate Specifications. The invitation for bids, including any specifications and pertinent attachments, describes the property or services sought in sufficient detail that a prospective bidder will be able to submit a proper bid. (d) Sufficient Time. Bidders are allowed sufficient time to prepare bids before the date of bid opening. (e) Public Opening. All bids are publicly opened at the time and place prescribed in the

	<p>invitation for bids.</p> <p>(f) Fixed Price Contract. A firm fixed price contract is usually awarded in writing to the lowest responsive and responsible bidder, but a fixed price incentive contract or inclusion of an economic price adjustment provision can sometimes be appropriate. When specified in the bidding documents, factors such as transportation costs and life cycle costs affect the determination of the lowest bid; payment discounts are used to determine the low bid only when prior experience indicates that such discounts are typically taken.</p> <p>(g) Rejection of Bids. Any or all bids may be rejected if there is a sound, documented business reason.</p> <p><i>FTA strongly encourages non-governmental recipients to use similar procedures.</i></p>
Federal Clauses Needed	See List of Federal Clauses to determined applicable clauses for your procurement.
Two-Step Procurement Procedures	
Purchase Requirements	<p>Two-Step Procurement Procedures. If permitted by State and local law, the recipient may use two-step procurement procedures in both sealed bid and competitively negotiated procurements, provided the opportunity for full and open competition is retained.</p> <p>(1) Review of Technical Qualifications and Approach. The first step is a review of the prospective contractors’ technical approach to the recipient’s request and technical qualifications to carry out that approach. The recipient then may narrow the competitive range to prospective contractors that demonstrate a technically satisfactory approach and have satisfactory qualifications.</p> <p>(2) Review of Bids and Proposals Submitted by Qualified Prospective Contractors. The second step consists of soliciting and reviewing complete bids (sometimes referred to as “two-step sealed bidding”) or proposals (as in “competitive negotiations”), including price, submitted by each prospective contractor determined to be qualified. Absent exceptional circumstances, the recipient should attempt to solicit bids or proposals from at least three qualified prospective contractors. Unlike qualifications-based procurement procedures required for A&E services, and other contracts covered by 49 U.S.C. Section 5325(b) discussed in subsection 3.f of this Chapter, FTA expects the recipient to consider all bid or proposal prices submitted as well as other technical factors, rather than limiting reviews to the most qualified bidder or offeror.</p>
Federal Clauses Needed	See List of Federal Clauses to determined applicable clauses for your procurement.
Architectural Engineering (A&E) Services and Others Services	
Purchase Requirements	Architectural Engineering (A&E) Services and Other Services. FTA’s enabling legislation at 49 U.S.C. Section 5325(b)(1) requires the use of the qualifications-based procurement procedures contained in the “Brooks Act,” 40 U.S.C. Sections 1101 through 1104, to acquire A&E services, but also for program management, construction management, feasibility

studies, preliminary engineering, design, architectural, engineering, surveying, mapping and related services. The nature of the work to be performed and its relationship to construction, not the nature of the prospective contractor, determine whether qualifications-based procurement procedures may be used as described below.

(1) Qualifications-Based Procurement Procedures Required. The recipient must use qualifications-based procurement procedures not only when contracting for A&E services, but also for other services listed in 49 U.S.C. Section 5325(b)(1) that are directly in support of, directly connected to, directly related to, or lead to construction, alteration, or repair of real property. For example, a contractor performing program management, project design, construction management, or engineering services in which that contractor would select the finished products to be acquired for an FTA assisted construction project must be selected through qualifications-based procurement procedures.

(2) Qualifications-Based Procurement Procedures Prohibited. Unless FTA determines otherwise in writing, a recipient may not use qualifications-based procurement procedures to acquire other types of services if those services are not directly in support of, directly connected to, directly related to, or do not lead to construction, alteration, or repair of real property. Even if a contractor has performed services listed herein in support of a construction, alteration, or repair project involving real property, selection of that contractor to perform similar services not relating to construction may not be made through the use of qualifications-based procurement procedures.

A project involving construction does not always require that qualifications-based procurement procedures be used. Whether or not qualifications-based procurement procedures may be used depends on the actual services to be performed in connection with the construction project. For example, the design or fabrication of message signs, signals, movable barriers, and similar property that will become off-the-shelf items or will be fabricated and delivered as final end products for installation in an FTA assisted construction project are not services for which qualifications-based procurement procedures may be used. Nor are actual construction, alteration, or repair to real property the type of services for which qualifications-based procurement procedures may be used.

(3) Qualifications-Based Procurement Procedures. The following procedures apply to qualifications-based procurements:

(a) Qualifications. Unlike other two-step procurement procedures in which price is an evaluation factor, an offeror's qualifications are evaluated to determine contract award.

(b) Price. Price is excluded as an evaluation factor.

(c) Most Qualified. Negotiations are first conducted with only the most qualified offeror.

(d) Next Most Qualified. Only after failing to agree on a fair and reasonable price may negotiations be conducted with the next most qualified offeror. Then, if necessary, negotiations with successive offerors in descending order may be conducted until contract award can be made to the offeror whose price the recipient believes is fair and reasonable.

(4) Effect of State Laws. To the extent that a State has, before August 10, 2005, adopted by law, an equivalent State qualifications-based procurement requirement for acquiring architectural, engineering, and design services, Federal "Brooks Act" procedures, 40 U.S.C. Sections 1101 through 1104, will not apply.

(5) Audits and Indirect Costs. As required by 49 U.S.C. Section 5325(b)(3), the following requirements apply to a third party contract for program management, architectural engineering, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping, or related services:

	<p>(a) Performance of Audits. The third party contract or subcontract must be performed and audited in compliance with FAR Part 31 cost principles.</p> <p>(b) Indirect Cost Rates. The recipient and the third party contractor, its subcontractors and subrecipients, if any, must accept FAR indirect cost rates for one-year applicable accounting periods established by a cognizant Federal or State government agency, if those rates are not currently under dispute.</p> <p>(c) Application of Rates. After a firm’s indirect cost rates established as described in subparagraph 3.f(5)(b) of this Chapter are accepted, those rates will apply for purposes of contract estimation, negotiation, administration, reporting, and payments, not limited by administrative or de facto ceilings.</p> <p>(d) Pre-notification; Confidentiality of Data. Before requesting or using cost or rate data described in subparagraph 3.f(5)(c), a recipient must notify the affected firm(s). That data must be kept confidential and may not be accessible by or provided by the group of agencies that share cost data under this subparagraph, except by written permission of the audited firm. If prohibited by law, that cost and rate data may not be disclosed under any circumstances. FTA recognizes that many States have “Open Records” laws that may make it difficult to maintain confidential cost or rate data. As a result, before requesting or using cost or rate data, not only should a recipient notify the affected firm, but it must also obtain permission to provide that data in response to a valid request under applicable State law. The confidentiality requirements of 49 U.S.C. 5325(b) (3) (D) cannot be waived, even if they conflict with State law or regulations.</p>
Federal Clauses Needed	See List of Federal Clauses to determined applicable clauses for your procurement.
Design Bid Build	
Purchase Requirements	<p>The design-bid-build procurement method requires separate contracts for design services and for construction.</p> <p>(1) Design Services. For design services, the recipient must use qualifications-based procurement procedures, in compliance with applicable Federal, State and local law and regulations.</p> <p>(2) Construction. Because the recipient may not use qualifications-based procurement procedures for the actual construction, alteration or repair of real property, the recipient generally must use competitive procedures for the construction. These may include sealed bidding or competitive negotiation procurement methods, as appropriate.</p>
Federal Clauses Needed	See List of Federal Clauses to determined applicable clauses for your procurement.
Design Build	
Purchase Requirements	<p>The design-build procurement method consists of contracting for design and construction simultaneously with contract award to a single contractor, consortium, joint venture, team, or partnership that will be responsible for both the project’s design and construction. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) expressly authorizes the use of FTA capital assistance to support design-build projects “after the recipient complies with Government requirements,” 49 U.S.C. Section 5325(d) (2).</p> <p>(1) Procurement Method Determined by Value. First, the recipient must separate the various contract activities to be undertaken and classify them as design or construction, and then calculate the estimated total value of each. Because both design and construction are included in a single procurement, the FTA expects the recipient to use the procurement method appropriate for the services having the greatest cost, even though other necessary</p>

	<p>services would not typically be procured by that method.</p> <p>(a) Construction Predominant. The construction costs of a design-build project are usually predominant so that the recipient would be expected to use competitive negotiations or sealed bids for the entire procurement rather than the qualification-based Brooks Act procurement procedures. Specifically, when construction costs will be predominant, unless FTA determines otherwise in writing, an FTA recipient may not use qualifications-based procurement procedures to acquire architectural engineering, program management, construction management, feasibility studies, preliminary engineering, design, architectural and engineering, surveying, mapping, or related A&E services unless required by State law adopted before August 10, 2005.</p> <p>(b) Design Services Predominant. In the less usual circumstance in which the cost of most work to be performed will consist of costs for architectural and engineering, program management, construction management, feasibility studies, preliminary engineering, design, architectural engineering, surveying, mapping, or related A&E services, FTA expects the recipient to use qualifications-based procurement procedures based on the Brooks Act as described in subsection 3.e of this Chapter.</p> <p>(2) Selection Processes. The recipient may structure its design-build procurement using one or more steps as described below:</p> <p>(a) One-Step Method. The recipient may undertake its design-build procurement in a single step.</p> <p>(b) Two-Step Method. Another procurement method the recipient may use for large design-build projects is a two-step selection process as authorized for Federal Government use by 41 U.S.C. Section 253m. This method consists of:</p> <p style="padding-left: 40px;">Review of Technical Qualifications and Approach. The first step is a review of the prospective contractors' technical qualifications and technical approach to the project. The recipient may then narrow the competitive range to those prospective contractors with satisfactory qualifications that demonstrate a technically satisfactory approach.</p> <p style="padding-left: 40px;">Review of Complete Proposals. The second step consists of soliciting and reviewing complete proposals, including price, submitted by prospective contractors first determined to be qualified.</p> <p style="padding-left: 40px;">By using this two-step method, it will not be necessary for the recipient to undertake extensive proposal reviews, nor will prospective offerors need to engage in expensive proposal drafting. This two-step selection procedure is separate and distinct from prequalification and is but one procurement method available to the recipient.</p>
Federal Clauses Needed	See List of Federal Clauses to determined applicable clauses for your procurement.



FLORIDA DEPARTMENT OF TRANSPORTATION SAMPLE PARAGRAPH FOR SMALL PURCHASES

(Date)

To: Joe's Auto Shop
From: BBB Transit Agency
Subject: Acceptance of Federal Clauses

This purchase shall conform in all respects to the Federal Transit Administration's Federally Required and Other Model Clauses including but not limited to: No government obligation to third parties; 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; Access to records and reports, 49 U.S.C. 5325, 18 CFR 18.36 (i), 49 CFR 633.17; Federal changes, 49 CFR part 18; Disadvantaged Business Enterprise (DBE), 49 CFR part 26; Termination, 49 U.S.C. part 18 FTA circular 4220.1F.

Date: _____

Signature: _____

Company Name: _____

Title: _____



REQUEST FOR QUOTE FORM

Date: _____ All prices to be F.O.B Department of Transportation (DOT) at _____ City
 Requisition Number: _____ Reply Requested By Date: _____ Reply by Time: _____ ampm

QUOTE ON ALL OR NONE

Item Description	Recycled Y-N-A*	Quantity – Unit	Unit Price	Total Price
<p>Delivery will be made within _____ days after receipt of order.</p>				

*Y = Recycled Content N = Non-Recycled A = Recycled but not quoted

If recycled content is available, please send information separate from this quote

Accepts VISA? Yes No

Minority Business Enterprise (MBE) Yes No

COMPANY NAME: _____
 ADDRESS: _____

PHONE: _____
 FAX/E-MAIL: _____
 FEID NO.: _____

QUOTED BY: _____
 Typed Name

RETURN COMPLETED FORM TO:
 Florida Department of Transportation

NAME: _____
 ADDRESS: _____

PHONE: _____
 FAX/E-MAIL: _____

THIS IS A REQUEST FOR QUOTES, NOT A PURCHASE ORDER
VENDORS MUST SHOW UNIT PRICES AS SPECIFIED

IMPORTANT INFORMATION: *FOR QUOTE TO BE ACCEPTED VENDOR MUST BE REGISTERED IN THE STATE'S E PROCUREMENT SYSTEM, MyFloridaMarketPlace (MFMP) at <https://vendor.myfloridamarketplace.com>

ATTACHMENT TO REQUESTS FOR INFORMAL BIDS/PROPOSALS/QUOTES

MyFloridaMarketPlace Transaction Fee

The State of Florida through the Department of Management Services ("**Department**") has instituted **MyFloridaMarketPlace, a statewide eProcurement** system. Pursuant to section 287.057(22), Florida Statutes, all payments shall be assessed a Transaction Fee of one percent (1.0%), which the vendor shall pay to the State.

For payments within the State accounting system (FLAIR or its successor), the Transaction Fee shall, when possible, be automatically deducted from payments to the vendor. If automatic deduction is not possible, the vendor shall pay the Transaction Fee pursuant to Rule 60A-1.031(2), F.A.C. By submission of these reports and corresponding payments, vendor certifies their correctness. All such reports and payments shall be subject to audit by the State or its designee.

The vendor shall receive a credit for any Transaction Fee paid by the vendor for the purchase of any item(s) if such item(s) are returned to the vendor through no fault, act, or omission of the vendor. Notwithstanding the foregoing, a Transaction Fee is non-refundable when an item is rejected or returned, or declined, due to the vendor's failure to perform or comply with specifications or requirements of the agreement.

Failure to comply with these requirements shall constitute grounds for declaring the vendor in default and recovering reprocurement costs from the vendor in addition to all outstanding fees. VENDORS DELINQUENT IN PAYING TRANSACTION FEES MAY BE EXCLUDED FROM CONDUCTING FUTURE BUSINESS WITH THE STATE.

On a monthly calendar basis, each vendor registered in MyFloridaMarketPlace shall report its business activity relating to State agreements using Form PUR 3776** (12/04).

**Form PUR 3776 (12/04) will be available from the MyFlorida.com website as an electronic process, click on "Business", click on "Doing Business with the State", click on "Laws & Guidelines", then click on "Purchasing Forms".

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GUIDE FOR PROFESSIONAL SERVICES AND ARCHITECTURAL ENGINEERING SERVICES

When procuring professional services/architectural engineering services the following steps should be taken:

1. Determine the method of procurement (i.e., Micro Purchase, Small Purchase, RFP, Sealed Bid, etc.).
2. Apply applicable Federal clauses based on method of procurement (cost of purchase).

Professional Services/Architectural Engineering Services - (i.e., Janitorial Services, Certified Public Accountant, Auditors, Legal Services, etc.)

Methods of Procurement	Micro Purchases: Procurements less than \$2,500 Small Purchases: Procurements greater than \$2,500 but less than \$35,000 Competitive Proposals (Request for Proposals): Procurements greater than \$35,000
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Applicable Federal Clauses

Excluding micro-purchases, except for construction contracts over \$2,000

No Government Obligation to Third Parties

19. NO GOVERNMENT OBLIGATION TO THIRD PARTIES

Program fraud and false or fraudulent statements and related acts

20. 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

Access to Records

11. ACCESS TO RECORDS AND REPORTS

49 U.S.C. 5325
 18 CFR 18.36 (i)
 49 CFR 633.17

Federal Changes

12. FEDERAL CHANGES

49 CFR Part 18

Civil Rights Requirements – Mandatory Language

24. CIVIL RIGHTS REQUIREMENTS

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.

Disadvantaged Business Enterprise (DBE) – contracts awarded on the basis of a bid or proposal offering to use DBEs

28. DISADVANTAGED BUSINESS ENTERPRISE (DBE)

49 CFR Part 26

Incorporation of FTA terms (Per FTA C4220.1F) – Mandatory Language

30. INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION (FTA) TERMS

FTA Circular 4220.1E or subsequent revisions

Energy Conservation

6. ENERGY CONSERVATION REQUIREMENTS

42 U.S.C. 6321 et seq.
49 CFR Part 18

Applicable Federal Clauses when procurement exceeds \$10,000

Termination Provisions

21. TERMINATION

49 U.S.C. Part 18
FTA Circular 4220.1E or subsequent revisions

Applicable Federal Clauses when procurement exceeds \$25,000

Suspension and Debarment

22. GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Applicable Federal Clauses when procurement exceeds \$100,000

Provisions for resolution of disputes, breaches, or other litigation

25. BREACHES AND DISPUTE RESOLUTION

49 CFR Part 18
FTA Circular 4220.1E or subsequent revisions

Lobbying – Mandatory Language

10. LOBBYING

31 U.S.C. 1352
49 CFR Part 19
49 CFR Part 20

Clean Air

14. CLEAN AIR

42 U.S.C. 7401 et seq
40 CFR 15.61
49 CFR Part 18

Clean Water

7. CLEAN WATER REQUIREMENTS

33 U.S.C. 1251

Applicable Federal Clauses when procurements involve foreign transport or travel by air

Fly America

1. FLY AMERICA REQUIREMENTS

49 U.S.C. § 40118
41 CFR Part 301-10

Applicable Federal Clauses when procurements involve A&E for New Buildings & Additions

Seismic Safety

5. SEISMIC SAFETY REQUIREMENTS

42 U.S.C. 7701 et seq. 49
CFR Part 41

Applicable Federal Clauses when procurements involve Research & Development

Patent Rights

26. PATENT AND RIGHTS IN DATA

37 CFR Part 401
49 CFR Parts 18 and 19

Applicable Federal Clauses when procurements involve Architectural & Engineering

ADA Access

FTA is currently working on a contract clause to incorporate appropriate ADA requirements, but it is not yet available.

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GUIDE FOR PROFESSIONAL SERVICES AND ARCHITECTURAL ENGINEERING SERVICES

Below are the applicable clauses that were listed above with suggested or mandatory language. Those clauses with mandatory language are noted.

Professional Services/Architectural Engineering Services - (i.e., Janitorial Services, Certified Public Accountant, Auditors, Legal Services, etc.)

Methods of Procurement	Micro Purchase: Procurements less than \$2,500 Small Purchases: Procurements greater than \$2,500 but less than \$35,000 Competitive Proposals (Request for Proposals): Procurements greater than \$35,000
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Applicable Federal Clauses

Excluding micro-purchases, except for construction contracts over \$2,000

No Government Obligation to Third Parties

19. NO GOVERNMENT OBLIGATION TO THIRD PARTIES

Applicability to Contracts
Applicable to all contracts.

Flow Down
Not required by statute or regulation for either primary contractors or subcontractors, this concept should flow down to all levels to clarify, to all parties to the contract, that the Federal Government does not have contractual liability to third parties, absent specific written consent.

Model Clause/Language
While no specific language is required, FTA has developed the following language.

No Obligation by the Federal Government.

(1) The Purchaser and Contractor 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, Contractor, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

(2) The Contractor 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.

Program fraud and false or fraudulent statements and related acts

20. 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**

Applicability to Contracts

These requirements are applicable to all contracts.

Flow Down

These requirements flow down to contractors and subcontractors who make, present, or submit covered claims and statements.

Model Clause/Language

These requirements have no specified language, so FTA proffers the following language.

Program Fraud and False or Fraudulent Statements or Related Acts.

(1) The Contractor 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 Contractor 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 Contractor 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 Contractor to the extent the Federal Government deems appropriate.

(2) The Contractor 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 Contractor, to the extent the Federal Government deems appropriate.

(3) The Contractor 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

Access to Records

11. ACCESS TO RECORDS AND REPORTS

**49 U.S.C. 5325
18 CFR 18.36 (i)
49 CFR 633.17**

Applicability to Contracts

Reference Chart "Requirements for Access to Records and Reports by Type of Contracts"

Flow Down

FTA does not require the inclusion of these requirements in subcontracts.

Model Clause/Language

The specified language is not mandated by the statutes or regulations referenced, but the language provided paraphrases the statutory or regulatory language.

Access to Records - The following access to records requirements apply to this Contract:

1. Where the Purchaser is not a State but a local government and is the FTA Recipient or a subgrantee of the

FTA Recipient in accordance with 49 C.F.R. 18.36(i), the Contractor agrees to provide the Purchaser, the FTA Administrator, the Comptroller General of the United States or any of their authorized representatives access to any books, documents, papers and records of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions. Contractor also agrees, pursuant to 49 C.F.R. 633.17 to provide the FTA Administrator or his authorized representatives including any PMO Contractor access to Contractor's records and construction sites pertaining to a major capital project, defined at 49 U.S.C. 5302(a)1, which is receiving federal financial assistance through the programs described at 49 U.S.C. 5307, 5309 or 5311.

2. Where the Purchaser is a State and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 633.17, Contractor agrees to provide the Purchaser, the FTA Administrator or his authorized representatives, including any PMO Contractor, access to the Contractor's records and construction sites pertaining to a major capital project, defined at 49 U.S.C. 5302(a)1, which is receiving federal financial assistance through the programs described at 49 U.S.C. 5307, 5309 or 5311. By definition, a major capital project excludes contracts of less than the simplified acquisition threshold currently set at \$100,000.

3. Where the Purchaser enters into a negotiated contract for other than a small purchase or under the simplified acquisition threshold and is an institution of higher education, a hospital or other non-profit organization and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 19.48, Contractor agrees to provide the Purchaser, FTA Administrator, the Comptroller General of the United States or any of their duly authorized representatives with access to any books, documents, papers and record of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions.

4. Where any Purchaser which is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 U.S.C. 5325(a) enters into a contract for a capital project or improvement (defined at 49 U.S.C. 5302(a)1) through other than competitive bidding, the Contractor shall make available records related to the contract to the Purchaser, the Secretary of Transportation and the Comptroller General or any authorized officer or employee of any of them for the purposes of conducting an audit and inspection.

5. The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.

6. The Contractor agrees to maintain all books, records, accounts and reports required under this contract for a period of not less than three years after the date of termination or expiration of this contract, except in the event of litigation or settlement of claims arising from the performance of this contract, in which case Contractor agrees to maintain same until the Purchaser, the FTA Administrator, the Comptroller General, or any of their duly authorized representatives, have disposed of all such litigation, appeals, claims or exceptions related thereto. Reference 49 CFR 18.39(i) (11).

7. FTA does not require the inclusion of these requirements in subcontracts.

Requirements for Access to Records and Reports by Types of Contract

Contract Characteristics	Operational Service Contract	Turnkey	Construction	Architectural Engineering	Acquisition of Rolling Stock	Professional Services
<u>I State Grantees</u>						
a. Contracts below SAT (\$100,000)	None	Those imposed on state pass thru to	None	None	None	None

b. Contracts above \$100,000/Capital Projects	None unless ¹ non-competitive award	Contractor	Yes, if non-competitive award or if funded thru ² 5307/5309/5311	None unless non-competitive award	None unless non-competitive award	None unless non-competitive award
II Non State Grantees						
a. Contracts below SAT (\$100,000)	Yes ³	Those imposed on non-state Grantee pass thru to Contractor	Yes	Yes	Yes	Yes
b. Contracts above \$100,000/Capital Projects	Yes ³		Yes	Yes	Yes	Yes

Sources of Authority:

¹ 49 USC 5325 (a)

² 49 CFR 633.17

³ 18 CFR 18.36 (i)

Federal Changes

12. FEDERAL CHANGES

49 CFR Part 18

Applicability to Contracts

The Federal Changes requirement applies to all contracts.

Flow Down

The Federal Changes requirement flows down appropriately to each applicable changed requirement.

Model Clause/Language

No specific language is mandated. The following language has been developed by FTA.

Federal Changes - Contractor 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 Master Agreement between Purchaser and FTA, as they may be amended or promulgated from time to time during the term of this contract. Contractor's failure to so comply shall constitute a material breach of this contract.

Civil Rights Requirements – Mandatory Language

24. CIVIL RIGHTS REQUIREMENTS

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.

Applicability to Contracts

The Civil Rights Requirements apply to all contracts.

Flow Down

The Civil Rights requirements flow down to all third party contractors and their contracts at every tier.

Model Clause/Language

The following clause was predicated on language contained at 49 CFR Part 19, Appendix A, but FTA has shortened the lengthy text.

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 Contractor agrees that 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 Contractor 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 Contractor 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 Contractor 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 Contractor 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 Contractor agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Contractor 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 Contractor 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 Contractor agrees to comply with any implementing requirements FTA may issue.

(3) The Contractor 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.

Disadvantaged Business Enterprise (DBE) – contracts awarded on the basis of a bid or proposal offering to use DBEs

28. DISADVANTAGED BUSINESS ENTERPRISE (DBE)

49 CFR Part 26

Background and Applicability

The newest version on the Department of Transportation's Disadvantaged Business Enterprise (DBE) program became effective July 16, 2003. The rule provides guidance to grantees on the use of overall and contract goals, requirement to include DBE provisions in subcontracts, evaluating DBE participation where specific contract goals have been set, reporting requirements, and replacement of DBE subcontractors. Additionally, the DBE program dictates payment terms and conditions (including limitations on retainage) applicable to all subcontractors regardless of whether they are DBE firms or not.

The DBE program applies to all DOT-assisted contracting activities. A formal clause such as that below must be included in all contracts above the micro-purchase level. The requirements of clause subsection b flow down to subcontracts.

A substantial change to the payment provisions in this newest version of Part 26 concerns retainage (see section 26.29). Grantee choices concerning retainage should be reflected in the language choices in clause subsection d.

Clause Language

The following clause language is suggested, not mandatory. It incorporates the payment terms and conditions applicable to all subcontractors based in Part 26 as well as those related only to DBE subcontractors. The suggested language allows for the options available to grantees concerning retainage, specific contract goals, and evaluation of DBE subcontracting participation when specific contract goals have been established.

Disadvantaged Business Enterprises

a. This contract is subject to the requirements of Title 49, Code of Federal Regulations, Part 26, *and Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs*. The national goal for participation of Disadvantaged Business Enterprises (DBE) is 10%. The agency's overall goal for DBE participation is __%. A separate contract goal [**of __% DBE participation has**] [**has not**] been established for this procurement.

b. The contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of this DOT-assisted contract. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as **{insert agency name}** deems appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b)).

c. **{If a separate contract goal has been established, use the following}** Bidders/offerors are required to document sufficient DBE participation to meet these goals or, alternatively, document adequate good faith efforts to do so, as provided for in 49 CFR 26.53. Award of this contract is conditioned on submission of the following [**concurrent with and accompanying sealed bid**] [**concurrent with and accompanying an initial proposal**] [**prior to award**]:

1. The names and addresses of DBE firms that will participate in this contract;
2. A description of the work each DBE will perform;

3. The dollar amount of the participation of each DBE firm participating;
4. Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal;
5. Written confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
6. If the contract goal is not met, evidence of good faith efforts to do so.

[Bidders][Offerors] must present the information required above **[as a matter of responsiveness] [with initial proposals] [prior to contract award]** (see 49 CFR 26.53(3)).

[If no separate contract goal has been established, use the following] The successful bidder/offeror will be required to report its DBE participation obtained through race-neutral means throughout the period of performance.

d. The contractor is required to pay its subcontractors performing work related to this contract for satisfactory performance of that work no later than 30 days after the contractor's receipt of payment for that work from the **{insert agency name}**. In addition, **[the contractor may not hold retainage from its subcontractors.] [is required to return any retainage payments to those subcontractors within 30 days after the subcontractor's work related to this contract is satisfactorily completed.] [is required to return any retainage payments to those subcontractors within 30 days after incremental acceptance of the subcontractor's work by the {insert agency name} and contractor's receipt of the partial retainage payment related to the subcontractor's work.]**

e. The contractor must promptly notify **{insert agency name}**, whenever a DBE subcontractor performing work related to this contract is terminated or fails to complete its work, and must make good faith efforts to engage another DBE subcontractor to perform at least the same amount of work. The contractor may not terminate any DBE subcontractor and perform that work through its own forces or those of an affiliate without prior written consent of **{insert agency name}**.

Incorporation of FTA terms (Per FTA C4220.1F) – Mandatory Language

30. INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION (FTA) TERMS

FTA Circular 4220.1E or subsequent revisions

Applicability to Contracts

The incorporation of FTA terms applies to all contracts.

Flow Down

The incorporation of FTA terms has unlimited flow down.

Model Clause/Language

FTA has developed the following incorporation of terms language:

Incorporation of Federal Transit Administration (FTA) Terms - The preceding provisions include, in part, certain Standard Terms and Conditions required by DOT, whether or not expressly set forth in the preceding contract provisions. All contractual provisions required by DOT, as set forth in FTA Circular 4220.1E or subsequent revisions, 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 Contractor shall not perform any act, fail to perform any act, or refuse to comply with any (name of grantee) requests which would cause (name of grantee) to be in violation of the FTA terms and conditions.

Energy Conservation

6. ENERGY CONSERVATION REQUIREMENTS

42 U.S.C. 6321 et seq.

49 CFR Part 18

Applicability to Contracts

The Energy Conservation requirements are applicable to all contracts.

Flow Down

The Energy Conservation requirements extend to all third party contractors and their contracts at every tier and subrecipients and their subagreements at every tier.

Model Clause/Language

No specific clause is recommended in the regulations because the Energy Conservation requirements are so dependent on the state energy conservation plan. The following language has been developed by FTA:

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

Applicable Federal Clauses when procurement exceeds \$10,000

Termination Provisions

21. TERMINATION

49 U.S.C. Part 18

FTA Circular 4220.1E or subsequent revisions

Applicability to Contracts

All contracts (with the exception of contracts with nonprofit organizations and institutions of higher education,) in excess of \$10,000 shall contain suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement. (For contracts with nonprofit organizations and institutions of higher education the threshold is \$100,000.) In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

Flow Down

The termination requirements flow down to all contracts in excess of \$10,000, with the exception of contracts with nonprofit organizations and institutions of higher learning.

Model Clause/Language

FTA does not prescribe the form or content of such clauses. The following are suggestions of clauses to be used in different types of contracts:

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

b. Termination for Default [Breach or Cause] (General Provision) If the Contractor does not deliver supplies in accordance with the contract delivery schedule, or, if the contract is for services, the Contractor fails to perform

in the manner called for in the contract, or if the Contractor fails to comply with any other provisions of the contract, the (Recipient) may terminate this contract for default. Termination shall be effected by serving a notice of termination on the contractor setting forth the manner in which the Contractor is in default. The contractor 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 (Recipient) that the Contractor 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 Contractor, the (Recipient), after setting up a new delivery of performance schedule, may allow the Contractor to continue work, or treat the termination as a termination for convenience.

c. Opportunity to Cure (General Provision) The (Recipient) in its sole discretion may, in the case of a termination for breach or default, allow the Contractor [an appropriately short period of time] 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 Contractor fails to remedy to (Recipient)'s satisfaction the breach or default of any of the terms, covenants, or conditions of this Contract within [ten (10) days] after receipt by Contractor of written notice from (Recipient) setting forth the nature of said breach or default, (Recipient) shall have the right to terminate the Contract without any further obligation to Contractor. Any such termination for default shall not in any way operate to preclude (Recipient) from also pursuing all available remedies against Contractor and its sureties for said breach or default.

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

e. Termination for Convenience (Professional or Transit Service Contracts) The (Recipient), by written notice, may terminate this contract, in whole or in part, when it is in the Government's interest. If this contract is terminated, the Recipient shall be liable only for payment under the payment provisions of this contract for services rendered before the effective date of termination.

f. Termination for Default (Supplies and Service) If the Contractor fails to deliver supplies or to perform the services within the time specified in this contract or any extension or if the Contractor fails to comply with any other provisions of this contract, the (Recipient) may terminate this contract for default. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of the default. The Contractor will only be paid the contract price for supplies delivered and accepted, or services performed in accordance with the manner or performance set forth in this contract.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the Recipient.

g. Termination for Default (Transportation Services) If the Contractor fails to pick up the commodities or to perform the services, including delivery services, within the time specified in this contract or any extension or if the Contractor fails to comply with any other provisions of this contract, the (Recipient) may terminate this contract for default. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of default. The Contractor will only be paid the contract price for services performed in accordance with the manner of performance set forth in this contract.

If this contract is terminated while the Contractor has possession of Recipient goods, the Contractor shall, upon direction of the (Recipient), protect and preserve the goods until surrendered to the Recipient or its agent. The

Contractor and (Recipient) shall agree on payment for the preservation and protection of goods. Failure to agree on an amount will be resolved under the Dispute clause.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the (Recipient).

h. Termination for Default (Construction) If the Contractor refuses or fails to prosecute the work or any separable part, with the diligence that will insure its completion within the time specified in this contract or any extension or fails to complete the work within this time, or if the Contractor fails to comply with any other provisions of this contract, the (Recipient) may terminate this contract for default. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of the default. In this event, the Recipient may take over the work and complete it by contract or otherwise, and may take possession of and use any materials, appliances, and plant on the work site necessary for completing the work. The Contractor and its sureties shall be liable for any damage to the Recipient resulting from the Contractor's refusal or failure to complete the work within specified time, whether or not the Contractor's right to proceed with the work is terminated. This liability includes any increased costs incurred by the Recipient in completing the work.

The Contractor's right to proceed shall not be terminated nor the Contractor charged with damages under this clause if-

1. The delay in completing the work arises from unforeseeable causes beyond the control and without the fault or negligence of the Contractor. Examples of such causes include: acts of God, acts of the Recipient, acts of another Contractor in the performance of a contract with the Recipient, epidemics, quarantine restrictions, strikes, freight embargoes; and
2. The contractor, within [10] days from the beginning of any delay, notifies the (Recipient) in writing of the causes of delay. If in the judgment of the (Recipient), the delay is excusable, the time for completing the work shall be extended. The judgment of the (Recipient) shall be final and conclusive on the parties, but subject to appeal under the Disputes clauses.

If, after termination of the Contractor's right to proceed, it is determined that the Contractor was not in default, or that the delay was excusable, the rights and obligations of the parties will be the same as if the termination had been issued for the convenience of the Recipient.

i. Termination for Convenience or Default (Architect and Engineering) The (Recipient) may terminate this contract in whole or in part, for the Recipient's convenience or because of the failure of the Contractor to fulfill the contract obligations. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature, extent, and effective date of the termination. Upon receipt of the notice, the Contractor shall (1) immediately discontinue all services affected (unless the notice directs otherwise), and (2) deliver to the Contracting Officer all data, drawings, specifications, reports, estimates, summaries, and other information and materials accumulated in performing this contract, whether completed or in process.

If the termination is for the convenience of the Recipient, the Contracting Officer shall make an equitable adjustment in the contract price but shall allow no anticipated profit on unperformed services.

If the termination is for failure of the Contractor to fulfill the contract obligations, the Recipient may complete the work by contract or otherwise and the Contractor shall be liable for any additional cost incurred by the Recipient.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the Recipient.

j. Termination for Convenience of Default (Cost-Type Contracts) The (Recipient) may terminate this contract, or any portion of it, by serving a notice or termination on the Contractor. The notice shall state whether the termination is for convenience of the (Recipient) or for the default of the Contractor. If the termination is for default, the notice shall state the manner in which the contractor has failed to perform the requirements of the contract. The Contractor shall account for any property in its possession paid for from funds received from the (Recipient), or property supplied to the Contractor by the (Recipient). If the termination is for default, the (Recipient) may fix the fee, if the contract provides for a fee, to be paid the contractor in proportion to the value, if any, of work performed up to the time of termination. The Contractor shall promptly submit its termination claim to the (Recipient) and the parties shall negotiate the termination settlement to be paid the Contractor.

If the termination is for the convenience of the (Recipient), the Contractor shall be paid its contract close-out costs, and a fee, if the contract provided for payment of a fee, in proportion to the work performed up to the time of termination.

If, after serving a notice of termination for default, the (Recipient) determines that the Contractor has an excusable reason for not performing, such as strike, fire, flood, events which are not the fault of and are beyond the control of the contractor, the (Recipient), after setting up a new work schedule, may allow the Contractor to continue work, or treat the termination as a termination for convenience.

Applicable Federal Clauses when procurement exceeds \$25,000

Suspension and Debarment

22. GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Background and Applicability

In conjunction with the Office of Management and Budget and other affected Federal agencies, DOT published an update to 49 CFR Part 29 on November 26, 2003. This government-wide regulation implements Executive Order 12549, *Debarment and Suspension*, Executive Order 12689, *Debarment and Suspension*, and 31 U.S.C. 6101 note (Section 2455, Public Law 103-355, 108 Stat. 3327).

The provisions of Part 29 apply to all grantee contracts and subcontracts at any level expected to equal or exceed \$25,000 as well as any contract or subcontract (at any level) for Federally required auditing services. 49 CFR 29.220(b). This represents a change from prior practice in that the dollar threshold for application of these rules has been lowered from \$100,000 to \$25,000. These are contracts and subcontracts referred to in the regulation as “covered transactions.”

Grantees, contractors, and subcontractors (at any level) that enter into covered transactions are required to verify that the entity (as well as its principals and affiliates) they propose to contract or subcontract with is not excluded or disqualified. They do this by (a) Checking the Excluded Parties List System, (b) Collecting a certification from that person, or (c) Adding a clause or condition to the contract or subcontract. This represents a change from prior practice in that certification is still acceptable but is no longer required. 49 CFR 29.300.

Grantees, contractors, and subcontractors who enter into covered transactions also must require the entities they contract with to comply with 49 CFR 29, subpart C and include this requirement in their own subsequent covered transactions (i.e., the requirement flows down to subcontracts at all levels).

Clause Language

The following clause language is suggested, not mandatory. It incorporates the optional method of verifying that contractors are not excluded or disqualified by certification.

Suspension and Debarment

This contract is a covered transaction for purposes of 49 CFR Part 29. As such, the contractor is required to verify that none of the contractor, its principals, as defined at 49 CFR 29.995, or affiliates, as defined at 49 CFR 29.905, are excluded or disqualified as defined at 49 CFR 29.940 and 29.945.

The contractor is required to comply with 49 CFR 29, Subpart C and must include the requirement to comply with 49 CFR 29, Subpart C in any lower tier covered transaction it enters into.

By signing and submitting its bid or proposal, the bidder or proposer certifies as follows:

The certification in this clause is a material representation of fact relied upon by **{insert agency name}**. If it is later determined that the bidder or proposer knowingly rendered an erroneous certification, in addition to remedies available to **{insert agency name}**, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The bidder or proposer agrees to comply with the requirements of 49 CFR 29, Subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

Applicable Federal Clauses when procurement exceeds \$100,000

Provisions for resolution of disputes, breaches, or other litigation

25. BREACHES AND DISPUTE RESOLUTION

49 CFR Part 18

FTA Circular 4220.1E or subsequent revisions

Applicability to Contracts

All contracts in excess of \$100,000 shall contain provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. This may include provisions for bonding, penalties for late or inadequate performance, retained earnings, liquidated damages or other appropriate measures.

Flow Down

The Breaches and Dispute Resolutions requirements flow down to all tiers.

Model Clauses/Language

FTA does not prescribe the form or content of such provisions. What provisions are developed will depend on the circumstances and the type of contract. Recipients should consult legal counsel in developing appropriate clauses. The following clauses are examples of provisions from various FTA third party contracts.

Disputes - Disputes arising in the performance of this Contract which are not resolved by agreement of the parties shall be decided in writing by the authorized representative of (Recipient)'s [title of employee]. 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 [title of employee]. 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 [title of employee] shall be binding upon the Contractor and the Contractor shall abide by the decision.

Performance During Dispute - Unless otherwise directed by (Recipient), 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 therefor shall be made in writing to such other party within a reasonable time after the first observance of such injury of damage.

Remedies - Unless this contract provides otherwise, all claims, counterclaims, disputes and other matters in question between the (Recipient) 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 (Recipient) 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 the (Recipient), (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.

Lobbying – Mandatory Language

10. LOBBYING

31 U.S.C. 1352

49 CFR Part 19

49 CFR Part 20

Applicability to Contracts

The Lobbying requirements apply to Construction/Architectural and Engineering/Acquisition of Rolling Stock/Professional Service Contract/Operational Service Contract/Turnkey contracts.

Flow Down

The Lobbying requirements mandate the maximum flow down, pursuant to Byrd Anti-Lobbying Amendment, 31 U.S.C. § 1352(b)(5) and 49 C.F.R. Part 19, Appendix A, Section 7.

Mandatory Clause/Language

Clause and specific language therein are mandated by 49 CFR Part 19, Appendix A.

Modifications have been made to the Clause pursuant to Section 10 of the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, *et seq.*]

- Lobbying Certification and Disclosure of Lobbying Activities for third party contractors are mandated by 31 U.S.C. 1352(b)(5), as amended by Section 10 of the Lobbying Disclosure Act of 1995, and DOT implementing regulation, "New Restrictions on Lobbying," at 49 CFR § 20.110(d)

- Language in Lobbying Certification is mandated by 49 CFR Part 19, Appendix A, Section 7, which provides that contractors file the certification required by 49 CFR Part 20, Appendix A.

Modifications have been made to the Lobbying Certification pursuant to Section 10 of the Lobbying Disclosure Act of 1995.

- Use of "Disclosure of Lobbying Activities," Standard Form-LLL set forth in Appendix B of 49 CFR Part 20, as amended by "Government wide Guidance For New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96) is mandated by 49 CFR Part 20, Appendix A.

Byrd Anti-Lobbying Amendment, 31 U.S.C. 1352, as amended by the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, *et seq.*] - Contractors who apply or bid for an award of \$100,000 or more

shall file the certification required by 49 CFR part 20, "New Restrictions on Lobbying." Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier up to the recipient.

APPENDIX A, 49 CFR PART 20--CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

(To be submitted with each bid or offer exceeding \$100,000)

The undersigned [Contractor] 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 an 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 making lobbying contacts to 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 [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*)]

(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 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). 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. § 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 Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

_____ Signature of Contractor's Authorized Official

_____ Name and Title of Contractor's Authorized Official

_____ Date

Clean Air

14. CLEAN AIR

42 U.S.C. 7401 et seq

40 CFR 15.61

49 CFR Part 18

Applicability to Contracts

The Clean Air requirements apply to all contracts exceeding \$100,000, including indefinite quantities where the amount is expected to exceed \$100,000 in any year.

Flow Down

The Clean Air requirements flow down to all subcontracts which exceed \$100,000.

Model Clauses/Language

No specific language is required. FTA has proposed the following language.

Clean Air - (1) The Contractor 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 Contractor 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 Contractor also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

Clean Water

7. CLEAN WATER REQUIREMENTS

33 U.S.C. 1251

Applicability to Contracts

The Clean Water requirements apply to each contract and subcontract which exceeds \$100,000.

Flow Down

The Clean Water requirements flow down to FTA recipients and subrecipients at every tier.

Model Clause/Language

While no mandatory clause is contained in the Federal Water Pollution Control Act, as amended, the following language developed by FTA contains all the mandatory requirements:

Clean Water - (1) The Contractor 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 Contractor 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 Contractor also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

Applicable Federal Clauses when procurements involve foreign transport or travel by air

Fly America

2. FLY AMERICA REQUIREMENTS

49 U.S.C. § 40118

41 CFR Part 301-10

Applicability to Contracts

The Fly America requirements apply to the transportation of persons or property, by air, between a place in the U.S. and a place outside the U.S., or between places outside the U.S., when the FTA will participate in the costs of such air transportation. Transportation on a foreign air carrier is permissible when provided by a foreign air carrier under a code share agreement when the ticket identifies the U.S. air carrier's designator code and flight number. Transportation by a foreign air carrier is also permissible if there is a bilateral or multilateral air transportation agreement to which the U.S. Government and a foreign government are parties and which the Federal DOT has determined meets the requirements of the Fly America Act.

Flow Down Requirements

The Fly America requirements flow down from FTA recipients and subrecipients to first tier contractors, who are responsible for ensuring that lower tier contractors and subcontractors are in compliance.

Model Clause/Language

The relevant statutes and regulations do not mandate any specified clause or language. FTA proposes the following language.

Fly America Requirements

The Contractor agrees to comply with 49 U.S.C. 40118 (the "Fly America" Act) in accordance with the General Services Administration's regulations at 41 CFR Part 301-10, which provide that recipients and subrecipients of Federal funds and their contractors are required to use U.S. Flag air carriers for U.S. Government-financed international air travel and transportation of their personal effects or property, to the extent such service is available, unless travel by foreign air carrier is a matter of necessity, as defined by the Fly America Act. The Contractor shall submit, if a foreign air carrier was used, an appropriate certification or memorandum adequately explaining why service by a U.S. flag air carrier was not available or why it was necessary to use a foreign air carrier and shall, in any event, provide a certificate of compliance with the Fly America requirements. The Contractor agrees to include the requirements of this section in all subcontracts that may involve international air transportation.

Applicable Federal Clauses when procurements involve A&E for New Buildings & Additions

Seismic Safety

5. SEISMIC SAFETY REQUIREMENTS

42 U.S.C. 7701 et seq. 49

CFR Part 41

Applicability to Contracts

The Seismic Safety requirements apply only to contracts for the construction of new buildings or additions to

existing buildings.

Flow Down

The Seismic Safety requirements flow down from FTA recipients and subrecipients to first tier contractors to assure compliance, with the applicable building standards for Seismic Safety, including the work performed by all subcontractors.

Model Clauses/Language

The regulations do not provide suggested language for third-party contract clauses. The following language has been developed by FTA.

Seismic Safety - The contractor agrees that any new building or addition to an existing building will be designed and constructed in accordance with the standards for Seismic Safety required in Department of Transportation Seismic Safety Regulations 49 CFR Part 41 and will certify to compliance to the extent required by the regulation. The contractor also agrees to ensure that all work performed under this contract including work performed by a subcontractor is in compliance with the standards required by the Seismic Safety Regulations and the certification of compliance issued on the project.

Applicable Federal Clauses when procurements involve Research & Development

Patent Rights

26. PATENT AND RIGHTS IN DATA

37 CFR Part 401

49 CFR Parts 18 and 19

Applicability to Contracts

Patent and rights in data requirements for federally assisted projects ONLY apply to research projects in which FTA finances the purpose of the grant is to finance the development of a product or information. These patent and data rights requirements do not apply to capital projects or operating projects, even though a small portion of the sales price may cover the cost of product development or writing the user's manual.

Flow Down

The Patent and Rights in Data requirements apply to all contractors and their contracts at every tier.

Model Clause/Language

The FTA patent clause is substantially similar to the text of 49 C.F.R. Part 19, Appendix A, Section 5, but the rights in data clause reflects FTA objectives. For patent rights, FTA is governed by Federal law and regulation. For data rights, the text on copyrights is insufficient to meet FTA's purposes for awarding research grants. This model clause, with larger rights as a standard, is proposed with the understanding that this standard could be modified to FTA's needs.

CONTRACTS INVOLVING EXPERIMENTAL, DEVELOPMENTAL, OR RESEARCH WORK.

A. **Rights in Data** - This following requirements apply to each contract involving experimental, developmental or research work:

(1) The term "subject data" used in this clause means recorded information, whether or not copyrighted, that is delivered or specified to be delivered under the contract. The term includes graphic or pictorial delineation in media such as drawings or photographs; text in specifications or related performance or design-type documents; machine forms such as punched cards, magnetic tape, or computer memory printouts; and information retained in computer memory. Examples include, but are not limited to: computer software, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identifications, and related information. The term "subject data" does not include financial reports,

cost analyses, and similar information incidental to contract administration.

(2) The following restrictions apply to all subject data first produced in the performance of the contract to which this Attachment has been added:

(a) Except for its own internal use, the Purchaser or Contractor may not publish or reproduce subject data in whole or in part, or in any manner or form, nor may the Purchaser or Contractor authorize others to do so, without the written consent of the Federal Government, until such time as the Federal Government may have either released or approved the release of such data to the public; this restriction on publication, however, does not apply to any contract with an academic institution.

(b) In accordance with 49 C.F.R. § 18.34 and 49 C.F.R. § 19.36, the Federal Government reserves a royalty-free, non-exclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, for "Federal Government purposes," any subject data or copyright described in subsections (2)(b)1 and (2)(b)2 of this clause below. As used in the previous sentence, "for Federal Government purposes," means use only for the direct purposes of the Federal Government. Without the copyright owner's consent, the Federal Government may not extend its Federal license to any other party.

1. Any subject data developed under that contract, whether or not a copyright has been obtained; and
2. Any rights of copyright purchased by the Purchaser or Contractor using Federal assistance in whole or in part provided by FTA.

(c) When FTA awards Federal assistance for experimental, developmental, or research work, it is FTA's general intention to increase transportation knowledge available to the public, rather than to restrict the benefits resulting from the work to participants in that work. Therefore, unless FTA determines otherwise, the Purchaser and the Contractor performing experimental, developmental, or research work required by the underlying contract to which this Attachment is added agrees to permit FTA to make available to the public, either FTA's license in the copyright to any subject data developed in the course of that contract, or a copy of the subject data first produced under the contract for which a copyright has not been obtained. If the experimental, developmental, or research work, which is the subject of the underlying contract, is not completed for any reason whatsoever, all data developed under that contract shall become subject data as defined in subsection (a) of this clause and shall be delivered as the Federal Government may direct. This subsection (c) , however, does not apply to adaptations of automatic data processing equipment or programs for the Purchaser or Contractor's use whose costs are financed in whole or in part with Federal assistance provided by FTA for transportation capital projects.

(d) Unless prohibited by state law, upon request by the Federal Government, the Purchaser and the Contractor agree to indemnify, save, and hold harmless the Federal Government, its officers, agents, and employees acting within the scope of their official duties against any liability, including costs and expenses, resulting from any willful or intentional violation by the Purchaser or Contractor of proprietary rights, copyrights, or right of privacy, arising out of the publication, translation, reproduction, delivery, use, or disposition of any data furnished under that contract. Neither the Purchaser nor the Contractor shall be required to indemnify the Federal Government for any such liability arising out of the wrongful act of any employee, official, or agents of the Federal Government.

(e) Nothing contained in this clause on rights in data shall imply a license to the Federal Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Federal Government under any patent.

(f) Data developed by the Purchaser or Contractor and financed entirely without using Federal assistance provided by the Federal Government that has been incorporated into work required by the underlying contract to which this Attachment has been added is exempt from the requirements of subsections (b), (c), and (d) of this

clause, provided that the Purchaser or Contractor identifies that data in writing at the time of delivery of the contract work.

(g) Unless FTA determines otherwise, the Contractor agrees to include these requirements in each subcontract for experimental, developmental, or research work financed in whole or in part with Federal assistance provided by FTA.

(3) Unless the Federal Government later makes a contrary determination in writing, irrespective of the Contractor's status (*i.e.*, a large business, small business, state government or state instrumentality, local government, nonprofit organization, institution of higher education, individual, etc.), the Purchaser and the Contractor agree to take the necessary actions to provide, through FTA, those rights in that invention due the Federal Government as described in

U.S. Department of Commerce regulations, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," 37 C.F.R. Part 401.

(4) The Contractor also agrees to include these requirements in each subcontract for experimental, developmental, or research work financed in whole or in part with Federal assistance provided by FTA.

B. Patent Rights - The following requirements apply to each contract involving experimental, developmental, or research work:

(1) General - If any invention, improvement, or discovery is conceived or first actually reduced to practice in the course of or under the contract to which this Attachment has been added, and that invention, improvement, or discovery is patentable under the laws of the United States of America or any foreign country, the Purchaser and Contractor agree to take actions necessary to provide immediate notice and a detailed report to the party at a higher tier until FTA is ultimately notified.

(2) Unless the Federal Government later makes a contrary determination in writing, irrespective of the Contractor's status (a large business, small business, state government or state instrumentality, local government, nonprofit organization, institution of higher education, individual), the Purchaser and the Contractor agree to take the necessary actions to provide, through FTA, those rights in that invention due the Federal Government as described in U.S. Department of Commerce regulations, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," 37 C.F.R. Part 401.

(3) The Contractor also agrees to include the requirements of this clause in each subcontract for experimental, developmental, or research work financed in whole or in part with Federal assistance provided by FTA.

Applicable Federal Clauses when procurements involve Architectural & Engineering

ADA Access

FTA is currently working on a contract clause to incorporate appropriate ADA requirements, but it is not yet available.

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GUIDE FOR PROFESSIONAL SERVICES AND ARCHITECTURAL ENGINEERING SERVICES – THIRD PARTY CHECKLIST

General Procurement Questions	Location of Requirement in Purchasing Package (if applicable)
<p>Does procurement exhibit Geographic Preference? For reference purposes: 49 CFR 18.36 (c)(1)(2) and FTA C 4220.1F, Ch. VI, Section 2.a (4)(g)</p>	
<p>Has proposed contracted entity been verified that they are not excluded or disqualified through the Excluded Parties List System (EPLS)? For reference purposes: https://www.sam.gov/portal/public/SAM/</p>	
<p>Has an adequate number of sources been solicited?</p>	
<p>Has applicable ADA language been included?</p>	
<p>Has an adequate cost analysis been performed? For reference purposes: 49 CFR 18.36 (f)(1) and FTA C 4220.1F, Ch. VI, Section 6</p>	
Applicable Federal Clauses Excluding micro-purchases, except for construction contracts over \$2,000	Location of Requirement in Purchasing Package
<p><u>19. NO GOVERNMENT OBLIGATION TO THIRD PARTIES</u></p>	
<p><u>20. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS AND RELATED ACTS</u> 31 U.S.C. 3801 et seq. 49 CFR Part 31 18 U.S.C. 1001 49 U.S.C. 5307</p>	
<p><u>11. ACCESS TO RECORDS AND REPORTS</u> 49 U.S.C. 5325 18 CFR 18.36 (i) 49 CFR 633.17</p>	
<p><u>12. FEDERAL CHANGES</u> 49 CFR Part 18</p>	
<p><u>24. CIVIL RIGHTS REQUIREMENTS</u> 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.</p>	
<p><u>28. DISADVANTAGED BUSINESS ENTERPRISE (DBE)</u> 49 CFR Part 26</p>	
<p><u>30. INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION (FTA) TERMS</u></p>	

FTA Circular 4220.1E or subsequent revisions	
<u>6. ENERGY CONSERVATION REQUIREMENTS</u> 42 U.S.C. 6321 et seq. 49 CFR Part 18	
Additional Federal Clauses when procurement exceeds \$10,000	Location of Requirement in Purchasing Package
<u>21. TERMINATION</u> 49 U.S.C. Part 18 FTA Circular 4220.1E or subsequent revisions	
Additional Federal Clauses when procurement exceeds \$25,000	Location of Requirement in Purchasing Package
22. GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)	
Additional Federal Clauses when procurement exceeds \$100,000	Location of Requirement in Purchasing Package
<u>25. BREACHES AND DISPUTE RESOLUTION</u> 49 CFR Part 18 FTA Circular 4220.1E or subsequent revisions	
<u>10. LOBBYING</u> 31 U.S.C. 1352 49 CFR Part 19 49 CFR Part 20	
<u>14. CLEAN AIR</u> 42 U.S.C. 7401 et seq 40 CFR 15.61 49 CFR Part 18	
<u>7. CLEAN WATER REQUIREMENTS</u> 33 U.S.C. 1251	
Additional Federal Clauses when procurements involve foreign transport or travel by air	Location of Requirement in Purchasing Package
2. <u>FLY AMERICA REQUIREMENTS</u> 49 U.S.C. § 40118 41 CFR Part 301-10	
Additional Federal Clauses when procurements involve A&E for New Buildings & Additions	Location of Requirement in Purchasing Package
<u>5. SEISMIC SAFETY REQUIREMENTS</u> 42 U.S.C. 7701 et seq. 49 CFR Part 41	
Additional Federal Clauses when procurements involve Research & Development	Location of Requirement in Purchasing Package
<u>26. PATENT AND RIGHTS IN DATA</u> 37 CFR Part 401 49 CFR Parts 18 and 19	
Additional Federal Clauses when procurements	Location of Requirement in

involve Architectural & Engineering	Purchasing Package
Has applicable ADA language been included?	

Approval:

Subrecipient:	FDOT:
Date:	Date:

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GUIDE FOR OPERATIONS, MANAGEMENT, SUBRECIPIENTS

When procuring Operations/Management/Subrecipients services the following steps should be taken:

1. Determine the method of procurement (i.e., Micro Purchase, Small Purchase, RFP, Sealed Bid, etc.).
2. Apply applicable Federal clauses based on method of procurement (cost of purchase).

Operations/Management/Subrecipients

Methods of Procurement

Micro Purchases: Procurements less than \$2,500
 Small Purchases: Procurements greater than \$2,500 but less than \$35,000
 Competitive Proposals (Request for Proposals): Procurements greater than \$35,000

Applicable Federal Clauses

Excluding micro-purchases, except for construction contracts over \$2,000

No Government Obligation to Third Parties

19. NO GOVERNMENT OBLIGATION TO THIRD PARTIES

Program fraud and false or fraudulent statements and related acts

20. 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

Access to Records

11. ACCESS TO RECORDS AND REPORTS

49 U.S.C. 5325
 18 CFR 18.36 (i)
 49 CFR 633.17

Federal Changes

12. FEDERAL CHANGES

49 CFR Part 18

Civil Rights Requirements – Mandatory Language

24. CIVIL RIGHTS REQUIREMENTS

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.

Disadvantaged Business Enterprise (DBE) – contracts awarded on the basis of a bid or proposal offering to use DBEs

28. DISADVANTAGED BUSINESS ENTERPRISE (DBE)

49 CFR Part 26

Incorporation of FTA terms (Per FTA C4220.1F) – Mandatory Language

30. INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION (FTA) TERMS

FTA Circular 4220.1E or subsequent revisions

Energy Conservation

6. ENERGY CONSERVATION REQUIREMENTS

42 U.S.C. 6321 et seq.
49 CFR Part 18

Charter Service Operations

3. CHARTER BUS REQUIREMENTS

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

School Bus Operations

3. SCHOOL BUS REQUIREMENTS

49 U.S.C. 5323(F)
49 CFR Part 605

ADA Access

FTA is currently working on a contract clause to incorporate appropriate ADA requirements, but it is not yet available.

Applicable Federal Clauses when procurement exceeds \$10,000

Termination Provisions

21. TERMINATION

49 U.S.C. Part 18
FTA Circular 4220.1E or subsequent revisions

Applicable Federal Clauses when procurement exceeds \$25,000

Suspension and Debarment

22. GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Applicable Federal Clauses when procurement exceeds \$100,000

Provisions for resolution of disputes, breaches, or other litigation

25. BREACHES AND DISPUTE RESOLUTION

49 CFR Part 18
FTA Circular 4220.1E or subsequent revisions

Lobbying – Mandatory Language

10. LOBBYING

31 U.S.C. 1352
49 CFR Part 19
49 CFR Part 20

Clean Air

14. CLEAN AIR

42 U.S.C. 7401 et seq
40 CFR 15.61
49 CFR Part 18

Clean Water

7. CLEAN WATER REQUIREMENTS

33 U.S.C. 1251

Contract Work Hours & Safety Standards Act

17. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

Applicable Federal Clauses when procurements involve foreign transport or travel by air

Fly America

3. FLY AMERICA REQUIREMENTS

49 U.S.C. § 40118
41 CFR Part 301-10

Applicable Federal Clauses – Transit Operations funded with Section 5307, 5309, 5311, or 5316 funds

Transit Employee Protective Arrangements

27. TRANSIT EMPLOYEE PROTECTIVE AGREEMENTS

49 U.S.C. § 5310, § 5311, and § 5333
29 CFR Part 215

Drug and Alcohol Testing

31. DRUG AND ALCOHOL TESTING

49 U.S.C. §5331

49 CFR Parts 653 and 654

Applicable Federal Clauses – Contracts for items designated by EPA, when procuring \$10,000 or more per year

Recycled Products

15. RECYCLED PRODUCTS

42 U.S.C. 6962

40 CFR Part 247

Executive Order 12873



GUIDE FOR OPERATIONS, MANAGEMENT, SUBRECIPIENTS

Below are the applicable clauses that were listed above with suggested or mandatory language. Those clauses with mandatory language are noted.

Operations/Management/Subrecipients

Methods of Procurement

Micro Purchase: Procurements less than \$2,500
 Small Purchases: Procurements greater than \$2,500 but less than \$35,000
 Competitive Proposals (Request for Proposals): Procurements greater than \$35,000

Applicable Federal Clauses

Excluding micro-purchases, except for construction contracts over \$2,000

No Government Obligation to Third Parties

19. NO GOVERNMENT OBLIGATION TO THIRD PARTIES

Applicability to Contracts

Applicable to all contracts.

Flow Down

Not required by statute or regulation for either primary contractors or subcontractors, this concept should flow down to all levels to clarify, to all parties to the contract, that the Federal Government does not have contractual liability to third parties, absent specific written consent.

Model Clause/Language

While no specific language is required, FTA has developed the following language.

No Obligation by the Federal Government.

(1) The Purchaser and Contractor 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, Contractor, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

(2) The Contractor 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.

Program fraud and false or fraudulent statements and related acts

20. 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**

Applicability to Contracts

These requirements are applicable to all contracts.

Flow Down

These requirements flow down to contractors and subcontractors who make, present, or submit covered claims and statements.

Model Clause/Language

These requirements have no specified language, so FTA proffers the following language.

Program Fraud and False or Fraudulent Statements or Related Acts.

(1) The Contractor 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 Contractor 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 Contractor 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 Contractor to the extent the Federal Government deems appropriate.

(2) The Contractor 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 Contractor, to the extent the Federal Government deems appropriate.

(3) The Contractor 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

Access to Records

11. ACCESS TO RECORDS AND REPORTS

**49 U.S.C. 5325
18 CFR 18.36 (i)
49 CFR 633.17**

Applicability to Contracts

Reference Chart "Requirements for Access to Records and Reports by Type of Contracts"

Flow Down

FTA does not require the inclusion of these requirements in subcontracts.

Model Clause/Language

The specified language is not mandated by the statutes or regulations referenced, but the language provided paraphrases the statutory or regulatory language.

Access to Records - The following access to records requirements apply to this Contract:

1. Where the Purchaser is not a State but a local government and is the FTA Recipient or a subgrantee of the

FTA Recipient in accordance with 49 C.F.R. 18.36(i), the Contractor agrees to provide the Purchaser, the FTA Administrator, the Comptroller General of the United States or any of their authorized representatives access to any books, documents, papers and records of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions. Contractor also agrees, pursuant to 49 C.F.R. 633.17 to provide the FTA Administrator or his authorized representatives including any PMO Contractor access to Contractor's records and construction sites pertaining to a major capital project, defined at 49 U.S.C. 5302(a)1, which is receiving federal financial assistance through the programs described at 49 U.S.C. 5307, 5309 or 5311.

2. Where the Purchaser is a State and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 633.17, Contractor agrees to provide the Purchaser, the FTA Administrator or his authorized representatives, including any PMO Contractor, access to the Contractor's records and construction sites pertaining to a major capital project, defined at 49 U.S.C. 5302(a)1, which is receiving federal financial assistance through the programs described at 49 U.S.C. 5307, 5309 or 5311. By definition, a major capital project excludes contracts of less than the simplified acquisition threshold currently set at \$100,000.

3. Where the Purchaser enters into a negotiated contract for other than a small purchase or under the simplified acquisition threshold and is an institution of higher education, a hospital or other non-profit organization and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 19.48, Contractor agrees to provide the Purchaser, FTA Administrator, the Comptroller General of the United States or any of their duly authorized representatives with access to any books, documents, papers and record of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions.

4. Where any Purchaser which is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 U.S.C. 5325(a) enters into a contract for a capital project or improvement (defined at 49 U.S.C. 5302(a)1) through other than competitive bidding, the Contractor shall make available records related to the contract to the Purchaser, the Secretary of Transportation and the Comptroller General or any authorized officer or employee of any of them for the purposes of conducting an audit and inspection.

5. The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.

6. The Contractor agrees to maintain all books, records, accounts and reports required under this contract for a period of not less than three years after the date of termination or expiration of this contract, except in the event of litigation or settlement of claims arising from the performance of this contract, in which case Contractor agrees to maintain same until the Purchaser, the FTA Administrator, the Comptroller General, or any of their duly authorized representatives, have disposed of all such litigation, appeals, claims or exceptions related thereto. Reference 49 CFR 18.39(i) (11).

7. FTA does not require the inclusion of these requirements in subcontracts.

Requirements for Access to Records and Reports by Types of Contract

Contract Characteristics	Operational Service Contract	Turnkey	Construction	Architectural Engineering	Acquisition of Rolling Stock	Professional Services
<u>I State Grantees</u>						
a. Contracts below SAT (\$100,000)	None	Those imposed on state pass thru to	None	None	None	None

b. Contracts above \$100,000/Capital Projects	None unless ¹ non-competitive award	Contractor	Yes, if non-competitive award or if funded thru ² 5307/5309/5311	None unless non-competitive award	None unless non-competitive award	None unless non-competitive award
<u>II Non State Grantees</u>						
a. Contracts below SAT (\$100,000)	Yes ³	Those imposed on non-state Grantee pass thru to Contractor	Yes	Yes	Yes	Yes
b. Contracts above \$100,000/Capital Projects	Yes ³		Yes	Yes	Yes	Yes

Sources of Authority:

¹ 49 USC 5325 (a)

² 49 CFR 633.17

³ 18 CFR 18.36 (i)

Federal Changes

12. FEDERAL CHANGES

49 CFR Part 18

Applicability to Contracts

The Federal Changes requirement applies to all contracts.

Flow Down

The Federal Changes requirement flows down appropriately to each applicable changed requirement.

Model Clause/Language

No specific language is mandated. The following language has been developed by FTA.

Federal Changes - Contractor 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 Master Agreement between Purchaser and FTA, as they may be amended or promulgated from time to time during the term of this contract. Contractor's failure to so comply shall constitute a material breach of this contract.

Civil Rights Requirements – Mandatory Language

24. CIVIL RIGHTS REQUIREMENTS

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.

Applicability to Contracts

The Civil Rights Requirements apply to all contracts.

Flow Down

The Civil Rights requirements flow down to all third party contractors and their contracts at every tier.

Model Clause/Language

The following clause was predicated on language contained at 49 CFR Part 19, Appendix A, but FTA has shortened the lengthy text.

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 Contractor agrees that 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 Contractor 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 Contractor 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 Contractor 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 Contractor 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 Contractor agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Contractor 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 Contractor 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 Contractor agrees to comply with any implementing requirements FTA may issue.

(3) The Contractor 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.

Disadvantaged Business Enterprise (DBE) – contracts awarded on the basis of a bid or proposal offering to use DBEs

28. DISADVANTAGED BUSINESS ENTERPRISE (DBE)

49 CFR Part 26

Background and Applicability

The newest version on the Department of Transportation's Disadvantaged Business Enterprise (DBE) program became effective July 16, 2003. The rule provides guidance to grantees on the use of overall and contract goals, requirement to include DBE provisions in subcontracts, evaluating DBE participation where specific contract goals have been set, reporting requirements, and replacement of DBE subcontractors. Additionally, the DBE program dictates payment terms and conditions (including limitations on retainage) applicable to all subcontractors regardless of whether they are DBE firms or not.

The DBE program applies to all DOT-assisted contracting activities. A formal clause such as that below must be included in all contracts above the micro-purchase level. The requirements of clause subsection b flow down to subcontracts.

A substantial change to the payment provisions in this newest version of Part 26 concerns retainage (see section 26.29). Grantee choices concerning retainage should be reflected in the language choices in clause subsection d.

Clause Language

The following clause language is suggested, not mandatory. It incorporates the payment terms and conditions applicable to all subcontractors based in Part 26 as well as those related only to DBE subcontractors. The suggested language allows for the options available to grantees concerning retainage, specific contract goals, and evaluation of DBE subcontracting participation when specific contract goals have been established.

Disadvantaged Business Enterprises

a. This contract is subject to the requirements of Title 49, Code of Federal Regulations, Part 26, *and Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs*. The national goal for participation of Disadvantaged Business Enterprises (DBE) is 10%. The agency's overall goal for DBE participation is __%. A separate contract goal **[of __% DBE participation has] [has not]** been established for this procurement.

b. The contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of this DOT-assisted contract. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as **{insert agency name}** deems appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b)).

c. **{If a separate contract goal has been established, use the following}** Bidders/offerors are required to document sufficient DBE participation to meet these goals or, alternatively, document adequate good faith efforts to do so, as provided for in 49 CFR 26.53. Award of this contract is conditioned on submission of the following **[concurrent with and accompanying sealed bid] [concurrent with and accompanying an initial proposal] [prior to award]**:

1. The names and addresses of DBE firms that will participate in this contract;
2. A description of the work each DBE will perform;

3. The dollar amount of the participation of each DBE firm participating;
4. Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal;
5. Written confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
6. If the contract goal is not met, evidence of good faith efforts to do so.

[Bidders][Offerors] must present the information required above **[as a matter of responsiveness] [with initial proposals] [prior to contract award]** (see 49 CFR 26.53(3)).

[If no separate contract goal has been established, use the following] The successful bidder/offeror will be required to report its DBE participation obtained through race-neutral means throughout the period of performance.

d. The contractor is required to pay its subcontractors performing work related to this contract for satisfactory performance of that work no later than 30 days after the contractor's receipt of payment for that work from the **{insert agency name}**. In addition, **[the contractor may not hold retainage from its subcontractors.] [is required to return any retainage payments to those subcontractors within 30 days after the subcontractor's work related to this contract is satisfactorily completed.] [is required to return any retainage payments to those subcontractors within 30 days after incremental acceptance of the subcontractor's work by the {insert agency name} and contractor's receipt of the partial retainage payment related to the subcontractor's work.]**

e. The contractor must promptly notify **{insert agency name}**, whenever a DBE subcontractor performing work related to this contract is terminated or fails to complete its work, and must make good faith efforts to engage another DBE subcontractor to perform at least the same amount of work. The contractor may not terminate any DBE subcontractor and perform that work through its own forces or those of an affiliate without prior written consent of **{insert agency name}**.

Incorporation of FTA terms (Per FTA C4220.1F) – Mandatory Language

30. INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION (FTA) TERMS

FTA Circular 4220.1E or subsequent revisions

Applicability to Contracts

The incorporation of FTA terms applies to all contracts.

Flow Down

The incorporation of FTA terms has unlimited flow down.

Model Clause/Language

FTA has developed the following incorporation of terms language:

Incorporation of Federal Transit Administration (FTA) Terms - The preceding provisions include, in part, certain Standard Terms and Conditions required by DOT, whether or not expressly set forth in the preceding contract provisions. All contractual provisions required by DOT, as set forth in FTA Circular 4220.1E or subsequent revisions, 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 Contractor shall not perform any act, fail to perform any act, or refuse to comply with any (name of grantee) requests which would cause (name of grantee) to be in violation of the FTA terms and conditions.

Energy Conservation

6. ENERGY CONSERVATION REQUIREMENTS

42 U.S.C. 6321 et seq.

49 CFR Part 18

Applicability to Contracts

The Energy Conservation requirements are applicable to all contracts.

Flow Down

The Energy Conservation requirements extend to all third party contractors and their contracts at every tier and subrecipients and their subagreements at every tier.

Model Clause/Language

No specific clause is recommended in the regulations because the Energy Conservation requirements are so dependent on the state energy conservation plan. The following language has been developed by FTA:

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

Charter Service Operations

3. CHARTER BUS REQUIREMENTS

49 U.S.C. 5323(d)

49 CFR Part 604

Applicability to Contracts

The Charter Bus requirements apply to the following type of contract: Operational Service Contracts.

Flow Down Requirements

The Charter Bus requirements flow down from FTA recipients and subrecipients to first tier service contractors.

Model Clause/Language

The relevant statutes and regulations do not mandate any specific clause or language. The following clause has been developed by FTA.

Charter Service Operations - The contractor agrees to comply with 49 U.S.C. 5323(d) and 49 CFR Part 604, which provides that recipients and subrecipients of FTA assistance are prohibited from providing charter service using federally funded equipment or facilities if there is at least one private charter operator willing and able to provide the service, except under one of the exceptions at 49 CFR 604.9. Any charter service provided under one of the exceptions must be "incidental," i.e., it must not interfere with or detract from the provision of mass transportation.

School Bus Operations

3. SCHOOL BUS REQUIREMENTS

49 U.S.C. 5323(F)

49 CFR Part 605

Applicability to Contracts

The School Bus requirements apply to the following type of contract: Operational Service Contracts.

Flow Down Requirements

The School Bus requirements flow down from FTA recipients and subrecipients to first tier service contractors.

Model Clause/Language

The relevant statutes and regulations do not mandate any specific clause or language. The following clause has been developed by FTA.

School Bus Operations - Pursuant to 69 U.S.C. 5323(f) and 49 CFR Part 605, recipients and subrecipients 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 subrecipients may not use federally funded equipment, vehicles, or facilities.

ADA Access

FTA is currently working on a contract clause to incorporate appropriate ADA requirements, but it is not yet available.

Applicable Federal Clauses when procurement exceeds \$10,000

Termination Provisions

21. TERMINATION

49 U.S.C. Part 18

FTA Circular 4220.1E or subsequent revisions

Applicability to Contracts

All contracts (with the exception of contracts with nonprofit organizations and institutions of higher education,) in excess of \$10,000 shall contain suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement. (For contracts with nonprofit organizations and institutions of higher education the threshold is \$100,000.) In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

Flow Down

The termination requirements flow down to all contracts in excess of \$10,000, with the exception of contracts with nonprofit organizations and institutions of higher learning.

Model Clause/Language

FTA does not prescribe the form or content of such clauses. The following are suggestions of clauses to be used in different types of contracts:

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

b. Termination for Default [Breach or Cause] (General Provision) If the Contractor does not deliver supplies in accordance with the contract delivery schedule, or, if the contract is for services, the Contractor fails to perform in the manner called for in the contract, or if the Contractor fails to comply with any other provisions of the contract, the (Recipient) may terminate this contract for default. Termination shall be effected by serving a notice of termination on the contractor setting forth the manner in which the Contractor is in default. The contractor 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 (Recipient) that the Contractor 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 Contractor, the (Recipient), after setting up a new delivery of performance schedule, may allow the Contractor to continue work, or treat the termination as a termination for convenience.

c. Opportunity to Cure (General Provision) The (Recipient) in its sole discretion may, in the case of a termination for breach or default, allow the Contractor [an appropriately short period of time] 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 Contractor fails to remedy to (Recipient)'s satisfaction the breach or default of any of the terms, covenants, or conditions of this Contract within [ten (10) days] after receipt by Contractor of written notice from (Recipient) setting forth the nature of said breach or default, (Recipient) shall have the right to terminate the Contract without any further obligation to Contractor. Any such termination for default shall not in any way operate to preclude (Recipient) from also pursuing all available remedies against Contractor and its sureties for said breach or default.

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

e. Termination for Convenience (Professional or Transit Service Contracts) The (Recipient), by written notice, may terminate this contract, in whole or in part, when it is in the Government's interest. If this contract is terminated, the Recipient shall be liable only for payment under the payment provisions of this contract for services rendered before the effective date of termination.

f. Termination for Default (Supplies and Service) If the Contractor fails to deliver supplies or to perform the services within the time specified in this contract or any extension or if the Contractor fails to comply with any other provisions of this contract, the (Recipient) may terminate this contract for default. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of the default. The Contractor will only be paid the contract price for supplies delivered and accepted, or services performed in accordance with the manner or performance set forth in this contract.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the Recipient.

g. Termination for Default (Transportation Services) If the Contractor fails to pick up the commodities or to perform the services, including delivery services, within the time specified in this contract or any extension or if the Contractor fails to comply with any other provisions of this contract, the (Recipient) may terminate this contract for default. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of default. The Contractor will only be paid the contract price for services performed in accordance with the manner of performance set forth in this contract.

If this contract is terminated while the Contractor has possession of Recipient goods, the Contractor shall, upon direction of the (Recipient), protect and preserve the goods until surrendered to the Recipient or its agent. The Contractor and (Recipient) shall agree on payment for the preservation and protection of goods. Failure to agree on an amount will be resolved under the Dispute clause.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in

default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the (Recipient).

h. Termination for Default (Construction) If the Contractor refuses or fails to prosecute the work or any separable part, with the diligence that will insure its completion within the time specified in this contract or any extension or fails to complete the work within this time, or if the Contractor fails to comply with any other provisions of this contract, the (Recipient) may terminate this contract for default. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of the default. In this event, the Recipient may take over the work and complete it by contract or otherwise, and may take possession of and use any materials, appliances, and plant on the work site necessary for completing the work. The Contractor and its sureties shall be liable for any damage to the Recipient resulting from the Contractor's refusal or failure to complete the work within specified time, whether or not the Contractor's right to proceed with the work is terminated. This liability includes any increased costs incurred by the Recipient in completing the work.

The Contractor's right to proceed shall not be terminated nor the Contractor charged with damages under this clause if-

1. The delay in completing the work arises from unforeseeable causes beyond the control and without the fault or negligence of the Contractor. Examples of such causes include: acts of God, acts of the Recipient, acts of another Contractor in the performance of a contract with the Recipient, epidemics, quarantine restrictions, strikes, freight embargoes; and
2. The contractor, within [10] days from the beginning of any delay, notifies the (Recipient) in writing of the causes of delay. If in the judgment of the (Recipient), the delay is excusable, the time for completing the work shall be extended. The judgment of the (Recipient) shall be final and conclusive on the parties, but subject to appeal under the Disputes clauses.

If, after termination of the Contractor's right to proceed, it is determined that the Contractor was not in default, or that the delay was excusable, the rights and obligations of the parties will be the same as if the termination had been issued for the convenience of the Recipient.

i. Termination for Convenience or Default (Architect and Engineering) The (Recipient) may terminate this contract in whole or in part, for the Recipient's convenience or because of the failure of the Contractor to fulfill the contract obligations. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature, extent, and effective date of the termination. Upon receipt of the notice, the Contractor shall (1) immediately discontinue all services affected (unless the notice directs otherwise), and (2) deliver to the Contracting Officer all data, drawings, specifications, reports, estimates, summaries, and other information and materials accumulated in performing this contract, whether completed or in process.

If the termination is for the convenience of the Recipient, the Contracting Officer shall make an equitable adjustment in the contract price but shall allow no anticipated profit on unperformed services.

If the termination is for failure of the Contractor to fulfill the contract obligations, the Recipient may complete the work by contract or otherwise and the Contractor shall be liable for any additional cost incurred by the Recipient.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the Recipient.

j. Termination for Convenience or Default (Cost-Type Contracts) The (Recipient) may terminate this contract, or any portion of it, by serving a notice of termination on the Contractor. The notice shall state whether the termination is for convenience of the (Recipient) or for the default of the Contractor. If the termination is for

default, the notice shall state the manner in which the contractor has failed to perform the requirements of the contract. The Contractor shall account for any property in its possession paid for from funds received from the (Recipient), or property supplied to the Contractor by the (Recipient). If the termination is for default, the (Recipient) may fix the fee, if the contract provides for a fee, to be paid the contractor in proportion to the value, if any, of work performed up to the time of termination. The Contractor shall promptly submit its termination claim to the (Recipient) and the parties shall negotiate the termination settlement to be paid the Contractor.

If the termination is for the convenience of the (Recipient), the Contractor shall be paid its contract close-out costs, and a fee, if the contract provided for payment of a fee, in proportion to the work performed up to the time of termination.

If, after serving a notice of termination for default, the (Recipient) determines that the Contractor has an excusable reason for not performing, such as strike, fire, flood, events which are not the fault of and are beyond the control of the contractor, the (Recipient), after setting up a new work schedule, may allow the Contractor to continue work, or treat the termination as a termination for convenience.

Applicable Federal Clauses when procurement exceeds \$25,000

Suspension and Debarment

22. GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Background and Applicability

In conjunction with the Office of Management and Budget and other affected Federal agencies, DOT published an update to 49 CFR Part 29 on November 26, 2003. This government-wide regulation implements Executive Order 12549, *Debarment and Suspension*, Executive Order 12689, *Debarment and Suspension*, and 31 U.S.C. 6101 note (Section 2455, Public Law 103-355, 108 Stat. 3327).

The provisions of Part 29 apply to all grantee contracts and subcontracts at any level expected to equal or exceed \$25,000 as well as any contract or subcontract (at any level) for Federally required auditing services. 49 CFR 29.220(b). This represents a change from prior practice in that the dollar threshold for application of these rules has been lowered from \$100,000 to \$25,000. These are contracts and subcontracts referred to in the regulation as “covered transactions.”

Grantees, contractors, and subcontractors (at any level) that enter into covered transactions are required to verify that the entity (as well as its principals and affiliates) they propose to contract or subcontract with is not excluded or disqualified. They do this by (a) Checking the Excluded Parties List System, (b) Collecting a certification from that person, or (c) Adding a clause or condition to the contract or subcontract. This represents a change from prior practice in that certification is still acceptable but is no longer required. 49 CFR 29.300.

Grantees, contractors, and subcontractors who enter into covered transactions also must require the entities they contract with to comply with 49 CFR 29, subpart C and include this requirement in their own subsequent covered transactions (i.e., the requirement flows down to subcontracts at all levels).

Clause Language

The following clause language is suggested, not mandatory. It incorporates the optional method of verifying that contractors are not excluded or disqualified by certification.

Suspension and Debarment

This contract is a covered transaction for purposes of 49 CFR Part 29. As such, the contractor is required to verify that none of the contractor, its principals, as defined at 49 CFR 29.995, or

affiliates, as defined at 49 CFR 29.905, are excluded or disqualified as defined at 49 CFR 29.940 and 29.945.

The contractor is required to comply with 49 CFR 29, Subpart C and must include the requirement to comply with 49 CFR 29, Subpart C in any lower tier covered transaction it enters into.

By signing and submitting its bid or proposal, the bidder or proposer certifies as follows:

The certification in this clause is a material representation of fact relied upon by **{insert agency name}**. If it is later determined that the bidder or proposer knowingly rendered an erroneous certification, in addition to remedies available to **{insert agency name}**, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The bidder or proposer agrees to comply with the requirements of 49 CFR 29, Subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

Applicable Federal Clauses when procurement exceeds \$100,000

Provisions for resolution of disputes, breaches, or other litigation

25. BREACHES AND DISPUTE RESOLUTION

49 CFR Part 18

FTA Circular 4220.1E or subsequent revisions

Applicability to Contracts

All contracts in excess of \$100,000 shall contain provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. This may include provisions for bonding, penalties for late or inadequate performance, retained earnings, liquidated damages or other appropriate measures.

Flow Down

The Breaches and Dispute Resolutions requirements flow down to all tiers.

Model Clauses/Language

FTA does not prescribe the form or content of such provisions. What provisions are developed will depend on the circumstances and the type of contract. Recipients should consult legal counsel in developing appropriate clauses. The following clauses are examples of provisions from various FTA third party contracts.

Disputes - Disputes arising in the performance of this Contract which are not resolved by agreement of the parties shall be decided in writing by the authorized representative of (Recipient)'s [title of employee]. 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 [title of employee]. 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 [title of employee] shall be binding upon the Contractor and the Contractor shall abide by the decision.

Performance During Dispute - Unless otherwise directed by (Recipient), 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 therefor shall be made in writing to such other party within a reasonable time after the first

observance of such injury of damage.

Remedies - Unless this contract provides otherwise, all claims, counterclaims, disputes and other matters in question between the (Recipient) 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 (Recipient) 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 the (Recipient), (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.

Lobbying –Mandatory Language

10. LOBBYING

31 U.S.C. 1352

49 CFR Part 19

49 CFR Part 20

Applicability to Contracts

The Lobbying requirements apply to Construction/Architectural and Engineering/Acquisition of Rolling Stock/Professional Service Contract/Operational Service Contract/Turnkey contracts.

Flow Down

The Lobbying requirements mandate the maximum flow down, pursuant to Byrd Anti-Lobbying Amendment, 31 U.S.C. § 1352(b)(5) and 49 C.F.R. Part 19, Appendix A, Section 7.

Mandatory Clause/Language

Clause and specific language therein are mandated by 49 CFR Part 19, Appendix A.

Modifications have been made to the Clause pursuant to Section 10 of the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, *et seq.*]

- Lobbying Certification and Disclosure of Lobbying Activities for third party contractors are mandated by 31 U.S.C. 1352(b)(5), as amended by Section 10 of the Lobbying Disclosure Act of 1995, and DOT implementing regulation, "New Restrictions on Lobbying," at 49 CFR § 20.110(d)

- Language in Lobbying Certification is mandated by 49 CFR Part 19, Appendix A, Section 7, which provides that contractors file the certification required by 49 CFR Part 20, Appendix A.

Modifications have been made to the Lobbying Certification pursuant to Section 10 of the Lobbying Disclosure Act of 1995.

- Use of "Disclosure of Lobbying Activities," Standard Form-LLL set forth in Appendix B of 49 CFR Part 20, as amended by "Government wide Guidance For New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96) is mandated by 49 CFR Part 20, Appendix A.

Byrd Anti-Lobbying Amendment, 31 U.S.C. 1352, as amended by the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, *et seq.*] - Contractors who apply or bid for an award of \$100,000 or more shall file the certification required by 49 CFR part 20, "New Restrictions on Lobbying." Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or

employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier up to the recipient.

APPENDIX A, 49 CFR PART 20--CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

(To be submitted with each bid or offer exceeding \$100,000)

The undersigned [Contractor] 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 an 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 making lobbying contacts to 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 [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*)]

(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 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). 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. § 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 Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

_____ Signature of Contractor's Authorized Official

_____ Name and Title of Contractor's Authorized Official

_____ Date

Clean Air

14. CLEAN AIR

42 U.S.C. 7401 et seq.

40 CFR 15.61

49 CFR Part 18

Applicability to Contracts

The Clean Air requirements apply to all contracts exceeding \$100,000, including indefinite quantities where the amount is expected to exceed \$100,000 in any year.

Flow Down

The Clean Air requirements flow down to all subcontracts which exceed \$100,000.

Model Clauses/Language

No specific language is required. FTA has proposed the following language.

Clean Air - (1) The Contractor 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 Contractor 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 Contractor also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

Clean Water

7. CLEAN WATER REQUIREMENTS

33 U.S.C. 1251

Applicability to Contracts

The Clean Water requirements apply to each contract and subcontract which exceeds \$100,000.

Flow Down

The Clean Water requirements flow down to FTA recipients and subrecipients at every tier.

Model Clause/Language

While no mandatory clause is contained in the Federal Water Pollution Control Act, as amended, the following language developed by FTA contains all the mandatory requirements:

Clean Water - (1) The Contractor 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 Contractor 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 Contractor also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

Contract Work Hours & Safety Standards Act

17. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

Background and Application

The Contract Work Hours and Safety Standards Act is codified at 40 USC 3701, *et seq.* The Act applies to grantee contracts and subcontracts “financed at least in part by loans or grants from ... the [Federal] Government.” 40 USC 3701(b) (1) (B) (iii) and (b) (2), 29 CFR 5.2(h), 49 CFR 18.36(i) (6). Although the original Act required its application in any construction contract over \$2,000 or non-construction contract to which the Act applied over \$2,500 (and language to that effect is still found in 49 CFR 18.36(i)(6)), the Act no longer applies to any “contract in an amount that is not greater than \$100,000.” 40 USC 3701(b) (3) (A) (iii).

The Act applies to construction contracts and, in very limited circumstances, non-construction projects that employ “laborers or mechanics on a public work.” These non-construction applications do not generally apply to transit procurements because transit procurements (to include rail cars and buses) are deemed “commercial items.” 40 USC 3707, 41 USC 403 (12). A grantee that contemplates entering into a contract to procure a developmental or unique item should consult counsel to determine if the Act applies to that procurement and that additional language required by 29 CFR 5.5(c) must be added to the basic clause below.

The clause language is drawn directly from 29 CFR 5.5(b) and any deviation from the model clause below should be coordinated with counsel to ensure the Act’s requirements are satisfied.

Clause Language

Contract Work Hours and Safety Standards

(1) **Overtime requirements** - No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

(2) **Violation; liability for unpaid wages; liquidated damages** - In the event of any violation of the clause set forth in paragraph (1) of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1) of this section.

(3) **Withholding for unpaid wages and liquidated damages** - The (*write in the name of the grantee*) shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2) of this section.

(4) **Subcontracts** - The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraphs (1) through (4) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1) through (4) of this section.

Applicable Federal Clauses when procurements involve foreign transport or travel by air

Fly America

4. FLY AMERICA REQUIREMENTS

49 U.S.C. § 40118

41 CFR Part 301-10

Applicability to Contracts

The Fly America requirements apply to the transportation of persons or property, by air, between a place in the U.S. and a place outside the U.S., or between places outside the U.S., when the FTA will participate in the costs of such air transportation. Transportation on a foreign air carrier is permissible when provided by a foreign air carrier under a code share agreement when the ticket identifies the U.S. air carrier's designator code and flight number. Transportation by a foreign air carrier is also permissible if there is a bilateral or multilateral air transportation agreement to which the U.S. Government and a foreign government are parties and which the Federal DOT has determined meets the requirements of the Fly America Act.

Flow Down Requirements

The Fly America requirements flow down from FTA recipients and subrecipients to first tier contractors, who are responsible for ensuring that lower tier contractors and subcontractors are in compliance.

Model Clause/Language

The relevant statutes and regulations do not mandate any specified clause or language. FTA proposes the following language.

Fly America Requirements

The Contractor agrees to comply with 49 U.S.C. 40118 (the "Fly America" Act) in accordance with the General Services Administration's regulations at 41 CFR Part 301-10, which provide that recipients and subrecipients of Federal funds and their contractors are required to use U.S. Flag air carriers for U.S Government-financed international air travel and transportation of their personal effects or property, to the extent such service is available, unless travel by foreign air carrier is a matter of necessity, as defined by the Fly America Act. The Contractor shall submit, if a foreign air carrier was used, an appropriate certification or memorandum adequately explaining why service by a U.S. flag air carrier was not available or why it was necessary to use a foreign air carrier and shall, in any event, provide a certificate of compliance with the Fly America requirements. The Contractor agrees to include the requirements of this section in all subcontracts that may involve international air transportation.

Applicable Federal Clauses – Transit Operations funded with Section 5307, 5309, 5311, or 5316 funds

Transit Employee Protective Arrangements

27. TRANSIT EMPLOYEE PROTECTIVE AGREEMENTS

49 U.S.C. § 5310, § 5311, and § 5333

29 CFR Part 215

Applicability to Contracts

The Transit Employee Protective Provisions apply to each contract for transit operations performed by employees of a Contractor recognized by FTA to be a transit operator. (Because transit operations involve many activities apart from directly driving or operating transit vehicles, FTA determines which activities constitute transit "operations" for purposes of this clause.)

Flow Down

These provisions are applicable to all contracts and subcontracts at every tier.

Model Clause/Language

Since no mandatory language is specified, FTA had developed the following language:

Transit Employee Protective Provisions. (1) The Contractor agrees to the comply with applicable transit employee protective requirements as follows:

(a) General Transit Employee Protective Requirements - To the extent that FTA determines that transit operations are involved, the Contractor agrees to carry out the transit operations work on the underlying contract in compliance with terms and conditions determined by the U.S. Secretary of Labor to be fair and equitable to protect the interests of employees employed under this contract and to meet the employee protective requirements of 49 U.S.C. A 5333(b), and U.S. DOL guidelines at 29 C.F.R. Part 215, and any amendments thereto. These terms and conditions are identified in the letter of certification from the U.S. DOL to FTA applicable to the FTA Recipient's project from which Federal assistance is provided to support work on the underlying contract. The Contractor agrees to carry out that work in compliance with the conditions stated in that U.S. DOL letter. The requirements of this subsection (1), however, do not apply to any contract financed with Federal assistance provided by FTA either for projects for elderly individuals and individuals with disabilities authorized by 49 U.S.C. § 5310(a)(2), or for projects for nonurbanized areas authorized by 49 U.S.C. § 5311. Alternate provisions for those projects are set forth in subsections (b) and (c) of this clause.

(b) Transit Employee Protective Requirements for Projects Authorized by 49 U.S.C. § 5310(a)(2) for Elderly Individuals and Individuals with Disabilities - If the contract involves transit operations financed in whole or in part with Federal assistance authorized by 49 U.S.C. § 5310(a)(2), and if the U.S. Secretary of Transportation has determined or determines in the future that the employee protective requirements of 49 U.S.C. § 5333(b) are necessary or appropriate for the state and the public body subrecipient for which work is performed on the underlying contract, the Contractor agrees to carry out the Project in compliance with the terms and conditions determined by the U.S. Secretary of Labor to meet the requirements of 49 U.S.C. § 5333(b), U.S. DOL guidelines at 29 C.F.R. Part 215, and any amendments thereto. These terms and conditions are identified in the U.S. DOL's letter of certification to FTA, the date of which is set forth Grant Agreement or Cooperative Agreement with the state. The Contractor agrees to perform transit operations in connection with the underlying contract in compliance with the conditions stated in that U.S. DOL letter.

(c) Transit Employee Protective Requirements for Projects Authorized by 49 U.S.C. § 5311 in Nonurbanized Areas - If the contract involves transit operations financed in whole or in part with Federal assistance authorized by 49

U.S.C. § 5311, the Contractor agrees to comply with the terms and conditions of the Special Warranty for the Nonurbanized Area Program agreed to by the U.S. Secretaries of Transportation and Labor, dated May 31, 1979, and the procedures implemented by U.S. DOL or any revision thereto.

(2) The Contractor also agrees to include the any applicable requirements in each subcontract involving transit operations financed in whole or in part with Federal assistance provided by FTA.

Drug and Alcohol Testing

31. DRUG AND ALCOHOL TESTING

49 U.S.C. §5331

49 CFR Parts 653 and 654

Applicability to Contracts

The Drug and Alcohol testing provisions apply to Operational Service Contracts.

Flow Down Requirements

Anyone who performs a safety-sensitive function for the recipient or subrecipient is required to comply with 49 CFR 653 and 654, with certain exceptions for contracts involving maintenance services. Maintenance contractors for non-urbanized area formula program grantees are not subject to the rules. Also, the rules do not apply to maintenance subcontractors.

Model Clause/Language

Introduction

FTA's drug and alcohol rules, 49 CFR 653 and 654, respectively, are unique among the regulations issued by FTA. First, they require recipients to ensure that any entity performing a safety-sensitive function on the recipient's behalf (usually subrecipients and/or contractors) implement a complex drug and alcohol testing program that complies with Parts 653 and 654. Second, the rules condition the receipt of certain kinds of FTA funding on the recipient's compliance with the rules; thus, the recipient is not in compliance with the rules unless every entity that performs a safety-sensitive function on the recipient's behalf is in compliance with the rules. Third, the rules do not specify how a recipient ensures that its subrecipients and/or contractors comply with them.

How a recipient does so depends on several factors, including whether the contractor is covered independently by the drug and alcohol rules of another Department of Transportation operating administration, the nature of the relationship that the recipient has with the contractor, and the financial resources available to the recipient to oversee the contractor's drug and alcohol testing program. In short, there are a variety of ways a recipient can ensure that its subrecipients and contractors comply with the rules.

Therefore, FTA has developed three model contract provisions for recipients to use "as is" or to modify to fit their particular situations.

Explanation of Model Contract Clauses

Under Option 1, the recipient ensures the contractor's compliance with the rules by requiring the contractor to participate in a drug and alcohol program administered by the recipient. The advantages of doing this are obvious: the recipient maintains total control over its compliance with 49 CFR 653 and 654. The disadvantage is that the recipient, which may not directly employ any safety-sensitive employees, has to implement a complex testing program. Therefore, this may be a practical option only for those recipients which have a testing program for their employees, and can add the contractor's safety-sensitive employees to that program.

Under Option 2, the recipient relies on the contractor to implement a drug and alcohol testing program that complies with 49 CFR 653 and 654, but retains the ability to monitor the contractor's testing program; thus, the recipient has less control over its compliance with the drug and alcohol testing rules than it does under option 1.

The advantage of this approach is that it places the responsibility for complying with the rules on the entity that is actually performing the safety-sensitive function. Moreover, it reserves to the recipient the power to ensure that the contractor complies with the program. The disadvantage of Option 2 is that without adequate monitoring of the contractor's program, the recipient may find itself out of compliance with the rules.

Under option 3, the recipient specifies some or all of the specific features of a contractor's drug and alcohol compliance program. Thus, it requires the recipient to decide what it wants to do and how it wants to do it. The advantage of this option is that the recipient has more control over the contractor's drug and alcohol testing program, yet it is not actually administering the testing program. The disadvantage is that the recipient has to specify and understand clearly what it wants to do and why.

Drug and Alcohol Testing

Option 1

The contractor agrees to:

(a) Participate in (grantee's or recipient's) drug and alcohol program established in compliance with 49 CFR 653 and 654.

Drug and Alcohol Testing

Option 2

The contractor agrees to establish and implement a drug and alcohol testing program that complies with 49 CFR Parts 653 and 654, produce any documentation necessary to establish its compliance with Parts 653 and 654, and permit any authorized representative of the United States Department of Transportation or its operating administrations, the State Oversight Agency of (name of State), or the (insert name of grantee), to inspect the facilities and records associated with the implementation of the drug and alcohol testing program as required under 49 CFR Parts 653 and 654 and review the testing process. The contractor agrees further to certify annually its compliance with Parts 653 and 654 before (insert date) and to submit the Management Information System (MIS) reports before (insert date before March 15) to (insert title and address of person responsible for receiving information). To certify compliance the contractor shall use the "Substance Abuse Certifications" in the "Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements," which is published annually in the Federal Register.

Drug and Alcohol Testing

Option 3

The contractor agrees to establish and implement a drug and alcohol testing program that complies with 49 CFR Parts 653 and 654, produce any documentation necessary to establish its compliance with Parts 653 and 654, and permit any authorized representative of the United States Department of Transportation or its operating administrations, the State Oversight Agency of (name of State), or the (insert name of grantee), to inspect the facilities and records associated with the implementation of the drug and alcohol testing program as required under 49 CFR Parts 653 and 654 and review the testing process. The contractor agrees further to certify annually its compliance with Parts 653 and 654 before (insert date) and to submit the Management Information System (MIS) reports before (insert date before March 15) to (insert title and address of person responsible for receiving information). To certify compliance the contractor shall use the "Substance Abuse Certifications" in the "Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements," which is published annually in the Federal Register. The Contractor agrees further to [Select a, b, or c] (a) submit before (insert date or upon request) a copy of the Policy Statement developed to implement its drug and alcohol testing program; OR (b) adopt (insert title of the Policy Statement the recipient wishes the contractor to use) as its policy statement as required under 49 CFR 653 and 654; OR (c) submit for review and approval before (insert date or upon request) a copy of its Policy Statement developed to implement its drug

and alcohol testing program. In addition, the contractor agrees to: (to be determined by the recipient, but may address areas such as: the selection of the certified laboratory, substance abuse professional, or Medical Review Officer, or the use of a consortium).

Applicable Federal Clauses – Contracts for items designated by EPA, when procuring \$10,000 or more per year

Recycled Products

15. RECYCLED PRODUCTS

42 U.S.C. 6962

40 CFR Part 247

Executive Order 12873

Applicability to Contracts

The Recycled Products requirements apply to all contracts for items designated by the EPA, when the purchaser or contractor procures \$10,000 or more of one of these items during the fiscal year, or has procured \$10,000 or more of such items in the previous fiscal year, using Federal funds. New requirements for "recovered materials" will become effective May 1, 1996. These new regulations apply to all procurement actions involving items designated by the EPA, where the procuring agency purchases \$10,000 or more of one of these items in a fiscal year, or when the cost of such items purchased during the previous fiscal year was \$10,000.

Flow Down

These requirements flow down to all too all contractor and subcontractor tiers.

Model Clause/Language

No specific clause is mandated, but FTA has developed the following language.

Recovered Materials - The contractor agrees to comply with all the requirements of Section 6002 of the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C. 6962), including but not limited to the regulatory provisions of 40 CFR Part 247, and Executive Order 12873, as they apply to the procurement of the items designated in Subpart B of 40 CFR Part 247.



GUIDE FOR OPERATIONS, MANAGEMENT, SUBRECIPIENTS – THIRD PARTY CHECKLIST

General Procurement Questions	Location of Requirement in Purchasing Package (if applicable)
<p>Does procurement exhibit Geographic Preference? For reference purposes: 49 CFR 18.36 (c)(1)(2) and FTA C 4220.1F, Ch. VI, Section 2.a (4)(g)</p>	
<p>Has proposed contracted entity been verified that they are not excluded or disqualified through the Excluded Parties List System (EPLS)? For reference purposes: https://www.sam.gov/portal/public/SAM/</p>	
<p>Has an adequate number of sources been solicited?</p>	
<p>Has applicable ADA language been included?</p>	
<p>Has an adequate cost analysis been performed? For reference purposes: 49 CFR 18.36 (f)(1) and FTA C 4220.1F, Ch. VI, Section 6</p>	
Applicable Federal Clauses Excluding micro-purchases, except for construction contracts over \$2,000	Location of Requirement in Purchasing Package
<p><u>19. NO GOVERNMENT OBLIGATION TO THIRD PARTIES</u></p>	
<p><u>20. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS AND RELATED ACTS</u> 31 U.S.C. 3801 et seq. 49 CFR Part 31 18 U.S.C. 1001 49 U.S.C. 5307</p>	
<p><u>11. ACCESS TO RECORDS AND REPORTS</u> 49 U.S.C. 5325 18 CFR 18.36 (i) 49 CFR 633.17</p>	
<p><u>12. FEDERAL CHANGES</u> 49 CFR Part 18</p>	
<p><u>24. CIVIL RIGHTS REQUIREMENTS</u> 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.</p>	
<p><u>28. DISADVANTAGED BUSINESS ENTERPRISE (DBE)</u> 49 CFR Part 26</p>	
<p><u>30. INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION (FTA) TERMS</u> FTA Circular 4220.1E or subsequent revisions</p>	

<u>6. ENERGY CONSERVATION REQUIREMENTS</u> 42 U.S.C. 6321 et seq. 49 CFR Part 18	
<u>3. CHARTER BUS REQUIREMENTS</u> 49 U.S.C. 5323(d) 49 CFR Part 604	
<u>3. SCHOOL BUS REQUIREMENTS</u> 49 U.S.C. 5323(F) 49 CFR Part 605	
Applicable Federal Clauses when procurement exceeds \$10,000	Location of Requirement in Purchasing Package
<u>21. TERMINATION</u> 49 U.S.C. Part 18 FTA Circular 4220.1E or subsequent revisions	
Applicable Federal Clauses when procurement exceeds \$25,000	Location of Requirement in Purchasing Package
22. GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)	
Applicable Federal Clauses when procurement exceeds \$100,000	Location of Requirement in Purchasing Package
<u>25. BREACHES AND DISPUTE RESOLUTION</u> 49 CFR Part 18 FTA Circular 4220.1E or subsequent revisions	
<u>10. LOBBYING</u> 31 U.S.C. 1352 49 CFR Part 19 49 CFR Part 20	
<u>14. CLEAN AIR</u> 42 U.S.C. 7401 et seq 40 CFR 15.61 49 CFR Part 18	
<u>7. CLEAN WATER REQUIREMENTS</u> 33 U.S.C. 1251	
<u>17. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT</u>	
Applicable Federal Clauses when procurements involve foreign transport or travel by air	Location of Requirement in Purchasing Package
5. <u>FLY AMERICA REQUIREMENTS</u> 49 U.S.C. § 40118 41 CFR Part 301-10	
Applicable Federal Clauses – Transit Operations funded with Section 5307, 5309, 5311, or 5316 funds	Location of Requirement in Purchasing Package
<u>27. TRANSIT EMPLOYEE PROTECTIVE AGREEMENTS</u> 49 U.S.C. § 5310, § 5311, and § 5333 29 CFR Part 215	

<u>31. DRUG AND ALCOHOL TESTING</u> 49 U.S.C. §5331 49 CFR Parts 653 and 654	
Applicable Federal Clauses – Contracts for items designated by EPA, when procuring \$10,000 or more per year	Location of Requirement in Purchasing Package
<u>15. RECYCLED PRODUCTS</u> 42 U.S.C. 6962 40 CFR Part 247 Executive Order 12873	

Approval:

Subrecipient:	FDOT:
Date:	Date:

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GUIDE FOR ROLLING STOCK

When procuring materials and supplies the following steps should be taken:

1. Determine the method of procurement (i.e., Micro Purchase, Small Purchase, RFP, Sealed Bid, etc.).
2. Apply applicable Federal clauses based on method of procurement (cost of purchase).

Rolling Stock

Methods of Procurement

Micro Purchases: Procurements less than \$2,500
 Small Purchases: Procurements greater than \$2,500 but less than \$35,000
 Competitive Proposals (Request for Proposals): Procurements greater than \$35,000

Applicable Federal Clauses

Excluding micro-purchases, except for construction contracts over \$2,000

No Government Obligation to Third Parties

19. NO GOVERNMENT OBLIGATION TO THIRD PARTIES

Program fraud and false or fraudulent statements and related acts

20. 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

Access to Records

11. ACCESS TO RECORDS AND REPORTS

49 U.S.C. 5325
 18 CFR 18.36 (i)
 49 CFR 633.17

Federal Changes

12. FEDERAL CHANGES

49 CFR Part 18

Civil Rights Requirements – Mandatory Language

24. CIVIL RIGHTS REQUIREMENTS

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.

Disadvantaged Business Enterprise (DBE) – contracts awarded on the basis of a bid or proposal offering to use DBEs

28. DISADVANTAGED BUSINESS ENTERPRISE (DBE)

49 CFR Part 26

Incorporation of FTA terms (Per FTA C4220.1F) – Mandatory Language

30. INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION (FTA) TERMS

FTA Circular 4220.1E or subsequent revisions

Energy Conservation

6. ENERGY CONSERVATION REQUIREMENTS

42 U.S.C. 6321 et seq.
49 CFR Part 18

Charter Service Operations

3. CHARTER BUS REQUIREMENTS

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

School Bus Operations

3. SCHOOL BUS REQUIREMENTS

49 U.S.C. 5323(F)
49 CFR Part 605

ADA Access

FTA is currently working on a contract clause to incorporate appropriate ADA requirements, but it is not yet available.

Applicable Federal Clauses when procurement exceeds \$10,000

Termination Provisions

21. TERMINATION

49 U.S.C. Part 18
FTA Circular 4220.1E or subsequent revisions

Applicable Federal Clauses when procurement exceeds \$25,000

Suspension and Debarment

22. GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Applicable Federal Clauses when procurement exceeds \$100,000

Buy America – Mandatory Language

2. BUY AMERICA REQUIREMENTS

49 U.S.C. 5323(j)

49 CFR Part 661

Pre-Award and Post Delivery Audit Requirements

9. PRE-AWARD AND POST DELIVERY AUDITS REQUIREMENTS

49 U.S.C. 5323

49 CFR Part 663

Provisions for resolution of disputes, breaches, or other litigation

25. BREACHES AND DISPUTE RESOLUTION

49 CFR Part 18

FTA Circular 4220.1E or subsequent revisions

Lobbying – Mandatory Language

10. LOBBYING

31 U.S.C. 1352

49 CFR Part 19

49 CFR Part 20

Clean Air

14. CLEAN AIR

42 U.S.C. 7401 et seq.

40 CFR 15.61

49 CFR Part 18

Clean Water

7. CLEAN WATER REQUIREMENTS

33 U.S.C. 1251

Contract Work Hours & Safety Standards Act

17. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

Applicable Federal Clauses when procurements involve property that may be transported by ocean vessel

Cargo Preference

4. CARGO PREFERENCE REQUIREMENTS

46 U.S.C. 1241

46 CFR Part 381

Applicable Federal Clauses when procurements involve foreign transport or travel by air

Fly America

6. FLY AMERICA REQUIREMENTS

49 U.S.C. § 40118

41 CFR Part 301-10



Below are the applicable clauses that were listed above with suggested or mandatory language. Those clauses with mandatory language are noted.

Rolling Stock

Methods of Procurement	<p>Micro Purchase: Procurements less than \$2,500</p> <p>Small Purchases: Procurements greater than \$2,500 but less than \$35,000</p> <p>Competitive Proposals (Request for Proposals): Procurements greater than \$35,000</p>
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Applicable Federal Clauses
Excluding micro-purchases, except for construction contracts over \$2,000

No Government Obligation to Third Parties

19. NO GOVERNMENT OBLIGATION TO THIRD PARTIES

Applicability to Contracts

Applicable to all contracts.

Flow Down

Not required by statute or regulation for either primary contractors or subcontractors, this concept should flow down to all levels to clarify, to all parties to the contract, that the Federal Government does not have contractual liability to third parties, absent specific written consent.

Model Clause/Language

While no specific language is required, FTA has developed the following language.

No Obligation by the Federal Government.

(1) The Purchaser and Contractor 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, Contractor, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

(2) The Contractor 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.

Program fraud and false or fraudulent statements and related acts

20. 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**

Applicability to Contracts

These requirements are applicable to all contracts.

Flow Down

These requirements flow down to contractors and subcontractors who make, present, or submit covered claims and statements.

Model Clause/Language

These requirements have no specified language, so FTA proffers the following language.

Program Fraud and False or Fraudulent Statements or Related Acts.

(1) The Contractor 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 Contractor 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 Contractor 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 Contractor to the extent the Federal Government deems appropriate.

(2) The Contractor 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 Contractor, to the extent the Federal Government deems appropriate.

(3) The Contractor 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

Access to Records

11. ACCESS TO RECORDS AND REPORTS

**49 U.S.C. 5325
18 CFR 18.36 (i)
49 CFR 633.17**

Applicability to Contracts

Reference Chart "Requirements for Access to Records and Reports by Type of Contracts"

Flow Down

FTA does not require the inclusion of these requirements in subcontracts.

Model Clause/Language

The specified language is not mandated by the statutes or regulations referenced, but the language provided paraphrases the statutory or regulatory language.

Access to Records - The following access to records requirements apply to this Contract:

1. Where the Purchaser is not a State but a local government and is the FTA Recipient or a subgrantee of the

FTA Recipient in accordance with 49 C.F.R. 18.36(i), the Contractor agrees to provide the Purchaser, the FTA Administrator, the Comptroller General of the United States or any of their authorized representatives access to any books, documents, papers and records of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions. Contractor also agrees, pursuant to 49 C.F.R. 633.17 to provide the FTA Administrator or his authorized representatives including any PMO Contractor access to Contractor's records and construction sites pertaining to a major capital project, defined at 49 U.S.C. 5302(a)1, which is receiving federal financial assistance through the programs described at 49 U.S.C. 5307, 5309 or 5311.

2. Where the Purchaser is a State and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 633.17, Contractor agrees to provide the Purchaser, the FTA Administrator or his authorized representatives, including any PMO Contractor, access to the Contractor's records and construction sites pertaining to a major capital project, defined at 49 U.S.C. 5302(a)1, which is receiving federal financial assistance through the programs described at 49 U.S.C. 5307, 5309 or 5311. By definition, a major capital project excludes contracts of less than the simplified acquisition threshold currently set at \$100,000.

3. Where the Purchaser enters into a negotiated contract for other than a small purchase or under the simplified acquisition threshold and is an institution of higher education, a hospital or other non-profit organization and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 19.48, Contractor agrees to provide the Purchaser, FTA Administrator, the Comptroller General of the United States or any of their duly authorized representatives with access to any books, documents, papers and record of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions.

4. Where any Purchaser which is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 U.S.C. 5325(a) enters into a contract for a capital project or improvement (defined at 49 U.S.C. 5302(a)1) through other than competitive bidding, the Contractor shall make available records related to the contract to the Purchaser, the Secretary of Transportation and the Comptroller General or any authorized officer or employee of any of them for the purposes of conducting an audit and inspection.

5. The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.

6. The Contractor agrees to maintain all books, records, accounts and reports required under this contract for a period of not less than three years after the date of termination or expiration of this contract, except in the event of litigation or settlement of claims arising from the performance of this contract, in which case Contractor agrees to maintain same until the Purchaser, the FTA Administrator, the Comptroller General, or any of their duly authorized representatives, have disposed of all such litigation, appeals, claims or exceptions related thereto. Reference 49 CFR 18.39(i) (11).

7. FTA does not require the inclusion of these requirements in subcontracts.

Requirements for Access to Records and Reports by Types of Contract

Contract Characteristics	Operational Service Contract	Turnkey	Construction	Architectural Engineering	Acquisition of Rolling Stock	Professional Services
I <u>State Grantees</u>						
a. Contracts below SAT (\$100,000)	None	Those imposed on state pass thru to	None	None	None	None

b. Contracts above \$100,000/Capital Projects	None unless ¹ non-competitive award	Contractor	Yes, if non-competitive award or if funded thru ² 5307/5309/5311	None unless non-competitive award	None unless non-competitive award	None unless non-competitive award
<u>II Non State Grantees</u>						
a. Contracts below SAT (\$100,000)	Yes ³	Those imposed on non-state Grantee pass thru to Contractor	Yes	Yes	Yes	Yes
b. Contracts above \$100,000/Capital Projects	Yes ³		Yes	Yes	Yes	Yes

Sources of Authority:

¹ 49 USC 5325 (a)

² 49 CFR 633.17

³ 18 CFR 18.36 (i)

Federal Changes

12. FEDERAL CHANGES

49 CFR Part 18

Applicability to Contracts

The Federal Changes requirement applies to all contracts.

Flow Down

The Federal Changes requirement flows down appropriately to each applicable changed requirement.

Model Clause/Language

No specific language is mandated. The following language has been developed by FTA.

Federal Changes - Contractor 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 Master Agreement between Purchaser and FTA, as they may be amended or promulgated from time to time during the term of this contract. Contractor's failure to so comply shall constitute a material breach of this contract.

Civil Rights Requirements – Mandatory Language

24. CIVIL RIGHTS REQUIREMENTS

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.

Applicability to Contracts

The Civil Rights Requirements apply to all contracts.

Flow Down

The Civil Rights requirements flow down to all third party contractors and their contracts at every tier.

Model Clause/Language

The following clause was predicated on language contained at 49 CFR Part 19, Appendix A, but FTA has shortened the lengthy text.

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 Contractor agrees that 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 Contractor 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 Contractor 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 Contractor 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 Contractor 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 Contractor agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Contractor 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 Contractor 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 Contractor agrees to comply with any implementing requirements FTA may issue.

(3) The Contractor 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.

Disadvantaged Business Enterprise (DBE) – contracts awarded on the basis of a bid or proposal offering to use DBEs

28. DISADVANTAGED BUSINESS ENTERPRISE (DBE)

49 CFR Part 26

Background and Applicability

The newest version on the Department of Transportation’s Disadvantaged Business Enterprise (DBE) program became effective July 16, 2003. The rule provides guidance to grantees on the use of overall and contract goals, requirement to include DBE provisions in subcontracts, evaluating DBE participation where specific contract goals have been set, reporting requirements, and replacement of DBE subcontractors. Additionally, the DBE program dictates payment terms and conditions (including limitations on retainage) applicable to all subcontractors regardless of whether they are DBE firms or not.

The DBE program applies to all DOT-assisted contracting activities. A formal clause such as that below must be included in all contracts above the micro-purchase level. The requirements of clause subsection b flow down to subcontracts.

A substantial change to the payment provisions in this newest version of Part 26 concerns retainage (see section 26.29). Grantee choices concerning retainage should be reflected in the language choices in clause subsection d.

Clause Language

The following clause language is suggested, not mandatory. It incorporates the payment terms and conditions applicable to all subcontractors based in Part 26 as well as those related only to DBE subcontractors. The suggested language allows for the options available to grantees concerning retainage, specific contract goals, and evaluation of DBE subcontracting participation when specific contract goals have been established.

Disadvantaged Business Enterprises

a. This contract is subject to the requirements of Title 49, Code of Federal Regulations, Part 26, *and Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs*. The national goal for participation of Disadvantaged Business Enterprises (DBE) is 10%. The agency’s overall goal for DBE participation is __ %. A separate contract goal **[of __ % DBE participation has] [has not]** been established for this procurement.

b. The contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of this DOT-assisted contract. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as **{insert agency name}** deems appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b)).

c. **{If a separate contract goal has been established, use the following}** Bidders/offerors are required to document sufficient DBE participation to meet these goals or, alternatively, document adequate good faith efforts to do so, as provided for in 49 CFR 26.53. Award of this contract is conditioned on submission of the following **[concurrent with and accompanying sealed bid] [concurrent with and accompanying an initial proposal] [prior to award]**:

1. The names and addresses of DBE firms that will participate in this contract;
2. A description of the work each DBE will perform;

3. The dollar amount of the participation of each DBE firm participating;
4. Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal;
5. Written confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
6. If the contract goal is not met, evidence of good faith efforts to do so.

[Bidders][Offerors] must present the information required above **[as a matter of responsiveness] [with initial proposals] [prior to contract award]** (see 49 CFR 26.53(3)).

{If no separate contract goal has been established, use the following} The successful bidder/offeror will be required to report its DBE participation obtained through race-neutral means throughout the period of performance.

d. The contractor is required to pay its subcontractors performing work related to this contract for satisfactory performance of that work no later than 30 days after the contractor's receipt of payment for that work from the **{insert agency name}**. In addition, **[the contractor may not hold retainage from its subcontractors.] [Is required to return any retainage payments to those subcontractors within 30 days after the subcontractor's work related to this contract is satisfactorily completed.] [Is required to return any retainage payments to those subcontractors within 30 days after incremental acceptance of the subcontractor's work by the {insert agency name} and contractor's receipt of the partial retainage payment related to the subcontractor's work.]**

e. The contractor must promptly notify **{insert agency name}**, whenever a DBE subcontractor performing work related to this contract is terminated or fails to complete its work, and must make good faith efforts to engage another DBE subcontractor to perform at least the same amount of work. The contractor may not terminate any DBE subcontractor and perform that work through its own forces or those of an affiliate without prior written consent of **{insert agency name}**.

Incorporation of FTA terms (Per FTA C4220.1F) – Mandatory Language

30. INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION (FTA) TERMS

FTA Circular 4220.1E or subsequent revisions

Applicability to Contracts

The incorporation of FTA terms applies to all contracts.

Flow Down

The incorporation of FTA terms has unlimited flow down.

Model Clause/Language

FTA has developed the following incorporation of terms language:

Incorporation of Federal Transit Administration (FTA) Terms - The preceding provisions include, in part, certain Standard Terms and Conditions required by DOT, whether or not expressly set forth in the preceding contract provisions. All contractual provisions required by DOT, as set forth in FTA Circular 4220.1E or subsequent revisions, 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 Contractor shall not perform any act, fail to perform any act, or refuse to comply with any (name of grantee) requests which would cause (name of grantee) to be in violation of the FTA terms and conditions.

Energy Conservation

6. ENERGY CONSERVATION REQUIREMENTS

42 U.S.C. 6321 et seq.

49 CFR Part 18

Applicability to Contracts

The Energy Conservation requirements are applicable to all contracts.

Flow Down

The Energy Conservation requirements extend to all third party contractors and their contracts at every tier and subrecipients and their subagreements at every tier.

Model Clause/Language

No specific clause is recommended in the regulations because the Energy Conservation requirements are so dependent on the state energy conservation plan. The following language has been developed by FTA:

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

Charter Service Operations

3. CHARTER BUS REQUIREMENTS

49 U.S.C. 5323(d)

49 CFR Part 604

Applicability to Contracts

The Charter Bus requirements apply to the following type of contract: Operational Service Contracts.

Flow Down Requirements

The Charter Bus requirements flow down from FTA recipients and subrecipients to first tier service contractors.

Model Clause/Language

The relevant statutes and regulations do not mandate any specific clause or language. The following clause has been developed by FTA.

Charter Service Operations - The contractor agrees to comply with 49 U.S.C. 5323(d) and 49 CFR Part 604, which provides that recipients and subrecipients of FTA assistance are prohibited from providing charter service using federally funded equipment or facilities if there is at least one private charter operator willing and able to provide the service, except under one of the exceptions at 49 CFR 604.9. Any charter service provided under one of the exceptions must be "incidental," i.e., it must not interfere with or detract from the provision of mass transportation.

School Bus Operations

3. SCHOOL BUS REQUIREMENTS

49 U.S.C. 5323(F)

49 CFR Part 605

Applicability to Contracts

The School Bus requirements apply to the following type of contract: Operational Service Contracts.

Flow Down Requirements

The School Bus requirements flow down from FTA recipients and subrecipients to first tier service contractors.

Model Clause/Language

The relevant statutes and regulations do not mandate any specific clause or language. The following clause has been developed by FTA.

School Bus Operations - Pursuant to 69 U.S.C. 5323(f) and 49 CFR Part 605, recipients and subrecipients 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 subrecipients may not use federally funded equipment, vehicles, or facilities.

ADA Access

FTA is currently working on a contract clause to incorporate appropriate ADA requirements, but it is not yet available.

Applicable Federal Clauses when procurement exceeds \$10,000

Termination Provisions

21. TERMINATION

49 U.S.C. Part 18

FTA Circular 4220.1E or subsequent revisions

Applicability to Contracts

All contracts (with the exception of contracts with nonprofit organizations and institutions of higher education,) in excess of \$10,000 shall contain suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement. (For contracts with nonprofit organizations and institutions of higher education the threshold is \$100,000.) In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

Flow Down

The termination requirements flow down to all contracts in excess of \$10,000, with the exception of contracts with nonprofit organizations and institutions of higher learning.

Model Clause/Language

FTA does not prescribe the form or content of such clauses. The following are suggestions of clauses to be used in different types of contracts:

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

b. Termination for Default [Breach or Cause] (General Provision) If the Contractor does not deliver supplies in accordance with the contract delivery schedule, or, if the contract is for services, the Contractor fails to perform in the manner called for in the contract, or if the Contractor fails to comply with any other provisions of the contract, the (Recipient) may terminate this contract for default. Termination shall be effected by serving a notice of termination on the contractor setting forth the manner in which the Contractor is in default. The

contractor 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 (Recipient) that the Contractor 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 Contractor, the (Recipient), after setting up a new delivery of performance schedule, may allow the Contractor to continue work, or treat the termination as a termination for convenience.

c. Opportunity to Cure (General Provision) The (Recipient) in its sole discretion may, in the case of a termination for breach or default, allow the Contractor [an appropriately short period of time] 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 Contractor fails to remedy to (Recipient)'s satisfaction the breach or default of any of the terms, covenants, or conditions of this Contract within [ten (10) days] after receipt by Contractor of written notice from (Recipient) setting forth the nature of said breach or default, (Recipient) shall have the right to terminate the Contract without any further obligation to Contractor. Any such termination for default shall not in any way operate to preclude (Recipient) from also pursuing all available remedies against Contractor and its sureties for said breach or default.

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

e. Termination for Convenience (Professional or Transit Service Contracts) The (Recipient), by written notice, may terminate this contract, in whole or in part, when it is in the Government's interest. If this contract is terminated, the Recipient shall be liable only for payment under the payment provisions of this contract for services rendered before the effective date of termination.

f. Termination for Default (Supplies and Service) If the Contractor fails to deliver supplies or to perform the services within the time specified in this contract or any extension or if the Contractor fails to comply with any other provisions of this contract, the (Recipient) may terminate this contract for default. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of the default. The Contractor will only be paid the contract price for supplies delivered and accepted, or services performed in accordance with the manner or performance set forth in this contract.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the Recipient.

g. Termination for Default (Transportation Services) If the Contractor fails to pick up the commodities or to perform the services, including delivery services, within the time specified in this contract or any extension or if the Contractor fails to comply with any other provisions of this contract, the (Recipient) may terminate this contract for default. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of default. The Contractor will only be paid the contract price for services performed in accordance with the manner of performance set forth in this contract.

If this contract is terminated while the Contractor has possession of Recipient goods, the Contractor shall, upon direction of the (Recipient), protect and preserve the goods until surrendered to the Recipient or its agent. The Contractor and (Recipient) shall agree on payment for the preservation and protection of goods. Failure to agree on an amount will be resolved under the Dispute clause.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the (Recipient).

h. Termination for Default (Construction) If the Contractor refuses or fails to prosecute the work or any separable part, with the diligence that will insure its completion within the time specified in this contract or any extension or fails to complete the work within this time, or if the Contractor fails to comply with any other provisions of this contract, the (Recipient) may terminate this contract for default. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of the default. In this event, the Recipient may take over the work and complete it by contract or otherwise, and may take possession of and use any materials, appliances, and plant on the work site necessary for completing the work. The Contractor and its sureties shall be liable for any damage to the Recipient resulting from the Contractor's refusal or failure to complete the work within specified time, whether or not the Contractor's right to proceed with the work is terminated. This liability includes any increased costs incurred by the Recipient in completing the work.

The Contractor's right to proceed shall not be terminated nor the Contractor charged with damages under this clause if-

1. The delay in completing the work arises from unforeseeable causes beyond the control and without the fault or negligence of the Contractor. Examples of such causes include: acts of God, acts of the Recipient, acts of another Contractor in the performance of a contract with the Recipient, epidemics, quarantine restrictions, strikes, freight embargoes; and
2. The contractor, within [10] days from the beginning of any delay, notifies the (Recipient) in writing of the causes of delay. If in the judgment of the (Recipient), the delay is excusable, the time for completing the work shall be extended. The judgment of the (Recipient) shall be final and conclusive on the parties, but subject to appeal under the Disputes clauses.

If, after termination of the Contractor's right to proceed, it is determined that the Contractor was not in default, or that the delay was excusable, the rights and obligations of the parties will be the same as if the termination had been issued for the convenience of the Recipient.

i. Termination for Convenience or Default (Architect and Engineering) The (Recipient) may terminate this contract in whole or in part, for the Recipient's convenience or because of the failure of the Contractor to fulfill the contract obligations. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature, extent, and effective date of the termination. Upon receipt of the notice, the Contractor shall (1) immediately discontinue all services affected (unless the notice directs otherwise), and (2) deliver to the Contracting Officer all data, drawings, specifications, reports, estimates, summaries, and other information and materials accumulated in performing this contract, whether completed or in process.

If the termination is for the convenience of the Recipient, the Contracting Officer shall make an equitable adjustment in the contract price but shall allow no anticipated profit on unperformed services.

If the termination is for failure of the Contractor to fulfill the contract obligations, the Recipient may complete the work by contract or otherwise and the Contractor shall be liable for any additional cost incurred by the Recipient.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the Recipient.

j. Termination for Convenience or Default (Cost-Type Contracts) The (Recipient) may terminate this contract, or any portion of it, by serving a notice of termination on the Contractor. The notice shall state whether the

termination is for convenience of the (Recipient) or for the default of the Contractor. If the termination is for default, the notice shall state the manner in which the contractor has failed to perform the requirements of the contract. The Contractor shall account for any property in its possession paid for from funds received from the (Recipient), or property supplied to the Contractor by the (Recipient). If the termination is for default, the (Recipient) may fix the fee, if the contract provides for a fee, to be paid the contractor in proportion to the value, if any, of work performed up to the time of termination. The Contractor shall promptly submit its termination claim to the (Recipient) and the parties shall negotiate the termination settlement to be paid the Contractor.

If the termination is for the convenience of the (Recipient), the Contractor shall be paid its contract close-out costs, and a fee, if the contract provided for payment of a fee, in proportion to the work performed up to the time of termination.

If, after serving a notice of termination for default, the (Recipient) determines that the Contractor has an excusable reason for not performing, such as strike, fire, flood, events which are not the fault of and are beyond the control of the contractor, the (Recipient), after setting up a new work schedule, may allow the Contractor to continue work, or treat the termination as a termination for convenience.

Applicable Federal Clauses when procurement exceeds \$25,000

Suspension and Debarment

22. GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Background and Applicability

In conjunction with the Office of Management and Budget and other affected Federal agencies, DOT published an update to 49 CFR Part 29 on November 26, 2003. This government-wide regulation implements Executive Order 12549, *Debarment and Suspension*, Executive Order 12689, *Debarment and Suspension*, and 31 U.S.C. 6101 note (Section 2455, Public Law 103-355, 108 Stat. 3327).

The provisions of Part 29 apply to all grantee contracts and subcontracts at any level expected to equal or exceed \$25,000 as well as any contract or subcontract (at any level) for Federally required auditing services. 49 CFR 29.220(b). This represents a change from prior practice in that the dollar threshold for application of these rules has been lowered from \$100,000 to \$25,000. These are contracts and subcontracts referred to in the regulation as "covered transactions."

Grantees, contractors, and subcontractors (at any level) that enter into covered transactions are required to verify that the entity (as well as its principals and affiliates) they propose to contract or subcontract with is not excluded or disqualified. They do this by (a) Checking the Excluded Parties List System, (b) Collecting a certification from that person, or (c) Adding a clause or condition to the contract or subcontract. This represents a change from prior practice in that certification is still acceptable but is no longer required. 49 CFR 29.300.

Grantees, contractors, and subcontractors who enter into covered transactions also must require the entities they contract with to comply with 49 CFR 29, subpart C and include this requirement in their own subsequent covered transactions (i.e., the requirement flows down to subcontracts at all levels).

Clause Language

The following clause language is suggested, not mandatory. It incorporates the optional method of verifying that contractors are not excluded or disqualified by certification.

Suspension and Debarment

This contract is a covered transaction for purposes of 49 CFR Part 29. As such, the contractor is required to verify that none of the contractor, its principals, as defined at 49 CFR 29.995, or affiliates, as defined at 49 CFR 29.905, are excluded or disqualified as defined at 49 CFR 29.940 and 29.945.

The contractor is required to comply with 49 CFR 29, Subpart C and must include the requirement to comply with 49 CFR 29, Subpart C in any lower tier covered transaction it enters into.

By signing and submitting its bid or proposal, the bidder or proposer certifies as follows:

The certification in this clause is a material representation of fact relied upon by **{insert agency name}**. If it is later determined that the bidder or proposer knowingly rendered an erroneous certification, in addition to remedies available to **{insert agency name}**, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The bidder or proposer agrees to comply with the requirements of 49 CFR 29, Subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

Applicable Federal Clauses when procurement exceeds \$100,000

Buy America – Mandatory Language

2. BUY AMERICA REQUIREMENTS

49 U.S.C. 5323(j)
49 CFR Part 661

Applicability to Contracts

The Buy America requirements apply to the following types of contracts: Construction Contracts and Acquisition of Goods or Rolling Stock (valued at more than \$100,000).

Flow Down

The Buy America requirements flow down from FTA recipients and subrecipients to first tier contractors, who are responsible for ensuring that lower tier contractors and subcontractors are in compliance. The \$100,000 threshold applies only to the grantee contract, subcontracts under that amount are subject to Buy America.

Mandatory Clause/Language

The Buy America regulation, at 49 CFR 661.13, requires notification of the Buy America requirements in FTA-funded contracts, but does not specify the language to be used. The following language has been developed by FTA.

Buy America - The contractor agrees to comply with 49 U.S.C. 5323(j) and 49 C.F.R. Part 661, which provide that Federal funds may not be obligated unless steel, iron, and manufactured products used in FTA-funded projects are produced in the United States, unless a waiver has been granted by FTA or the product is subject to a general waiver. General waivers are listed in 49 C.F.R. 661.7, and include final assembly in the United States for 15 passenger vans and 15 passenger wagons produced by Chrysler Corporation, and microcomputer equipment and software. Separate requirements for rolling stock are set out at 49 U.S.C. 5323(j) (2) (C) and 49 C.F.R. 661.11. Rolling stock must be assembled in the United States and have a 60 percent domestic content.

A bidder or offeror must submit to the FTA recipient the appropriate Buy America certification (below) with all bids or offers on FTA-funded contracts, except those subject to a general waiver. Bids or offers that are not accompanied by a completed Buy America certification must be rejected as nonresponsive. This requirement does not apply to lower tier subcontractors.

Certification requirement for procurement of steel, iron, or manufactured products.

Certificate of Compliance with 49 U.S.C. 5323(j)(1)

The bidder or offeror hereby certifies that it will meet the requirements of 49 U.S.C. 5323(j) (1) and the applicable regulations in 49 C.F.R. Part 661.5.

Date _____

Signature _____

Company Name _____

Title _____

Certificate of Non-Compliance with 49 U.S.C. 5323(j)(1)

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j) (1) and 49 C.F.R. 661.5, but it may qualify for an exception pursuant to 49 U.S.C. 5323(j) (2) (A), 5323(j) (2) (B), or 5323(j) (2) (D), and 49 C.F.R. 661.7.

Date _____

Signature _____

Company Name _____

Title _____

Certification requirement for procurement of buses, other rolling stock and associated equipment.

Certificate of Compliance with 49 U.S.C. 5323(j) (2) (C).

The bidder or offeror hereby certifies that it will comply with the requirements of 49 U.S.C. 5323(j) (2) (C) and the regulations at 49 C.F.R. Part 661.11.

Date _____

Signature _____

Company Name _____

Title _____

Certificate of Non-Compliance with 49 U.S.C. 5323(j)(2)(C)

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j) (2) (C) and 49 C.F.R. 661.11, but may qualify for an exception pursuant to 49 U.S.C. 5323(j) (2) (A), 5323(j) (2) (B), or 5323(j) (2) (D), and 49 CFR 661.7.

Date _____

Signature _____

Company Name _____

Title _____

Pre-Award and Post Delivery Audit Requirements

9. PRE-AWARD AND POST DELIVERY AUDITS REQUIREMENTS

49 U.S.C. 5323

49 CFR Part 663

Applicability to Contracts

These requirements apply only to the acquisition of Rolling Stock/Turnkey.

Flow Down

These requirements should not flow down, except to the turnkey contractor as stated in Master Agreement.

Model Clause/Language

Clause and language therein are merely suggested. 49 C.F.R. Part 663 does not contain specific language to be included in third party contracts but does contain requirements applicable to subrecipients and third party contractors.

- Buy America certification is mandated under FTA regulation, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 C.F.R. 663.13.

-- Specific language for the Buy America certification is mandated by FTA regulation,

"Buy America Requirements--Surface Transportation Assistance Act of 1982, as amended,"

49 C.F.R. 661.12, but has been modified to include FTA's Buy America requirements codified at 49 U.S.C. A 5323(j).

Pre-Award and Post-Delivery Audit Requirements - The Contractor agrees to comply with 49 U.S.C. § 5323(l) and FTA's implementing regulation at 49 C.F.R. Part 663 and to submit the following certifications:

(1) Buy America Requirements: The Contractor shall complete and submit a declaration certifying either compliance or noncompliance with Buy America. If the Bidder/Offeror certifies compliance with Buy America, it shall submit documentation which lists 1) component and subcomponent parts of the rolling stock to be purchased identified by manufacturer of the parts, their country of origin and costs; and 2) the location of the final assembly point for the rolling stock, including a description of the activities that will take place at the final assembly point and the cost of final assembly.

(2) Solicitation Specification Requirements: The Contractor shall submit evidence that it will be capable of meeting the bid specifications.

(3) Federal Motor Vehicle Safety Standards (FMVSS): The Contractor shall submit 1) manufacturer's FMVSS self-certification sticker information that the vehicle complies with relevant FMVSS or 2) manufacturer's certified statement that the contracted buses will not be subject to FMVSS regulations.

BUY AMERICA CERTIFICATE OF COMPLIANCE WITH FTA REQUIREMENTS FOR BUSES, OTHER ROLLING STOCK, OR ASSOCIATED EQUIPMENT

(To be submitted with a bid or offer exceeding the small purchase threshold for Federal assistance programs, currently set at \$100,000.)

Certificate of Compliance

The bidder hereby certifies that it will comply with the requirements of 49 U.S.C. Section 5323(j)(2)(C), Section 165(b)(3) of the Surface Transportation Assistance Act of 1982, as amended, and the regulations of 49 C.F.R. 661.11:

Date: _____

Signature: _____

Company Name: _____

Title: _____

Certificate of Non-Compliance

The bidder hereby certifies that it cannot comply with the requirements of 49 U.S.C. Section 5323(j)(2)(C) and Section 165(b)(3) of the Surface Transportation Assistance Act of 1982, as amended, but may qualify for an exception to the requirements consistent with 49 U.S.C. Sections 5323(j)(2)(B) or (j)(2)(D), Sections 165(b)(2) or (b)(4) of the Surface Transportation Assistance Act, as amended, and regulations in 49 C.F.R. 661.7.

Date: _____

Signature: _____

Company Name: _____

Title: _____

Provisions for resolution of disputes, breaches, or other litigation

25. BREACHES AND DISPUTE RESOLUTION

49 CFR Part 18

FTA Circular 4220.1E or subsequent revisions

Applicability to Contracts

All contracts in excess of \$100,000 shall contain provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. This may include provisions for bonding, penalties for late or inadequate performance, retained earnings, liquidated damages or other appropriate measures.

Flow Down

The Breaches and Dispute Resolutions requirements flow down to all tiers.

Model Clauses/Language

FTA does not prescribe the form or content of such provisions. What provisions are developed will depend on the circumstances and the type of contract. Recipients should consult legal counsel in developing appropriate clauses. The following clauses are examples of provisions from various FTA third party contracts.

Disputes - Disputes arising in the performance of this Contract which are not resolved by agreement of the parties shall be decided in writing by the authorized representative of (Recipient)'s [title of employee]. 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 [title of employee]. 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 [title of employee] shall be binding upon the Contractor and the Contractor shall abide by the decision.

Performance During Dispute - Unless otherwise directed by (Recipient), 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 therefor shall be made in writing to such other party within a reasonable time after the first

observance of such injury of damage.

Remedies - Unless this contract provides otherwise, all claims, counterclaims, disputes and other matters in question between the (Recipient) 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 (Recipient) 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 the (Recipient), (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.

Lobbying – Mandatory Language

10. LOBBYING

31 U.S.C. 1352

49 CFR Part 19

49 CFR Part 20

Applicability to Contracts

The Lobbying requirements apply to Construction/Architectural and Engineering/Acquisition of Rolling Stock/Professional Service Contract/Operational Service Contract/Turnkey contracts.

Flow Down

The Lobbying requirements mandate the maximum flow down, pursuant to Byrd Anti-Lobbying Amendment, 31 U.S.C. § 1352(b)(5) and 49 C.F.R. Part 19, Appendix A, Section 7.

Mandatory Clause/Language

Clause and specific language therein are mandated by 49 CFR Part 19, Appendix A.

Modifications have been made to the Clause pursuant to Section 10 of the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, *et seq.*]

- Lobbying Certification and Disclosure of Lobbying Activities for third party contractors are mandated by 31 U.S.C. 1352(b)(5), as amended by Section 10 of the Lobbying Disclosure Act of 1995, and DOT implementing regulation, "New Restrictions on Lobbying," at 49 CFR § 20.110(d)

- Language in Lobbying Certification is mandated by 49 CFR Part 19, Appendix A, Section 7, which provides that contractors file the certification required by 49 CFR Part 20, Appendix A.

Modifications have been made to the Lobbying Certification pursuant to Section 10 of the Lobbying Disclosure Act of 1995.

- Use of "Disclosure of Lobbying Activities," Standard Form-LLL set forth in Appendix B of 49 CFR Part 20, as amended by "Government wide Guidance For New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96) is mandated by 49 CFR Part 20, Appendix A.

Byrd Anti-Lobbying Amendment, 31 U.S.C. 1352, as amended by the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, *et seq.*] - Contractors who apply or bid for an award of \$100,000 or more shall file the certification required by 49 CFR part 20, "New Restrictions on Lobbying." Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or

employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier up to the recipient.

APPENDIX A, 49 CFR PART 20--CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

(To be submitted with each bid or offer exceeding \$100,000)

The undersigned [Contractor] 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 an 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 making lobbying contacts to 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 [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*)]

(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 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). 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. § 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 Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

_____ Signature of Contractor's Authorized Official

_____ Name and Title of Contractor's Authorized Official

_____ Date

Clean Air

14. CLEAN AIR

42 U.S.C. 7401 et seq

40 CFR 15.61

49 CFR Part 18

Applicability to Contracts

The Clean Air requirements apply to all contracts exceeding \$100,000, including indefinite quantities where the amount is expected to exceed \$100,000 in any year.

Flow Down

The Clean Air requirements flow down to all subcontracts which exceed \$100,000.

Model Clauses/Language

No specific language is required. FTA has proposed the following language.

Clean Air - (1) The Contractor 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 Contractor 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 Contractor also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

Clean Water

7. CLEAN WATER REQUIREMENTS

33 U.S.C. 1251

Applicability to Contracts

The Clean Water requirements apply to each contract and subcontract which exceeds \$100,000.

Flow Down

The Clean Water requirements flow down to FTA recipients and subrecipients at every tier.

Model Clause/Language

While no mandatory clause is contained in the Federal Water Pollution Control Act, as amended, the following language developed by FTA contains all the mandatory requirements:

Clean Water - (1) The Contractor 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 Contractor 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 Contractor also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

Contract Work Hours & Safety Standards Act

17. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

Background and Application

The Contract Work Hours and Safety Standards Act is codified at 40 USC 3701, *et seq.* The Act applies to grantee

contracts and subcontracts “financed at least in part by loans or grants from ... the [Federal] Government.” 40 USC 3701(b) (1) (B) (iii) and (b) (2), 29 CFR 5.2(h), 49 CFR 18.36(i) (6). Although the original Act required its application in any construction contract over \$2,000 or non-construction contract to which the Act applied over \$2,500 (and language to that effect is still found in 49 CFR 18.36(i)(6)), the Act no longer applies to any “contract in an amount that is not greater than \$100,000.” 40 USC 3701(b) (3) (A) (iii).

The Act applies to construction contracts and, in very limited circumstances, non-construction projects that employ “laborers or mechanics on a public work.” These non-construction applications do not generally apply to transit procurements because transit procurements (to include rail cars and buses) are deemed “commercial items.” 40 USC 3707, 41 USC 403 (12). A grantee that contemplates entering into a contract to procure a developmental or unique item should consult counsel to determine if the Act applies to that procurement and that additional language required by 29 CFR 5.5(c) must be added to the basic clause below.

The clause language is drawn directly from 29 CFR 5.5(b) and any deviation from the model clause below should be coordinated with counsel to ensure the Act’s requirements are satisfied.

Clause Language

Contract Work Hours and Safety Standards

(1) **Overtime requirements** - No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

(2) **Violation; liability for unpaid wages; liquidated damages** - In the event of any violation of the clause set forth in paragraph (1) of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1) of this section.

(3) **Withholding for unpaid wages and liquidated damages** - The (*write in the name of the grantee*) shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2) of this section.

(4) **Subcontracts** - The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraphs (1) through (4) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1) through (4) of this section.

Applicable Federal Clauses when procurements involve property that may be transported by ocean vessel

Cargo Preference

4. CARGO PREFERENCE REQUIREMENTS

46 U.S.C. 1241

46 CFR Part 381

Applicability to Contracts

The Cargo Preference requirements apply to all contracts involving equipment, materials, or commodities which may be transported by ocean vessels.

Flow Down

The Cargo Preference requirements apply to all subcontracts when the subcontract may be involved with the transport of equipment, material, or commodities by ocean vessel.

Model Clause/Language

The MARAD regulations at 46 CFR 381.7 contain suggested contract clauses. The following language is proffered by FTA.

Cargo Preference - Use of United States-Flag Vessels - The contractor agrees: a. to use privately owned United States-Flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to the underlying contract to the extent such vessels are available at fair and reasonable rates for United States-Flag commercial vessels; b. to furnish within 20 working days following the date of loading for shipments originating within the United States or within 30 working days following the date of leading for shipments originating outside the United States, a legible copy of a rated, "on-board" commercial ocean bill-of-lading in English for each shipment of cargo described in the preceding paragraph to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590 and to the FTA recipient (through the contractor in the case of a subcontractor's bill-of-lading.) c. to include these requirements in all subcontracts issued pursuant to this contract when the subcontract may involve the transport of equipment, material, or commodities by ocean vessel.

Applicable Federal Clauses when procurements involve foreign transport or travel by air

Fly America

7. FLY AMERICA REQUIREMENTS

49 U.S.C. § 40118

41 CFR Part 301-10

Applicability to Contracts

The Fly America requirements apply to the transportation of persons or property, by air, between a place in the U.S. and a place outside the U.S., or between places outside the U.S., when the FTA will participate in the costs of such air transportation. Transportation on a foreign air carrier is permissible when provided by a foreign air carrier under a code share agreement when the ticket identifies the U.S. air carrier's designator code and flight number. Transportation by a foreign air carrier is also permissible if there is a bilateral or multilateral air transportation agreement to which the U.S. Government and a foreign government are parties and which the

Federal DOT has determined meets the requirements of the Fly America Act.

Flow Down Requirements

The Fly America requirements flow down from FTA recipients and subrecipients to first tier contractors, who are responsible for ensuring that lower tier contractors and subcontractors are in compliance.

Model Clause/Language

The relevant statutes and regulations do not mandate any specified clause or language. FTA proposes the following language.

Fly America Requirements

The Contractor agrees to comply with 49 U.S.C. 40118 (the “Fly America” Act) in accordance with the General Services Administration’s regulations at 41 CFR Part 301-10, which provide that recipients and subrecipients of Federal funds and their contractors are required to use U.S. Flag air carriers for U.S Government-financed international air travel and transportation of their personal effects or property, to the extent such service is available, unless travel by foreign air carrier is a matter of necessity, as defined by the Fly America Act. The Contractor shall submit, if a foreign air carrier was used, an appropriate certification or memorandum adequately explaining why service by a U.S. flag air carrier was not available or why it was necessary to use a foreign air carrier and shall, in any event, provide a certificate of compliance with the Fly America requirements. The Contractor agrees to include the requirements of this section in all subcontracts that may involve international air transportation.



GUIDE FOR ROLLING STOCK- THIRD PARTY CHECKLIST

General Procurement Questions	Location of Requirement in Purchasing Package (if applicable)
<p>Does procurement exhibit Geographic Preference? For reference purposes: 49 CFR 18.36 (c)(1)(2) and FTA C 4220.1F, Ch. VI, Section 2.a (4)(g)</p>	
<p>Has proposed contracted entity been verified that they are not excluded or disqualified through the Excluded Parties List System (EPLS)? For reference purposes: https://www.sam.gov/portal/public/SAM/</p>	
<p>Has an adequate number of sources been solicited?</p>	
<p>Has applicable ADA language been included?</p>	
<p>Has an adequate cost analysis been performed? For reference purposes: 49 CFR 18.36 (f)(1) and FTA C 4220.1F, Ch. VI, Section 6</p>	
Applicable Federal Clauses Excluding micro-purchases, except for construction contracts over \$2,000	Location of Requirement in Purchasing Package
<p><u>19. NO GOVERNMENT OBLIGATION TO THIRD PARTIES</u></p>	
<p><u>20. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS AND RELATED ACTS</u> 31 U.S.C. 3801 et seq. 49 CFR Part 31 18 U.S.C. 1001 49 U.S.C. 5307</p>	
<p><u>11. ACCESS TO RECORDS AND REPORTS</u> 49 U.S.C. 5325 18 CFR 18.36 (i) 49 CFR 633.17</p>	
<p><u>12. FEDERAL CHANGES</u> 49 CFR Part 18</p>	
<p><u>24. CIVIL RIGHTS REQUIREMENTS</u> 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.</p>	
<p><u>28. DISADVANTAGED BUSINESS ENTERPRISE (DBE)</u> 49 CFR Part 26</p>	
<p><u>30. INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION (FTA) TERMS</u> FTA Circular 4220.1E or subsequent revisions</p>	

<u>6. ENERGY CONSERVATION REQUIREMENTS</u> 42 U.S.C. 6321 et seq. 49 CFR Part 18	
<u>3. CHARTER BUS REQUIREMENTS</u> 49 U.S.C. 5323(d) 49 CFR Part 604	
<u>3. SCHOOL BUS REQUIREMENTS</u> 49 U.S.C. 5323(F) 49 CFR Part 605	
Applicable Federal Clauses when procurement exceeds \$10,000	Location of Requirement in Purchasing Package
<u>21. TERMINATION</u> 49 U.S.C. Part 18 FTA Circular 4220.1E or subsequent revisions	
Applicable Federal Clauses when procurement exceeds \$25,000	Location of Requirement in Purchasing Package
22. GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)	
Applicable Federal Clauses when procurement exceeds \$100,000	Location of Requirement in Purchasing Package
2. <u>BUY AMERICA REQUIREMENTS</u> 49 U.S.C. 5323(j) 49 CFR Part 661	
<u>9. PRE-AWARD AND POST DELIVERY AUDITS REQUIREMENTS</u> 49 U.S.C. 5323 49 CFR Part 663	
<u>25. BREACHES AND DISPUTE RESOLUTION</u> 49 CFR Part 18 FTA Circular 4220.1E or subsequent revisions	
<u>10. LOBBYING</u> 31 U.S.C. 1352 49 CFR Part 19 49 CFR Part 20	
<u>14. CLEAN AIR</u> 42 U.S.C. 7401 et seq 40 CFR 15.61 49 CFR Part 18	
<u>7. CLEAN WATER REQUIREMENTS</u> 33 U.S.C. 1251	
<u>17. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT</u>	
Applicable Federal Clauses when procurements involve property that may be transported by ocean vessel	Location of Requirement in Purchasing Package
<u>4. CARGO PREFERENCE REQUIREMENTS</u>	

46 U.S.C. 1241 46 CFR Part 381	
Applicable Federal Clauses when procurements involve foreign transport or travel by air	Location of Requirement in Purchasing Package
8. <u>FLY AMERICA REQUIREMENTS</u> 49 U.S.C. § 40118 41 CFR Part 301-10	

Approval:

Subrecipient:	FDOT:
Date:	Date:

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When procuring materials and supplies the following steps should be taken:

1. Determine the method of procurement (i.e., Micro Purchase, Small Purchase, RFP, Sealed Bid, etc.).
2. Apply applicable Federal clauses based on method of procurement (cost of purchase).

Construction

Methods of Procurement

Micro Purchase: Procurements less than \$2,500
 Small Purchases: Procurements greater than \$2,500 but less than \$35,000
 Competitive Proposals (Request for Proposals): Procurements greater than \$35,000

Applicable Federal Clauses

Excluding micro-purchases, except for construction contracts over \$2,000

No Government Obligation to Third Parties

19. NO GOVERNMENT OBLIGATION TO THIRD PARTIES

Program fraud and false or fraudulent statements and related acts

20. 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**

Access to Records

11. ACCESS TO RECORDS AND REPORTS

**49 U.S.C. 5325
 18 CFR 18.36 (i)
 49 CFR 633.17**

Federal Changes

12. FEDERAL CHANGES

49 CFR Part 18

Civil Rights Requirements – Mandatory Language

24. CIVIL RIGHTS REQUIREMENTS

**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.

Disadvantaged Business Enterprise (DBE) – contracts awarded on the basis of a bid or proposal offering to use DBEs

28. DISADVANTAGED BUSINESS ENTERPRISE (DBE)

49 CFR Part 26

Incorporation of FTA terms (Per FTA C4220.1F) – Mandatory Language

30. INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION (FTA) TERMS

FTA Circular 4220.1E or subsequent revisions

Energy Conservation

6. ENERGY CONSERVATION REQUIREMENTS

42 U.S.C. 6321 et seq.
49 CFR Part 18

ADA Access

FTA is currently working on a contract clause to incorporate appropriate ADA requirements, but it is not yet available.

Applicable Federal Clauses when procurement exceeds \$10,000

Termination Provisions

21. TERMINATION

49 U.S.C. Part 18
FTA Circular 4220.1E or subsequent revisions

Applicable Federal Clauses when procurement exceeds \$25,000

Suspension and Debarment

22. GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Applicable Federal Clauses when procurement exceeds \$100,000

Buy America

2. BUY AMERICA REQUIREMENTS

49 U.S.C. 5323(j)
49 CFR Part 661

Provisions for resolution of disputes, breaches, or other litigation

25. BREACHES AND DISPUTE RESOLUTION

49 CFR Part 18
FTA Circular 4220.1E or subsequent revisions

Lobbying – Mandatory Language
<u>10. LOBBYING</u> 31 U.S.C. 1352 49 CFR Part 19 49 CFR Part 20
Clean Air
<u>14. CLEAN AIR</u> 42 U.S.C. 7401 et seq 40 CFR 15.61 49 CFR Part 18
Clean Water
<u>7. CLEAN WATER REQUIREMENTS</u> 33 U.S.C. 1251
Bonding
<u>13. BONDING REQUIREMENTS</u> Davis Bacon Act – greater than \$2,000 (including ferry vessels) Copeland Anti-Kickback Act – greater than \$100,000 (including ferry vessels) – Mandatory Language
<u>16. DAVIS-BACON AND COPELAND ANTI-KICKBACK ACTS</u>
Contract Work Hours & Safety Standards Act (including ferry vessels)
<u>17. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT</u>
Applicable Federal Clauses when procurements involve property that may be transported by ocean vessel
Cargo Preference
<u>4. CARGO PREFERENCE REQUIREMENTS</u> 46 U.S.C. 1241 46 CFR Part 381
Applicable Federal Clauses when procurements involve foreign transport or travel by air
Fly America
<u>9. FLY AMERICA REQUIREMENTS</u> 49 U.S.C. § 40118 41 CFR Part 301-10

Applicable Federal Clauses – New Buildings and Additions

Seismic Safety – New Buildings & Additions

5. SEISMIC SAFETY REQUIREMENTS

42 U.S.C. 7701 et seq. 49

CFR Part 41

Applicable Federal Clauses – Contracts for items designated by EPA, when procuring \$10,000 or more per year

Recycled Products

15. RECYCLED PRODUCTS

42 U.S.C. 6962

40 CFR Part 247

Executive Order 12873



Below are the applicable clauses that were listed above with suggested or mandatory language. Those clauses with mandatory language are noted.

Construction

Methods of Procurement	<p>Micro Purchase: Procurements less than \$2,500</p> <p>Small Purchases: Procurements greater than \$2,500 but less than \$35,000</p> <p>Competitive Proposals (Request for Proposals): Procurements greater than \$35,000</p>
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Applicable Federal Clauses
Excluding micro-purchases, except for construction contracts over \$2,000

No Government Obligation to Third Parties

19. NO GOVERNMENT OBLIGATION TO THIRD PARTIES

Applicability to Contracts
 Applicable to all contracts.

Flow Down
 Not required by statute or regulation for either primary contractors or subcontractors, this concept should flow down to all levels to clarify, to all parties to the contract, that the Federal Government does not have contractual liability to third parties, absent specific written consent.

Model Clause/Language
 While no specific language is required, FTA has developed the following language.

No Obligation by the Federal Government.

(1) The Purchaser and Contractor 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, Contractor, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

(2) The Contractor 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.

Program fraud and false or fraudulent statements and related acts

20. 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

Applicability to Contracts

These requirements are applicable to all contracts.

Flow Down

These requirements flow down to contractors and subcontractors who make, present, or submit covered claims and statements.

Model Clause/Language

These requirements have no specified language, so FTA proffers the following language.

Program Fraud and False or Fraudulent Statements or Related Acts.

(1) The Contractor 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 Contractor 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 Contractor 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 Contractor to the extent the Federal Government deems appropriate.

(2) The Contractor 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 Contractor, to the extent the Federal Government deems appropriate.

(3) The Contractor 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

Access to Records

11. ACCESS TO RECORDS AND REPORTS

49 U.S.C. 5325

18 CFR 18.36 (i)

49 CFR 633.17

Applicability to Contracts

Reference Chart "Requirements for Access to Records and Reports by Type of Contracts"

Flow Down

FTA does not require the inclusion of these requirements in subcontracts.

Model Clause/Language

The specified language is not mandated by the statutes or regulations referenced, but the language provided paraphrases the statutory or regulatory language.

Access to Records - The following access to records requirements apply to this Contract:

1. Where the Purchaser is not a State but a local government and is the FTA Recipient or a subgrantee of the

FTA Recipient in accordance with 49 C.F.R. 18.36(i), the Contractor agrees to provide the Purchaser, the FTA Administrator, the Comptroller General of the United States or any of their authorized representatives access to any books, documents, papers and records of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions. Contractor also agrees, pursuant to 49 C.F.R. 633.17 to provide the FTA Administrator or his authorized representatives including any PMO Contractor access to Contractor's records and construction sites pertaining to a major capital project, defined at 49 U.S.C. 5302(a)1, which is receiving federal financial assistance through the programs described at 49 U.S.C. 5307, 5309 or 5311.

2. Where the Purchaser is a State and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 633.17, Contractor agrees to provide the Purchaser, the FTA Administrator or his authorized representatives, including any PMO Contractor, access to the Contractor's records and construction sites pertaining to a major capital project, defined at 49 U.S.C. 5302(a)1, which is receiving federal financial assistance through the programs described at 49 U.S.C. 5307, 5309 or 5311. By definition, a major capital project excludes contracts of less than the simplified acquisition threshold currently set at \$100,000.

3. Where the Purchaser enters into a negotiated contract for other than a small purchase or under the simplified acquisition threshold and is an institution of higher education, a hospital or other non-profit organization and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 19.48, Contractor agrees to provide the Purchaser, FTA Administrator, the Comptroller General of the United States or any of their duly authorized representatives with access to any books, documents, papers and record of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions.

4. Where any Purchaser which is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 U.S.C. 5325(a) enters into a contract for a capital project or improvement (defined at 49 U.S.C. 5302(a)1) through other than competitive bidding, the Contractor shall make available records related to the contract to the Purchaser, the Secretary of Transportation and the Comptroller General or any authorized officer or employee of any of them for the purposes of conducting an audit and inspection.

5. The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.

6. The Contractor agrees to maintain all books, records, accounts and reports required under this contract for a period of not less than three years after the date of termination or expiration of this contract, except in the event of litigation or settlement of claims arising from the performance of this contract, in which case Contractor agrees to maintain same until the Purchaser, the FTA Administrator, the Comptroller General, or any of their duly authorized representatives, have disposed of all such litigation, appeals, claims or exceptions related thereto. Reference 49 CFR 18.39(i) (11).

7. FTA does not require the inclusion of these requirements in subcontracts.

Requirements for Access to Records and Reports by Types of Contract

Contract Characteristics	Operational Service Contract	Turnkey	Construction	Architectural Engineering	Acquisition of Rolling Stock	Professional Services
<u>I State Grantees</u>						
a. Contracts below SAT (\$100,000)	None	Those imposed on state pass thru to	None	None	None	None

b. Contracts above \$100,000/Capital Projects	None unless ¹ non-competitive award	Contractor	Yes, if non-competitive award or if funded thru ² 5307/5309/5311	None unless non-competitive award	None unless non-competitive award	None unless non-competitive award
<u>II Non State Grantees</u>						
a. Contracts below SAT (\$100,000)	Yes ³	Those imposed on non-state Grantee pass thru to Contractor	Yes	Yes	Yes	Yes
b. Contracts above \$100,000/Capital Projects	Yes ³		Yes	Yes	Yes	Yes

Sources of Authority:

¹ 49 USC 5325 (a)

² 49 CFR 633.17

³ 18 CFR 18.36 (i)

Federal Changes

12. FEDERAL CHANGES

49 CFR Part 18

Applicability to Contracts

The Federal Changes requirement applies to all contracts.

Flow Down

The Federal Changes requirement flows down appropriately to each applicable changed requirement.

Model Clause/Language

No specific language is mandated. The following language has been developed by FTA.

Federal Changes - Contractor 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 Master Agreement between Purchaser and FTA, as they may be amended or promulgated from time to time during the term of this contract. Contractor's failure to so comply shall constitute a material breach of this contract.

Civil Rights Requirements – Mandatory Language

24. CIVIL RIGHTS REQUIREMENTS

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.

Applicability to Contracts

The Civil Rights Requirements apply to all contracts.

Flow Down

The Civil Rights requirements flow down to all third party contractors and their contracts at every tier.

Model Clause/Language

The following clause was predicated on language contained at 49 CFR Part 19, Appendix A, but FTA has shortened the lengthy text.

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 Contractor agrees that 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 Contractor 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 Contractor 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 Contractor 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 Contractor 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 Contractor agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Contractor 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 Contractor 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 Contractor agrees to comply with any implementing requirements FTA may issue.

(3) The Contractor 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.

Disadvantaged Business Enterprise (DBE) – contracts awarded on the basis of a bid or proposal offering to use DBEs

28. DISADVANTAGED BUSINESS ENTERPRISE (DBE)

49 CFR Part 26

Background and Applicability

The newest version on the Department of Transportation's Disadvantaged Business Enterprise (DBE) program became effective July 16, 2003. The rule provides guidance to grantees on the use of overall and contract goals, requirement to include DBE provisions in subcontracts, evaluating DBE participation where specific contract goals have been set, reporting requirements, and replacement of DBE subcontractors. Additionally, the DBE program dictates payment terms and conditions (including limitations on retainage) applicable to all subcontractors regardless of whether they are DBE firms or not.

The DBE program applies to all DOT-assisted contracting activities. A formal clause such as that below must be included in all contracts above the micro-purchase level. The requirements of clause subsection b flow down to subcontracts.

A substantial change to the payment provisions in this newest version of Part 26 concerns retainage (see section 26.29). Grantee choices concerning retainage should be reflected in the language choices in clause subsection d.

Clause Language

The following clause language is suggested, not mandatory. It incorporates the payment terms and conditions applicable to all subcontractors based in Part 26 as well as those related only to DBE subcontractors. The suggested language allows for the options available to grantees concerning retainage, specific contract goals, and evaluation of DBE subcontracting participation when specific contract goals have been established.

Disadvantaged Business Enterprises

a. This contract is subject to the requirements of Title 49, Code of Federal Regulations, Part 26, *and Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs*. The national goal for participation of Disadvantaged Business Enterprises (DBE) is 10%. The agency's overall goal for DBE participation is __%. A separate contract goal [**of __% DBE participation has**] [**has not**] been established for this procurement.

b. The contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of this DOT-assisted contract. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as **{insert agency name}** deems appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b)).

c. **{If a separate contract goal has been established, use the following}** Bidders/offerors are required to document sufficient DBE participation to meet these goals or, alternatively, document adequate good faith efforts to do so, as provided for in 49 CFR 26.53. Award of this contract is conditioned on submission of the following [**concurrent with and accompanying sealed bid**] [**concurrent with and accompanying an initial proposal**] [**prior to award**]:

1. The names and addresses of DBE firms that will participate in this contract;
2. A description of the work each DBE will perform;

3. The dollar amount of the participation of each DBE firm participating;
4. Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal;
5. Written confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
6. If the contract goal is not met, evidence of good faith efforts to do so.

[Bidders][Offerors] must present the information required above **[as a matter of responsiveness] [with initial proposals] [prior to contract award]** (see 49 CFR 26.53(3)).

[If no separate contract goal has been established, use the following] The successful bidder/offeror will be required to report its DBE participation obtained through race-neutral means throughout the period of performance.

d. The contractor is required to pay its subcontractors performing work related to this contract for satisfactory performance of that work no later than 30 days after the contractor's receipt of payment for that work from the **{insert agency name}**. In addition, **[the contractor may not hold retainage from its subcontractors.] [Is required to return any retainage payments to those subcontractors within 30 days after the subcontractor's work related to this contract is satisfactorily completed.] [Is required to return any retainage payments to those subcontractors within 30 days after incremental acceptance of the subcontractor's work by the {insert agency name} and contractor's receipt of the partial retainage payment related to the subcontractor's work.]**

e. The contractor must promptly notify **{insert agency name}**, whenever a DBE subcontractor performing work related to this contract is terminated or fails to complete its work, and must make good faith efforts to engage another DBE subcontractor to perform at least the same amount of work. The contractor may not terminate any DBE subcontractor and perform that work through its own forces or those of an affiliate without prior written consent of **{insert agency name}**.

Incorporation of FTA terms (Per FTA C4220.1F) – Mandatory Language

30. INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION (FTA) TERMS

FTA Circular 4220.1E or subsequent revisions

Applicability to Contracts

The incorporation of FTA terms applies to all contracts.

Flow Down

The incorporation of FTA terms has unlimited flow down.

Model Clause/Language

FTA has developed the following incorporation of terms language:

Incorporation of Federal Transit Administration (FTA) Terms - The preceding provisions include, in part, certain Standard Terms and Conditions required by DOT, whether or not expressly set forth in the preceding contract provisions. All contractual provisions required by DOT, as set forth in FTA Circular 4220.1E or subsequent revisions, 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 Contractor shall not perform any act, fail to perform any act, or refuse to comply with any (name of grantee) requests which would cause (name of grantee) to be in violation of the FTA terms and conditions.

Energy Conservation

6. ENERGY CONSERVATION REQUIREMENTS

42 U.S.C. 6321 et seq.

49 CFR Part 18

Applicability to Contracts

The Energy Conservation requirements are applicable to all contracts.

Flow Down

The Energy Conservation requirements extend to all third party contractors and their contracts at every tier and subrecipients and their subagreements at every tier.

Model Clause/Language

No specific clause is recommended in the regulations because the Energy Conservation requirements are so dependent on the state energy conservation plan. The following language has been developed by FTA:

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

ADA Access

FTA is currently working on a contract clause to incorporate appropriate ADA requirements, but it is not yet available.

Applicable Federal Clauses when procurement exceeds \$10,000

Termination Provisions

21. TERMINATION

49 U.S.C. Part 18

FTA Circular 4220.1E or subsequent revisions

Applicability to Contracts

All contracts (with the exception of contracts with nonprofit organizations and institutions of higher education,) in excess of \$10,000 shall contain suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement. (For contracts with nonprofit organizations and institutions of higher education the threshold is \$100,000.) In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

Flow Down

The termination requirements flow down to all contracts in excess of \$10,000, with the exception of contracts with nonprofit organizations and institutions of higher learning.

Model Clause/Language

FTA does not prescribe the form or content of such clauses. The following are suggestions of clauses to be used in different types of contracts:

a. Termination for Convenience (General Provision) The (Recipient) may terminate this contract, in whole or in part, at any time by written notice to the Contractor when it is in the Government's best interest. The Contractor shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Contractor shall promptly submit its termination claim to (Recipient) to be paid the

Contractor. If the Contractor has any property in its possession belonging to the (Recipient), the Contractor will account for the same, and dispose of it in the manner the (Recipient) directs.

b. Termination for Default [Breach or Cause] (General Provision) If the Contractor does not deliver supplies in accordance with the contract delivery schedule, or, if the contract is for services, the Contractor fails to perform in the manner called for in the contract, or if the Contractor fails to comply with any other provisions of the contract, the (Recipient) may terminate this contract for default. Termination shall be effected by serving a notice of termination on the contractor setting forth the manner in which the Contractor is in default. The contractor 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 (Recipient) that the Contractor 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 Contractor, the (Recipient), after setting up a new delivery of performance schedule, may allow the Contractor to continue work, or treat the termination as a termination for convenience.

c. Opportunity to Cure (General Provision) The (Recipient) in its sole discretion may, in the case of a termination for breach or default, allow the Contractor [an appropriately short period of time] 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 Contractor fails to remedy to (Recipient)'s satisfaction the breach or default of any of the terms, covenants, or conditions of this Contract within [ten (10) days] after receipt by Contractor of written notice from (Recipient) setting forth the nature of said breach or default, (Recipient) shall have the right to terminate the Contract without any further obligation to Contractor. Any such termination for default shall not in any way operate to preclude (Recipient) from also pursuing all available remedies against Contractor and its sureties for said breach or default.

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

e. Termination for Convenience (Professional or Transit Service Contracts) The (Recipient), by written notice, may terminate this contract, in whole or in part, when it is in the Government's interest. If this contract is terminated, the Recipient shall be liable only for payment under the payment provisions of this contract for services rendered before the effective date of termination.

f. Termination for Default (Supplies and Service) If the Contractor fails to deliver supplies or to perform the services within the time specified in this contract or any extension or if the Contractor fails to comply with any other provisions of this contract, the (Recipient) may terminate this contract for default. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of the default. The Contractor will only be paid the contract price for supplies delivered and accepted, or services performed in accordance with the manner or performance set forth in this contract.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the Recipient.

g. Termination for Default (Transportation Services) If the Contractor fails to pick up the commodities or to perform the services, including delivery services, within the time specified in this contract or any extension or if the Contractor fails to comply with any other provisions of this contract, the (Recipient) may terminate this contract for default. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination

specifying the nature of default. The Contractor will only be paid the contract price for services performed in accordance with the manner of performance set forth in this contract.

If this contract is terminated while the Contractor has possession of Recipient goods, the Contractor shall, upon direction of the (Recipient), protect and preserve the goods until surrendered to the Recipient or its agent. The Contractor and (Recipient) shall agree on payment for the preservation and protection of goods. Failure to agree on an amount will be resolved under the Dispute clause.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the (Recipient).

h. Termination for Default (Construction) If the Contractor refuses or fails to prosecute the work or any separable part, with the diligence that will insure its completion within the time specified in this contract or any extension or fails to complete the work within this time, or if the Contractor fails to comply with any other provisions of this contract, the (Recipient) may terminate this contract for default. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of the default. In this event, the Recipient may take over the work and complete it by contract or otherwise, and may take possession of and use any materials, appliances, and plant on the work site necessary for completing the work. The Contractor and its sureties shall be liable for any damage to the Recipient resulting from the Contractor's refusal or failure to complete the work within specified time, whether or not the Contractor's right to proceed with the work is terminated. This liability includes any increased costs incurred by the Recipient in completing the work.

The Contractor's right to proceed shall not be terminated nor the Contractor charged with damages under this clause if-

1. The delay in completing the work arises from unforeseeable causes beyond the control and without the fault or negligence of the Contractor. Examples of such causes include: acts of God, acts of the Recipient, acts of another Contractor in the performance of a contract with the Recipient, epidemics, quarantine restrictions, strikes, freight embargoes; and
2. The contractor, within [10] days from the beginning of any delay, notifies the (Recipient) in writing of the causes of delay. If in the judgment of the (Recipient), the delay is excusable, the time for completing the work shall be extended. The judgment of the (Recipient) shall be final and conclusive on the parties, but subject to appeal under the Disputes clauses.

If, after termination of the Contractor's right to proceed, it is determined that the Contractor was not in default, or that the delay was excusable, the rights and obligations of the parties will be the same as if the termination had been issued for the convenience of the Recipient.

i. Termination for Convenience or Default (Architect and Engineering) The (Recipient) may terminate this contract in whole or in part, for the Recipient's convenience or because of the failure of the Contractor to fulfill the contract obligations. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature, extent, and effective date of the termination. Upon receipt of the notice, the Contractor shall (1) immediately discontinue all services affected (unless the notice directs otherwise), and (2) deliver to the Contracting Officer all data, drawings, specifications, reports, estimates, summaries, and other information and materials accumulated in performing this contract, whether completed or in process.

If the termination is for the convenience of the Recipient, the Contracting Officer shall make an equitable adjustment in the contract price but shall allow no anticipated profit on unperformed services.

If the termination is for failure of the Contractor to fulfill the contract obligations, the Recipient may complete the work by contract or otherwise and the Contractor shall be liable for any additional cost incurred by the

Recipient.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the Recipient.

j. Termination for Convenience of Default (Cost-Type Contracts) The (Recipient) may terminate this contract, or any portion of it, by serving a notice or termination on the Contractor. The notice shall state whether the termination is for convenience of the (Recipient) or for the default of the Contractor. If the termination is for default, the notice shall state the manner in which the contractor has failed to perform the requirements of the contract. The Contractor shall account for any property in its possession paid for from funds received from the (Recipient), or property supplied to the Contractor by the (Recipient). If the termination is for default, the (Recipient) may fix the fee, if the contract provides for a fee, to be paid the contractor in proportion to the value, if any, of work performed up to the time of termination. The Contractor shall promptly submit its termination claim to the (Recipient) and the parties shall negotiate the termination settlement to be paid the Contractor.

If the termination is for the convenience of the (Recipient), the Contractor shall be paid its contract close-out costs, and a fee, if the contract provided for payment of a fee, in proportion to the work performed up to the time of termination.

If, after serving a notice of termination for default, the (Recipient) determines that the Contractor has an excusable reason for not performing, such as strike, fire, flood, events which are not the fault of and are beyond the control of the contractor, the (Recipient), after setting up a new work schedule, may allow the Contractor to continue work, or treat the termination as a termination for convenience.

Applicable Federal Clauses when procurement exceeds \$25,000

Suspension and Debarment

22. GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Background and Applicability

In conjunction with the Office of Management and Budget and other affected Federal agencies, DOT published an update to 49 CFR Part 29 on November 26, 2003. This government-wide regulation implements Executive Order 12549, *Debarment and Suspension*, Executive Order 12689, *Debarment and Suspension*, and 31 U.S.C. 6101 note (Section 2455, Public Law 103-355, 108 Stat. 3327).

The provisions of Part 29 apply to all grantee contracts and subcontracts at any level expected to equal or exceed \$25,000 as well as any contract or subcontract (at any level) for Federally required auditing services. 49 CFR 29.220(b). This represents a change from prior practice in that the dollar threshold for application of these rules has been lowered from \$100,000 to \$25,000. These are contracts and subcontracts referred to in the regulation as "covered transactions."

Grantees, contractors, and subcontractors (at any level) that enter into covered transactions are required to verify that the entity (as well as its principals and affiliates) they propose to contract or subcontract with is not excluded or disqualified. They do this by (a) Checking the Excluded Parties List System, (b) Collecting a certification from that person, or (c) Adding a clause or condition to the contract or subcontract. This represents a change from prior practice in that certification is still acceptable but is no longer required. 49 CFR 29.300.

Grantees, contractors, and subcontractors who enter into covered transactions also must require the entities they contract with to comply with 49 CFR 29, subpart C and include this requirement in their own subsequent covered transactions (i.e., the requirement flows down to subcontracts at all levels).

Clause Language

The following clause language is suggested, not mandatory. It incorporates the optional method of verifying that contractors are not excluded or disqualified by certification.

Suspension and Debarment

This contract is a covered transaction for purposes of 49 CFR Part 29. As such, the contractor is required to verify that none of the contractor, its principals, as defined at 49 CFR 29.995, or affiliates, as defined at 49 CFR 29.905, are excluded or disqualified as defined at 49 CFR 29.940 and 29.945.

The contractor is required to comply with 49 CFR 29, Subpart C and must include the requirement to comply with 49 CFR 29, Subpart C in any lower tier covered transaction it enters into.

By signing and submitting its bid or proposal, the bidder or proposer certifies as follows:

The certification in this clause is a material representation of fact relied upon by **{insert agency name}**. If it is later determined that the bidder or proposer knowingly rendered an erroneous certification, in addition to remedies available to **{insert agency name}**, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The bidder or proposer agrees to comply with the requirements of 49 CFR 29, Subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

Applicable Federal Clauses when procurement exceeds \$100,000

Buy America – Mandatory Language

2. BUY AMERICA REQUIREMENTS

49 U.S.C. 5323(j)

49 CFR Part 661

Applicability to Contracts

The Buy America requirements apply to the following types of contracts: Construction Contracts and Acquisition of Goods or Rolling Stock (valued at more than \$100,000).

Flow Down

The Buy America requirements flow down from FTA recipients and subrecipients to first tier contractors, who are responsible for ensuring that lower tier contractors and subcontractors are in compliance. The \$100,000 threshold applies only to the grantee contract, subcontracts under that amount are subject to Buy America.

Clause/Language

The Buy America regulation, at 49 CFR 661.13, requires notification of the Buy America requirements in FTA-funded contracts, but does not specify the language to be used. The following language has been developed by FTA.

Buy America - The contractor agrees to comply with 49 U.S.C. 5323(j) and 49 C.F.R. Part 661, which provide that Federal funds may not be obligated unless steel, iron, and manufactured products used in FTA-funded projects are produced in the United States, unless a waiver has been granted by FTA or the product is subject to a general waiver. General waivers are listed in 49 C.F.R. 661.7, and include final assembly in the United States for 15 passenger vans and 15 passenger wagons produced by Chrysler Corporation, and microcomputer equipment and software. Separate requirements for rolling stock are set out at 49 U.S.C. 5323(j) (2) (C) and 49 C.F.R. 661.11. Rolling stock must be assembled in the United States and have a 60 percent domestic content.

A bidder or offeror must submit to the FTA recipient the appropriate Buy America certification (below) with all

bids or offers on FTA-funded contracts, except those subject to a general waiver. Bids or offers that are not accompanied by a completed Buy America certification must be rejected as nonresponsive. This requirement does not apply to lower tier subcontractors.

Certification requirement for procurement of steel, iron, or manufactured products.

Certificate of Compliance with 49 U.S.C. 5323(j)(1)

The bidder or offeror hereby certifies that it will meet the requirements of 49 U.S.C. 5323(j) (1) and the applicable regulations in 49 C.F.R. Part 661.5.

Date _____

Signature _____

Company Name _____

Title _____

Certificate of Non-Compliance with 49 U.S.C. 5323(j)(1)

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j) (1) and 49 C.F.R. 661.5, but it may qualify for an exception pursuant to 49 U.S.C. 5323(j) (2) (A), 5323(j) (2) (B), or 5323(j) (2) (D), and 49 C.F.R. 661.7.

Date _____

Signature _____

Company Name _____

Title _____

Certification requirement for procurement of buses, other rolling stock and associated equipment.

Certificate of Compliance with 49 U.S.C. 5323(j) (2) (C).

The bidder or offeror hereby certifies that it will comply with the requirements of 49 U.S.C. 5323(j) (2) (C) and the regulations at 49 C.F.R. Part 661.11.

Date _____

Signature _____

Company Name _____

Title _____

Certificate of Non-Compliance with 49 U.S.C. 5323(j)(2)(C)

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j) (2) (C) and 49 C.F.R. 661.11, but may qualify for an exception pursuant to 49 U.S.C. 5323(j) (2) (A), 5323(j) (2) (B), or 5323(j) (2) (D), and 49 CFR 661.7.

Date _____

Signature _____

Company Name _____

Title _____

Provisions for resolution of disputes, breaches, or other litigation

25. BREACHES AND DISPUTE RESOLUTION

49 CFR Part 18

FTA Circular 4220.1E or subsequent revisions

Applicability to Contracts

All contracts in excess of \$100,000 shall contain provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. This may

Include provisions for bonding, penalties for late or inadequate performance, retained earnings, liquidated damages or other appropriate measures.

Flow Down

The Breaches and Dispute Resolutions requirements flow down to all tiers.

Model Clauses/Language

FTA does not prescribe the form or content of such provisions. What provisions are developed will depend on the circumstances and the type of contract. Recipients should consult legal counsel in developing appropriate clauses. The following clauses are examples of provisions from various FTA third party contracts.

Disputes - Disputes arising in the performance of this Contract which are not resolved by agreement of the parties shall be decided in writing by the authorized representative of (Recipient)'s [title of employee]. 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 [title of employee]. 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 [title of employee] shall be binding upon the Contractor and the Contractor shall abide by the decision.

Performance During Dispute - Unless otherwise directed by (Recipient), 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 therefor 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 (Recipient) 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 (Recipient) 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 the (Recipient), (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.

Lobbying – Mandatory Language

10. LOBBYING

31 U.S.C. 1352

49 CFR Part 19

49 CFR Part 20

Applicability to Contracts

The Lobbying requirements apply to Construction/Architectural and Engineering/Acquisition of Rolling Stock/Professional Service Contract/Operational Service Contract/Turnkey contracts.

Flow Down

The Lobbying requirements mandate the maximum flow down, pursuant to Byrd Anti-Lobbying Amendment, 31 U.S.C. § 1352(b)(5) and 49 C.F.R. Part 19, Appendix A, Section 7.

Mandatory Clause/Language

Clause and specific language therein are mandated by 49 CFR Part 19, Appendix A.

Modifications have been made to the Clause pursuant to Section 10 of the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, *et seq.*]

- Lobbying Certification and Disclosure of Lobbying Activities for third party contractors are mandated by 31 U.S.C. 1352(b)(5), as amended by Section 10 of the Lobbying Disclosure Act of 1995, and DOT implementing regulation, "New Restrictions on Lobbying," at 49 CFR § 20.110(d)

- Language in Lobbying Certification is mandated by 49 CFR Part 19, Appendix A, Section 7, which provides that contractors file the certification required by 49 CFR Part 20, Appendix A.

Modifications have been made to the Lobbying Certification pursuant to Section 10 of the Lobbying Disclosure Act of 1995.

- Use of "Disclosure of Lobbying Activities," Standard Form-LLL set forth in Appendix B of 49 CFR Part 20, as amended by "Government wide Guidance For New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96) is mandated by 49 CFR Part 20, Appendix A.

Byrd Anti-Lobbying Amendment, 31 U.S.C. 1352, as amended by the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, *et seq.*]

- Contractors who apply or bid for an award of \$100,000 or more shall file the certification required by 49 CFR part 20, "New Restrictions on Lobbying." Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier up to the recipient.

APPENDIX A, 49 CFR PART 20--CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

(To be submitted with each bid or offer exceeding \$100,000)

The undersigned [Contractor] 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 an 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 making lobbying contacts to 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 [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*)]

(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 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). 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. § 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 Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

_____ Signature of Contractor's Authorized Official

_____ Name and Title of Contractor's Authorized Official

_____ Date

Clean Air

14. CLEAN AIR

42 U.S.C. 7401 et seq

40 CFR 15.61

49 CFR Part 18

Applicability to Contracts

The Clean Air requirements apply to all contracts exceeding \$100,000, including indefinite quantities where the amount is expected to exceed \$100,000 in any year.

Flow Down

The Clean Air requirements flow down to all subcontracts which exceed \$100,000.

Model Clauses/Language

No specific language is required. FTA has proposed the following language.

Clean Air - (1) The Contractor 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 Contractor 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 Contractor also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

Clean Water

7. CLEAN WATER REQUIREMENTS

33 U.S.C. 1251

Applicability to Contracts

The Clean Water requirements apply to each contract and subcontract which exceeds \$100,000.

Flow Down

The Clean Water requirements flow down to FTA recipients and subrecipients at every tier.

Model Clause/Language

While no mandatory clause is contained in the Federal Water Pollution Control Act, as amended, the following language developed by FTA contains all the mandatory requirements:

Clean Water - (1) The Contractor 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 Contractor 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 Contractor also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

Bonding

13. BONDING REQUIREMENTS

Applicability to Contracts

For those construction or facility improvement contracts or subcontracts exceeding \$100,000, FTA may accept the bonding policy and requirements of the recipient, provided that they meet the minimum requirements for construction contracts as follows:

- a. A bid guarantee from each bidder equivalent to five (5) percent of the bid price. The "bid guarantees" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.
- b. A performance bond on the part of the Contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
- c. A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment, as required by law, of all persons supplying labor and material in the execution of the work provided for in the contract. Payment bond amounts required from Contractors are as follows:

(1) 50% of the contract price if the contract price is not more than \$1 million;

(2) 40% of the contract price if the contract price is more than \$1 million but not more than \$5 million; or

(3) \$2.5 million if the contract price is more than \$5 million.

d. A cash deposit, certified check or other negotiable instrument may be accepted by a grantee in lieu of performance and payment bonds, provided the grantee has established a procedure to assure that the interest of FTA is adequately protected. An irrevocable letter of credit would also satisfy the requirement for a bond.

Flow Down

Bonding requirements flow down to the first tier contractors.

Model Clauses/Language

FTA does not prescribe specific wording to be included in third party contracts. FTA has prepared sample clauses as follows:

Bid Bond Requirements (Construction)

(a) Bid Security

A Bid Bond must be issued by a fully qualified surety company acceptable to (Recipient) and listed as a company currently authorized under 31 CFR, Part 223 as possessing a Certificate of Authority as described thereunder.

(b) Rights Reserved

In submitting this Bid, it is understood and agreed by bidder that the right is reserved by (Recipient) to reject any and all bids, or part of any bid, and it is agreed that the Bid may not be withdrawn for a period of [ninety (90)] days subsequent to the opening of bids, without the written consent of (Recipient).

It is also understood and agreed that if the undersigned bidder should withdraw any part or all of his bid within [ninety (90)] days after the bid opening without the written consent of (Recipient), shall refuse or be unable to enter into this Contract, as provided above, or refuse or be unable to furnish adequate and acceptable Performance Bonds and Labor and Material Payments Bonds, as provided above, or refuse or be unable to furnish adequate and acceptable insurance, as provided above, he shall forfeit his bid security to the extent of (Recipient's) damages occasioned by such withdrawal, or refusal, or inability to enter into an agreement, or provide adequate security therefor.

It is further understood and agreed that to the extent the defaulting bidder's Bid Bond, Certified Check, Cashier's Check, Treasurer's Check, and/or Official Bank Check (excluding any income generated thereby which has been retained by (Recipient) as provided in [Item x "Bid Security" of the Instructions to Bidders]) shall prove inadequate to fully recompense (Recipient) for the damages occasioned by default, then the undersigned bidder agrees to indemnify (Recipient) and pay over to (Recipient) the difference between the bid security and (Recipient's) total damages, so as to make (Recipient) whole.

The undersigned understands that any material alteration of any of the above or any of the material contained on this form, other than that requested, will render the bid unresponsive.

Performance and Payment Bonding Requirements (Construction)

The Contractor shall be required to obtain performance and payment bonds as follows:

(a) Performance bonds

1. The penal amount of performance bonds shall be 100 percent of the original contract price, unless the (Recipient) determines that a lesser amount would be adequate for the protection of the (Recipient).
2. The (Recipient) may require additional performance bond protection when a contract price is increased. The increase in protection shall generally equal 100 percent of the increase in contract price. The (Recipient) may secure additional protection by directing the Contractor to increase the penal amount of the existing bond or to

obtain an additional bond.

(b) Payment bonds

1. The penal amount of the payment bonds shall equal:

(i) Fifty percent of the contract price if the contract price is not more than \$1 million.

(ii) Forty percent of the contract price if the contract price is more than \$1 million but not more than \$5 million;
or

(iii) Two and one half million if the contract price is more than \$5 million.

2. If the original contract price is \$5 million or less, the (Recipient) may require additional protection as required by subparagraph 1 if the contract price is increased.

Performance and Payment Bonding Requirements (Non-Construction)

The Contractor may be required to obtain performance and payment bonds when necessary to protect the (Recipient's) interest.

(a) The following situations may warrant a performance bond:

1. (Recipient) property or funds are to be provided to the contractor for use in performing the contract or as partial compensation (as in retention of salvaged material).

2. A contractor sells assets to or merges with another concern, and the (Recipient), after recognizing the latter concern as the successor in interest, desires assurance that it is financially capable.

3. Substantial progress payments are made before delivery of end items starts.

4. Contracts are for dismantling, demolition, or removal of improvements.

(b) When it is determined that a performance bond is required, the Contractor shall be required to obtain performance bonds as follows:

1. The penal amount of performance bonds shall be 100 percent of the original contract price, unless the (Recipient) determines that a lesser amount would be adequate for the protection of the (Recipient).

2. The (Recipient) may require additional performance bond protection when a contract price is increased. The increase in protection shall generally equal 100 percent of the increase in contract price. The (Recipient) may secure additional protection by directing the Contractor to increase the penal amount of the existing bond or to obtain an additional bond.

(c) A payment bond is required only when a performance bond is required, and if the use of payment bond is in the (Recipient's) interest.

(d) When it is determined that a payment bond is required, the Contractor shall be required to obtain payment bonds as follows:

1. The penal amount of payment bonds shall equal:

(i) Fifty percent of the contract price if the contract price is not more than \$1 million;

(ii) Forty percent of the contract price if the contract price is more than \$1 million but not more than \$5 million;
or

(iii) Two and one half million if the contract price is increased.

Advance Payment Bonding Requirements

The Contractor may be required to obtain an advance payment bond if the contract contains an advance payment provision and a performance bond is not furnished. The (recipient) shall determine the amount of the advance payment bond necessary to protect the (Recipient).

Patent Infringement Bonding Requirements (Patent Indemnity)

The Contractor may be required to obtain a patent indemnity bond if a performance bond is not furnished and the financial responsibility of the Contractor is unknown or doubtful. The (recipient) shall determine the amount of the patent indemnity to protect the (Recipient).

Warranty of the Work and Maintenance Bonds

1. The Contractor warrants to (Recipient), the Architect and/or Engineer that all materials and equipment furnished under this Contract will be of highest quality and new unless otherwise specified by (Recipient), free from faults and defects and in conformance with the Contract Documents. All work not so conforming to these standards shall be considered defective. If required by the [Project Manager], the Contractor shall furnish satisfactory evidence as to the kind and quality of materials and equipment.
2. The Work furnished must be of first quality and the workmanship must be the best obtainable in the various trades. The Work must be of safe, substantial and durable construction in all respects. The Contractor hereby guarantees the Work against defective materials or faulty workmanship for a minimum period of one (1) year after Final Payment by (Recipient) and shall replace or repair any defective materials or equipment or faulty workmanship during the period of the guarantee at no cost to (Recipient). As additional security for these guarantees, the Contractor shall, prior to the release of Final Payment [as provided in Item X below], furnish separate Maintenance (or Guarantee) Bonds in form acceptable to (Recipient) written by the same corporate surety that provides the Performance Bond and Labor and Material Payment Bond for this Contract. These bonds shall secure the Contractor's obligation to replace or repair defective materials and faulty workmanship for a minimum period of one (1) year after Final Payment and shall be written in an amount equal to ONE HUNDRED PERCENT (100%) of the CONTRACT SUM, as adjusted (if at all).

Davis Bacon Act – greater than \$2,000 (including ferry vessels) Copeland Anti-Kickback Act – greater than \$100,000 (including ferry vessels) – Mandatory Language

16. DAVIS-BACON AND COPELAND ANTI-KICKBACK ACT

Background and Application

The Davis-Bacon and Copeland Acts are codified at 40 USC 3141, *et seq.* and 18 USC 874. The Acts apply to grantee construction contracts and subcontracts that “at least partly are financed by a loan or grant from the Federal Government.” 40 USC 3145(a), 29 CFR 5.2(h), 49 CFR 18.36(i) (5). The Acts apply to any construction contract over \$2,000. 40 USC 3142(a), 29 CFR 5.5(a). ‘Construction,’ for purposes of the Acts, includes “actual construction, alteration and/or repair, including painting and decorating.” 29 CFR 5.5(a). The requirements of both Acts are incorporated into a single clause (*see* 29 CFR 3.11) enumerated at 29 CFR 5.5(a) and reproduced below.

The clause language is drawn directly from 29 CFR 5.5(a) and any deviation from the model clause below should be coordinated with counsel to ensure the Acts’ requirements are satisfied.

Clause Language

Davis-Bacon and Copeland Anti-Kickback Acts

(1) **Minimum wages** - (i) All laborers and mechanics employed or working upon the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of

the project), will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph (1)(iv) of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR Part 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classifications and wage rates conformed under paragraph (1)(ii) of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

(ii)(A) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

- (1) Except with respect to helpers as defined as 29 CFR 5.2(n)(4), the work to be performed by the classification requested is not performed by a classification in the wage determination; and
- (2) The classification is utilized in the area by the construction industry; and
- (3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination; and
- (4) With respect to helpers as defined in 29 CFR 5.2(n)(4), such a classification prevails in the area in which the work is performed.

(B) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(D) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs (a)(1)(ii) (B) or (C) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(iv) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

(v)(A) The contracting officer shall require that any class of laborers or mechanics which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefor only when the following criteria have been met:

(1) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(2) The classification is utilized in the area by the construction industry; and

(3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(B) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the

Administrator for determination. The Administrator, or an authorized representative, will issue a determination with 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(D) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs (a)(1)(v) (B) or (C) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(2) **Withholding** - The [*insert name of grantee*] shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld from the contractor under this contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), all or part of the wages required by the contract, the [*insert name of grantee*] may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(3) **Payrolls and basic records** - (i) Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work (or under the United States Housing Act of 1937, or under the Housing Act of 1949, in the construction or development of the project). Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b) (2) (B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

(ii)(A) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the [insert *name of grantee*] for transmission to the Federal Transit Administration. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under section 5.5(a) (3) (i) of Regulations, 29 CFR part 5. This information may be submitted in any form desired. Optional Form WH-347 is available for this purpose and may be purchased from the Superintendent of Documents (Federal Stock Number 029-005-00014-1), U.S. Government Printing Office, and Washington, DC 20402. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors.

(B) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(1) That the payroll for the payroll period contains the information required to be maintained under section 5.5(a)(3)(i) of Regulations, 29 CFR part 5 and that such information is correct and complete;

(2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(C) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph (a)(3)(ii)(B) of this section.

(D) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

(iii) The contractor or subcontractor shall make the records required under paragraph (a)(3)(i) of this section available for inspection, copying, or transcription by authorized representatives of the Federal Transit Administration or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the Federal agency may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

(4) **Apprentices and trainees** - (i) Apprentices - Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its

program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator of the Wage and Hour Division of the U.S. Department of Labor determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Bureau of Apprenticeship and Training, or a State Apprenticeship Agency recognized by the Bureau, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(ii) Trainees - Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(iii) Equal employment opportunity - The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

(5) **Compliance with Copeland Act requirements** - The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

(6) **Subcontracts** - The contractor or subcontractor shall insert in any subcontracts the clauses contained in 29 CFR 5.5(a)(1) through (10) and such other clauses as the Federal Transit Administration may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

(7) **Contract termination: debarment** - A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

(8) **Compliance with Davis-Bacon and Related Act requirements** - All rulings and interpretations of the Davis-

Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

(9) **Disputes concerning labor standards** - Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

(10) **Certification of eligibility** - (i) By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(ii) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(iii) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

Contract Work Hours & Safety Standards Act (including ferry vessels)

17. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

Background and Application

The Contract Work Hours and Safety Standards Act is codified at 40 USC 3701, *et seq.* The Act applies to grantee contracts and subcontracts “financed at least in part by loans or grants from ... the [Federal] Government.” 40 USC 3701(b) (1) (B) (iii) and (b) (2), 29 CFR 5.2(h), 49 CFR 18.36(i) (6). Although the original Act required its application in any construction contract over \$2,000 or non-construction contract to which the Act applied over \$2,500 (and language to that effect is still found in 49 CFR 18.36(i)(6)), the Act no longer applies to any “contract in an amount that is not greater than \$100,000.” 40 USC 3701(b) (3) (A) (iii).

The Act applies to construction contracts and, in very limited circumstances, non-construction projects that employ “laborers or mechanics on a public work.” These non-construction applications do not generally apply to transit procurements because transit procurements (to include rail cars and buses) are deemed “commercial items.” 40 USC 3707, 41 USC 403 (12). A grantee that contemplates entering into a contract to procure a developmental or unique item should consult counsel to determine if the Act applies to that procurement and that additional language required by 29 CFR 5.5(c) must be added to the basic clause below.

The clause language is drawn directly from 29 CFR 5.5(b) and any deviation from the model clause below should be coordinated with counsel to ensure the Act’s requirements are satisfied.

Clause Language

Contract Work Hours and Safety Standards

(1) **Overtime requirements** - No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

(2) **Violation; liability for unpaid wages; liquidated damages** - In the event of any violation of the clause set forth in paragraph (1) of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in

excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1) of this section.

(3) **Withholding for unpaid wages and liquidated damages** - The (*write in the name of the grantee*) shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2) of this section.

(4) **Subcontracts** - The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraphs (1) through (4) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1) through (4) of this section.

Applicable Federal Clauses when procurements involve property that may be transported by ocean vessel

Cargo Preference

4. CARGO PREFERENCE REQUIREMENTS

46 U.S.C. 1241

46 CFR Part 381

Applicability to Contracts

The Cargo Preference requirements apply to all contracts involving equipment, materials, or commodities which may be transported by ocean vessels.

Flow Down

The Cargo Preference requirements apply to all subcontracts when the subcontract may be involved with the transport of equipment, material, or commodities by ocean vessel.

Model Clause/Language

The MARAD regulations at 46 CFR 381.7 contain suggested contract clauses. The following language is proffered by FTA.

Cargo Preference - Use of United States-Flag Vessels - The contractor agrees: a. to use privately owned United States-Flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to the underlying contract to the extent such vessels are available at fair and reasonable rates for United States-Flag commercial vessels; b. to furnish within 20 working days following the date of loading for shipments originating within the United States or within 30 working days following the date of leading for shipments originating outside the United States, a legible copy of a rated, "on-board" commercial ocean bill-of-lading in English for each shipment of cargo described in the preceding paragraph to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590 and to the FTA recipient (through the contractor in the case of a subcontractor's bill-of-lading.) c. to include these requirements in all subcontracts issued pursuant to this contract when the subcontract may involve the transport of equipment, material, or commodities by ocean vessel.

Applicable Federal Clauses when procurements involve foreign transport or travel by air

Fly America

10. FLY AMERICA REQUIREMENTS

49 U.S.C. § 40118

41 CFR Part 301-10

Applicability to Contracts

The Fly America requirements apply to the transportation of persons or property, by air, between a place in the U.S. and a place outside the U.S., or between places outside the U.S., when the FTA will participate in the costs of such air transportation. Transportation on a foreign air carrier is permissible when provided by a foreign air carrier under a code share agreement when the ticket identifies the U.S. air carrier's designator code and flight number. Transportation by a foreign air carrier is also permissible if there is a bilateral or multilateral air transportation agreement to which the U.S. Government and a foreign government are parties and which the Federal DOT has determined meets the requirements of the Fly America Act.

Flow Down Requirements

The Fly America requirements flow down from FTA recipients and subrecipients to first tier contractors, who are responsible for ensuring that lower tier contractors and subcontractors are in compliance.

Model Clause/Language

The relevant statutes and regulations do not mandate any specified clause or language. FTA proposes the following language.

Fly America Requirements

The Contractor agrees to comply with 49 U.S.C. 40118 (the "Fly America" Act) in accordance with the General Services Administration's regulations at 41 CFR Part 301-10, which provide that recipients and subrecipients of Federal funds and their contractors are required to use U.S. Flag air carriers for U.S Government-financed international air travel and transportation of their personal effects or property, to the extent such service is available, unless travel by foreign air carrier is a matter of necessity, as defined by the Fly America Act. The Contractor shall submit, if a foreign air carrier was used, an appropriate certification or memorandum adequately explaining why service by a U.S. flag air carrier was not available or why it was necessary to use a foreign air carrier and shall, in any event, provide a certificate of compliance with the Fly America requirements. The Contractor agrees to include the requirements of this section in all subcontracts that may involve international air transportation.

Applicable Federal Clauses – New Buildings and Additions

Seismic Safety – New Buildings & Additions

5. SEISMIC SAFETY REQUIREMENTS

42 U.S.C. 7701 et seq. 49

CFR Part 41

Applicability to Contracts

The Seismic Safety requirements apply only to contracts for the construction of new buildings or additions to existing buildings.

Flow Down

The Seismic Safety requirements flow down from FTA recipients and subrecipients to first tier contractors to assure compliance, with the applicable building standards for Seismic Safety, including the work performed by all subcontractors.

Model Clauses/Language

The regulations do not provide suggested language for third-party contract clauses. The following language has been developed by FTA.

Seismic Safety - The contractor agrees that any new building or addition to an existing building will be designed and constructed in accordance with the standards for Seismic Safety required in Department of Transportation Seismic Safety Regulations 49 CFR Part 41 and will certify to compliance to the extent required by the regulation. The contractor also agrees to ensure that all work performed under this contract including work performed by a subcontractor is in compliance with the standards required by the Seismic Safety Regulations and the certification of compliance issued on the project.

Applicable Federal Clauses – Contracts for items designated by EPA, when procuring \$10,000 or more per year

Recycled Products

15. RECYCLED PRODUCTS

42 U.S.C. 6962
40 CFR Part 247
Executive Order 12873

Applicability to Contracts

The Recycled Products requirements apply to all contracts for items designated by the EPA, when the purchaser or contractor procures \$10,000 or more of one of these items during the fiscal year, or has procured \$10,000 or more of such items in the previous fiscal year, using Federal funds. New requirements for "recovered materials" will become effective May 1, 1996. These new regulations apply to all procurement actions involving items designated by the EPA, where the procuring agency purchases \$10,000 or more of one of these items in a fiscal year, or when the cost of such items purchased during the previous fiscal year was \$10,000.

Flow Down

These requirements flow down to all too all contractor and subcontractor tiers.

Model Clause/Language

No specific clause is mandated, but FTA has developed the following language.

Recovered Materials - The contractor agrees to comply with all the requirements of Section 6002 of the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C. 6962), including but not limited to the regulatory provisions of 40 CFR Part 247, and Executive Order 12873, as they apply to the procurement of the items designated in Subpart B of 40 CFR Part 247.

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GUIDE FOR CONSTRUCTION- THIRD PARTY CHECKLIST

General Procurement Questions	Location of Requirement in Purchasing Package (if applicable)
<p>Does procurement exhibit Geographic Preference? For reference purposes: 49 CFR 18.36 (c)(1)(2) and FTA C 4220.1F, Ch. VI, Section 2.a (4)(g)</p>	
<p>Has proposed contracted entity been verified that they are not excluded or disqualified through the Excluded Parties List System (EPLS)? For reference purposes: https://www.sam.gov/portal/public/SAM/</p>	
<p>Has an adequate number of sources been solicited?</p>	
<p>Has applicable ADA language been included?</p>	
<p>Has an adequate cost analysis been performed? For reference purposes: 49 CFR 18.36 (f)(1) and FTA C 4220.1F, Ch. VI, Section 6</p>	
Applicable Federal Clauses Excluding micro-purchases, except for construction contracts over \$2,000	Location of Requirement in Purchasing Package
<p><u>19. NO GOVERNMENT OBLIGATION TO THIRD PARTIES</u></p>	
<p><u>20. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS AND RELATED ACTS</u> 31 U.S.C. 3801 et seq. 49 CFR Part 31 18 U.S.C. 1001 49 U.S.C. 5307</p>	
<p><u>11. ACCESS TO RECORDS AND REPORTS</u> 49 U.S.C. 5325 18 CFR 18.36 (i) 49 CFR 633.17</p>	
<p><u>12. FEDERAL CHANGES</u> 49 CFR Part 18</p>	
<p><u>24. CIVIL RIGHTS REQUIREMENTS</u> 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.</p>	
<p><u>28. DISADVANTAGED BUSINESS ENTERPRISE (DBE)</u> 49 CFR Part 26</p>	
<p><u>30. INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION (FTA) TERMS</u> FTA Circular 4220.1E or subsequent revisions</p>	
<p><u>6. ENERGY CONSERVATION REQUIREMENTS</u> 42 U.S.C. 6321 et seq.</p>	

49 CFR Part 18	
Applicable Federal Clauses when procurement exceeds \$10,000	Location of Requirement in Purchasing Package
<u>21. TERMINATION</u> 49 U.S.C. Part 18 FTA Circular 4220.1E or subsequent revisions	
Applicable Federal Clauses when procurement exceeds \$25,000	Location of Requirement in Purchasing Package
22. GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)	
Applicable Federal Clauses when procurement exceeds \$100,000	Location of Requirement in Purchasing Package
2. BUY AMERICA REQUIREMENTS 49 U.S.C. 5323(j) 49 CFR Part 661	
25. BREACHES AND DISPUTE RESOLUTION 49 CFR Part 18 FTA Circular 4220.1E or subsequent revisions	
10. LOBBYING 31 U.S.C. 1352 49 CFR Part 19 49 CFR Part 20	
14. CLEAN AIR 42 U.S.C. 7401 et seq 40 CFR 15.61 49 CFR Part 18	
7. CLEAN WATER REQUIREMENTS 33 U.S.C. 1251	
13. BONDING REQUIREMENTS	
16. DAVIS-BACON AND COPELAND ANTI-KICKBACK ACTS	
17. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT	
Applicable Federal Clauses when procurements involve property that may be transported by ocean vessel	Location of Requirement in Purchasing Package
4. CARGO PREFERENCE REQUIREMENTS 46 U.S.C. 1241 46 CFR Part 381	
Applicable Federal Clauses when procurements involve foreign transport or travel by air	Location of Requirement in Purchasing Package
11. FLY AMERICA REQUIREMENTS 49 U.S.C. § 40118 41 CFR Part 301-10	
Applicable Federal Clauses – New Buildings and Additions	Location of Requirement in Purchasing Package

<u>5. SEISMIC SAFETY REQUIREMENTS</u> 42 U.S.C. 7701 et seq. 49 CFR Part 41	
Applicable Federal Clauses – Contracts for items designated by EPA, when procuring \$10,000 or more per year	Location of Requirement in Purchasing Package
<u>15. RECYCLED PRODUCTS</u> 42 U.S.C. 6962 40 CFR Part 247 Executive Order 12873	

Approval:

Subrecipient:	FDOT:
Date:	Date:

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GUIDE FOR MATERIALS AND SUPPLIES

When procuring materials and supplies the following steps should be taken:

1. Determine the method of procurement (i.e., Micro Purchase, Small Purchase, RFP, Sealed Bid, etc.).
2. Apply applicable Federal clauses based on method of procurement (cost of purchase).

Materials and Supplies - (i.e., Replacement Parts, Office Supplies, Fuel, etc.)

Methods of Procurement

Micro Purchases: Procurements less than \$2,500
 Small Purchases: Procurements greater than \$2,500 but less than \$35,000
 Competitive Proposals (Request for Proposals): Procurements greater than \$35,000

Applicable Federal Clauses

Excluding micro-purchases, except for construction contracts over \$2,000

No Government Obligation to Third Parties

19. NO GOVERNMENT OBLIGATION TO THIRD PARTIES

Program fraud and false or fraudulent statements and related acts

20. 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

Access to Records

11. ACCESS TO RECORDS AND REPORTS

49 U.S.C. 5325
 18 CFR 18.36 (i)
 49 CFR 633.17

Federal Changes

12. FEDERAL CHANGES

49 CFR Part 18

Civil Rights Requirements – Mandatory Language

24. CIVIL RIGHTS REQUIREMENTS

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.

Disadvantaged Business Enterprise (DBE) – contracts awarded on the basis of a bid or proposal offering to use DBEs

28. DISADVANTAGED BUSINESS ENTERPRISE (DBE)

49 CFR Part 26

Incorporation of FTA terms (Per FTA C4220.1F) – Mandatory Language

30. INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION (FTA) TERMS

FTA Circular 4220.1E or subsequent revisions

Energy Conservation

6. ENERGY CONSERVATION REQUIREMENTS

42 U.S.C. 6321 et seq.
49 CFR Part 18

ADA Access

FTA is currently working on a contract clause to incorporate appropriate ADA requirements, but it is not yet available.

Applicable Federal Clauses when procurement exceeds \$10,000

Termination Provisions

21. TERMINATION

49 U.S.C. Part 18
FTA Circular 4220.1E or subsequent revisions

Applicable Federal Clauses when procurement exceeds \$25,000

Suspension and Debarment

22. GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Applicable Federal Clauses when procurement exceeds \$100,000

Buy America (for steel, iron, manufactured products) – Mandatory Language

2. BUY AMERICA REQUIREMENTS

49 U.S.C. 5323(j)
49 CFR Part 661

Provisions for resolution of disputes, breaches, or other litigation

25. BREACHES AND DISPUTE RESOLUTION

49 CFR Part 18
FTA Circular 4220.1E or subsequent revisions

Lobbying – Mandatory Language

10. LOBBYING

31 U.S.C. 1352
49 CFR Part 19
49 CFR Part 20

Clean Air

14. CLEAN AIR

42 U.S.C. 7401 et seq
40 CFR 15.61
49 CFR Part 18

Clean Water

7. CLEAN WATER REQUIREMENTS

33 U.S.C. 1251

Applicable Federal Clauses when procurements involve property that may be transported by ocean vessel

Cargo Preference

4. CARGO PREFERENCE REQUIREMENTS

46 U.S.C. 1241
46 CFR Part 381

Applicable Federal Clauses when procurements involve foreign transport or travel by air

Fly America

12. FLY AMERICA REQUIREMENTS

49 U.S.C. § 40118
41 CFR Part 301-10

Applicable Federal Clauses – Contracts for items designated by EPA, when procuring \$10,000 or more per year

Recycled Products

15. RECYCLED PRODUCTS

42 U.S.C. 6962
40 CFR Part 247
Executive Order 12873

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GUIDE FOR MATERIALS AND SUPPLIES

Below are the applicable clauses that were listed above with suggested or mandatory language. Those clauses with mandatory language are noted.

Materials and Supplies - (i.e., Replacement Parts, Office Supplies, Fuel, etc.)

Methods of Procurement

Micro Purchase: Procurements less than \$2,500
 Small Purchases: Procurements greater than \$2,500 but less than \$35,000
 Competitive Proposals (Request for Proposals): Procurements greater than \$35,000

Applicable Federal Clauses

Excluding micro-purchases, except for construction contracts over \$2,000

No Government Obligation to Third Parties

19. NO GOVERNMENT OBLIGATION TO THIRD PARTIES

Applicability to Contracts

Applicable to all contracts.

Flow Down

Not required by statute or regulation for either primary contractors or subcontractors, this concept should flow down to all levels to clarify, to all parties to the contract, that the Federal Government does not have contractual liability to third parties, absent specific written consent.

Model Clause/Language

While no specific language is required, FTA has developed the following language.

No Obligation by the Federal Government.

(1) The Purchaser and Contractor 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, Contractor, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

(2) The Contractor 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.

Program fraud and false or fraudulent statements and related acts

20. 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

Applicability to Contracts

These requirements are applicable to all contracts.

Flow Down

These requirements flow down to contractors and subcontractors who make, present, or submit covered claims and statements.

Model Clause/Language

These requirements have no specified language, so FTA proffers the following language.

Program Fraud and False or Fraudulent Statements or Related Acts.

(1) The Contractor 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 Contractor 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 Contractor 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 Contractor to the extent the Federal Government deems appropriate.

(2) The Contractor 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 Contractor, to the extent the Federal Government deems appropriate.

(3) The Contractor 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.

Access to Records

11. ACCESS TO RECORDS AND REPORTS

49 U.S.C. 5325
18 CFR 18.36 (i)
49 CFR 633.17

Applicability to Contracts

Reference Chart "Requirements for Access to Records and Reports by Type of Contracts"

Flow Down

FTA does not require the inclusion of these requirements in subcontracts.

Model Clause/Language

The specified language is not mandated by the statutes or regulations referenced, but the language provided paraphrases the statutory or regulatory language.

Access to Records - The following access to records requirements apply to this Contract:

1. Where the Purchaser is not a State but a local government and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 18.36(i), the Contractor agrees to provide the Purchaser, the FTA

Administrator, the Comptroller General of the United States or any of their authorized representatives access to any books, documents, papers and records of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions. Contractor also agrees, pursuant to 49 C.F.R. 633.17 to provide the FTA Administrator or his authorized representatives including any PMO Contractor access to Contractor's records and construction sites pertaining to a major capital project, defined at 49 U.S.C. 5302(a)1, which is receiving federal financial assistance through the programs described at 49 U.S.C. 5307, 5309 or 5311.

2. Where the Purchaser is a State and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 633.17, Contractor agrees to provide the Purchaser, the FTA Administrator or his authorized representatives, including any PMO Contractor, access to the Contractor's records and construction sites pertaining to a major capital project, defined at 49 U.S.C. 5302(a)1, which is receiving federal financial assistance through the programs described at 49 U.S.C. 5307, 5309 or 5311. By definition, a major capital project excludes contracts of less than the simplified acquisition threshold currently set at \$100,000.

3. Where the Purchaser enters into a negotiated contract for other than a small purchase or under the simplified acquisition threshold and is an institution of higher education, a hospital or other non-profit organization and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 19.48, Contractor agrees to provide the Purchaser, FTA Administrator, the Comptroller General of the United States or any of their duly authorized representatives with access to any books, documents, papers and record of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions.

4. Where any Purchaser which is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 U.S.C. 5325(a) enters into a contract for a capital project or improvement (defined at 49 U.S.C. 5302(a)1) through other than competitive bidding, the Contractor shall make available records related to the contract to the Purchaser, the Secretary of Transportation and the Comptroller General or any authorized officer or employee of any of them for the purposes of conducting an audit and inspection.

5. The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.

6. The Contractor agrees to maintain all books, records, accounts and reports required under this contract for a period of not less than three years after the date of termination or expiration of this contract, except in the event of litigation or settlement of claims arising from the performance of this contract, in which case Contractor agrees to maintain same until the Purchaser, the FTA Administrator, the Comptroller General, or any of their duly authorized representatives, have disposed of all such litigation, appeals, claims or exceptions related thereto. Reference 49 CFR 18.39(i) (11).

7. FTA does not require the inclusion of these requirements in subcontracts.

Requirements for Access to Records and Reports by Types of Contract

Contract Characteristics	Operational Service Contract	Turnkey	Construction	Architectural Engineering	Acquisition of Rolling Stock	Professional Services
<u>I State Grantees</u>						
a. Contracts below SAT (\$100,000)	None	Those imposed on state pass thru to Contractor	None	None	None	None
	None		Yes. if non-	None unless	None unless	None unless

b. Contracts above \$100,000/Capital Projects		unless ¹ non-competitive award		competitive award or if funded thru ² 5307/5309/5311	non-competitive award	non-competitive award	non-competitive award
<u>II Non State Grantees</u>							
a. Contracts below SAT (\$100,000)	Yes ³		Those imposed on non-state Grantee pass thru to Contractor	Yes	Yes	Yes	Yes
b. Contracts above \$100,000/Capital Projects	Yes ³			Yes	Yes	Yes	Yes

Sources of Authority:

¹ 49 USC 5325 (a)

² 49 CFR 633.17

³ 18 CFR 18.36 (i)

Federal Changes

12. FEDERAL CHANGES

49 CFR Part 18

Applicability to Contracts

The Federal Changes requirement applies to all contracts.

Flow Down

The Federal Changes requirement flows down appropriately to each applicable changed requirement.

Model Clause/Language

No specific language is mandated. The following language has been developed by FTA.

Federal Changes - Contractor 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 Master Agreement between Purchaser and FTA, as they may be amended or promulgated from time to time during the term of this contract. Contractor's failure to so comply shall constitute a material breach of this contract.

Civil Rights Requirements – Mandatory Language

24. CIVIL RIGHTS REQUIREMENTS

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.

Applicability to Contracts

The Civil Rights Requirements apply to all contracts.

Flow Down

The Civil Rights requirements flow down to all third party contractors and their contracts at every tier.

Model Clause/Language

The following clause was predicated on language contained at 49 CFR Part 19, Appendix A, but FTA has shortened the lengthy text.

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 Contractor agrees that 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 Contractor 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 Contractor 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 Contractor 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 Contractor 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 Contractor agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Contractor 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 Contractor 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 Contractor agrees to comply with any implementing requirements FTA may issue.

(3) The Contractor 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.

Disadvantaged Business Enterprise (DBE) – contracts awarded on the basis of a bid or proposal offering to use DBEs

28. DISADVANTAGED BUSINESS ENTERPRISE (DBE)

49 CFR Part 26

Background and Applicability

The newest version on the Department of Transportation's Disadvantaged Business Enterprise (DBE) program became effective July 16, 2003. The rule provides guidance to grantees on the use of overall and contract goals, requirement to include DBE provisions in subcontracts, evaluating DBE participation where specific contract goals have been set, reporting requirements, and replacement of DBE subcontractors. Additionally, the DBE program dictates payment terms and conditions (including limitations on retainage) applicable to all subcontractors regardless of whether they are DBE firms or not.

The DBE program applies to all DOT-assisted contracting activities. A formal clause such as that below must be included in all contracts above the micro-purchase level. The requirements of clause subsection b flow down to subcontracts.

A substantial change to the payment provisions in this newest version of Part 26 concerns retainage (see section 26.29). Grantee choices concerning retainage should be reflected in the language choices in clause subsection d.

Clause Language

The following clause language is suggested, not mandatory. It incorporates the payment terms and conditions applicable to all subcontractors based in Part 26 as well as those related only to DBE subcontractors. The suggested language allows for the options available to grantees concerning retainage, specific contract goals, and evaluation of DBE subcontracting participation when specific contract goals have been established.

Disadvantaged Business Enterprises

a. This contract is subject to the requirements of Title 49, Code of Federal Regulations, Part 26, *and Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs*. The national goal for participation of Disadvantaged Business Enterprises (DBE) is 10%. The agency's overall goal for DBE participation is __ %. A separate contract goal [**of __ % DBE participation has**] [**has not**] been established for this procurement.

b. The contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of this DOT-assisted contract. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as **{insert agency name}** deems appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b)).

c. **{If a separate contract goal has been established, use the following}** Bidders/offerors are required to document sufficient DBE participation to meet these goals or, alternatively, document adequate good faith efforts to do so, as provided for in 49 CFR 26.53. Award of this contract is conditioned on submission of the following [**concurrent with and accompanying sealed bid**] [**concurrent with and accompanying an initial proposal**] [**prior to award**]:

1. The names and addresses of DBE firms that will participate in this contract;
2. A description of the work each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose

participation it submits to meet the contract goal;

5. Written confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and

6. If the contract goal is not met, evidence of good faith efforts to do so.

[Bidders][Offerors] must present the information required above **[as a matter of responsiveness] [with initial proposals] [prior to contract award]** (see 49 CFR 26.53(3)).

[If no separate contract goal has been established, use the following] The successful bidder/offeror will be required to report its DBE participation obtained through race-neutral means throughout the period of performance.

d. The contractor is required to pay its subcontractors performing work related to this contract for satisfactory performance of that work no later than 30 days after the contractor's receipt of payment for that work from the **{insert agency name}**. In addition, **[the contractor may not hold retainage from its subcontractors.] [Is required to return any retainage payments to those subcontractors within 30 days after the subcontractor's work related to this contract is satisfactorily completed.] [Is required to return any retainage payments to those subcontractors within 30 days after incremental acceptance of the subcontractor's work by the {insert agency name} and contractor's receipt of the partial retainage payment related to the subcontractor's work.]**

e. The contractor must promptly notify **{insert agency name}**, whenever a DBE subcontractor performing work related to this contract is terminated or fails to complete its work, and must make good faith efforts to engage another DBE subcontractor to perform at least the same amount of work. The contractor may not terminate any DBE subcontractor and perform that work through its own forces or those of an affiliate without prior written consent of **{insert agency name}**.

Incorporation of FTA terms (Per FTA C4220.1F) – Mandatory Language

30. INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION (FTA) TERMS

FTA Circular 4220.1E or subsequent revisions

Applicability to Contracts

The incorporation of FTA terms applies to all contracts.

Flow Down

The incorporation of FTA terms has unlimited flow down.

Model Clause/Language

FTA has developed the following incorporation of terms language:

Incorporation of Federal Transit Administration (FTA) Terms - The preceding provisions include, in part, certain Standard Terms and Conditions required by DOT, whether or not expressly set forth in the preceding contract provisions. All contractual provisions required by DOT, as set forth in FTA Circular 4220.1E or subsequent revisions, 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 Contractor shall not perform any act, fail to perform any act, or refuse to comply with any (name of grantee) requests which would cause (name of grantee) to be in violation of the FTA terms and conditions.

Energy Conservation

6. ENERGY CONSERVATION REQUIREMENTS

42 U.S.C. 6321 et seq.

49 CFR Part 18

Applicability to Contracts

The Energy Conservation requirements are applicable to all contracts.

Flow Down

The Energy Conservation requirements extend to all third party contractors and their contracts at every tier and subrecipients and their subagreements at every tier.

Model Clause/Language

No specific clause is recommended in the regulations because the Energy Conservation requirements are so dependent on the state energy conservation plan. The following language has been developed by FTA:

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

ADA Access

FTA is currently working on a contract clause to incorporate appropriate ADA requirements, but it is not yet available.

Applicable Federal Clauses when procurement exceeds \$10,000

Termination Provisions

21. TERMINATION

49 U.S.C. Part 18

FTA Circular 4220.1E or subsequent revisions

Applicability to Contracts

All contracts (with the exception of contracts with nonprofit organizations and institutions of higher education,) in excess of \$10,000 shall contain suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement. (For contracts with nonprofit organizations and institutions of higher education the threshold is \$100,000.) In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

Flow Down

The termination requirements flow down to all contracts in excess of \$10,000, with the exception of contracts with nonprofit organizations and institutions of higher learning.

Model Clause/Language

FTA does not prescribe the form or content of such clauses. The following are suggestions of clauses to be used in different types of contracts:

a. Termination for Convenience (General Provision) The (Recipient) may terminate this contract, in whole or in part, at any time by written notice to the Contractor when it is in the Government's best interest. The Contractor shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Contractor shall promptly submit its termination claim to (Recipient) to be paid the Contractor. If the Contractor has any property in its possession belonging to the (Recipient), the Contractor

will account for the same, and dispose of it in the manner the (Recipient) directs.

b. Termination for Default [Breach or Cause] (General Provision) If the Contractor does not deliver supplies in accordance with the contract delivery schedule, or, if the contract is for services, the Contractor fails to perform in the manner called for in the contract, or if the Contractor fails to comply with any other provisions of the contract, the (Recipient) may terminate this contract for default. Termination shall be effected by serving a notice of termination on the contractor setting forth the manner in which the Contractor is in default. The contractor 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 (Recipient) that the Contractor 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 Contractor, the (Recipient), after setting up a new delivery of performance schedule, may allow the Contractor to continue work, or treat the termination as a termination for convenience.

c. Opportunity to Cure (General Provision) The (Recipient) in its sole discretion may, in the case of a termination for breach or default, allow the Contractor [an appropriately short period of time] 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 Contractor fails to remedy to (Recipient)'s satisfaction the breach or default of any of the terms, covenants, or conditions of this Contract within [ten (10) days] after receipt by Contractor of written notice from (Recipient) setting forth the nature of said breach or default, (Recipient) shall have the right to terminate the Contract without any further obligation to Contractor. Any such termination for default shall not in any way operate to preclude (Recipient) from also pursuing all available remedies against Contractor and its sureties for said breach or default.

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

e. Termination for Convenience (Professional or Transit Service Contracts) The (Recipient), by written notice, may terminate this contract, in whole or in part, when it is in the Government's interest. If this contract is terminated, the Recipient shall be liable only for payment under the payment provisions of this contract for services rendered before the effective date of termination.

f. Termination for Default (Supplies and Service) If the Contractor fails to deliver supplies or to perform the services within the time specified in this contract or any extension or if the Contractor fails to comply with any other provisions of this contract, the (Recipient) may terminate this contract for default. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of the default. The Contractor will only be paid the contract price for supplies delivered and accepted, or services performed in accordance with the manner or performance set forth in this contract.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the Recipient.

g. Termination for Default (Transportation Services) If the Contractor fails to pick up the commodities or to perform the services, including delivery services, within the time specified in this contract or any extension or if the Contractor fails to comply with any other provisions of this contract, the (Recipient) may terminate this contract for default. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of default. The Contractor will only be paid the contract price for services performed in

accordance with the manner of performance set forth in this contract.

If this contract is terminated while the Contractor has possession of Recipient goods, the Contractor shall, upon direction of the (Recipient), protect and preserve the goods until surrendered to the Recipient or its agent. The Contractor and (Recipient) shall agree on payment for the preservation and protection of goods. Failure to agree on an amount will be resolved under the Dispute clause.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the (Recipient).

h. Termination for Default (Construction) If the Contractor refuses or fails to prosecute the work or any separable part, with the diligence that will insure its completion within the time specified in this contract or any extension or fails to complete the work within this time, or if the Contractor fails to comply with any other provisions of this contract, the (Recipient) may terminate this contract for default. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of the default. In this event, the Recipient may take over the work and complete it by contract or otherwise, and may take possession of and use any materials, appliances, and plant on the work site necessary for completing the work. The Contractor and its sureties shall be liable for any damage to the Recipient resulting from the Contractor's refusal or failure to complete the work within specified time, whether or not the Contractor's right to proceed with the work is terminated. This liability includes any increased costs incurred by the Recipient in completing the work.

The Contractor's right to proceed shall not be terminated nor the Contractor charged with damages under this clause if-

1. The delay in completing the work arises from unforeseeable causes beyond the control and without the fault or negligence of the Contractor. Examples of such causes include: acts of God, acts of the Recipient, acts of another Contractor in the performance of a contract with the Recipient, epidemics, quarantine restrictions, strikes, freight embargoes; and
2. The contractor, within [10] days from the beginning of any delay, notifies the (Recipient) in writing of the causes of delay. If in the judgment of the (Recipient), the delay is excusable, the time for completing the work shall be extended. The judgment of the (Recipient) shall be final and conclusive on the parties, but subject to appeal under the Disputes clauses.

If, after termination of the Contractor's right to proceed, it is determined that the Contractor was not in default, or that the delay was excusable, the rights and obligations of the parties will be the same as if the termination had been issued for the convenience of the Recipient.

i. Termination for Convenience or Default (Architect and Engineering) The (Recipient) may terminate this contract in whole or in part, for the Recipient's convenience or because of the failure of the Contractor to fulfill the contract obligations. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature, extent, and effective date of the termination. Upon receipt of the notice, the Contractor shall (1) immediately discontinue all services affected (unless the notice directs otherwise), and (2) deliver to the Contracting Officer all data, drawings, specifications, reports, estimates, summaries, and other information and materials accumulated in performing this contract, whether completed or in process.

If the termination is for the convenience of the Recipient, the Contracting Officer shall make an equitable adjustment in the contract price but shall allow no anticipated profit on unperformed services.

If the termination is for failure of the Contractor to fulfill the contract obligations, the Recipient may complete the work by contract or otherwise and the Contractor shall be liable for any additional cost incurred by the

Recipient.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the Recipient.

j. Termination for Convenience of Default (Cost-Type Contracts) The (Recipient) may terminate this contract, or any portion of it, by serving a notice of termination on the Contractor. The notice shall state whether the termination is for convenience of the (Recipient) or for the default of the Contractor. If the termination is for default, the notice shall state the manner in which the contractor has failed to perform the requirements of the contract. The Contractor shall account for any property in its possession paid for from funds received from the (Recipient), or property supplied to the Contractor by the (Recipient). If the termination is for default, the (Recipient) may fix the fee, if the contract provides for a fee, to be paid the contractor in proportion to the value, if any, of work performed up to the time of termination. The Contractor shall promptly submit its termination claim to the (Recipient) and the parties shall negotiate the termination settlement to be paid the Contractor.

If the termination is for the convenience of the (Recipient), the Contractor shall be paid its contract close-out costs, and a fee, if the contract provided for payment of a fee, in proportion to the work performed up to the time of termination.

If, after serving a notice of termination for default, the (Recipient) determines that the Contractor has an excusable reason for not performing, such as strike, fire, flood, events which are not the fault of and are beyond the control of the contractor, the (Recipient), after setting up a new work schedule, may allow the Contractor to continue work, or treat the termination as a termination for convenience.

Applicable Federal Clauses when procurement exceeds \$25,000

Suspension and Debarment

22. GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Background and Applicability

In conjunction with the Office of Management and Budget and other affected Federal agencies, DOT published an update to 49 CFR Part 29 on November 26, 2003. This government-wide regulation implements Executive Order 12549, *Debarment and Suspension*, Executive Order 12689, *Debarment and Suspension*, and 31 U.S.C. 6101 note (Section 2455, Public Law 103-355, 108 Stat. 3327).

The provisions of Part 29 apply to all grantee contracts and subcontracts at any level expected to equal or exceed \$25,000 as well as any contract or subcontract (at any level) for Federally required auditing services. 49 CFR 29.220(b). This represents a change from prior practice in that the dollar threshold for application of these rules has been lowered from \$100,000 to \$25,000. These are contracts and subcontracts referred to in the regulation as “covered transactions.”

Grantees, contractors, and subcontractors (at any level) that enter into covered transactions are required to verify that the entity (as well as its principals and affiliates) they propose to contract or subcontract with is not excluded or disqualified. They do this by (a) Checking the Excluded Parties List System, (b) Collecting a certification from that person, or (c) Adding a clause or condition to the contract or subcontract. This represents a change from prior practice in that certification is still acceptable but is no longer required. 49 CFR 29.300.

Grantees, contractors, and subcontractors who enter into covered transactions also must require the entities they contract with to comply with 49 CFR 29, subpart C and include this requirement in their own subsequent

covered transactions (i.e., the requirement flows down to subcontracts at all levels).

Clause Language

The following clause language is suggested, not mandatory. It incorporates the optional method of verifying that contractors are not excluded or disqualified by certification.

Suspension and Debarment

This contract is a covered transaction for purposes of 49 CFR Part 29. As such, the contractor is required to verify that none of the contractor, its principals, as defined at 49 CFR 29.995, or affiliates, as defined at 49 CFR 29.905, are excluded or disqualified as defined at 49 CFR 29.940 and 29.945.

The contractor is required to comply with 49 CFR 29, Subpart C and must include the requirement to comply with 49 CFR 29, Subpart C in any lower tier covered transaction it enters into.

By signing and submitting its bid or proposal, the bidder or proposer certifies as follows:

The certification in this clause is a material representation of fact relied upon by **{insert agency name}**. If it is later determined that the bidder or proposer knowingly rendered an erroneous certification, in addition to remedies available to **{insert agency name}**, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The bidder or proposer agrees to comply with the requirements of 49 CFR 29, Subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

Applicable Federal Clauses when procurement exceeds \$100,000

Buy America (for steel, iron, manufactured products) – Mandatory Language

2. BUY AMERICA REQUIREMENTS

49 U.S.C. 5323(j)

49 CFR Part 661

Applicability to Contracts

The Buy America requirements apply to the following types of contracts: Construction Contracts and Acquisition of Goods or Rolling Stock (valued at more than \$100,000).

Flow Down

The Buy America requirements flow down from FTA recipients and subrecipients to first tier contractors, who are responsible for ensuring that lower tier contractors and subcontractors are in compliance. The \$100,000 threshold applies only to the grantee contract, subcontracts under that amount are subject to Buy America.

Mandatory Clause/Language

The Buy America regulation, at 49 CFR 661.13, requires notification of the Buy America requirements in FTA-funded contracts, but does not specify the language to be used. The following language has been developed by FTA.

Buy America - The contractor agrees to comply with 49 U.S.C. 5323(j) and 49 C.F.R. Part 661, which provide that Federal funds may not be obligated unless steel, iron, and manufactured products used in FTA-funded projects are produced in the United States, unless a waiver has been granted by FTA or the product is subject to a general waiver. General waivers are listed in 49 C.F.R. 661.7, and include final assembly in the United States for 15 passenger vans and 15 passenger wagons produced by Chrysler Corporation, and microcomputer equipment and software. Separate requirements for rolling stock are set out at 49 U.S.C. 5323(j) (2) (C) and 49 C.F.R. 661.11. Rolling stock must be assembled in the United States and have a 60 percent domestic content.

A bidder or offeror must submit to the FTA recipient the appropriate Buy America certification (below) with all bids or offers on FTA-funded contracts, except those subject to a general waiver. Bids or offers that are not accompanied by a completed Buy America certification must be rejected as nonresponsive. This requirement does not apply to lower tier subcontractors.

Certification requirement for procurement of steel, iron, or manufactured products.

Certificate of Compliance with 49 U.S.C. 5323(j)(1)

The bidder or offeror hereby certifies that it will meet the requirements of 49 U.S.C. 5323(j) (1) and the applicable regulations in 49 C.F.R. Part 661.5.

Date _____

Signature _____

Company Name _____

Title _____

Certificate of Non-Compliance with 49 U.S.C. 5323(j)(1)

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j) (1) and 49 C.F.R. 661.5, but it may qualify for an exception pursuant to 49 U.S.C. 5323(j) (2) (A), 5323(j) (2) (B), or 5323(j) (2) (D), and 49 C.F.R. 661.7.

Date _____

Signature _____

Company Name _____

Title _____

Certification requirement for procurement of buses, other rolling stock and associated equipment.

Certificate of Compliance with 49 U.S.C. 5323(j) (2) (C).

The bidder or offeror hereby certifies that it will comply with the requirements of 49 U.S.C. 5323(j) (2) (C) and the regulations at 49 C.F.R. Part 661.11.

Date _____

Signature _____

Company Name _____

Title _____

Certificate of Non-Compliance with 49 U.S.C. 5323(j)(2)(C)

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j) (2) (C) and 49 C.F.R. 661.11, but may qualify for an exception pursuant to 49 U.S.C. 5323(j) (2) (A), 5323(j) (2) (B), or 5323(j) (2) (D), and 49 CFR 661.7.

Date _____

Signature _____

Company Name _____

Title

Provisions for resolution of disputes, breaches, or other litigation

25. BREACHES AND DISPUTE RESOLUTION

49 CFR Part 18

FTA Circular 4220.1E or subsequent revisions

Applicability to Contracts

All contracts in excess of \$100,000 shall contain provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. This may include provisions for bonding, penalties for late or inadequate performance, retained earnings, liquidated damages or other appropriate measures.

Flow Down

The Breaches and Dispute Resolutions requirements flow down to all tiers.

Model Clauses/Language

FTA does not prescribe the form or content of such provisions. What provisions are developed will depend on the circumstances and the type of contract. Recipients should consult legal counsel in developing appropriate clauses. The following clauses are examples of provisions from various FTA third party contracts.

Disputes - Disputes arising in the performance of this Contract which are not resolved by agreement of the parties shall be decided in writing by the authorized representative of (Recipient)'s [title of employee]. 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 [title of employee]. 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 [title of employee] shall be binding upon the Contractor and the Contractor shall abide by the decision.

Performance During Dispute - Unless otherwise directed by (Recipient), 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 therefor 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 (Recipient) 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 (Recipient) 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 the (Recipient), (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.

Lobbying – Mandatory Language

10. LOBBYING

31 U.S.C. 1352

49 CFR Part 19

49 CFR Part 20

Applicability to Contracts

The Lobbying requirements apply to Construction/Architectural and Engineering/Acquisition of Rolling Stock/Professional Service Contract/Operational Service Contract/Turnkey contracts.

Flow Down

The Lobbying requirements mandate the maximum flow down, pursuant to Byrd Anti-Lobbying Amendment, 31 U.S.C. § 1352(b)(5) and 49 C.F.R. Part 19, Appendix A, Section 7.

Mandatory Clause/Language

Clause and specific language therein are mandated by 49 CFR Part 19, Appendix A.

Modifications have been made to the Clause pursuant to Section 10 of the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, *et seq.*]

- Lobbying Certification and Disclosure of Lobbying Activities for third party contractors are mandated by 31 U.S.C. 1352(b)(5), as amended by Section 10 of the Lobbying Disclosure Act of 1995, and DOT implementing regulation, "New Restrictions on Lobbying," at 49 CFR § 20.110(d)

- Language in Lobbying Certification is mandated by 49 CFR Part 19, Appendix A, Section 7, which provides that contractors file the certification required by 49 CFR Part 20, Appendix A.

Modifications have been made to the Lobbying Certification pursuant to Section 10 of the Lobbying Disclosure Act of 1995.

- Use of "Disclosure of Lobbying Activities," Standard Form-LLL set forth in Appendix B of 49 CFR Part 20, as amended by "Government wide Guidance For New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96) is mandated by 49 CFR Part 20, Appendix A.

Byrd Anti-Lobbying Amendment, 31 U.S.C. 1352, as amended by the Lobbying Disclosure Act of 1995, P.L.

104-65 [to be codified at 2 U.S.C. § 1601, *et seq.*] - Contractors who apply or bid for an award of \$100,000 or more shall file the certification required by 49 CFR part 20, "New Restrictions on Lobbying." Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier up to the recipient.

APPENDIX A, 49 CFR PART 20--CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

(To be submitted with each bid or offer exceeding \$100,000)

The undersigned [Contractor] 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 an 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 making lobbying contacts to 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 [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*)]

(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 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). 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. § 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 Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

_____ Signature of Contractor's Authorized Official

_____ Name and Title of Contractor's Authorized Official

_____ Date

Clean Air

14. CLEAN AIR

42 U.S.C. 7401 et seq

40 CFR 15.61

49 CFR Part 18

Applicability to Contracts

The Clean Air requirements apply to all contracts exceeding \$100,000, including indefinite quantities where the amount is expected to exceed \$100,000 in any year.

Flow Down

The Clean Air requirements flow down to all subcontracts which exceed \$100,000.

Model Clauses/Language

No specific language is required. FTA has proposed the following language.

Clean Air - (1) The Contractor 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 Contractor 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 Contractor also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

Clean Water

7. CLEAN WATER REQUIREMENTS

33 U.S.C. 1251

Applicability to Contracts

The Clean Water requirements apply to each contract and subcontract which exceeds \$100,000.

Flow Down

The Clean Water requirements flow down to FTA recipients and subrecipients at every tier.

Model Clause/Language

While no mandatory clause is contained in the Federal Water Pollution Control Act, as amended, the following language developed by FTA contains all the mandatory requirements:

Clean Water - (1) The Contractor 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 Contractor 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 Contractor also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

Applicable Federal Clauses when procurements involve property that may be transported by ocean vessel

Cargo Preference

4. CARGO PREFERENCE REQUIREMENTS

46 U.S.C. 1241

46 CFR Part 381

Applicability to Contracts

The Cargo Preference requirements apply to all contracts involving equipment, materials, or commodities which may be transported by ocean vessels.

Flow Down

The Cargo Preference requirements apply to all subcontracts when the subcontract may be involved with the transport of equipment, material, or commodities by ocean vessel.

Model Clause/Language

The MARAD regulations at 46 CFR 381.7 contain suggested contract clauses. The following language is proffered by FTA.

Cargo Preference - Use of United States-Flag Vessels - The contractor agrees: a. to use privately owned United States-Flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to the underlying contract to the extent such vessels are available at fair and

reasonable rates for United States-Flag commercial vessels; b. to furnish within 20 working days following the date of loading for shipments originating within the United States or within 30 working days following the date of leading for shipments originating outside the United States, a legible copy of a rated, "on-board" commercial ocean bill-of-lading in English for each shipment of cargo described in the preceding paragraph to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590 and to the FTA recipient (through the contractor in the case of a subcontractor's bill-of-lading.) c. to include these requirements in all subcontracts issued pursuant to this contract when the subcontract may involve the transport of equipment, material, or commodities by ocean vessel.

Applicable Federal Clauses when procurements involve foreign transport or travel by air

Fly America

13. FLY AMERICA REQUIREMENTS

49 U.S.C. § 40118

41 CFR Part 301-10

Applicability to Contracts

The Fly America requirements apply to the transportation of persons or property, by air, between a place in the U.S. and a place outside the U.S., or between places outside the U.S., when the FTA will participate in the costs of such air transportation. Transportation on a foreign air carrier is permissible when provided by a foreign air carrier under a code share agreement when the ticket identifies the U.S. air carrier's designator code and flight number. Transportation by a foreign air carrier is also permissible if there is a bilateral or multilateral air transportation agreement to which the U.S. Government and a foreign government are parties and which the Federal DOT has determined meets the requirements of the Fly America Act.

Flow Down Requirements

The Fly America requirements flow down from FTA recipients and subrecipients to first tier contractors, who are responsible for ensuring that lower tier contractors and subcontractors are in compliance.

Model Clause/Language

The relevant statutes and regulations do not mandate any specified clause or language. FTA proposes the following language.

Fly America Requirements

The Contractor agrees to comply with 49 U.S.C. 40118 (the "Fly America" Act) in accordance with the General Services Administration's regulations at 41 CFR Part 301-10, which provide that recipients and subrecipients of Federal funds and their contractors are required to use U.S. Flag air carriers for U.S. Government-financed international air travel and transportation of their personal effects or property, to the extent such service is available, unless travel by foreign air carrier is a matter of necessity, as defined by the Fly America Act. The Contractor shall submit, if a foreign air carrier was used, an appropriate certification or memorandum adequately explaining why service by a U.S. flag air carrier was not available or why it was necessary to use a foreign air carrier and shall, in any event, provide a certificate of compliance with the Fly America requirements. The Contractor agrees to include the requirements of this section in all subcontracts that may involve international air transportation.

Applicable Federal Clauses – Contracts for items designated by EPA, when procuring

\$10,000 or more per year

Recycled Products

15. RECYCLED PRODUCTS

42 U.S.C. 6962

40 CFR Part 247

Executive Order 12873

Applicability to Contracts

The Recycled Products requirements apply to all contracts for items designated by the EPA, when the purchaser or contractor procures \$10,000 or more of one of these items during the fiscal year, or has procured \$10,000 or more of such items in the previous fiscal year, using Federal funds. New requirements for "recovered materials" will become effective May 1, 1996. These new regulations apply to all procurement actions involving items designated by the EPA, where the procuring agency purchases \$10,000 or more of one of these items in a fiscal year, or when the cost of such items purchased during the previous fiscal year was \$10,000.

Flow Down

These requirements flow down to all too all contractor and subcontractor tiers.

Model Clause/Language

No specific clause is mandated, but FTA has developed the following language.

Recovered Materials - The contractor agrees to comply with all the requirements of Section 6002 of the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C. 6962), including but not limited to the regulatory provisions of 40 CFR Part 247, and Executive Order 12873, as they apply to the procurement of the items designated in Subpart B of 40 CFR Part 247.

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GUIDE FOR MATERIALS AND SUPPLIES - THIRD PARTY CHECKLIST

General Procurement Questions	Location of Requirement in Purchasing Package (if applicable)
<p>Does procurement exhibit Geographic Preference? For reference purposes: 49 CFR 18.36 (c)(1)(2) and FTA C 4220.1F, Ch. VI, Section 2.a (4)(g)</p>	
<p>Has proposed contracted entity been verified that they are not excluded or disqualified through the Excluded Parties List System (EPLS)? For reference purposes: https://www.sam.gov/portal/public/SAM/</p>	
<p>Has an adequate number of sources been solicited?</p>	
<p>Has applicable ADA language been included?</p>	
<p>Has an adequate cost analysis been performed? For reference purposes: 49 CFR 18.36 (f)(1) and FTA C 4220.1F, Ch. VI, Section 6</p>	
Applicable Federal Clauses Excluding micro-purchases, except for construction contracts over \$2,000	Location of Requirement in Purchasing Package
<p><u>19. NO GOVERNMENT OBLIGATION TO THIRD PARTIES</u></p>	
<p><u>20. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS AND RELATED ACTS</u> 31 U.S.C. 3801 et seq. 49 CFR Part 31 18 U.S.C. 1001 49 U.S.C. 5307</p>	
<p><u>11. ACCESS TO RECORDS AND REPORTS</u> 49 U.S.C. 5325 18 CFR 18.36 (i) 49 CFR 633.17</p>	
<p><u>12. FEDERAL CHANGES</u> 49 CFR Part 18</p>	
<p><u>24. CIVIL RIGHTS REQUIREMENTS</u> 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.</p>	
<p><u>28. DISADVANTAGED BUSINESS ENTERPRISE (DBE)</u> 49 CFR Part 26</p>	
<p><u>30. INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION (FTA) TERMS</u> FTA Circular 4220.1E or subsequent revisions</p>	
<p><u>6. ENERGY CONSERVATION REQUIREMENTS</u></p>	

42 U.S.C. 6321 et seq. 49 CFR Part 18	
Applicable Federal Clauses when procurement exceeds \$10,000	Location of Requirement in Purchasing Package
<u>21. TERMINATION</u> 49 U.S.C. Part 18 FTA Circular 4220.1E or subsequent revisions	
Applicable Federal Clauses when procurement exceeds \$25,000	Location of Requirement in Purchasing Package
22. GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)	
Applicable Federal Clauses when procurement exceeds \$100,000	Location of Requirement in Purchasing Package
2. <u>BUY AMERICA REQUIREMENTS</u> 49 U.S.C. 5323(j) 49 CFR Part 661	
<u>25. BREACHES AND DISPUTE RESOLUTION</u> 49 CFR Part 18 FTA Circular 4220.1E or subsequent revisions	
<u>10. LOBBYING</u> 31 U.S.C. 1352 49 CFR Part 19 49 CFR Part 20	
<u>14. CLEAN AIR</u> 42 U.S.C. 7401 et seq 40 CFR 15.61 49 CFR Part 18	
<u>7. CLEAN WATER REQUIREMENTS</u> 33 U.S.C. 1251	
Applicable Federal Clauses when procurements involve property that may be transported by ocean vessel	Location of Requirement in Purchasing Package
<u>4. CARGO PREFERENCE REQUIREMENTS</u> 46 U.S.C. 1241 46 CFR Part 381	
Applicable Federal Clauses when procurements involve foreign transport or travel by air	Location of Requirement in Purchasing Package
<u>14. FLY AMERICA REQUIREMENTS</u> 49 U.S.C. § 40118 41 CFR Part 301-10	
Applicable Federal Clauses – Contracts for items designated by EPA, when procuring \$10,000 or more per year	Location of Requirement in Purchasing Package
<u>15. RECYCLED PRODUCTS</u>	

<p style="text-align: center;">42 U.S.C. 6962 40 CFR Part 247 Executive Order 12873</p>	
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Approval:

Subrecipient:	FDOT:
Date:	Date:

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REFERENCE MATERIAL - 49CFR18.36

(1) The property shall be identified in the grant or otherwise made known to the grantee in writing.

(2) The Federal awarding agency shall issue disposition instruction within 120 calendar days after the end of the Federal support of the project for which it was acquired. If the Federal awarding agency fails to issue disposition instructions within the 120 calendar-day period the grantee shall follow § 18.32(e).

(3) When title to equipment is transferred, the grantee shall be paid an amount calculated by applying the percentage of participation in the purchase to the current fair market value of the property.

§ 18.33 Supplies.

(a) *Title.* Title to supplies acquired under a grant or subgrant will vest, upon acquisition, in the grantee or subgrantee respectively.

(b) *Disposition.* If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate fair market value upon termination or completion of the award, and if the supplies are not needed for any other federally sponsored programs or projects, the grantee or subgrantee shall compensate the awarding agency for its share.

§ 18.34 Copyrights.

The Federal awarding agency reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for Federal Government purposes:

(a) The copyright in any work developed under a grant, subgrant, or contract under a grant or subgrant; and

(b) Any rights of copyright to which a grantee, subgrantee or a contractor purchases ownership with grant support.

§ 18.35 Subawards to debarred and suspended parties.

Grantees and subgrantees must not make any award or permit any award (subgrant or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive

Order 12549, "Debarment and Suspension."

§ 18.36 Procurement.

(a) *States.* When procuring property and services under a grant, a State will follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations. Other grantees and subgrantees will follow paragraphs (b) through (i) in this section.

(b) *Procurement standards.* (1) Grantees and subgrantees will use their own procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this section.

(2) Grantees and subgrantees will maintain a contract administration system which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(3) Grantees and subgrantees will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer or agent of the grantee or subgrantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

(1) The employee, officer or agent,

(i) Any member of his immediate family,

(ii) His or her partner, or

(iv) An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The grantee's or subgrantee's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements. Grantee and subgrantees may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of

nominal intrinsic value. To the extent permitted by State or local law or regulations, such standards or conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's and subgrantee's officers, employees, or agents, or by contractors or their agents. The awarding agency may in regulation provide additional prohibitions relative to real, apparent, or potential conflicts of interest.

(4) Grantee and subgrantee procedures will provide for a review of proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(5) To foster greater economy and efficiency, grantees and subgrantees are encouraged to enter into State and local intergovernmental agreements for procurement or use of common goods and services.

(6) Grantees and subgrantees are encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(7) Grantees and subgrantees are encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(8) Grantees and subgrantees will make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

(9) Grantees and subgrantees will maintain records sufficient to detail the significant history of a procure-

ment. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(10) Grantees and subgrantees will use time and material type contracts only—

(1) After a determination that no other contract is suitable, and

(ii) If the contract includes a ceiling price that the contractor exceeds at its own risk.

(11) Grantees and subgrantees alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to source evaluation, protests, disputes, and claims. These standards do not relieve the grantee or subgrantee of any contractual responsibilities under its contracts. Federal agencies will not substitute their judgment for that of the grantee or subgrantee unless the matter is primarily a Federal concern. Violations of law will be referred to the local, State, or Federal authority having proper jurisdiction.

(12) Grantees and subgrantees will have protest procedures to handle and resolve disputes relating to their procurements and shall in all instances disclose information regarding the protest to the awarding agency. A protestor must exhaust all administrative remedies with the grantee and subgrantee before pursuing a protest with the Federal agency. Reviews of protests by the Federal agency will be limited to:

(1) Violations of Federal law or regulations and the standards of this section (violations of State or local law will be under the jurisdiction of State or local authorities) and

(ii) Violations of the grantee's or subgrantee's protest procedures for failure to review a complaint or protest. Protests received by the Federal agency other than those specified above will be referred to the grantee or subgrantee.

(c) *Competition.* (1) All procurement transactions will be conducted in a manner providing full and open competition consistent with the standards

of § 18.36. Some of the situations considered to be restrictive of competition include but are not limited to:

(i) Placing unreasonable requirements on firms in order for them to qualify to do business,

(ii) Requiring unnecessary experience and excessive bonding,

(iii) Noncompetitive pricing practices between firms or between affiliated companies,

(iv) Noncompetitive awards to consultants that are on retainer contracts,

(v) Organizational conflicts of interest,

(vi) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance of other relevant requirements of the procurement, and

(vii) Any arbitrary action in the procurement process.

(2) Grantees and subgrantees will conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts State licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criteria provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(3) Grantees will have written selection procedures for procurement transactions. These procedures will ensure that all solicitations:

(1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is

impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement. The specific features of the named brand which must be met by offerors shall be clearly stated; and

(ii) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(4) Grantees and subgrantees will ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, grantees and subgrantees will not preclude potential bidders from qualifying during the solicitation period.

(d) *Methods of procurement to be followed*—(1) *Procurement by small purchase procedures.* Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the simplified acquisition threshold fixed at 41 U.S.C. 403(11) (currently set at \$100,000). If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.

(2) *Procurement by sealed bids* (formal advertising). Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in § 18.36(d)(2)(1) apply.

(1) In order for sealed bidding to be feasible, the following conditions should be present:

(A) A complete, adequate, and realistic specification or purchase description is available;

(B) Two or more responsible bidders are willing and able to compete effectively and for the business; and

(C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(1) If sealed bids are used, the following requirements apply:

(A) The invitation for bids will be publicly advertised and bids shall be solicited from an adequate number of known suppliers, providing them sufficient time prior to the date set for opening the bids;

(B) The invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond;

(C) All bids will be publicly opened at the time and place prescribed in the invitation for bids;

(D) A firm fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(E) Any or all bids may be rejected if there is a sound documented reason.

(3) Procurement by *competitive proposals*. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

(1) Requests for proposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical;

(ii) Proposals will be solicited from an adequate number of qualified sources;

(iii) Grantees and subgrantees will have a method for conducting technical evaluations of the proposals received and for selecting awardees;

(iv) Awards will be made to the responsible firm whose proposal is most

advantageous to the program, with price and other factors considered; and

(v) Grantees and subgrantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

(4) Procurement by *noncompetitive proposals* is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate.

(1) Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies:

(A) The item is available only from a single source;

(B) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

(C) The awarding agency authorizes noncompetitive proposals; or

(D) After solicitation of a number of sources, competition is determined inadequate.

(i) Cost analysis, i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits, is required.

(ii) Grantees and subgrantees may be required to submit the proposed procurement to the awarding agency for pre-award review in accordance with paragraph (g) of this section.

(e) *Contracting with small and minority firms, women's business enterprise and labor surplus area firms.* (1) The grantee and subgrantee will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.

(2) Affirmative steps shall include:

(1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;

(iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;

(v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and

(vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (e)(2) (i) through (v) of this section.

(f) *Contract cost and price.* (1) Grantees and subgrantees must perform a cost or price analysis in connection with every procurement action including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, grantees must make independent estimates before receiving bids or proposals. A cost analysis must be performed when the offeror is required to submit the elements of his estimated cost, e.g., under professional, consulting, and architectural engineering services contracts. A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.

(2) Grantees and subgrantees will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

(3) Costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with Federal cost principles (see §18.22). Grantees may reference their own cost principles that comply with the applicable Federal cost principles.

(4) The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

(g) *Awarding agency review.* (1) Grantees and subgrantees must make available, upon request of the awarding agency, technical specifications on proposed procurements where the awarding agency believes such review is needed to ensure that the item and/or service specified is the one being proposed for purchase. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the grantee or subgrantee desires to have the review accomplished after a solicitation has been developed, the awarding agency may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

(2) Grantees and subgrantees must on request make available for awarding agency pre-award review procurement documents, such as requests for proposals or invitations for bids, independent cost estimates, etc. when:

(1) A grantee's or subgrantee's procurement procedures or operation fails to comply with the procurement standards in this section; or

(ii) The procurement is expected to exceed the simplified acquisition

threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation; or

(iii) The procurement, which is expected to exceed the simplified acquisition threshold, specifies a "brand name" product; or

(iv) The proposed award is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

(v) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

(3) A grantee or subgrantee will be exempt from the pre-award review in paragraph (g)(2) of this section if the awarding agency determines that its procurement systems comply with the standards of this section.

(1) A grantee or subgrantee may request that its procurement system be reviewed by the awarding agency to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews shall occur where there is a continuous high-dollar funding, and third-party contracts are awarded on a regular basis.

(11) A grantee or subgrantee may self-certify its procurement system. Such self-certification shall not limit the awarding agency's right to survey the system. Under a self-certification procedure, awarding agencies may wish to rely on written assurances from the grantee or subgrantee that it is complying with these standards. A grantee or subgrantee will cite specific procedures, regulations, standards, etc., as being in compliance with these requirements and have its system available for review.

(h) *Bonding requirements.* For construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold, the awarding agency may accept the bonding policy and requirements of the grantee or subgrantee provided the awarding agency has made a determination that the awarding agency's interest is adequately protected. If such a determination has not been

made, the minimum requirements shall be as follows:

(1) *A bid guarantee from each bidder equivalent to five percent of the bid price.* The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

(2) *A performance bond on the part of the contractor for 100 percent of the contract price.* A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

(3) *A payment bond on the part of the contractor for 100 percent of the contract price.* A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(1) *Contract provisions.* A grantee's and subgrantee's contracts must contain provisions in paragraph (1) of this section. Federal agencies are permitted to require changes, remedies, changed conditions, access and records retention, suspension of work, and other clauses approved by the Office of Federal Procurement Policy.

(1) Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. (Contracts more than the simplified acquisition threshold)

(2) Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of \$10,000)

(3) Compliance with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). (All construction contracts awarded in excess of \$10,000 by grantees and their contractors or subgrantees)

(4) Compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR part 3). (All contracts and subgrants for construction or repair)

(5) Compliance with the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR part 5). (Construction contracts in excess of \$2000 awarded by grantees and subgrantees when required by Federal grant program legislation)

(6) Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR part 5). (Construction contracts awarded by grantees and subgrantees in excess of \$2000, and in excess of \$2500 for other contracts which involve the employment of mechanics or laborers)

(7) Notice of awarding agency requirements and regulations pertaining to reporting.

(8) Notice of awarding agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.

(9) Awarding agency requirements and regulations pertaining to copyrights and rights in data.

(10) Access by the grantee, the subgrantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.

(11) Retention of all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.

(12) Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). (Contracts, sub-

contracts, and subgrants of amounts in excess of \$100,000)

(13) Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

(j) 23 U.S.C. 112(a) directs the Secretary to require recipients of highway construction grants to use bidding methods that are "effective in securing competition." Detailed construction contracting procedures are contained in 23 CFR part 635, subpart A.

(k) Section 3(a)(2)(C) of the UMT Act of 1964, as amended, prohibits the use of grant or loan funds to support procurements utilizing exclusionary or discriminatory specifications.

(l) 46 U.S.C. 1241(b)(1) and 46 CFR part 381 impose cargo preference requirements on the shipment of foreign made goods.

(m) Section 165 of the Surface Transportation Assistance Act of 1982, 49 U.S.C. 1601, section 337 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, and 49 CFR parts 660 and 661 impose Buy America provisions on the procurement of foreign products and materials.

(n) Section 105(f) of the Surface Transportation Assistance Act of 1982, section 106(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987, and 49 CFR part 23 impose requirements for the participation of disadvantaged business enterprises.

(o) Section 308 of the Surface Transportation Assistance Act of 1982, 49 U.S.C. 1068(b)(2), authorizes the use of competitive negotiation for the purchase of rolling stock as appropriate.

(p) 23 U.S.C. 112(b) provides for an exemption to competitive bidding requirements for highway construction contracts in emergency situations.

(q) 23 U.S.C. 112 requires concurrence by the Secretary before highway construction contracts can be awarded, except for projects authorized under the provisions of 23 U.S.C. 171.

(r) 23 U.S.C. 112(e) requires standardized contract clauses concerning site conditions, suspension or work, and material changes in the scope of the work for highway construction contracts.

§ 18.37

(s) 23 U.S.C. 140(b) authorizes the preferential employment of Indians on Indian Reservation road projects and contracts.

(t) FHWA, UMTA, and Federal Aviation Administration (FAA) grantees and subgrantees shall extend the use of qualifications-based (e.g., architectural and engineering services) contract selection procedures to certain other related areas and shall award such contracts in the same manner as Federal contracts for architectural and engineering services are negotiated under Title IX of the Federal Property and Administrative Services Act of 1949, or equivalent State (or airport sponsor for FAA) qualifications-based requirements. For FHWA and UMTA programs, this provision applies except to the extent that a State adopts or has adopted by statute a formal procedure for the procurement of such services.

[53 FR 8086 and 8087, Mar. 11, 1988, as amended at 53 FR 8087, Mar. 11, 1988; 60 FR 19639, 19647, Apr. 19, 1995]

§ 18.37 Subgrants.

(a) *States.* States shall follow state law and procedures when awarding and administering subgrants (whether on a cost reimbursement or fixed amount basis) of financial assistance to local and Indian tribal governments. States shall:

(1) Ensure that every subgrant includes any clauses required by Federal statute and executive orders and their implementing regulations;

(2) Ensure that subgrantees are aware of requirements imposed upon them by Federal statute and regulation;

(3) Ensure that a provision for compliance with §18.42 is placed in every cost reimbursement subgrant; and

(4) Conform any advances of grant funds to subgrantees substantially to the same standards of timing and amount that apply to cash advances by Federal agencies.

(b) *All other grantees.* All other grantees shall follow the provisions of this part which are applicable to awarding agencies when awarding and administering subgrants (whether on a cost reimbursement or fixed amount basis) of financial assistance to local and In-

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dian tribal governments. Grantees shall:

(1) Ensure that every subgrant includes a provision for compliance with this part;

(2) Ensure that every subgrant includes any clauses required by Federal statute and executive orders and their implementing regulations; and

(3) Ensure that subgrantees are aware of requirements imposed upon them by Federal statutes and regulations.

(c) *Exceptions.* By their own terms, certain provisions of this part do not apply to the award and administration of subgrants:

(1) Section 18.10;

(2) Section 18.11;

(3) The letter-of-credit procedures specified in Treasury Regulations at 31 CFR part 205, cited in § 18.21; and

(4) Section 18.50.

REPORTS, RECORDS, RETENTION, AND ENFORCEMENT

§ 18.40 Monitoring and reporting program performance.

(a) *Monitoring by grantees.* Grantees are responsible for managing the day-to-day operations of grant and subgrant supported activities. Grantees must monitor grant and subgrant supported activities to assure compliance with applicable Federal requirements and that performance goals are being achieved. Grantee monitoring must cover each program, function or activity.

(b) *Nonconstruction performance reports.* The Federal agency may, if it decides that performance information available from subsequent applications contains sufficient information to meet its programmatic needs, require the grantee to submit a performance report only upon expiration or termination of grant support. Unless waived by the Federal agency this report will be due on the same date as the final Financial Status Report.

(1) Grantees shall submit annual performance reports unless the awarding agency requires quarterly or semi-annual reports. However, performance reports will not be required more frequently than quarterly. Annual reports shall be due 90 days after the grant year, quarterly or semi-annual reports



CIRCULAR 4220.1F LINK

To view the entire Circular, C 4220.1F Third Party Contracting Guidance, use the following link: http://www.fta.dot.gov/legislation_law/12349_8641.html



**REFERENCE MATERIAL - PROCUREMENT TRIENNIAL
REVIEW FY2014**

5. PROCUREMENT

BASIC REQUIREMENT

States use their own procurement procedures that reflect applicable state laws and regulations, provided that the process ensures competitive procurement and the procedures conform to applicable Federal law.

AREAS TO BE EXAMINED

1. *Policies and procedures*

2. *Rolling Stock*

3. *Oversight*

COMPLIANCE

If a state fails to comply with FTA procurement requirements, and its own procurement regulations, including in other procurement-related areas such as DBE, Buy America, and lobbying, FTA may decide to not participate in the procurement.

PROCUREMENT REFERENCES

1. 49 USC Chapter 53, Federal Transit Laws
2. Transportation Equity Act for the 21st Century, Public Law No. 105-178
3. 29 CFR Parts 4 and 5, "Labor Standards"
4. 41 CFR Parts 50-201 and 50-206, "Public Contracts and Property Management"
5. 49 CFR Section 18.36, "Procurement"
6. FTA Master Agreement
7. FTA C 4220.1F, "Third-Party Contracting Guidance"
8. FTA C 9040.1F, "Nonurbanized Area Formula Program Guidance and Grant Application Instructions"

9. FTA C 9070.1F, "Elderly Individuals and Individuals with Disabilities Program Guidance and Application Instructions"
10. FTA C 9050.1, "The Job Access and Reverse Commute Program Guidance and Application Instructions"
11. FTA C 9045.1, "New Freedom Program Guidance and Application Instructions"
12. FTA C 9300.1B, "Capital Investment Program Guidance and Application Instructions"
13. FTA C 8100.1C, "Program Guidance for Metropolitan Planning and State Planning and Research Program Grants"

BUY AMERICA REFERENCES

1. 49 CFR Part 571, "Federal Motor Vehicle Safety Standards"
2. 49 CFR Part 661, "Buy America Requirements"
3. 49 CFR Part 663, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases"
4. FTA "Dear Colleague" Letter, March 18, 1997
5. Federal Register Vol. 71, No. 54, pp. 14112-14118, Buy America Requirements; Amendments to Definitions
6. Federal Register Vol. 72, No. 182, pp. 53688-53698, Buy America Requirements; End Product Analysis and Waiver Procedures, Final Rule
7. Federal Register Vol. 72, No. 188, pp. 55103-55104, Buy America Requirements; End Product Analysis and Waiver Procedures, Final Rule correction
8. Federal Register Vol. 77, No. 28, pp. 71673 -71678, Decision To Rescind Buy

America Waiver for Minivans and Minivan Chassis

SUSPENSION/DEBARMENT REFERENCES

1. 2 CFR Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension"
2. 2 CFR Part 1200, "Nonprocurement Suspension and Debarment"

USEFUL WEB LINKS

FTA's Best Practice Procurement Manual

FTA Procurement Frequently Asked Questions

Bus Testing Website

National RTAP ProcurementPRO

FTA Buy America Home Page

Conducting Pre-Award and Post-Delivery Audits for Bus Procurements, FTA T-90-7713-93-1, Rev. B

Conducting Pre-Award and Post-Delivery Audits for Rail Vehicle Procurements, FTA DC-90-7713-94-1, Rev. B

U.S. DOT Buy America Webpage

Guidance on Procurements Following Rescission of the Buy America Waiver for Minivans, FTA, February 14, 2013

Buying Used Buses

System for Award Management (SAM)

SAM User Guide

FTA DBE Website

DOT Office of Small and Disadvantaged Business Utilization (OSDBU)

DOT DBE Regulation Questions and Answers

Tips for Goal Setting

List of Transit Vehicle Manufacturers

Sample DBE Program

Note on the Best Practices Procurement Manual - The *Best Practices Procurement Manual* is a good resource for grantees to use in conducting FTA-assisted procurements. However, it is only a guidance document and is not the source of any FTA requirements. Grantees may refer to the BPPM as a guide for the procurement process, but should not rely on the BPPM for ensuring that FTA requirements will be met. FTA requirements are found in the following sources: U.S. Code and Public Laws, Code of Federal Regulations, FTA Circulars, Dear Colleague Letters, and the Master Agreement.

Compliance

If a grantee fails to comply with FTA procurement requirements, including in other procurement-related areas, such as Buy America, FTA may decide to not participate in the procurement.

QUESTIONS FOR THE REVIEW

1. *If FTA conducted a Procurement System Review (PSR) in the past two Federal fiscal years, what is the status of any corrective actions from the final report of that review?*

EXPLANATION

As part of its project oversight functions, FTA periodically conducts PSRs of selected grantees. If a review has been conducted, confer with the FTA regional office and the FTA headquarters subject matter expert (SME) on what follow up activities are appropriate during this review. The reviewer may be requested to validate the implementation of corrective actions for closed deficiencies, follow up on deficiencies that remain open, or a combination of both.

REFERENCE

FTA C 4220.1F, Ch. I, Section 6.c.

SOURCES OF INFORMATION

Review OTrak and information from the FTA regional office for issued reports on PSRs, correspondence between FTA and the state related to corrective actions, and responses to the state management review.

DETERMINATION

If there are outstanding or ongoing PSR deficiencies, confer with the FTA regional office and the FTA headquarters SME to make the following deficiency. (**DEFICIENCY CODE 405:** Outstanding procurement specialty review deficiencies)

SUGGESTED CORRECTIVE ACTION

Direct the state to provide the FTA regional office with documentation to address outstanding or ongoing specialty review deficiencies.

Policies and Procedures

2. *What policies and procedures guide FTA funded procurements conducted by the state? How do these procedures ensure full and open competition? How does the state ensure that those procedures are followed?*

What are the state's key procurement requirements for micro-purchases,

small purchases, sealed bids (IFBs) and competitive proposals (RFPs)?

Over the past three years, how many single bids or sole source procurements were there?

EXPLANATION

When procuring property and services under a grant, a state may use the same procurement policies and procedures that it uses for acquisitions not financed with Federal assistance.

States must conduct procurement transactions in a manner providing full and open competition. States are prohibited from restricting competition in Federally supported procurement transactions. Some situations that restrict competition include, but are not limited to: unreasonable qualification requirements, unnecessary experience requirements, excessive bonding, noncompetitive pricing practices between firms, noncompetitive awards to firms on retainer, organizational conflicts of interest, "brand name" only specifications, or any arbitrary action in the procurement process.

At a minimum, the state must comply with the federally mandated requirements on contract term limitations for revenue vehicle purchases, competition, prohibitions against geographic preferences, procurement of architectural engineering services, and awards to responsible contractors. The state must also ensure that each purchase order and contract financed with FTA assistance includes all provisions required by Federal statutes and their implementing regulations.

REFERENCE

49 U.S.C. Sections 5325(a) and (h)
FTA C 4220.1F, Ch. II, Sections 2.a(1)(a) and 2(a)(4) and Ch. VI, Section 1
FTA C 9040.1F, Ch. VI, Section 5
FTA C 9070.1F, Ch. VI, Section 9
FTA C 9050.1, Ch. VI, Section 8
FTA C 9045.1, Ch. VI, Section 8
FTA C 9300.1B, Ch. VI Section 17
FTA C 8100.1C, Ch. II, Section 3.b

SOURCES OF INFORMATION

Before the site visit, review the state's written procurement policies, and the list of single and sole source awards. During the site visit, review procurement files, particularly legal notices and solicitation documents, to determine whether procurements have been conducted in accordance with state and FTA procurement requirements. Pay

particular attention to the frequency of sole-source, single bid, and "brand name" procurements to determine how and if the state is providing for full and open competition.

DETERMINATION

The state is deficient if it is not following its written procurement procedures, particularly in areas that impact full and open competition. (**DEFICIENCY CODE 23**: Procurement procedures not followed)

The state is deficient if it has a pattern or practice of not providing for full and open competition. (**DEFICIENCY CODE 37**: Lacking full and open competition for one or more methods of procurement)

SUGGESTED CORRECTIVE ACTION

The state must cease immediately any practice that is in violation of FTA guidelines. Direct the state to provide the FTA regional office with a plan to ensure that existing procurement procedures are followed. Direct the state to provide the FTA regional office revised procurement procedures that ensure full and open competition in all procurement transactions. Direct the state to provide documentation of corrective action implementation and training on new procedure(s).

3. *What is the process and horizon for the state's FTA funded procurement planning? What procurements does the state anticipate conducting in the upcoming year? What procurements does the state anticipate its subrecipients to be conducting in the upcoming year? Which of these procurements are of a type and size not recently executed by the state or its subrecipients?*

EXPLANATION

This question provides information on what proactive steps the state uses to mitigate risks associated with future procurements.

REFERENCE

None

SOURCES OF INFORMATION

Before the site visit, examine any information in the state management plan regarding this area. During the desk review, ask this question of the regional staff, particularly for pending grant application information. Examine procurement information provided in response to this question and upcoming projects noted by the state. During the site visit, discuss this with the grantee.

DETERMINATION

None

4. *What processes does the state have in place to prohibit the inclusion of geographic preferences in its FTA-funded procurements?*

EXPLANATION

States are prohibited from specifying in-state or local geographical preferences, or evaluating bids or proposals in light of in-state or local geographic preferences, even if those preferences are imposed by state or local laws or regulations. In particular, 49 U.S.C. Section 5325(i) prohibits an FTA grantee from limiting its bus purchases to in-state dealers. Exceptions expressly mandated or encouraged by law include the following:

- A&E Services. Geographic location may be a selection criterion if an appropriate number of qualified firms are eligible to compete for the contract in view of the nature and size of the project. Although geographic preferences are permissible in procurements for A&E services, the reviewer should ensure that their use did not restrict competition (i.e., the use of geographic preference left only one or two qualified firms to bid on the contract).
- Licensing. A state may enforce its licensing requirements, provided that those requirements do not conflict with federal law.
- Major Disaster or Emergency Relief. Federal assistance awarded under the Stafford Act, 42 U.S.C. Section 5150, to support contracts and agreements for debris clearance, distribution of supplies, reconstruction, and other major disaster or emergency assistance activities permits a preference, to the extent feasible and practicable, for organizations, firms, and individuals residing or doing business primarily in an area affected by a major disaster or emergency.

REFERENCES

49 CFR 18.36 (c)
FTA C 4220.1F , Ch. II, Section 2

SOURCES OF INFORMATION

Before the site visit, review procurement policies and procedures to see if there is information for geographic preferences. These might include verbiage such as local preference or the inclusion of price preferences or bid advantage for local or in-state firms. During the site visit, review procurement files including solicitation and evaluation documents to determine if procurements contain geographic preferences.

DETERMINATION

The state is deficient if it has used geographic preferences in any procurement for other than one of the exceptions. The state is deficient if the use of geographic preferences in A&E procurements restricted competition. (**DEFICIENCY CODE 57:** Improper use of geographic preferences)

SUGGESTED CORRECTIVE ACTION

Direct the state to provide to the FTA regional office documentation of a revised procurement process which prohibits the improper use of geographic preferences. The state must cease any practice that violates FTA guidelines. Direct the state to provide documentation of corrective action implementation and training on new procedure(s).

5. *How does the state conduct A&E procurements? If it has a statute prescribing a formal procedure for the procurement of A&E services, do the procedures provide for full and open competition? If it does not have such a statute, did the state use competitive proposal procedures based on the Brooks Act when procuring A&E services with FTA funds?*

EXPLANATION

When using FTA assistance to contract for A&E services, states are required to use competitive proposal procedures based on the Brooks Act or an equivalent qualifications based requirement adopted before August 10, 2005. Services subject to this requirement are program management, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping, and related services which lead to construction. Unlike other two-step procurement procedures, in which price is an evaluation factor, an offeror's qualifications are evaluated to determine contract award. Price must not be considered during the selection phase in these procurements. Firms are selected based only on their qualifications. Price is then negotiated with the most qualified firm. If an agreement cannot be reached, then the state may negotiate with the next most qualified firm and so on until an agreement is reached on a price that the state determines is fair and reasonable.

For design/build procurements, FTA expects grantees to use the procurement method appropriate for the services having the greatest cost, even though the other necessary services would not typically be procured by that method.

REFERENCES

49 U.S.C. Section 5325(b)(1)
49 CFR 18.36(t)
FTA C 4220.1F, Ch. IV, Section 2.g and Ch. VI, Sections 3.f and 3.h

SOURCES OF INFORMATION

Review state statutes, the state management plan and other documentation of procurement procedures for a discussion of procedures for contracting for A&E services. Review the list of procurements provided in advance of the review for procurements that would likely require these types of procedures. On site, discuss with the state, and evaluate procurement files to determine what procedures were used.

DETERMINATION

The state is deficient if the procedures for procuring A&E services do not provide for full and open competition. (**DEFICIENCY CODE 37:** Lacking full and open competition for one or more methods of procurement)

The state is deficient if it has not adopted a statute prescribing a formal procedure for the procurement of A&E services before August 10, 2005, and does not follow the Brooks Act when using FTA funds to contract for A&E services. (**DEFICIENCY CODE 349:** Qualifications-based procurement deficiencies)

SUGGESTED CORRECTIVE ACTION

Direct the state to submit to the FTA regional office procedures for procuring A&E services that provide for full and open competition.

Direct the state to submit to the FTA regional office procedures for following the Brooks Act when using FTA assistance to contract for A&E services. Direct the state to provide documentation of corrective action implementation and training on new procedure(s).

6. *Verify that applicable clauses have been included in FTA funded procurements exceeding the micro-purchase limit (\$3,000) and construction contracts over \$2,000, in intergovernmental agreements and subrecipient agreements?*

EXPLANATION

States are required to include specific required clauses in FTA-funded procurements, intergovernmental agreements (e.g., those involving states and other public entities), and subrecipient agreements. The Master Agreement identifies certain clauses that apply to third-party contracts. States

should provide a mechanism to all contractors and subrecipients for access to the Master Agreement.

FTA's BPPM, Appendix A, also includes a discussion of Federally required and other model contract clauses. However, reviewers must not refer to the contents of the BPPM as FTA requirements. The BPPM is a guidance document only. Additional guidance is provided through FTA's Third Party Procurement Frequently Asked Questions website.

States may not modify their own contracts after award to include Federal clauses and so make them eligible for procuring goods and services with Federal funds. States may, however, modify the state GSA-type contracts to add Federal clauses when they issue orders against those state contracts.

Not all clauses apply to every contract. The applicability of clauses depends on the size and type of contract. Procurements above the micro-purchase thresholds must include all applicable FTA clauses as part of the solicitation, purchase order, or contract. A general reference to FTA guidelines is not sufficient to meet this requirement.

In addition to other requirements for specific clauses and certifications, states are required to include a lobbying certification in agreements, contracts, and subcontracts exceeding \$100,000. Separate signed certifications regarding lobbying must be obtained by the state from subrecipients and contractors. Subrecipients retain their contractors' certifications and contractors retain subcontractors' certifications. The state is responsible for ensuring that they fulfill the requirements in applicable direct procurements exceeding \$100,000.

At the end of this section, a checklist of required clauses is provided. The checklist provides a citation from the Master Agreement for each required clause. Also provided is a checklist for certifications, reports, and forms that are required for DBE, Buy America, debarment, and suspension, and lobbying. A list of other required items to assist in determining whether the state's policies and procedures are actually being followed is also included.

At the end of this section, a listing showing the applicability of FTA clauses to different types of procurements is provided. Note that the construction of ferry vessels using Federal funds is considered a public works project and therefore, the clauses related to construction contracts are applicable.

REFERENCE

49 CFR 18.36(i)(1-13) and (j-o)
29 CFR Parts 4 and 5
41 CFR Parts 50-201 and 50-206
Master Agreement
FTA C 4220.1F, Ch. IV, Section 2 and Appendix D

Best Practices Procurement Manual
FTA Third Party Contracting FAQs

SOURCES OF INFORMATION

Before the site visit, review written procurement procedures. During the site visit, examine procurement files for inclusion of required clauses.

DETERMINATION

The state is deficient if it has not included any reference to FTA requirements or any FTA clauses in contracts, intergovernmental agreements, or subrecipient agreements. (**DEFICIENCY CODE 129:** No FTA clauses) The state is deficient if it has not included the lobbying certification in its agreements and procurement solicitations. (**DEFICIENCY CODE 12:** Lobbying certifications not included in agreements/procurement solicitations) The state is deficient if it has not obtained executed certifications from contractors and subrecipients. (**DEFICIENCY CODE 40:** Lobbying certifications not signed by subgrantees, contractors, or subcontractors)

The reviewer should not find the state deficient if it missed some clauses that should have been included. However, refer the state to the matrix at the end of this section and any other resource that may assist it in determining the applicability of clauses in the future. Clauses addressing debarment and suspension, DBE, and Buy America provisions are addressed elsewhere within this guide.

SUGGESTED CORRECTIVE ACTION

Direct the state to provide the FTA regional office revised procurement procedures that address inclusion of all FTA required third party contract clauses. Direct the state to provide documentation of corrective action implementation and training on new procedure(s).

- 7. What is the state's process for ensuring compliance with Buy America requirements? How does the process ensure that the state includes a Buy America provision in all procurements of steel, iron, and manufactured products, except for products with a waiver or purchases under \$100,000? Does this procedure encompass procurements such as rolling stock and construction? What is the process to obtain Buy America certifications from successful vendors?*

EXPLANATION

Buy America regulations require that all procurements of steel, iron, and manufactured products, except for those subject to a waiver, contain Buy America provisions. Waivers are listed in Appendix A to 49 CFR 661.7 and include microcomputer equipment and software and purchases under the simplified acquisition threshold (currently \$100,000).

The small purchase limitation is based on the value of the procurement, not the price of the item. For example, a purchase of four minivans that totals \$120,000, even though each minivan costs \$30,000, must comply with the Buy America requirements. States may not split procurements that exceed the threshold in order to avoid Buy America requirements. For construction projects and projects involving the installation of manufactured products, the small purchase limitation is based on the total value of the project, not the value of the steel, iron, and manufactured products purchased for the project.

Buy America provisions apply to:

- All purchases of steel, iron, and manufactured products exceeding the simplified acquisition threshold, regardless of whether they involve capital, operating, or planning funds
- Subcontractors, regardless of the size of the subcontract, if the prime contract is more than the simplified acquisition threshold
- Purchases made using an intergovernmental agreement and jointly purchased manufactured products
- Purchases of used items

The state must include a clause citing the Buy America requirement and a Buy America certification in its invitations for bids (IFB) and requests for proposals (RFP). There are different certifications for procurements of rolling stock than for procurements of other steel, iron, or manufactured products. The specific text for steel, iron, or manufactured products can be found at 49 CFR 661.6. The specific text for rolling stock can be found at 49 CFR 661.12. Each is contained in the FTA *Best Practices Procurement Manual*. The requirements of 49 CFR 663 describe the audit reporting for a procurement of rolling stock.

The state, and those procuring on its behalf, must obtain a signed certification from each successful bidder providing steel, iron, or manufactured products when the total purchase price exceeds the simplified acquisition threshold. The contractor is required to certify that the materials provided either comply or do not comply with Buy America requirements. The state is required to retain these certifications in the contract file and make them available for inspection upon request. If a bidder or offeror certifies that it does not comply with the Buy America requirements, then the state must request, receive, and retain a waiver from

FTA before it may award a contract to that bidder or offeror. It should be noted that the Buy America rules apply to utility contracts that are within the scope and budget of an FTA funded project. Buy America applies to the entire project.

States may not obtain signed Buy America certifications after contract award for its own contracts or contracts of other grantees to make the contracts eligible for federal funding. States may, however, obtain signed Buy America certifications before buying off state GSA-type contracts to make them eligible for federal funding. The state should consider the full GSA-type contract amount, not the amount of its purchase, when determining whether Buy America requirements apply to those purchases.

The Buy America waiver for minivans was rescinded on December 3, 2012.

REFERENCE

49 CFR 661.6, 661.7, 661.12 and 661.13
Federal Register Vol. 71, No. 54, pp. 14112-14118
Federal Register Vol. 77, No. 28, pp. 71673 -71678
Notice of Decision To Rescind Buy America Waiver for Minivans and Minivan Chassis
Best Practices Procurement Manual
FTA Third Party Contracting FAQs

SOURCES OF INFORMATION

During the desk review, ask if the state applied for any waivers from Buy America requirements. Review the state's written procurement procedures. On site, discuss the procedures for incorporating Buy America provisions in procurements and obtaining certifications from vendors. Select a sample of procurements and review the files for evidence that Buy America requirements have been met. Focus on procurements of vehicles and other procurements of steel, iron, or manufactured products greater than the \$100,000 threshold. Review invitations for bids to determine if Buy America provisions were included. Examine bid responses and executed contracts to determine if properly executed Buy America certifications were obtained.

DETERMINATION

The state is deficient if it did not include Buy America provisions in solicitations or obtain signed Buy America certifications from vendors. (**DEFICIENCY CODE 138**: Buy America provision not in solicitation and/or contract) (**DEFICIENCY CODE 156**: Contract files lacking Buy America certifications)

SUGGESTED CORRECTIVE ACTION

Direct the state to submit to the FTA regional office revised procurement procedures that require the state to include Buy America provisions in solicitation documents and to obtain signed certifications from vendors when procuring steel, iron, or manufactured products not subject to a general waiver.

For procurements for which a Buy America certification was not obtained, direct the state to provide the FTA regional office information documenting that the procurement complies with the Buy America provisions.

For procurements in progress but not yet awarded, direct the state to submit to the FTA regional office documentation that it obtained signed Buy America certifications.

Direct the state to submit to the FTA regional office a copy of the signed Buy America certification before awarding the contract for the next procurement subject to Buy America requirements.

8. *As part of its evaluation of bids and proposals prior to award, how does the state ensure award to responsive and responsible contractors possessing the ability, willingness, and integrity to perform successfully under the terms and conditions of the contract?*

EXPLANATION

SAFETEA-LU amended 49 U.S.C. Section 5325 to require FTA-assisted contract awards be made only to "responsible" contractors possessing the ability, willingness, and integrity to perform successfully under the terms and conditions of the contract. Responsibility is determined by the state after receiving bids or proposals and before making contract award. FTA expects the prospective contractor to demonstrate affirmatively to the state that it qualifies as "responsible" and that its proposed subcontractors also qualify as "responsible."

Factors to consider when making responsibility determinations include:

- Integrity and Ethics. Has a satisfactory record of integrity and business ethics, in compliance with 49 U.S.C. Section 5325(j)(2)(A).
- Debarment and Suspension. Is neither debarred nor suspended from federal programs under U.S. Department of Transportation (DOT) regulations, "Non-procurement Suspension and Debarment."
- Affirmative Action and DBE. Is in compliance with the Common Grant Rule's Affirmative Action and DOT's Disadvantaged Business Enterprise requirements.
- Public Policy. Is in compliance with the public policies of the federal government, as required by 49 U.S.C. Section 5325(j)(2)(B).

- Administrative and Technical Capacity. Has the necessary organization, experience, accounting, and operational controls, and technical skills, or the ability to obtain them, in compliance with 49 U.S.C. Section 5325(j)(2)(D).
- Licensing and Taxes. Is in compliance with applicable licensing and tax laws and regulations.
- Financial Resources. Has, or can obtain, sufficient financial resources to perform the contract, as required by 49 U.S.C. Section 5325(j)(2)(D).
- Production Capability. Has, or can obtain, the necessary production, construction, and technical equipment and facilities.
- Timeliness. Is able to comply with the required delivery or performance schedule, taking into consideration all existing commercial and governmental business commitments.
- Performance Record. Is able to provide a satisfactory current and past performance record.

REFERENCES

49 CFR 18.36(b)(8)
49 USC Section 5325
FTA C 4220.1F, Ch. VI, Section 8.b

SOURCES OF INFORMATION

During the site visit, examine selected procurement files, in accordance with records sampling procedures, to determine the extent to which the state makes responsibility determinations prior to awarding contracts, including correspondence between the state and its contractors for evidence of determinations. Some states include this information in evaluation criteria in requests for proposals and some create a responsibility checklist to summarize these determinations.

DETERMINATION

The state is deficient if there is no evidence it makes responsibility determinations prior to award. (**DEFICIENCY CODE 344**: Responsibility determination deficiencies) Note that although a state may not have written procedures addressing these determinations specifically, overall procurement procedures combined with a state's business practices may ensure that adequate determinations are being made.

SUGGESTED CORRECTIVE ACTION

Direct the state to provide the FTA regional office documentation of an implemented process to make adequate responsibility determinations prior to award of a contract. For the next procurement, submit to FTA documentation that the required process was implemented.

9. *What are the state's procedures for ensuring that subrecipients or contractors are not suspended or debarred? As part of its evaluation of bids and proposals prior to award, does the state search the System for Award Management (SAM) to identify debarred or suspended bidders?*
10. *If subsequent to awarding a contract, the state discovered that a subrecipient or contractor was listed in SAM as an excluded party, when did the state inform FTA in writing of this information?*

EXPLANATION

The state is required to ensure to the best of its knowledge and belief that none of its principals, affiliates, third party contractors, and subcontractors is suspended, debarred, ineligible, or voluntarily excluded from participation in federally assisted transactions or procurements. FTA requires grantees to review SAM before entering into any third party contract expected to equal or exceed \$25,000. A good practice is for the grantee to print the screen with the results of the search to include in the grant or procurement file. [Prior to the implementation of SAM, grantees were required to check the Excluded Parties Listing System (EPLS)]

2 CFR Part 180 defines a principal as an officer, director, owner, partner, principal investigator, or other person with management or supervisory responsibilities related to a covered transaction. The grantee should have a similar review process for its principals as it does for its contractors and subrecipients regarding suspension and debarment.

In the event that a state becomes aware, after the award of a contract, that an excluded party is participating in a covered transaction, it must promptly inform FTA in writing of this information. The state may continue any covered transaction in existence at the time a party was debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded. The state is not required to continue the transaction and may consider termination. However, the state may not renew or extend the covered transaction (other than through a no-cost time extension) with the excluded party.

REFERENCE

2 CFR Part 180

SOURCES OF INFORMATION

Review the state's written procurement procedures and employment procedures to determine if the

requirement to review the SAM has been included. During the site visit, review contract and subrecipient files to determine if the SAM is being searched before entering into any third party contracts. Ask the state if it has become aware of any situation in which an excluded party is participating in a covered transaction. If so, obtain a copy of the state's written notification to FTA.

DETERMINATION

The state is deficient if it has not reviewed SAM prior to applicable awards or actions. (**DEFICIENCY CODE 183:** No verification that excluded parties are not participating)

The state is deficient if it has not promptly informed FTA in writing after becoming aware that an excluded party is participating in a covered transaction. (**DEFICIENCY CODE 189:** Excluded parties participating in covered transactions)

SUGGESTED CORRECTIVE ACTION

Direct the state to submit to the FTA regional office procedures to search SAM before entering into applicable transactions. For the next procurement, submit to FTA documentation that the required process was implemented.

Direct the state to submit to the FTA regional office documentation of an implemented process to promptly notify FTA in writing of any excluded party's participation.

11. *What policies and procedures does the state have in place regarding change orders to FTA funded projects? How are these policies monitored for subrecipients administering FTA funded projects?*

EXPLANATION

FTA does not participate in the recipient's decisions involving change orders, constructive changes, or modifications, but reserves the right to review the recipient's supporting documentation as necessary to determine the extent of FTA assistance that may be used to support those costs. To be eligible for FTA assistance under the recipient's grant, the cost of the change, modification, change order, or constructive change must be allowable, allocable, within the scope of its grant, and reasonable for the completion of the changed work.

Section 5310, 5311, 5316, and 5317 progress reports must include budget revisions for changes in line item budgets which may be impacted by change orders.

REFERENCE

49 USC 5325(e)(1)
FTA C 4220.1F, Ch. VII, Section 2
FTA C 9040.1F, Ch. VI, Section 12
FTA C 9070.1F, Ch. VI, Section 17
FTA C. 9045.1, Ch. VI, Section 16
FTA C. 9050.1, Ch. VI, Section 16

SOURCES OF INFORMATION

Discuss this question with the regional office in advance of the desk review. Before the site visit, review the list of contract changes and select files for review. Review contract administration and subrecipient oversight procedures. Discuss with the state (and subrecipients) the amount of change orders on current or recent projects. During the site visit, examine change orders to FTA-funded project files to determine how the change order was evaluated prior to execution and whether any change was outside the scope of the grant.

DETERMINATION

The state is deficient if it is funding ineligible change orders with FTA funds. It is also deficient if its processes do not allow it to adequately report on change orders to FTA when applicable. (**DEFICIENCY CODE 277**: Insufficient documentation to support change orders)

SUGGESTED CORRECTIVE ACTION

Direct the state to provide the FTA regional office revised procurement procedures that address appropriate funding, tracking, evaluation, and reporting of change orders. Direct the state to provide documentation of corrective action implementation and training on new procedure(s).

12. *Identify any FTA funded equipment obtained since the last state management review through a piggyback, state-led, or joint procurement method.*

EXPLANATION

Recipients of FTA financial assistance are required by both 49 U.S.C. § 5325(a) and the common grant rule (49 C.F.R. 18.36(c)) to use full and open competition when making purchases. Usually this requirement is fulfilled by one of four procurement methods: (1) conducting a stand-alone procurement for a finite number of vehicles; (2) jointly procuring a finite number of vehicles with one or more grantees; or (3) accepting the assignment of another grantee's contractual right to purchase a finite number of vehicles (aka "piggybacking"). One common requirement in all methods is that the number of vehicles to be purchased is based on the grantee's actual needs and is advertised with the solicitation.

Thus, all respondents to the solicitation can provide a bid price based on the number of vehicles to be purchased as well as other salient factors contained in the solicitation. When the contract is formed, the grantee commits to purchasing vehicles at the agreed upon price and the vendor commits to furnishing the vehicles at that price. A fourth procurement method, state purchasing schedules, is led by a State for use by in-state entities.

A joint procurement is a method of contracting in which two or more purchasers agree from the outset to use a single solicitation document and enter into a single contract with a vendor. The parties to a joint procurement may be from more than one state. FTA encourages the use of joint procurements when combining requirements into a larger order can result in a more advantageous contract for the participating recipients. FTA's current guidance does not require the needs of each joint procurement participant to be separately written into the contract. And, as with regular procurements, a joint procurement may take the form of an indefinite delivery/indefinite quantity contract (ID/IQ) if it contains "total minimum and total maximum" terms.

Participation in a joint procurement does not relieve any recipient of the responsibilities it would have if it were procuring goods or services by itself. Recipients that participate in a joint procurement must adhere to all applicable federal requirements, including the prohibition against using federal money to procure unneeded items.

A joint procurement may not be used as an opportunity to improperly expand the scope of a federally assisted contract. A contract has been improperly expanded when excess capacity has been added primarily to permit assignment of those contract rights to another entity.

States are accorded substantial deference under the Common Grant Rule at 49 C.F.R. 18.36(a) in the policies and procedures used in state procurements. By this authority, a State may follow the same policies and procedures it uses for procurements from its non-Federal funds, so long as it ensures that every purchase order or similar contract includes any clauses required by Federal law. Many states use this authority to create purchasing schedules by which the state and its subsidiaries may acquire goods.

FTA grantees located outside of a state's borders are not permitted to purchase from that State's schedule. Joint procurements (and in limited circumstances piggybacking) are the only forms of FTA-funded contracts permitted among grantees from different states.

FTA has determined that grantees may not purchase items from certain buying cooperatives such as the

National Joint Powers Alliance (NJPA) and the Houston-Galveston Area Council (HGAC). FTA should be consulted before entering into any agreements with such organizations.

For reasons of economy, FTA permits the assignment of unneeded contract rights, sometimes called "piggybacking." FTA discourages the assignment of another recipient's contract rights as a substitute for a stand-alone procurement. Assignments are intended to be used only when a recipient has "inadvertently acquired contract rights in excess of its needs" due to "changed circumstances or honest mistakes."

Intentionally procuring excessive quantities using federal money is a violation of the Common Grant Rule described above. Furthermore, to the extent that an improper assignment of contract rights enables an assignee to avoid otherwise required procurement procedures, it also undermines the Common Grant Rule's general purpose of full and open competition in federally assisted procurements.

While it has become increasingly popular for grantees to acquire vehicles through this method of procurement, piggybacking can also occur for purchases of services and property. A grantee that obtains contractual rights through assignment may use them after first determining that the contract price remains fair and reasonable, and the contract provisions are adequate for compliance with all federal requirements. The grantee need not perform a second price analysis if a price analysis was performed for the original contract. However, FTA expects the grantee to determine whether the contract price or prices originally established are still fair and reasonable before using those rights.

FTA expects the grantee seeking the assignment to review the original contract to be sure that the quantities the assigning grantee acquired, coupled with the quantities the acquiring grantee seeks, do not exceed the amounts available under the assigning grantee's contract. Otherwise, the purchase is a "tag-on" and is considered an improper sole source procurement.

Any changes in the vehicle when assigned must be within the original scope (i.e., no major changes in configuration or design). Although FTA has provided additional guidance in the BPPM, FTA has not developed a finite list of acceptable contract changes. In the case of rolling stock, a major change in quantity or a substitution of major end items not contemplated when competition for the original award took place would generally be a cardinal change. Another cardinal change includes a change from a high-floor to a low-floor vehicle. Changing an engine might result in a cardinal change depending on the circumstances surrounding the project and whether a compatible replacement could be obtained through

competition. FTA, however, considers changes to seating, fabrics, colors, exterior paint schemes, signage, floor covering, and other similar changes to be permissible changes.

Vehicles added to the base or option amounts originally specified are called "tag-ons." Tag-ons are not permitted. A tag-on is defined as the adding on to the contracted quantities (base and option) as originally advertised, competed, and awarded, whether for the use of the buyer or for others, and then treating the add-on portion as though it met the requirements of competition.

If a grantee is using another grantee's procurement contract for purchasing revenue vehicles (i.e., "piggybacking"), the purchaser may rely on the pre-award audit completed prior to the original contract. However, the grantee must review the audit and prepare its own signed certifications.

Generally speaking, FTA encourages recipients to use joint procurements, particularly among smaller transit agencies. Recipients often can obtain better pricing by combining their requirements into larger joint purchases. However, they must limit their joint procurement to the amount of property and services required to meet each of their reasonably expected needs, and are prohibited from improperly expanding the procurement to include excess capacity simply for the purpose of assigning contract rights to others at a later date. Accordingly, FTA permits the assignment of unneeded contract rights to another transit agency—piggybacking—only when a recipient has unintentionally acquired more goods or options than it needs to support its transit system.

REFERENCES

FTA C. 4220.1F, Ch. V Section 3
FTA C. 4220.1F, Ch. V Section 7(a)(2)(b)(1)
FTA C. 4220.1F, Ch. IV Section 1(c)(1)
FTA C. 4220.1F, Ch. V Section 4
FTA C. 4220.1F, Ch. V Section 7(a)(2)(a)
FTA C. 4220.1F, Ch. V Section 7(a)(2)
FTA C. 4220.1F, Ch. IV Section 1(b)(2)(b)
Piggybacking Worksheet from FTA Best Practices Procurement Manual
FTA Administrator's Policy Letter March 8, 2013

SOURCES OF INFORMATION

Refer to information obtained from the grantee for any piggyback, state-led, or joint procurements conducted since the last triennial review.

Review the file of a piggyback procurement, if applicable. Review the contract and correspondence between the two agencies involved in the piggyback arrangement to ensure that the original procurement contains an assignability clause and meets FTA requirements (e.g., competitive award, required clauses included, required certifications filed,

cost/price analysis conducted, five or seven year contract term, etc.). Ask the state if any changes to the vehicle were required and determine if these were within the original scope.

DETERMINATION

The state is deficient if it cannot document that the original award contains an assignability clause, vehicles are still available for assignment, or FTA requirements were met. The grantee is deficient if the grantee conducted a "tag-on" purchase. The state is deficient if changes were beyond the original contract scope. The state is deficient if it used FTA funds for an ineligible piggyback, joint, or state-led procurement. (**DEFICIENCY CODE 231**: Improper piggyback purchase)

SUGGESTED CORRECTIVE ACTION

Direct the state to provide the FTA regional office with piggybacking, state-led, or joint procurement procedures that comply with FTA requirements.

Direct the state to provide revised procedures that address the requirements for a piggyback, state-led, or joint procurement and continue the process in accordance with federal regulations or possibly terminate the agreement for convenience, if an improper piggyback procurement is in process.

Notify the FTA regional counsel when significant procurements (i.e., exceeding \$100,000) have violated federal requirements.

Rolling Stock Procurements

- 13. Since the last state management review, identify any contracts for revenue rolling stock and replacement parts that include ordering periods exceeding five years in total length including base and options for bus procurements or seven years for rail procurements.*

EXPLANATION

States must not enter into contracts for revenue rolling stock and replacement parts with a period of performance exceeding five years for bus procurements inclusive of options, extensions, or renewals. MAP-21, effective July 16, 2012, extended this restriction to seven years for rail procurements. The five- and seven-year rules do not mean the state must obtain delivery, acceptance, or even fabrication in five or seven years. The state, may not exercise the option to acquire buses or replacement parts later than five years (bus) or seven years (rail) after the date of its original contract. However, the maximum quantity specified in such multi-year contracts must

represent the state's reasonably foreseeable need. Typically, states use indefinite-delivery, indefinite-quantity (IDIQ) contracts for this type of purchase. While IDIQ contracts are permissible, they must meet the requirements described above.

States may seek a waiver from the five-year or seven-year requirement from FTA Headquarters. A copy of the written approval for this waiver must be in the applicable contract file.

REFERENCES

49 USC 5325(e)(1)
FTA C 4220.1F, Ch. IV, Section 2.e. (10)

SOURCES OF INFORMATION

During the site visit, in accordance with records sampling procedures, examine procurement files for rolling stock and replacement part contracts during to ensure that these meet the five- and seven-year contract term restriction. Review any waiver requests and/or approvals.

DETERMINATION

The state is deficient if a revenue rolling stock contract represents more than five or seven years' requirements. The state is deficient if it has a revenue rolling stock and replacement parts contract with a period of performance exceeding five or seven years and has not obtained prior FTA written approval. (**DEFICIENCY CODE 240**: Contract(s) period of performance exceeds limitation)

SUGGESTED CORRECTIVE ACTION

Direct the state to provide the FTA regional office revised procurement procedures that include the five- and seven-year restriction on the period of performance for rolling stock and replacement part contracts supported with FTA funds. Direct the state to provide the FTA regional office with an assurance that unexecuted options will not be executed on an existing contract that exceeds the five- or seven-year restriction.

- 14. When does the state obtain the bus testing report (Altoona testing) showing the bus model purchased meets FTA's bus testing requirements?*

EXPLANATION

The state must have in its possession a copy of the Altoona Bus Testing Report before final acceptance of the first vehicle. Testing applies to buses and modified vans used in transit service, including but not limited to new bus and van models using alternative fuels such as methanol, ethanol, compressed natural

gas (CNG), hydrogen, and electricity (if stored and/or generated on-board the vehicle).

FTA does not require a vehicle manufacturer to test its model before bidding. However, recipients of FTA funds acquiring any bus model must certify that an example of that model will have been tested and the recipient will have received a copy of the resulting Bus Testing Report prepared on the bus model before the final acceptance of the first vehicle.

Bus testing is not required for unmodified mass-produced vans (provided they are only offered to FTA grantees in the 4-year/100,000-mile service life category). Unmodified mass-produced vans are vehicles manufactured as complete, fully assembled vehicles as provided by the original equipment manufacturer (OEM). This category includes vans with raised roofs or wheelchair lifts or ramps that are installed by the OEM or by someone other than the OEM, provided that the installation of these components is completed in strict conformance with the OEM modification guidelines.

REFERENCES

49 CFR Part 665
FTA C 9030.1E, Chapter VI Section 11.f.
Bus Testing Website

SOURCES OF INFORMATION

Review vehicle procurement files in accordance with records sampling procedures for a copy of the Altoona Bus Test Report for the specific make/model purchased. Review the state's procurement procedures for a discussion of bus testing. On site, discuss the process for obtaining a copy of the test report.

DETERMINATION

The state is deficient if a copy of the Altoona Bus Test Report is not in the state's procurement files (**DEFICIENCY CODE 317**: Deficiency with bus model testing requirements).

SUGGESTED CORRECTIVE ACTION

Direct the state to obtain the Altoona Bus Test Report for the specific make/model purchased and provide a copy of it and procedures for obtaining the report for future bus purchases to the FTA regional office. If the vehicle has not been tested and the state has taken delivery of the vehicle(s), notify the FTA regional office immediately.

15. How does the state conduct pre-award and post-delivery audits to ensure the manufacturer(s) complied with contract specifications and Buy America?

16. How does the state verify domestic content, final assembly activities, and location of final assembly at the pre-award and post-delivery stages?

EXPLANATION

A state purchasing revenue service rolling stock with federal funds must conduct or order to be conducted pre-award and post-delivery audits verifying compliance with Buy America provisions, purchaser's requirements, and Federal Motor Vehicle Safety Standards (FMVSS). The state is required to keep records, including pre-award and post-delivery certifications, which show that the regulations have been followed. The audits require the state to complete two certifications (Buy America and Purchaser's Requirements) at the pre-award stage and three certifications (Buy America, Purchaser's Requirements, and FMVSS) at the post-delivery stage.

These requirements apply to purchases of new and used revenue service rolling stock. However, FTA recognizes that it may be impractical for used vehicles to demonstrate compliance with some of the Buy America requirements, such as the pre-award and post-delivery audit, and having a resident inspector present during the vehicle's construction.

FTA issued a waiver from Buy America requirements for purchases under the simplified acquisition threshold (currently \$100,000). Thus, a procurement of small buses and vans which totals less than \$100,000 is not subject to the general Buy America requirements of 49 CFR Part 661. This waiver does not exempt rolling stock from the pre-award and post-delivery purchaser's requirements and FMVSS audits required by 49 CFR Part 663.

Pre-Award Audits and Certifications

States may purchase vehicles in several groups over several years using either vehicle procurement contracts with options or multi-year vehicle procurement contracts. FTA requires that each group of vehicles purchased, i.e., each "order" of vehicles, have a pre-award audit before the order is placed. One pre-award audit may suffice, provided that there is no change in vehicle configuration, i.e., no change that is expected to have a significant impact on vehicle handling and stability or structural integrity, between successive deliveries of vehicles.

Compliance with purchaser's specifications: The state must complete a pre-award purchaser's requirements certification verifying that the manufacturer's bid specifications comply with the state's solicitation requirements and that the proposed manufacturer is responsible and capable of building the bus to the solicitation specifications. The pre-award certification may be based on the state's determination that the vendor is responsive and responsible. The

requirement to conduct an audit for compliance with purchaser's requirements and sign a certification applies to all purchases of revenue rolling stock, even those under the federal simplified acquisition threshold. The pre-award audit is required before a state enters into a formal contract with a supplier. If a state is using another state's procurement contract for purchasing revenue vehicles (i.e., "piggybacking"), the purchaser may rely on the pre-award audit completed prior to the original contract. However, the state must review the audit and prepare its own signed certification.

Compliance with Buy America: If the procurement exceeds the simplified acquisition threshold (currently \$100,000), at the pre-award stage, the state must complete:

- A compliance certification verifying that the rolling stock will contain a minimum of 60 percent domestic components, by cost, and that final assembly will take place in the United States; or
- An exemption certification indicating that the state has a letter from FTA granting a waiver from the Buy America requirement.

The state or an independent third party must conduct the Buy America audit. The audit may be based on information provided by the manufacturer; however, certification by the manufacturer is not adequate. If a state is using another state's procurement contract for purchasing revenue vehicles (i.e., "piggybacking"), the purchaser may rely on the pre-award audit completed prior to the original contract. However, the state must review the audit and prepare its own signed certification.

Compliance with FMVSS: The state must receive a certification from the vehicle manufacturer at the pre-award stage that the vehicles being procured comply with the Federal Motor Vehicle Safety Standards (FMVSS) issued by the National Highway Traffic Safety Administration (49 CFR Part 571).

Post Delivery Audits and Certifications

Compliance with Purchaser's Specifications: The state must complete a post-delivery purchaser's requirements certification verifying that the buses delivered meet the contract specifications. This must be completed before a bus title is transferred to the state or before a bus is placed into revenue service, whichever is first. The post-delivery certification is based on the state's visual inspections and road tests and, if required, the resident inspector's monitoring of the final assembly process and final report of manufacturing activities. The requirement to conduct an audit for compliance with purchaser's requirements and sign a certification applies to all purchases of revenue rolling stock, even those under the federal simplified acquisition threshold.

Grantees are required to have an inspector during final assembly process if they meet the following criteria:

- Grantees purchasing any number of rail vehicles
- Grantees in an urbanized areas with populations of more than 200,000 that are purchasing more than 10 buses
- Grantees in areas with populations of 200,000 or less that are purchasing more than 20 buses

FTA does not require in-plant inspectors for any number of unmodified vans manufactured by the automobile companies. FTA requires only a visual inspection and road test after delivery for such procurements.

In the case of consolidated procurements on behalf of multiple subrecipients, the in-plant inspection requirement is triggered only if any single subrecipient will receive more than 10 or more than 20 vehicles, depending on area size. One in-plant inspector can meet the requirement for multiple grantees. The inspector may not be an agent or employee of the manufacturer. The inspector must prepare a report providing accurate records of all vehicle construction activities and summarizing how the construction and operational characteristics of the vehicles met (or did not meet) the contract specifications.

Compliance with Buy America: Required post-delivery certification includes disclosure by the manufacturer of the final assembly location; a listing of the component and subcomponent parts, the cost (actual or percent of total) of such components and subcomponents and the country of origin; a description of final assembly activities; and the cost of final assembly. Final assembly costs are not to be included when calculating the percent domestic content of the vehicle.

The state or an independent third party must conduct the Buy America audits. The audit may be based on information provided by the manufacturer; however, certification by the manufacturer is not adequate.

FMVSS: The state must complete, at the post-delivery stage, a certification that the state has received from the vehicle manufacturer at both the pre-award and post-delivery stages a certification that the vehicles comply with the FMVSS issued by the National Highway Traffic Safety Administration (49 CFR Part 571). The requirement to conduct an audit for compliance with FMVSS and sign a certification applies to all purchases of revenue rolling stock, even those under the federal simplified acquisition threshold.

REFERENCES
49 CFR Part 571

49 CFR Part 661
49 CFR Part 663
FTA C 9030.1E, Chapter VI Section 11.e
Dear Colleague letter of March 30, 2001
Dear Colleague Letter, March 18, 1997
FTA Buy America Website
Conducting Pre-Award and Post-Delivery Audits for
Bus Procurements
Conducting Pre-Award and Post-Delivery Audits for
Rail Vehicle Procurements
Buying Used Buses

SOURCES OF INFORMATION

Review vehicle procurement files in accordance with records sampling procedures for copies of pre-award and post-delivery audits, certifications, and review and inspection forms demonstrating that the state ensured the manufacturer complied with all vehicle specifications, including Buy America.

Review the state's procurement procedures for a discussion of pre-award and post-delivery audits. On site, discuss the process for completing the pre-award and post-delivery audits and certifications. If an in-plant inspector was required, discuss how the requirement for an in-plant inspector was fulfilled. Identify the organization providing the in-plant inspector, e.g., the state, the subrecipient, or third-party contractor to the state or subrecipient.

DETERMINATION

The state is deficient if it did not conduct all of the required audits for revenue rolling stock procurements. The state is deficient if it ordered a group of vehicles from a multi-year procurement before the pre-award audit was conducted. (**DEFICIENCY CODE 253:** Pre-award and/or post-delivery audits not performed)

The state is deficient if it conducted the required pre-award and post-delivery audits and documented the procedures but did not sign all required certifications. (**DEFICIENCY CODE 265:** Pre-award and/or post-delivery certifications lacking)

The state is deficient if it did not provide for an independent in-plant inspector during manufacture of the vehicles when required or did not prepare a report documenting the construction of the vehicles and how they meet the bid specifications. (**DEFICIENCY CODE 360:** Vehicles purchased without in-plant inspectors, as required)

SUGGESTED CORRECTIVE ACTION

Direct the state submit to the FTA regional office procedures for pre-award and post-delivery review and inspection.

Direct the state to submit documentation to the FTA regional office that the procurement complied with Buy America, FMVSS, and purchaser's requirements.

Direct the state to submit to the FTA regional office pre-award audit information and certifications before awarding the contract and the post-delivery audit information and certifications before drawing FTA funds for the next revenue rolling stock procurement.

Direct the state to submit to the FTA regional office procedures for conducting pre-award audits for options and/or multi-year contracts so that future procurements will comply with this requirement.

If the state did not sign the pre-award and/or post-delivery certifications, direct the state to submit to the FTA regional office the certifications for the procurement reviewed and procedures for completing the applicable pre-award and post-delivery audits certifications for future revenue rolling stock procurements.

Direct the state to submit to the FTA regional office the inspector's report before drawing FTA funds for the next procurement requiring in-plant inspectors.

Procurement Oversight

17. *What oversight procedures and processes does the state implement to mitigate the risk associated with subrecipients conducting procurements with FTA funds?*

EXPLANATION

In addition to complying with state and local law, subrecipients, transit management contractors and, depending on the structure of the contract, other contractors to which a state has contracted out a portion of its FTA funded operations must comply with relevant FTA third party contracting requirements when procuring goods and services with FTA assistance. Subrecipients that are public entities and contractors must comply with FTA requirements that apply to states. Subrecipients that are private nonprofit or for profit entities must comply with all the FTA requirements of FTA C 4220.1F. FTA considers all metropolitan planning organizations (MPOs), even those incorporated as a nonprofit organizations under state law, to be "local governments." Consequently, MPOs must comply with the FTA requirements that apply to states.

The state is responsible for ensuring that these organizations are aware of and comply with the requirements. Note that FTA requirements do not apply to procurements funded solely with local funds, including operating procurements.

Procurement requirements that apply to the state, public entity subrecipients, and contractors are:

- Comply with its own procurement regulations
- Conduct all procurements in a manner providing full and open competition
- Exclude the use of statutorily or administratively imposed in-state or local geographical preferences in the evaluation of bids or proposals except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference
- Use competitive proposal procedures based on the Brooks Act when contracting for architectural and engineering services, if the state has not adopted a statute governing the procurement of such services before August 10, 2005
- Award to only responsible contractors possessing the ability, willingness and integrity to perform successfully under the terms and conditions of the contract
- Ensure that every purchase order and contract executed using Federal funds includes all clauses required by Federal statutes and executive orders and their implementing regulations
- Do not enter into any contract for rolling stock with a period of performance for ordering exceeding five years inclusive of options without prior FTA approval
- Comply with Buy America requirements, including pre-award and post-delivery requirements
- Comply with debarment and suspension requirements
- Comply with lobbying requirements
- Comply with piggybacking requirements
- Analyze each planned acquisition in order to identify and evaluate potential organizational conflicts of interest
- Review procurement requests to avoid duplicative or unnecessary purchases
- Incorporate a clear and accurate description of the material, product, or services being procured; identify all requirements that offerors must fulfill; and identify evaluation factors in solicitations
- Develop an independent cost estimate before receiving bids or proposals
- Conduct a contract cost or price analysis for every procurement
- Evaluate options at the time of bid award, exercise the options at the agreed upon terms, and determine that the option price is better than current market prices before exercising the options
- Maintain a contract administration system that ensures that contractors perform in accordance with the terms, conditions and specifications of their contracts or purchase orders
- Maintain a written record of procurement history

FTA C 4220.1F contains a complete list of third party contracting requirements.

Some states provide written guidelines or standard terms and conditions to subrecipients and contractors for direct procurements. Some states review subrecipients' and contractors' direct procurements, particularly for vehicles, equipment and construction. Such reviews, which generally focus on bid evaluation and selection, may be used to ensure that FTA (and state) requirements are met.

In addition to the requirements that apply to states, FTA C 4220.1F requirements that apply to private nonprofit or for-profit entities include, but are not limited to, the following:

- Maintain a written code of standards of conduct governing the performance of employees engaged in the award and administration of contracts
- Have written procurement policies and procedures
- Have written protest procedures to handle and resolve disputes relating to the award of contracts
- Have procedures for settlement of contract issues/disputes (procurements >\$100,000)

Monitoring of compliance with FTA third party contracting requirements will require a review of procurement procedures, either through site visits or a periodic review of written procurement manuals. The state is not required to review each subrecipient's or contractors' procurement to ensure compliance with Federal requirements. The state may review selected procurements on a periodic basis in conjunction with a site visit or other general review of compliance with Federal requirements.

REFERENCES

2 CFR Part 180
 49 CFR Part 20
 49 CFR 18.36
 FTA Master Agreement for FY2011, Sections 2.d-e
 FTA C 4220.1F
 FTA C 9040.1F, Ch. VI, Section 5
 FTA C 9070.1F, Ch. VI, Section 9

FTA C 9050.1, Ch. VI, Section 8
FTA C 9045.1, Ch. VI, Section 8
FTA C 8100.1C, Ch. II, Section 3.b

SOURCES OF INFORMATION

Review the state management plan for a discussion of policies and procedures applicable to procurements with Federal funds by subrecipients. Review the applications and standard agreements for procurement requirements. Review procurement solicitations and contracts for transit management services for procurement requirements. Review other pertinent documents that describe state procurement policies and procedures or provide guidance to subrecipients and contractors regarding applicable Federal and state procurement requirements.

On site, discuss the mechanisms used to inform subrecipients and transit management contractors of procurement requirements and to monitor compliance by subrecipients and transit management contractors. Identify technical assistance provided. If the state provides standard terms and conditions, review them for inclusion of Federally required clauses and clauses that restrict full and open competition. If the

state reviews procurements and procurement procedures during site visits, review any documentation of reviews of subrecipient written procurement procedures. Review a sample of subrecipients' procurement documents if the state has any on file. If not, review a sample of procurements during site visits.

DETERMINATION

The state is deficient if it does not monitor subrecipients and contractors making direct procurements with FTA assistance for compliance with the requirements. (**DEFICIENCY CODE 278:** Insufficient oversight of procurement)

SUGGESTED CORRECTIVE ACTION

Direct the state to submit to the FTA regional office procedures for informing subrecipients and contractors making direct procurements with FTA assistance of Federal procurement requirements and for monitoring them for compliance with the requirements. Direct the state to provide documentation of corrective action implementation and training on new procedure(s).

A. REQUIRED THIRD-PARTY CONTRACT CLAUSES

(excluding micro-purchases, except for construction contracts over \$2,000)

REQUIREMENT	COMMENTS	MASTER AGREEMENT REFERENCE
All FTA-Assisted Third-Party Contracts and Subcontracts		
No Federal government obligations to third-parties by use of a disclaimer		§2.f
Program fraud and false or fraudulent statements and related acts		§3.f
Access to Records		§10.a
Federal changes		§2.c(3)(d)
Civil Rights (EEO, Title VI & ADA)		§13
Incorporation of FTA Terms	Per FTA C 4220.1F	§17.a
Energy Conservation		§30
Awards Exceeding \$10,000		
Termination provisions	49 CFR Part 18 Not required of states	§12
Awards Exceeding \$25,000		
Debarment and Suspension	2 CFR Parts 180 and 1200	§3.b
Awards Exceeding the Simplified Acquisition Threshold (\$100,000)		
Buy America	When tangible property or construction will be acquired	§16.a
Provisions for resolution of disputes, breaches, or other litigation		§96
Awards Exceeding \$100,000 (by Statute)		
Lobbying		§3.d
Clean Air		§17.m
Clean Water		§17.m
Transport of Property or Persons		
Cargo Preference	When acquiring property suitable for shipment by ocean vessel	§16.b
Fly America	When property or persons transported by air between U.S. and foreign destinations, or between foreign locations	§16.c

A. REQUIRED THIRD-PARTY CONTRACT CLAUSES

(excluding micro-purchases, except for construction contracts over \$2,000)

REQUIREMENT	COMMENTS	MASTER AGREEMENT REFERENCE
Construction Activities		
Davis Bacon Act	Except for contracts <\$2,000 or third party contracts for supplies, materials, or articles ordinarily available on the open market	§28.a
Copeland Anti-Kickback Act	Section 1: All Section 2: Contracts >\$2,000	§28.a
Contract Work Hours & Safety Standards Act	Contracts >\$100,000	§28.a
Bonding for construction activities exceeding \$100,000	5% bid guarantee; 100% performance bond; and Payment bond equal to: • 50% for contracts < \$1 M • 40% for contracts > \$1 M, but < \$5 M • \$2.5 M for contracts > \$5 M Not required of states	§17.p(1)
Seismic Safety	Contracts for construction of new buildings or additions to existing buildings	§26.e
Nonconstruction Activities		
Nonconstruction Employee Protection (Contract Work Hours and Safety Standards Act)	Applicable to all turnkey, rolling stock and operational contracts (excluding contracts for transportation services) > \$100,000	§28.b
Transit Operations		
Transit Employee Protective Arrangements	Applies to Section 5307, 5309, 5311 and 5316 projects	§28.d
Charter Service Operations		§32
School Bus Operations		§33
Drug and Alcohol Testing	Safety sensitive functions. Applies to Section 5307, 5309 and 5311 projects	§40.b
Planning, Research, Development, and Documentation Projects		
Patent Rights		§19
Rights in Data and Copyrights		§20
Miscellaneous Special Requirements		
Disadvantaged Business Enterprises (DBEs)	Contracts awarded on the basis of a bid or proposal offering to use DBEs	§13.d

A. REQUIRED THIRD-PARTY CONTRACT CLAUSES

(excluding micro-purchases, except for construction contracts over \$2,000)

REQUIREMENT	COMMENTS	MASTER AGREEMENT REFERENCE
Prompt Payment and Return of Retainage	Per 49 CFR Part 26, if grantee meets the threshold for a DBE program	§13.d
Recycled Products	Contracts for items designated by EPA, when procuring \$10,000 or more per year	§17.l
ADA Access	Contracts for rolling stock or facilities construction/ renovation	§13.g
Assignability Clause	Piggyback procurements	§17.a
State Requirements		
Special Notification Requirements for States		§42

B. REQUIRED CERTIFICATIONS, REPORTS, AND FORMS

(excluding micro-purchases, except for construction contracts over \$2,000)

REQUIREMENT	COMMENTS	MASTER AGREEMENT REFERENCE
Bus Testing Certification and Report	Procurements of buses and modified mass produced vans	§17.o(4)
TVM Certifications	Procurements of buses and modified mass produced vans	§13.d(1)
Buy America Certification	Procurements of steel, iron or manufactured products > \$100,000	§16.a
Pre-Award Audit	Rolling stock procurements	§17.o(3)
Pre-Award Buy America Certification	Rolling stock procurements > \$100,000	§17.o(3)
Pre-Award Purchaser's Requirement Certification	Rolling stock procurements	§17.o(3)
Post-Delivery Audit	Rolling stock procurements	§17.o(3)
Post-Delivery Buy America Certification	Rolling stock procurements > \$100,000	§17.o(3)
Post-Delivery Purchaser's Requirement Certification	Rolling stock procurements	§17.o(3)
On-Site Inspector's Report	Rolling stock procurements for more than 10 vehicles for areas >200,000 in population and 20 for areas <200,000 in population	§17.o(3)
Federal Motor Vehicles Safety Standards Pre-Award and Post-Delivery Certification	Non-rail rolling stock procurements	§17.o(3)
Excluded Parties Listing System search	Procurements > \$25,000	§3.b
Lobbying Certification	Procurements > \$100,000	§3.d(1)

B. REQUIRED CERTIFICATIONS, REPORTS, AND FORMS

(excluding micro-purchases, except for construction contracts over \$2,000)

REQUIREMENT	COMMENTS	MASTER AGREEMENT REFERENCE
<i>Standard Form LLL and Quarterly Updates (when required)</i>	<i>Procurements > \$100,000 where contractor engages in lobbying activities</i>	<i>§3.d(1)</i>
<i>Cost effectiveness determination</i>	<i>Facilities or equipment leases</i>	<i>5010.1D, Ch. IV, Section 3.j</i>

APPLICABILITY OF THIRD-PARTY CONTRACT CLAUSES
(excluding micro-purchases, except for construction contracts over \$2,000)

CLAUSE	TYPE OF PROCUREMENT				
	Professional Services/A&E	Operations/ Management/ Subrecipients	Revenue Rolling Stock	Construction	Materials & Supplies
No Federal government obligations to third-parties by use of a disclaimer	All	All	All	All	All
Program fraud and false or fraudulent statements and related acts	All	All	All	All	All
Access to Records	All	All	All	All	All
Federal changes	All	All	All	All	All
Civil Rights (EEO, Title VI & ADA)	All	All	All	All	All
Incorporation of FTA Terms	All	All	All	All	All
Energy Conservation	All	All	All	All	All
Termination Provisions (not required of states)	>\$10,000	>\$10,000	>\$10,000	>\$10,000	>\$10,000
Debarment and Suspension	>\$25,000	>\$25,000	>\$25,000	>\$25,000	>\$25,000
Buy America			>\$100,000	>\$100,000	>\$100,000 (for steel, iron, manufactured products)
Provisions for resolution of disputes, breaches or other litigation	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Lobbying	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Clean Air	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Clean Water	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Cargo Preference			Involving property that may be transported by ocean vessel	Involving property that may be transported by ocean vessel	Involving property that may be transported by ocean vessel
Fly America	Involving foreign transport or travel by air	Involving foreign transport or travel by air	Involving foreign transport or travel by air	Involving foreign transport or travel by air	Involving foreign transport or travel by air
Davis Bacon Act				>\$2,000 (including ferry vessels)	
Copeland Anti-Kickback Act				Section 1: All Section 2: >\$2,000 (including ferry vessels)	
Contract Work Hours & Safety Standards Act		>\$100,000	>\$100,000	>\$100,000 (including ferry vessels)	

APPLICABILITY OF THIRD-PARTY CONTRACT CLAUSES
(excluding micro-purchases, except for construction contracts over \$2,000)

CLAUSE	TYPE OF PROCUREMENT				
	Professional Services/A&E	Operations/ Management/ Subrecipients	Revenue Rolling Stock	Construction	Materials & Supplies
Bonding (not required of states)				>\$100,000 (including ferry vessels)	
Seismic Safety	A&E for new buildings & additions			New buildings & additions	
Transit Employee Protective Arrangements		Transit operations funded with Section 5307, 5309, 5311 or 5316 funds			
Charter Service Operations		All			
School Bus Operations		All			
Drug and Alcohol Testing		Transit operations funded with Section 5307, 5309 or 5311 funds			
Patent Rights	Research & development				
Rights in Data and Copyrights requirements	Research & development				
Disadvantaged Business Enterprises (DBEs)	All	All	All	All	All
Prompt Payment	All non TVM purchases if threshold for DBE program met	All non TVM purchases if threshold for DBE program met	All non TVM purchases if threshold for DBE program met	All non TVM purchases if threshold for DBE program met	All non TVM purchases if threshold for DBE program met
Recycled Products		Contracts for items designated by EPA, when procuring \$10,000 or more per year		Contracts for items designated by EPA, when procuring \$10,000 or more per year	Contracts for items designated by EPA, when procuring \$10,000 or more per year
ADA Access	A&E	All	All	All	
Special Notification Requirements for States	Limited to states	Limited to states	Limited to states	Limited to states	Limited to states



**REFERENCE MATERIAL -
FEDERAL TRANSIT ADMINISTRATION BEST PRACTICES
PROCUREMENT MANUAL**

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1. Fly America Requirements
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15. FLY AMERICA REQUIREMENTS

49 U.S.C. § 40118

41 CFR Part 301-10

Applicability to Contracts

The Fly America requirements apply to the transportation of persons or property, by air, between a place in the U.S. and a place outside the U.S., or between places outside the U.S., when the FTA will participate in the costs of such air transportation. Transportation on a foreign air carrier is permissible when provided by a foreign air carrier under a code share agreement when the ticket identifies the U.S. air carrier's designator code and flight number. Transportation by a foreign air carrier is also permissible if there is a bilateral or multilateral air transportation agreement to which the U.S. Government and a foreign government are parties and which the Federal DOT has determined meets the requirements of the Fly America Act.

Flow Down Requirements

The Fly America requirements flow down from FTA recipients and subrecipients to first tier contractors, who are responsible for ensuring that lower tier contractors and subcontractors are in compliance.

Model Clause/Language

The relevant statutes and regulations do not mandate any specified clause or language. FTA proposes the following language.

Fly America Requirements

The Contractor agrees to comply with 49 U.S.C. 40118 (the "Fly America" Act) in accordance with the General Services Administration's regulations at 41 CFR Part 301-10, which provide that recipients and subrecipients of Federal funds and their contractors are required to use U.S. Flag air carriers for U.S. Government-financed international air travel and transportation of their personal effects or property, to the extent such service is available, unless travel by foreign air carrier is a matter of necessity, as defined by the Fly America Act. The Contractor shall submit, if a foreign air carrier was used, an appropriate certification or memorandum adequately explaining why service by a U.S. flag air carrier was not available or why it was necessary to use a foreign air carrier and shall, in any event, provide a certificate of compliance with the Fly America requirements. The Contractor agrees to include the requirements of this section in all subcontracts that may involve international air transportation.

2. BUY AMERICA REQUIREMENTS

49 U.S.C. 5323(j)

49 CFR Part 661

Applicability to Contracts

The Buy America requirements apply to the following types of contracts: Construction Contracts and Acquisition of Goods or Rolling Stock (valued at more than \$100,000).

Flow Down

The Buy America requirements flow down from FTA recipients and subrecipients to first tier

contractors, who are responsible for ensuring that lower tier contractors and subcontractors are in compliance. The \$100,000 threshold applies only to the grantee contract, subcontracts under that amount are subject to Buy America.

Mandatory Clause/Language

The Buy America regulation, at 49 CFR 661.13, requires notification of the Buy America requirements in FTA-funded contracts, but does not specify the language to be used. The following language has been developed by FTA.

Buy America - The contractor agrees to comply with 49 U.S.C. 5323(j) and 49 C.F.R. Part 661, which provide that Federal funds may not be obligated unless steel, iron, and manufactured products used in FTA-funded projects are produced in the United States, unless a waiver has been granted by FTA or the product is subject to a general waiver. General waivers are listed in 49 C.F.R. 661.7, and include final assembly in the United States for 15 passenger vans and 15 passenger wagons produced by Chrysler Corporation, and microcomputer equipment and software. Separate requirements for rolling stock are set out at 49 U.S.C. 5323(j) (2) (C) and 49 C.F.R. 661.11. Rolling stock must be assembled in the United States and have a 60 percent domestic content.

A bidder or offeror must submit to the FTA recipient the appropriate Buy America certification (below) with all bids or offers on FTA-funded contracts, except those subject to a general waiver. Bids or offers that are not accompanied by a completed Buy America certification must be rejected as nonresponsive. This requirement does not apply to lower tier subcontractors.

Certification requirement for procurement of steel, iron, or manufactured products.

Certificate of Compliance with 49 U.S.C. 5323(j) (1)

The bidder or offeror hereby certifies that it will meet the requirements of 49 U.S.C. 5323(j)(1) and the applicable regulations in 49 C.F.R. Part 661.5.

Date _____

Signature _____

Company Name _____

Title _____

Certificate of Non-Compliance with 49 U.S.C. 5323(j) (1)

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j) (1) and 49 C.F.R. 661.5, but it may qualify for an exception pursuant to 49 U.S.C. 5323(j) (2) (A), 5323(j) (2) (B), or 5323(j) (2) (D), and 49 C.F.R. 661.7.

Date _____

Signature _____

Company Name _____

Title _____

Certification requirement for procurement of buses, other rolling stock and associated equipment.

Certificate of Compliance with 49 U.S.C. 5323(j) (2) (C).

The bidder or offeror hereby certifies that it will comply with the requirements of 49 U.S.C. 5323(j) (2) (C) and the regulations at 49 C.F.R. Part 661.11.

Date _____

Signature _____

Company Name _____

Title _____

Certificate of Non-Compliance with 49 U.S.C. 5323(j) (2) (C)

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j) (2) (C) and 49 C.F.R. 661.11, but may qualify for an exception pursuant to 49 U.S.C. 5323(j) (2) (A), 5323(j) (2) (B), or 5323(j) (2) (D), and 49 CFR 661.7.

Date _____

Signature _____

Company Name _____

Title _____

3. CHARTER BUS REQUIREMENTS

49 U.S.C. 5323(d)

49 CFR Part 604

Applicability to Contracts

The Charter Bus requirements apply to the following type of contract: Operational Service Contracts.

Flow Down Requirements

The Charter Bus requirements flow down from FTA recipients and subrecipients to first tier service contractors.

Model Clause/Language

The relevant statutes and regulations do not mandate any specific clause or language. The following clause has been developed by FTA.

Charter Service Operations - The contractor agrees to comply with 49 U.S.C. 5323(d) and 49 CFR Part 604, which provides that recipients and subrecipients of FTA assistance are prohibited from providing charter service using federally funded equipment or facilities if there is at least one private charter operator willing and able to provide the service, except under one of the exceptions at 49 CFR 604.9. Any charter service provided under one of the exceptions must be "incidental," i.e., it must not interfere with or detract from the provision of mass transportation.

3. SCHOOL BUS REQUIREMENTS

49 U.S.C. 5323(F)

49 CFR Part 605

Applicability to Contracts

The School Bus requirements apply to the following type of contract: Operational Service Contracts.

Flow Down Requirements

The School Bus requirements flow down from FTA recipients and subrecipients to first tier service contractors.

Model Clause/Language

The relevant statutes and regulations do not mandate any specific clause or language. The following clause has been developed by FTA.

School Bus Operations - Pursuant to 49 U.S.C. 5323(f) and 49 CFR Part 605, recipients and subrecipients 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 subrecipients may not use federally funded equipment, vehicles, or facilities.

4. CARGO PREFERENCE REQUIREMENTS

46 U.S.C. 1241

46 CFR Part 381

Applicability to Contracts

The Cargo Preference requirements apply to all contracts involving equipment, materials, or commodities which may be transported by ocean vessels.

Flow Down

The Cargo Preference requirements apply to all subcontracts when the subcontract may be involved with the transport of equipment, material, or commodities by ocean vessel.

Model Clause/Language

The MARAD regulations at 46 CFR 381.7 contain suggested contract clauses. The following language is proffered by FTA.

Cargo Preference - Use of United States-Flag Vessels - The contractor agrees: a. to use privately owned United States-Flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to the underlying contract to the extent such vessels are available at fair and reasonable rates for United States-Flag commercial vessels; b. to furnish within 20 working days following the date of loading for shipments originating within the United States or within 30 working days following the date of leading for shipments originating outside

the United States, a legible copy of a rated, "on-board" commercial ocean bill-of-lading in English for each shipment of cargo described in the preceding paragraph to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590 and to the FTA recipient (through the contractor in the case of a subcontractor's bill-of-lading.) c. to include these requirements in all subcontracts issued pursuant to this contract when the subcontract may involve the transport of equipment, material, or commodities by ocean vessel.

5. SEISMIC SAFETY REQUIREMENTS

42 U.S.C. 7701 et seq. 49

CFR Part 41

Applicability to Contracts

The Seismic Safety requirements apply only to contracts for the construction of new buildings or additions to existing buildings.

Flow Down

The Seismic Safety requirements flow down from FTA recipients and subrecipients to first tier contractors to assure compliance, with the applicable building standards for Seismic Safety, including the work performed by all subcontractors.

Model Clauses/Language

The regulations do not provide suggested language for third-party contract clauses. The following language has been developed by FTA.

Seismic Safety - The contractor agrees that any new building or addition to an existing building will be designed and constructed in accordance with the standards for Seismic Safety required in Department of Transportation Seismic Safety Regulations 49 CFR Part 41 and will certify to compliance to the extent required by the regulation. The contractor also agrees to ensure that all work performed under this contract including work performed by a subcontractor is in compliance with the standards required by the Seismic Safety Regulations and the certification of compliance issued on the project.

6. ENERGY CONSERVATION REQUIREMENTS

42 U.S.C. 6321 et seq.

49 CFR Part 18

Applicability to Contracts

The Energy Conservation requirements are applicable to all contracts.

Flow Down

The Energy Conservation requirements extend to all third party contractors and their contracts at every tier and subrecipients and their subagreements at every tier.

Model Clause/Language

No specific clause is recommended in the regulations because the Energy Conservation requirements are so dependent on the state energy conservation plan. The following language has been developed by FTA:

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

7. CLEAN WATER REQUIREMENTS

33 U.S.C. 1251

Applicability to Contracts

The Clean Water requirements apply to each contract and subcontract which exceeds \$100,000.

Flow Down

The Clean Water requirements flow down to FTA recipients and subrecipients at every tier.

Model Clause/Language

While no mandatory clause is contained in the Federal Water Pollution Control Act, as amended, the following language developed by FTA contains all the mandatory requirements:

Clean Water - (1) The Contractor 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 Contractor 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 Contractor also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

8. BUS TESTING

49 U.S.C. 5323(c)

49 CFR Part 665

Applicability to Contracts

The Bus Testing requirements pertain only to the acquisition of Rolling Stock/Turnkey.

Flow Down

The Bus Testing requirements should not flow down, except to the turnkey contractor as stated in Master Agreement.

Model Clause/Language

Clause and language therein are merely suggested. 49 CFR Part 665 does not contain specific language

to be included in third party contracts but does contain requirements applicable to subrecipients and third party contractors. Bus Testing Certification and language therein are merely suggested.

Bus Testing - The Contractor [Manufacturer] agrees to comply with 49 U.S.C. A 5323(c) and FTA's implementing regulation at 49 CFR Part 665 and shall perform the following:

- 1) A manufacturer of a new bus model or a bus produced with a major change in components or configuration shall provide a copy of the final test report to the recipient at a point in the procurement process specified by the recipient which will be prior to the recipient's final acceptance of the first vehicle.
- 2) A manufacturer who releases a report under paragraph 1 above shall provide notice to the operator of the testing facility that the report is available to the public.
- 3) If the manufacturer represents that the vehicle was previously tested, the vehicle being sold should have the identical configuration and major components as the vehicle in the test report, which must be provided to the recipient prior to recipient's final acceptance of the first vehicle. If the configuration or components are not identical, the manufacturer shall provide a description of the change and the manufacturer's basis for concluding that it is not a major change requiring additional testing.
- 4) If the manufacturer represents that the vehicle is "grandfathered" (has been used in mass transit service in the United States before October 1, 1988, and is currently being produced without a major change in configuration or components), the manufacturer shall provide the name and address of the recipient of such a vehicle and the details of that vehicle's configuration and major components.

CERTIFICATION OF COMPLIANCE WITH FTA'S BUS TESTING REQUIREMENTS

The undersigned [Contractor/Manufacturer] certifies that the vehicle offered in this procurement complies with 49 U.S.C. A 5323(c) and FTA's implementing regulation at 49 CFR Part 665.

The undersigned understands that misrepresenting the testing status of a vehicle acquired with Federal financial assistance may subject the undersigned to civil penalties as outlined in the Department of Transportation's regulation on Program Fraud Civil Remedies, 49 CFR Part 31. In addition, the undersigned understands that FTA may suspend or debar a manufacturer under the procedures in 49 CFR Part 29.

Date: _____

Signature: _____

Company Name: _____

Title: _____

9. PRE-AWARD AND POST DELIVERY AUDITS REQUIREMENTS

49 U.S.C. 5323

49 CFR Part 663

Applicability to Contracts

These requirements apply only to the acquisition of Rolling Stock/Turnkey.

Flow Down

These requirements should not flow down, except to the turnkey contractor as stated in Master Agreement.

Model Clause/Language

Clause and language therein are merely suggested. 49 C.F.R. Part 663 does not contain specific language to be included in third party contracts but does contain requirements applicable to subrecipients and third party contractors.

- Buy America certification is mandated under FTA regulation, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 C.F.R. 663.13.

-- Specific language for the Buy America certification is mandated by FTA regulation,

"Buy America Requirements--Surface Transportation Assistance Act of 1982, as amended,"

49 C.F.R. 661.12, but has been modified to include FTA's Buy America requirements codified at 49 U.S.C. A 5323(j).

Pre-Award and Post-Delivery Audit Requirements - The Contractor agrees to comply with 49 U.S.C. § 5323(l) and FTA's implementing regulation at 49 C.F.R. Part 663 and to submit the following certifications:

(1) Buy America Requirements: The Contractor shall complete and submit a declaration certifying either compliance or noncompliance with Buy America. If the Bidder/Offeror certifies compliance with Buy America, it shall submit documentation which lists 1) component and subcomponent parts of the rolling stock to be purchased identified by manufacturer of the parts, their country of origin and costs; and 2) the location of the final assembly point for the rolling stock, including a description of the activities that will take place at the final assembly point and the cost of final assembly.

(2) Solicitation Specification Requirements: The Contractor shall submit evidence that it will be capable of meeting the bid specifications.

(3) Federal Motor Vehicle Safety Standards (FMVSS): The Contractor shall submit 1) manufacturer's FMVSS self-certification sticker information that the vehicle complies with relevant FMVSS or 2) manufacturer's certified statement that the contracted buses will not be subject to FMVSS regulations.

**BUY AMERICA CERTIFICATE OF COMPLIANCE WITH FTA REQUIREMENTS
FOR BUSES, OTHER ROLLING STOCK, OR ASSOCIATED EQUIPMENT**

(To be submitted with a bid or offer exceeding the small purchase threshold for Federal assistance programs, currently set at \$100,000.)

Certificate of Compliance

The bidder hereby certifies that it will comply with the requirements of 49 U.S.C. Section 5323(j)(2)(C), Section 165(b)(3) of the Surface Transportation Assistance Act of 1982, as amended, and the regulations of 49 C.F.R. 661.11:

Date: _____

Signature: _____

Company Name: _____

Title: _____

Certificate of Non-Compliance

The bidder hereby certifies that it cannot comply with the requirements of 49 U.S.C. Section 5323(j)(2)(C) and Section 165(b)(3) of the Surface Transportation Assistance Act of 1982, as amended, but may qualify for an exception to the requirements consistent with 49 U.S.C. Sections 5323(j)(2)(B) or (j)(2)(D), Sections 165(b)(2) or (b)(4) of the Surface Transportation Assistance Act, as amended, and regulations in 49 C.F.R. 661.7.

Date: _____

Signature: _____

Company Name: _____

Title: _____

10. LOBBYING

31 U.S.C. 1352

49 CFR Part 19

49 CFR Part 20

Applicability to Contracts

The Lobbying requirements apply to Construction/Architectural and Engineering/Acquisition of Rolling Stock/Professional Service Contract/Operational Service Contract/Turnkey contracts.

Flow Down

The Lobbying requirements mandate the maximum flow down, pursuant to Byrd Anti-Lobbying Amendment, 31 U.S.C. § 1352(b)(5) and 49 C.F.R. Part 19, Appendix A, Section 7.

Mandatory Clause/Language

Clause and specific language therein are mandated by 49 CFR Part 19, Appendix A.

Modifications have been made to the Clause pursuant to Section 10 of the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, *et seq.*]

- Lobbying Certification and Disclosure of Lobbying Activities for third party contractors are mandated by 31 U.S.C. 1352(b)(5), as amended by Section 10 of the Lobbying Disclosure Act of 1995, and DOT implementing regulation, "New Restrictions on Lobbying," at 49 CFR § 20.110(d)

- Language in Lobbying Certification is mandated by 49 CFR Part 19, Appendix A, Section 7, which provides that contractors file the certification required by 49 CFR Part 20, Appendix A.

Modifications have been made to the Lobbying Certification pursuant to Section 10 of the Lobbying Disclosure Act of 1995.

- Use of "Disclosure of Lobbying Activities," Standard Form-LLL set forth in Appendix B of 49 CFR Part 20, as amended by "Government wide Guidance For New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96) is mandated by 49 CFR Part 20, Appendix A.

Byrd Anti-Lobbying Amendment, 31 U.S.C. 1352, as amended by the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, *et seq.*] - Contractors who apply or bid for an award of \$100,000 or more shall file the certification required by 49 CFR part 20, "New Restrictions on Lobbying." Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier up to the recipient.

APPENDIX A, 49 CFR PART 20--CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

(To be submitted with each bid or offer exceeding \$100,000)

The undersigned [Contractor] 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 an 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 making lobbying contacts to 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 [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96)]. Note:

Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*)

(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 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). 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. § 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 Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

_____ Signature of Contractor's Authorized Official

_____ Name and Title of Contractor's Authorized Official

_____ Date

11. ACCESS TO RECORDS AND REPORTS

49 U.S.C. 5325

18 CFR 18.36 (i)

49 CFR 633.17

Applicability to Contracts

Reference Chart "Requirements for Access to Records and Reports by Type of Contracts"

Flow Down

FTA does not require the inclusion of these requirements in subcontracts.

Model Clause/Language

The specified language is not mandated by the statutes or regulations referenced, but the language provided paraphrases the statutory or regulatory language.

Access to Records - The following access to records requirements apply to this Contract:

1. Where the Purchaser is not a State but a local government and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 18.36(i), the Contractor agrees to provide the Purchaser, the FTA Administrator, the Comptroller General of the United States or any of their authorized representatives access to any books, documents, papers and records of the Contractor

which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions. Contractor also agrees, pursuant to 49 C.F.R. 633.17 to provide the FTA Administrator or his authorized representatives including any PMO Contractor access to Contractor's records and construction sites pertaining to a major capital project, defined at 49 U.S.C. 5302(a)1, which is receiving federal financial assistance through the programs described at 49 U.S.C. 5307, 5309 or 5311.

2. Where the Purchaser is a State and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 633.17, Contractor agrees to provide the Purchaser, the FTA Administrator or his authorized representatives, including any PMO Contractor, access to the Contractor's records and construction sites pertaining to a major capital project, defined at 49 U.S.C. 5302(a)1, which is receiving federal financial assistance through the programs described at 49 U.S.C. 5307, 5309 or 5311. By definition, a major capital project excludes contracts of less than the simplified acquisition threshold currently set at \$100,000.

3. Where the Purchaser enters into a negotiated contract for other than a small purchase or under the simplified acquisition threshold and is an institution of higher education, a hospital or other non-profit organization and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 19.48, Contractor agrees to provide the Purchaser, FTA Administrator, the Comptroller General of the United States or any of their duly authorized representatives with access to any books, documents, papers and record of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions.

4. Where any Purchaser which is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 U.S.C. 5325(a) enters into a contract for a capital project or improvement (defined at 49 U.S.C. 5302(a)1) through other than competitive bidding, the Contractor shall make available records related to the contract to the Purchaser, the Secretary of Transportation and the Comptroller General or any authorized officer or employee of any of them for the purposes of conducting an audit and inspection.

5. The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.

6. The Contractor agrees to maintain all books, records, accounts and reports required under this contract for a period of not less than three years after the date of termination or expiration of this contract, except in the event of litigation or settlement of claims arising from the performance of this contract, in which case Contractor agrees to maintain same until the Purchaser, the FTA Administrator, the Comptroller General, or any of their duly authorized representatives, have disposed of all such litigation, appeals, claims or exceptions related thereto. Reference 49 CFR 18.39(i) (11).

7. FTA does not require the inclusion of these requirements in subcontracts.

Requirements for Access to Records and Reports by Types of Contract

Contract Characteristics		Operational Service Contract	Turnkey	Construction	Architectural Engineering	Acquisition of Rolling Stock	Professional Services
<u>I State Grantees</u>							
a. Contracts below SAT (\$100,000)		None	Those imposed on state pass thru to Contractor	None	None	None	None
b. Contracts above \$100,000/Capital Projects		None unless ¹ non-competitive award		Yes, if non-competitive award or if funded thru ² 5307/5309/5311	None unless non-competitive award	None unless non-competitive award	None unless non-competitive award
<u>II Non State Grantees</u>							
a. Contracts below SAT (\$100,000)		Yes ³	Those imposed on non-state Grantee pass thru to Contractor	Yes	Yes	Yes	Yes
b. Contracts above \$100,000/Capital Projects		Yes ³		Yes	Yes	Yes	Yes

Sources of Authority:

¹ 49 USC 5325 (a)

² 49 CFR 633.17

³ 18 CFR 18.36 (i)

12. FEDERAL CHANGES

49 CFR Part 18

Applicability to Contracts

The Federal Changes requirement applies to all contracts.

Flow Down

The Federal Changes requirement flows down appropriately to each applicable changed requirement.

Model Clause/Language

No specific language is mandated. The following language has been developed by FTA.

Federal Changes - Contractor 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 Master Agreement between Purchaser and FTA, as they may be amended or promulgated from time to time during the term of this contract. Contractor's failure to so comply shall constitute a material breach of this contract.

13. BONDING REQUIREMENTS

Applicability to Contracts

For those construction or facility improvement contracts or subcontracts exceeding \$100,000, FTA may accept the bonding policy and requirements of the recipient, provided that they meet the minimum requirements for construction contracts as follows:

a. A bid guarantee from each bidder equivalent to five (5) percent of the bid price. The "bid guarantees" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

b. A performance bond on the part to the Contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

c. A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment, as required by law, of all persons supplying labor and material in the execution of the work provided for in the contract. Payment bond amounts required from Contractors are as follows:

(1) 50% of the contract price if the contract price is not more than \$1 million;

(2) 40% of the contract price if the contract price is more than \$1 million but not more than \$5 million;
or

(3) \$2.5 million if the contract price is more than \$5 million.

d. A cash deposit, certified check or other negotiable instrument may be accepted by a grantee in lieu of performance and payment bonds, provided the grantee has established a procedure to assure that the interest of FTA is adequately protected. An irrevocable letter of credit would also satisfy the requirement for a bond.

Flow Down

Bonding requirements flow down to the first tier contractors.

Model Clauses/Language

FTA does not prescribe specific wording to be included in third party contracts. FTA has prepared sample clauses as follows:

Bid Bond Requirements (Construction)

(a) Bid Security

A Bid Bond must be issued by a fully qualified surety company acceptable to (Recipient) and listed as a company currently authorized under 31 CFR, Part 223 as possessing a Certificate of Authority as described thereunder.

(b) Rights Reserved

In submitting this Bid, it is understood and agreed by bidder that the right is reserved by (Recipient) to reject any and all bids, or part of any bid, and it is agreed that the Bid may not be withdrawn for a period of [ninety (90)] days subsequent to the opening of bids, without the written consent of (Recipient).

It is also understood and agreed that if the undersigned bidder should withdraw any part or all of his bid within [ninety (90)] days after the bid opening without the written consent of (Recipient), shall refuse or be unable to enter into this Contract, as provided above, or refuse or be unable to furnish adequate and acceptable Performance Bonds and Labor and Material Payments Bonds, as provided above, or refuse or be unable to furnish adequate and acceptable insurance, as provided above, he shall forfeit his bid security to the extent of (Recipient's) damages occasioned by such withdrawal, or refusal, or inability to enter into an agreement, or provide adequate security therefor.

It is further understood and agreed that to the extent the defaulting bidder's Bid Bond, Certified Check, Cashier's Check, Treasurer's Check, and/or Official Bank Check (excluding any income generated thereby which has been retained by (Recipient) as provided in [Item x "Bid Security" of the Instructions to Bidders]) shall prove inadequate to fully recompense (Recipient) for the damages occasioned by default, then the undersigned bidder agrees to indemnify (Recipient) and pay over to (Recipient) the difference between the bid security and (Recipient's) total damages, so as to make (Recipient) whole.

The undersigned understands that any material alteration of any of the above or any of the material contained on this form, other than that requested, will render the bid unresponsive.

Performance and Payment Bonding Requirements (Construction)

The Contractor shall be required to obtain performance and payment bonds as follows:

(a) Performance bonds

1. The penal amount of performance bonds shall be 100 percent of the original contract price, unless the (Recipient) determines that a lesser amount would be adequate for the protection of the (Recipient).
2. The (Recipient) may require additional performance bond protection when a contract price is increased. The increase in protection shall generally equal 100 percent of the increase in contract price. The (Recipient) may secure additional protection by directing the Contractor to increase the penal amount of the existing bond or to obtain an additional bond.

(b) Payment bonds

1. The penal amount of the payment bonds shall equal:
 - (i) Fifty percent of the contract price if the contract price is not more than \$1 million.

(ii) Forty percent of the contract price if the contract price is more than \$1 million but not more than \$5 million; or

(iii) Two and one half million if the contract price is more than \$5 million.

2. If the original contract price is \$5 million or less, the (Recipient) may require additional protection as required by subparagraph 1 if the contract price is increased.

Performance and Payment Bonding Requirements (Non-Construction)

The Contractor may be required to obtain performance and payment bonds when necessary to protect the (Recipient's) interest.

(a) The following situations may warrant a performance bond:

1. (Recipient) property or funds are to be provided to the contractor for use in performing the contract or as partial compensation (as in retention of salvaged material).

2. A contractor sells assets to or merges with another concern, and the (Recipient), after recognizing the latter concern as the successor in interest, desires assurance that it is financially capable.

3. Substantial progress payments are made before delivery of end items starts.

4. Contracts are for dismantling, demolition, or removal of improvements.

(b) When it is determined that a performance bond is required, the Contractor shall be required to obtain performance bonds as follows:

1. The penal amount of performance bonds shall be 100 percent of the original contract price, unless the (Recipient) determines that a lesser amount would be adequate for the protection of the (Recipient).

2. The (Recipient) may require additional performance bond protection when a contract price is increased. The increase in protection shall generally equal 100 percent of the increase in contract price. The (Recipient) may secure additional protection by directing the Contractor to increase the penal amount of the existing bond or to obtain an additional bond.

(c) A payment bond is required only when a performance bond is required, and if the use of payment bond is in the (Recipient's) interest.

(d) When it is determined that a payment bond is required, the Contractor shall be required to obtain payment bonds as follows:

1. The penal amount of payment bonds shall equal:

(i) Fifty percent of the contract price if the contract price is not more than \$1 million;

(ii) Forty percent of the contract price if the contract price is more than \$1 million but not more than \$5 million; or

(iii) Two and one half million if the contract price is increased.

Advance Payment Bonding Requirements

The Contractor may be required to obtain an advance payment bond if the contract contains an advance payment provision and a performance bond is not furnished. The (recipient) shall determine the amount of the advance payment bond necessary to protect the (Recipient).

Patent Infringement Bonding Requirements (Patent Indemnity)

The Contractor may be required to obtain a patent indemnity bond if a performance bond is not furnished and the financial responsibility of the Contractor is unknown or doubtful. The (recipient) shall determine the amount of the patent indemnity to protect the (Recipient).

Warranty of the Work and Maintenance Bonds

1. The Contractor warrants to (Recipient), the Architect and/or Engineer that all materials and equipment furnished under this Contract will be of highest quality and new unless otherwise specified by (Recipient), free from faults and defects and in conformance with the Contract Documents. All work not so conforming to these standards shall be considered defective. If required by the [Project Manager], the Contractor shall furnish satisfactory evidence as to the kind and quality of materials and equipment.

2. The Work furnished must be of first quality and the workmanship must be the best obtainable in the various trades. The Work must be of safe, substantial and durable construction in all respects. The Contractor hereby guarantees the Work against defective materials or faulty workmanship for a minimum period of one (1) year after Final Payment by (Recipient) and shall replace or repair any defective materials or equipment or faulty workmanship during the period of the guarantee at no cost to (Recipient). As additional security for these guarantees, the Contractor shall, prior to the release of Final Payment [as provided in Item X below], furnish separate Maintenance (or Guarantee) Bonds in form acceptable to (Recipient) written by the same corporate surety that provides the Performance Bond and Labor and Material Payment Bond for this Contract. These bonds shall secure the Contractor's obligation to replace or repair defective materials and faulty workmanship for a minimum period of one (1) year after Final Payment and shall be written in an amount equal to ONE HUNDRED PERCENT (100%) of the CONTRACT SUM, as adjusted (if at all).

14. CLEAN AIR

42 U.S.C. 7401 et seq

40 CFR 15.61

49 CFR Part 18

Applicability to Contracts

The Clean Air requirements apply to all contracts exceeding \$100,000, including indefinite quantities where the amount is expected to exceed \$100,000 in any year.

Flow Down

The Clean Air requirements flow down to all subcontracts which exceed \$100,000.

Model Clauses/Language

No specific language is required. FTA has proposed the following language.

Clean Air - (1) The Contractor 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 Contractor 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 Contractor also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

15. RECYCLED PRODUCTS

42 U.S.C. 6962

40 CFR Part 247

Executive Order 12873

Applicability to Contracts

The Recycled Products requirements apply to all contracts for items designated by the EPA, when the purchaser or contractor procures \$10,000 or more of one of these items during the fiscal year, or has procured \$10,000 or more of such items in the previous fiscal year, using Federal funds. New requirements for "recovered materials" will become effective May 1, 1996. These new regulations apply to all procurement actions involving items designated by the EPA, where the procuring agency purchases \$10,000 or more of one of these items in a fiscal year, or when the cost of such items purchased during the previous fiscal year was \$10,000.

Flow Down

These requirements flow down to all too all contractor and subcontractor tiers.

Model Clause/Language

No specific clause is mandated, but FTA has developed the following language.

Recovered Materials - The contractor agrees to comply with all the requirements of Section 6002 of the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C. 6962), including but not limited to the regulatory provisions of 40 CFR Part 247, and Executive Order 12873, as they apply to the procurement of the items designated in Subpart B of 40 CFR Part 247.

16. DAVIS-BACON AND COPELAND ANTI-KICKBACK ACTS

Background and Application

The Davis-Bacon and Copeland Acts are codified at 40 USC 3141, et seq. and 18 USC 874. The Acts apply to grantee construction contracts and subcontracts that "at least partly are financed by a loan or grant from the Federal Government." 40 USC 3145(a), 29 CFR 5.2(h), 49 CFR 18.36(i) (5). The Acts apply to any construction contract over \$2,000. 40 USC 3142(a), 29 CFR 5.5(a). 'Construction,' for purposes of the Acts, includes "actual construction, alteration and/or repair, including painting and

decorating.” 29 CFR 5.5(a). The requirements of both Acts are incorporated into a single clause (see 29 CFR 3.11) enumerated at 29 CFR 5.5(a) and reproduced below.

The clause language is drawn directly from 29 CFR 5.5(a) and any deviation from the model clause below should be coordinated with counsel to ensure the Acts’ requirements are satisfied.

Clause Language

Davis-Bacon and Copeland Anti-Kickback Acts

(1) Minimum wages - (i) All laborers and mechanics employed or working upon the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph (1)(iv) of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR Part 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, that the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classifications and wage rates conformed under paragraph (1)(ii) of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

(ii)(A) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(1) Except with respect to helpers as defined as 29 CFR 5.2(n) (4), the work to be performed by the classification requested is not performed by a classification in the wage determination; and

(2) The classification is utilized in the area by the construction industry; and

(3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination; and

(4) With respect to helpers as defined in 29 CFR 5.2(n)(4), such a classification prevails in the area in which the work is performed.

(B) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(D) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs (a)(1)(ii) (B) or (C) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(iv) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

(v)(A) The contracting officer shall require that any class of laborers or mechanics which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefor only when the following criteria have been

met:

(1) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(2) The classification is utilized in the area by the construction industry; and

(3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(B) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination with 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(D) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs (a)(1)(v) (B) or (C) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(2) Withholding - The [insert name of grantee] shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld from the contractor under this contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), all or part of the wages required by the contract, the [insert name of grantee] may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(3) Payrolls and basic records - (i) Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work (or under the United States Housing Act of 1937, or under the Housing Act of 1949, in the construction or development of the project). Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b) (2) (B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

(ii)(A) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the [insert name of grantee] for transmission to the Federal Transit Administration. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under section 5.5(a) (3) (i) of Regulations, 29 CFR part 5. This information may be submitted in any form desired. Optional Form WH-347 is available for this purpose and may be purchased from the Superintendent of Documents (Federal Stock Number 029-005-00014-1), U.S. Government Printing Office, Washington, DC 20402. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors.

(B) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(1) That the payroll for the payroll period contains the information required to be maintained under section 5.5(a)(3)(i) of Regulations, 29 CFR part 5 and that such information is correct and complete;

(2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable

wage determination incorporated into the contract.

(C) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph (a)(3)(ii)(B) of this section.

(D) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

(iii) The contractor or subcontractor shall make the records required under paragraph (a)(3)(i) of this section available for inspection, copying, or transcription by authorized representatives of the Federal Transit Administration or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the Federal agency may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

(4) Apprentices and trainees - (i) Apprentices - Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator of the Wage and Hour Division of

the U.S. Department of Labor determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Bureau of Apprenticeship and Training, or a State Apprenticeship Agency recognized by the Bureau, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(ii) Trainees - Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(iii) Equal employment opportunity - The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

(5) Compliance with Copeland Act requirements - The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

(6) Subcontracts - The contractor or subcontractor shall insert in any subcontracts the clauses contained in 29 CFR 5.5(a)(1) through (10) and such other clauses as the Federal Transit Administration may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

(7) Contract termination: debarment - A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in

29 CFR 5.12.

(8) Compliance with Davis-Bacon and Related Act requirements - All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

(9) Disputes concerning labor standards - Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

(10) Certification of eligibility - (i) By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(ii) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(iii) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

17. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

Background and Application

The Contract Work Hours and Safety Standards Act is codified at 40 USC 3701, et seq. The Act applies to grantee contracts and subcontracts “financed at least in part by loans or grants from ... the [Federal] Government.” 40 USC 3701(b)(1)(B)(iii) and (b)(2), 29 CFR 5.2(h), 49 CFR 18.36(i)(6). Although the original Act required its application in any construction contract over \$2,000 or non-construction contract to which the Act applied over \$2,500 (and language to that effect is still found in 49 CFR 18.36(i)(6)), the Act no longer applies to any “contract in an amount that is not greater than \$100,000.” 40 USC 3701(b)(3) (A)(iii).

The Act applies to construction contracts and, in very limited circumstances, non-construction projects that employ “laborers or mechanics on a public work.” These non-construction applications do not generally apply to transit procurements because transit procurements (to include rail cars and buses) are deemed “commercial items.” 40 USC 3707, 41 USC 403 (12). A grantee that contemplates entering into a contract to procure a developmental or unique item should consult counsel to determine if the Act applies to that procurement and that additional language required by 29 CFR 5.5(c) must be added to the basic clause below.

The clause language is drawn directly from 29 CFR 5.5(b) and any deviation from the model clause below should be coordinated with counsel to ensure the Act’s requirements are satisfied.

Clause Language

Contract Work Hours and Safety Standards

(1) Overtime requirements - No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

(2) Violation; liability for unpaid wages; liquidated damages - In the event of any violation of the clause set forth in paragraph (1) of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1) of this section.

(3) Withholding for unpaid wages and liquidated damages - The (write in the name of the grantee) shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2) of this section.

(4) Subcontracts - The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraphs (1) through (4) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1) through (4) of this section.

18. [RESERVED]

19. NO GOVERNMENT OBLIGATION TO THIRD PARTIES

Applicability to Contracts

Applicable to all contracts.

Flow Down

Not required by statute or regulation for either primary contractors or subcontractors, this concept should flow down to all levels to clarify, to all parties to the contract, that the Federal Government does not have contractual liability to third parties, absent specific written consent.

Model Clause/Language

While no specific language is required, FTA has developed the following language.

No Obligation by the Federal Government.

(1) The Purchaser and Contractor 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, Contractor, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

(2) The Contractor 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.

20. 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

Applicability to Contracts

These requirements are applicable to all contracts.

Flow Down

These requirements flow down to contractors and subcontractors who make, present, or submit covered claims and statements.

Model Clause/Language

These requirements have no specified language, so FTA proffers the following language.

Program Fraud and False or Fraudulent Statements or Related Acts.

(1) The Contractor 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 Contractor 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 Contractor 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 Contractor to the extent the Federal Government deems appropriate.

(2) The Contractor 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 Contractor, to the extent the Federal Government deems appropriate.

(3) The Contractor 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.

21. TERMINATION

49 U.S.C. Part 18 FTA Circular 4220.1E

Applicability to Contracts

All contracts (with the exception of contracts with nonprofit organizations and institutions of higher education,) in excess of \$10,000 shall contain suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement. (For contracts with nonprofit organizations and institutions of higher education the threshold is \$100,000.) In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

Flow Down

The termination requirements flow down to all contracts in excess of \$10,000, with the exception of contracts with nonprofit organizations and institutions of higher learning.

Model Clause/Language

FTA does not prescribe the form or content of such clauses. The following are suggestions of clauses to be used in different types of contracts:

a. Termination for Convenience (General Provision) the (Recipient) may terminate this contract, in whole or in part, at any time by written notice to the Contractor when it is in the Government's best

interest. The Contractor shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Contractor shall promptly submit its termination claim to (Recipient) to be paid the Contractor. If the Contractor has any property in its possession belonging to the (Recipient), the Contractor will account for the same, and dispose of it in the manner the (Recipient) directs.

b. Termination for Default [Breach or Cause] (General Provision) If the Contractor does not deliver supplies in accordance with the contract delivery schedule, or, if the contract is for services, the Contractor fails to perform in the manner called for in the contract, or if the Contractor fails to comply with any other provisions of the contract, the (Recipient) may terminate this contract for default. Termination shall be effected by serving a notice of termination on the contractor setting forth the manner in which the Contractor is in default. The contractor 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 (Recipient) that the Contractor 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 Contractor, the (Recipient), after setting up a new delivery of performance schedule, may allow the Contractor to continue work, or treat the termination as a termination for convenience.

c. Opportunity to Cure (General Provision) the (Recipient) in its sole discretion may, in the case of a termination for breach or default, allow the Contractor [an appropriately short period of time] 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 Contractor fails to remedy to (Recipient)'s satisfaction the breach or default of any of the terms, covenants, or conditions of this Contract within [ten (10) days] after receipt by Contractor of written notice from (Recipient) setting forth the nature of said breach or default, (Recipient) shall have the right to terminate the Contract without any further obligation to Contractor. Any such termination for default shall not in any way operate to preclude (Recipient) from also pursuing all available remedies against Contractor and its sureties for said breach or default.

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

e. Termination for Convenience (Professional or Transit Service Contracts) the (Recipient), by written notice, may terminate this contract, in whole or in part, when it is in the Government's interest. If this contract is terminated, the Recipient shall be liable only for payment under the payment provisions of this contract for services rendered before the effective date of termination.

f. Termination for Default (Supplies and Service) If the Contractor fails to deliver supplies or to perform the services within the time specified in this contract or any extension or if the Contractor fails to comply with any other provisions of this contract, the (Recipient) may terminate this contract for default. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of the default. The Contractor will only be paid the contract price for supplies

delivered and accepted, or services performed in accordance with the manner or performance set forth in this contract.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the Recipient.

g. Termination for Default (Transportation Services) if the Contractor fails to pick up the commodities or to perform the services, including delivery services, within the time specified in this contract or any extension or if the Contractor fails to comply with any other provisions of this contract, the (Recipient) may terminate this contract for default. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of default. The Contractor will only be paid the contract price for services performed in accordance with the manner of performance set forth in this contract.

If this contract is terminated while the Contractor has possession of Recipient goods, the Contractor shall, upon direction of the (Recipient), protect and preserve the goods until surrendered to the Recipient or its agent. The Contractor and (Recipient) shall agree on payment for the preservation and protection of goods. Failure to agree on an amount will be resolved under the Dispute clause.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the (Recipient).

h. Termination for Default (Construction) If the Contractor refuses or fails to prosecute the work or any separable part, with the diligence that will insure its completion within the time specified in this contract or any extension or fails to complete the work within this time, or if the Contractor fails to comply with any other provisions of this contract, the (Recipient) may terminate this contract for default. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of the default. In this event, the Recipient may take over the work and complete it by contract or otherwise, and may take possession of and use any materials, appliances, and plant on the work site necessary for completing the work. The Contractor and its sureties shall be liable for any damage to the Recipient resulting from the Contractor's refusal or failure to complete the work within specified time, whether or not the Contractor's right to proceed with the work is terminated. This liability includes any increased costs incurred by the Recipient in completing the work.

The Contractor's right to proceed shall not be terminated nor did the Contractor charge with damages under this clause if-

1. The delay in completing the work arises from unforeseeable causes beyond the control and without the fault or negligence of the Contractor. Examples of such causes include: acts of God, acts of the Recipient, acts of another Contractor in the performance of a contract with the Recipient, epidemics, quarantine restrictions, strikes, freight embargoes; and
2. The contractor, within [10] days from the beginning of any delay, notifies the (Recipient) in writing of the causes of delay. If in the judgment of the (Recipient), the delay is excusable, the time for completing the work shall be extended. The judgment of the (Recipient) shall be final and conclusive on the parties, but subject to appeal under the Disputes clauses.

If, after termination of the Contractor's right to proceed, it is determined that the Contractor was not in default, or that the delay was excusable, the rights and obligations of the parties will be the same as if the termination had been issued for the convenience of the Recipient.

i. Termination for Convenience or Default (Architect and Engineering) the (Recipient) may terminate this contract in whole or in part, for the Recipient's convenience or because of the failure of the Contractor to fulfill the contract obligations. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature, extent, and effective date of the termination. Upon receipt of the notice, the Contractor shall (1) immediately discontinue all services affected (unless the notice directs otherwise), and (2) deliver to the Contracting Officer all data, drawings, specifications, reports, estimates, summaries, and other information and materials accumulated in performing this contract, whether completed or in process.

If the termination is for the convenience of the Recipient, the Contracting Officer shall make an equitable adjustment in the contract price but shall allow no anticipated profit on unperformed services.

If the termination is for failure of the Contractor to fulfill the contract obligations, the Recipient may complete the work by contract or otherwise and the Contractor shall be liable for any additional cost incurred by the Recipient.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the Recipient.

j. Termination for Convenience of Default (Cost-Type Contracts) the (Recipient) may terminate this contract, or any portion of it, by serving a notice of termination on the Contractor. The notice shall state whether the termination is for convenience of the (Recipient) or for the default of the Contractor. If the termination is for default, the notice shall state the manner in which the contractor has failed to perform the requirements of the contract. The Contractor shall account for any property in its possession paid for from funds received from the (Recipient), or property supplied to the Contractor by the (Recipient). If the termination is for default, the (Recipient) may fix the fee, if the contract provides for a fee, to be paid the contractor in proportion to the value, if any, of work performed up to the time of termination. The Contractor shall promptly submit its termination claim to the (Recipient) and the parties shall negotiate the termination settlement to be paid the Contractor.

If the termination is for the convenience of the (Recipient), the Contractor shall be paid its contract close-out costs, and a fee, if the contract provided for payment of a fee, in proportion to the work performed up to the time of termination.

If, after serving a notice of termination for default, the (Recipient) determines that the Contractor has an excusable reason for not performing, such as strike, fire, flood, events which are not the fault of and are beyond the control of the contractor, the (Recipient), after setting up a new work schedule, may allow the Contractor to continue work, or treat the termination as a termination for convenience.

22. GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Background and Applicability

In conjunction with the Office of Management and Budget and other affected Federal agencies, DOT published an update to 49 CFR Part 29 on November 26, 2003. This government-wide regulation implements Executive Order 12549, Debarment and Suspension, Executive Order 12689, Debarment and Suspension, and 31 U.S.C. 6101 note (Section 2455, Public Law 103-355, and 108 Stat. 3327).

The provisions of Part 29 apply to all grantee contracts and subcontracts at any level expected to equal or exceed \$25,000 as well as any contract or subcontract (at any level) for federally required auditing services. 49 CFR 29.220(b). This represents a change from prior practice in that the dollar threshold for application of these rules has been lowered from \$100,000 to \$25,000. These are contracts and subcontracts referred to in the regulation as “covered transactions.”

Grantees, contractors, and subcontractors (at any level) that enter into covered transactions are required to verify that the entity (as well as its principals and affiliates) they propose to contract or subcontract with is not excluded or disqualified. They do this by (a) Checking the Excluded Parties List System, (b) Collecting a certification from that person, or (c) Adding a clause or condition to the contract or subcontract. This represents a change from prior practice in that certification is still acceptable but is no longer required. 49 CFR 29.300.

Grantees, contractors, and subcontractors who enter into covered transactions also must require the entities they contract with to comply with 49 CFR 29, subpart C and include this requirement in their own subsequent covered transactions (i.e., the requirement flows down to subcontracts at all levels).

Clause Language

The following clause language is suggested, not mandatory. It incorporates the optional method of verifying that contractors are not excluded or disqualified by certification.

Suspension and Debarment

This contract is a covered transaction for purposes of 49 CFR Part 29. As such, the contractor is required to verify that none of the contractor, its principals, as defined at 49 CFR 29.995, or affiliates, as defined at 49 CFR 29.905, are excluded or disqualified as defined at 49 CFR 29.940 and 29.945.

The contractor is required to comply with 49 CFR 29, Subpart C and must include the requirement to comply with 49 CFR 29, Subpart C in any lower tier covered transaction it enters into.

By signing and submitting its bid or proposal, the bidder or proposer certifies as follows:

The certification in this clause is a material representation of fact relied upon by {insert agency name}. If it is later determined that the bidder or proposer knowingly rendered an erroneous certification, in addition to remedies available to {insert agency name}, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The bidder or proposer agrees to comply with the requirements of 49 CFR 29, Subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

23. PRIVACY ACT

5 U.S.C. 552

Applicability to Contracts

When a grantee maintains files on drug and alcohol enforcement activities for FTA, and those files are organized so that information could be retrieved by personal identifier, the Privacy Act requirements apply to all contracts.

Flow Down

The Federal Privacy Act requirements flow down to each third party contractor and their contracts at every tier.

Model Clause/Language

The text of the following clause has not been mandated by statute or specific regulation, but has been developed by FTA.

Contracts Involving Federal Privacy Act Requirements - The following requirements apply to the Contractor and its employees that administer any system of records on behalf of the Federal Government under any contract:

(1) The Contractor agrees to comply with, and assures the compliance of its employees with, the information restrictions and other applicable requirements of the Privacy Act of 1974,

5 U.S.C. § 552a. Among other things, the Contractor agrees to obtain the express consent of the Federal Government before the Contractor or its employees operate a system of records on behalf of the Federal Government. The Contractor understands that the requirements of the Privacy Act, including the civil and criminal penalties for violation of that Act, apply to those individuals involved, and that failure to comply with the terms of the Privacy Act may result in termination of the underlying contract.

(2) The Contractor also agrees to include these requirements in each subcontract to administer any system of records on behalf of the Federal Government financed in whole or in part with Federal assistance provided by FTA.

24. CIVIL RIGHTS REQUIREMENTS

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.

Applicability to Contracts

The Civil Rights Requirements apply to all contracts.

Flow Down

The Civil Rights requirements flow down to all third party contractors and their contracts at every tier.

Model Clause/Language

The following clause was predicated on language contained at 49 CFR Part 19, Appendix A, but FTA has shortened the lengthy text.

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 Contractor agrees that 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 Contractor 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 Contractor 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 Contractor 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 Contractor 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 Contractor agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Contractor 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 Contractor 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 Contractor agrees to comply with any implementing requirements FTA may issue.

(3) The Contractor 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.

25. BREACHES AND DISPUTE RESOLUTION

49 CFR Part 18

FTA Circular 4220.1E

Applicability to Contracts

All contracts in excess of \$100,000 shall contain provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. This may include provisions for bonding, penalties for late or inadequate performance, retained earnings, liquidated damages or other appropriate measures.

Flow Down

The Breaches and Dispute Resolutions requirements flow down to all tiers.

Model Clauses/Language

FTA does not prescribe the form or content of such provisions. What provisions are developed will depend on the circumstances and the type of contract. Recipients should consult legal counsel in developing appropriate clauses. The following clauses are examples of provisions from various FTA third party contracts.

Disputes - Disputes arising in the performance of this Contract which are not resolved by agreement of the parties shall be decided in writing by the authorized representative of (Recipient)'s [title of employee]. 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 [title of employee]. 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 [title of employee] shall be binding upon the Contractor and the Contractor shall abide by the decision.

Performance During Dispute - Unless otherwise directed by (Recipient), 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 therefor 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 (Recipient) 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 (Recipient) 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 the (Recipient), (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.

26. PATENT AND RIGHTS IN DATA

37 CFR Part 401

49 CFR Parts 18 and 19

Applicability to Contracts

Patent and rights in data requirements for federally assisted projects ONLY apply to research projects in which FTA finances the purpose of the grant is to finance the development of a product or information. These patent and data rights requirements do not apply to capital projects or operating projects, even though a small portion of the sales price may cover the cost of product development or writing the user's manual.

Flow Down

The Patent and Rights in Data requirements apply to all contractors and their contracts at every tier.

Model Clause/Language

The FTA patent clause is substantially similar to the text of 49 C.F.R. Part 19, Appendix A, Section 5, but the rights in data clause reflects FTA objectives. For patent rights, FTA is governed by Federal law and regulation. For data rights, the text on copyrights is insufficient to meet FTA's purposes for awarding research grants. This model clause, with larger rights as a standard, is proposed with the understanding that this standard could be modified to FTA's needs.

CONTRACTS INVOLVING EXPERIMENTAL, DEVELOPMENTAL, OR RESEARCH WORK.

A. Rights in Data - This following requirements apply to each contract involving experimental, developmental or research work:

(1) The term "subject data" used in this clause means recorded information, whether or not copyrighted, that is delivered or specified to be delivered under the contract. The term includes graphic or pictorial delineation in media such as drawings or photographs; text in specifications or related performance or design-type documents; machine forms such as punched cards, magnetic tape, or computer memory printouts; and information retained in computer memory. Examples include, but are not limited to: computer software, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identifications, and related information. The term "subject data" does not include financial reports, cost analyses, and similar information incidental to contract administration.

(2) The following restrictions apply to all subject data first produced in the performance of the contract to which this Attachment has been added:

(a) Except for its own internal use, the Purchaser or Contractor may not publish or reproduce subject data in whole or in part, or in any manner or form, nor may the Purchaser or Contractor authorize others to do so, without the written consent of the Federal Government, until such time as the Federal Government may have either released or approved the release of such data to the public; this restriction on publication, however, does not apply to any contract with an academic institution.

(b) In accordance with 49 C.F.R. § 18.34 and 49 C.F.R. § 19.36, the Federal Government reserves a royalty-free, non-exclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, for "Federal Government purposes," any subject data or copyright described in subsections (2)(b)1 and (2)(b)2 of this clause below. As used in the previous sentence, "for Federal Government purposes," means use only for the direct purposes of the Federal Government. Without the copyright owner's consent, the Federal Government may not extend its Federal license to any other party.

1. Any subject data developed under that contract, whether or not a copyright has been obtained; and
2. Any rights of copyright purchased by the Purchaser or Contractor using Federal assistance in whole or in part provided by FTA.

(c) When FTA awards Federal assistance for experimental, developmental, or research work, it is FTA's general intention to increase transportation knowledge available to the public, rather than to restrict the benefits resulting from the work to participants in that work. Therefore, unless FTA determines otherwise, the Purchaser and the Contractor performing experimental, developmental, or research work required by the underlying contract to which this Attachment is added agrees to permit FTA to make available to the public, either FTA's license in the copyright to any subject data developed in the course of that contract, or a copy of the subject data first produced under the contract for which a copyright has not been obtained. If the experimental, developmental, or research work, which is the subject of the underlying contract, is not completed for any reason whatsoever, all data developed under that contract shall become subject data as defined in subsection (a) of this clause and shall be delivered as the Federal Government may direct. This subsection (c) , however, does not apply to adaptations of automatic data processing equipment or programs for the Purchaser or Contractor's use whose costs are financed in whole or in part with Federal assistance provided by FTA for transportation capital projects.

(d) Unless prohibited by state law, upon request by the Federal Government, the Purchaser and the Contractor agree to indemnify, save, and hold harmless the Federal Government, its officers, agents, and employees acting within the scope of their official duties against any liability, including costs and expenses, resulting from any willful or intentional violation by the Purchaser or Contractor of proprietary rights, copyrights, or right of privacy, arising out of the publication, translation, reproduction, delivery, use, or disposition of any data furnished under that contract. Neither the Purchaser nor the Contractor shall be required to indemnify the Federal Government for any such liability arising out of the wrongful act of any employee, official, or agents of the Federal Government.

(e) Nothing contained in this clause on rights in data shall imply a license to the Federal Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Federal Government under any patent.

(f) Data developed by the Purchaser or Contractor and financed entirely without using Federal assistance provided by the Federal Government that has been incorporated into work required by the underlying contract to which this Attachment has been added is exempt from the requirements of subsections (b), (c), and (d) of this clause, provided that the Purchaser or Contractor identifies that data in writing at the time of delivery of the contract work.

(g) Unless FTA determines otherwise, the Contractor agrees to include these requirements in each subcontract for experimental, developmental, or research work financed in whole or in part with Federal assistance provided by FTA.

(3) Unless the Federal Government later makes a contrary determination in writing, irrespective of the Contractor's status (i.e., a large business, small business, state government or state instrumentality, local government, nonprofit organization, institution of higher education, individual, etc.), the Purchaser and the Contractor agree to take the necessary actions to provide, through FTA, those rights in that invention due the Federal Government as described in

U.S. Department of Commerce regulations, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," 37 C.F.R. Part 401.

(4) The Contractor also agrees to include these requirements in each subcontract for experimental, developmental, or research work financed in whole or in part with Federal assistance provided by FTA.

B. Patent Rights - The following requirements apply to each contract involving experimental, developmental, or research work:

(1) General - If any invention, improvement, or discovery is conceived or first actually reduced to practice in the course of or under the contract to which this Attachment has been added, and that invention, improvement, or discovery is patentable under the laws of the United States of America or any foreign country, the Purchaser and Contractor agree to take actions necessary to provide immediate notice and a detailed report to the party at a higher tier until FTA is ultimately notified.

(2) Unless the Federal Government later makes a contrary determination in writing, irrespective of the Contractor's status (a large business, small business, state government or state instrumentality, local government, nonprofit organization, institution of higher education, individual), the Purchaser and the Contractor agree to take the necessary actions to provide, through FTA, those rights in that invention due the Federal Government as described in U.S. Department of Commerce regulations, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," 37 C.F.R. Part 401.

(3) The Contractor also agrees to include the requirements of this clause in each subcontract for experimental, developmental, or research work financed in whole or in part with Federal assistance provided by FTA.

27. TRANSIT EMPLOYEE PROTECTIVE AGREEMENTS

**49 U.S.C. § 5310, § 5311, and § 5333
29 CFR Part 215**

Applicability to Contracts

The Transit Employee Protective Provisions apply to each contract for transit operations performed by employees of a Contractor recognized by FTA to be a transit operator. (Because transit operations

involve many activities apart from directly driving or operating transit vehicles, FTA determines which activities constitute transit "operations" for purposes of this clause.)

Flow Down

These provisions are applicable to all contracts and subcontracts at every tier.

Model Clause/Language

Since no mandatory language is specified, FTA had developed the following language:

Transit Employee Protective Provisions. (1) The Contractor agrees to the comply with applicable transit employee protective requirements as follows:

(a) General Transit Employee Protective Requirements - To the extent that FTA determines that transit operations are involved, the Contractor agrees to carry out the transit operations work on the underlying contract in compliance with terms and conditions determined by the U.S. Secretary of Labor to be fair and equitable to protect the interests of employees employed under this contract and to meet the employee protective requirements of 49 U.S.C. A 5333(b), and U.S. DOL guidelines at 29 C.F.R. Part 215, and any amendments thereto. These terms and conditions are identified in the letter of certification from the U.S. DOL to FTA applicable to the FTA Recipient's project from which Federal assistance is provided to support work on the underlying contract. The Contractor agrees to carry out that work in compliance with the conditions stated in that U.S. DOL letter. The requirements of this subsection (1), however, do not apply to any contract financed with Federal assistance provided by FTA either for projects for elderly individuals and individuals with disabilities authorized by 49 U.S.C. § 5310(a)(2), or for projects for nonurbanized areas authorized by 49 U.S.C. § 5311. Alternate provisions for those projects are set forth in subsections (b) and (c) of this clause.

(b) Transit Employee Protective Requirements for Projects Authorized by 49 U.S.C. § 5310(a)(2) for Elderly Individuals and Individuals with Disabilities - If the contract involves transit operations financed in whole or in part with Federal assistance authorized by 49 U.S.C. § 5310(a)(2), and if the U.S. Secretary of Transportation has determined or determines in the future that the employee protective requirements of 49 U.S.C. § 5333(b) are necessary or appropriate for the state and the public body subrecipient for which work is performed on the underlying contract, the Contractor agrees to carry out the Project in compliance with the terms and conditions determined by the U.S. Secretary of Labor to meet the requirements of 49 U.S.C. § 5333(b), U.S. DOL guidelines at 29 C.F.R. Part 215, and any amendments thereto. These terms and conditions are identified in the U.S. DOL's letter of certification to FTA, the date of which is set forth Grant Agreement or Cooperative Agreement with the state. The Contractor agrees to perform transit operations in connection with the underlying contract in compliance with the conditions stated in that U.S. DOL letter.

(c) Transit Employee Protective Requirements for Projects Authorized by 49 U.S.C. § 5311 in Nonurbanized Areas - If the contract involves transit operations financed in whole or in part with Federal assistance authorized by 49 U.S.C. § 5311, the Contractor agrees to comply with the terms and conditions of the Special Warranty for the Nonurbanized Area Program agreed to by the U.S. Secretaries of Transportation and Labor, dated May 31, 1979, and the procedures implemented by U.S. DOL or any revision thereto.

(2) The Contractor also agrees to include the any applicable requirements in each subcontract involving transit operations financed in whole or in part with Federal assistance provided by FTA.

28. DISADVANTAGED BUSINESS ENTERPRISE (DBE)

49 CFR Part 26

Background and Applicability

The newest version on the Department of Transportation's Disadvantaged Business Enterprise (DBE) program became effective July 16, 2003. The rule provides guidance to grantees on the use of overall and contract goals, requirement to include DBE provisions in subcontracts, evaluating DBE participation where specific contract goals have been set, reporting requirements, and replacement of DBE subcontractors. Additionally, the DBE program dictates payment terms and conditions (including limitations on retainage) applicable to all subcontractors regardless of whether they are DBE firms or not.

The DBE program applies to all DOT-assisted contracting activities. A formal clause such as that below must be included in all contracts above the micro-purchase level. The requirements of clause subsection b flow down to subcontracts.

A substantial change to the payment provisions in this newest version of Part 26 concerns retainage (see section 26.29). Grantee choices concerning retainage should be reflected in the language choices in clause subsection d.

Clause Language

The following clause language is suggested, not mandatory. It incorporates the payment terms and conditions applicable to all subcontractors based in Part 26 as well as those related only to DBE subcontractors. The suggested language allows for the options available to grantees concerning retainage, specific contract goals, and evaluation of DBE subcontracting participation when specific contract goals have been established.

Disadvantaged Business Enterprises

a. This contract is subject to the requirements of Title 49, Code of Federal Regulations, Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs. The national goal for participation of Disadvantaged Business Enterprises (DBE) is 10%. The agency's overall goal for DBE participation is __ %. A separate contract goal [of __ % DBE participation has] [has not] been established for this procurement.

b. The contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of this DOT-assisted contract. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as {insert agency name} deems appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b)).

c. {If a separate contract goal has been established, use the following} Bidders/offerors are required to document sufficient DBE participation to meet these goals or, alternatively, document adequate good faith efforts to do so, as provided for in 49 CFR 26.53. Award of this contract is conditioned on submission of the following [concurrent with and accompanying sealed bid] [concurrent with and accompanying an initial proposal] [prior to award]:

1. The names and addresses of DBE firms that will participate in this contract;
2. A description of the work each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal;
5. Written confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
6. If the contract goal is not met, evidence of good faith efforts to do so.

[Bidders][Offerors] must present the information required above [as a matter of responsiveness] [with initial proposals] [prior to contract award] (see 49 CFR 26.53(3)).

{If no separate contract goal has been established, use the following} The successful bidder/offeror will be required to report its DBE participation obtained through race-neutral means throughout the period of performance.

d. The contractor is required to pay its subcontractors performing work related to this contract for satisfactory performance of that work no later than 30 days after the contractor's receipt of payment for that work from the {insert agency name}. In addition, [the contractor may not hold retainage from its subcontractors.] [is required to return any retainage payments to those subcontractors within 30 days after the subcontractor's work related to this contract is satisfactorily completed.] [is required to return any retainage payments to those subcontractors within 30 days after incremental acceptance of the subcontractor's work by the {insert agency name} and contractor's receipt of the partial retainage payment related to the subcontractor's work.]

e. The contractor must promptly notify {insert agency name}, whenever a DBE subcontractor performing work related to this contract is terminated or fails to complete its work, and must make good faith efforts to engage another DBE subcontractor to perform at least the same amount of work. The contractor may not terminate any DBE subcontractor and perform that work through its own forces or those of an affiliate without prior written consent of {insert agency name}.

29. [RESERVED]

30. INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION (FTA) TERMS

FTA Circular 4220.1E

Applicability to Contracts

The incorporation of FTA terms applies to all contracts.

Flow Down

The incorporation of FTA terms has unlimited flow down.

Model Clause/Language

FTA has developed the following incorporation of terms language:

Incorporation of Federal Transit Administration (FTA) Terms - The preceding provisions include, in part, certain Standard Terms and Conditions required by DOT, whether or not expressly set forth in the preceding contract provisions. All contractual provisions required by DOT, as set forth in FTA Circular 4220.1E, 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 Contractor shall not perform any act, fail to perform any act, or refuse to comply with any (name of grantee) requests which would cause (name of grantee) to be in violation of the FTA terms and conditions.

31. DRUG AND ALCOHOL TESTING

49 U.S.C. §5331

49 CFR Parts 653 and 654

Applicability to Contracts

The Drug and Alcohol testing provisions apply to Operational Service Contracts.

Flow Down Requirements

Anyone who performs a safety-sensitive function for the recipient or subrecipient is required to comply with 49 CFR 653 and 654, with certain exceptions for contracts involving maintenance services. Maintenance contractors for non-urbanized area formula program grantees are not subject to the rules. Also, the rules do not apply to maintenance subcontractors.

Model Clause/Language

Introduction

FTA's drug and alcohol rules, 49 CFR 653 and 654, respectively, are unique among the regulations issued by FTA. First, they require recipients to ensure that any entity performing a safety-sensitive function on the recipient's behalf (usually subrecipients and/or contractors) implement a complex drug and alcohol testing program that complies with Parts 653 and 654. Second, the rules condition the receipt of certain kinds of FTA funding on the recipient's compliance with the rules; thus, the recipient is not in compliance with the rules unless every entity that performs a safety-sensitive function on the recipient's behalf is in compliance with the rules. Third, the rules do not specify how a recipient ensures that its subrecipients and/or contractors comply with them.

How a recipient does so depends on several factors, including whether the contractor is covered independently by the drug and alcohol rules of another Department of Transportation operating administration, the nature of the relationship that the recipient has with the contractor, and the financial resources available to the recipient to oversee the contractor's drug and alcohol testing program. In short, there are a variety of ways a recipient can ensure that its subrecipients and contractors comply with the rules.

Therefore, FTA has developed three model contract provisions for recipients to use "as is" or to modify to fit their particular situations.

Explanation of Model Contract Clauses

Under Option 1, the recipient ensures the contractor's compliance with the rules by requiring the contractor to participate in a drug and alcohol program administered by the recipient. The advantages of doing this are obvious: the recipient maintains total control over its compliance with 49 CFR 653 and 654. The disadvantage is that the recipient, which may not directly employ any safety-sensitive employees, has to implement a complex testing program. Therefore, this may be a practical option only for those recipients which have a testing program for their employees, and can add the contractor's safety-sensitive employees to that program.

Under Option 2, the recipient relies on the contractor to implement a drug and alcohol testing program that complies with 49 CFR 653 and 654, but retains the ability to monitor the contractor's testing program; thus, the recipient has less control over its compliance with the drug and alcohol testing rules than it does under option 1. The advantage of this approach is that it places the responsibility for complying with the rules on the entity that is actually performing the safety-sensitive function. Moreover, it reserves to the recipient the power to ensure that the contractor complies with the program. The disadvantage of Option 2 is that without adequate monitoring of the contractor's program, the recipient may find itself out of compliance with the rules.

Under option 3, the recipient specifies some or all of the specific features of a contractor's drug and alcohol compliance program. Thus, it requires the recipient to decide what it wants to do and how it wants to do it. The advantage of this option is that the recipient has more control over the contractor's drug and alcohol testing program, yet it is not actually administering the testing program. The disadvantage is that the recipient has to specify and understand clearly what it wants to do and why.

Drug and Alcohol Testing

Option 1

The contractor agrees to:

(a) participate in (grantee's or recipient's) drug and alcohol program established in compliance with 49 CFR 653 and 654.

Drug and Alcohol Testing

Option 2

The contractor agrees to establish and implement a drug and alcohol testing program that complies with 49 CFR Parts 653 and 654, produce any documentation necessary to establish its compliance with

Parts 653 and 654, and permit any authorized representative of the United States Department of Transportation or its operating administrations, the State Oversight Agency of (name of State), or the (insert name of grantee), to inspect the facilities and records associated with the implementation of the drug and alcohol testing program as required under 49 CFR Parts 653 and 654 and review the testing process. The contractor agrees further to certify annually its compliance with Parts 653 and 654 before (insert date) and to submit the Management Information System (MIS) reports before (insert date before March 15) to (insert title and address of person responsible for receiving information). To certify compliance the contractor shall use the "Substance Abuse Certifications" in the "Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements," which is published annually in the Federal Register.

Drug and Alcohol Testing

Option 3

The contractor agrees to establish and implement a drug and alcohol testing program that complies with 49 CFR Parts 653 and 654, produce any documentation necessary to establish its compliance with Parts 653 and 654, and permit any authorized representative of the United States Department of Transportation or its operating administrations, the State Oversight Agency of (name of State), or the (insert name of grantee), to inspect the facilities and records associated with the implementation of the drug and alcohol testing program as required under 49 CFR Parts 653 and 654 and review the testing process. The contractor agrees further to certify annually its compliance with Parts 653 and 654 before (insert date) and to submit the Management Information System (MIS) reports before (insert date before March 15) to (insert title and address of person responsible for receiving information). To certify compliance the contractor shall use the "Substance Abuse Certifications" in the "Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements," which is published annually in the Federal Register. The Contractor agrees further to [Select a, b, or c] (a) submit before (insert date or upon request) a copy of the Policy Statement developed to implement its drug and alcohol testing program; OR (b) adopt (insert title of the Policy Statement the recipient wishes the contractor to use) as its policy statement as required under 49 CFR 653 and 654; OR (c) submit for review and approval before (insert date or upon request) a copy of its Policy Statement developed to implement its drug and alcohol testing program. In addition, the contractor agrees to: (to be determined by the recipient, but may address areas such as: the selection of the certified laboratory, substance abuse professional, or Medical Review Officer, or the use of a consortium).

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**GRANT APPLICATION
DEVELOPMENT,
DISTRIBUTION, EVALUATION
AND AWARD PROCEDURES
(GDP 100)**

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GRANT APPLICATION DEVELOPMENT, DISTRIBUTION, EVALUATION AND AWARD

PURPOSE

The Grant Application Development, Distribution, Evaluation and Award process outlines the roles and responsibilities of the Central Office (CO), District Offices (DO), and grantees in the development, distribution, and evaluation of application packages. It also documents how awards are transmitted for inclusion in the statewide program of projects for each Federal Transit Administration (FTA) grant.

APPLICATION DEVELOPMENT

- I. The CO will provide the annual program application manuals to the DOs for review and comment by July 20 annually.
- II. The DOs will provide comments to the CO for inclusion in the application manuals by August 5 annually. The DO will make sure to include any changes to contact information, as well as any proposed changes to the standard application language. Any changes to forms included in the application must be approved by the CO prior to the distribution of the manual.
- III. The CO will provide the application packages for final DO review to the DOs by August 20 annually. This is the last opportunity to make changes to the application packages for that grant year.
- IV. The DOs will return final comments to the CO by August 25 annually.
- V. The CO will provide a final electronic version of each application package to the DOs no later than September 5 annually. Application packages will contain a full description of all state and federal program requirements as well as required application forms.

APPLICATION DISTRIBUTION

- I. The DOs will coordinate with the CO in the scheduling of District grantee workshops.
- II. The DOs can use this opportunity to request specific topic training or presentations from the CO. The CO will inform the DOs of any specific updates from FTA that need to be included in the grantee workshop agendas.
- III. DOs will announce the availability of grant application packages by means appropriate to the local area. For example, a grants solicitation letter to interested parties, or announcements at public meetings, or newspaper notices, etc. DOs may send application packages directly to known potential applicants, but should also make appropriate efforts (see examples above) to inform other eligible program recipients. Announcement of the availability of grant application packages may be concurrent with

the announcement of the availability of grant application packages for all the FTA programs and/or state funding programs.

- IV. The DOs will provide technical assistance in completing the application to potential new grantees, as needed, to assure access to the federal funding resources. The DOs may request assistance from the CO in providing the identified technical assistance to the potential new grantees.
- V. Each DO establishes a single grant application deadline, after which applications will not be accepted. DOs may request that all application submittals be transmitted through TransCIP, the Department's transit grant management software.

APPLICATION EVALUATION

- I. The DO determines the membership of the Application Review Team (APR). At least one member shall be from outside the Department of Transportation, unaffiliated with any applicant under consideration, and familiar with transportation, public issues, and needs in the District.
- II. The APR reviews the grant applications for completeness. The APR verifies the applicant is in compliance with all state and federal requirements.
- III. Each member of the APR provides a quantitative review of each application using the DO's choice of application scoring spreadsheet. Examples of scoring spreadsheets are provided in each applicable procedure.
- IV. The APR members meet to provide a qualitative review. Discussions during this review include past history of the agency; such as, preventative maintenance issues, financial issues, etc. Scoring may be adjusted to account for any new information provided.
- V. Grant awards will not be made to grantees with a history of contract violations.
- VI. When award decision are completed, the DO prepares the program of projects (POP) for the appropriate federal funding program. The POP identifies the award recipients and projects for which the Department is awarding financial assistance. A sample POP is provided at the end of this process.
- VII. The POP will include a brief description of the project, including the county or counties being served, total project cost, and the federal, state and local shares for each project. All awards made in urbanized areas must be reflected in the local Transportation Improvement Program (TIP) and the Statewide Transportation Improvement Program (STIP). All awards, statewide, must be reflected in the STIP. Transit Program Managers provide a list of awards for each metropolitan area to the appropriate MPO after the completion of the District POP. Providing the list of awarded projects, allows the MPO to reflect the projects in their TIP. The MPO doesn't need to request a STIP amendment because the live STIP captures the projects when they are programmed at the Central Office.

- VIII. The POP for each federal program will be provided to the CO no later than March 1 annually, unless the CO provides an alternate deadline. The POP submittal will include a record of approved and rejected requests that identify applicants that are minority organizations or that provide assistance to minority communities.

GRANT AWARDS

- I. When award decisions are completed, the DO notifies each applicant whether they are grant award recipients or not selected for a grant award. Sample non-selection letters, notification of funding letters, and notice of grant award letters are provided in each applicable program procedure.
- II. Applicants/recipients receiving Notification of Funding letters for the 5310 program will be instructed to sign and return the Notice of Grant Award to the DO. New 5310 capital recipients are provided instruction on how to order vehicles or procure non-vehicle capital equipment and seek reimbursement.
- III. Applicants/recipients receiving Notification of Funding letters for all other programs, including 5310 operating awards, will be instructed on how to request a joint participation agreement (JPA) for the award.
- IV. 5310 capital recipients are instructed that they have 12 months to spend their capital award.
- V. 5310 operating recipients and all other program grantees are instructed that they will not receive additional awards if their previous award is not invoiced in a timely manner.

Sample District Program of Projects

Sample District POP

Line	Dist	Cat	Recipient	L Urban Public/ PNP	S Urban Rural	Replace/ Expand	Project Descrip.	Quantity	Counties Served	DUNS	Operating				Capital				Federal Share Only		11.12.15		11.12.04		11.13.15		11.13.04		11.73.00		30.09.01															
											Total Project Cost	Total Federal Share	Total Local Share	Total State Share	Total Project Cost	Total Federal Share	Total Local Share	Total State Share	UZA Codes	TDSP Citation	50,000 to 199,999	Below 50,000	Quantity	Total Share	Federal Share																					
1	1	A	Central Florida Regional Planning Council	Public	Rural	R	Operating Assistance		Hardee, Highlands,	077594810	420,000	210,000	210,000	0	420,000	210,000	210,000			120000	0	210,000														420,000	210,000									
2	1	A	Central Florida Regional Planning Council	Public	Rural	R	Miniivan with Lowered Floo	2	Hardee, Highlands,	077594810	83,957	67,166	8,396	8,396	83,957	67,166	8,396	8,396		120000	0	67,166	2	83,957	67,166																					
3	1	A	Charlotte County Board of County Commissioners	Public	SU	R	Operating Assistance		Charlotte	040223463	35,000	17,500	17,500	35,000	17,500	17,500			129960	17,500																35,000	17,500									
4	1	A	Charlotte County Board of County Commissioners	Public	SU	R	28 Diesel Cutaway	1	Charlotte	040223463	92,936	74,349	9,294	9,294	92,936	74,349	9,294	9,294		129960	74,349					1	92,936	74,349																		
5	1	A	Ridge Area ARC	PNP	SU	R	23 Cutaway Bus with Lift	1	Hardee, Highlands,	076997790	69,721	55,777	6,972	6,972	69,721	55,777	6,972	6,972			55,777					1	69,721	55,777																		
6	1	A	DeSoto County Board of County Commissioners	Public	Rural	R	Miniivan	2	DeSoto	013461611	84,000	67,200	8,400	8,400	84,000	67,200	8,400	8,400		120000	67,200	2	84,000	67,200																						
7	1	C	District One - Reserve								0	0	0	0																																
Total											785,614	491,991	260,561	33,061	455,000	227,500	227,500	330,614	264,491	33,061	33,061	607,920	147,626	344,366	4	167,957	134,366	2	162,637	130,126	0	0	0	0	0	0	0	0	0	0	0	0	0	0	455,000	227,500

Sample District POP

Line	Dist	Cat	Recipient	L Urban Public/ PNP	S Urban Rural	Replace/ Expand	Project Descrip.	Quantity	Counties Served	DUNS	Operating						
											Total Project Cost	Total Federal Share	Total Local Share	Total State Share			
1	1	A	Central Florida Regional Planning Council	Public	Rural	R	Operating Assistance		Hardee, Highlands,	077594810	420,000	210,000	210,000	0	420,000	210,000	210,000
2	1	A	Central Florida Regional Planning Council	Public	Rural	R	Miniivan with Lowered Floo	2	Hardee, Highlands,	077594810	83,957	67,166	8,396	8,396	83,957	67,166	8,396
3	1	A	Charlotte County Board of County Commissioners	Public	SU	R	Operating Assistance		Charlotte	040223463	35,000	17,500	17,500	35,000	17,500	17,500	
4	1	A	Charlotte County Board of County Commissioners	Public	SU	R	28 Diesel Cutaway	1	Charlotte	040223463	92,936	74,349	9,294	9,294	92,936	74,349	9,294
5	1	A	Ridge Area ARC	PNP	SU	R	23 Cutaway Bus with Lift	1	Hardee, Highlands,	076997790	69,721	55,777	6,972	6,972	69,721	55,777	6,972
6	1	A	DeSoto County Board of County Commissioners	Public	Rural	R	Miniivan	2	DeSoto	013461611	84,000	67,200	8,400	8,400	84,000	67,200	8,400
7	1	C	District One - Reserve								0	0	0	0			
Total											785,614	491,991	260,561	33,061	455,000	227,500	227,500

Total Project Cost	Capital			Federal Share Only		11.12.15		11.12.04		11.13.15		11.13.04		11.73.00		30.09.01			
	Total Federal Share	Total Local Share	Total State Share	UZA Codes	TDSP Citation	50,000 to 199,999	Below 50,000	Quantity	Total Share	Federal Share	Quantity	Total Share	Federal Share	Quantity	Total Share	Federal Share	Quantity	Total Share	
				120000		0	210,000											420,000	210,000
83,957	67,166	8,396	8,396	120000		0	67,166	2	83,957	67,166									
				129960		17,500												35,000	17,500
92,936	74,349	9,294	9,294	129960		74,349		1	92,936	74,349									
69,721	55,777	6,972	6,972			55,777		1	69,721	55,777									
84,000	67,200	8,400	8,400	120000		67,200	2	84,000	67,200										
330,614	264,491	33,061	33,061	607,920		147,626	344,366	4	167,957	134,366	2	162,637	130,126	0	0	0	0	0	0



**FTA GRANT SUBMITTAL,
AWARD AND EXECUTION
PROCESS (GSP 100)**

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FTA GRANT APPLICATION SUBMITTAL, AWARD AND EXECUTION PROCESS

PURPOSE

The Federal Transit Administration (FTA) Grant Application Submittal, Award and Execution process outlines the roles and responsibilities of the Central Office (CO), District Offices (DO), and subrecipients in the preparation, submittal, award, execution and amendment of the statewide program of projects (POPs).

POP Preparation and Development

1. The CO will use Grant Application Development, Distribution, Evaluation and Award process for the creation of District POPs.
2. The CO will distribute to the DOs the allocation of FTA grant monies assigned to each District.
3. DOs shall submit District POPs to the CO through TransCIP's FDOT Library tab. The DO shall notify the CO that the submittal has been completed through TransCIP. The District POP shall contain the following information:
 - a. Name of the subrecipient;
 - b. Whether the subrecipient is a private-non-profit or public applicant;
 - c. Whether the area of service is urban (greater than 200,000 in population), small urban (50,000 to 199,999 in population), or, rural (less than 50,000 in population);
 - d. Whether a capital item is an expansion acquisition or a replacement item;
 - e. A project description;
 - f. The quantity if a tangible item;
 - g. Counties to be served;
 - h. The subrecipient's DUNS number;
 - i. If applicable the Transportation Disadvantages Service Plan (TDSP) name, date of approval and page number showing the subrecipient's project supports the TDSP;
 - j. The STIP page number (if applicable);
 - k. Total project cost; and,
 - l. Total Federal share (which may have to be broken down by small urban or rural).
4. Within ten (10) days of receipt of the District POP the CO will review it. The CO will either send the DOs an email of receipt and approval or a request for additional information.

5. The CO will combine the District POPs into a statewide POP for submittal to FTA. The CO will enter the following documents into the FTA electronic grant management system:
 - a. Grant application information that will include:
 - i. Project information that contains a detailed project description, budget control totals, Congressional Districts impacted, urbanized areas (if applicable) impacted, start and finish dates, detailed budget numbers and descriptions by Activity Line Item (ALI) codes, detailed milestones with dates, environmental findings, and, fleet status (if applicable);
 - b. FDOT state management procedures and processes appropriate to the grant;
 - c. The allocation of funds among Districts;
 - d. The statewide POP with appropriate ALI codes and distributions among small urban and rural areas (if applicable);
 - e. The appropriate STIP pages;
 - f. If vehicles are in statewide POP the most recent vehicle fleet inventory;
 - g. If applicable the Department of Labor approval letter;
 - h. If applicable the FTA approval letter to transfer funds from small urban to rural areas;
 - i. If applicable technical accounting codes; and,
 - j. If applicable Federal Highway Administration and FTA approval matrixes.
6. CO will submit the proposed grant with the information above. FTA grant reviewers will be notified by email and/or telephone call that the grant data has been entered.
 - a. All grants will be submitted for review with pre-award authority checked yes; and,
 - b. When FTA submits comments on the proposed grant CO will respond with ten (10) days.
7. When FTA gives the proposed grant authority for a formal submitted CO will do so within five (5) days.
8. When FTA awards the grant CO will execute the grant within five (5) days.
 - a. Upon notification of award the CO will submit a grant execution request to the Freight and Logistics Administrator for authority to execute the grant.
9. Upon execution of the grant the CO will notify the DOs with three (3) days that the grant has been executed by FDOT.

- a. The CO Comptroller's Office and Work Program Office shall be notified within three (3) days of grant execution.
- b. Within sixty (60) days the CO will enter the individual subrecipient data into the Federal Funding Accountability and Transparency Act electronic reporting system.

QUARTERLY, SEMI-ANNUAL AND ANNUAL REPORTING

1. The CO shall prepare and submit the quarterly Federal Financial Reports (FFRs) and Milestone/Progress Report (MPRs) to the FTA using the electronic reporting system.
 - a. DOs with District managed FTA grants shall share MPRs information with the CO in a timely way so that the report may be filed.
2. The CO shall prepare and submit the semi-annual Disadvantaged Business Enterprise (DBE) report to FTA using the electronic reporting system using the sub-recipient reports submitted by the DOs.
3. The CO will file an annual Certifications and Assurances with FTA using the electronic reporting system.
4. The CO will prepare and submit a Title VI , DBE and EEO program plan in a timely way to FTA using the electronic reporting system.

CLOSE OUT OF GRANTS

1. When a grant has been completed and all funds have been drawn down the CO will contact the FDOT Office of the Comptroller to confirm all funds have been completed.

Once confirmation of all funds have been drawn down the CO shall file a final FFR and a final MPR before submitting a Close-Out amendment to FTA

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**INVOICE PROCESSING
FOR PAYMENT PROCESS
(IP 100)**

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INVOICE PROCESSING FOR PAYMENT PROCESS

PURPOSE

The Invoice Processing for Payment Process outlines the steps taken by District Project Managers in processing grantee invoices for payment. Required attachments may vary by District or by the requirements outlined in the Joint Participation Agreement.

INVOICE REVIEW

1. Review invoice for proper back up and accuracy to include calculations, balances, quarterly report, invoice and contract number, and consistency with contract scope.
2. If using inkind match, make sure the invoice reflects the agreed upon inkind categories.
3. If billing by rates, make sure rates on the invoice agree with the rates listed in the agreement. Make sure the annual rate evaluation is in the contract file just in case DFS asks to see it.
4. If the agency is billing for a percentage of a route that runs in both urban and rural areas (as is sometimes the case for 5311 projects), make sure the documentation of the methodology used for billing is available.

PROCESSING FOR SUBMITTAL

1. Date stamp the reimbursement request letter.
2. Log into the FACTS website.
3. Go to contract invoice transmittals.
4. Enter by contract number.
5. Complete transmittal form, print, sign and date.
6. Attach a copy of the original executed contract front page, along with Exhibit A and B.
7. Attach any Supplementals or NOGA.
8. Attach any extension approvals.
9. Run copies for Financial Services.
10. Transmit, per District policy, the invoice to Financial Services/Disbursements Office.

POST SUBMITTAL STEPS

1. Keep a copy of the full package for contract file.
2. Each year when funds are used up on a line item of a multi-year contract, **do not** mark the invoice as **FINAL**. If you do, Fiscal will close the contract.
3. When the funds have been used up by line item, by year, notify the Central Office to close out the project year in the appropriate grant.

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**GUIDANCE FOR CERTIFYING
IN-KIND CONTRIBUTIONS AS
LOCAL MATCH**

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GUIDANCE FOR CERTIFYING IN-KIND CONTRIBUTIONS AS LOCAL MATCH

In-kind contributions can be used to cover local match as long as several criteria are met.

1. All in-kind local match must be certified by the District Office prior to the execution of the joint participation agreement in which the in-kind contributions will be used as local match.
2. In-kind contributions must be eligible expenses of the project in order to be certified as eligible local match. As an example, staff salaries of nursing personnel can't be used as match for a transportation operations joint participation agreement. However, the salaries of administrative personnel doing accounting or payroll could be considered in-kind match for a transportation operations project.
3. In-kind contributions counting as local match must be verifiable from the records of the recipient. These records must show how the value placed on the in-kind contribution was derived.
4. If using volunteer services and in-kind local match, the volunteer services must be supported by the same methods that the recipient uses to support the allocation of regular personnel costs.
5. If an employer other than the actual recipient provides free services to the recipient for project purposes, the services will be valued at the employee's regular rate of pay exclusive of the employee's fringe benefits and overhead costs.
6. If a recipient uses donated supplies as in-kind local match, the contribution will be valued at the market value of the supplies at the time of the donation.
7. If a recipient uses donated equipment or space in a building but retains title, the contribution will be valued at the fair rental rate of the equipment or space.
8. If a recipient donates real property for a construction or facilities acquisition project, the current market value of that property may be counted as in-kind local match. If any part of the donated property was acquired with Federal funds, only the non-federal share of the property may be counted as local match.
9. Written documentation of all agreed upon in-kind local match, signed by the recipient and the District Project Manager, must be included as an exhibit of the joint participation agreement.

IN-KIND VERIFICATION FORM

In-kind contributions are non-cash contributions that are a direct benefit to the project. Volunteer services, space, supplies, or other donations can be approved as in-kind if reflected at real or accepted rates.

- Volunteer services must be reflected at rates comparable to paid employee rates.
- Donated services (accounting, etc.) by County or other staff must be reflected at the employee’s regular rate of pay (plus an amount of fringe benefits that are reasonable, allowable, and allocable, but exclusive of overhead costs).
- Donated, expendable personal property includes such items as expendable equipment, office supplies, etc. The value assessed should be reasonable and should not exceed the current market value of the property at the time of the agreement execution.
- Donated, non-expendable property includes buildings, land, etc. The value of donated space in a facility shall not exceed the fair rental value as established by an appraisal of comparable space and facilities in a privately-owned building in the same locality. Land value shall not exceed the appraised value at the time of agreement execution.

Item/Description/Type	Value
Total In-kind Contribution	

Agency Certification:

I hereby certify intent to use the above described items/values as in-kind match for the period specified in the Joint Participation Agreement. These item(s) are not included as match for any other State of Federally funded program or contract and is not borne by the federal government directly under any Federal grant or contract.

Agency Signature, Name and Title

Date

Acceptance by DOT

Name and Title

Date



GUIDELINES FOR ACQUIRING VEHICLES

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GUIDELINES FOR ACQUIRING VEHICLES

The first step is to determine whether your grant award is a 5310 FDOT Purchase award or an award from another funding program. If the award is from any funding program other than 5310, the Grantee will complete the vehicle purchase either from a TRIPS Program contract or by going out to bid, then seek reimbursement from the FDOT.

Steps for 5310 Vehicle Awards

Review all the contracts at www.tripsflorida.org to determine which vehicle and from what vendor you would like to order. Vehicles available for purchase from Department of Management Services contracts can be viewed at http://dms.myflorida.com/business_operations/state_purchasing/vendor_information/state_contracts_agreements_and_price_lists/state_term_contracts/automobiles_and_light_trucks.

If you order from a TRIPS contract, confirm with the Dealer the accuracy of the order form and the potential build time for the vehicle. Email the completed order form and a purchase order payable to the selected Dealer for the agency share of the purchase to Lazara Stinnette at lstinnette@cutr.usf.edu or fax the information to the attention of Lazara at 813-974-5168. You can also mail the completed order form and purchase order or check for the local share to:

USF-CUTR

Attn: Lazara Stinnette,

4202 E. Fowler Avenue, CUT100

Tampa, FL 33620

Lazara will verify order accuracy, complete the order package for FDOT and forward it to the Central Office. The Central Office processes the order, does an award amount and vehicle order check and then submits the order through the Myflorida Marketplace.

It is the agency's responsibility to contact Lazara at 813-974-0695 when the vehicle is scheduled for delivery. Lazara will then complete the vehicle inventory form and assign an FDOT control number. The agency must place the control number on the rear of the vehicle above the license plate area. The FDOT control number must be no less than 1", and shall be black or a contrasting color to the vehicle. Be sure to place the FHP letter provided by Lazara in the glove box of the vehicle.

The agency must complete the vehicle acceptance package and submit it to Lazara within five days of delivery of the vehicle. The Central Office will process payment of the FDOT funded portion of the vehicle within 5 days of receipt of the vehicle acceptance package. The agency is responsible for submitting the agency share, reflected in the original agency purchase order or check, to the vendor within 5 days of acceptance of the vehicle.

Steps for all other Vehicle Awards

Review all the contracts at www.tripsflorida.org to determine which vehicle and from what vendor you would like to order. Vehicles available for purchase from Department of Management Services contracts can be viewed at http://dms.myflorida.com/business_operations/state_purchasing/vendor_information/state_contracts_agreements_and_price_lists/state_term_contracts/automobiles_and_light_trucks.

If you don't use the TRIPS Program or DMS Contracts you must complete a competitive bid process for the purchase of your vehicle.

Develop your specifications and bid package for the vehicle type you were awarded. Complete the Third-party Procurement Checklist and submit the package to the District Office for review. After the District Office approves the package, complete your procurement process. When the vehicles are delivered, notify your District Office. The District Office will complete the inventory control form and provide you with the appropriate control numbers. The agency must place the control number on the rear of the vehicle above the license plate area. The FDOT control number must be no less than 1", and shall be black or a contrasting color to the vehicle.

Pay your dealer and then submit the reimbursement request to the District Office per the terms of your Joint Participation agreement.

If you have questions about 5310 purchases or third-party procurements, please contact:

Erin Schepers

FDOT Central Office

850-414-4526

erin.schepers@dot.state.fl.us



**TRANSIT OFFICE
DISADVANTAGED BUSINESS
ENTERPRISE PROCESS (DBE 100)**

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TRANSIT OFFICE DISADVANTAGED BUSINESS ENTERPRISE PROCESS

PURPOSE

The Transit Office Disadvantaged Business Enterprise (DBE) process outlines the roles and responsibilities of the Central Office (CO), District Offices (DO), and subrecipients in the application and administration of DBE requirements.

DESIGN OF AN EFFECTIVE DBE PROGRAM

1. The CO will annually review the Code of Federal Regulations (CFR) and FTA guidance to determine any changes in DBE requirements by July 20th of each year.
2. The CO will determine the correct DBE language to be included in Joint Participation Agreements by July 20th of each year.
3. The CO will distribute to the DOs the FTA DBE requirements for FDOT and its subrecipients to follow. This will include: notice of established participation goals; the circulation of all Federal regulations; how to monitor DBE compliance; how to coordinate community outreach and information effort with local parties interested in DBE development; and, how to complete the semi-annual DBE reporting forms.
4. The DOs will provide advisory comments to the CO regarding issues with DBE requirements by August 5th annually.
5. The CO will provide the semi-annual reporting forms to the DOs by August 20th annually.
6. The CO will work with the FDOT Equal Opportunity Office to develop DBE goals for programs funded with FTA funds.

SEMI-ANNUAL DBE REPORTING FORMS

1. The CO will develop training materials to assist DOs and subrecipients accurately complete the semi-annual DBE reporting forms. The CO will offer semi-annual interactive training for DOs and subrecipients.
2. The DBE reporting form is provided at the end of this process. The form can also be obtained from the dot.gov website: [DBE Reporting Form](#)
3. Reports are due to FTA on: June 1 for the period October 1 through March 31, inclusive; and, December 1 for the period April 1 through September 30, inclusive.
4. All subrecipient reports should be filed in TransCIP by the DOs with the CO thirty (30) days prior to the report submission to FTA.
5. Upon receipt of the subrecipient semi-annual DBE reports thirty (30) days prior the report submission to FTA the CO will review the reports for accuracy and completion. The CO review and comments will allow subrecipients an opportunity to amend their reports.

REPORT TO FTA AND REPORT AMENDMENTS

1. The CO will timely file the DBE report in the FTA electronic grant management system.
2. If FTA requests clarification of a CO report then the CO will respond within ten (10) days to FTA's requests and resubmit the amended DBE report.

General Reporting

UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS							
Please refer to the Instructions sheet for directions on filling out this form							
1 Submitted to (check only one):	<input type="checkbox"/> FHWA	<input type="checkbox"/> FAA	<input type="checkbox"/> FTA--Recipient ID Number				
2 AIP Numbers (FAA Recipients); Grant Number (FTA Recipients):							
3 Federal fiscal year in which reporting period falls:				4. Date This Report Submitted:			
5 Reporting Period	<input type="checkbox"/> Report due June 1 (for period Oct. 1-Mar. 31)			<input type="checkbox"/> Report due Dec. 1 (for period April 1-Sept. 30)		<input type="checkbox"/> FAA annual report due Dec. 1	
6 Name and address of Recipient:							
7 Annual DBE Goal(s):	Race Conscious Projection		Race Neutral Projection		OVERALL Goal		

Awards/Commitments this Reporting Period

	A	B	C	D	E	F	G	H	I
A	Total Dollars	Total Number	Total to DBEs (dollars)	Total to DBEs (number)	Total to DBEs /Race Conscious (dollars)	Total to DBEs/Race Conscious (number)	Total to DBEs/Race Neutral (dollars)	Total to DBEs/Race Neutral (number)	Percentage of total dollars to DBEs
AWARDS/COMMITMENTS MADE DURING THIS REPORTING PERIOD (total contracts and subcontracts committed during this reporting period)									
8 Prime contracts awarded this period									
9 Subcontracts awarded/committed this period									
10 TOTAL									

B	BREAKDOWN BY ETHNICITY & GENDER	Contracts Awarded to DBEs this Period							
		Total to DBE (dollar amount)			Total to DBE (number)				
		A	B	C	D	E	F		
		Women	Men	Total	Women	Men	Total		
11	Black American								
12	Hispanic American								
13	Native American								
14	Asian-Pacific American								
15	Subcontinent Asian Americans								
16	Non-Minority								
17	TOTAL								

Payments Made this Period

	A	B	C	D	E	F
C	Total Number of Contracts	Total Dollars Paid	Total Number of Contracts with DBEs	Total Payments to DBE firms	Total Number of DBE firms Paid	Percent to DBEs
18	Prime and sub contracts currently in progress					

	A	B	C	D	
D	Number of Contracts Completed	Total Dollar Value of Contracts Completed	DBE Participation Needed to Meet Goal (Dollars)	Total DBE Participation (Dollars)	Percent to DBEs
19	Race Conscious				
20	Race Neutral				
21	Totals				
22	Submitted By:	24. Signature:		25. Phone Number:	

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**SINGLE AUDIT COMPLIANCE
(SAP 100)**

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SINGLE AUDIT COMPLIANCE

PURPOSE

The Single Audit Compliance Process outlines the roles and responsibilities of District Project Managers, the Central Office Single Audit Specialist and the grantees in complying with the requirements of the federal and state single audit requirements.

CENTRAL OFFICE SINGLE AUDIT SPECIALIST RESPONSIBILITIES

1. The Office of the Comptroller will be the central repository for all Single Audit reports. Grantees must be instructed to file their annual single audit reports by emailing the report to FDOT Single Audit at FDOTSingleAudit@dot.state.fl.us or mailing the report to: Office of Comptroller, MS 24; 605 Suwannee Street; Tallahassee, FL 32399-0405.
2. The Single Audit Application (SAA) checklists will be completed by the Central Office Single Audit Specialist.
3. If a Single Audit finding requires issuance of a management decision letter of a corrective action plan, the Office of the Comptroller will coordinate efforts with the District Project Manager.

DISTRICT PROJECT MANAGER RESPONSIBILITIES

1. Ensure that all grantees understand the Single Audit requirements prior to signing a Joint Participation Agreement (JPA).
2. Include the Office of Comptroller address in all JPAs as the location to which grantees must submit Single Audit reports.
3. Ensure that every award of federal or state financial assistance is clearly identified to the grantee.
4. Monitor the activities of the grantee during the award as necessary to ensure it is only used for authorized purposes in compliance with statutes, rules, regulations and the terms and conditions of the award. This can be accomplished through reporting, site visits, and/or regular contact with the grantee.
5. Ask the grantee the Single Audit questions from the Triennial Review Guide (see page 251) during the Triennial Review.

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**RURAL NATIONAL TRANSIT
DATA COLLECTION PROCESS
(RTD 100)**

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RURAL NATIONAL TRANSIT DATA COLLECTION PROCESS

PURPOSE

The Rural National Transit Data Collection process outlines the roles and responsibilities of the participants and the steps to a successful Rural NTD collection and submittal. It is the responsibility of the Central Office to submit this data on behalf of the Department.

PRELIMINARY DATA COLLECTION

- The Department (from this point refers to the Transit - Central Office) initiates contact in September with the transit agencies receiving 5311 funding to begin the data collection for the previous fiscal year.
- A template for data submission (either electronic or paper) is transmitted to the affected agencies. This template has all the data categories that are required by the Federal Transit Administration for that reporting period. These categories include Financial (revenues and expenditures), vehicle inventory, safety incidents, trips and revenue miles.
- The Department works with the agencies to ensure that they understand what needs to be provided and updated.
- The agencies submit their NTD data to the Department by October.

DEPARTMENT SUBMISSION TO THE FTA

- The Department transcribes the agencies submitted data to the NTD online forms.
- The Department reconciles with the agencies any discrepancies in the data before submission to the FTA.
- The Department adds any explanatory documents to the online forms to provide additional clarification of the 5311 expenditures and associated data for the reporting fiscal year.
- The Department submits the State's forms for FTA review and comment by the end of November.

FTA REVIEW AND COMMENT

- The FTA reviews the Department's Rural NTD submission and returns it with comments and areas needing further clarification.

REVISION AND RESUBMITTAL TO THE FTA

- The Department works with the affected agencies to refine the data and provide explanations for deviations from the previous year's data in those areas where FTA has raised questions.
- After addressing the FTA's concerns the Department resubmits the Rural NTD for a final submission no later than mid-March.

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**CHARTER SERVICE TECHNICAL
ASSISTANCE, MONITORING,
AND REPORTING PROCESS
(CSP 100)**

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CHARTER SERVICE TECHNICAL ASSISTANCE, MONITORING, AND REPORTING PROCESS

PURPOSE

The Charter Service Technical Assistance, Monitoring and Reporting Process outlines the roles and responsibilities of the Central Office (CO), District Offices (DOs), and recipients in providing technical assistance, monitoring recipients activities, and both recipient and Department reporting of Charter Service activities. This process ensures that recipients aren't using federally funded equipment and facilities to provide Charter Service if a registered private charter operator expresses interest in providing the service. It also documents how recipients will report on community based Charter Services excepted under the regulations.

TECHNICAL ASSISTANCE

1. The CO will monitor FTA guidance on Charter Service regulations and provide training to the DOs and recipients as necessary. The CO developed the Charter Service Scenarios document as a training tool (see Attachment A).
2. The DOs, at the request of recipients, will determine if a service request falls under the definition of Charter Service.
3. If the DO cannot make the determination, the DO will enlist the assistance of the CO.
4. If the CO cannot determine if the service request meets the definition, then the CO will request a determination from the Federal Transit Administration (FTA).

MONITORING

1. Recipients will confirm their interest in responding to Charter Service requests prior to execution of grant awards. DOs will provide Charter Service Reporting form and instructions to all interested recipients (see Attachment B).
2. The DOs will keep a record of all recipients interested in responding to Charter Service Requests.
3. The DOs will provide recipients with the Charter Service Quick Reference Tool and the "What to do When You Get a Charter Service Request" guidance document (see Attachment C).

REPORTING PROCESS

1. Recipients will submit required Charter Service reports to the DOs by January 10, April 10, July 10, and October 10.
2. DOs will submit the recipient Charter Service reports to the CO by January 20, April 20, July 20, and October 20.
3. The CO will file the Charter Service reports in TEAM no later than January 31, April 30, July 31, and October 31.

ATTACHMENT A

CHARTER SERVICE SCENARIOS

Definition of Charter service: Service to events or functions of a limited duration or that occur on an irregular basis and that is subsidized by a third party.

If a group requests charter service for an event and the public agency provides it free of charge, then it is not considered charter.

Demand response service may also include certain trips that are exclusive, for a group, from a single origin to a single destination, and that reoccur on a less-frequent basis than once per month, so long as these trips are arranged and operated under the same terms and conditions as the demand response system for individuals. These terms and conditions include advance notice requirements, service windows for pick-up and drop-off, and price. Service carried out by the demand response units of transit providers that are exclusive, for a group, from a single origin to a single destination, for a single event, and not under the usual terms and conditions of the demand response system for individuals should be considered to be charter service. Transit providers should report these services to the charter registration web site (5311 sub-recipients need to report quarterly to FDOT who reports services in TEAM).

TRANSPORTATION SCENARIOS

Sunnybrook nursing home would like to take its clients (100% elderly) on a fall leaf tour, stopping at a local café for pie and coffee. The nursing home would pay for and schedule the trip. The trip would be a quality of life benefit for each individual patient.

This is transportation provided by the transit agency at the request of a nursing home for exclusive use of a vehicle for a negotiated price to be paid for by the nursing home. Because a third party (Sunnybrook) is paying for and directing the service rather than the individuals, it is charter service. However, because all the clients are elderly, if the vehicle used for transportation is funded with FTA Section 5310 funds, then this is charter service for program purposes under 5310 and exempt from the charter rule. If the vehicles are not funded with 5310 funds, such a trip may not be provided unless (a) the transit agency has given appropriate notice to all registered charter providers and none expresses interest, (b) the transit agency provides the service for free, or (c) the nursing home can qualify as a Qualified Human Services Organization (QHSO).

Service from an assisted living residence where the seniors live to a concert hall for an event for which they individually purchased tickets. A social worker may call the demand response service from the assisted living residence and say we have 10 people who need to go to the concert hall. There is no exclusive use of the vehicle, a regular fee is paid, and no special treatment.

This is demand response service to individuals and is not considered charter service according to 49 CFR Section 604.3(c).

Service from a residential group home to take five neighborhood children to the public swimming pool and then return them to the group home.

This is demand response service to the general public. This is not considered charter service so long as each child pays his or her own individual fare and the service is arranged under the normal demand response system terms and conditions.

A Council on Aging contacts a transit system with the request to transport elderly clients from the COA to the cruise ship terminal for a cruise planned by the COA. The COA pays the transit system on behalf of the elderly clients.

If this service is provided with a 5310 vehicle it is considered program purpose transportation and is exempt from the charter regulation. If the individual clients paid their own fare, then it would not meet the definition of charter service.

Service from a nursing home to take some of the residents shopping every Friday morning. The nursing home would pay for the trip (3rd party pay) and if anyone else called in and needed a ride, and seats were available on the vehicle during that trip, the transit system would put those other individuals on the bus.

This is a subset of demand response service called special transportation and is not considered charter service. According to 49CFR Section 604.3(u), "Special transportation" means demand response or paratransit service that is regular and continuous and is a type of public transportation.

A demand response service system decides to schedule a trip to and from the State Fair for residents in its community. The trip is advertised in the community, open to the public, and the regular fare is charged.

The proposed service would be initiated and scheduled by the transit agency rather than scheduled by the individual customer. As long as the transit agency is initiating and scheduling the service in response to community demand, rather than in response to a third party group request, and none of the other characteristics of charter service such as premium fares or exclusive use of the vehicle by a group are present, this type of service is acceptable and would not be considered charter service under FTA's current regulations. Furthermore, the fare cannot be subsidized in whole or in part by a third party.

The Council on Aging plans an overnight trip, including hotel accommodations and meals, and asks the transit system to provide the transportation. All the individuals are elderly and the destination is in a neighboring state.

This is charter service or tour transportation. In addition, since this trip crosses state lines it is subject to the Federal Motor Carrier Safety Standards. The vehicle used for the trip must be registered with the Federal Motor Carrier office, have a USDOT number, and the driver must have passed the USDOT certification course. Federally funded vehicles cannot be used for this type of service.

A transit system provides federally funded vans to a private school to use in transporting children to and from school.

This is a violation of the School tripper rules. Federally funded vehicles cannot be used to specifically transport children to and from school. The service must be open to the general public and not designed specifically to meet school schedules.

If you are concerned about whether or not the service you are providing is in violation of Federal rules, please consult with your District transit staff. Should you advertise the opportunity to provide transportation that meets the definition of Charter Service and no private provider responds, then the public transit system may provide the service. If they do so, the transit system must provide documentation of the advertisement, lack of response, and fill out the Charter Service reporting form and provide it to the District Office. Failure to do so will endanger your FTA funding.

ATTACHMENT B

Charter Service Reporting Form

FTA Charter Exceptions Quarterly Reporting Form														
Section 1					Section 2					Section 3				
Exception	Name	Address	Phone #	Email Address	Date of Service	Start Time of Service	# of Passengers	Trip Origination	Trip Destination	Trip Duration (hours)	Fee Collected (per capita or total)	Vehicle #s (separate by semicolon)	# of Vehicles	Supporting Documentation (Document Title)
1														
2														
3														
4														
5														
6														
7														
8														
9														
10														
11														
12														
13														
14														
15														
16														
17														
18														
19														
20														

Instructions for filling out the FTA Charter Exceptions Quarterly Reporting Form

There are four exceptions for which a quarterly report is required:

- government officials (Section 604.6);
- qualified human service organizations (Section 604.7);
- leasing (Section 604.8); and
- when no registered charter provider responds to notice from a recipient (Section 604.8).

The form is broken into three sections.

Section 1 – For All Exceptions

- This section is filled out for all exceptions.
- In the first column specify which exception you relied upon to perform the charter service according to the following codes:
 - o government officials - **GO**
 - o qualified human service organizations - **QH**
 - o leasing - **LE**
 - o when no registered charter provider responds to notice from a recipient - **WN**
- Fill out the name, address, phone number, and email address of the government organization, qualified human service organization, or group as appropriate.

Section 2 – For GO, QH, and WN Exceptions Only

- This section is filled out for the government officials, qualified human service organizations, and when no registered charter provider responds to notice from a recipient only.
- Provide the requested trip information as indicated.
- For vehicle numbers please list all vehicle numbers separated by semicolons. If there's not enough room include this information, please attach a separate sheet with the required information. When doing this, please indicate the line number by referring to the number in column "A".

Section 3 – For LE Exception Only

- This section is filled out for the leasing exception only.
- For this exception supporting documentation is required.

- In column "P" list the title(s) of any documentation that supports the requirements of Section 604.8.b.3.

***It is very important that if you are reporting any LE exceptions that you print the form out and scan it as a PDF with the supporting documentation.**

ATTACHMENT C

What To Do When You Get a Charter Service Request

- Determine if the service can be provided under an exemption in Subpart B. Use the Charter information provided by your District Office to make your determination. If you're still not sure, call your District Program Manager.
- Go to www.fta.dot.gov/CharterRegistration to search for registered charter providers within 100 miles of your service area.
- Send an email notice to the registered charter providers that includes: customer name, address, phone number, and email if available; requested date of service; approximate number of passengers; what type of equipment is requested (buses, cutaways, vans, etc.); trip itinerary and approximate duration; and if you intend to provide the service you must include the fare you would charge.
- The email notice must be sent by the close of business on the day you receive the request unless the request comes in after 2:00pm. Then you must send the email by the close of business the next day.
- You must retain an electronic copy of the email notice and the list of registered charter providers that were sent the email notice for a period of three years from the date the notice was sent.
- If the trip is scheduled for less than 30 days from the notice, then registered charter providers must respond within 72 hours if they want to provide the trip.
- If the trip is scheduled for more than 30 days in the future, then you must allow 14 calendar days for private charter providers to express interest in providing the trip.
- If you provide a charter trip, you must fill out the Charter Service reporting form including: the group's name, address, phone number, and email address; the date and time of the service; the number of passengers; the origin, destination, and trip length (miles and hours); the fee collected, if any; and the vehicle number for the vehicle used to provide the service.
- Any fuel and maintenance costs associated with defined charter service must not be billed to any FTA or Department funded grants.

Charter Registration Tool Quick Reference Guide

Charter Bus Service Information

Charter Bus Service information can be obtained on the FTA Public Website (http://www.fta.dot.gov/laws/leg_reg_179.html).

Registration Website

The Charter Registration Website can be accessed via the following link <http://www.fta.dot.gov/CharterRegistration>

Registration Tool users are allowed to:

- Search for registrations ([Private](#), [QHSO](#))
- [Generate a list of business email addresses for registered private charter operators](#)
- View accepted registrations ([Private](#), [QHSO](#))
- Submit new registrations ([Private](#), [QHSO](#))
- [Receive email notifications](#)

Legal Disclaimer

- I. Legal Disclaimer screen provides the user with information about the FTA Charter Registration Website. You must click **I accept these terms** to accept the terms of the Legal Disclaimer and access the FTA Charter Registration Website. Click **I do not accept these terms** to leave the application and be taken to the Charter Bus Service webpage on the FTA Public Website (<http://www.fta.dot.gov/>).

The screenshot shows the FTA Charter Registration Website. At the top, there is a blue header with the FTA logo and text: "United States Department of Transportation Federal Transit Administration". To the right of the header are links: "Site Map | Web Accessibility | FAQs | United We Ride | Contact Us".

FTA Charter Registration Website

Welcome to FTA's Charter Registration website!

This website is designed to provide the public and public transportation agencies with information regarding private charter operators serving their areas and was designed in consultation with public transportation agencies and private charter operators.

Legal Disclaimer

Information presented on this website is considered public information (unless otherwise noted) and may be distributed or copied. FTA makes no effort to verify the accuracy or completeness of the information provided on this website, thus, various data such as names, telephone numbers, etc., may change without notice to FTA, and, therefore, FTA provides no warranty, expressed or implied, as to the accuracy, reliability, or completeness of furnished data on this website.

This site is maintained by the U.S. Government and is protected by various provisions of Title 18 of the U.S. Code. Violations of Title 18 are subject to criminal prosecution in a federal court. For site security purposes, as well as to ensure that this service remains available to all users, we use software programs to monitor traffic and to identify unauthorized attempts to upload or change information or otherwise cause damage. In the event of authorized law enforcement investigations and pursuant to any required legal process, information from these sources may be used to help identify an individual.

At the bottom of the disclaimer text are two buttons: "I accept these terms" and "I do not accept these terms".

At the very bottom of the page is a blue footer with links: "Home | Related Links | FOIA | DOT.gov | WhiteHouse.gov | USA.gov | Regulations.gov | FTA Web Policies | Privacy Policy | No FEAR". Below the footer are links for document viewers: "Adobe Acrobat Reader MS Word Viewer MS Excel Viewer MS PowerPoint Viewer".

Splash Screen

FTA Charter Registration

Private Charter Operator Registration Submit New Search Existing Qualified Human Service Registration Submit New Search Existing

Version 1.0

Welcome to FTA's Charter Registration Website!

This website is designed to provide the public and public transportation agencies with information regarding private charter operators serving their areas and was designed in consultation with public transportation agencies and private charter operators.

This website will allow you to:

Submit New Private Charter Operator Registration
Submit New Qualified Human Service Organization Registration
Search Existing Private Charter Operator Registrations
Search Existing Qualified Human Service Organization Registrations
Access Quarterly Reports through TEAM

While FTA accepts submissions from private charter operators and qualified human service organizations, FTA does not verify the accuracy of the information submitted. Members of the public using this site should contact the private charter operators directly for more information regarding their services.

More information can be obtained in the [Help](#) and [Contact](#) FTA sections.

Home | FOIA | DOT.gov | WhiteHouse.gov | USA.gov | Regulations.gov | FTA Web Policies | Privacy Policy | No FEAR

Adobe Acrobat Reader MS Word Viewer MS Excel Viewer MS PowerPoint Viewer

II. Main Menu (at the top of the screen) options include:

- **Private Charter Operator Registration Submit New**
- **Private Charter Operator Registration Search Existing**
- **Qualified Human Service Submit New**
- **Qualified Human Service Search Existing**

III. Functions available on the **Splash Screen**:

IV. **Private Charter Operator Registration** options

- **Submit New Private Charter Operator Registration**
Click this option for the **New Private Charter Operator Registration** screen
- **Search Existing Private Charter Operator Registrations**
Click this option for the **Private Charter Operator Registration Search** screen. You can search the registrations using criteria to narrow down your search results. No fields are

required when performing a search. Searching without specifying any criteria will return all registrations.

V. **Qualified Human Service Registration** options

- **Submit New Qualified Human Service Organization Registration**
Click this option for the **New Qualified Human Service Organization Registration** screen.
- **Search Existing Qualified Human Service Organization Registrations**
Click this option for the **Qualified Human Service Organization Registration Search** screen. You can search the registrations using criteria to narrow down your search results. No fields are required when performing a search. Searching without specifying any criteria will return all registrations.
- **Access Quarterly Reports through TEAM**
Click this option to view reports through **TEAM** (Transportation Electronic Award and Management) system.

Help

- VI. Click **Help** on the **Splash** screen to view the Help information available.

Technical Services

If you experience a problem while accessing or using Charter Registration, or have a technical question, you can contact **DOT IT Services** for information or assistance by phone: call **5-HELP** (202-385-4357) or 1-866-466-5221 to reach **DOT IT Services**

Contact FTA

- VII. Click **Contact** FTA on the **Splash** screen to view contact information.

Private Charter Operator Registrations

Search for a Registration

Click Private Charter Operator **Search Existing** to view the **Private Charter Operator Registration Search** screen:

VIII. You can search the registrations using criteria to narrow down your search results. No fields are required when performing a search. Searching without specifying any criteria will return all registrations.

IX. Click **Search** to view the **Private Charter Operator Registration Search Results** screen.

Company Name	State	City	Email Address	Phone Number
Bailey Leasing, Inc.	PA	York	david.destefano@dot.gov	717-718-0490
Rockford Charter Coach, LLC	IL	Rockford	david.destefano@dot.gov	815-387-9122
Flagship Trailways	RI	Johnston	david.destefano@dot.gov	401-946-6705
Bloomington Shuttle Service Inc.	IN	Bloomington	david.destefano@dot.gov	812-332-6004
Kincaid Coach Lines, Inc.	NE	Lincoln	david.destefano@dot.gov	402-467-2900
CCS Trans, Inc.	OH	Youngstown	david.destefano@dot.gov	330-747-1311
Motorcoach Class A transportation	FL	Orlando	david.destefano@dot.gov	407-226-2256
Mid America Charter Lines	IL	Elk Grove Village	david.destefano@dot.gov	847-437-3779
Village Charters Inc. DBA Village Tours & Travel	KS	Wichita	david.destefano@dot.gov	316-721-4455
Colorado Charter Lines	CO	Commerce City	david.destefano@dot.gov	303-287-0239

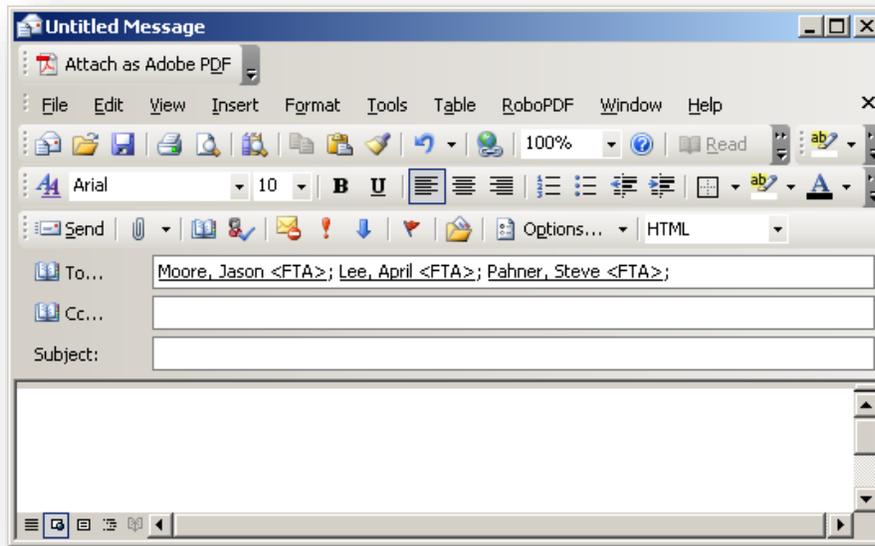
- The search results are listed in pages so that the user does not have to scroll through a long list of registrations.
- Click **Show All** (if applicable) to view all the registrations available in the Charter Registration Tool on one page.
- Click a page number to view the search results by page.
- Click on a **Company Name** to view information for that particular company.

Note: All registrations must be **Accepted** by FTA prior to being available for viewing in the Charter Registration Tool. **New (Pending)** status registrations are not available for viewing in the Charter Registration Tool.

Generate a List of Business Email Addresses

To export a list of email addresses from the Search Results screen you can click the Email Addresses icon ().

You will either see a pop-up Microsoft Outlook email window with the email address pre-populated in the **To** field



OR

You will see a pop-up message indicating the email addresses were copied to your Clipboard.



Click **OK** to copy the list to your Clipboard or click **Cancel**. **Cancel** will prevent the email list from being copied to your Clipboard. **OK** will copy the email list to your Clipboard.

If you click **OK**, the copy verification message will be displayed.



Click **OK** to close the copy verification message.

Note: The **Generate List of Email Addresses** icon () is only available for Private Charter Registration Search Results.

View an Existing Registration

Click the **Company Name** for the registration you wish to view.

A screenshot of the FTA Charter Registration website. The header includes the FTA logo and "United States Department of Transportation Federal Transit Administration". The main title is "FTA Charter Registration". There are two navigation tabs: "Private Charter Operator Registration" (selected) and "Qualified Human Service Registration". The page title is "View Private Charter Operator Registration" with a "Return to Search Results" link. The "Business Information" section lists: Company Name: Bailey Leasing, Inc.; Address: 123 E. Market Street, York, PA 17401; Phone: 717-718-0490; Fax: 717-718-4069; Primary Email Address: david.destefano@dot.gov (with a note: "An email address with multiple recipients is preferred"); Web Address: http://www.baileycoach.com (with an "EXIT Disclaimer" link); Federal or State Motor Carrier Identifying Number: 414997; Number of Vehicles Owned: Buses 10 - Vans 1. A certification statement follows: "I hereby certify that my business has valid insurance coverage for areas that I provide charter service to and for those areas that I intend to provide charter service to." Below this, it asks "Willing to provide free or reduced rates for Qualified Human Service Organizations?" with the answer "No". The "Geographic Service Area" section contains a table:

State	City
DE	All
MD	All
NJ	All
NY	All
PA	All

The page footer includes "Last Updated: 11/18/2009 11:45 AM" and a navigation bar with links: Home | FOIA | DOT.gov | WhiteHouse.gov | USA.gov | Regulations.gov | FTA Web Policies | Privacy Policy | No FEAR. At the very bottom, there are links for Adobe Acrobat Reader, MS Word Viewer, MS Excel Viewer, and MS PowerPoint Viewer.

Available actions on the **View Private Charter Operator Registration** include the following:

- Click **Return to Search Results** to return to the **Private Charter Operator Registration Search Results** screen.
- Click the **Primary Email Address** to send an email.
- Click **Web Address** to open the organization's web address in a new window. An Exit Disclaimer link is displayed when the web address listed is outside of the Federal Transit

Administration.

- If applicable, click **View the complete listing of cities** to view the list of cities for a state that the Private Charter Operator registered with. For more information see the [Geographic Service Area](#) section.

Submit a New Private Charter Operator Registration

Registered companies must resubmit their registration every two years. The primary contact will receive email notifications informing them of the registration expiration date. The new registration must be accepted by FTA before it can be viewed. Please see the Quick Reference Guide for Resubmitting Expired Registrations for more detailed information.

Click the Private Charter Operator Registration **Submit New**.

The screenshot shows the 'New Private Charter Operator Registration' form on the FTA website. The form is divided into several sections:

- Business Information:** Includes fields for Company Name, Address (Street, City, State, Zip Code), Phone, Fax, Primary Email Address, and Web Address. It also has a field for the Federal or State Motor Carrier Identifying Number and a section for the number of vehicles owned (Buses and Vans).
- Certification:** A checkbox for 'I hereby certify that my business has valid insurance coverage for areas that I provide charter service to and for those areas that I intend to provide charter service to.' and another for 'Willing to provide free or reduced rates to Qualified Human Service Organizations?'
- Geographic Service Area:** A section where users select service areas. It includes a 'Select State' dropdown, a 'Provide service for entire state?' checkbox, and a list of cities (AAARONSBURG, ABBEVILLE, ABBOT, ABBOTSFORD, ABBOTT, ABBOTTSTOWN, ABBYVILLE, ABELL, ABERCROMBIE, ABERDEEN) with an 'Add' button. There is also a checkbox for 'Are you interested in originating service anywhere in the continental U.S.?'
- Contact Information:** Fields for Contact Name (First and Last), Alternative POC Email Address, and Business Phone.

The form includes a navigation bar at the top with 'Submit New' and 'Search Existing' buttons, and a footer with various links and utility icons.

- Enter **Business Information**. Required fields are noted with an asterisk (*). These fields require information in order for the registration to be saved.
- Enter **Geographic Service Area** information. At least one service area is required.
 - Select a **State** that the private charter operator provides service for
 - Click **Provide service for entire state** if the private charter operator provides service for the entire state and click **Add**.

OR

 - Select **City** that the private charter operator provides service for and click **Add**. To select more than one city for a state, click on a city and hold **CTRL** then click on other cities in that state.

OR

 - Click **Are you interested in originating service anywhere in the continental U.S.?** if the private charter operator provides service for that area.
- If applicable, click **View the complete listing of cities** to view the list of cities for a state that the Private Charter Operator registered with. For more information see the [Geographic Service Area](#) section.
- Enter **Contact Information** as needed. Required fields are noted with an asterisk (*). These fields are required before the registration can be saved.
- Click **Submit** to save the changes to the registration.

Qualified Human Service Registrations

Searching for a Registration

Click Qualified Human Service Registration **Search Existing** to view the Qualified Human Service Organization Registration **Search** screen:

The screenshot shows the FTA Charter Registration interface. At the top, there is a navigation bar with the FTA logo and the text "United States Department of Transportation Federal Transit Administration". Below this, there are two main sections: "Private Charter Operator Registration" and "Qualified Human Service Registration". The "Qualified Human Service Registration" section is highlighted with a red border and contains a "Search Existing" button circled in blue. Below the navigation bar, the "Qualified Human Service Organization Registration Search" screen is displayed. It features a "Registered Grant Recipient:" section with a "State: --All--" dropdown menu and a "Grant Recipient: --All--" dropdown menu. At the bottom of the search area, there are "Search" and "Reset" buttons.

- X. You can search the registrations using criteria to narrow down your search results. No fields are required when performing a search. Searching without specifying any criteria will return all registrations.

- XI. Click **Search** to view the **Qualified Human Service Organization Registration Search Results** screen.

Qualified Human Service Organization Search Results

Criteria: None specified.

There are 71 results.

Organization Name	State	City	Email Address	Phone
Oahe, Inc.	SD	Pierre	david.destefano@dot.gov	605-224-4501
Roberta Webb Child Care Center	VA	Harrisonburg	david.destefano@dot.gov	540-434-8699
Community & Youth Involved Center - Quinton Sutley Senior Center	SD	Fort Pierre	david.destefano@dot.gov	605-223-2701
Boys & Girls Club of Pierre	SD	Pierre	david.destefano@dot.gov	605-224-8699
Monroe County Commission on Aging	MI	Monroe	david.destefano@dot.gov	734-240-7358
City of Cupertino Senior Center	CA	Cupertino	david.destefano@dot.gov	408-777-3198
South Dakota Discovery Center	SD	Pierre	david.destefano@dot.gov	605-224-8295
valley county council on aging	MT	glasgow	david.destefano@dot.gov	406-228-9500
Corpus Christi State School	TX	Corpus Christi	david.destefano@dot.gov	361-888-5301
The Arc of Ottawa County	OH	Port Clinton	david.destefano@dot.gov	419-882-0941

1 2 3 4 5 6 7 8 >

[Show All](#)

- The search results are listed in pages so that the user does not have to scroll through a long list of registrations.
- Click **Show All** to view all the registrations available in the Charter Registration Tool on one page.
- Click a page number to view the search results by page.
- Click on a **Company Name** to view information for that particular organization.

View a Registration

Click the **Organization Name** for the registration you wish to view.


 United States Department of Transportation
 Federal Transit Administration

FTA Charter Registration

[Private Charter Operator Registration](#) [Submit New](#) [Search Existing](#)

[Qualified Human Service Registration](#) [Submit New](#) [Search Existing](#)

View Qualified Human Service Organization Registration

[Return to Search Results](#)

Organization Details

Organization Name: ***A Benjamin QHSO***
Address: street city, VA 0000
Phone: 000-000-0000
Fax: 000-000-0000
Primary Email Address: david.destefano@dot.gov
An email address with multiple recipients is preferred
Web Address: <http://www.google.com> [EXIT Disclaimer](#)
Exempt from Taxation? No
Do you receive funds directly or indirectly from a state or local program? No
Please describe how the requested charter service is consistent with the mission of your organization: test 3/3/10
 test 12/6/10
Publicly Available Financial Statement: [testing upload](#)

Registered with the following Grant Recipients

State	Grant Recipient
DC	All
VA	All

Last Updated: 2/26/2010 2:10 PM

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[Adobe Acrobat Reader](#) | [MS Word Viewer](#) | [MS Excel Viewer](#) | [MS PowerPoint Viewer](#)

Available functions on the **View Qualified Human Service Organization Registration** screen vary depending on:

- Information supplied by the submitter. Certain fields are not required fields when creating a new registration. (e.g. Registrations may not have a **Web Address** listed in their **Business Information**).
- Click **Return to Search Results** to return to the **Qualified Human Service Organization Registration Search Results** screen.
- If applicable, click **View the complete listing of Recipients** to view the list of Recipients for a state that the Qualified Human Service Organization registered with. For more information see the [Geographic Service Area](#) section.
- Click **Organization Details: Primary Email Address** to open an email to the organization in a new window.
- Click **Organization Details: Web Address** to open the organization's web address in a new window. An Exit Disclaimer link is displayed when the web address listed is outside of the Federal Transit Administration.

Submit a New QHSO Registration

Click the Qualified Human Service Registration **Submit New**.

FTA United States Department of Transportation
Federal Transit Administration

FTA Charter Registration

Private Charter Operator Registration [Submit New](#) [Search Existing](#) **Qualified Human Service Registration** [Submit New](#) [Search Existing](#)

New Qualified Human Service Organization Registration

In order to receive charter service from a public transit agency in your geographic service area, you must be registered at least 60 days before the date of the requested charter service.

**** Please note that Qualified Human Service Organizations are only organizations that serve the disabled, low income, or the elderly. ****

* = Required

Organization Information

Organization Name: *

Address: * Street: City: State: --Select-- Zip Code: Phone: * Fax: * Primary Email Address: * Web Address: Include http:// or https:// at beginning of URL. Exempt From Taxation? * --Select--

Do you receive funds directly or indirectly from a state or local program? * Yes No

Publicly Available Financial Statement: * Upload File Enter text
Upload a file (Refer to IRS Form 990) or enter text

File Location: * (Valid File Types: gif, jpg, pdf)
File Description: *
Uploaded File:

Please describe how the requested charter service is consistent with the mission of your organization:

Geographic Service Area (Select all the grant recipients you may request service from; at least one is required)

Specify one state at a time with the applicable grant recipients:

State: --Select--

Register with all grantees in the selected state?

Grant Recipient: (Hold CTRL for multiple selections)

- BELLINGHAM MUNICIPAL TRANSIT
- NATIONAL ASSOCIATION OF REGIONAL COUNCILS
- PERMIAN BASIN REGIONAL PLANNING COMMISSION
- RIMROCK STAGES INC.
- SOUTHWESTERN REGIONAL PLANNING COMMISSION
- 2010 SPECIAL OLYMPICS USA NATIONAL GAMES
- 3D COMMUNICATIONS LLC
- A. HARRY MOORE TENANT MANAGEMENT CORPORATION
- A. T. KEARNEY, INC.

List of States and Grant Recipients previously added:
None

Contact Information (For internal use by administrators of the website. This information will not be provided to the public.)

Contact Name: * First Name: Last Name: Alternative POC Email Address: Business Phone: *

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Adobe Acrobat Reader MS Word Viewer MS Excel Viewer MS PowerPoint Viewer

- Enter **Organization Information**. Required fields are noted with an asterisk (*). These fields require information for the registration to be saved.
- Enter **Geographic Service Area** information as needed. Select all the grant recipients you may request service from. At least one grant recipient is required.

- Select a **State** that applies to the grant recipient(s) you may request service from.
 - Click **Register with all recipients in the selected state** if you want to request service for all the recipients for an entire state and click **Add**.

OR

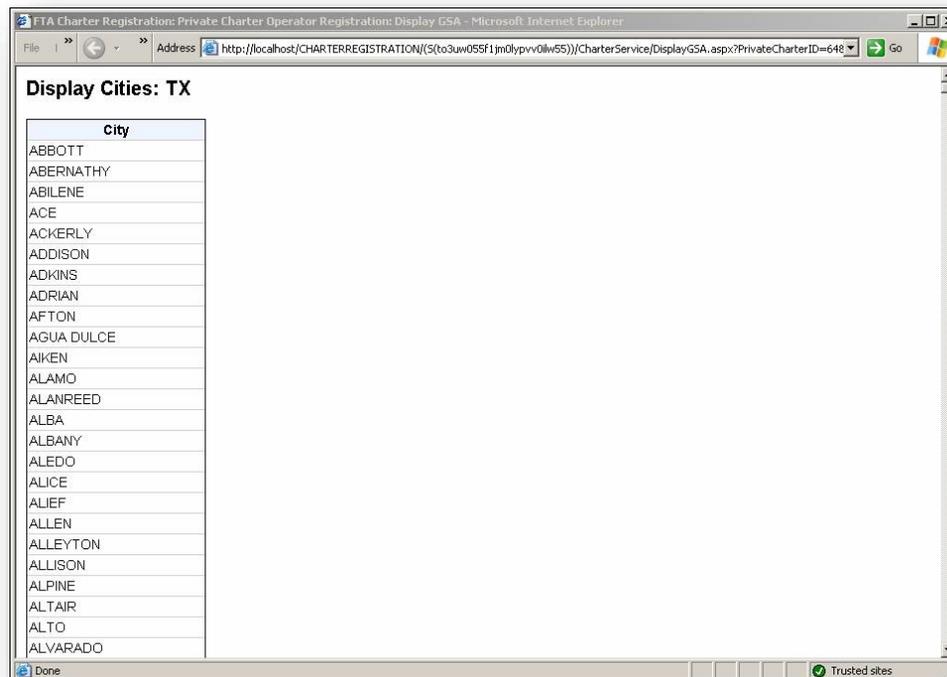
- Select **Grant Recipient** that you may request service from and click **Add**. To select more than one grant recipient for a state, click on a grant recipient and hold **CTRL** then click on other grant recipients in that state.
- If applicable, click **View the complete listing of Recipients** to view the list of Recipients for a state that the Qualified Human Service Organization registered with. For more information see the [Geographic Service Area](#) section.
- Enter **Contact Information**. Required fields are noted with an asterisk (*). These fields are required before the registration can be saved.
- Click **Submit** to save the changes to the registration.

View Geographic Service Area list for Cities or Recipient Recipients

Geographic Service Area List for Cities

If the list of cities registered for a state is too long to be displayed, a link is displayed in the **Geographic Service Area** table on the **New** or **View** screens for a **Private Charter Registration**.

Click **View the complete listing of cities** link to open a new window with the list of cities.

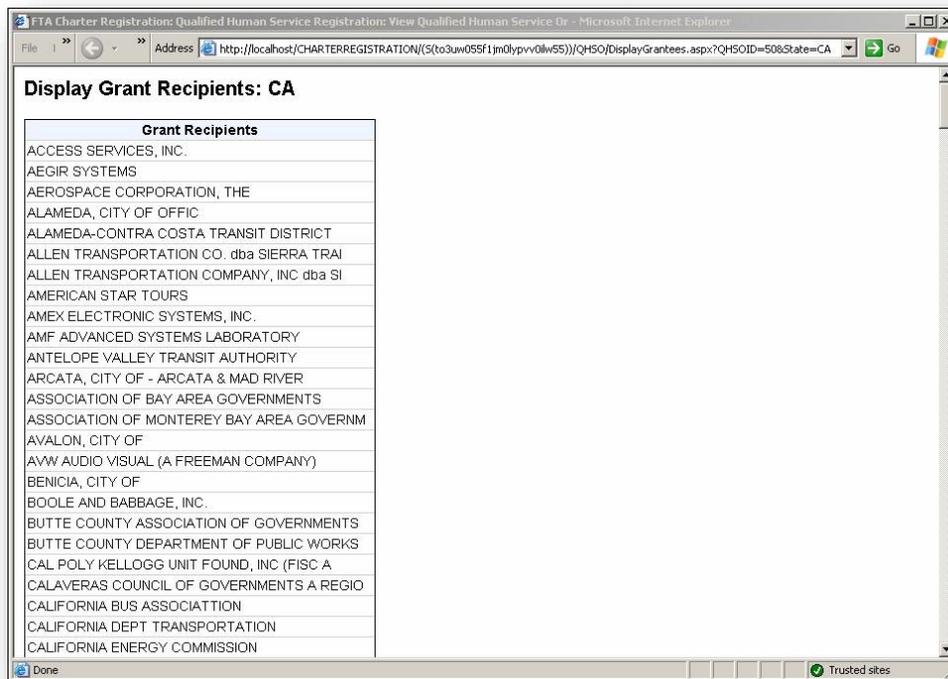


Geographic Service Area List for Recipient Recipients

If the list of recipients registered for a state is too long to be displayed, a link is displayed in the **Geographic Service Area** table on the **New** or **View** screen for a **Qualified Human Service Organization Registration**.

CA	View the complete listing of Grantees
DC	View the complete listing of Grantees

Click **View the complete listing of Recipients** link to open a new window with the list of organizations.



Email Notifications

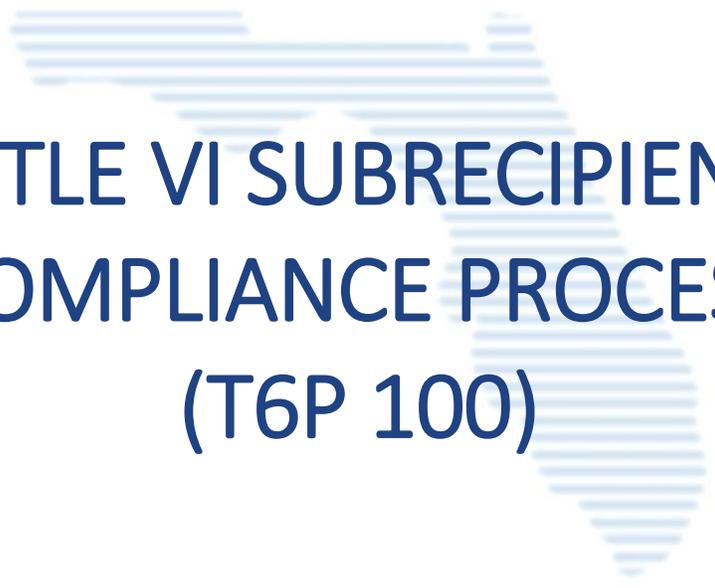
The Charter Registration Tool sends automated email notifications alerting a user to activities concerning a submission. You should not reply to these emails since this is an automated email account that is not monitored. You will receive an automated email notification when

- Confirmation of registration being submitted
- Your registration is accepted by FTA
- Registration rejected by FTA

- Registration removed by FTA
- Access link generated upon request to Charter Ombudsman
- Two weeks prior to your registration expiration date (Expiration Date is two years after the registration was accepted by FTA)
- One week prior to your registration expiration date

To ensure prompt delivery of these emails, verify that your junk email and email rules are not set to remove these notifications.

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**TITLE VI SUBRECIPIENT
COMPLIANCE PROCESS
(T6P 100)**

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Title VI Subrecipient Compliance Process:

A Guide for the Florida Department of Transportation (FDOT)

1.0 Introduction

The Florida DOT is a primary recipient of various Federal Transit Administration (FTA) grants and in turn may administer subrecipient funding to numerous Florida agencies and organizations. Per the guidelines outlined in FTA C 4702.1B for recipients of FTA financial assistance to carry out USDOT Title VI regulations (49 CFR part 21), subrecipients to the FDOT are required to submit Title VI programs to the FDOT every three years on a schedule determined by the FDOT.

A Title VI program must address specific FTA general requirements and certain requirements for fixed route transit providers, based on peak vehicle utilization and UZA population as outlined in this document.

1.1 Purpose

FDOT as the primary recipient is responsible for the monitoring of subrecipients that are subject to Title VI regulations. This document provides FDOT Staff with a process to follow for ensuring that all subrecipients of FTA funds are in compliance in developing and implementing their Title VI programs as required. It also provides a list of technical assistance available in the forms of templates, tools, reference documents and staff support for completing and maintaining Title VI programs.

2.0 Compliance Process

The compliance process consists of a program review of the subrecipient's Title VI program and related information as well as a scheduled annual site visit.

2.1 Desk Review Requirements

As previously noted, FDOT is responsible to monitor subrecipient's compliance for Title VI. In order to do this, FDOT will include a review of Title VI compliance during the Triennial Review Process. The following section provides a checklist of requirements that should be assembled by the subrecipient and submitted to the FDOT review team at least 30 days prior to the scheduled site visit. The subrecipient should submit the following as it provides a context for the program and site review:

- 2.1.1 Brief summary report of all grant related programs and projects (clearly itemized by each grant identification number and progress status).

- 2.1.2 Description of service area, including general population characteristics and other demographic information using the most recent U.S. Census and relevant local data.
- 2.1.3 Current description of subrecipient's services. Description to include basic information such as routing and fares, service hours and frequency, ridership, vehicle fleet rosters, service availability, etc.
- 2.1.4 Subrecipient's organization chart and membership listing of Board of Directors and / or standing committees that provide input to service policies and operating decisions.
- 2.1.5 Any studies or surveys regarding ridership, service levels and amenities, passenger satisfaction, passenger demographics or fare issues for public transit service during the past three years.
- 2.1.6 A summary of any Title VI public comments, issues and/or concerns.
- 2.1.7 A copy of the subrecipient's most recent Title VI Program as required by FTA Circular 4702.1B and outlined below.

The following is a checklist of general requirements (applicable to all FTA recipients) for a Title VI Program that can be found in Appendix A of the Circular 4702.1B.

- Title VI Annual Certification and Assurances
- Title VI Notice to the Public, including a list of locations where the notice is posted
- Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)
- Title VI Complaint Form
- List of transit-related Title VI investigations, complaints, and lawsuits
- Public Participation Plan, including information about outreach methods to engage minority and Limited English Proficient Populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission
- Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance (70 Federal Register 74087, December 14, 2005).
- A table depicting the membership of non-elected committees and councils, which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees
- Title VI Equity Analysis if the subrecipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.

- A copy of board meeting minutes, resolutions, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program.

In addition to the general requirements listed above, FTA Circular 4702.1B requires agencies that operate fixed route service to compile the following information:

- Service Standards
 - Vehicle load for each mode
 - Vehicle headway for each mode
 - On time performance for each mode
 - Service availability for each mode
- Service Policies
 - Transit Amenities for each mode
 - Vehicle Assignment for each mode

2.2 Desk Review Format:

Upon receiving the background information and the most recent Title VI Program of the subrecipient, the FDOT shall review the materials before an actual site visit using the following format.

Background Information	
Requirement	Comments
Brief summary status of all grant related programs and projects	
Description of service area, including general population characteristics and other demographic information using the most recent U.S. Census data.	
Current description of all subrecipient’s fixed route bus service, contracted bus service, paratransit service, and other modes provided.	
Subrecipient’s organization chart	

Any studies or surveys regarding ridership, service levels and amenities, passenger satisfaction, passenger demographics or fare issues for public transit service during the past three years.	
A summary of any Title VI public comments, issues and/or concerns.	

Checklist 1 below includes items that are required to appear in all Title VI Programs and it is for the purpose of FDOT Staff to check if items are completed by the subrecipient and offer written comments in preparation for a site visit..

Checklist 1 - Title VI General Requirements		
Requirement	Items	Comments
Title VI Annual Certification and Assurances	Included in Program and signed	
Title VI Notice to the Public, including a list of locations where the notice is posted	Posted on Agency’s website? Posted in public areas?	
Title VI Complaint Procedures	Posted on Agency’s website? Text of procedure matches Appendix C in FTA C 4702.1B	
Title VI Complaint Form	Posted on Agency’s website? Specifies 3 classes of Title VI – race, color and national origin	
List of transit-related Title VI investigations, complaints, and lawsuits	Included information shown in Appendix E in FTA C 4702.1B	
Public Participation Plan	Included copy of plan Methods to engage minority and LEP population	

	Outreach efforts made since the last Title VI Program submission	
Language Assistance Plan for providing language assistance to persons with Limited English Proficiency (LEP)	<p>Four Factor Analysis</p> <p>Description of how the subrecipient provides:</p> <ul style="list-style-type: none"> o Language assistance o Notice to LEP persons about availability o Monitors and evaluates the plan o Trains employees to provide assistance 	
Minority Representation on planning and advisory bodies	<p>A table depicting the membership of non-elected committees and councils</p> <ul style="list-style-type: none"> o Broken down by race o Description of the process agency uses to encourage the participation of minorities 	
Title VI equity analysis if the subrecipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.	<p>Completed equity analysis before site selection</p> <ul style="list-style-type: none"> o Examine facilities with similar impacts at the block group/census tract level o Consider and analysis alternatives 	

Board meeting minutes, resolution, or other appropriate documentation	Included copy Shows board of directors/ appropriate governing entity for policy decisions reviewed and approved the Title VI Program	
---	---	--

Checklist 2 below includes items that are required to appear in Title VI Programs in which the subrecipient is a fixed route transit provider and it is for the purpose of FDOT Staff to check if items are completed by the subrecipient and offer written comments during the site visit. This checklist only applies to rural systems operating fixed route service.

Checklist 2 - Title VI Fixed Route Transit Provider Requirements		
Service Standards		
Requirement	Items	Comments
Vehicle load for each mode (ratio of passengers to the number of seats on a vehicle)	Provided vehicle load standards for peak and off-peak times for each mode of transit (fixed route, BRT, rail, etc.).	
Vehicle headway for each mode (amount of time between buses arriving at a stop)	Provided vehicle headway standards for peak and non-peak service for each type of service (express, radial, feeder, etc.).	
On time performance for each mode (as defined by agency, typically >1 minute early, or >5 late)	Provided on-time performance standard for each mode of transit (fixed route, BRT, rail, etc.).	
Service availability for each mode (walking distance is generally defined as within ¼ or ½ mile from transit service)	Provided percentage of residents in the service area that must be within walking distance of bus or rail service.	

Service Policies		
Requirement	Items	Comments
Transit amenities for each mode (seating, shelters, maps, schedules, electronic signage, waste receptacles, etc.).	Developed a policy that equitably distributes transit amenities across the system by mode.	
Vehicle assignment for each mode	Developed a policy to equitably distribute vehicles across the system based on age, type, capacity, and/or technology.	

2.3 Desk Review Findings:

Upon review of all checklist items sub recipients will be notified verbally and in writing (an electronic correspondence is acceptable) of any additional information needs and preliminary findings to be discussed during the site visit. Discussion of these issues will take place during the annual site visit.

2.4 Technical Assistance in Developing and Maintaining Title VI Programs

The FDOT offers Title VI technical assistance to subrecipients in the form of templates, tools and reference documents and technical assistance staff support.

2.4.1. Templates and Tools

- **Title VI Template Document – developed by HDR for FDOT District Two**

This template document was developed for the Florida Department of Transportation (FDOT) District Two in coordination with the FDOT Central Office in order to assist transit agencies with the development of their Title VI Program. Although each agency is different in size, organization structure, operations, etc., minimum Title VI compliance requirements are common to all. This template document is intended to assist smaller transit agencies, which often do not have adequate resources, to develop a Title VI Program in accordance with the minimum requirements of Section 49 Code of Federal Regulations, Part 21 and Federal Transit Administration (FTA) Circular 4702.1B. It should be noted that this template covers the Title VI requirements for sub-recipient transit

providers that operate less than 50 vehicles in peak service and are located in UZA of less than 200,000 population.

- **TBEST Version 4.1 Title VI Analysis Tool**

TBEST 4.1 incorporates specific Title VI maps and reports that can greatly assist in completing the requirements of a Title VI program. Refer to the Title VI Guide prepared by CUTR for more details of the Title VI capabilities of TBEST. The latest version of TBEST can be downloaded from www.tbest.org.

2.4.2 Reference Documents

- **Title VI Circular – FTA C 4702.1B (October 1, 2012) -**

[http://www.fta.dot.gov/documents/FTA Title VI FINAL.pdf](http://www.fta.dot.gov/documents/FTA%20Title%20VI%20FINAL.pdf)

The purpose of this Circular is to provide recipients of Federal Transit Administration (FTA) financial assistance with guidance and instructions necessary to carry out U.S. DOT Title VI regulations (49 CFR part 21) and to integrate into their programs and activities considerations expressed in the Department’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (“LEP”) Persons (70 FR 74087, December 14, 2005).

- **Title VI Guide – prepared by CUTR for FDOT Central Office (January 2014)**

This guide has been developed to assist transit agencies in Florida with the development of their Title VI Program. This guide outlines all of the Title VI Requirements for all transit providers regardless of the number of vehicles or population of their UZA. It references and summarizes all of the required elements as outlined in the latest version of the Title VI Circular - FTA C 4702.1B. It also provides some methods and approaches for each of the requirements as well as some examples.

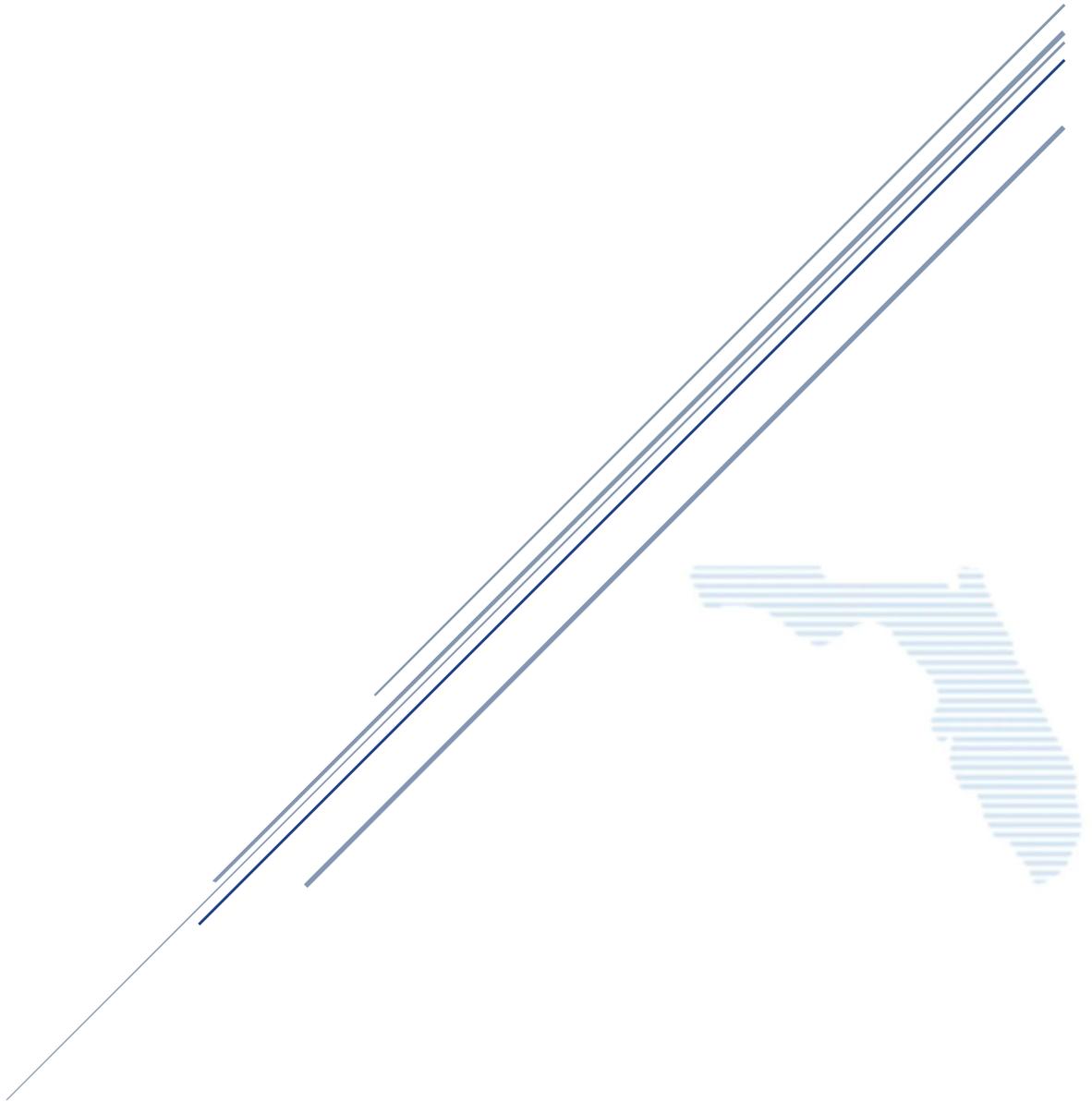
2.4.3 Technical Assistance Staff Support

FDOT Staff may offer and or recommend technical staff support to the subrecipient in developing and maintaining their Title VI program. Technical staff support may be determined case by case based upon the subrecipient’s needs and capabilities. A subrecipient should request such support in writing. Technical support may take the form of:

- 1) Program and Policy Composition
- 2) Stakeholder and Public Involvement Facilitation
- 3) Public Presentations
- 4) Development of Monitoring and Reporting Processes
- 5) Responding to Title VI Issues and Requests

3.0 A Title VI Template has been included on page 866 of this document

TEMPLATES



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**MAINTENANCE PLAN TEMPLATE
(IN-HOUSE MAINTENANCE
FACILITIES)**

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<<<<<<If a 5307 agency does not have a maintenance plan in place, the following is a maintenance plan template the agency can use to develop their maintenance plan>>>>>>

Maintenance Plan Template (In-house Maintenance Facilities)

It is the goal of Agency to maintain an effective preventative maintenance program by utilizing proper management of parts, equipment and fleet. Agency strives to operate a proactive maintenance program as opposed to reactive. Scheduling work allows time, materials, tools, equipment and labor to be managed easier than having unpredictable maintenance costs, workloads and vehicle downtime. A maintenance plan has been adopted to make these goals attainable.

The maintenance plan is a “living document” including schedules and reports which are updated periodically to reflect changes in maintenance policies, equipment and program practices.

Describe agency’s definition of scheduled and unscheduled maintenance. List agency goals and objectives, both short term and long term.

Vehicle Maintenance

Fleet Summary

A summary of the vehicle fleet inventory maintained by Agency is attached.

Agency fleet inventory consists of # fixed route buses and # paratransit vehicles. In addition, there are # non-revenue vehicles. Of the # revenue vehicles, around # are utilized each day for revenue service. This allows a spare ratio of around %.

Describe how budget is prepared each year to address needs of vehicle fleet. This should also include how agency monitors capital replacement needs and how these needs are determined.

Pre-Trip Inspections

Vehicles receive a daily or pre-operational inspection that includes the following safety sensitive items:

- Steering System
- Service and Parking Brake
- Suspension and Undercarriage
- Tires, Wheels, and Wheel End Components
- Fuel and Exhaust Systems
- All Lights, Mirrors, Wipers and Warning Devices
- Interlock Systems
- Interior Controls, Gauges, and Safety Equipment
- Wheelchair Lifts
- Air System
- Emergency Exits (doors, windows, etc.)

- Equipment for Transporting Wheelchairs
- Safety, Security and Emergency Equipment

These inspections are performed by (driver, staff, etc.) by completing a pre-trip inspection form. See attached. Forms are documented with the operator's signature and a check in each box to ensure whether items are "OK" or a defect is found. Details of the defect are noted in the comments section. Completed pre-trip inspection forms are submitted to (Transportation Manager or other staff) and reviewed before the vehicle begins service. If a defect is found during the pre-trip inspection, the vehicle is repaired before returning to service. (If electronic system is used for pre-trip inspections, describe the product and procedure for identifying and documenting pre-trip inspections and defects found. The procedure should describe the roles and responsibilities of each person involved in the pre-trip inspection process).

Once a defect is repaired it will be acknowledged in one of the following ways:

- The repair is noted on the pre-trip inspection form, along with a signature and date of repair; or
- A completed work order form describing the repair is attached to the pre-trip inspection form.

Pre-trip inspection forms are filed (where?) and kept on file for a minimum of 14 days.

During scheduled trips and at the conclusion of transportation service the operator will note any defects on a post-trip inspection checklist to be turned in to (Transportation Manager or other staff) at the end of the day. Post-trip inspection forms are stored (where?) Defects that are consistent with the safety sensitive items listed on the pre-trip inspection are repaired before the vehicle returns to service.

Preventative Maintenance Inspections

Vehicles receive scheduled preventative maintenance inspections every (interval) miles. Vehicle mileages are tracked using (manual or electronic method) to schedule upcoming preventative maintenance inspections. When a vehicle is due for inspection, it is taken out of service until the inspection and all necessary repairs are completed. A preventative maintenance inspection checklist is used to inspect components in a progressive method. See attached.

Agency uses a written inspection procedure manual as guidelines to perform preventative maintenance inspections. See attached (customized inspection procedures manual and/or Preventative Maintenance Standards Manual)

Upon completion of the preventative maintenance inspection, the maintenance facility maintains the completed preventative maintenance inspection checklist and accompanying repair or work order forms. This information is filed in the vehicle history file located (where? Manually or electronically?).

All repairs that are considered to be safety related are made before the vehicle returns to service. Describe process for determining when cosmetic and non-safety related repairs are made. Who makes this determination?

Scheduled Maintenance

Agency continually modifies the preventative maintenance program to inspect and/or replace certain vehicle components at specified vehicle mileage intervals. This practice is deemed efficient in circumstances where the component has been found to have a failure trend that has been identified and documented using vehicle history failures.

List any campaigns for vehicle component replacements and the mileage intervals they are being replaced.

List any wear tolerance policies in place (for example, tires and brake pads)

Provide capital improvement plans that have been established. These plans should include long term scheduled maintenance, such as rebuilding engines, etc.

Lift Maintenance

As part of the preventative maintenance on wheelchair lifts, a complete cycle of the lift is performed during the operators' pre-trip inspection. The operators report, by the most immediate means available, any lift failures.

The lifts are serviced on preventative maintenance inspections according to the manufacturer's specifications. Instructions for normal and emergency operation of the lift or ramp are carried or displayed in every accessible vehicle.

Farebox Maintenance

Agency uses (type of farebox). Describe procedures for collecting, emptying, tallying and balancing farebox revenues. Describe how fareboxes are serviced and maintained.

Outsource Maintenance

Outsourcing is utilized for services that require tools and diagnostic equipment not available to the maintenance shop. List examples of repairs that require outsourcing. The Maintenance Manager determines whether an item should be outsourced depending on service needs. List the outsource shops used for such repairs.

Maintenance Shop

The maintenance shop operates from (list shop hours and days of operation). The maintenance staff consists of (list number of maintenance managers, shift supervisors, and maintenance technicians. If mechanics have varying levels, list how many mechanics for each level).

Describe number of work shifts and how many maintenance technicians/supervisors work each shift, including mechanic level if applicable. Attach all maintenance personnel job descriptions that include duties and responsibilities, and organizational chart.

Do mechanics attend any maintenance training classes? Is there any in-house maintenance training provided? If so, is the training documented? Is the training monitored for future refresher courses and new upcoming training classes?

Who sets the work schedule and how is that determined? What are the primary responsibilities for each work shift? How does each shift begin their work day? How is work communicated and distributed between the shifts?

How many bays do you have? What kind of lifts do you have? How many? What type of shop equipment, including special tools and diagnostic software do you have?

Who is responsible for the maintenance shop cleaning? How often is the maintenance shop cleaned?

Facility and Equipment Maintenance Plan

Agency maintains a Facility and Equipment Maintenance Plan that describes policies and procedures for maintaining maintenance shop and equipment, including maintenance schedules and accompanying checklists. See attached Facility and Equipment Maintenance Plan

Parts Inventory

List the number of employees of the Parts Department. Where is the Parts Department located? How are parts monitored – manually or electronically? If electronically, describe the program and its capabilities.

Describe process for how parts are pulled, distributed and recorded. List types of parts kept in stock and identify the most expensive part stocked. How are parts ordered and who is responsible for monitoring and ordering? Describe the process for balancing inventory and how often this occurs. What percentage are parts inventory required to balance?

Materials Handling

Agency provides their employees with instructions on safe handling, first aid treatment, emergency procedures, and proper clean up procedures of chemicals in the workplace. Knowing the potential flammability, explosion and reactivity of chemicals in the workplace are the rights of employees under the Right-To-Know-Law.

Describe where the material handling instructions are kept for maintenance personnel.

Material Safety Data Sheets

All chemicals, lubricants, cleaners, etc., purchased must accompany a Material Safety Data Sheet. A MSDS binder is maintained and stored (**where?**). All MSDS sheets are kept on file for at least thirty years after they are no longer being used.

Maintenance Policies and Procedures

Vehicle History Files

Vehicle history files are maintained for each vehicle for the life of that vehicle. Each file includes the following:

- Identification of the vehicle, including make, model, license number or other means of positive identification and ownership;
- Date, mileage and description of each inspection, maintenance, repair or lubrication performed;

- If not owned by the transit agency, the name of the person or company furnishing service with this vehicle;
- The name and address of any business firm performing an inspection, maintenance, repair or lubrication;
- (List additional documents that appear in vehicle history files, if applicable)

Accidents

All accidents are tracked by the frequency, type, and which party was at fault through incident reports that are completed within 12 hours of the time of the incident. See attached (incident report form)

Accident Investigation Reports are completed with the following information:

- Events are investigated and documented in a final report
- Description of investigation activities
- Identified causal factors
- Corrective actions
- Schedule of implementation of corrective actions

In the event of an accident the primary responsibility of all staff is to ensure the safety of the passengers. (Describe accident procedures that include how accidents are reported to the agency, which staff report to the scene of the accident if applicable, who records the accident on the incident report, if the agency is determined to be at fault for the accident – who will investigate whether a vehicle defect or failure caused the accident? What corrective actions are taken? How are repairs prioritized and completed?)

Road Calls

Provide agency definition of “road call”. Describe process for reporting and handling road calls. Is a mechanic dispatched to the site of the road call, or is the vehicle automatically driven or towed back to the maintenance facility? How are road call repairs prioritized and completed? Is a spare vehicle utilized to maintain service levels? How are road calls documented (manually or electronically?)

Road calls are monitored and analyzed by the Maintenance Manager (how often?) to identify failure trends, determine the underlying cause of the problem, and assist in making modifications to the maintenance program as needed to minimize failures.

Cleaning

It is the duty of the operator to perform a daily walkthrough on the vehicle and ensure there is no debris on the flooring or step wells that could result in any falls or slips. Unsafe conditions are corrected before any scheduled trips.

Describe the process for exterior and interior vehicle cleaning and how often it is performed.

Describe the process and roles/responsibilities for maintenance shop cleaning. How often is this performed?

Information Management

Maintenance activities are regularly monitored and analyzed by the (Maintenance Manager or other staff). If agency uses computerized maintenance software program, identify the program and describe its capabilities and functions.

The Maintenance Manager monitors and analyzes maintenance performance data to identify trends, repeat repairs and make adjustments to the preventative maintenance program based on this information. Shop meetings are held (how often?) to discuss maintenance issues, trends and procedures.

Warranty

A warranty recovery system, or warranty records of claims submitted and received, are maintained by Agency. All warranty paperwork is filed (where?).

Warranty repairs are identified by maintaining a list of items from the manufacturer that are under warranty and when the warranty expires. When a component fails it is checked against the list for time and/or mileage to determine if it is still under warranty. Documentation of warranty repairs, claims, and a recovery program are kept on file to guarantee the cost of the defects under warranty is paid by the equipment manufacturer and not the agency. All warranty claims are pursued until the claim is settled.

On-Site Fueling

The current FDEP Registration Placard is displayed in the Maintenance Manager's office. The maintenance department also keeps the following information on file:

- The storage tank fuel inventory including tank water level
- Monthly leak detection results
- Monthly maintenance visual examinations
- A copy of all test data results. Tightness, pressure and integrity.
- Repair, operation and maintenance records.
- Certificate of Financial Responsibility

Describe fueling process and daily procedures. How are vehicle mileages gathered and where are they recorded? Are any additional fluids or vehicle components checked during fuel service? If so, list them.

Describe how fuel is stored, ordered and delivered. Do you have a fuel monitoring system to track fuel consumption?



**MAINTENANCE PLAN
TEMPLATE (COMBINATION)**

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Maintenance Plan Template (Combination)

It is the goal of Agency to maintain an effective preventative maintenance program by utilizing proper management of parts, equipment and fleet. Agency strives to operate a proactive maintenance program as opposed to reactive. Scheduling work allows time, materials, tools, equipment, and labor to be managed easier than having unpredictable maintenance costs, workloads, and vehicle downtime. A maintenance plan has been adopted to make these goals attainable.

The maintenance plan is a “living document” including schedules and reports which are updated periodically to reflect changes in maintenance policies, equipment, and program practices.

Vehicle Maintenance

The following is a summary of the vehicle fleet inventory maintained by Agency:

Unit ID	VIN	Year	Make/Model	W/C Lift	Total Vehicle Mileage	Annual Vehicle Mileage

Agency maintains the vehicles by performing the following regularly scheduled preventative maintenance inspections:

Pre-Trip Inspections

Vehicles receive a daily or pre-operational inspection that includes the following safety sensitive items:

- Steering System
- Service and Parking Brake
- Suspension and Undercarriage
- Tires, Wheels, and Wheel End Components
- Fuel and Exhaust Systems
- All Lights, Mirrors, Wipers and Warning Devices
- Interlock Systems
- Interior Controls, Gauges, and Safety Equipment
- Wheelchair Lifts
- Air System
- Emergency Exits (doors, windows, etc.)
- Equipment for Transporting Wheelchairs
- Safety, Security and Emergency Equipment

These inspections are performed by (driver, staff, etc.) by completing a pre-trip inspection form. See attached. Forms are documented with the operator's signature and a check in each box to ensure whether items are "OK" or a defect is found. Details of the defect are noted in the comments section. Completed pre-trip inspection forms are submitted to (Transportation Manager or other staff) and reviewed before the vehicle begins service. If a defect is found during the pre-trip inspection, the vehicle is repaired before returning to service. Once a defect is repaired it will be acknowledged in one of the following ways:

- The repair is noted on the pre-trip inspection form, along with a signature and date of repair; or
- A completed work order form describing the repair is attached to the pre-trip inspection form.

Pre-trip inspection forms are filed (where?) and kept on file for a minimum of 14 days.

During scheduled trips and at the conclusion of transportation service the operator will note any defects on a post-trip inspection checklist to be turned in to (Transportation Manager or other staff) at the end of the day. Defects that are consistent with the safety sensitive items listed on the pre-trip inspection are repaired before the vehicle returns to service. Defects that are not safety related are scheduled for repair at a later date.

Preventative Maintenance Inspections

Vehicles receive scheduled preventative maintenance inspections every (interval) miles. Vehicle mileages are tracked using (manual or electronic method) to schedule upcoming preventative maintenance inspections. When a vehicle is due for inspection, it is taken out of service until the inspection and all necessary repairs are completed. A preventative maintenance inspection checklist is used to inspect components in a progressive method. See attached. The inspections are performed in an A,B,A,C sequence every (interval) miles to ensure vehicle safety.

Agency uses a combination of in-house maintenance and outsource maintenance. The in-house maintenance shop conducts the preventative maintenance inspections and most maintenance repairs. Agency uses outsource maintenance shops for repairs that require special training or specialized equipment. Please list specialized repairs that are outsourced. For example; transmission repairs, some A/C work, electronics repairs, some diesel engine diagnostics and repairs and vehicle warranty work.

Agency uses the following outsource maintenance facilities to conduct the preventative maintenance inspections and repairs:

Name

Address

Phone number

Agency has provided the maintenance facility performing the preventative maintenance inspections with the Preventative Maintenance Standards Manual to use as guidelines for performing these inspections. See attached.

Upon completion of the preventative maintenance inspection, the maintenance facility provides Agency with a completed preventative maintenance inspection checklist form and a receipt for purchased services. This information is filed in the vehicle history file located (where?).

All repairs that are considered to be safety related are made before the vehicle returns to service. Cosmetic repairs and repairs that are not safety related are scheduled for repair at a later date.

Lift Maintenance

As part of the preventative maintenance on wheelchair lifts, a complete cycle of the lift is performed during the operators' pre-trip inspection. The operators report, by the most immediate means available, any lift failures.

The lifts are serviced on preventative maintenance inspections according to the manufacturer's specifications. Instructions for normal and emergency operation of the lift or ramp are carried or displayed in every accessible vehicle.

Maintenance Shop

Facility & Equipment Maintenance Plan

Agency maintains a Facility Maintenance & Equipment Plan that describes policies and procedures for maintaining maintenance shop and equipment, including maintenance schedules and accompanying checklists. See attached Facility & Equipment Maintenance Plan

Parts Inventory

Agency stocks fast moving parts utilized for preventative maintenance inspections and basic, routine repairs. Some of these parts include (list examples of the parts that are stored on-site. Also list whether tires are stored on-site or ordered). Any other parts are ordered and purchased as needed.

Describe who is responsible for maintaining and ordering parts. Describe the process of how parts are pulled and recorded and how often inventory is balanced. For example, do technicians pull their own parts or are they distributed by Agency staff.

Material Handling

Agency provides their employees with instructions on safe handling, first aid treatment, emergency procedures, and proper clean up procedures of chemicals in the workplace. Knowing the potential flammability, explosion, and reactivity of chemicals in the workplace are the rights of the employees under the Right-To-Know-Law.

Describe where the material handling instructions are kept for maintenance personnel.

Material Safety Data Sheets

All chemicals, lubricants, cleaners etc., purchased must accompany a Material Safety Data Sheet. A MSDS binder is maintained and is stored in the (where?). All MSDS sheets are kept on file for at least thirty years after they are no longer being used.

Maintenance Policies and Procedures

Vehicle History Files

Vehicle history files are maintained for each vehicle for the life of that vehicle. Each file includes the following:

- Identification of the vehicle, including make, model, license number or other means of positive identification and ownership;
- Date, mileage and description of each inspection, maintenance, repair or lubrication performed;
- If not owned by the transit agency, the name of the person or company furnishing service with this vehicle;
- The name and address of any business firm performing an inspection, maintenance, repair or lubrication;
- (List additional documents that appear in vehicle history files, if applicable)

Accidents

All accidents are tracked by the frequency, type, and which party was at fault through incident reports that are completed within 12 hours of the time of the incident. See attached (incident report form)

Accident Investigation Reports are completed with the following information:

- Events are investigated and documented in a final report
- Description of investigation activities
- Identified causal factors
- Corrective actions
- Schedule of implementation of corrective actions

In the event of an accident the primary responsibility of all staff is to ensure the safety of the passengers. (Describe accident procedures that include how accidents are reported to the agency, which staff report to the scene of the accident if applicable, who records the accident on the incident report, if the agency is determined to be at fault for the accident – who will investigate whether a vehicle defect or failure caused the accident?, what corrective actions are taken?)

Road Calls

Road calls are defined as any in-service interruptions caused by failure of some functionally necessary element of the vehicle. When failures occur they are called in to the Transportation Coordinator at Agency. The Transportation Coordinator makes towing arrangements to bring the vehicle to the in-house or outsource maintenance facility if necessary, depending on the nature of the repair needed. Road call repairs are completed in the most expeditious manner to reduce the vehicle's down time. All related repair and towing expenses are filed in the vehicle's history file. Road calls are documented and monitored by the Transportation Coordinator and are analyzed to identify maintenance trends. See attached (road call information sheet)

Cleaning

It is the duty of the operator to perform a daily walkthrough on the vehicle and ensure there is no debris on the flooring or step wells that could result any falls or slips. Unsafe conditions are corrected before any scheduled trips.

Describe for both interior and exterior who performs the vehicle cleaning and how often it is done.

Information Management

Maintenance activities are regularly monitored and analyzed by the (Transportation Manager or other staff). This information is used to adjust the preventative maintenance program as needed.

(If agency uses computerized maintenance software program or PrMPT online maintenance database, describe the program's capabilities and how they are used to monitor the maintenance program)

Warranty

A warranty recovery system, or warranty records of claims submitted and received, are maintained by Agency. All warranty paperwork is filed (where?).

Warranty repairs are identified by maintaining a list of items from the manufacturer that are under warranty and when the warranty expires. When a component fails it is checked against the list for time and/or mileage to determine if it is still under warranty. Documentation of warranty repairs, claims, and a recovery program are kept on file to guarantee the cost of the defects under warranty is paid by the equipment manufacturer and not the agency. All warranty claims are pursued until the claim is settled.

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**MAINTENANCE PLAN
TEMPLATE (OUTSOURCE)**

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Maintenance Plan Template (Outsource)

It is the goal of Agency to maintain an effective preventative maintenance program by utilizing proper management of parts, equipment and fleet. Agency strives to operate a proactive maintenance program as opposed to reactive. Some ways they hope to accomplish this are by ensuring efficient cost effective repairs and improving quality assurance measures. Scheduling work allows time, materials, tools, equipment, and labor to be managed easier than having unpredictable maintenance costs, workloads, and vehicle downtime. A maintenance plan has been adopted to make these goals attainable.

The maintenance plan is a “living document” including schedules and reports which will be updated periodically to reflect changes in maintenance policies, equipment, and program improvements.

Vehicle Maintenance

The following is a summary of the vehicle fleet inventory maintained by Agency:

Unit ID	VIN	Year	Make/Model	W/C Lift	Total Vehicle Mileage	Annual Vehicle Mileage

Agency maintains the vehicles by performing the following regularly scheduled preventative maintenance inspections:

Pre-Trip Inspections

Vehicles receive a daily or pre-operational inspection that includes the following safety sensitive items:

- Steering System
- Service and Parking Brake
- Suspension and Undercarriage
- Tires, Wheels, and Wheel End Components
- Fuel and Exhaust Systems
- All Lights, Mirrors, Wipers and Warning Devices
- Interlock Systems
- Interior Controls, Gauges, and Safety Equipment
- Wheelchair Lifts
- Air System
- Emergency Exits (doors, windows, etc.)

- Equipment for Transporting Wheelchairs
- Safety, Security and Emergency Equipment

These inspections are performed by (driver, staff, etc.) by completing a pre-trip inspection form. See attached. Forms are documented with the operator's signature and a check in each box to ensure whether items are "OK" or a defect is found. Details of the defect are noted in the comments section. Completed pre-trip inspection forms are submitted to (Transportation Manager or other staff) and reviewed before the vehicle begins service. If a defect is found during the pre-trip inspection, the vehicle is repaired before returning to service. Once a defect is repaired it will be acknowledged in one of the following ways:

- The repair is noted on the pre-trip inspection form, along with a signature and date of repair; or
- A completed work order form describing the repair is attached to the pre-trip inspection form.

Pre-trip inspection forms are filed (where?) and kept on file for a minimum of 14 days.

During scheduled trips and at the conclusion of transportation service the operator will note any defects on a post-trip inspection checklist to be turned in to (Transportation Manager or other staff) at the end of the day. Defects that are consistent with the safety sensitive items listed on the pre-trip inspection are repaired before the vehicle returns to service. Defects that are not safety related are scheduled for repair at a later date.

Preventative Maintenance Inspections

Vehicles receive scheduled preventative maintenance inspections every (interval) miles. Vehicle mileages are tracked using (manual or electronic method) to schedule upcoming preventative maintenance inspections. When a vehicle is due for inspection, it is taken out of service until the inspection and all necessary repairs are completed. A preventative maintenance inspection checklist is used to inspect components in a progressive method. See attached. The inspections are performed in an A,B,A,C sequence every (interval) miles to ensure vehicle safety.

Agency uses the following outsource maintenance facilities to conduct the preventative maintenance inspections and repairs:

Name

Address

Phone number

Agency has provided the maintenance facilities performing the preventative maintenance inspections with the Preventative Maintenance Standards Manual to use as guidelines for performing these inspections. See attached. In addition, the Agency has maintained a signed Preventative Maintenance Agreement with the outsourced facility outlining the roles and responsibilities of each party regarding preventative maintenance vehicle inspections. See attached.

Upon completion of the preventative maintenance inspection, the maintenance facility provides Agency with a completed preventative maintenance inspection checklist form and a receipt for purchased services. This information is filed in the vehicle history file located (where?).

All repairs that are considered to be safety related are made before the vehicle returns to service. Cosmetic repairs and repairs that are not safety related are scheduled for repair at a later date.

Maintenance Policies and Procedures

Vehicle History Files

Vehicle history files are maintained for each vehicle for the life of that vehicle. Each file includes the following:

- Identification of the vehicle, including make, model, license number or other means of positive identification and ownership;
- Date, mileage and description of each inspection, maintenance, repair or lubrication performed;
- If not owned by the transit agency, the name of the person or company furnishing service with this vehicle;
- The name and address of any business firm performing an inspection, maintenance, repair or lubrication;
- (List additional documents that appear in vehicle history files, if applicable)

Lift Maintenance

As part of the preventative maintenance on wheelchair lifts, a complete cycle of the lift is performed during the operators' pre-trip inspection. The operators report, by the most immediate means available, any lift failures.

The lifts are serviced on preventative maintenance inspections according to the manufacturer's specifications. Instructions for normal and emergency operation of the lift or ramp are carried or displayed in every accessible vehicle.

Accidents

All accidents are tracked by the frequency, type, and which party was at fault through incident reports that are completed within 12 hours of the time of the incident. See attached (incident report form)

Accident Investigation Reports are completed with the following information:

- Events are investigated and documented in a final report
- Description of investigation activities
- Identified causal factors
- Corrective actions
- Schedule of implementation of corrective actions

In the event of an accident the primary responsibility of all staff is to ensure the safety of the passengers. (Describe accident procedures that include how accidents are reported to the agency, which staff report to the scene of the accident if applicable, who records the accident on the incident

report, if the agency is determined to be at fault for the accident – who will investigate whether a vehicle defect or failure caused the accident?, what corrective actions are taken?)

Road Calls

Road calls are defined as any in-service interruptions caused by failure of some functionally necessary element of the vehicle. When failures occur they are called in to the Agency. The Transportation Coordinator makes towing arrangements to bring the vehicle to an outsource maintenance facility if necessary. Road call repairs are completed in the most expeditious manner to reduce the vehicle's down time. All related repair and towing expenses are filed in the vehicle's history file. Road calls are documented and monitored by the Transportation Coordinator and are analyzed to identify maintenance trends. See attached (road call information sheet)

Cleaning

It is the duty of the operator to perform a daily walkthrough on the vehicle and ensure there is no debris on the flooring or step wells that could result any falls or slips. Unsafe conditions are corrected before any scheduled trips.

Describe for both interior and exterior who performs the vehicle cleaning and how often it is done.

Information Management

Maintenance activities are regularly monitored and analyzed by the (Transportation Manager or other staff). This information is used to adjust the preventative maintenance program as needed.

(If agency uses computerized maintenance software program or PrMPT online maintenance database, describe the program's capabilities and how they are used to monitor the maintenance program)

Warranty

A warranty recovery system, or warranty records of claims submitted and received, are maintained by Agency. All warranty paperwork is filed (where?).

Warranty repairs are identified by maintaining a list of items from the manufacturer that are under warranty and when the warranty expires. When a component fails it is checked against the list for time and/or mileage to determine if it is still under warranty. Documentation of warranty repairs, claims, and a recovery program are kept on file to guarantee the cost of the defects under warranty is paid by the equipment manufacturer and not the agency. All warranty claims are pursued until the claim is settled.



**FACILITY AND EQUIPMENT
MAINTENANCE PLAN
TEMPLATE**

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<<<<<<If a 5311 agency does not have a Facility and Equipment Maintenance Plan in place, they can use the following template to develop their own Facility and Equipment Maintenance Plan>>>>>>

FACILITY AND EQUIPMENT MAINTENANCE PLAN TEMPLATE

Preventive Facility and Equipment Maintenance Plan

(Agency Name)

The equipment listed in the template below is merely an example for your reference. It may or may not represent the actual items currently in place at your maintenance facility. The plan will need to reflect the specific equipment and maintenance schedules used at your facility.

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OVERVIEW

Certain basic goals are essential to the success of a Facility Maintenance Program. These goals include performing timely, periodic maintenance, providing safe functional facilities, identifying potential problems, conserving energy and resources, and maintaining effective public relations.

Maintenance is the normally funded, ongoing programs of upkeep required for a facility to meet the provisions of day-to-day services required to keep the agencies buildings and grounds in a functional condition.

The basic Facility Maintenance functions are; Building Maintenance, Ground Maintenance, Custodial/Janitorial Services, Administrative Support, and Maintenance of Customer Amenity's.

Statement

Mission:

Provide facility maintenance in a manner, which fosters ownership and continuous improvement. Primary roles include policy development and reporting program status.

Vision:

Our long-term vision is focused on effective Preventive Maintenance programs, products and services, and our functional approach to foster continuous incremental and breakthrough improvements in preventive style maintenance that will extend the functionality of our facility investments.

Goals & Objectives

Goal

1. Facilitate innovation in facility maintenance. Establish proactive participation in preventive maintenance schedules that provide valuable support to the agency.

Objectives

- a. Facilitate from traditional reactive and breakdown maintenance practices to a proactive maintenance program.
- b. Facilitate the adoption of a data collection system that allows discreet local management based on standardized data.
- c. Minimize interval or cycle based maintenance where appropriate and cost effective.

Goal

2. Search out and coordinate standardized equipment, tools and facilities maintenance management improvement practices that may be utilized in facilities maintenance programs. Educate ourselves in available tools, publish lessons learned and facilitate the adoption of improved practices.

Objectives

- a. Develop and coordinate standardized facilities condition assessment policy and guidance.

- b. Develop and coordinate facilities maintenance self-assessments.
- c. Develop and advocate proper facilities maintenance resource strategies and rules-of-thumb.

Goal

- 3. Create and maintain open communication, trust and free exchange of improvement ideas throughout the agency. Coordinate the development and dissemination of information resources.

Objectives

- a. Maintain a clear facilities maintenance strategic plan.
- b. Develop benchmarks with best practices of like agencies to identify opportunities for improvement.

Maintenance Levels

Building Maintenance:

Building Maintenance includes the daily upkeep of all interior and exterior structural components i.e.: electrical, paint, concrete, roofing and other components permanently affixed to a building.

Preventive Building Maintenance:

- * An example of preventive building maintenance is the inspection, reporting, and replacement of electrical motors drawing too many amperes.

Predictive Building Maintenance:

- * An example of predictive building maintenance is the repainting of curbs fire lanes and wheel stops.

Emergency Building Maintenance:

- * An example of emergency building maintenance is the repair or replacement of ruptured water lines.

Grounds Maintenance:

Grounds Maintenance includes maintenance of grounds and outdoor facilities such as lawns, trees, shrubs, sidewalks, fences, signs, street lighting, storm drains, irrigation systems, and parking areas.

Preventive Ground Maintenance:

- * An example of preventive grounds maintenance is the inspection and sealing of cracks on asphalt parking lots.

Predictive Ground Maintenance:

- * An example of predictive grounds maintenance is the mowing of the turf on the lawn.

Emergency Ground Maintenance:

- * An example of emergency grounds maintenance is the repair or replacement of broken outdoor light fixtures and sprinkler systems.

Custodial Services:

Custodial Services (sometimes called "Building Services" or "Janitorial Services") includes general cleaning, restroom sanitizing, indoor rodent and insect control, sweeping, mopping, trash removal, and window cleaning for buildings.

Preventive Custodial Services:

- * An example of preventive custodial services is the inspection and reporting of waxed floors that need stripping, cleaning, and refinishing.

Predictive Custodial Services:

- * An example of planned custodial services is the emptying of waste paper baskets.

Emergency Custodial Services:

- * An example of emergency custodial services is the cleaning of debris from a clogged and overflowing sink drain.

Administrative Support:

Administrative support includes moving of workstations, hanging of posters, signs, and pictures.

Preventive Administrative Support:

- * In this area, there is no preventive maintenance type of support.

Predictive Administrative Support:

- * Moving file boxes and work stations with at least two days' notice is an example of planned Administrative support.

Emergency Administrative Support:

- * An example of emergency administrative support is the repair or replacement of broken doors and file cabinet locks or immediate unscheduled requests.

Fixed Route Customer Amenities:

Fixed route customer amenity's support includes; installation, moving and repair of bus stops. Maintenance of shelters, landscaping and trash pick-up at all areas where patrons board or alight transit buses.

Preventive Fixed Route Customer Amenities Support:

- * An example of preventive fixed route customer amenities support is the scheduled pick-up of trash and lawn maintenance.

Predictive Fixed Route Customer Amenities Support:

* An example of predictive fixed route customer amenities support is the replacement of sign and route numbers due to ultraviolet ray deterioration.

Emergency Fixed Route Customer Amenities Support:

* An example of emergency fixed route customer support function is the repair or replacement of a bus stop or shelter damaged from an automobile accident.

Maintenance Summary

Facility Composition:

The present facilities consist of the following:

- 1. Executive Offices
- 2. Operations Offices
- 3. Maintenance facilities
- 4. Terminal

Preventive Maintenance:

Inspections will include:

- a. Operation of all electrical systems including lighting
- b. Operation of all plumbing
- c. Landscaping
- d. Door operation and locking mechanisms
- e. Operation of all facilities equipment, including air compressors, HVAC systems, vehicle wash systems, fuel and fluid dispensing systems, vehicle lifts, jacks, vises, grinders, etc.
- f. Overall property condition for deterioration or damage

Preventive Maintenance Schedule

Inspection sheets provide maintenance records for all inspections completed. Work orders are generated for all follow up repairs.

Weekly	Monthly	First Month of Each Quarter	Second Month of Each Quarter	Third Month of Each Quarter	Bi-Annual
Bench Vises	Vehicle Fueling Area	Main Facility Exterior	Vehicle Lifts	Shop and Truck Air Compressors	Storm Drain System
Bench Grinder	Fuel Tanks	Main Facility Interior	Shop Exhaust Fans	Pressure Washer	Portable Heaters

Bus Stops	All Fluid Dispensers Including Reels	Operations Facility	Hydraulic Press	Floor Scrubber	Service Elevator
Fork Lift	Oxy. And Act. Torches	Bus Wash Area	Drill Press	Air Hoses	
	A/C Recovery Equipment	HVAC Systems	Arc/Mig Welder	Floor Jacks	
	Tire Changer	Transfer Points	Shop Floor Fans	Transmission Jack	
	Brake Drum Lathes	Terminal	Filter Crusher	Mobile Floor Crane	
	Emergency Generator			Hydraulic Lift Table	
	All Lighting			Hydraulic Jacks	

Outsourced Services

Service	Frequency
Interior Facility Cleaning	Daily
Lawn Services	Weekly
Pest Control	Monthly
Fire Extinguishers	Annually

Maintenance Projections

At this time, there are several equipment upgrades that are being evaluated. Some of these projects are currently being engineered or are under construction.

Projects that have been completed recently are as follows:

1. Complete repaint exterior of main facility.
2. Sealed blacktop and repainted lines in bus yard.

Projects that are currently being evaluated or are under construction:

1. Roof replacement on main facility.
2. Replacing air conditioner at main facility.
3. Interior painting of shop walls.
4. Epoxy shop floor
5. Upgrading fuel storage tanks to above ground.

If a 5311 agency does not have a maintenance plan in place, they can use one of the following maintenance plan templates to develop their own maintenance plan. One template is for in-house and outsource combination maintenance, and the other template is for outsource only maintenance. The agency will use the template that best applies to their current maintenance department procedures.



**PREVENTATIVE
MAINTENANCE AGREEMENT
TEMPLATE**

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<<<<<<For agencies that outsource all of their maintenance work, the following Preventative Maintenance Agreement template has been created to assist these agencies with developing a contractual agreement with the outsource facility that performs their preventative maintenance inspections>>>>>>

PREVENTATIVE MAINTENANCE AGREEMENT TEMPLATE

1. Executive Summary

1.1 Overview

This preventative maintenance agreement between <Garage> and <Agency> is designed to formalize the arrangement between <Garage> and <Agency> to provide specific preventative maintenance services and support at an agreed-upon cost. Managing a fleet of vehicles that are funded by the Florida Department of Transportation requires following a set of minimum requirements established by Chapter 14-90 of the Florida Administrative Code. These standards are created to ensure maximum vehicle life and passenger safety through regularly scheduled preventive maintenance. Preventative maintenance is defined as systematic inspection, detection, correction and prevention of emerging vehicle component failures before they cause actual in-service failures. The preventative maintenance services provided by <Garage> will assist <Agency> with meeting or exceeding these state and federal guidelines by following the preventative maintenance inspection procedures detailed in the Florida Department of Transportation's "Preventative Maintenance Standards Manual."

1.2 Scope of Preventative Maintenance

The following services are the minimum requirements that shall be provided by <Garage>:

<Garage> will perform vehicle inspections at pre-determined mileage intervals determined by OEM guidelines and/or FDOT requirements. OEM guidelines must be followed for preventative maintenance inspections while the vehicle remains under active warranty. Once the vehicle is no longer under warranty, it should be inspected using mileage intervals determined by <Agency>, but no greater than 6,000 miles, following the guidelines described in the "Preventative Maintenance Standards Manual" established by the Florida Department of Transportation.

<Garage> must have enough trained staff to perform inspections listed below. Mechanics shall be certified in Wheelchair Lifts and Securement Devices to sufficiently perform inspections in these areas. If <Garage> is not certified in these areas, training will be made available to achieve certification.

<Garage> shall use ABC inspection forms provided by <Agency> as a checklist to complete each preventative maintenance inspection. (SEE EXHIBIT A) Upon completion of each inspection, <Garage> will provide an itemized list of repairs that will be needed before the vehicle reaches its next preventative maintenance inspection. If any safety sensitive vehicle components are found to be defective during the inspection, <Garage> will notify <Agency> immediately with this information. The following components are considered to be safety sensitive:

- Steering System
- Service and Parking Brake
- Suspension and Undercarriage
- Tires, Wheels, and Wheel End Components
- Fuel and Exhaust Systems
- All Lights, Mirrors, Wipers, and Warning Devices
- Interlock Systems

- Interior Controls, Gauges, and Safety Equipment
- Wheelchair Lifts
- Air System
- Emergency exits (doors, windows, etc.)

<Agency> must provide approval before defective items are repaired. <Agency> has the right to obtain a second opinion by another garage and choose which garage will make the appropriate repairs. <Agency> will render payment to <Garage> upon receipt of completed ABC inspection forms and itemized invoices for replaced or repaired defective components found during the inspection.

<Garage> may provide additional routine maintenance services at the discretion of <Agency>. Routine maintenance services include additional component or fluid replacements that are based on varying mileage intervals, different than the preventative maintenance inspection intervals that are determined by <Agency>. Examples of routine maintenance services may include oil change, transmission fluid change, other fluid changes, or any vehicle components replaced at pre-determined mileage intervals based on maintenance trend campaigns. <Garage> will provide the following routine maintenance services for <Agency>:

<List routine maintenance services and mileage intervals>

Routine maintenance services are subject to revision as needs of <Agency> change. For example, vehicle component replacement schedules may change based on prior failure history maintenance trends. These changes must be mutually agreed upon as stated in Section 2.3. <Garage> will provide documentation of routine maintenance services in the form of an itemized invoice to <Agency> prior to receiving payment for such services.

2. Terms and Conditions

2.1 Agreement Period

This Agreement is valid from the date signed and remains in effect for one calendar year, with option for renewal for an additional year once current agreement has expired.

2.2 Agreement Renewal

<Garage> and <Agency> may renew the Preventative Maintenance Agreement each year after reviewing and agreeing on details of costs and inspection procedures. Written authorization is required for Preventative Maintenance Agreement changes, in terms of cost or items covered under the Agreement. Both parties must sign-off on any changes to the existing Preventative Maintenance Agreement.

2.3 Agreement Revisions

Written authorization is required for any changes made to the Preventative Maintenance Agreement. Change requests must be provided in writing; verbal change requests will not be accepted. Once a change request has been submitted both parties will discuss the impact the change request will have on the Preventative Maintenance Agreement. Once both parties agree on the revised items and/or cost, the change request will be accepted. If both parties do not agree on the change, then the change

request is not accepted and the original Preventative Maintenance Agreement stands. Both parties must sign off on any changes to the existing Preventative Maintenance Agreement.

<Agency> will notify <Garage> of any new equipment purchased that may require additional resources.

2.4 Agreement Termination

<Agency> will provide 30 days written notice to <Garage> prior to the termination of service and cancellation of this Preventative Maintenance Agreement. Failure to meet terms and conditions of the Preventative Maintenance Agreement may result in termination of said agreement.

2.5 Warranty Items

<Garage> will notify <Agency> when items can be repaired under warranty before such repairs are made. If repairs cannot be reimbursed (parts and/or labor) by the manufacturer to <Garage> it will be determined by <Agency> where the repairs will be performed.

2.6 Condition of Vehicle Components

<Garage> must keep <Agency> informed of potential problems at an early stage. Identifying signs of upcoming repairs prior to the necessity of the repair will allow <Agency> to budget effectively for such a repair. <Garage> will also provide expected remaining mileage before vehicle component failure, or wear tolerance estimate, to <Agency> to allow adequate time for defective vehicle components to be scheduled for repair or replacement.

2.8 Schedule

Preventative maintenance is scheduled in advance. Maintenance inspections will be scheduled prior to the inspection date. <Agency> is responsible for notifying <Garage> of necessary maintenance inspections prior to the inspection date. <Garage> is responsible for notifying <Agency> of the expected length of time the vehicle(s) receiving inspection will be out of service and communicating the impact of the situation should defects be found during the inspection process.

When unforeseen problems occur effected vehicles are generally taken out of service until the problem is resolved. If a problem is discovered by <Garage>, they shall communicate directly with <Agency> regarding the vehicle's estimated downtime to allow for necessary repairs. This practice will provide <Agency> with critical knowledge necessary when deciding when the vehicle should be scheduled for repair.

2.9 Cost

<Agency> shall pay <Garage> \$___ per vehicle, per type of inspection, in exchange for services as stated in Section 3.1 of this Preventative Maintenance Agreement.

Prices shall be fixed throughout the year from the start date of the contract until the end of the contract.

<Garage> may adjust Preventative Maintenance Agreement prices due to commodity escalation costs. However, <garage> must first show proof of burden of the escalated costs. Escalation will be calculated based on the following formula which utilizes the U.S. Department of Labor/Bureau of Labor Statistics Consumer Price Index (CPI) "Motor Vehicle Parts and Equipment" and/or "Motor Vehicle Maintenance and Repair", not seasonally adjusted. In no event will the prices for any commodity

exceed by more than 5% the price(s) that would have been in effect twelve (12) months prior to the date of the agreement execution.

According to the U.S. Department of Labor, escalation agreements using the CPI usually involve changing the base payment by the percent change in the level of the CPI between the reference period and a subsequent time period. This is calculated by first determining the index point change between the two periods and then the percent change. The following example illustrates the computation of percent change:

CPI for current period	136.0
Less CPI for previous period	129.9
Equals index point change	6.1
Divided by previous period CPI	129.9
Equals	0.047
Result multiplied by 100	0.047 x 100
Equals percent change	4.7

Furthermore, if commodity prices decrease, <Agency> will have the option to terminate the current Preventative Maintenance Agreement and renegotiate a new agreement based on the decreased commodity prices.

<Agency> shall only pay for the preventative maintenance inspections outlined in this Preventative Maintenance Agreement. <Agency> is not responsible for unauthorized charges by <Garage>.

<Garage> is responsible for loss or damage of any parts and/or equipment while in the possession of <Garage>.

3. Itemized Maintenance Procedures

3.1 Preventative Maintenance Inspection Program

The preventative maintenance inspection is a program of routine checks and procedures performed on a scheduled and recurring basis to avoid breakdowns and prolong equipment life.

The "A" inspection is performed every ___ miles. It is designed for the inspection, service and replacement of certain items at predetermined times and to identify any possible defects which might have occurred and to make minor adjustments as necessary.

The "B" inspection is performed every ___ miles. This inspection repeats the "A" inspection items and includes certain additional items which should be inspected and serviced as indicated.

The "C" inspection is a technical and performance inspection and is accomplished every ___ miles. The "A" and "B" inspection items are repeated and additional scheduled items are required to be accomplished which were not part of the other inspection intervals.

The following components must be checked during an “A” inspection:

Interior Inspection:

40. Fire Extinguisher (s)/ First Aid Kit / Safety Triangles

Inspect the above mentioned safety equipment to ensure it is in proper working order, securely mounted, and easily accessible. Fire extinguisher must be fully charged with a dry chemical or carbon dioxide, having at least a 1A:BC rating and bearing the label Underwriters Laboratory Inc.

If equipped with fire suppression system check “System OK” LED is illuminated. Check that system is properly charged and that all instruction labels are intact, clean, and legible.

Check maintenance tag for expiration date and condition of all components for damage or conditions that may prevent operation. Nozzle outlets must be unobstructed and properly aimed.

41. All Seats / Seat Belts

Seat covering for the driver and passenger seats should be inspected for rips, tears, gouges, exposed springs, and security of floor mounting. Seat belts should be inspected for proper retraction mechanisms. Arm rest(s) should be inspected for proper attachment to seat(s). Check folding seats for proper operation of adjustment controls. Check the driver’s seat for proper fore and aft movement and tracks should be lubricated as necessary.

42. Doors / Hinges / Latches/Emergency Exits

Lubricate door hinges and latches, check operation of windows, doors, and the condition of the glass.

Check condition of all exit signs to ensure location and operation decals are in place and legible. Check emergency exits to insure all exits function properly and stay shut after opening.

43. Interlock System

Check to ensure interlock system is working properly. Vehicle should not come out of park with either the front door or lift door open.

If the rear emergency exit door is open or closed and locked the vehicle should not start. Check for audible alarm and warning light if rear door is open with vehicle running.

44. Flooring /Headliner / Side Panels /Grab Rails

Inspect floor covering for tears, rips, or gouges. Inspect headliner for damage, sag, or dirt. Inspect the condition of side panels.

On vehicles designed to allow standees check the condition of the standee line and sign. The line must be of contrasting color at least two inches wide and the sign, prohibiting

anyone from occupying a space forward of the line, must be posted at or near the front of the vehicle. Check steps for yellow edge or nosing to pronounce presence of steps.

Inspect condition of the grab rails and stanchions for the standee passengers. Tighten grab rails as necessary. Note if extensive repairs are necessary.

45. Mirrors

Check inside rear view mirror(s) for proper mounting, adjustment, and condition of the glass. Also check the right and left exterior mirrors for adequate field of vision.

46. Interior Lights

Inspect the interior lights. Check step well lights if applicable for proper function by opening door. Check dome light switch/rheostat. Check turn signal and the hi-lo beam switches as well as the indicators on dash for proper function.

Check all emergency exit lights at emergency windows and rear exit door.

47. Exterior Lights / Horn

Outside assistance may be required when making this check. Check parking, low and hi beam headlights, turn signal operation front and rear, and hazard flashers. Turn on all outside clearance lights and check operation. At this time also check license plate lights, back-up lights, and brake lights. All lighting must comply with the minimum requirements set for the in Florida Statutes 316.220, 316.221, 316.224, 316.225, 316.226, 316.234, and 316.235. Check horn. The horn must be capable of emitting a sound audible under normal conditions from a distance of not less than 200 feet.

48. Warning system

Activate ignition switch and check all warning indicator lights (oil, battery, engine, etc.) for proper operation. If the vehicle is equipped with gauges check proper readings after the engine has been started. Check all switches, levers, and knobs for proper function.

49. Starter System / Back-up Alarm

When starting engine listen for starter drag or grind, belt squeal, and any other unusual noises. As engine warms monitor all gauges. Check shift selector for smooth operation and can be shifted into all ranges. While depressing the brakes shift the vehicle into reverse and check the audible back-up alarm. Check fast idle system for proper operation.

50. Air System Check

Build air system to maximum air pressure and observe governor cut out (100-125 psi). Shut off engine and chock wheels if necessary. Release emergency brake and make a full brake application and hold for one minute. Check air gauge to see if pressure drops more than three pounds in one minute. Next rapidly pump the foot brake. Buzzer should activate before air pressure drops below 60 psi. Continue to pump brakes until emergency brake pops up. This should occur at approximately 40 psi. Drain all air tanks and check operation of system drier.

51. Windshield / Windshield Wipers / Washers / Blades

Inspect windshield for cracks, scratches, and any visible damage. Operate windshield wipers through all ranges on wet glass. Inspect condition of windshield wiper blades and arms. Replace if needed. Check washer fluid level.

52. Windows

Inspect side and rear windows for cracks, scratches, and proper function of opening mechanisms.

53. Comfort System

Operate and check heater and air conditioning controls through all selector ranges and check varying fan speed for proper function. Check rear unit output as applicable.

Exterior Inspection

54. Exterior Body and Components

Inspect exterior of vehicle for signs of body damage, missing trim, decals, paint condition, and any signs of developing rust. Inspect the outside of all windows for cracks, blemishes, or other damage. Inspect mirror brackets for secure mounting or rusting. Check mirrors for broken/fading glass.

55. Tires and Wheels

Inspect all tires for signs of uneven wear due to imbalance or improper front end alignment, check for exposed cord or steel belts, inspect valve cores, and check sidewalls for scrubbing or damage. Determine tread depth using tread depth gauge. Tread group pattern depth shall not be any less than 4/32 (1/8) inch, measured at any point on a major tread groove for tires on the steering axle and no less than 2/32 (1/16) inch measured at any point on a major tread groove for all other tires. Check air pressure in all tires including spare using tire air gauge. Check condition of spare tire and mounting.

Check tires for cuts, nails, or other embedded foreign objects. Check wheel lugs for proper torque. Check all wheels, including spare, for any damage, welds, or improper bead seating of tire. Check for missing balance weights. Check hubcaps for secure mounting.

56. Access Doors

Inspect exterior access doors and lubricate hinges or spring latches as necessary. Check fuel cap for proper fit and any signs of damage to fuel servicing piping/ hoses. Check hood latch and lubricate. Check hood retainer bar.

Service and Operation Inspection

57. Engine and Oil Filter

Change oil according to manufacturer's specifications either under the normal or severe duty operating conditions. The information listed below defines which schedule you need to follow for each vehicle.

3. Normal Operating Conditions:
 - Everyday driving conditions
4. Severe Operating Conditions:
 - Making frequent short trips (less than five miles)
 - Making frequent short trips (less than 10 miles) when temperatures are below freezing
 - Driving in hot weather stop-and-go traffic
 - Extensive idling and/or low speed driving for long periods of time (taxi, police, door-to-door delivery, etc.)
 - Driving at sustained high speeds during hot weather
 - Towing a trailer
 - Driving in areas with heavy dust (gravel roads, construction zones, etc.)

Note: Fluid change interval mileages can be different from the 6,000 mile Preventive Maintenance Inspections.

58. Ball Joints / Steering / Drive Line (Lubricate)

Inspect all ball joints according to manufacturer's recommendations. Lubricate after inspection.

Due to the varying road conditions, vehicle type, age of vehicle, and type of joint, it is recommended to check the ball joints on every "A" inspection or if any of the symptoms listed below occur.

- * Front wheel shimmy at low speed
- * Steering wander
- * Clunking noises from the front suspension
- * Camber wear on the tires

Note: *Most original equipment ball joints today are designed to provide many miles of durability. Many never make it that far for a variety of reasons. One is wear. The constant friction created by turning and driving creates friction between the ball stud and bearing. The rougher the roads and the heavier the vehicle, the faster the rate of wear will occur. Wear can be further accelerated by contamination and/or lack of lubrication. With a greaseable joint, lubing the chassis periodically is necessary to maintain a layer of grease within the joint. Lubing the joint also helps flush out the old*

grease and contaminants, which extends the service life of the joint. Most OEM ball joints today as well as some aftermarket replacement joints are "sealed for life" and have no grease fittings. Load carrying ball joints do tend to wear at a faster rate than their unloaded counterparts because of the weight they carry. That's why the lower ball joints on an SLA (short long arm) suspension typically wear out before the upper joints.

Check steering column for any absence or looseness of U-bolts or positioning parts; worn, faulty, or any welded universal joints. Check steering wheel broken spokes or cracks and for securement.

Check steering box for any mounting bolts loose or missing, any cracks in gear box or mounting brackets. Check for any looseness of the pitman arm on the steering gear output shaft. Check for leaks.

Check for any motion, other than rotational, between any linkage member and its attachment point. Check for loose clamps or clamp bolt on tie rod or drag link. Check for linkage components that are not secured with proper pins or devices. Check for any looseness in any threaded joint.

Lubricate all steering zirk fittings.

Lubricate driveline u-joints and slip yoke.

59. Battery

Check battery mounting tray condition (corrosion and wear) and battery hold-down. Check battery case for cracking or damage. Check post and fasteners for corrosion – clean and cover with protectant. Check cables for fraying or signs of deterioration. If applicable check and service water levels. If it is maintenance free battery check “green” indicator. Record output voltage.

60. Cooling System

Visually check cooling system for leaks. Check the overflow tank for adequate coolant, and inspect the cleanliness and condition of the coolant. Inspect the condition of the upper and lower radiator hoses and check the security of the fasteners. Check butterfly drain for snugness. Inspect water pump and engine intake at the thermostat housing for signs of leaks.

Inspect radiator cap for signs of leaks or pressure loss. Before removing the cap allow the engine to cool down. Relieve any built-up pressure in the system. Remove and inspect the radiator cap. At this time, the radiator cores and the interior of the radiator housing may be visually inspected for corrosion or clogging. Also, if circulation problems are suspected, operation of the water pump and circulation of the coolant may be verified with the engine running.

61. Air Cleaner / Filters

Remove air filter and inspect. Inspect air intake hoses and clamps. Visually inspect all vacuum hoses and connections. Inspect fuel lines for leaks or damage.

62. Belts / Hoses / Wiring

Inspect all belts for signs of wear, fraying, cracks, glazing, and proper tension. Inspect heater hoses and connections. Inspect wiring for signs of chafing, corrosion, loss of insulation and crimping. Ensure wiring does not come in contact with moving parts or heated surfaces.

63. Under Hood / Exhaust System

Check transmission fluid level with the fluid warm and the engine running. Check color of fluid for any signs of overheating. Visually inspect the transmission pan, front and rear seal, speedometer drive, and dipstick tube for signs of leakage. Visually check the transmission oil cooler, lines, and connections for signs of a leak. Check the exhaust system for mounting, routing, leaks and restrictions.

64. Service and Parking Brakes

From the driver's seat pump the brake pedal three or four times, and then hold constant downward pressure on pedal for at least five seconds. The brake pedal should hold firm and not drift down. If equipped with a hydraulic brake reserve system, with the key off, depress the brake pedal and listen for the sound of the reserve system electric motor.

If equipped with hydro boost system or vacuum assist system, with the key off, pump the brake at least five times and depress the brake pedal. It should feel firm. Remain holding the pedal and start the engine. The pedal should move slightly to the floor and then rise.

Check that the warning buzzer or light is off.

Apply the parking brake and shift vehicle into low gear slightly pulling against the brakes. Vehicle should not move.

65. Accelerator/ Brake Pedal

Check pedals for sticking, binding, or failure to return to normal position. Check pedals for excessive pad wear.

The following components must be checked during a "B" inspection, in addition to the components that are checked during an "A" inspection:

66. Brakes

Remove wheels and inspect all brake pads/linings for wear. Check rotors/drums for wear, scoring, and warping. Check calipers/cylinders and brake lines for signs of wear or leaks. Check for any dirt or grease accumulation on the brake system.

67. Operational Check

Check for smoothness of acceleration, centering of steering wheel, and the proper tracking of the vehicle, smoothness of turns, balance of tires, and front end alignment. Also check for looseness in steering wheel. Check operation of speedometer.

68. Transmission

Check operation and position of shift lever and indicator. Check operation in each gear. Check shift points through all gear ranges in drive position.

The following components must be checked during a “C” inspection, in addition to the components that are checked during an “A” and “B” inspection:

69. Wheel Bearings / Driveshaft

Remove and inspect front wheel bearings, clean and lubricate or replace if necessary.

Check the driveshaft chock wheels if needed and place transmission in neutral. Grasp either side of the u-joint and rotate it back and forth while watching/feeling for any play between the cross and the yoke. If the cross moves inside the yoke, replacement of the u-joint is warranted. Check slip joint for play.

Lubricate all zirk fittings.

70. Shocks / Springs

Inspect shock absorber cylinders for signs of leakage. Check bushings for signs of wear and the mounting brackets for secure mounting. Inspect coil and/or leaf springs for signs of damage or wear. Check MOR/ryde shear springs if equipped. If equipped with air springs check for leaks, cracks and dry rotting.

71. Rear Differential

Inspect rear axles and axle housing for signs of stress, wear, and leaks. Check differential level. (Note: Change differential fluid every other “C” inspection.)

72. Fuel Tank

Check fuel tank for secure attachment to vehicle by inspecting for loose, broken or missing mounting bolts or brackets (some fuel tanks use springs or rubber bushings to permit movement).

Check fuel system for any visible leak at any point.

73. Engine Tune-Up

See vehicle service manual for details.

74. Cooling System

Test coolant with pH test strips. Change out coolant or add additive as necessary.

75. Change Transmission Fluid and Filter

Remove transmission pan and drain fluid. If the transmission torque converter is equipped with a drain plug, drain fluid from it as well. Inspect debris in the bottom of pan for signs of internal transmission damage. Check the color of fluid for signs of overheating. Remove and replace filter screen. Note any abnormalities on the check off sheet.

Note: Always check manufacturers recommended transmission change interval as some vehicles come from the factory equipped with synthetic oil and have an extended mileage change interval.

Accessories

76. Wheel Chair Lift and Accessories

Cycle lift from stow position to floor level and check outboard roll stop barrier for proper latching. Continue to lower lift to ground level and check for any leaking, damaged, missing parts, and for smooth operation. Raise lift from ground level. With platform slightly off ground make certain the outboard roll stop barrier raises and it is latched securely. This must be performed by visually inspecting the latching mechanism to ensure it is in the correct locked position and by physically attempting to pull/push barrier down with an adequate amount of force to make certain the barrier is secured.

Continue to raise lift to floor level and check for any unusual noises or abnormal operation. Stand on lift platform or place at least 50 pounds of weight on platform and attempt to stow lift. Lift should not fold in. Remove weight and stow lift.

Due to varying lift configurations refer to your lifts Owner's Manual for a list of warning lights and audible alarms to ensure all of these safety warning devices are working properly.

Inspect tie down retractors for damaged webbing and proper locking. Inspect floor tie down anchors.

Check lift padding and labels. Check lift manual operation and instruction label. Lubricate appropriate lube points. (see illustrations at the end of this section) Refer to original owner's manual for lift adjustments if necessary.

77. License Plates / Registration / Operators Manual

Check condition and currency of license plate and registration and appropriate manuals. Insure accident report forms and other appropriate documents are up to date and available in the vehicle. Check for operating manual for the wheelchair lift.

78. Air Conditioning Systems Check

Each spring, prior to the season for constant air conditioning use, the air conditioning system should be scheduled for a thorough operational check. The system should be checked with the appropriate air conditioning service equipment and gauges. Check the entire system for leaks.

Note: The Freon level should be checked and serviced as necessary.

If the system is to be serviced with the opening of a closed system, the complete system should be evacuated; the receiver dryer replaced and the system must be completely recharged, including refrigerant oil.

Note: All air conditioning work involving opening the system for repair and recharging must be performed by a licensed certified technician.

4. Signature Page

This Preventative Maintenance Agreement is made between <Agency> and <Garage> commencing on the date this Agreement is signed by <Agency>.

This agreement shall become effective commencing on the date this Agreement is signed by <Agency> and shall remain in effect for one year from that date.

Effective Date:

Expiration Date:

<Garage>

Project Manager Name Printed

Project Manager Signature

Date

<Agency>

Executive Director Name Printed

Executive Director Signature

Date

EXHIBIT A

<div style="display: flex; justify-content: space-between;"> Agency _____ PREVENTIVE MAINTENANCE </div> <div style="display: flex; justify-content: space-between;"> Address _____ INSPECTION REPORT </div> <div style="display: flex; justify-content: space-between;"> City _____ State _____ </div> <div style="display: flex; justify-content: space-between;"> Zip _____ </div>														
Bus ID #: _____			Date: _____			Miles _____								
Inspector's Signature _____				Printed Name _____				Employee # _____						
Inspection Type: <input type="checkbox"/> A Inspection <input type="checkbox"/> B Inspection <input type="checkbox"/> C Inspection														
Condition Indicators: <input checked="" type="checkbox"/> = Okay X = Item was repaired or adjusted O = Follow up required N/A = Not Applicable														
#	Interior	A	B	C	#	Exterior (cont.)	A	B	C	#	Chassis/Drive Line (cont.)	A	B	C
1	Passenger Door & Door Interlock Operation				36	Check Operation of All Lights				71	Air Tank Mounting/Lines & Valves			
2	Standeel Line & Warning				37	Condensor Fan Operation				72	Check Exhaust System for Mounting/Leaks/Restrictions			
3	Flooring/ Steps/All Interior Panels				38	All Access Doors/Fuel Cap/Engine Cover & Latch Operation				73	Underbody/Mounts & Frame			
4	Wheelchair Belts/Floor Anchors				39	Tire Damage & Wear				74	Fuel Tank Mounting & Fuel Leaks			
5	Passenger Seat Condition/ Foldaway Seats Operation & Condition				40	Check Wheels/Lug Nuts/Valve Stems					Wheel Chair Lift			
6	Passenger Seat Belts				41	Fuel Cap and Door				75	Check Wiring for Routing/ Chafing & Loose Conn.			
7	Stanchions & Hand Rails				42	Leveling				76	Check Lift Interlock System			
8	Roof Hatches/Operation					Engine Compartment				77	Check Lift for Damage/ Inspect Lift Anchor Bolts			
9	Emergency Window Operation				43	Clean Batteries/Check Electrolyte Level				78	Cycle Lift - Check all Safety Systems <u>Including Barriers</u>			
10	Fire Extinguisher/First Aid Kit Emergency Triangles				44	Check Battery/Hold Downs/Cables/Ground Straps				79	Check for Hydraulic Leaks/ Level			
11	Fire Suppression System				45	Record Voltage Output _____ V				80	Clean and Lubricate Lift As Needed			
12	Interior Lights				46	Check Belts/Tensioners & Hoses Air Compressor Mounting					Brake Inspection			
13	Vehicle Registration/Plates/Manual				47	Check All Fluids				81	Brake Foundation/			
	Drivers Compartment				48	Inspect for Leaks				82	L/ Front % Worn:			
14	Brake & Accelerator Pedals				49	Test Anti-Freeze Protection				83	R/ Front % Worn:			
15	Drivers Seat & Belt				50	Check Radiator Core/Mounts				84	L/ Rear % Worn:			
16	Horn Operation				51	Check Wiring for Routing/Chafing & Loose Connections				85	R/ Rear % Worn:			
17	Service Brake Operation				52	Check Engine Mounts					Tire Tread Depth/Inflation			
18	Ignition System (Start Engine)				53	Replace Engine Oil & Filter				86	L/ Front /32			
19	Check All Gauges/Switches				54	Check/Replace Air Filter				87	R/ Front /32			
20	Check Fast Idle				55	Check/Replace Fuel Filter				88	R/ R Inside /32			
21	Check Air Compressor Cut In/Out Pressures/Perform Leak Down Test				56	Check/Clean A/C Filters & Cores/Lines for Routing/Chafing				89	R/ R Outside /32			
22	Shift Lever Operation				57	A/C Compressor Mounting/Clutch				90	L/ R Inside /32			
23	Parking Brake Operation				58	A/C Pressure Check				91	L/ R Outside /32			
24	Back-Up Alarm					Chassis/Drive Line				92	L/ Front PSI			
25	Driver's & Panel Lamps				59	Shocks/Springs/MOR/ryde				93	R/ Front PSI			
26	Interior Mirrors				60	Torque Rods				94	R/ R Inside PSI			
27	Windshield Wipers & Washers				61	Check Ball Joints				95	R/ R Outside PSI			
28	Climate Control System/Fans				62	Steering Gear/Linkage & Arms				96	L/ R Inside PSI			
29	Fare Collection System				63	Steering Shaft & Freeplay				97	L/ R Outside PSI			
30	Cleanliness				64	Lube Chassis					Test Drive			
	Exterior				65	Check Drive Shaft & U-Joints				98	Check Engine Performance			
31	Check for Exterior Damage /Corrosion/Bumpers & Mounts/Decals				66	Check Differential Oil Level/Clean Breather/Check Axle Seals				99	Check Shift Points			
32	Condition of All Glass				67	Drain & Refill Differential				100	Steering			
33	Wiper Blades & Arms				68	Replace Transmission Fluid/Filter				101	Suspension			
34	Exterior Mirrors				69	Check Front Wheel Bearings				102	Brakes			
35	Light Lenses & Reflectors				70	Check Brakes (Pull Wheels)				103	Speedometer			

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**5310 ONLY
TRANSPORTATION
OPERATING PROCEDURE
TEMPLATE**

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<<<<<<The following Transportation Operating Procedure template is required by 5310-Only agencies to develop procedures that describe their maintenance and safety related policies and practices>>>>>>

Transportation Operating Procedure Template (5310 only)

As an FTA Section 5310 Enhanced Mobility for Seniors and Individuals with Disabilities grant recipient, (insert agency name) agrees to comply with the following rules and guidelines set forth by the Department of Transportation regarding vehicle maintenance and transit operations described in the Transportation Operating Procedure (TOP).

Vehicle Maintenance

The following is a summary of the vehicle fleet inventory maintained by (insert agency name):

Unit ID	VIN	Year	Make/Model	W/C Lift	Total Vehicle Mileage	Annual Vehicle Mileage

(insert agency name) maintains the vehicles by performing the following regularly scheduled preventative maintenance inspections:

Pre-Trip Inspections

Vehicles receive a daily or pre-operational inspection that includes the following safety sensitive items:

- Steering System
- Service and Parking Brake
- Suspension and Undercarriage
- Tires, Wheels, and Wheel End Components
- Fuel and Exhaust Systems
- All Lights, Mirrors, Wipers and Warning Devices
- Interlock Systems
- Interior Controls, Gauges, and Safety Equipment
- Wheelchair Lifts
- Air System
- Emergency Exits (doors, windows, etc.)
- Equipment for Transporting Wheelchairs
- Safety, Security and Emergency Equipment

These inspections are performed by the driver by completing an agency form with items on the list for pre and post trip inspection. Forms are documented with the operator's signature and a check in each box to ensure whether items are "OK" or a defect is found. Details of the defect are noted in the comments section. Completed pre-trip inspection forms are submitted to Transportation Manager or other designated staff and reviewed before the vehicle begins service. If a defect is found during the pre-trip inspection, the vehicle is repaired before returning to service. Once a defect is repair it will be acknowledged in one of the following ways:

- The repair is noted on the pre-trip inspection form, along with a signature and date of repair; or
- A completed work order form describing the repair is attached to the pre-trip inspection form.

Pre-trip inspection forms are kept on file for a minimum of 14 days.

During scheduled trips and at the conclusion of transportation service the operator will note any defects on a post-trip inspection checklist to be turned in to (Transportation Manager or other staff) at the end of the day. Defects that are consistent with the safety sensitive items listed on the pre-trip inspection are repaired before the vehicle returns to service. Defects that are not safety related are scheduled for repair at a later date.

Preventative Maintenance Inspections

Vehicles receive scheduled preventative maintenance inspections every six months. Vehicle mileages are tracked using (enter method used. I.e. manual or electronic?) to schedule upcoming preventative maintenance inspections. When a vehicle is due for inspection, it is taken out of service until the inspection and all necessary repairs are completed. A preventative maintenance inspection checklist is used to inspect components in a progressive method. See attached. The inspections are performed in a B and C sequence every year to ensure vehicle safety. "B" level inspections are performed by June 30th of each calendar year. "C" level inspections are performed by December 31st of each calendar year.

(insert agency name) uses the following outsource maintenance facilities to conduct the preventative maintenance inspections and repairs:

Name:

Address:

Phone number:

(insert agency name) has provided the maintenance facilities performing the preventative maintenance inspections with the Preventative Maintenance Standards Manual to use as guidelines for performing these inspections. See attached.

Upon completion of the preventative maintenance inspection, the maintenance facility provides (insert agency name) with a completed preventative maintenance inspection checklist form and a receipt for purchased services. This information is filed in the vehicle history file located (insert file location).

All repairs that are considered to be safety related are made before the vehicle returns to service. Cosmetic repairs and repairs that are not safety related are scheduled for repair at a later date.

Maintenance Policies and Procedures

Vehicle History Files

Vehicle history files are maintained for each vehicle for the life of that vehicle. Each file includes the following:

- Identification of the vehicle, including make, model, license number or other means of positive identification and ownership;
- Date, mileage and description of each inspection, maintenance, repair or lubrication performed;
- If not owned by the transit agency, the name of the person or company furnishing service with this vehicle;
- The name and address of any business firm performing an inspection, maintenance, repair or lubrication;
- List additional documents that appear in vehicle history files, if applicable

Lift Maintenance

As part of the preventative maintenance on wheelchair lifts, a complete cycle of the lift is performed during the operators' pre-trip inspection. The operators report, by the most immediate means available, any lift failures.

The lifts are serviced on preventative maintenance inspections according to the manufacturer's specifications. Instructions for normal and emergency operation of the lift or ramp are carried or displayed in every accessible vehicle.

Information Management

Maintenance activities are regularly monitored and analyzed by the (Transportation Manager or other staff). This information is used to adjust the preventative maintenance program as needed. (If agency uses computerized maintenance software program or PrMPT online maintenance database, describe the program's capabilities and how they are used to monitor the maintenance program).

Warranty

A warranty recovery system, or warranty records of claims submitted and received, are maintained by **(insert agency name)**. All warranty paperwork is filed **(insert file location)**.

Warranty repairs are identified by maintaining a list of items from the manufacturer that are under warranty and when the warranty expires. When a component fails it is checked against the list for time and/or mileage to determine if it is still under warranty. Documentation of warranty repairs, claims, and a recovery program are kept on file to guarantee the cost of the defects under warranty is paid by the equipment manufacturer and not the agency. All warranty claims are pursued until the claim is settled.

Transit Operations

Driver Qualifications and Training

(insert agency name) requires the following qualifications when hiring drivers to operate transit vehicles:

- Applicant must have a valid driver license, and a CDL if necessary.
 - For current/quick status of a driver license, the agency/driver could use the following site at no cost: <https://services.flhsmv.gov/dlcheck/>
 - To obtain a copy of a driving record (background check) please visit the following site for "Driver License Record Request Form" and appropriate "Driver History Records fee": <http://www.flhsmv.gov/ddl/abstract.html>
- Describe how it is determined whether your agency requires a CDL license and how the CDL license is monitored
 - Based of vehicle, please visit the following site to determine if and what type of commercial driver license is required, to include qualification requirements.
<http://www.flhsmv.gov/ddl/cdl.html>
- Applicant must receive a background check, if applicable
- List additional requirements if applicable

(insert agency name) will ensure that all drivers continue to have a valid driver license while operating vehicles. (insert agency name) shall not permit a driver to drive transit vehicle when such driver's license has been suspended, cancelled, or revoked. (insert agency name) shall require a driver who receives a notice that his or her license to operate a motor vehicle has been suspended, cancelled, or revoked to notify his or her employer of the contents of the notice immediately, no later than the end of the business day following the day he or she received the notice. (Describe how this is verified)

Training is provided to ensure the driver has adequate skills and capabilities to safely operate each type of vehicle being operated. This training includes:

- Bus equipment familiarization
- Basic operations and maneuvering
- Boarding and alighting passengers
- Operation of wheelchair lifts and other special equipment
- Passenger assistance and securement
- Defensive driving

Vehicle and equipment inspections (Describe how training is obtained and how often drivers receive refresher training)

Emergency Situations

(Describe how drivers are trained to respond to various emergency situations away from the property. This should also include agency policies and procedures regarding emergencies involving vehicles.)

Drug Free Workplace

(insert agency name) has established and maintains a drug-free workplace policy according to Section 112.0455, Florida Statutes. NEED TO REVIEW - SEE 49 CFR PART 32

(Describe agency policies and procedures put in place to ensure that this policy is upheld. Your agency must comply with the Federal Motor Carrier Safety Administration (FMCSA) Controlled Substances and Alcohol Use and Testing rule for your employees who hold Commercial Driver's Licenses (49 Code of Federal Regulations (CFR) part 382).

(Describe how agency procedures put in place to ensure that these federal requirements are met)

Safety

Drivers are not permitted to drive more than 12 hours in a 24 hour period and are not permitted to be on duty more than 72 hours in any period of 7 consecutive days. (Describe how agency ensures or monitors this policy)

Drivers are not permitted to operate a vehicle when his or her ability is impaired, or likely to be impaired by fatigue, illness, or other causes. (Describe how agency ensures or monitors this policy)

Vehicles are operated in compliance with applicable traffic regulations, ordinances, and the laws of jurisdiction in which they are being operated. (Describe how agency ensures or monitors this policy)

(Describe agency's policy for the use of wireless communication devices while occupying the vehicle.

Agency Policy must assure that:

The use of a personal wireless communication device is prohibited while the transit vehicle is in motion, and that all personal wireless communications devices are turned off with any earpieces removed from the driver's ear while occupying the driver's seat.)

(insert agency name) investigates events involving vehicles and resulting in:

- a. fatalities, where an individual is confirmed dead within 30 days of an agency related event, excluding suicides and deaths from illnesses
- b. Injuries requiring immediate medical attention away from the scene for two or more individuals,
- c. Property damage equal to or exceeding \$25,000.

When these events occur, (insert agency name) completes reports describing the event and documents corrective action plans when necessary. This information is submitted to the Department of Transportation along with additional requested documentation.

Accidents

All accidents are tracked by the frequency, type, and which party was at fault through incident reports that are completed within 12 hours of the time of the incident. (Attach a copy of the agency's incident report form).

Accident Investigation Reports are completed with the following information:

- Events are investigated and documented in a final report
- Description of investigation activities
- Identified causal factors
- Corrective actions
- Schedule of implementation of corrective actions

In the event of an accident the primary responsibility of all staff is to ensure the safety of the passengers. (Describe accident procedures that include how accidents are reported to the agency, which staff report to the scene of the accident if applicable, who records the accident on the incident report, if the agency is determined to be at fault for the accident – who will investigate whether a vehicle defect or failure caused the accident?, what corrective actions are taken?)

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TITLE VI TEMPLATE

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Agency Name: Your Community Transit



Title VI Plan



Date Adopted: Month/Day/Year

Preface

This template has been developed by the Florida Department of Transportation (FDOT) District Two in coordination with the FDOT Central Office in order to assist transit agencies with the development of their Title VI Plan. Although each agency is different in size, organization structure, operations, etc., minimum Title VI compliance requirements are common to all. This template document is intended to assist smaller transit agencies that often do not have adequate resources to develop a Title VI Plan in accordance with the minimum requirements of Section 49 Code of Federal Regulations, Part 21 and Federal Transit Administration (FTA) Circular 4702.1B. It should be noted that this template covers the Title VI requirements for sub-recipient transit providers that operate less than 50 vehicles in peak service and are located in urbanized areas (UZA) of less than 200,000 population and rural transit providers.

While the development, adoption, and implementation of a Title VI Plan that complies, at a minimum, with the requirements set forth by FTA Circular 4702.1B is mandatory, the agencies have the prerogative to either utilize this template or enhance their existing Title VI Plan with the information contained in this document. If an agency decides to utilize this template, they will have to customize this document to fit their agency ensuring compliance with FTA Circular 4702.1B, adopt the document, and implement and comply with the Title VI Plan.

It is important to note that the Department is not requiring transit agencies to adopt this template. Transit agencies must, however, adopt a Title VI Plan which addresses all of the requirements of FTA Circular 4702.1B which apply to their agency. The intent of the Department was to develop a document which addresses the provisions of the circular and provide it to local transit agencies as a means of helping them reduce their administrative burden in preparing or updating their Title VI Plans. We believe this document will be invaluable to you in this regard. In developing this document, it was understood that some transit agencies may elect to adopt the template document in whole with little customization. This decision is up to the local transit agency. It must be understood, however, that future compliance reviews will examine your policies and observed practices to ensure that they are consistent with the Title VI Plan you have adopted, and also compliant with FTA Circular 4702.1B.

To use this template, open the electronic file contained in the Title VI Plan Template CD in Microsoft Word and save the file with an appropriate name (e.g. "Your Community Transit Bus System Title VI Plan.doc"). You will quickly note that the Template Document has been color coded to help you distinguish between the actual requirements of FTA Circular 4702.1B, and optional language we have provided that might assist you in developing your plan, or elaborating on how your agency is addressing the requirements of FTA Circular 4702.1B.

Text Any text highlighted in yellow color should be replaced with your agency's information.

Text Any text highlighted in blue color are instructions for completion of the template. Please delete all blue highlighted text prior to completion of the Plan.



Text appearing within the blue shaded boxes is informational only and may provide instructions or other information that will help you in customizing your Title VI Plan.

Text Any text appearing in green color represents optional or suggested language that may assist you in explaining or elaborating on how you are meeting the intent of the requirement.



Text appearing within the bordered boxes as well as the black text found within the section descriptions which follow, represent the actual requirements as stated in FTA Circular 4702.1B, or provides information directly related to the requirements.

Certain FTA Circular 4702.1B requirements are very prescriptive and the requirements are defined in great detail. Under these circumstances, it would be redundant to explain the requirements twice (once in the

bordered box and then restate again within the general text that would follow). When such circumstances occur, it will be noted within the bordered box and the general text will be deferred to in summarizing the requirement.

Remember, in the context of FTA Circular 4702.1B, some requirements are not always prescriptive and detailed. Some portions of FTA Circular 4702.1B simply obligate the agency to define or develop a policy or procedure to explain how the agency will meet the intent of the requirement. The language the Department has developed in the **green colored text** is optional or example language crafted to assist you in these instances. *You are not required to use it.* Whether you elect to use the optional **green text** is entirely up to you, but please ensure that any green text utilized applies precisely to your agency. Regardless, your policy or procedure must comply with the requirements set forth by FTA Circular 4702.1B. Also, note that this Template is geared towards satisfying the requirements of FTA Circular 4702.1B only. You may have to incorporate additional policies and procedures to meet the requirements of other regulatory agencies, as appropriate. You can also customize the Appendices as needed to supplement the Title VI Plan. The document is provided in a format that is easily editable by the Agencies, a text formatting palette has been provided in the Appendix of the document specifying font type, text size, etc.

If you have any questions related to this document, please feel free to contact Ms. Doreen Joyner-Howard, AICP; District Two Modal Development Manager at doreen.joynerhoward@dot.state.fl.us or 904-360-5650.

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APPENDIX D TITLE VI SAMPLE NOTICE TO PUBLIC

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APPENDIX G LANGUAGE ASSISTANCE PLAN

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1.0 Title VI/Nondiscrimination Policy Statement and Management Commitment to Title VI Plan

49 CFR Part 21.7(a): Every application for Federal financial assistance to which this part applies shall contain, or be accompanied by, an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed or pursuant to [49 CFR Part 21].

Your Community Transit assures the Florida Department of Transportation that no person shall on the basis of race, color, national origin, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and the Florida Civil Rights Act of 1992 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity undertaken by the agency.

Your Community Transit further agrees to the following responsibilities with respect to its programs and activities:

1. Designate a Title VI Liaison that has a responsible position within the organization and access to the recipient's Chief Executive Officer or authorized representative.
2. Issue a policy statement signed by the Executive Director or authorized representative, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the Recipient's organization and to the general public. Such information shall be published where appropriate in language other than English.
3. Insert the clauses of Section 4.5 of this plan into every contract subject to the Acts and the Regulations.
4. Develop a complaint process and attempt to resolve complaints of discrimination against **Your Community Transit**.
5. Participate in training offered on the Title VI and other nondiscrimination requirements.
6. If reviewed by FDOT or any other state or federal regulatory agency, take affirmative actions to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) days.
7. Have a process to collect racial and ethnic data on persons impacted by the agency's programs.
8. Submit the information required by FTA Circular 4702.1B to the primary recipients (refer to Appendix A of this plan)

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding. The person whose signature appears below is authorized to sign this assurance on behalf of the agency.

Signature

Printed Name

Executive Director/Signatory Authority, Your Community Transit, Date: Month/Day/Year

2.0 Introduction & Description of Services

This is a section of the plan which covers general information about the transit agency.

Your Community Transit submits this Title VI Plan in compliance with Title VI of the Civil Rights Act of 1964, 49 CFR Part 21, and the guidelines of FTA Circular 4702.1B, published October 1, 2012.

Your Community Transit is a sub-recipient of FTA funds and provides service in [indicate service area here]. A description of the current Your Community Transit system is included in Appendix B.

Title VI Liaison

Your Community Transit Liaison Name

Title

Phone Number

Address

Alternate Title VI Contact

Alternate Title VI Contact Name

Title

Phone Number

Address

Your Community Transit must designate a liaison for Title VI issues and complaints within the organization. The liaison is the focal point for Title VI implementation and monitoring of activities receiving federal financial assistance. Key responsibilities of the Title VI Liaison include:

- Maintain knowledge of Title VI requirements.
- Attend training on Title VI and other nondiscrimination authorities when offered by FDOT or any other regulatory agency.
- Disseminate Title VI information to the public including in languages other than English, when necessary.
- Develop a process to collect data related to race, gender and national origin of service area population to ensure low income, minorities, and other underserved groups are included and not discriminated against.
- Implement procedures for the prompt processing of Title VI complaints.

2.1 First Time Applicant Requirements

FTA Circular 4702.1B, Chapter III, Paragraph 3: Entities applying for FTA funding for the first time shall provide information regarding their Title VI compliance history if they have previously received funding from another Federal agency.

Your Community Transit [is] or [is not] a first time applicant for FTA/FDOT funding. The following is a summary of Your Community Transit's current and pending federal and state funding.

Complete the following list, add and remove number as necessary.

Current and Pending FTA Funding

1. [Title], [Date], [Amount], [Current] or [Pending]
2. [Title], [Date], [Amount], [Current] or [Pending]

Current and Pending FDOT Funding

1. [Title], [Date], [Amount], [Current] or [Pending]
2. [Title], [Date], [Amount], [Current] or [Pending]

Current and Pending Federal Funding (non-FTA)

1. [Title], [Date], [Amount], [Current] or [Pending]
2. [Title], [Date], [Amount], [Current] or [Pending]

Current and Pending State Funding (non-FDOT)

1. [Title], [Date], [Amount], [Current] or [Pending]
2. [Title], [Date], [Amount], [Current] or [Pending]

During the previous three years, Federal Agency or State Agency name [did] or [did not] complete a Title VI compliance review of Your Community Transit. Your Community Transit [has] or [has not] been found to be in noncompliance with any civil rights requirements.

If you select "did not" this section is complete and the remainder of 2.1 should be removed.

The following is a summary of the compliance review.

- a. Date of the compliance review
 Insert date of the Title VI compliance review
- b. The purpose or reason for the review
 Insert purpose or reason for Title VI compliance review
- c. Agency or organization that performed the review
 Insert name or agency or organization that performed the review
- d. Summary of the finding and recommendations of the review
 Insert summary of the findings and recommendations from the review
- e. Report on the status of the findings and recommendations
 Insert a report on the status of the findings and recommendations

- f. Current status of the compliance review

Insert the current status of the compliance review

2.2 Annual Certifications and Assurances

FTA Circular 4702.1B, Chapter III, Paragraph 2: Every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with the Title VI regulations.

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with Title VI regulations. This requirement shall be fulfilled when the applicant/recipient submits its annual certifications and assurances. Primary recipients will collect Title VI assurances from sub-recipients prior to passing through FTA funds.

Your Community Transit will remain in compliance with this requirement by annual submission of certifications and assurances as required by [FDOT] and/or [other primary recipient].

2.3 Title VI Plan Concurrence and Adoption

This Title VI Plan received FDOT concurrence on [date]. The Plan was approved and adopted by Your Community Transit's Board of Directors during a meeting held on [date]. A copy of the meeting minutes and FDOT concurrence letter is included in Appendix C of this Plan.

Any additional text for Chapter 2 must be inserted above this point for formatting/page numbering purposes.

3.0 Title VI Notice to the Public

FTA Circular 4702.1B, Chapter III, Paragraph 5: Title 49 CFR 21.9(d) requires recipients to provide information to the public regarding the recipient’s obligations under DOT’s Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI.

3.1 Notice to Public

Recipients must notify the public of its rights under Title VI and include the notice and where it is posted in the Title VI Plan. The notice must include:

- A statement that the agency operates programs without regard to race, color and national origin
- A description of the procedures members of the public should follow in order to request additional information on the grantee’s nondiscrimination obligations
- A description of the procedure members of the public should follow in order to file a discrimination complaint against the grantee

Customize the sample notice, as necessary. A sample of the notice is included in Appendix D of this Plan. The sample notice should be translated into other languages, as necessary.

3.2 Notice Posting Locations

The Notice to Public will be posted at many locations to apprise the public of **Your Community Transit’s** obligations under Title VI and to inform them of the protections afforded them under Title VI. At a minimum, the notice will be posted in public areas of **Your Community Transit’s** office(s) including the reception desk and meeting rooms, and on the **Your Community Transit’s** website at yourcommunitytransit.gov. Additionally, **Your Community Transit** will post the notice at stations, stops and on transit vehicles.

If your agency does not have a website, contact Ms. Doreen Joyner-Howard, AICP; District Two Modal Development Manager at 904-360-5650 or doreen.joynerhoward@dot.state.fl.us.

A

sample version of this notice is included in Appendix D of this Plan **along with any translated versions of the notice, as necessary.**

The public notice must be provided in any other language which meets the Safe Harbor threshold (See Appendix G).

Any additional text for Chapter 3 must be inserted above this point for formatting/page numbering purposes.

4.0 Title VI Procedures and Compliance

FTA Circular 4702.1B, Chapter III, Paragraph 6: All recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to member of the public.

4.1 Complaint Procedure

Any person who believes he or she has been discriminated against on the basis of race, color or national origin by **Your Community Transit** may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form (refer to Appendix E). **Your Community Transit** investigates complaints received no more than 180 days after the alleged incident. **Your Community Transit** will process complaints that are complete.

Once the complaint is received, **Your Community Transit** will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing him/her whether the complaint will be investigated by our office.

Your Community Transit has **ninety (90)** days to investigate the complaint. If more information is needed to resolve the case, **Your Community Transit** may contact the complainant. The complainant has **ten (10)** business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within **ten (10)** business days, **Your Community Transit** can administratively close the case. A case can also be administratively closed if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. A LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur. If the complainant wishes to appeal the decision, she/he has **seven (7)** days to do so from the time he/she receives the closure letter or the LOF.

The complaint procedure will be made available to the public **on Your Community Transit's website (www.yourcommunitytransit.com)**.

4.2 Complaint Form

A copy of the complaint form in English and **[other languages]** is provided in Appendix E and on **Your Community Transit's website (www.yourcommunitytransit.com)**.

The complaint form must be provided in any languages spoken by the LEP population which meet the Safe Harbor threshold (See Appendix G).

4.3 Record Retention and Reporting Policy

FTA requires that all direct and primary recipients document their compliance by submitting a Title VI Plan to their FTA regional civil rights officer once every three (3) years. **Your Community Transit** will submit Title VI Plans to FDOT for concurrence on an annual basis or any time a major change in the Plan occurs.

If your agency receives funding from more than one primary recipient, this paragraph should be modified to note that the Title VI Plan will be submitted to all primary recipients, as needed. Compliance records and all Title VI related documents will be retained for a minimum of three (3) years and reported to the primary recipient annually.

4.4 Sub-recipient Assistance and Monitoring

FTA Circular 4702.1B, Chapter III, Paragraph 11: Primary recipients should assist their sub-recipients in complying with DOT's Title VI regulations, including the general reporting requirements.

Choose and complete the statement that fits your agency.

[Your Community Transit does not have any sub-recipients to provide monitoring and assistance. As a sub-recipient to FDOT, Your Community Transit utilizes the sub-recipient assistance and monitoring provided by FDOT, as needed. In the future, if Your Community Transit has sub-recipients, it will provide assistance and monitoring as required by FTA Circular 4702.1B.]

Or

[Your Community Transit has XX sub-recipients listed below. Your Community Transit is required by FTA to ensure that sub-recipients of federal funds comply with all Title VI requirements. To meet this mandate, Your Community Transit monitoring consists of collecting data through site visits, day-to-day technical assistance, and reports/forms. Your Community Transit uses reports and site visits to determine if the sub-recipients are complying with the Title VI requirements as outlined in FTA Circular 4702.1B and their Title VI Plan.

Title VI Complaint procedures, Title VI Complaint Form, and a sample Title VI Notice have been developed and distributed by Your Community Transit to its sub-recipients. Your Community Transit also assists the sub-recipients with demographic maps for Title VI purposes upon request.

List of Your Community Transit Sub-recipients

- Sub-recipient 1
- Sub-recipient 2

4.5 Contractors and Subcontractors

Your Community Transit is responsible for ensuring that contractors are in compliance with Title VI requirements. Contractors may not discriminate in the selection and retention of any subcontractors. Subcontractors also may not discriminate in the selection and retention of any subcontractors. Your Community Transit, contractors, and subcontractors may not discriminate in their employment practices in connection with federally assisted projects. Contractors and subcontractors are not required to prepare or submit a Title VI Plan. However, the following nondiscrimination clauses will be inserted into every contract with contractors and subcontractors subject to Title VI regulations.

Nondiscrimination Clauses

During the performance of a contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor") must agree to the following clauses:

1. **Compliance with Regulations:** The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
2. **Nondiscrimination:** The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontractors, including Procurements of Materials and Equipment:** In all solicitations made by the Contractor, either by competitive bidding or negotiation for work to be performed under a subcontract,

including procurements of materials or leases of equipment; each potential subcontractor or supplier shall be notified by the Contractor of the subcontractor’s obligations under this contract and the Regulations relative to nondiscrimination on the basis of race, color, national origin, sex, age, disability, religion or family status.

4. **Information and Reports:** The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the Contractor’s noncompliance with the nondiscrimination provisions of this contract, **Your Community Transit** shall impose contract sanctions as appropriate, including, but not limited to:
 - a. withholding of payments to the Contractor under the contract until the Contractor complies, and/or
 - b. cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the **Your Community Transit**, Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration may direct as a means of enforcing such provisions including sanctions for noncompliance.

Disadvantaged Business Enterprise (DBE) Policy

As a part of the Joint Participation Agreement (JPA) with FDOT, **Your Community Transit** and its contractors and subcontractors agree to ensure that Disadvantaged Business Enterprises as defined in 49 CFR Part 26, as amended, have the opportunity to participate in the performance of contracts. **Your Community Transit** and its contractor and subcontractors shall not discriminate on the basis of race, color, national origin, or sex in the performance of any contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of FDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of the contract or such other remedy as the recipient deems appropriate.

E-Verify

As a part of the JPA with FDOT, vendors and contractors of **Your Community Transit** shall utilize the U.S. Department of Homeland Security’s E-Verify system to verify the employment eligibility of all new employees hired by the vendor or contractor while contracted with **Your Community Transit**. Additionally, vendors and contractors shall expressly require any subcontractors performing work or providing services pursuant to work for **Your Community Transit** shall likewise utilize the U.S. Department of Homeland Security’s E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor while working for **Your Community Transit**.

Any additional text for Chapter 4 must be inserted above this point for formatting/page numbering purposes.

5.0 Title VI Investigations, Complaints, and Lawsuits

FTA Circular 4702.1B, Chapter III, Paragraph 7: In order to comply with the reporting requirements of 49 CFR 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations....; lawsuits, and complaints naming the recipient.

In accordance with 49 CFR 21.9(b), **Your Community Transit** must record and report any investigations, complaints, or lawsuits involving allegations of discrimination. The records of these events shall include the date the investigation, lawsuit, or complaint was filed; a summary of the allegations; the status of the investigation, lawsuit, or complaint; and actions taken by **Your Community Transit** in response; and final findings related to the investigation, lawsuit, or complaint. The records for the previous three (3) years shall be included in the Title VI Plan when it is submitted to **[FDOT] and/or [other primary recipient]**.

Your Community Transit has had **[no] or [one] or [two] or [other #]** investigations, complaints, or lawsuits involving allegations of discrimination on the basis of race, color, or national origin over the past three (3) years. A summary of these incidents is recorded in Table 1.

Table 1: Summary of Investigations, Lawsuits, and Complaints

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations				
1.				
2.				
Lawsuits				
1.				
2.				
Complaints				
1.				
2.				

Any additional text for Chapter 5 must be inserted above this point for formatting/page numbering purposes.

6.0 Public Participation Plan

FTA Circular 4702.1B, Chapter III, Paragraph 4.a.4: Every Title VI Plan shall include the following information: A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Plan submission. A recipient's targeted public participation plan of minority populations may be part of efforts that extend more broadly to include constituencies that are traditionally underserved, such as individuals with disabilities, low-income populations, and others.

The Public Participation Plan (PPP) for **Your Community Transit** was developed to ensure that all members of the public, including minorities and Limited English Proficient (LEP) populations, are encouraged to participate in the decision making process for **Your Community Transit**. Policy and service delivery decisions need to take into consideration community sentiment and public opinion based upon well-executed outreach efforts. The public outreach strategies described in the PPP are designed to provide the public with effective access to information about **Your Community Transit** services and to provide a variety of efficient and convenient methods for receiving and considering public comment prior to implementing changes to services. The PPP is included as Appendix F to this Title VI Plan.

Current Outreach Efforts

Your Community Transit is required to submit a summary of public outreach efforts made over the last three (3) years. The following is a list and short description of **Your Community Transit's** recent, current, and planned outreach activities.

- [Activity 1]
- [Activity 2]

Summarize public outreach efforts over the past three (3) years.

Any additional text for Chapter 6 must be inserted above this point for formatting/page numbering purposes.

7.0 Language Assistance Plan

FTA Circular 4702.1B, Chapter III, Paragraph 9: Recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited English proficient (LEP).

Your Community Transit operates a transit system within **[service area]**. The Language Assistance Plan (LAP) has been prepared to address **Your Community Transit**'s responsibilities as they relate to the needs of individuals with Limited English Proficiency (LEP). Individuals, who have a limited ability to read, write, speak or understand English are LEP. In **Your Community Transit** service area there are **XX,XXX** residents or **X.XX%** who describe themselves as not able to communicate in English very well (Source: US Census). **Your Community Transit** is federally mandated (Executive Order 13166) to take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of its programs and activities for individuals who are LEP. **Your Community Transit** has utilized the U.S. Department of Transportation (DOT) LEP Guidance Handbook and performed a four factor analysis to develop its LAP. The LAP is included in this Title VI Plan as Appendix G.

Calculate the number and percentage of people who do not speak English very well by using Appendix H.

Any additional text for Chapter 7 must be inserted above this point for formatting/page numbering purposes

8.0 Transit Planning and Advisory Bodies

FTA Circular 4702.1B, Chapter III, Paragraph 10: Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.

Choose and complete the statement that fits your agency.

[The Your Community Transit transit-related, non-elected [committee] or [planning board] or [advisory council] consists of XX members appointed by XXXXX.]

Or

[Your Community Transit does not have a transit-related committee or board, therefore this requirement does not apply.]

If this requirement does not apply, delete the remainder of the section.

Body	Caucasian	Latino	African American	Asian American	Native American	Other
Service Area Population	%	%	%	%	%	%
[Committee 1]	%	%	%	%	%	%
[Committee 2]	%	%	%	%	%	%
[Committee 3]	%	%	%	%	%	%

Your Community Transit will make efforts to encourage minority participation on the committee. These efforts are made by distributing information about the participation on the committee at public meetings and throughout the transit system. Your Community Transit will utilize the minority population demographic maps included in Appendix I in order to focus on the areas in which the committee participation information is distributed.

Insert information on efforts the agency is willing to make to encourage minority participation.

Any additional text for Chapter 8 must be inserted above this point for formatting/page numbering purposes.

9.0 Title VI Equity Analysis

FTA Circular 4702.1B, Chapter III, Paragraph 4.a.8: If the recipient has constructed a facility, such as vehicle storage, maintenance facility, operation center, etc., the recipient shall include a copy of the Title VI equity analysis conducted during the planning stage with regard to the location of the facility.

Title 49 CFR, Appendix C, Section (3)(iv) requires that “the location of projects requiring land acquisition and the displacement of persons from their residences and business may not be determined on the basis of race, color, or national origin.” For purposes of this requirement, “facilities” does not include bus shelters, as they are considered transit amenities. It also does not include transit stations, power substations, or any other project evaluated by the National Environmental Policy Act (NEPA) process. Facilities included in the provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. In order to comply with the regulations, **Your Community Transit** will ensure the following:

7. **Your Community Transit** will complete a Title VI equity analysis for any facility during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. **Your Community Transit** will engage in outreach to persons potentially impacted by the siting of the facility. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.
8. When evaluating locations of facilities, **Your Community Transit** will give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group level where appropriate to ensure that proper perspective is given to localized impacts.
9. If **Your Community Transit** determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, **Your Community Transit** may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. **Your Community Transit** must demonstrate and document how both tests are met. **Your Community Transit** will consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

Choose and complete the following statement that fits your agency.

[Your Community Transit has not recently constructed any facilities nor does it currently have any facilities in the planning stage. Therefore, Your Community Transit does not have any Title VI Equity Analysis reports to submit with this Plan. Your Community Transit will utilize the demographic maps included in Appendix I for future Title VI analysis.]

Or

[Your Community Transit has [constructed] or [planned] the following [facility] or [facilities].

- Facility 1
- Facility 2

The Title VI Equity Analysis report[s] prepared during the planning stage [is] or [are] included in Appendix J of this Title VI Plan.]

Any additional text for Chapter 9 must be inserted above this point for formatting/page numbering purposes.

10.0 System-Wide Service Standards and Service Policies

FTA Circular 4702.1B, Chapter III, Paragraph 10: All fixed route transit providers shall set service standards and policies for each specific fixed route mode of service they provide.

Your Community Transit [is] or [is not] a fixed route service provider.

If you select “is not” this section is complete and the remainder of 10.0 should be deleted. Most rural transit providers in District Two operate paratransit/demand response services only.

FTA Circular 4702.1B requires that all fixed route service providers prepare and submit system-wide service standards and service policies as a part of their Title VI Plan. These standards and policies must address how service is distributed across the transit system, and must ensure that the manner of the distribution affords users access to these assets.

Your Community Transit has adopted the following system-wide standards and policies to ensure service design and operations practices do not result in discrimination on the basis of race, color, or national origin. Service policies differ from service standards in that they are not necessarily based on a quantitative threshold.

All service standards and service policies should be tailored to the services provided by your agency and policies you are comfortable enforcing. The service standards may be shown in a table or paragraph format.

10.1 Service Standards

FTA requires that all fixed route transit providers develop quantitative standards for all fixed route modes of operation for the following indicators. Your Community Transit has prepared standards for all modes it operates including XXXXX.

a. Vehicle Load

Vehicle Type	Average Passenger Capacities			Maximum Load Factor
	Seated	Standing	Total	
15' Mini-Bus	28	2	30	1.1
40' Low Floor Bus	39	12	51	1.3
40' Standard Bus	43	17	60	1.4
Light Rail Vehicle	64	69	133	2.1

b. Vehicle Headway

POLICY HEADWAYS AND PERIODS OF OPERATION				
WEEKDAY	Peak	Base	Evening	Night
Regional Trunk	10	15	15	30
Urban Radial	15	15	30	60
Cross-Town	15	15	30	--

Secondary Radial	30	30	60	--
Feeder	30	30	60	--
Peak Express	30	--	--	--
Employer Feeder	60	--	--	--
<p>* Peak: 7-9 am and 4-6 pm; Base 9am - 4pm; Evening: 6-9:30 pm; Night: 9:30pm-Midnight;</p> <p>"--" means no service is provided during that time period.</p>				

SATURDAY	Day	Evening	Night
Regional Trunk	15	30	30
Urban Radial	30	60	--
Cross-Town	15	30	--
Secondary Radial	60	60	--
Feeder	60	60	--
Peak Express	--	--	--
Employer Feeder	--	--	--
<p>* Day 7am - 6pm; Evening: 6-9:30 pm; Night: 9:30pm - Midnight;</p> <p>"--" means no service is provided during that time period.</p>			

SUNDAY	Day	Evening	Night
Regional Trunk	30	60	--
Urban Radial	30	60	--
Cross-Town	30	--	--
Secondary Radial	--	--	--
Feeder	--	--	--
Peak Express	--	--	--
Employer Feeder	--	--	--
<p>* Day 7am - 6pm; Evening: 6-9:30 pm; Night: 9:30pm-Midnight;</p> <p>"--" means no service is provided during that time period.</p>			

c. On-Time Performance

A vehicle is considered on time if it departs a scheduled time point no more than **one (1)** minute early and no more than **five (5)** minutes late. The **Your Community Transit** on-time performance objective is **90%** or greater. **Your Community Transit** continuously monitors on-time performance and system results are published and posted as part of monthly performance reports covering all aspects of operations.

d. Service Availability

Your Community Transit will distribute transit service so that **90%** of all residents in the service area are within a **¼ mile** walk of bus service or within a **½ mile** walk of rail service.

10.2 Service Policies

FTA requires fixed route transit providers to develop a policy for service indicators. **Your Community Transit** has prepared the following policies for its transit system.

a. Distribution of Transit Amenities

Installation of transit amenities along bus and rail routes are based on the number of passengers boarding at stops and stations along those routes.

Vehicle Assignment

Vehicles will be assigned to the South, North, and East depots such that the average age of the fleet serving each depot does not exceed “x” years. Low-floor buses are deployed on frequent service and other high-ridership lines, so these buses carry a higher share of ridership than their numerical proportion of the overall bus fleet. Low-floor buses are also equipped with air conditioning and automated stop announcement systems.

Bus assignments take into account the operating characteristics of buses of various lengths, which are matched to the operating characteristics of the route. Local routes with lower ridership may be assigned 30-foot buses rather than the 40-foot buses. Some routes requiring tight turns on narrow streets are operated with 30-foot rather than 40-foot buses.

Any additional text for Chapter 10 must be inserted above this point for formatting/page numbering purposes.

11.0 Appendices

APPENDIX A	FTA CIRCULAR 4702.1B REPORTING REQUIREMENTS FOR TRANSIT PROVIDERS
APPENDIX B	CURRENT SYSTEM DESCRIPTION
APPENDIX C	TITLE VI PLAN ADOPTION MEETING MINUTES AND FDOT CONCURRENCE LETTER
APPENDIX D	TITLE VI SAMPLE NOTICE TO PUBLIC
APPENDIX E	TITLE VI COMPLAINT FORM
APPENDIX F	PUBLIC PARTICIPATION PLAN
APPENDIX G	LANGUAGE ASSISTANCE PLAN
APPENDIX H	OPERATING AREA LANGUAGE DATA: YOUR COMMUNITY TRANSIT SERVICE AREA
APPENDIX I	DEMOGRAPHIC MAPS
APPENDIX J	TITLE VI EQUITY ANALYSIS
APPENDIX K	TEXT FORMATTING PALETTE

Appendix A
FTA Circular 4702.1B Reporting Requirements for Transit Providers

Every three years, on a date determined by FTA, each recipient is required to submit the following information to the Federal Transit Administration (FTA) as part of their Title VI Program. Sub-recipients shall submit the information below to their primary recipient (the entity from whom the sub-recipient receives funds directly), on a schedule to be determined by the primary recipient.

General Requirements

All recipients must submit:

- Title VI Notice to the Public, including a list of locations where the notice is posted
- Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)
- Title VI Complaint Form
- List of transit-related Title VI investigations, complaints, and lawsuits
- Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission
- Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance
- A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees
- Primary recipients shall include a description of how the agency monitors its sub-recipients for compliance with Title VI, and a schedule of sub-recipient Title VI Program submissions
- A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.
- A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent. The approval must occur prior to submission to FTA.
- Additional information as specified in Chapters IV, V, and VI, depending on whether the recipient is a transit provider, a State, or a planning entity (see below)

Requirements of Transit Providers

All Fixed Route Transit Providers must submit:

- All requirements set out in Chapter III (General Requirements)
- Service standards
 - Vehicle load for each mode
 - Vehicle headway for each mode
 - On time performance for each mode
 - Service availability for each mode

- Service policies
 - Transit Amenities for each mode
 - Vehicle Assignment for each mode

Transit Providers that operate 50 or more fixed route vehicles in peak service and are located in an Urbanized Area (UZA) of 200,000 or more people must submit:

- Demographic and service profile maps and charts
- Demographic ridership and travel patterns, collected by surveys
- Results of their monitoring program and report, including evidence that the board or other governing entity or official(s) considered, was aware of the results, and approved the analysis
- A description of the public engagement process for setting the “major service change policy,” disparate impact policy, and disproportionate burden policy
- Results of service and/or fare equity analyses conducted since the last Title VI Program submission, including evidence that the board or other governing entity or official(s) considered, was aware of, and approved the results of the analysis

Appendix B

Current System Description

The following is a sample language which must be revised for your agency.

Current System Description

1. An overview of the organization including its mission, program goals and objectives.

Your Community Transit’s current and long-term focus as a transportation provider is on maintaining the best-coordinated transportation system possible for this community. Our goal is to create a coordinated system with the objective of providing safe, reliable, timely and efficient transportation services to county residents.

2. Organizational structure, type of operation, number of employees, service hours, staffing plan and safety and security plan.

Your Community Transit is a [for profit] or [non-profit 501(c)(3)] organization. Our organization is made up of XX full-time employees, XX part-time employees, and XX volunteers. Our [CEO/General Manager/Administrator] is responsible for all of the day-to-day operations of our organization and reports directly to our Board of County Commissioners (BCC). Our BCC is committed to this program and has, therefore, incorporated our service within the County’s Public Transportation Program. Transportation services are provided in accordance with the BCC’s approved Operations Manual/System Safety/Security Program and its Transportation Disadvantaged Service Plan (TDSP). Our agency staffing plan is outlined in our 2011 Transit Development Plan (page 201) and 2012 Operations Handbook (page 34). We will continue to operate at previous year (2011) service hours averaging 84 total fleet service hours per day or approximately 25,200 annual service hours (assuming 300 operating days).

3. Indicate if your agency is a government authority or a private non-profit agency.

Your Community Transit operates as a [for profit] or [non-profit 501(c)(3)] with a CTC agreement with the BCC. We have an executed CTC agreement dated [date].

4. Who is responsible for insurance, training and management, and administration of the agency’s transportation programs?

Your Community Transit’s manager is responsible for training and management of our transportation program. All safety sensitive employees are required to complete FDOT approved safety and security training course as part of their new hire orientation. All new employees are also required to complete 80 hours of on-the-road drivers training, which includes riding with a training driver, behind-the-wheel training, and training on proper use of wheel chair lifts and securement devices. The Transportation Services Manager is responsible for annual renewal of all liability insurance for both FDOT and agency owned vehicles, as well as vehicle registration renewal. It is the Transportation Manager’s responsibility to administer all aspects of the transportation program and to control access and usage of all agency vehicles.

5. Who provides vehicle maintenance and record keeping?

Maintenance on all agency vehicles is provided by [contractor]. [Contractor] employs only ASE certified technicians with experience in working on commercial passenger vehicles like the type our agency uses. All maintenance is performed using the Preventative Maintenance Plan, which conforms to the State Vehicle Maintenance Guidelines set forth in the FDOT Preventative Maintenance Guidelines document. All vehicle files and driver files are kept on-site at our operations base located at [address] and are maintained by the [manager]. All records are maintained and retained for a minimum of four (4) years.

6. Number of current transportation related employees

Our transportation department has a total of XX employees that include: XX full-time drivers, XX part-time drivers, XX administrators and XX support staff.

7. Who will drive the vehicle, number of drivers, CDL certifications, etc.?

Only transportation employees that have completed all of the required safety and drivers training requirements will be allowed to drive the agency vehicles. All our drivers are required to carry a Commercial Driver's License. This allows coverage of all of the larger vehicles and for the opportunity for the other drivers to fill in on service routes with the larger vehicles.

8. A detailed description of service routes and ridership numbers

Transportation services provided through our program are available to [customers]. Our service incorporates [services]. We provide a wide range of trip purposes that include: medical, nutrition, shopping, social service, training, employment, social and recreation. Approximately XX% of the medical trips we provide are to medical facilities out of the county; therefore, our out of county services are directed to the nearby highway corridors that surround this community for optimum efficiency of trip duration and the most convenient route. Currently, we use a variety of vehicles to provide passenger services. Our fleet includes vans, modified vans, and buses. [Number] of our vehicles are equipped for wheelchair service. We also have a contract provider that can supplement any services that we are unable to accommodate. We prioritize grouping trips and multi-loading to the maximum extent possible. We make XX passenger trips per day on average and leverage our fleet resources so that all vehicles are used in a responsible manner to provide full coverage and retire the vehicles at a consistent pace and appropriate age and mileage.

Appendix C
**Title VI Plan Adoption Meeting Minutes and FDOT Concurrence
Letter**

Insert a copy of the Title VI Plan adoption meeting minutes and the FDOT concurrence letter.

Appendix D
Title VI Sample Notice to Public

Notifying the Public of Rights Under Title VI

Your Community Transit

- Your Community Transit operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with Your Community Transit.
- For more information on Your Community Transit's civil rights program, and the procedures to file a complaint, contact XXX-XXX-XXXX, (TTY XXX-XXX-XXXX); email xxx.xxx@yourcommunitytransit.gov; or visit our administrative office at 12345 Road, City, Florida Zip Code. For more information, visit yourcommunitytransit.gov.
 - If information is needed in another language, contact XXX-XXX-XXXX

The above sentence must also be provided in any language(s) spoken by the LEP population that meet the Safe Harbor threshold.

Appendix E
Title VI Complaint Form

Your Community Transit

Title VI Complaint Form

Section I:			
Name:			
Address:			
Telephone (Home):		Telephone (Work):	
Electronic Mail Address:			
Accessible Requirements?	Format	Large Print	Audio Tape
		TDD	Other
Section II:			
Are you filing this complaint on your own behalf?		Yes*	No
*If you answered "yes" to this question, go to Section III.			
If not, please supply the name and relationship of the person for whom you are complaining:			
Please explain why you have filed for a third party:			
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.		Yes	No
Section III:			
I believe the discrimination I experienced was based on (check all that apply):			
<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin	<input type="checkbox"/> Age
<input type="checkbox"/> Disability	<input type="checkbox"/> Family or Religious Status	[]	Other (explain)

Date of Alleged Discrimination (Month, Day, Year): _____			
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.			

Section IV			
Have you previously filed a Title VI complaint with this agency?		Yes	No

Section V

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

Yes No

If yes, check all that apply:

Federal Agency: _____

Federal Court _____ State Agency _____

State Court _____ Local Agency _____

Please provide information about a contact person at the agency/court where the complaint was filed.

Name:

Title:

Agency:

Address:

Telephone:

Section VI

Name of agency complaint is against:

Contact person:

Title:

Telephone number:

You may attach any written materials or other information that you think is relevant to your complaint.
Signature and date required below

Signature Date

Please submit this form in person at the address below, or mail this form to:

Your Community Transit Title VI Liaison

12345 Address

City, FL Zip

Appendix F
Public Participation Plan (PPP)

The Public Participation Plan (PPP) is an open ended plan which should be tailored to the needs and capabilities of your agency. The following is a rough template for a possible PPP for a typical sub-recipient transit agency. The plan should be modified to match the public participation needs of your agency with capabilities of your agency. FTA Circular 4702.1B provides little concrete guidance to the contents of the PPP. The following are instructions from FTA Circular 4702.1B with regards to the PPP:

“Recipients have wide latitude to determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate. Recipients should make these determinations based on a demographic analysis of the population(s) affected, the type of plan, program and/or service under consideration, and the resources available.”

“Some of those effective practices include:

- a. Scheduling meeting at times and locations that are convenient and accessible for minority and LEP communities.
- b. Employing different meeting sizes and formats.
- c. Coordinating with community and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- d. Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts.
- e. Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral communication. “

With these instructions in mind, please add or remove items from the template as you see fit. The majority of the plan is shown in green text to indicate the flexibility in the plan.

Introduction

The Public Participation Plan (PPP) for **Your Community Transit** was developed to ensure that all members of the public, including minorities and Limited English Proficient (LEP) populations, are encouraged to participate in the decision making process for **Your Community Transit**. Policy and service delivery decisions need to take into consideration community sentiment and public opinion based upon well-executed outreach efforts. The public outreach strategies described in the PPP are designed to provide the public with effective access to information about **Your Community Transit** services and to provide a variety of efficient and convenient methods for receiving and considering public comment prior to implementing changes to services. **Your Community Transit** also recognizes the importance of many types of stakeholders in the decision-making process, including other units of government, metropolitan area agencies, community based organizations, major employers, passengers and the general public, including low-income, minority, LEP, and other traditionally underserved communities.

Public Participation Goals

The main goal of the PPP is to offer meaningful opportunities for all interested segments of the public, including, but not limited to, low-income, minority and LEP groups, to comment, about **Your Community Transit** and its operations. The goals for this PPP include:

- **Inclusion and Diversity:** Your Community Transit will proactively reach out and engage low-income, minority, and LEP populations for the Your Community Transit service area so these groups will have an opportunity to participate.
- **Accessibility:** All legal requirements for accessibility will be met. Efforts will be made to enhance the accessibility of the public's participation – physically, geographically, temporally, linguistically and culturally.
- **Clarity and Relevance:** Issues will be framed in public meetings in such a way that the significance and potential effect of proposed decisions is understood by participants. Proposed adjustments to fares or services will be described in language that is clear and easy to understand.
- **Responsive:** Your Community Transit will strive to respond to and incorporate, when possible, appropriate public comments into transportation decisions.
- **Tailored:** Public participation methods will be tailored to match local and cultural preferences as much as possible.
- **Flexible:** The public participation process will accommodate participation in a variety of ways and will be adjusted over time as needed.

Public Participation Methods

The methods of public participation included in this PPP were developed based upon best practices in conjunction with the needs and capabilities of Your Community Transit. Your Community Transit intends to achieve meaningful public participation by a variety of methods with respect to service and any changes to service.

Your Community Transit will conduct community meetings and listening sessions as appropriate with passengers, employers, community based organizations, and advisory committees to gather public input and distribute information about service quality, proposed changes or new service options.

The public will be invited to provide feedback on the Your Community Transit website (www.yourcommunitytransit.com) and all feedback on the site will be recorded and passed on to Your Community Transit management. The public will also be able to call the Your Community Transit office at XXX-XXX-XXXX during its hours of operation. Feedback collected over the phone will be recorded and passed on to Your Community Transit management. Formal customer surveys to measure performance, and listening sessions to solicit input, will be conducted periodically. The comments recorded as a part of these participation methods will be responded to as appropriate.

Meeting formats will be tailored to help achieve specific public participation goals that vary by project or the nature of the proposed adjustment of service. Some meetings will be designed to share information and answer questions. Some will be designed to engage the public in providing input, establishing priorities, and helping to achieve consensus on a specific recommendation. Others will be conducted to solicit and consider public comments before implementing proposed adjustments to services. In each case, an agenda for the meetings will be created that work to achieve the stated goals and is relevant to the subject and not overwhelming for the public.

For all public meetings, the venue will be a facility that is accessible for persons with disabilities and, preferably, is served by public transit. If a series of meetings are scheduled on a topic, different meeting locations may be used, since no one location is usually convenient to all participants.

For community meetings and other important information, Your Community Transit will use a variety of means to make riders and citizens aware, including some or all of the following methods:

- In-vehicle advertisement
- Posters or flyers in transit center
- Posting information on website

- Press releases and briefings to media outlets
- Multilingual flyer distribution to community based organizations, particularly those that target LEP population
- Flyers and information distribution through various libraries and other civic locations that currently help distribute timetables and other information
- Communications to relevant elected officials
- Other methods required by local or state laws or agreements

All information and materials communicating proposed and actual service adjustments will be provided in English and any other language that meets the “safe harbor” criteria.

Public Hearing

If your agency is required to perform public hearings summarize them in this section. If the agency is not required to perform public hearings state that in this section.

LCB Meetings

Discuss how the agency conducts the LCB meetings in this section.

Appendix G
Language Assistance Plan (LAP)

I. Introduction

Your Community Transit operates a transit system within [service area]. The Language Assistance Plan (LAP) has been prepared to address Your Community Transit's responsibilities as they relate to the needs of individuals with Limited English Proficiency (LEP). Individuals, who have a limited ability to read, write, speak or understand English are LEP. In Your Community Transit service area there are XX,XXX residents or X.XX% who describe themselves as not able to communicate in English "very well" (Source: US Census). Your Community Transit is federally mandated (Executive Order 13166) to take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of its programs and activities for individuals who are LEP. Your Community Transit has utilized the U.S. Department of Transportation (USDOT) LEP Guidance Handbook and performed a four factor analysis to develop its LAP.

Calculate the number and percentage of people who do not speak English very well by using Appendix H.

The U.S. Department of Transportation Handbook, titled "Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers, (April 13, 2007) " (hereinafter "Handbook"), states that Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and its implementing regulations provide that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives Federal financial assistance (Handbook, page 5). The Handbook further adds that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination (Handbook, page 5).

Executive Order 13166 of August 16, 2000 states that recipients of Federal financial assistance must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons (Handbook, page 6). Additionally recipients should use the DOT LEP Guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information and other important portions of their programs and activities for individuals who are LEP (Handbook, page 6). These provisions are included in FTA Circular 4702.1B in Paragraph 9 of Chapter III (pages III-6 to III-9).

For many LEP individuals, public transit is the principal transportation mode available. It is important for Your Community Transit be able to communicate effectively with all of its riders. When Your Community Transit is able to communicate effectively with all of its riders, the service provided is safer, more reliable, convenient, and accessible for all within its service area. Your Community Transit is committed to taking reasonable steps to ensure meaningful access for LEP individuals to this agency's services in accordance with Title VI.

This plan will demonstrate the efforts that Your Community Transit undertakes to make its service accessible to all persons without regard to their ability to communicate in English. The plan addresses how services will be provided through general guidelines and procedures including the following:

- Identification: Identifying LEP populations in service areas
- Notification: Providing notice to LEP individuals about their right to language services
- Interpretation: Offering timely interpretation to LEP individuals upon request
- Translation: Providing timely translation of important documents
- Staffing: Identifying Your Community Transit staff to assist LEP customers
- Training: Providing training on LAP to responsible employees.

II. Four Factor Analysis

The analysis provided in this report has been developed to identify LEP population that may use **Your Community Transit** services and identify needs for language assistance. This analysis is based on the “Four Factor Analysis” presented in the Implementing the Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons, dated April 13, 2007, which considers the following factors:

1. The number and proportion of LEP persons in the service area who may be served or are likely to encounter a **Your Community Transit** program, activity or service.
2. The frequency with which LEP persons come in contact with **Your Community Transit** programs, activities or services.
3. The nature and importance of programs, activities or services provided by **Your Community Transit** to the LEP population.
4. The resources available to **Your Community Transit** and overall costs to provide LEP assistance

a. Factor 1: The Number and Proportion of LEP Persons Served or Encountered in the Eligible Service Population

Of the **XX,XXX** residents in the **Your Community Transit** service area **XXX** residents describe themselves as speaking English less than “very well”. People of **[most numerous ethnicity]** descent are the primary LEP persons likely to utilize **Your Community Transit** services. For the **Your Community Transit** service area, the American Community Survey of the U.S. Census Bureau shows that among the area’s population **XX.X%** speak English “very well”. For groups who speak English “less than very well”, **X.XX%** speak **[language one]** and **X.XX%** speak **[language two]**.

Language one and two are the most spoken languages within your service area for the largest groups of LEP persons. Complete the table in Appendix H to determine language one and language two. Appendix H contains a table which lists the languages spoken at home by the ability to speak English for the population within the **Your Community Transit** service area.

b. Factor 2: The Frequency with which LEP Individuals Come into Contact with Your Programs, Activities, and Services

The Federal guidance for this factor recommends that agencies should assess the frequency with which they have contact with LEP individuals from different language groups. The more frequent the contact with a particular LEP language group, the more likely enhanced services will be needed.

Your Community Transit has assessed the frequency with which LEP individuals come in contact with the transit system. The methods utilized for this assessment include analysis of Census data, examining phone inquiries, requests for translated documents, and staff survey. As discussed above, Census data indicates that **[insert a summary of either possible prominent LEP groups or the lack of prominent LEP group]**. Phone inquiries and staff survey feedback indicated that **Your Community Transit** dispatchers and drivers interact **[frequently] or [infrequently]** with LEP persons. The majority of these interactions have occurred with LEP persons who mainly spoke **[language or languages]**. Over the past **XX** years, **Your Community Transit** has had **XX** requests for translated documents.

c. Factor 3: The Nature and Importance of the Program, Activity, or Service Provided by the Recipient to People’s Lives

Public transportation and regional transportation planning is vital to many people’s lives. According to the Department of Transportation’s *Policy Guidance Concerning Recipient’s Responsibilities to LEP Persons*, providing public transportation access to LEP persons is crucial. A LEP person’s inability to

utilize public transportation effectively, may adversely affect his or her ability to access health care, education, or employment.

Insert further information about your agency’s services and how important those services are to the lives of LEP riders/customers. Insert results of any ridership surveys that may have been completed. The following is an example paragraph.

An on-board passenger survey was conducted to collect data on usage of and access to the Your Community Transit services. According to the survey, the most common age among all the participants in the survey was 65 or older. This supports the fact that Your Community Transit can be considered a senior transit service as most of its patrons are over the age of 65.

To further assess personal mobility options, each respondent was asked how he or she would have made the surveyed trip had Your Community Transit not been available. The most frequent response was “friend of family member” (40 percent). An additional 25 percent indicated they would not have made the surveyed trip if the service was not available. This data indicates that the Your Community Transit Service is very important as a primary means of transportation for its customers.

d. Factor 4: The Resources Available to the Recipient and Costs

Insert in this section information on the language assistance resources available to your agency and their cost. Compare this to the LEP needs in your service area.

Your Community Transit assessed its available resources that are currently being used, and those that could be used, to provide assistance to LEP populations. These resources include the following: XXXXX, XXXX, and XXXX. Your Community Transit provides a reasonable degree of services for LEP populations in its service area.

III. Language Assistance Plan

In developing a Language Assistance Plan, FTA guidance recommends the analysis of the following five elements:

1. Identifying LEP individuals who need language assistance
2. Providing language assistance measures
3. Training staff
4. Providing notice to LEP persons
5. Monitoring and updating the plan

The five elements are addressed below.

a. Element 1: Identifying LEP Individuals Who Need Language Assistance

Federal guidance provides that there should be an assessment of the number or proportion of LEP individuals eligible to be serviced or encountered and the frequency of encounters pursuant to the first two factors in the four-factor analysis.

Your Community Transit has identified the number and proportion of LEP individuals within its service area using United States Census data (see Appendix H). As presented earlier, XX% of the service area population speaks English only. The largest non-English spoken language in the service area is [language one] (XX.X%). Of those whose primary spoken language is [language one], approximately XX.X% identify themselves as speaking less than “very well”. Those residents whose

primary language is not English or [language one] and who identify themselves as speaking English less than “very well” account for X.XX% of the service area population.

Modify the following list with the efforts your agency is willing and able to undertake with regards to identifying LEP persons.

Your Community Transit may identify language assistance need for an LEP group by:

1. Examining records to see if requests for language assistance have been received in the past, either at meetings or over the phone, to determine whether language assistance might be needed at future events or meetings.
2. Having Census Bureau Language Identification Flashcards available at Your Community Transit Meetings. This will assist Your Community Transit in identifying language assistance needs for future events and meetings.
3. Having Census Bureau Language Identification Flashcards on all transit vehicles to assist operators in identifying specific language assistance needs of passengers. If such individuals are encountered, vehicle operators will be instructed to obtain contact information to give to Your Community Transit management to follow-up.
4. Vehicle operators and front-line staff (i.e. Dispatchers, Transit Operation Supervisors, etc.) will be surveyed on their experience concerning any contacts with LEP persons during the previous year.

b. Element 2: Language Assistance Measures

Federal Guidance suggests that an effective LAP should include information about the ways in which language assistance will be provided. This refers to listing the different language services an agency provides and how staff can access this information.

For this task Federal Guidance recommends that transit agencies consider developing strategies that train staff as to how to effectively deal with LEP individuals when they either call agency centers or otherwise interact with the agency.

Modify the following list with the efforts your agency is willing and able to undertake with regards to language assistance measures.

Your Community Transit has undertaken the following actions to improve access to information and services for LEP individuals:

1. Provide bilingual staff at community events, public hearings, and transit committee meetings.
2. Survey transit drivers and other front-line staff annually on their experience concerning any contacts with LEP persons during the previous year.
3. Provide Language Identification Flashcards onboard transit vehicles and in the Your Community Transit offices.
4. Include statements clarifying that being bilingual is preferred on bus driver recruitment flyers and onboard recruitment posters.
5. When an interpreter is needed in person or on the telephone, staff will attempt to access language assistance services from a professional translation service or qualified community volunteers.

Your Community Transit will utilize the demographic maps provided in Appendix I in order to better provide the above efforts to the LEP persons within the service area.

c. Element 3: Training Staff

Federal guidance states staff members of an agency should know their obligations to provide meaningful access to information and services for LEP persons and that all employees in public contact positions should be properly trained.

Suggestions for implementing Element 3 of the Language Assistance Plan, involve: (1) identifying agency staff likely to come into contact with LEP individuals; (2) identifying existing staff training opportunities; (3) providing regular re-training for staff dealing with LEP individual needs; and (4) designing and implementing LEP training for agency staff.

In the case of **Your Community Transit**, the most important staff training is for Customer Service Representatives and transit drivers. **Several representatives are bilingual in English and [other language].**

Modify the following list with the efforts your agency is willing and able to undertake with regards to training staff.

The following training will be provided to Customer Service Representative:

1. Information on Title VI Procedures and LEP responsibilities
2. Use of Language Identification Flashcards
3. Documentation of language assistance requests
4. How to handle a potential Title VI/LEP complaint

d. Element 4: Providing Note to LEP Persons

Your Community Transit will make Title VI information available in English **and XXXXXX** on the Agency’s website. Key documents are written in English **and XXXXXX**. Notices are also posted in **Your Community Transit** office lobby, on buses, and **XXXXXX**. Additionally, when staff prepares a document or schedules a meeting, for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population.

e. Element 5: Monitoring and Updating the Plan

The plan will be reviewed and updated on an ongoing basis. Updates will consider the following:

- The number of documented LEP person contacts encountered annually
- How the needs of LEP persons have been addressed
- Determination of the current LEP population in the service area
- Determination as to whether the need for translation services has changed
- Determine whether **Your Community Transit’s** financial resources are sufficient to fund language assistance resources needed

Your Community Transit understands the value that its service plays in the lives of individuals who rely on this service, and the importance of any measures undertaken to make the use of system easier. Your Community Transit is open to suggestions from all sources, including customers, Your Community Transit staff, other transportation agencies with similar experiences with LEP communities, and the general public, regarding additional methods to improve their accessibility to LEP communities.

IV. Safe Harbor Provision

DOT has adopted the Department of Justice’s Safe Harbor Provision, which outlines circumstances that can provide a “safe harbor” for recipients regarding translation of written materials for LEP population. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient’s written translation obligations. Translation of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital written materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

Your Community Transit service area [does] or [does not] have LEP populations which qualify for the Safe Harbor Provision. [As shown in Appendix H, Your Community Transit does not have LEP groups which speak English less than “very well” which exceed either 5.0% or 1,000 person.] or [As shown in Appendix H, XXXXX speakers qualify for the Safe Harbor Provision as the number of person which speak English less than “very well” is counted as XX.X% and X,XXX persons.]

The Safe Harbor Provision applies to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. Your Community Transit may determine, based on the Four Factor Analysis, that even though a language group meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures.

Complete the table in Appendix H to determine which, if any, languages qualify for the Safe Harbor Provision. Once the table in Appendix H is complete, review the total number and percentage for the *Speak English less than “Very Well”* category for each language. Any language which exceeds 1,000 people or 5% of the service area population, must be listed above as qualifying for the Safe Harbor Provision.

Appendix H
Operating Area Language Data:
Your Community Transit Service Area

<u>Language</u>	<u>County</u>	<u>Percent of Population</u>
Total		
Speak only English		
Spanish or Spanish Creole		
Speak English “very well”		
Speak English less than “very well”		
French (incl. Patois, Cajun)		
Speak English “very well”		
Speak English less than “very well”		
French Creole		
Speak English “very well”		
Speak English less than “very well”		
Italian		
Speak English “very well”		
Speak English less than “very well”		
Portuguese or Portuguese Creole		
Speak English “very well”		
Speak English less than “very well”		
German		
Speak English “very well”		
Speak English less than “very well”		
Yiddish		
Speak English “very well”		
Speak English less than “very well”		
Other West Germanic languages		
Speak English “very well”		
Speak English less than “very well”		
Scandinavian languages		
Speak English “very well”		
Speak English less than “very well”		

<u>Language</u>	<u>County</u>	<u>Percent of Population</u>
Greek		
Speak English “very well”		
Speak English less than “very well”		
Russian		
Speak English “very well”		
Speak English less than “very well”		
Polish		
Speak English “very well”		
Speak English less than “very well”		
Serbo-Croatian		
Speak English “very well”		
Speak English less than “very well”		
Other Slavic Languages		
Speak English “very well”		
Speak English less than “very well”		
Armenian		
Speak English “very well”		
Speak English less than “very well”		
Persian		
Speak English “very well”		
Speak English less than “very well”		
Gujarati		
Speak English “very well”		
Speak English less than “very well”		
Hindi		
Speak English “very well”		
Speak English less than “very well”		
Urdu		
Speak English “very well”		
Speak English less than “very well”		

<u>Language</u>	<u>County</u>	<u>Percent of Population</u>
Other Indic languages		
Speak English “very well”		
Speak English less than “very well”		
Other Indo-European Languages		
Speak English “very well”		
Speak English less than “very well”		
Chinese		
Speak English “very well”		
Speak English less than “very well”		
Japanese		
Speak English “very well”		
Speak English less than “very well”		
Korean		
Speak English “very well”		
Speak English less than “very well”		
Mon-Khmer, Cambodian		
Speak English “very well”		
Speak English less than “very well”		
Hmong		
Speak English “very well”		
Speak English less than “very well”		
Thai		
Speak English “very well”		
Speak English less than “very well”		
Laotian		
Speak English “very well”		
Speak English less than “very well”		
Vietnamese		
Speak English “very well”		
Speak English less than “very well”		

<u>Language</u>	<u>County</u>	<u>Percent of Population</u>
Other Asian languages		
Speak English “very well”		
Speak English less than “very well”		
Tagalog		
Speak English “very well”		
Speak English less than “very well”		
Other Pacific Island languages		
Speak English “very well”		
Speak English less than “very well”		
Navajo		
Speak English “very well”		
Speak English less than “very well”		
Other Native American languages		
Speak English “very well”		
Speak English less than “very well”		
Hungarian		
Speak English “very well”		
Speak English less than “very well”		
Arabic		
Speak English “very well”		
Speak English less than “very well”		
Hebrew		
Speak English “very well”		
Speak English less than “very well”		
African languages		
Speak English “very well”		
Speak English less than “very well”		
Other and unspecified languages		
Speak English “very well”		
Speak English less than “very well”		

Instructions for completing Appendix H:

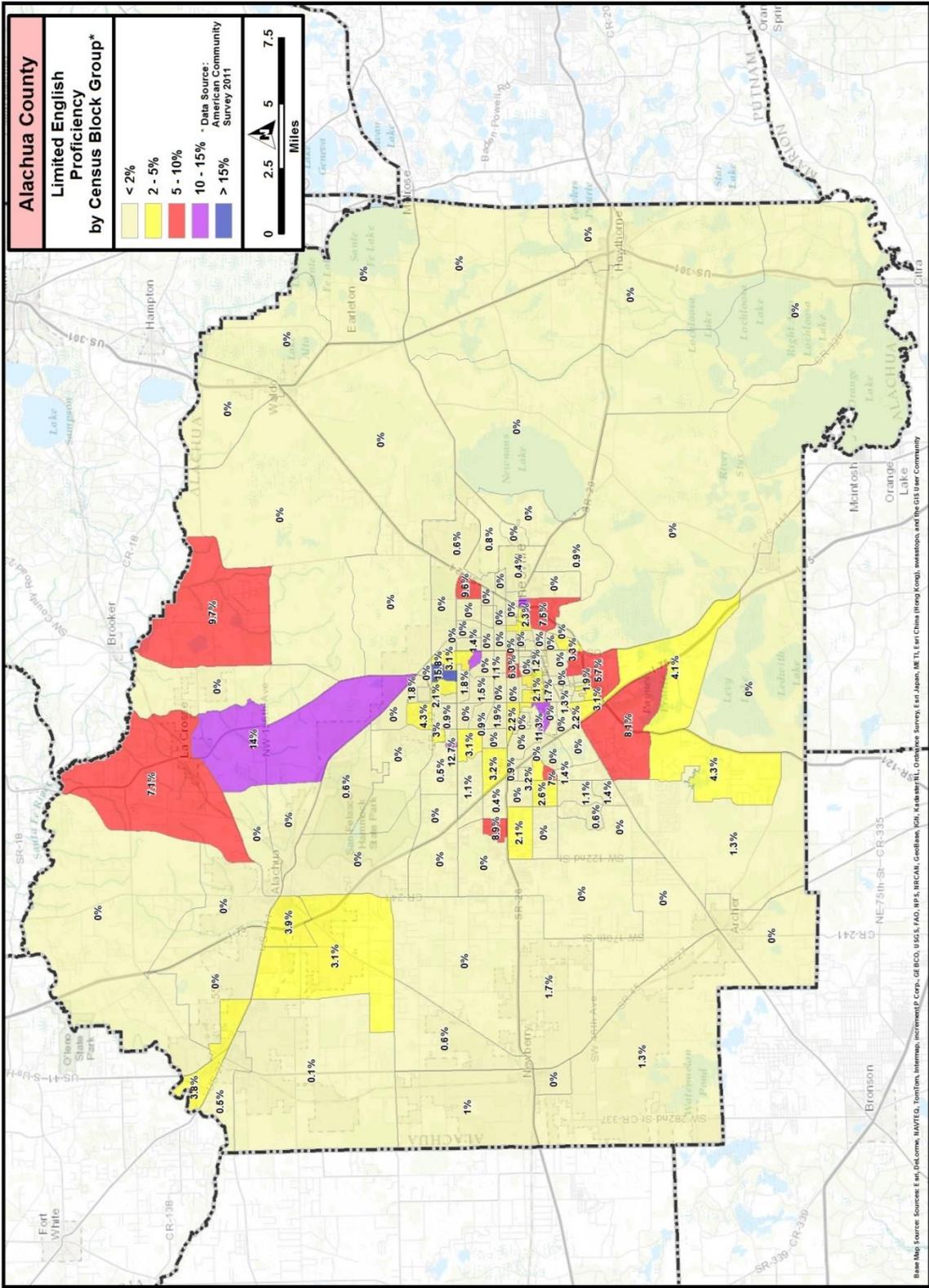
1. Determine the counties in your service area.
2. Open the file “Language Data Tables_FDOT D2 Counties.doc” file that was provided with this template document.
3. Copy the language proficiency tables from the “Language Data Tables_FDOT D2 Counties.doc” file into Appendix H for each county in the service area.
4. Appendix H is complete.

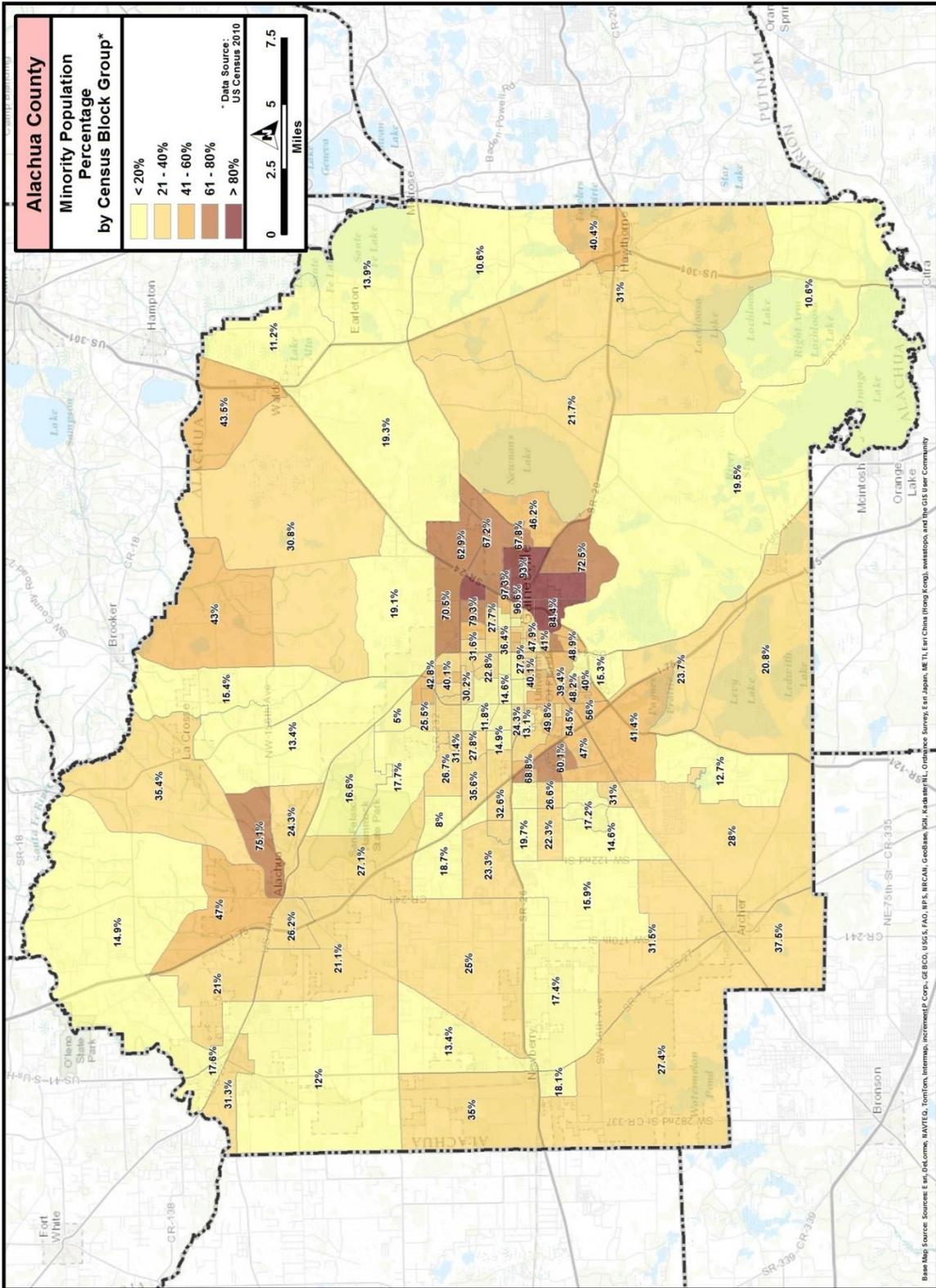
The data for completing Appendix H was provided by the District with the template document. If you need to complete Appendix H by yourself in the future, here are the instructions:

1. Go to the [American Factfinder](http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml) website - <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>
2. Click on the “Advanced Search” option on the top menu
3. Under Number 1, type “language” into the “topic or table name” box
4. Select Option “B16001: LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER” from the drop down menu and click “GO”
5. Click “Geographies” from menu on left side
6. Select “Name” from top Geographies menu
7. Type the name of a city, county, or other areas within your service area
 - a. Select the correct area from the drop down menu
 - b. Click “GO”
 - c. Select checkbox next to correct area in “Geography Results” menu
 - d. Click “Add” at top of menu
 - e. Remove area from search by clicking “x” next to area name in “Your Geography Filters” in left menu
8. Repeat Step 7 for each city, county, or other area in your service area (Note: For larger service areas you do not have to select counties and the cities within the county. For example if your service area included all of Putnam County, you would not have to select Palatka or Interlachen in addition to Putnam County)
9. Once all of your areas are shown in the “Your Selections” box in the upper left menu, select the “Close” box in the Geographies menu
10. Select the checkbox next to the most up-to-date B16001 labeled as ACS 5-year estimate
11. Select “View” at the top or bottom of the menu
12. Type the data in the displayed table into the table in Appendix H.
 - a. You may attempt to download the data as opposed to typing it, but the download function at the American FactFinder website is unreliable.

Appendix I

Demographic Maps





Instructions for completing Appendix I:

1. Determine the counties in the transit agency's service area.
2. Open the file "Demographic Maps_FDOT D2 counties.doc" that was provided along with this template document.
3. Copy the three demographic maps from each county in the service area into Appendix I.
4. Appendix I is complete.

The maps for completing Appendix I were provided by the District with the template document. If you need to complete Appendix I by yourself in the future, here are the instructions:

1. You will need ArcGIS software
2. The datasets used within ArcGIS include the 2010 Census Block Group Data and the 2011 American Community Survey (ACS) data by Census Block Group
3. By selecting attributes relating to the percent minority, percent of limited English proficiency, and the percent below poverty from the data sources, join the data to the census block groups and display percentages for each block group within the counties
4. This should be completed for each county in your service area creating a total of 3 maps for each county (showing LEP population, minority population, and population percentage below poverty level)

Appendix J

Title VI Equity Analysis

Insert Title VI equity analysis completed during the planning phase for any facility recently constructed or planned by the agency.

If a Title VI equity analysis was not completed for any constructed facility the agency must complete an equity analysis to remain in compliance with Title VI requirements. The equity analysis must meet the three (3) requirements discussed in Section 9.0. The following template may be utilized as a basis for a simple Title VI Equity Analysis. If not needed, use the first sentence and delete the remainder of Appendix J.

[Your Community Transit has not performed Title VI Equity Analysis.]

Or

Title VI Equity Analysis for XXXX Facility

Title 49 CFR, Appendix C, Section (3)(iv) requires that “the location of projects requiring land acquisition and the displacement of persons from their residences and business may not be determined on the basis of race, color, or national origin.” Your Community Transit completed a Title VI equity analysis for XXXX facility during the planning stage to ensure that the location is selected without regard to race, color, or national origin.

Purpose and need for the facility:

Include a brief description.

Service area population characteristics:

The 2010 Census defined the following population characteristics for the [Your Community Transit Service Area]:

- xx% White,
- xx% Black,
- xx% Hispanic

Alternative locations considered:

Insert figure showing ½ mile buffers (Area of Potential Effect) around the alternate site locations. You can use the maps provided in Appendix I as the base. The demographic maps included in Appendix I show the distribution of minority, low income population, and the LEP population across the Your Community Transit service area.

Equity impacts of siting alternatives:

Discuss the minority population characteristics of the Areas of Potential Effect using the maps included in Appendix I.

No Action Alternative

Discuss the impacts of not constructing the facility.

Alternative 1

Discuss the impacts of selecting alternative 1 (focus on ½ mile area around the site).

Alternative 2

Discuss the impacts of selecting alternative 2 (focus on ½ mile area around the site).

Alternative 3

Discuss the impacts of selecting alternative 3 (focus on ½ mile area around the site).

Outreach activities:

Summarize outreach to persons potentially impacted by the siting of the facility

Preferred alternative:

Discuss how the preferred alternative was selected and the associated impacts of the proposed facility location. The following is example text.

The preferred alternative involves demolition and construction of a new multimodal transportation facility. The demolition removes aged parking structure, commercial building and skywalks. The new construction replaces the removed structures with a new multimodal transportation facility and skywalk system. These improvements do not displace, temporarily or long term, any low income or minority housing or businesses. Rather, the preferred alternative provides business opportunities within the expanded skywalk system, improved accessibility to multiple forms of transportation, and the ability to expand transit service. The preferred alternative is located only 1 block away from the current transit center where it will continue to provide transit service to low income and minority populations. The preferred alternative is conveniently located to service daycare providers, low wage jobs, semi-skilled jobs, low income housing, Hope IV Developments; all of which are serviced by Your Community Transit.

The Your Community Transit has held 50 meetings that have discussed relocating the existing transit center and the preferred alternative. Of these 50 public meetings, 23 have been open to the public and 9 of these public meetings had Environmental Justice population in attendance. The public meetings were held at times and locations that allow environmental justice population to attend. The public open houses were held during the later afternoon through early evening at the existing Your Community Transit Center.

There will be temporary air, noise and vibration impacts during construction of the population. These impacts are not an adverse effect nor disproportionately high towards the EJ population.

The preferred alternative provides improved aesthetic values and health conditions to the EJ population, and the community as a whole, through the removal of existing structures that are in disrepair. The preferred alternative would have a positive impact on minority and low income populations because it would improve Your Community Transit's ability to continue, and expand, transit service to the high percentage of this population throughout the [service area]. The preferred alternative would also improve accessibility to multimodal transportation options and provide potential business opportunities to low income and minority populations through vendor and small retail opportunities. The preferred alternative increases access and connectivity to the given and broader community.

The preferred alternative would not result in any permanent destruction or disruption of:

- community cohesion or community's economic vitality,
- availability of public and private facilities and services

Nor would the preferred alternative result in:

- displacement of persons, businesses, or nonprofit organizations,
- Increased traffic congestions, isolation, exclusion, or separation of minority or low-income individuals within a given community or from the broader community.

Mitigation:

Insert discussion on possible mitigation activities to remedy the impacts discussed above. The following is example text.

The phasing of the construction would limit impacts to any adjacent businesses along [impact area]. Transit service

would be maintained throughout construction of the project and the low income/minority populations would be kept apprised of the construction schedule, business opportunities and changes in transit routes. Your Community Transit will create a Public Participation Plan that will allow comments or complaints to be easily documented with an established process for responding to any and all comments.

Your Community Transit has provided the public with public outreach and opportunities to comment on the design of the preferred alternative. Since 2010, the Your Community Transit has had 23 meetings open to the public and 9 of these meetings had EJ population in attendance.

In summary, no adverse impacts are anticipated and no mitigation measures will be required, beyond establishment of a public participation plan.

Appendix K

Text Formatting Palette

Formatting/Styles

Report margins:

Top margin = 1”

Bottom margin = 1”

Left margin = 1.25”

Right margin = .75”

Heading levels:

Heading One

Calibri 14 pt bold; left-aligned; paragraph spacing = 10 pt after; line spacing multiple 1.15

Heading 2

Calibri 13 pt bold; left-aligned; line spacing-multiple 1.15; paragraph spacing = 10 pt after

Body Text: Calibri 11; fully-justified text; line spacing-multiple 1.15; 10 pt. after.

- Bulleted List: Calibri 10 pt; line spacing-multiple 1.15; paragraph spacing = 10 pt after

General Instructions

How to Update Table of Contents:

Right click on table of contents and choose ***update field***—you will then have the option of updating the entire table of contents or just the page numbers.

How to Add New Section:

Under ***Page Layout Menu***, choose ***Breaks***, then ***Section Break***, then ***Next Page***. Heading numbers should update automatically in new section.



Doreen Joyner-Howard, AICP

District Modal Development Manager

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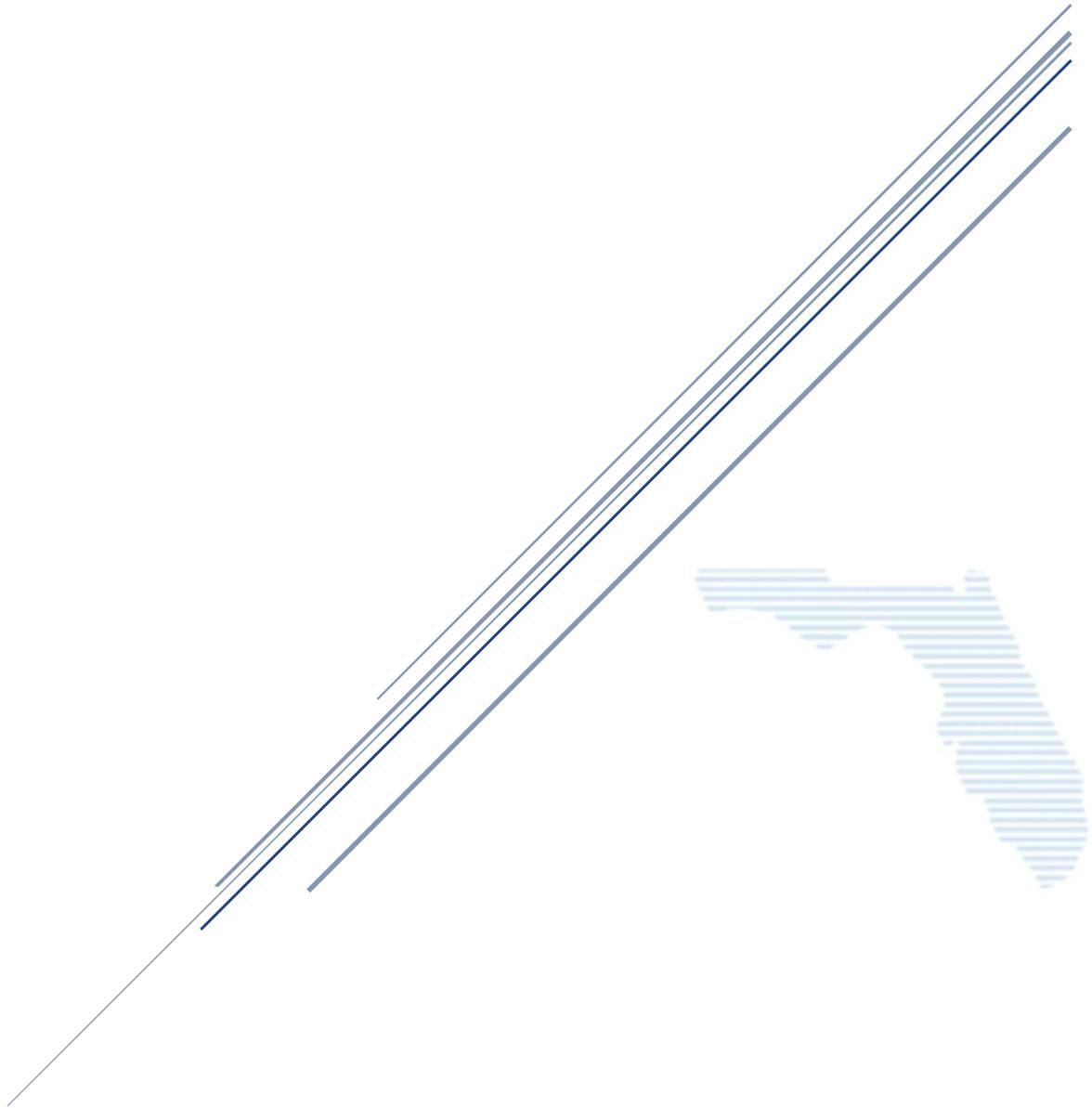
Consultant Project Manager:

Santanu Roy, PTP

HDR Engineering, Inc.

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APPLICATION MANUALS



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**SECTION 5310 APPLICATION
MANUAL**

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2015

U.S.C. Section 5310

**Formula Grants for the Enhanced Mobility of
Seniors and Individuals with Disabilities**

20.513

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**OPERATING AND
CAPITAL ASSISTANCE**

**APPLICATION MANUAL
FLORIDA DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSIT OFFICE**

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Introduction

This application manual pertains to applications for Federal assistance under U.S.C. Section 5310, Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, as administered by the Florida Department of Transportation (FDOT.) It contains program information, application forms, exhibits, certifications & assurances, and instructions.

General Program Information / Requirements

Program Administration. The Federal government allocates funds to the State of Florida each year for the Section 5310 Program. FDOT has been designated by the Governor to administer the program for small urban and rural areas. Most large urbanized areas (population over 200,000) have also selected the Department to administer the program for their urbanized area. FDOT is responsible for the following services but, at its discretion, may contract with a service provider to perform these services.

- 1) announcement of funding availability;
- 2) selection of projects for funding according to approved selection criteria;
- 3) development and processing of agreements;
- 4) oversight of recipient procurement actions;
- 5) oversight of recipient compliance with State and Federal requirements;
- 6) processing of recipient invoices for reimbursement, and
- 7) provision of technical assistance regarding the Section 5310 Program.

Authorizing legislation for the program is shown in the Glossary of this manual under “authorizing Federal and State Legislation.”

The Federal goal of the Section 5310 Program is to provide assistance in meeting the needs of seniors and individuals with disabilities where public transit services are unavailable, insufficient or inappropriate.

Application Deadlines. Application deadlines vary from District to District but usually fall between December and February each year. FDOT District Offices evaluate grant applications within their respective districts and, thereafter, submit Programs of Projects (POPs) to the FDOT Central Office. The Central Office compiles POPs from the various Districts and submits a statewide grant application for Federal funds to the Federal Transit Administration (FTA) by April 1 of each year. FDOT anticipates FTA’s approval of the statewide grant application (including district POP’s) by July 1. The appropriation for State funds to match Federal funds is approved by the State Legislature for implementation on July 1 of each year. Once Federal and State funds are available, Districts may make grant awards. (See “Grant Award Process”). At least 55% of the available funding will be awarded to capital projects. The Department reserves the right to increase that percentage up to 100% of project selections as capital, as

deemed best suited to meet the mobility needs of seniors and individuals with disabilities where public transit services are unavailable, insufficient or inappropriate.

Grant Application Evaluation Criteria. Applications shall be evaluated and ranked on the basis of merit and need. Unless there is sufficient funding in a District to cover all eligible requests, District Offices will use the following criteria to evaluate applications. District Offices has the discretion to alter the grading scale in their District by assigning higher point value to projects meeting the specific priority needs in their District.

A. Service efficiency and effectiveness: This is demonstrated by the usual daily hours of eligible service and vehicle occupancy. The emphasis is on the normal hours that agency vehicles are in service, not the hours the applicant is open for business. Applicants providing transportation service for more hours and with fuller vehicles will be ranked higher. The applicant's use of current vehicles (including mileage and maintenance practices) will be considered in the review and ranking.

B. Extent to which the community at large is served by the applicant: Applicants serving the highest community needs through social service agencies and providing the most trips to seniors and individuals with disabilities will be ranked higher.

C. Extent to which seniors and individuals with disabilities are served: Applicants that maximize transportation benefits to seniors and individuals with disabilities in their community will be evaluated on the percentage of total riders/passengers served that are seniors and/or individuals with disabilities. Those serving the highest percentage will be ranked higher.

D. Need: Applicants that can demonstrate they serve, or propose to serve, the largest number of eligible passengers, and have the most urgent financial needs will be ranked higher. FDOT has a goal to preserve transportation infrastructure; therefore, maintaining current levels of service may be deemed a higher priority/need than expanding into new services or expanding service area coverage. A detailed explanation of the need and evidence of the need are required.

E. Fiscal and managerial capability: Applicants with well-documented budgets and good fiscal capability demonstrated by the correctness and completeness of their application, by prior audits, proper maintenance of vehicles as demonstrated by miles at replacement, and previous timeliness and accuracy of required reports, will be ranked higher.

F. Prior Performance: Applicants who have a history of meeting contractual obligations and maintenance requirements for Section 5310 vehicles will be ranked higher. Compliance with non-Section 5310 contractual obligations and maintenance requirements will be considered. Compliance with Annual Operating Report (AOR) to area CTCs may also be considered. New applicants will not be penalized for having little or no history with FDOT, but previous applicants will be penalized for poor past performance.

Threshold Criteria

Threshold criteria are the minimum legal eligibility requirements. Applications must be for eligible services, eligible service areas, eligible recipients, eligible expenses, and provide evidence of local matching funds. Applicants must also ensure compliance with a number of other conditions placed on recipients of grants including, but not limited to, coordination of transit services, civil rights preservation, vehicle maintenance requirements, compliance with safety and drug free work place regulations, competitive procurement of goods and services bought with grant funds, Americans with Disabilities Act and references to the Federal Transit Administration's Master Agreement

(<http://www.fta.dot.gov/documents/17-Master.pdf>).

Eligible Recipients. For the Section 5310 Program, funds may be awarded to public agency Community Transportation Coordinators (CTC's), private non-profit CTC's, and to private non-profit organizations providing transportation to seniors and/or persons with disabilities under a coordination agreement with a CTC. When the CTC is a private for-profit agency, the designated official planning agency responsible for designating the CTC may apply for Section 5310 funds, then sub-contract with the CTC for provision of service. Recipients must be either a CTC or providing service under the terms of a written agreement with a CTC. Agencies must keep their CTC Agreements current and in force at all times when receiving an award under the Section 5310 Program. Agencies must also keep their CTC Agreements current and in force every year until the vehicle(s) reaches its useful life requirement.

Private taxi companies that provide shared-ride taxi service to the general public on a regular basis are operators of public transportation, and therefore eligible subrecipients. "Shared-ride" means two or more passengers in the same vehicle who are otherwise not traveling together. Similar to general public and ADA demand response service, every trip does not have to be shared-ride in order for a taxi company to be considered a shared-ride operator, but the general nature of the service must include shared rides.

Taxi companies that provide only exclusive-ride service are not eligible subrecipients; however, they may participate in the Section 5310 program as contractors. Exclusive-ride taxi companies may receive Section 5310 funds to purchase accessible taxis under contract with a state, designated recipient, or eligible subrecipient such as a local government or nonprofit organization.

Legal Authority and Fiscal & Managerial Capability. Section 5310 applicants must have the legal authority and fiscal/managerial capability to apply for Federal assistance. Applicants are required to have sufficient local funds for match requirements (see below) and for preventative maintenance and operation of vehicles/equipment. Failure to properly manage, maintain, and operate vehicles/equipment could jeopardize existing and future grants and may result in the removal of vehicles/equipment.

Eligible Expenses. Section 5310 funds may be used for the capital and/or operating expense of transit services to seniors and/or individuals with disabilities. Eligible expenses are limited to buses, vans or other paratransit vehicles (including sedans and station wagons), radios and communications equipment, wheelchair lifts and restraints, vehicle rehabilitation, vehicle overhaul, data processing hardware/software, other durable goods such as spare components with a useful life of more than one (1) year and a per unit cost over \$300, initial installation costs, vehicle procurement/testing, vehicle inspection and vehicle preventative maintenance, passenger facilities related to Section 5310-funded vehicles, support facilities and equipment for Section 5310-funded vehicles, operating costs associated with providing transit service, costs associated with transit service that exceeds the requirements of the Americans with Disabilities Act of 1990, projects that improve access to fixed route service and decrease reliance by individuals with disabilities on complementary paratransit, and alternative to public transportation that assist seniors and individuals with disabilities with transportation. An applicant applying for preventative maintenance costs must have a District approved preventative maintenance plan and a cost allocation if activities are performed in house. The Federal 5310 share for eligible capital expenses may not exceed eighty percent (80%).

Ineligible Expenses. Ineligible expenses include expenses associated with preparation of grant applications, project planning, administration, and extended warranties; expenses incurred prior to Federal and State approval of a grant application; expenses incurred prior to the execution of a grant award; and expenses incurred prior to the Department's approval of plans, specifications, and third party contracts for vehicles/equipment to be purchased with Section 5310 funds.

Matching funds for Section 5310 Capital Assistance. Applicants may not borrow funds to use as match nor may they place liens on Section 5310-funded vehicles or equipment. The breakdown of funding for the Section 5310 Grant program is 80% Federal/10% FDOT-State/10% Local for capital projects, meaning the Federal share of eligible capital costs may not exceed 80% of the total award. State funds may support up to 10% of eligible capital costs with the remaining 10% being supported by a local match. At the time an order is placed for vehicles/equipment, the applicant is required to provide a purchase order for its 10% local match to be paid to the vendor. The required 10% local match must be paid at the time of delivery.

Matching funds for Section 5310 Operating Assistance. The Section 5310 federal share of eligible operating expenses may not exceed 50%. Some combination of state, local, or private funding sources must be identified and committed to provide the required non-federal share. The non-federal share may be cash, or in kind. Funds may be local, private, state, or (up to one half) unrestricted Federal funds. Funds may not include any borrowed against the value of capital equipment funded in whole or in part by State and/or Federal sources.

The Section 5310 Program permits up to one half the required match to be derived from other unrestricted Federal funds. Federal funds are unrestricted when a Federal agency permits its

funds to match Section 5310. Essentially, all Federal Social Service Programs using transit services are unrestricted, such as Medicaid, employment training, vocational rehabilitation services and Temporary Assistance for Needy Families; other U.S. DOT Programs are not considered unrestricted Federal funds.

Contract revenue from the provision of transportation services to social service agencies may also be used as local match. The costs associated with providing the contract revenue service must be included in the project budget if using contract revenue as match.

Non-cash, in-kind contributions such as donations of goods or services and volunteered services are eligible to be counted towards the local match only if the value of such is formally documented, supported and pre-approved by the District Office. Any funds committed as match to another Federal program may not be used to match Section 5310 funds. Operating assistance funds will be awarded through a joint participation agreement with the Department.

Americans with Disabilities Act (ADA). Applicants shall comply with the Americans with Disabilities Act, (ADA) of 1990, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; U.S. DOT regulations, Transportation Services for Individuals with Disabilities (ADA)" at 49 CFR Parts 27, 37; 38, 39, and FTA regulations, Transportation for Elderly and Handicapped Persons, 49 CFR Part 609.

Civil Rights Submissions. Civil rights submissions that will be required include a Title VI Program, Equal Employment Opportunity (EEO) Program, Disadvantaged Business Enterprise (DBE) Program and annual goal, and ADA Paratransit Plan. **All applicants must submit a copy of their Title VI Plan with the grant application.** At the applicant's request, the FDOT District Office will provide technical assistance to the applicant in the development of their Title VI Plan.

Davis-Bacon Act In the event that a project involves construction, applicants shall comply with the David Bacon Act 49 U.S.C. Section 5333(a) prevailing wage requirements.

Environmental Determination. The impact that a proposed FTA assisted project will have on the environment shall be evaluated and documented in accordance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), before grant application.

Administrative requirements (ONLY IF THE GRANT IS FOR FACILITIES). Applicants shall supply the appropriate Regional Planning Council (RPC)/local clearinghouse agency (see Appendix) a copy of its application for Federal Assistance. Each applicant shall request the RPC/Clearinghouse provide an approval letter for the application to the appropriate FDOT District Office. **Copies of correspondence to the RPC/Clearinghouse agency should be contained in the grant application.**

First time private-non-profit applicants must attach a Certificate of Incorporation to their application.

All private-non-profit applicants must submit proof of non-profit status as part of this application. Proof of non-profit status can be obtained from: <http://sunbiz.org/search.html>

Section 5310 projects located in an urbanized area or within a metropolitan area planning boundary must be included in the metropolitan transportation plan (MTP, also known as the Long Range Transportation Plan) prepared and approved by the metropolitan planning organization (MPO), the transportation improvement program (TIP) approved jointly by the MPO and the governor, and the statewide transportation improvement program (STIP) developed by a state and jointly approved by FTA and FHWA. Projects outside UZAs must be included in, or be consistent with the statewide long-range transportation plan, as developed by the state, and must be included in the STIP.

Although applications for projects may be accepted by the FDOT District Office prior to their listing in a TIP/STIP, a grant award will not be final for such projects until all administrative requirements are completed, including being listed in the appropriate TIP/STIP.

Planning requirements. To remain eligible for Section 5310 awards, recurring applicants must submit the TDSP or TDP for their service area to FDOT in a timely manner. The entire TDSP or TDP does not need to be submitted with the application.

Audit requirements for Section 5310 Recipients. A non-Federal entity as defined by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and 2 CFR Part 200, thereafter, as a Subrecipient of a Federal award awarded by the Department, may be subject to the audit requirements established by OMB Circular A-133, for fiscal years beginning before December 26, 2014, and 2 CFR Part 200, Subpart F – Audit Requirements, thereafter. In determining Federal awards expended in a fiscal year, the non-Federal entity must consider all sources of Federal awards, including non-cash contributions.

Certifications and assurances. Applicants must agree to comply with certain Federal requirements by signing the certification and assurances form covered by **Exhibits E, F, I, and H** of this manual, as appropriate. Compliance items in **Exhibit E** include (but are not limited to) regulations pertaining to charter service and school bus service when using FTA-funded vehicles, equipment, and facilities; and FTA drug and alcohol testing regulations. **Exhibit F** applies to applicants for capital assistance to purchase non-accessible vehicles. **Exhibit I** assures that the grant request is derived from a Coordinated Public Transit-Human Services Transportation Plan. **Exhibit H** pertains to Protection of the Environment and applies to applicants seeking grants for facilities. Applicants for the Section 5310 Capital Assistance must also sign a certification and assurance to FDOT, as provided in **Exhibit G** of this manual.

Program Performance Measures. Agencies receiving Section 5310 funds must collect data for the following indicators targeted to capture overarching program information as part of an annual report submitted to the FDOT District office. For the annual report, recipients must submit both quantitative and qualitative information on **each** of the following measures.

Traditional Section 5310 Projects

(1) Gaps in Service Filled: Provision of transportation options that would not otherwise be available for seniors and individuals with disabilities, measured in numbers of seniors and individuals with disabilities afforded mobility they would not have without program support as a result of traditional Section 5310 projects implemented in the current reporting year.

(2) Ridership: Actual or estimated number of rides (as measured by one-way trips) provided annually for seniors or individuals with disabilities on Section 5310 supported vehicles and services as a result of traditional Section 5310 projects implemented in the current reporting year.

Other Section 5310 Projects

(1) Service Improvements: related to geographic coverage, service quality, and/or service times that impact availability of transit services for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year

(2) Physical Improvements: Additions or changes to environmental infrastructure (e.g., transportation facilities, sidewalks, etc.), technology, and vehicles that impact availability of transportation services for seniors and individuals with disabilities as a result of other section 5310 projects implemented in the current reporting year.

(3) Ridership: Actual or estimated number of rides (as measured by one-way trips) provided annually for seniors or individuals with disabilities on Section 5310 supported vehicles and services as a result of other Section 5310 projects implemented in the current reporting year.

Use of Section 5310-funded vehicles or equipment. Section 5310-funded vehicles/equipment must be used in the transportation management areas/large urbanized areas, small urbanized areas, or rural areas for which was awarded to transport seniors and individuals with disabilities. They may be used to provide transit to employment, medical care, education, shopping, socialization, etc. Incidental use of vehicles as cargo carriers (i.e. meals on wheels), and work vehicles (i.e. carrying crews and equipment from site to site and/or standing idle between work sites) is permitted as long as it does not interfere with the primary use of the vehicle(s). In such cases, the number of vehicles requested in an application must be justified by the number of people transported -- not meal delivery or tool handling requirements. The need and planned use of the requested vehicles must be detailed in the Proposed Project Description (Exhibit B).

Lease of vehicles. Vehicles purchased with Section 5310 funds may be leased to local public bodies or agencies, non-profit agencies, or private-for-profit operators only for the services identified in the grant application. The lease between the applicant and the lessee shall

contain the terms and conditions that must be met in providing transportation service to seniors and individuals with disabilities, and must be approved by the appropriate FDOT District Office. When vehicles are operated by an agency other than the one named as applicant in the grant application, control and responsibility for the operation of the vehicles remains with the applicant.

Transportation Management Areas/Large Urbanized Areas, Small Urbanized Areas, and Rural Areas. Transportation management areas/large urbanized areas (TMAs) are those with a population of 200,000 or more. Small urbanized areas are those with populations between 50,000 and 199,999. To be considered rural, an area will have population under 50,000.

Grant Award Process

Awards will be made by the respective FDOT District Office to agencies submitting applications approved by FDOT for an award, either by 1) issuing a Joint Participation Agreement (JPA) to the recipient; or 2) arranging for vehicle/equipment purchases through a contractor.

Grant Award Process for Section 5310 Capital Assistance. To notify an applicant (subrecipient) approved by FDOT for an award, FDOT will send a “Notice of Grant Award” to the subrecipient with instructions to sign and return it to the Department (See sample notice in the Appendix.). Thereafter, the agency will contact the FDOT Contractor to arrange for purchase of vehicles/equipment. A signed Notice of Grant Award is a legally binding agreement. By signing a Notice of Grant Award grant subrecipients agree to comply with all applicable requirements as contained in U.S.C. 49 Section 5310 of the Federal Transit Act of 1991, as amended. This is accomplished by ensuring adherence with all federally-required certifications and assurances made in Exhibits E, F, I and H. Grant applicants/subrecipients must also make certain assurances and certifications to FDOT, as provided in Exhibit G. Additionally, grant subrecipients will be required to report to FDOT and FTA certain performance measures as determined by FTA.

Grant Award Process for Section 5310 Operating Assistance. Grant awards will be made by the respective FDOT District Office to agencies submitting applications approved by FDOT for an award, by entering into a Joint Participation Agreement (JPA) with the agency (grant recipient).

General Instructions on Forms, Certifications, and Exhibits

Each form, exhibit, and certification provides FDOT with information it must have to make required assurances to the Federal government or to make decisions on project selection. It is important that each required form, exhibit, and certification be complete and correct. Applicants should be aware that there are criminal sanctions for furnishing false information in order to obtain federal grants (18 U.S.C. 1001).

The **original** application should be prepared on white, 8.5 X 11” paper and securely clipped (no staples, binders or dividers, please) and submitted to the appropriate FDOT District Office, as

shown in the Appendix of this manual. Each District Office requires at a minimum one (1) original and additional copies, as determined by the District, to be submitted. **Application forms, resolutions, exhibits, and certifications should be arranged in the order listed in the “Checklist for Application Completeness”, as provided in this manual, to assure the application is complete.** Incomplete, illegible, or unsigned applications may be rejected.

The **original** application must be accompanied by the required **cover letter** and **two (2) fully-executed Resolution** forms (see Appendix for sample), which includes minimum required language, from the applicant’s governing board. Resolutions should authorize 1) submission of the application; 2) signing of the application and certifications/assurances by a designated individual; 3) acceptance of the grant award by the designated individual for signing the joint participation agreement or the notification of grant award; and **4) be printed on organization/agency letterhead.**

All signatures should be in **blue** ink by the individual designated by the governing board of the applicant agency. Blue ink distinguishes an original signature from a photocopy. Only original signature resolutions, applications, and acceptance of grant awards are acceptable. The additional copies, if required by the District Office, may be photocopies. Agencies submitting an application via TransCIP should print and sign the documents and upload a scanned color copy into TransCIP.

Questions regarding Section 5310 applications or the application process should be directed to the FDOT District Office in the applicant’s service area, as shown in the Appendix of this manual.

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PART A
APPLIES TO ALL APPLICATIONS

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PART A

APPLIES TO ALL APPLICATIONS

Grant Application Instructions.

The standard Application for Federal Assistance (OMB Standard Form 424)) must be filled out in its entirety for Section 5310 applications, and for the local clearinghouse submission (if grant is for facilities). A sample of the standard form is located on the next page of this manual. Applicants that are not using TransCIP to submit their application should print a copy of the 424 form, <http://www.dot.state.fl.us/transit/Pages/grantsadministration.shtm>, and include it with this application. This form must be used for **ALL** applications.

No pre-application process is used in this program; therefore, all submissions are applications.

The code assigned to the Section 5310 Program in the Catalog of Federal Domestic Assistance is 20.513. This code should be shown in Section 10 of the form followed by the title: "Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program." A guidance document containing Congressional Districts, DUNS Numbers, UZA numbers and Catalog of Federal Domestic Assistance Numbers can be obtained from <http://www.dot.state.fl.us/transit/Pages/grantsadministration.shtm>.

AGENCIES APPLYING ONLY FOR OPERATING ASSISTANCE: Standard Form 424 should cover only the Operating Assistance being applied for by the applicant.

AGENCIES APPLYING ONLY FOR CAPITAL ASSISTANCE: Standard Form 424 should cover only the Capital Assistance being applied for by the applicant.

AGENCIES APPLYING FOR BOTH OPERATING AND CAPITAL ASSISTANCE (Submitted as two separate forms): Submit separate Standard Form 424 for Operating and Capital. I.e. one form should cover Operating Assistance and a separate form should cover Capital Assistance being applied for by the applicant.

ONLY IF THE GRANT IS FOR FACILITIES: Executive Order 12372 requires a review of all Federal grants to ensure compliance with the local and state planning process. Therefore, prior to submission of an application to the FDOT District Office, copies of the application must be submitted to the appropriate **Local** Clearinghouse/Regional Planning Council (See Appendix). **A copy of the cover letter sent to the Local Clearinghouse/Regional Planning Council must be submitted with this application as an attachment.** The appropriate clearinghouse agency should be contacted to determine the number of copies required for local review.

- **Letters from the local clearinghouse supporting the application must be submitted to the District Office before a Section 5310 Award can be made.**
- Applicants should send their applications to the **LOCAL** Clearinghouse/Regional Planning Council; **NOT TO THE STATE CLEARINGHOUSE.**

Form 424

Item:	Entry:	Item:	Entry:
1.	Type of Submission should be "Application"	11.	Catalog of Federal Domestic Assistance Number is: 20.513 CFDA Title should be: Section 5310
2.	Type of Application should be "New"	12.	Funding Opportunity Number (FTA Grant Number) is not needed at this time. This will be assigned after submission of State POP
3.	Enter Date Received	13.	"Not Applicable"
4.	"Not Applicable"	14.	List the areas affected by project (cities, counties, States etc.)
5. a	"Not Applicable"	15.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For pre-applications, use a separate sheet to provide a summary description of this project.
5 B	Federal Award Identifier (FTA Grant Number) is not needed at this time. This will be assigned after submission of State POP	16.	List the applicant's Congressional District and any District(s) affected by the program or project
6.	State use only (if applicable)	17.	Enter the proposed start date and end date of the project.
7.	State Application Identifier is "1001"	18.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show

			breakdown using same categories as item
8. a	Enter legal name of applicant, name of primary organizational unit (including division, if applicable), which will undertake the assistance activity, enter employer/taxpayer identification number (EIN/TIN) as assigned by Internal Revenue Service, enter the organization's DUNS number (received from Dun and Bradstreet), enter the complete address of the applicant (including country), and name, telephone number, e-mail and fax of the person to contact on matters related to this application.	19.	Check the applicable box
9.	Type of Applicant 1: Select Applicant Type	20.	Check the applicable box (If "yes", provide explanation in attachment)
10	Name of Federal Agency should be " Federal Transit Administration"	21.	Sign the form

APPLICATION FOR FEDERAL ASSISTANCE

[View Burden Statement](#)

OMB Number: 4040-0004
Expiration Date: 8/31/2016

Application for Federal Assistance SF-424		
<p>* 1. Type of Submission:</p> <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application		
<p>* 2. Type of Application:</p> <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision		
<p>* If Revision, select appropriate letter(s):</p> <input type="text"/> <p>* Other (Specify):</p> <input type="text"/>		
<p>* 3. Date Received:</p> <input type="text"/>		<p>4. Applicant Identifier:</p> <input type="text" value="Not Applicable"/>
<p>5a. Federal Entity Identifier:</p> <input type="text" value="Not Applicable"/>		<p>5b. Federal Award Identifier:</p> <input type="text"/>
<p>State Use Only:</p>		
<p>6. Date Received by State:</p> <input type="text"/>		<p>7. State Application Identifier:</p> <input type="text" value="1001"/>
<p>8. APPLICANT INFORMATION:</p>		
<p>* a. Legal Name:</p> <input type="text"/>		
<p>* b. Employer/Taxpayer Identification Number (EIN/TIN):</p> <input type="text"/>		<p>* c. Organizational DUNS:</p> <input type="text"/>
<p>d. Address:</p>		
<p>* Street1:</p> <input type="text"/>		
<p>Street2:</p> <input type="text"/>		
<p>* City:</p> <input type="text"/>		
<p>County/Parish:</p> <input type="text"/>		
<p>* State:</p> <input type="text"/>		
<p>Province:</p> <input type="text"/>		
<p>* Country:</p> <input type="text" value="USA: UNITED STATES"/>		
<p>* Zip / Postal Code:</p> <input type="text"/>		
<p>e. Organizational Unit:</p>		
<p>Department Name:</p> <input type="text"/>		<p>Division Name:</p> <input type="text"/>
<p>f. Name and contact information of person to be contacted on matters involving this application:</p>		
<p>Prefix:</p> <input type="text"/>	<p>* First Name:</p> <input type="text"/>	
<p>Middle Name:</p> <input type="text"/>		
<p>* Last Name:</p> <input type="text"/>		
<p>Suffix:</p> <input type="text"/>		
<p>Title:</p> <input type="text"/>		
<p>Organizational Affiliation:</p> <input type="text"/>		
<p>* Telephone Number:</p> <input type="text"/>		<p>Fax Number:</p> <input type="text"/>
<p>* Email:</p> <input type="text"/>		

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

M: Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education) ▼

Type of Applicant 2: Select Applicant Type:

▼

Type of Applicant 3: Select Applicant Type:

▼

* Other (specify):

*** 10. Name of Federal Agency:**

Federal Transit Administration

11. Catalog of Federal Domestic Assistance Number:

20.513

CFDA Title:

Section 5310

*** 12. Funding Opportunity Number:**

* Title:

ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM

13. Competition Identification Number:

Not Applicable

Title:

Not Applicable

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant

* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date:

* b. End Date:

18. Estimated Funding (\$):

* a. Federal	<input type="text"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text"/>
* g. TOTAL	<input type="text"/>

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

a. This application was made available to the State under the Executive Order 12372 Process for review on

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

**** I AGREE**

** The list of certifications and assurances, or an Internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative: * Date Signed:

PART B

APPLIES TO ALL APPLICANTS FOR OPERATING ASSISTANCE

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PART B

APPLIES TO ALL APPLICANTS FOR OPERATING ASSISTANCE

Transportation-Related Operating and Administrative Expenses & Revenues; Calculation of Grant Request

Information regarding the applicant's **transit-related** operating and administrative expenses and revenues specific to 5310 funds must be provided with the application for Operating Assistance. Forms B-1 and B-2, as provided in this manual, should be used for this purpose. Form B-1 provides space for the applicant to show operating and administrative expenses of the service operated/contracted by the applicant. Form B-1 also provides space to calculate a grant request. However, the grant request cannot be completed until Form B-2 is completed. Form B-2 provides space for the applicant to show the sources of revenue proposed to pay for the expenses shown in Form B-1.

The budget line items shown on the forms were originally defined in the Transportation Accounting Consortium's Model Uniform Accounting System for Rural and Specialized Transportation Providers (TAC Manual). The account numbers in parentheses are the object code numbers for these line items in the TAC manual and in FTA National Transit Data Reports (NTD). Definitions for expense and revenue line items are included in the Appendix of this manual.

Applicants should show the transit-related operating and administrative expenses and revenues of their agency for the proposed project as projected for the year the Section 5310 Grant Award is to be used. For example, the projected expense and revenue budgets for year FY 2015/2016 should be used if Section 5310 Assistance is requested by the applicant for use in FY 2015/2016.

INSTRUCTIONS FOR COMPLETING FORM B-1.

Applicants should complete both the "Total Expense" and "FTA Eligible Expense" columns of Form B-1. In completing the form, Community Transportation Coordinators (CTCs) may use expense information from the budget in their most current Transportation Disadvantaged Service Plan (TDSP). The "Total Expense" column should show all operating and administrative expenses associated with the proposed transit service. The definitions for each line item code, as provided in the Appendix of this manual, apply. The "FTA Eligible Expense" column should include only those expenses that are considered eligible expenses as outlined on page 5 of this manual.

After completing the expense columns on Form B-1, applicants should next complete Form B-2 (see instructions below.)

INSTRUCTIONS FOR COMPLETING FORM B-2.

Applicants should complete both the “Total Revenue” and “Revenue Used as FTA Match” columns of Form B-2. In completing Form B-2, CTCs may use revenue information from the budget in their most current TDSP. The “Total Revenue” column should show all revenues used to pay for the expenses shown in Form B-1, as noted previously. The definitions for each line item code that is provided in the Appendix of this manual apply. The “Revenue Used as FTA Match” column separates total revenues from revenues accepted by FTA as match. This includes revenues in object codes 410, 411, 412, and 430. It also includes revenues in object code 413 EXCEPT for any FTA or other USDOT funds. In other words, FTA or other USDOT revenues should be deducted from the amount shown in object code 413 in the “Total Revenue” column, and the balance should be shown in the “Revenue Used as FTA Match” column.

Next, both columns should be totaled and the total of (b) “Total Rural Passenger Fares” (401) and (e) “Grand Total Revenues” transferred to the grant request section of Form B-1.

INSTRUCTIONS FOR COMPLETING THE GRANT REQUEST ON FORM B-1.

To calculate the grant request on Form B-1:

- Enter the total (a) from the FTA Eligible Expense column of Form B-1.
- Enter the rural passenger fare revenue (b) from the first row of Form B-2 (object Code 401- rural revenue).
- Subtract the passenger fare revenue (b) from the FTA Eligible Expense (a) to determine the operating deficit (c).
- Complete the Section 5310 request (d). Applicants may request no more than 50% of the operating deficit. Total revenues may not exceed total costs. Therefore, it may be necessary to adjust the Section 5310 request to an amount less than 50% of the deficit calculated.

PART B
APPLIES TO ALL APPLICANTS FOR OPERATING ASSISTANCE
FORM B-1
TRANSIT-RELATED OPERATING and ADMINISTRATIVE EXPENSES

Name of Applicant: _____

Applicant Fiscal period start and end dates: _____ to _____

State Fiscal period from July 1, 2015 to June 30, 2016

EXPENSE CATEGORY	TOTAL EXPENSE	FTA ELIGIBLE EXPENSE
Labor (501)	\$	\$
Fringe and Benefits (502)		
Services (503)		
Materials and Supplies (504)		
Vehicle Maintenance (504.01)		
Utilities (505)		
Insurance (506)		
Licenses and Taxes (507)		
Purchased Transit Service (508)		
Miscellaneous (509)		
Leases and Rentals (512)		
Depreciation (513)		
TOTAL	\$	\$ (a)

SECTION 5310 GRANT REQUEST

Total FTA Eligible Expenses (from Form B-1, above) \$ _____ (a)

Rural Passenger Fares (from Form B-2) \$ _____ (b)

Operating Deficit \$ _____ (c)

[FTA Eligible Expenses (a) minus Rural Passenger Fares (b)]

Section 5310 Request \$ _____ (d)

(No more than 50% of Operating Deficit)

Grant Total All Revenues (from Form B-2) \$ _____ *(e)

Note: If Grand Total Revenues (e) exceeds FTA Eligible Expenses (a), reduce the Section 5310 Request (d) by that amount.

PART B

APPLIES TO ALL APPLICANTS FOR OPERATING ASSISTANCE

FORM B-2

TRANSIT-RELATED OPERATING and ADMINISTRATIVE REVENUES

Name of Applicant: _____

Applicant Fiscal period start and end dates: _____ to _____

State Fiscal period from July 1, 2015 to June 30, 2016

OPERATING REVENUE CATEGORY	TOTAL REVENUE	REVENUE USED AS FTA MATCH
Passenger Fares for Transit Service (401)	Total= \$ Rural =\$ (b)	
Special Transit Fares (402)		
School Bus Service Revenues (403)		
Freight Tariffs (404)		
Charter Service Revenues (405)		
Auxiliary Transportation Revenues (406)		
Non-transportation Revenues (407)		
Total Operating Revenue	\$	\$
OTHER REVENUE CATEGORY		
Taxes Levied directly by the Transit System (408)		
Local Cash Grants and Reimbursements (409)		

Local Special Fare Assistance (410)		
State Cash Grants and Reimbursements (411)		
State Special Fare Assistance (412)		
Federal Cash Grants and Reimbursements (413)		
Interest Income (414)		
Contributed Services (430)		
Contributed Cash (431)		
Subsidy from Other Sectors of Operations (440)		
Total of Other Revenue	\$	\$
GRAND TOTAL ALL REVENUE	\$	\$ (e)

PART C

APPLIES TO ALL APPLICANTS FOR CAPITAL ASSISTANCE

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PART C
APPLIES TO ALL APPLICANTS FOR CAPITAL ASSISTANCE
Transit-Related Operating and Administrative
Expenses & Revenues

Information regarding the applicant's **transit-related** operating and administrative expenses and revenues must be provided with the application. Forms C-1 and C-2 are included in this manual for that purpose. These forms should provide information about operating and administrative expenses of the vehicles or service operated/provided by the applicant, as described in Exhibits A and B of the application, and information about the sources of revenue used to pay for these expenses.

The budget line items shown on the forms were originally defined in the Transportation Accounting Consortium's Model Uniform Accounting System for Rural and Specialized Transportation Providers (TAC Manual). The account numbers in parentheses are the object code numbers for these line items in the TAC Manual and in FTA National Transit Data Reports (NTD). Definitions for expense and revenue line items are included in the Appendix of this manual.

Applicants should show the transit-related operating and administrative expenses and revenues of their agency as projected for the year the Section 5310 Grant Award is requested. For example, the projected expense and revenue budgets for year FY 2015/2016 should be used if Section 5310 Assistance is requested by the Agency for use in FY 2015/2016.

PART C

APPLIES TO ALL APPLICANTS FOR CAPITAL ASSISTANCE

FORM C-1

TRANSIT-RELATED OPERATING and ADMINISTRATIVE EXPENSES

Name of Applicant: _____

Applicant Fiscal period start and end dates: _____ to _____

State Fiscal period from July 1, 2015 to June 30, 2016

EXPENSE CATEGORY	EXPENSE \$
Labor (501)	\$
Fringe and Benefits (502)	
Services (503)	
Materials and Supplies (504)	
Vehicle Maintenance (504.01)	
Utilities (505)	
Insurance (506)	
Licenses and Taxes (507)	
Purchased Transit Service (508)	
Miscellaneous (509)	
Leases and Rentals (512)	
Depreciation (513)	
TOTAL EXPENSE	\$

FORM C-2**OPERATING and ADMINISTRATIVE REVENUES**

OPERATING REVENUE CATEGORY	REVENUE \$
Passenger Fares for Transit Service (401)	
Special Transit Fares (402)	
Other (403 – 407) (identify by appropriate code)	
TOTAL OPERATING REVENUE	\$
OTHER REVENUE CATEGORY	
Taxes Levied Directly by the Transit System (408)	
Local Cash Grants and Reimbursements (409)	
Local Special Fare Assistance (410)	
State Cash Grants and Reimbursements (411)	
State Special Fare Assistance (412)	
Federal Cash Grants & Reimbursements (413)	
Interest Income (414)	
Contributed Services (430)	
Contributed Cash (431)	
Subsidy from Other Sectors of Operations (440)	
TOTAL OF OTHER REVENUE	\$
GRAND TOTAL ALL REVENUE	\$

PART C

APPLIES TO ALL APPLICANTS FOR CAPITAL ASSISTANCE

Current Vehicle and Transportation Equipment Inventory Form

Applicants must complete the “Current Vehicle and Transportation Equipment Inventory” (Form C-3), as shown in this manual. The form must include a current list of all vehicles and equipment used by the applicant to transport individuals, including those bought in previous years with Federal funds; those bought with other than Federal funds; those now on order; and those to be ordered with grant awards made in previous years. All columns of the form must be completed. An asterisk (*) should be placed next to the model year of vehicles to be replaced with the grant being applied for with this application. Vehicles can only be listed as “replacement” once. If a replacement award is given for a vehicle, that vehicle cannot be listed for replacement again. Vehicles operated by the applicant’s contractor or lessee should also be identified, and the name of the contractor/lessee shown in Exhibit B of the application.

Capital Request Form

Applicants must complete the “Capital Request”, Form C-4, provided in this manual. The upper part of the form (vehicle requests) covers vehicles; the lower (equipment requests), covers other capital equipment such as radios, computer software, computer hardware, etc.

NOTE: In the case of vehicles, applicants should be sure to indicate whether the new vehicle is to replace (R) an older vehicle or expand (E) the fleet by buying a new vehicle. The length of the vehicle, the number of passenger seats & wheelchair positions, lift or ramp, and the type of fuel is also important because this affects the cost (. The make of the vehicle should not be shown on the form.

Applicants should refer to “What’s on the Market”, located in the Appendix, to identify the most appropriate vehicle type for its needs, and the estimated cost. The appropriate FDOT District Office or the Center for Urban Transportation Research (see “What’s on the Market”) may be contacted for assistance.

(b) Identify vehicles to be replaced with this or other grant by placing an asterisk (*) next to the model year. In Exhibit B of the application, provide the name of the lessee or contractor, if applicable.

(c) For example, Ford 22' bus; Dodge converted van.

(d) Show FDOT control number AND VIN if bought with grant through FDOT. If bought through other funding, list the complete VIN.

(e) Include computer hardware and software, copiers, printers, mobile radios, communication systems, etc.

(f) Identify the grant or other funding source used for purchasing the vehicle/equipment.

NOTE: Applicants may add additional lines to the form. Those requesting replacement vehicles, please identify the year the vehicle(s) were purchased.

CAPITAL REQUEST FORM
VEHICLE REQUEST

R or E (a)	Number requested	Description (b) (c) www.tripsflorida.org	Estimated Cost
Sub-total			\$

EQUIPMENT REQUEST (c)

Sub-total			\$

(a) Replacement (R) or Expansion (E).

(b) Provide a brief description including the length and type vehicle, type of fuel, lift or ramp, number of seats and wheelchair positions. Do not show the Make. For example, 22' gasoline bus with lift, 12 ambulatory seats, and 2 wheelchair positions.

(c) Show mobile radios and identify the type of radio (i.e. two way radio or stereo radio), computer hardware/software, etc. under "Equipment Request."

VEHICLE SUBTOTAL \$ _____ + EQUIPMENT SUBTOTAL \$ _____ = \$ _____ (x).

(x) X 80% = \$ _____ [Show this amount on Form 424 in block 15(a)]

EXHIBITS
(TO BE INCLUDED IN ALL APPLICATIONS)

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EXHIBIT A - Not to exceed two (2) pages

Current System Description

Applicants must submit Exhibit A as part of their application. Exhibit A should provide a short description of who the applicant is and what services they provide. It is requested that all applicants provide the System Description in a **question/answer format**. The following information shall be included in the narrative in a detailed manner:

- 1) An overview of the organization including its mission, program goals and objectives
- 2) Organizational structure, type of operation, number of employees, and other pertinent organizational information
- 3) Who is responsible for insurance, training and management, and administration of the agencies transportation programs
- 4) Who provides maintenance
- 5) Number of transportation related employees
- 6) Who will drive the vehicle, number of drivers, CDL certifications, etc.
- 7) A detailed description of service routes and ridership numbers
- 8) Exhibit A-1 (below)

If the applicant is a Community Transportation Coordinator (CTC), **relevant** pages of a Transportation Disadvantaged Service Plan (TDSP) and Annual Operating Report (AOR) containing the above information may be provided.

Evaluators will rely heavily on an applicant's narrative in determining the amount of funds/vehicles/equipment awarded.

GRANT WRITING TIP: Refer to the Evaluation Criteria in the General Program Information/Requirements Section of this manual. An applicant's narrative should cover the points that will be evaluated.

EXHIBIT A-1 FACTSHEET

Name of Applicant: _____

	CURRENTLY	IF GRANT IS AWARDED (Estimates are acceptable.)
1. Number of total one-way trips served by the agency PER YEAR (for all purposes)*		
2. Number of one-way trips provided to seniors and individuals with disabilities PER YEAR*		
3. Number of individual Senior and Disabled unduplicated riders (first ride per rider per fiscal year) PER YEAR		
4. Number of vehicles used to provide service to seniors and individuals with disabilities ACTUAL		
5. Number of vehicles used to provide service to seniors and individuals with disabilities eligible for replacement ACTUAL		
6. Vehicle miles traveled to provide service to seniors and individuals with disabilities PER YEAR		
7. Normal number of days that vehicles are in operation to provide service to seniors and individuals with disabilities PER WEEK		
8. Posted hours of normal operation to provide service to seniors and individuals with disabilities PER WEEK	M – F: Saturday: Sunday: Total (WEEK):	M – F: Saturday: Sunday: Total (WEEK):

* One way passenger trip is the unit of service provided each time a passenger enters the vehicle, is transported, then exits the vehicle. Each different destination would constitute a passenger trip.

EXHIBIT B

Proposed Project Description

Applicants must submit Exhibit B as part of their application. The proposed project description should be thorough as evaluators will rely heavily on the narrative in reviewing and ranking a grant application. It is requested that all applicants provide the Project Description in a **question/answer format**. The project description should not repeat the current system description shown in Exhibit A. Exhibit B shall include, but not be limited to:

Questions Related to All Agencies Requesting Capital Funds:

1. Is the project to continue the existing level of services, to expand present service, or to provide new service? How will a grant award be used? How more hours of service will be provided? Will it expand service to a larger geographic area? Specify the shorter headways? How many more trips will be provided? Please explain in detail.
2. If a grant award will be used to maintain services as described in Exhibit A, specifically explain how it will be used in the context of total service.
3. Give a detailed explanation of the need for the vehicle and provide evidence of the need.
4. Will a grant award be used to replace existing equipment or purchase additional vehicles/equipment? Provide details.
5. Identify vehicles/equipment being replaced and list them on the “**Current Vehicle and Transportation Equipment Inventory**” form, provided elsewhere in this manual.
6. Describe agency’s maintenance program and include a section on how vehicles will be maintained without interruptions in service (who, what, where, and when).
7. If vehicles/equipment are proposed to be used by a lessee or private operator under contract to the applicant, identify the proposed lessee/operator.
 - a. Include an equitable plan for distribution of vehicles/equipment to lessees and/or private operators.
8. Each applicant shall indicate whether they are a government authority or a private non-profit agency, provide a brief description of the project which includes the counties served, whether the applicant shall service minority populations and whether the applicant is minority-owned.
9. Agencies receiving Section 5310 funds must collect both quantitative and qualitative data (detailed in the Threshold Criteria section on page 7) to capture overarching

program information as part of the Section 5310 annual report, Please outline how your agency will collect the quantitative and qualitative data required as a Section 5310 recipient. i.e. What will the time frame be/how will it be incorporated into program operations? What tools will be used to collect the data?

10. Fully explain Your Transportation Program
 - a. Service hours, planned service, routes and trip types
 - b. Staffing – include plan for training on vehicle equipment such as wheelchair lifts, etc.
 - c. Records maintenance– who, what methods, use of databases, spreadsheets etc.
 - d. Vehicle maintenance – who, what, when and where
 - e. CDL requirements
 - f. System safety plan
 - g. Drug free work place

New Agencies:

11. Have you met with the CTC and, if so, how are you providing a service that they cannot? Provide detailed information supporting this requirement.

Questions Related to All Agencies Requesting Operating Funds:

1. How do you currently fund the operations of your transit program?
2. Why are Operating Funds being requested?
3. If this grant is not fully funded, can you still proceed with this program?

New Agencies:

4. Have you met with the CTC and, if so, how are you providing a service that they cannot? Provide detailed information supporting this requirement.

GRANT WRITING TIP: Refer to the Evaluation Criteria in the General Program Information/Requirements Section of this manual, and be sure Exhibit B covers the points that will be evaluated.

EXHIBIT C

Public Hearing

An opportunity for a public hearing is required **ONLY** for Public Agencies requesting Capital grants under Section 5310. An application for Section 5310 submitted by a public agency should contain a copy of the notice of public hearing (identified as Exhibit C) and an affidavit of publication. If Exhibit C is not applicable, this should be stated in the application.

A sample public notice is located in the Appendix of this manual. A public notice should contain all pertinent information relating to the project (such as number and types of vehicles as well as the estimated cost of the vehicles) and should be published at least one time in a newspaper of general circulation in the applicant's service area, no less than 15 or more than 30 days prior to the submission of an application. The notice should state that persons requesting a hearing must notify the applicant of the request, in writing, and send a copy of the request for a hearing to the FDOT District Office.

The deadline for hearing requests **must** be prior to the date applications are due at the District Office. If a hearing is requested:

1. A hearing must be conducted;
2. The FDOT District Office must be notified of the date, time, and location of the hearing; and
3. A copy of the minutes of the hearing (to include a discussion of issues raised and resolution of issues) must be submitted to the FDOT District Office, before a Section 5310 award can be made.

EXHIBIT D
Leasing
MEMORANDUM for FTA 5310

Date: _____

From: _____
(Typed name and title) (Signature)

(Typed or printed agency name)

To: Florida Department of Transportation, District Office
Modal Development Office / Public Transit

Subject: YEAR 2015 GRANT APPLICATION TO THE
FEDERAL TRANSIT ADMINISTRATION,
OPERATING OR CAPITAL ASSISTANCE FOR ENHANCED MOBILITY OF SENIORS
AND INDIVIDUALS WITH DISABILITIES PROGRAM,
49 UNITED STATES CODE SECTION 5310

Leasing

Will the _____, as applicant to the Federal Transit
(Name of applicant agency)

Administration Section 5310 Program, lease the proposed vehicle(s) (or any other
equipment that may be awarded to the Applicant) to a third-party?

___ Yes ___ No

If yes, specify to whom:

NOTE: It is the responsibility of the applicant agency to ensure District approval of all lease agreements.

EXHIBIT E

Federal Certifications and Assurances

The **last** page (Appendix A) of the annual Federal Register Notice that applies to Federal Certifications and Assurances provides applicants with a single signature page on which an applicant and its attorney must certify compliance with the requirements of the various Federal Transit Administration grants or cooperative agreements. The Federal Register Notice is revised annually and is usually available around January 1 of each year. Applicants may obtain a copy of the current year document through the internet at <http://www.fta.dot.gov/grants/13071.html>. If unable to access the form, applicants may contact their FDOT District Office for assistance. The appropriate signed Federal certification/assurance form must be included in the application when it is submitted to the FDOT District Office.

Submissions in TEAM: An applicant submitting certifications and assurances for their agency in TEAM can attach a screenshot of their PIN as replacement of the signature page.

GRANT WRITING TIP: All applicants must use the current year form and it must be the actual form from the Federal Transit Administration (FTA). This form cannot be an edited version of a prior year's forms or a recreation of the form.

The signature page for Federal Certifications and Assurances should be signed by an individual authorized by the applicant's governing board to sign and submit applications, and its attorney. Blue ink is required as it distinguishes an original signature from a photocopied signature.

Federal Certifications and Assurances Required of Each Applicant:

- Authority of applicant and its representative
- Standard Assurances
- Debarment and Suspension, and other Responsibility Matters (http://www.fta.dot.gov/funding/thirdpartyprocurement/bppm/grants_financing_6195.html#BM22)
- Drug Free Workplace Certification (http://www.fta.dot.gov/funding/thirdpartyprocurement/bppm/grants_financing_6195.html#BM31)
- Intergovernmental Review Assurance
- Federal Transit Administration Master Agreement (<http://www.fta.dot.gov/documents/17-Master.pdf>)
- Nondiscrimination Assurance
- Assurance of Nondiscrimination on the Basis of Disability Procurement Compliance.

A. Applicants for Federal Assistance may signify compliance with the above certifications and assurances by placing an "X" at the top of Appendix A next to the statement that reads: "The Applicant agrees to comply with applicable requirements of Categories 01-24". If an applicant chooses to do this, no additional notation is necessary, except for the signature on the reverse.

OR

B. The applicant may signify compliance with certifications and assurances applicable only to the Section 5310 Program, specifically, Category XIII, by placing an "X" in Category 01, "Certifications and Assurances Required for Each Applicant" (to cover the above-noted items), as well as an "X" in Category 12 entitled "Alcohol Misuse and Prohibited Drug Use" and Category 17 "Elderly Individuals and Individuals with Disabilities Formula Program and Pilot Program."

A description of the certifications required by the Section 5310 Program is provided in the annual Federal Register Notice.

EXHIBIT F

Certification for Agencies Requesting Non-Accessible Vehicles

If the applicant wants to purchase non-accessible vehicles for demand responsive service, the following "Certification of Equivalent Service" must be completed and included in the application.

CERTIFICATION OF EQUIVALENT SERVICE

The _____ 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 area;
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 Part 37, public entities operating demand responsive systems for the general public which receive financial assistance under 49 U.S.C. 5310 and 5311 of the Federal Transit Administration (FTA) funds must file this certification with the appropriate state program office before procuring any inaccessible vehicle. Such public entities not receiving FTA funds shall also file the certification with the appropriate state office program. Such public entities receiving FTA funds under any other section of the FTA Programs 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.

Executed this _____ day of _____, 20_____.

(Name and title of authorized representative)

(Signature of authorized representative)

APPLIES TO APPLICANTS FOR CAPITAL ASSISTANCE

EXHIBIT G

APPLICANT CERTIFICATION AND ASSURANCE TO FDOT

To be completed and signed by an individual authorized by the governing board of the applicant agency and submitted with the grant application.

The _____ (undersigned) _____ certifies and assures to the Florida Department of Transportation in regard to its Application under U.S.C. Section 5310 dated _____:

- 1) It shall adhere to all Certifications and Assurances made to the federal government in its Application.
- 2) It shall comply with Florida Statutes:
 - a. Section 341.051- Administration and financing of public transit and intercity bus service programs and projects
 - b. Section 341.061 (2) - Transit Safety Standards; Inspections and System Safety Reviews
- 3) It shall comply with Florida Administrative Code (Does not apply to Section 5310 recipients only):
 - a. Rule Chapter 14-73 - Public Transportation
 - b. Rule Chapter 14-90 - Equipment and Operational Safety Standards for Bus Transit Systems
 - c. Rule Chapter 14-90.0041 - Medical Examination for Bus System Driver
 - d. Rule Chapter 41-2 - Definitions
- 4) It shall comply with the Department's:
 - a. Bus Transit System Safety Program Procedure No. 725-030-009 (Does not apply to Section 5310 recipients only)
 - b. Public Transit Substance Abuse Management Program Procedure No. 725-030-035 (Does not apply to Section 5310 recipients only)
 - c. Transit Vehicle Inventory Management Procedure No. 725-030-025
 - d. Public Transportation Vehicle Leasing Procedure No. 725-030-001
 - e. Guidelines for Acquiring Vehicles
 - f. Procurement Guidance for Transit Agencies Manual (Does not apply to Section 5310 recipients only)

- 5) It has the fiscal and managerial capability and legal authority to file the application.
- 6) Local matching funds will be available to purchase vehicles/equipment at the time an order is placed.
- 7) It will carry adequate insurance to maintain, repair, or replace project vehicles/equipment in the event of loss or damage due to an accident or casualty.
- 8) It will maintain project vehicles/equipment in good working order for the useful life of the vehicles/equipment.
- 9) It will return project vehicles/equipment to the Department if, for any reason, they are no longer needed or used for the purpose intended.
- 10) It recognizes the Department's authority to remove vehicles/equipment from its premises, at no cost to the Department, if the Department determines the vehicles/equipment are not used for the purpose intended, improperly maintained, uninsured, or operated unsafely.
- 11) It will not enter into any lease of project vehicles/equipment or contract for transportation services with any third party without prior approval of the Department.
- 12) It will notify the Department **within 24 hours** of any accident or casualty involving project vehicles/equipment, and submit related reports as required by the Department.
- 13) It will notify the Department and request assistance if a vehicle would become unserviceable.
- 14) It will submit an annual financial audit report to the Department, if required by the Department.

Date: _____

(Typed name and title of authorized representative)

(Signature of authorized representative)

Section 5310 APPLICANTS

EXHIBIT H

Protection of the Environment

Most transit projects funded under Section 5310 will be classified by FTA as categorical exclusions. Examples of categorical exclusions include operating assistance, purchase of transit vehicles, and purchase of office equipment.

If the proposed project is for construction of facilities further evaluation may be required before a determination can be made that the project is a categorical exclusion. The FDOT District Office in the applicant's service area (see Appendix) should be contacted to determine if additional evaluation is needed. If it is needed, information such as an Environmental Assessment or Environmental Impact Statement (as determined by FDOT) should be included with an application for Section 5310 Assistance. This information may be separately bound and identified as Exhibit J.

Questions about this requirement should be directed to the FDOT District Office.

EXHIBIT I

Coordinated Public Transit-Human Services Transportation Plan

To be completed and signed by an individual authorized by the governing board of the applicant agency and submitted with the grant application.

The _____ certifies and assures to the Florida Department of Transportation in regard to its Application for Assistance under U.S.C. Section 5310 dated _____:

1) This grant request is included in a coordinated plan compliant with Federal Transit Administration Circular FTA C 9070.1G.

2) The name of this coordinated plan is provided below.

3) The agency that adopted this coordinated plan is provided below.

4) The date the coordinated plan was adopted is provided below.

5) The page number of the coordinated plan that this application supports. **Please submit a copy of the page along with his form.**

Date: _____

Signature: _____

Typed name and title

EXHIBIT J

Standard Lobbying Certification Form

NOTE: All grant awards issued to a recipient in the amount of \$100,000 or more must include a signed standard lobbying form.

The undersigned [Contractor] 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 an 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 making lobbying contacts to 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," (a copy the form can be obtained from

<http://www.dot.state.fl.us/transit/Pages/grantsadministration.shtm>) in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*)]

(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 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). 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. § 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 Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

_____ Signature of Contractor's Authorized Official

_____ Name and Title of Contractor's Authorized Official

_____ Date

EXHIBIT L

Coordination

If the applicant is a Community Transportation Coordinator (CTC), this information should be shown in Exhibit L of the application. Attached to Exhibit L should be a copy of the CTC's certification.

If the applicant is not a CTC, a copy of the written coordination agreement between the applicant and the CTC in the appropriate service area should be identified as Exhibit L and included in the application. The agreement must be specific as to how the services to be provided will be complimentary to the services the CTC provides, and how duplication and fragmentation of services will be avoided. If the applicant's service extends into areas covered by more than one CTC, copies of all applicable coordination agreements should be included in the application. An executed Commission for the Transportation Disadvantaged **Coordination Contract** or similar document may serve as the written coordination agreement. Applications submitted without the appropriate coordination agreement may be rejected by FDOT. Grant awards will not be made without an appropriate coordination agreement.

EXHIBIT M

Transportation Operating Procedure (TOP)

(Applies to Section 5310 only recipients)

Most FDOT grant recipients fall under the requirements of Florida Administrative Code Rule 14.90. A small number of recipients, **only receive grant awards through the Federal Transit Administration's Section 5310**, Enhanced Mobility for Seniors and Individuals With Disabilities, Program. These **Section 5310 only recipients** must provide the District Office a Transportation Operating Procedure (TOP) that covers the following items. Agencies will be required to undergo a triennial review and inspection by FDOT to ascertain compliance with the baseline requirements. Agencies have one (1) year to come into compliance with the TOP requirements outlined in this document. Agencies not yet in-compliance must send a progress report to the local FDOT District office on a quarterly basis outlining the agency's progress towards compliance. **All new grant application packages must contain the most recent TOP.**

Items that must be included in the Transportation Operating Procedure (TOP):

Maintenance

- The TOP should outline how drivers conduct and document a pre-operational bus inspection report according to Rule 14-90.006, FAC.
- The pre-trip and post-trip inspections must include the following safety sensitive items:
 - Steering System
 - Service and Parking Brake
 - Suspension and Undercarriage
 - Tires, Wheels, and Wheel End Components
 - Fuel and Exhaust Systems
 - All Lights, Mirrors, Wipers, and Warning Devices
 - Interlock Systems
 - Interior Controls, Gauges, and Safety Equipment
 - Wheelchair Lifts
 - Air System
 - Emergency exits (doors, windows, etc.)
- Pre- and post-trip records must be maintained for a minimum of 14 days.
- The TOP must document how the agency performs preventive maintenance on the vehicles. Agencies will develop a maintenance plan that outlines the agency's basic

maintenance policies and procedures for maintaining vehicles even when using contracted services. It should follow, at a minimum, the guidelines established by the Department.

Operations

- The TOP must document the qualifications they require when hiring a driver. This should include verifying that the employee has a valid driver license, a CDL if necessary for the size vehicle being operated by the agency, and if a background check is required. It will also include how the agency ensures that all drivers have valid licenses while operating vehicles.
- The TOP must document the training provided to ensure the driver has adequate skills and capabilities to safely operate each type of vehicle operated by the agency. At a minimum this should include:
 - Bus equipment familiarization
 - Basic operations and maneuvering
 - Boarding and alighting passengers
 - Operation of wheelchair lifts and other special equipment
 - Passenger assistance and securement
 - Defensive driving
- The TOP must document the agency's procedures for handling emergency situations that occur when the vehicle is being used away from the facility.
- The TOP must document how the agency establishes and maintains a drug-free workplace policy according to Section 112.0455, F.S. Additionally, a driver holding a Commercial Driver's License is subject to the federal requirements related to drug testing. The TOP must document how an agency meets these requirements.
- The TOP must document how the agency will ensure drivers not be permitted to drive more than 12 hours in a 24 hour period; and drivers not be permitted to be on duty more than 72 hours in any period of 7 consecutive days.

Safety

- The TOP must state how the agency ensures that no driver operates a vehicle when his or her ability is impaired, or likely to be impaired, by fatigue, illness, or other causes.
- The TOP must document how the agency ensures that the vehicles are operated in compliance with applicable traffic regulations, ordinances, and the laws of the jurisdiction in which they are being operated.

- The TOP must include the agency's policy for the use of wireless communication devices while occupying the vehicle.
- Agencies will be required to investigate events involving vehicles and resulting in fatality, injury or property damage. The development of necessary reports, corrective action plans and other documentation and must be submitted to FDOT.

APPLIES TO APPLICANTS FOR OPERATING ASSISTANCE (ONLY)
CHECKLIST FOR APPLICATION COMPLETENESS

Name of Applicant: _____

Check One: First Time Applicant: _____ Previous Applicant: _____

The following must be included in the Section 5310 Grant application in the following order:

- _____ This checklist
- _____ Applicant's cover letter (use FDOT provided cover letter)
- _____ Two (2) copies of the governing board's Resolution
- _____ Exhibit A-1: Fact Sheet
- _____ Application for Federal Assistance (Form 424, Code 20.513)
- _____ Exhibit A: Current System Description
- _____ Exhibit B: Proposed Project Description
- _____ Forms B-1 and B-2 (Operating and Administrative Expense & Revenues; Grant Request.)
- _____ Exhibit D: Leasing
- _____ Exhibit E: Federal Certifications and Assurances
- _____ Exhibit F: Certification of Equivalent Service (if grant is for non-accessible vehicles)
- _____ Exhibit H: Protection of the Environment (if grant is for facilities)
- _____ Exhibit I: Coordinated Public Transit-Human Services Transportation Plan
- _____ Exhibit J: Standard Lobbying Certification Form
- _____ Exhibit L: Coordination
- _____ Exhibit M: Standard Transportation Operating Procedure (if agency receives 5310 funding only)
- _____ Copy of Certification of Incorporation (if a private-non-profit agency)
- _____ Proof of non-profit status (if a private-non-profit agency)
- _____ Copy of the Title VI Plan

If grant is for facilities:

_____ Copy of cover letter sent with application submitted to Local Clearinghouse Agency/RPC Date:

FOR DEPARTMENT USE ONLY

Date: _____ Letter received from the Local RPC/Clearinghouse

APPLIES TO APPLICANTS FOR CAPITAL ASSISTANCE (ONLY)
Checklist for Application Completeness

Name of Applicant: _____

Check One: First Time Applicant: _____ Previous Applicant: _____

The following must be included in the Section 5310 Grant application in the following order:

- _____ This checklist
- _____ Applicant's cover letter (use FDOT provided cover letter)
- _____ Two (2) copies of the governing board's Resolution
- _____ Exhibit A-1: Fact Sheet
- _____ Application for Federal Assistance (Form 424, Code 20.513)
- _____ Current Vehicle and Transportation Equipment Inventory Form
- _____ Capital Request Form
- _____ Exhibit A: Current System Description
- _____ Exhibit B: Proposed Project Description
- _____ Forms C-1 and C-2 (Operating and Administrative Expenses & Revenues)
- _____ Exhibit C: Public Hearing Notice and Publisher's Affidavit (for public agencies only)
- _____ Exhibit D: Leasing
- _____ Exhibit E: Federal Certifications and Assurances
- _____ Exhibit F: Certification of Equivalent Service (if grant is for non-accessible vehicles)
- _____ Exhibit G: Applicant Certification and Assurance to FDOT
- _____ Exhibit H: Protection of the Environment (if grant is for facilities)
- _____ Exhibit I: Coordinated Public Transit-Human Services Transportation Plan
- _____ Exhibit J: Standard Lobbying Certification Form
- _____ Exhibit L: Coordination
- _____ Exhibit M: Standard Transportation Operating Procedure (if agency receives 5310 funding only)
- _____ Copy of Certification of Incorporation (if a private-non-profit agency)
- _____ Proof of non-profit status (if a private-non-profit agency)
- _____ Copy of the Title VI Plan

If grant is for facilities:

_____ Copy of cover letter sent with application submitted to Local Clearinghouse Agency/RPC Date:

FOR DEPARTMENT USE ONLY: Date: _____ Letter received from the Local PC/Clearinghouse

APPENDIX

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49 U.S.C. 5335, Definitions - Operating and Administrative Expenses

(National Transit Data Report NTD)

<http://www.ntdprogram.gov/ntdprogram/Glossary.htm>

(501) labor - The pay and allowances due employees in exchange for the labor services they render in behalf of the transit system.

(502) fringe and benefits - Payments or accruals to others (insurance companies, governments, etc.) on behalf of an employee and payments or accruals direct to an employee arising from something other than his performance of a piece of work.

(503) services - Labor and other work provided by outside organizations for fees and related expenses.

(504) materials and supplies - Tangible products obtained from outside suppliers or manufactured internally.

(504.01) vehicle maintenance - Cost of fuel and lubricants, tires and tubes, vehicle maintenance parts.

(505) utilities - Payments made to various utilities for utilization of their resources (e.g., electric, gas, water, telephone, etc.)

(506) insurance - Cost elements covering protection of the transit system from loss through insurance programs; compensation of others for their losses due to acts for which the transit system is liable; and recognition of the cost of a miscellaneous category of corporate losses.

(507) license and taxes - Taxes and fees levied against the transit system by Federal, state, and local governments.

(508) purchased transit service - The payment or accrual to other transit systems for providing transportation service.

(509) miscellaneous - Those expenses which cannot be attributed to any of the other major expense categories.

(512) leases and rentals - Payments for the use of capital assets not owned by the transit system.

(513) depreciation - Charges that reflect the loss in service value of the transit system's assets.

49 U.S.C. 5335, Definitions - Operating and Administrative Revenue

National Transit Data Report (NTD)

<http://www.ntdprogram.gov/ntdprogram/Glossary.htm>

(401) passenger fares for transit services - Revenue earned from carrying passengers along regularly scheduled routes.

(402) special transit fares - Revenues earned for rides given in regular transit service, but paid for by some organization rather than by the rider, and for rides given along special routes for which revenue may be guaranteed by a beneficiary of the service.

(403) school bus service revenues - Revenues earned from operating vehicles under school bus contracts.

(404) freight tariffs - Revenues earned from carrying freight on runs whose primary purpose is passenger operations.

(405) charter service revenues - Revenues earned from operating vehicles under charter contracts.

(406) auxiliary transportation revenues - Revenues earned from operations closely associated with the transportation operations (e.g., concessions, advertising, automobile ferriage, etc.)

(407) nontransportation revenues - Revenues earned from activities not associated with the provision of the transit system's transit service (e.g., sale of maintenance services, rental of revenue vehicles, rental of buildings and other property, investment income, parking lot revenue, etc.)

(408) taxes levied directly by transit system - Tax revenues to transit systems that are organized as independent political subdivision with their own taxation authority.

(409) local cash grants and reimbursements - Funds obtained from local government units to assist in paying the cost of operating transit services.

(410) local special fare assistance - Funds obtained from local government units to help cover the difference between full adult fares and special reduced fares. *(Includes local social service contract funds).*

(411) state cash grants and reimbursements - Funds obtained from state government to assist in paying the cost of operating transit services. *(Includes Commission for the Transportation Disadvantaged grant funds).*

(412) state special fare assistance - Funds obtained from state government to help cover the difference between full adult fares and special reduced fares. *(Includes state social service contract funds).*

(413) federal cash grants and reimbursements - Funds obtained from the Federal government to assist in paying the cost of operating transit services. Include and identify the source of unrestricted Federal Funds used as match.

(414) interest income - Revenues earned from the lending or deposit of funds.

(430) contributed services - The receipt of services (not cash) from another entity where such services benefit transit operations and the transit operator is under no obligation to pay for the services.

(431) contributed cash - The receipt of funds from another entity where such funds benefit transit operations and the transit operator is under no obligation to repay the funds.

(440) subsidy from other sectors of operations - Funds obtained from other sectors of a transit company's operations to help cover the cost of providing transit service.

WHAT'S ON THE MARKET

Below is a listing of all active contracts available through the FDOT TRIPS Program for the purchase of new transit vehicles. **The Auto and Light Truck contract can be found at [The Florida Department of Management Services \(DMS\) website](#).** Some new types of vehicles have entered the community transportation market in the last few years. They generally fall into the following categories of expected minimum life of service years and mileage:

FDOT Minimum Service Life – 5 years and/or 200,000 miles:

MINI BUS (Formally: Commuter Van 9-Passenger Center Aisle Vehicles)

Expired - Bidding For New Contract Summer 2014

MOBILITY VENTURES, LLC MV-1 PURPOSE BUILT SPECIAL NEEDS VEHICLE

GVWR/Length	Ambulatory Seating Capacity	Price	Wheelchair Positions	Contract #	Order Packet & Pricing
6,600#/205"	0 - 6	\$46,598	0 - 2	TRIPS-12-SNV-CBS	Order Packet

MINIVANS

The extended low floor minivans with mobility ramp intended use is as a Paratransit or a supervisor vehicle, providing public transportation for a maximum capacity of six (6) ambulatory passengers or a maximum of two (2) wheelchair passengers and three (3) ambulatory passengers. These configurations exclude the driver.

GVWR/Length	Ambulatory Seating Capacity	Price	Wheelchair Positions	Contract #	Order Packet & Pricing
6,050#	3-6	\$42,130-\$44,702	2	TRIPS-13-MV-FTS	Order Packet
6,050#	3-6	\$40,420-\$43,026	2	TRIPS-13-MV-MW	Order Packet

STANDARD CUTAWAY

Each dealer offers a variety of models built on a variety of chassis' and chassis weights. Please contact the dealer directly for questions on capacity, floor plans, and pricing.

Creative Bus Sales, Inc.	Alliance Bus	Getaway Bus, LLC	LBS South, LLC	Atlantic Bus Sales, Inc.
TRIPS-11-CA-TP	TRIPS-11-CA-FCCSC	TRIPS-11-CA-GB	TRIPS-11-CA-RB	TRIPS-11-CA-ABS
Contract	Contract	Contract	Contract	Contract
Order Packet	Order Packet	Order Packet	Order Packet	Order Packet

SMALL CUTAWAY LOW FLOOR

Currently Suspended

Chevrolet 3500 Chassis 12,300# GVWR

Chevrolet 4500 14,200# GVWR

International 25,500# GVWR

Small low floor chassis transit vehicle with wheel chair ramp, produced by two different manufacturers and dealers.

() - Indicates number of seats without wheel chairs.

GVWR/Length	Seating Capacity	Price	Wheelchair Positions	Contract #	Order Packet & Pricing
12,300#/21'	6 – 12 (15)	\$109,100 - \$131,800	1	TRIPS-10-SCLF-FCCS Optional Hybrid Drive	Order Packet
14,200#/23'	6 – 12 (23)	\$117,000 - \$150,000	1 - 3		
25,500#/26' – 36'	12 – 26 (32)	\$158,400 - \$209,600	1 - 2	TRIPS-10-SCLF-TP	Order Packet

FDOT Minimum Service Life – 10 years and/or 350,000 miles:

MEDIUM DUTY

Expired - Bidding For New Contract Fall 2014

**Sample
RESOLUTION FORM**

A **RESOLUTION** of the _____ (Governing Board) _____
authorizing the signing and submission of a grant application and supporting documents and
assurances to the Florida Department of Transportation, and the acceptance of a grant award
from the Department.

WHEREAS, _____ (Applicant) _____

has the authority to apply for and accept grant awards made by the Florida Department of
Transportation as authorized by Chapter 341, Florida Statutes and/or by the Federal Transit
Administration Act of 1964, as amended;

NOW, THEREFORE, BE IT RESOLVED BY THE _____ (Governing Board) _____

_____, FLORIDA:

- 1) This resolution applies to Federal Program(s) under U.S.C. Section(s) 5310_____.

- 2) The submission of a grant application(s), supporting documents, and assurances to the
Florida Department of Transportation is approved.

- 3) _____ (Authorized Individual by Name and Title) _____ is authorized
to sign the application and accept a grant award, unless specifically rescinded.

DULY PASSED AND ADOPTED THIS _____, 20_____

By: _____

(Signature)

(Typed name & title)

ATTEST:

_____ (seal)

REQUIRED

COVER LETTER

(On Agency Letterhead)

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

GRANT APPLICATION

_____ **(agency name)** submits this Application for the Section 5310 Program Grant and agrees to comply with all assurances and exhibits attached hereto and by this reference made a part thereof, as itemized in the Checklist for Application Completeness.

_____ **(agency name)** further agrees, to the extent provided by law (in case of a government agency in accordance with Sections 129.07 and 768.28, Florida Statutes) to indemnify, defend and hold harmless the Department and all of its officers, agents and employees from any claim, loss, damage, cost, charge, or expense arising out of the non-compliance by the Agency, its officers, agents or employees, with any of the assurances stated in this Application.

This Application is submitted on this _____ day of _____, 20 ____ with two (2) original resolutions or certified copies of the original resolution authorizing _____ (Name & Title) to sign this Application.

Agency Name

By _____ Date _____

Title _____

Sample
Public Notice
(Pertains to Exhibit C)

All interested parties within (counties affected) are hereby advised that (public agency) is applying to the Florida Department of Transportation for a capital grant under Section 5310 of the Federal Transit Act of 1991, as amended, for the purchase of (description of equipment) to be used for the provision of public transit services within (defined area of operation).

This notice is to provide an opportunity for a Public Hearing for this project. This public notice is to ensure that this project and the contemplated services will not duplicate current or proposed services provided by existing transit or paratransit operators in the area.

This hearing will be conducted if and only if a written request for the hearing is received by (Specify due date).

Requests for a hearing must be addressed to (Public Agency name and address) and a copy sent to (name and address of appropriate FDOT District Office.)

All public notices must include the following language:

Florida Law and Title VI of the Civil Rights Act of 1964 Prohibits Discrimination in Public accommodation on the basis of race, color, religion, sex, national origin, handicap, or of marital status.

Persons believing they have been discriminated against on these conditions may file a complaint with the Florida Commission on Human Relations at 850-488-7082 or 800-342-8170 (voice messaging)

Sample

NOTICE OF GRANT AWARD

(To be completed, signed, and sent to the Applicant/Recipient by the FDOT District Office)

Based on the Agency's Application for Federal Assistance under U.S.C. Section 5310 dated _____, on file in the Department, the Florida Department of Transportation hereby makes the following grant award to:

(Name and Address of Recipient)

Award Year Description Estimated Value Estimated matching funds required

Please contact the FDOT Contractor, Lazara Stinnette, at either 813-974-0695 or lstinnette@ctr.usf.edu to arrange purchase of the above items. See FDOT Section 5310 Procedure 725-030-010-i, page 10 at

<http://www2.dot.state.fl.us/proceduraldocuments/procedures/bin/725030010.pdf>.

FLORIDA DEPARTMENT OF TRANSPORTATION

Date _____ Award Approved by _____

(Signature)

Typed Name and Title _____

ACCEPTANCE OF GRANT AWARD

(To be completed and signed by the recipient and returned to the FDOT District Office)

The undersigned accepts the above-described award and:

(Check all appropriate)

_____ a. Reaffirms its assurances to FTA and FDOT as stated in Exhibits E, F, I, H and G of its application.

_____ b. Requests purchase of the vehicles/equipment in (month/year.)

_____ c. Requests a JPA in (month/year.)

AGENCY: _____

(Name)

Date _____ Accepted by _____

(Signature)

Typed Name and Title _____

Agency vendor number as registered in My Florida Marketplace: _____

Local Clearinghouses / Regional Planning Councils (RPC)

CLEARINGHOUSE/RPC	COUNTIES COVERED
<p>West Florida RPC 4081-A East Olive Road Pensacola, FL 32514 850-332-7976 800-226-8914</p>	<p>Bay, Escambia, Holmes, Okaloosa, Santa Rosa, Walton, Washington</p> <p>Contact: Ms. Terry Joseph Email: terry.joseph@wfrpc.org</p>
<p>Apalachee RPC 2507 Callaway Road, Suite 200 Tallahassee, FL 32303 850-488-6211</p>	<p>Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty, Wakulla</p> <p>Contact: Mr. Keith McCarron Email: keith.mccarron@thearpc.com</p>
<p>North Central Florida RPC 2009 N.W. 67 Place FL 32653-1603 352-955-2200 ext 103</p>	<p>Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Madison, Suwannee, Gainesville, Taylor, Union</p> <p>Contact: Mr. Marlie Sanderson Email: msanderson@ncfrpc.org</p>
<p>Northeast Florida RPC 6850 Belfort Oaks Place Jacksonville, FL 32216 904-279-0880 ext 178</p>	<p>Baker, Clay, Duval, Flagler, Nassau, Putnam, Saint Johns</p> <p>Contact: Mr. Eric Anderson Email: eanderspm@nefrpc.org</p>
<p>Withlacoochee RPC 1241 S.W. 10th St Ocala, FL 32674-2788 352-732-1315 ext 228</p>	<p>Citrus, Hernando, Levy, Marion, Sumter</p> <p>Contact: Mr. Michael Arnold Email: marnold@wrpc.cc</p>
<p>East Central Florida RPC 309 Cranes Roost Boulevard Suite 2000 Altamonte Springs, FL 32701 407-262-7772</p>	<p>Brevard, Lake, Orange, Osceola, Seminole, Volusia</p> <p>Contact: Mr. Hugh W. Harling, Jr. Email: hharling@ecfrpc.org</p>

Central Florida RPC
Post Office Drawer 2089
Bartow, FL 33830
863-534-7130 ext 103

DeSoto, Hardee, Highlands, Okeechobee, Polk

Contact: Ms. Marcia Staszko
Email: mstaszko@cfrpc.org

Tampa Bay RPC
4000 Gateway Center Boulevard
Suite 100
Pinellas Park, FL 33782-6141
727-570-5151 ext 10
727-550-5118 fax

Hillsborough, Manatee, Pasco, Pinellas

Contact: John Meyer
Email: johnm@tbrpc.org

Southwest Florida RPC
1926 Victoria Avenue
Fort Myers, FL 33901
239-338-2550 ext 232

Charlotte, Collier, Glades, Hendry, Lee,
Sarasota

Contact: Ms. Nicole Gwinnett
Email: ngwinnett@swfrpc.org

Treasure Coast RPC
421 Southwest Camden Avenue
Stuart, Florida 34994
772-221-4060

Indian River, Martin, Palm Beach, Saint Lucie

Contact: Ms. Stephanie Heidt
Email: sheidt@tcrpc.org

South Florida RPC
3440 Hollywood Blvd. Suite 140
Hollywood, FL 33021
954-985-4416

Broward, Miami-Dade, Monroe

Contact: Ms. Kathe Lerch
Email: klerch@sfrpc.com

FDOT District Office Contacts

District	Contacts	Address
1	<p><i>Manager:</i> Paul A. Simmons (863) 519-2388</p> <p><i>Transit Unit</i> <i>Contact:</i> Debi Stephens</p>	<p>P.O. Box 1249 801 North Broadway Bartow, FL 33830-1249</p> <p>(239) 225-1982</p>
<i>Counties Covered:</i> Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Polk, Sarasota		
<hr/>		
2	<p><i>Manager:</i> Doreen Joyner-Howard (904) 360-5650</p> <p><i>Transit Unit</i> <i>Contact:</i> Janell Damoato</p> <p style="margin-left: 40px;">Alachua, Baker, Clay, Nassau, Putnam, St. Johns</p> <p style="margin-left: 40px;">Sandra Collins Bradford, Columbia, Dixie, Gilchrest, Hamilton, Lafayette, Levy, Madison, Suwannee, Taylor, Union Counties</p> <p style="margin-left: 40px;">Thee Perry Duval</p>	<p>2198 Edison Avenue, MS 2806 Jacksonville, FL 32204</p> <p>(904) 360-5687</p> <p>(386) 961 7870</p> <p>(904) 360 5414</p>
<i>Counties Covered:</i> Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Gilchrist, Hamilton, Lafayette, Levy, Madison, Nassau, Putnam, St Johns, Suwannee, Taylor, Union		
<hr/>		

FDOT District Office Contacts (continued)

3 *Manager:* Mike Lewis P. O. Box 607
(850) 330-1545 Chipley, FL 32428-9990

Transit Unit

Contact: Kathy Rudd (850) 330-1549
Bay, Escambia, Gulf, Holmes, Jackson, Santa Rosa, Walton,
Washington

Vanessa Strickland (850) 330-1534
Calhoun, Franklin, Gadsden, Jefferson, Leon, Liberty,
Okaloosa, Wakulla

Counties Covered: Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson,
Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton,
Washington

4 *Manager:* Larry Merritt 3400 W. Commercial Blvd.
(954) 777-4683 Ft. Lauderdale, FL 33309

Transit Unit

Contact: Nancy Weizman (954) 777-4605

Counties Covered: Broward, Palm Beach, Martin, St Lucie, Indian River

5 *Manager:* Brenda Young 133 South Semoran Blvd.
(407) 482-7852 Orlando, FL 32807

Transit Unit

Contact: Diane Poitras (407) 482-7860

Counties Covered: Brevard, Flagler, Lake, Marion, Orange, Osceola, Seminole, Sumter, Volusia

Glossary

ambulatory - A person who is able to walk and move about freely without being confined to a bed or wheelchair.

applicant – An agency applying for Section 5310 Federal Assistance. See also “new applicant” and “recurring applicant.”

authorizing Federal and State Legislation: Legislation authorizing the Section 5310 program are: Moving Ahead for Progress in the 21st Century (MAP-21) Section 20009 49 U.S.C. Sections 5310; FTA Circular 9070.1G (for Section 5310); Section 341.051, Florida Statutes; and Chapter 14-73, Florida Administrative Code. The Section 5310 FTA Circular can be found at http://www.dot.state.fl.us/transit/Pages/FTA_Section_5310_Circular.pdf.

community transportation coordinator (CTC) - A transportation entity recommended by an MPO, or by the appropriate designated official planning agency, as provided for in Sections 427.015(1), Florida Statutes, in an area outside the purview of an MPO, to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area.

contractor – means the administering entity of the Florida Vehicle Procurement Program (FVPP) who is under contract to the Florida Department of Transportation to establish statewide vehicle contracts for the purpose of procuring vehicles at the lowest cost possible while ensuring that the best product is available for the program. The Contractor is also responsible to coordinate, assist as needed, and report in all procurement activities under the Section 5310 Program.

designated official planning agency – means a planning entity so designated by the Florida Commission for the Transportation Disadvantages to conduct planning and support functions for the transportation disadvantaged services.

disabled person – See elderly individual and persons with disabilities.

district office – means the Department of Transportation District Public Transportation Office or District Office of Modal Development and/or staff.

district program of projects – means a district listing of each applicant agency for which a grant award is proposed, a description of the equipment to be awarded, and the proposed federal, state and local share of the project cost. The district program of project includes certification by the District Office that all applicants and projects so proposed either meet all program requirements or will meet all program requirements before a Notice of Grant Award is executed.

eligible expenses – Section 5310 funds may be used for the capital and/or operating expense of transportation services to seniors and/or individuals with disabilities. Eligible expenses are

limited to buses, vans or other paratransit vehicles (including sedans and station wagons), radios and communications equipment, wheelchair lifts and restraints, vehicle rehabilitation, vehicle overhaul, data processing hardware/software, other durable goods such as spare components with a useful life of more than one (1) year and a per unit cost over \$300, initial installation costs, vehicle procurement/testing, vehicle inspection and vehicle preventative maintenance, passenger facilities related to Section 5310-funded vehicles, support facilities and equipment for Section 5310-funded vehicles, operating costs associated with providing transit service, costs associated with transit service that exceeds the requirements of the Americans with Disabilities Act of 1990, projects that improve access to fixed route service and decrease reliance by individuals with disabilities on complementary paratransit, and alternative to public transportation that assist seniors and individuals with disabilities with transportation. An applicant applying for preventative maintenance costs must have a District approved maintenance plan and a cost allocation if activities are performed in house. The Federal share for eligible capital expenses may not exceed eighty percent (80%).

eligible expenses, operating - For the Section 5310 program eligible operating expenses include the total administrative, management, and operation costs directly incident to the provision of public transportation services less operating revenues. The federal share for net eligible operating costs may not exceed 50%.

eligible recipient, 5310 – For the Section 5310 Program, funds may be awarded to public agency Community Transportation Coordinators (CTC's), private-non-profit CTC's, and to private non-profit organizations providing transportation to seniors and/or persons with disabilities under a coordination agreement with a CTC. When the CTC is a private for-profit agency, the designated official planning agency responsible for designating the CTC may apply for Section 5310 funds, then sub-contract with the CTC for provision of service. Recipients must be either a CTC or providing service under the terms of a written agreement with a CTC. Agencies must keep their CTC Agreements current and in force at all times when receiving an award under the Section 5310 Program. Private taxi companies that provide shared-ride taxi service to the general public on a regular basis are eligible subrecipients. "Shared-ride" means two or more passengers in the same vehicle who are otherwise not traveling together

expanded service - Adding a new service to an already existing system.

FDOT control number - Is assigned by the District once the vehicle has been purchased, received and titled to the recipient with the Department of Transportation as the first lienholder.

human service transportation - means transportation services provided by or on behalf of a human service agency to provide access to agency services and/or to meet the basic, day-to-day mobility needs of transportation-disadvantaged populations, especially individuals with disabilities, older adults, and people with low incomes.

incurred - Commitment or obligation to spend funds for goods to be received or services to be rendered.

individual with a disability – means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use effectively, without special facilities, planning or design, public transportation service or a public transportation facility.

Job Access and Reverse Commute Program (JARC) – means the Federal Transit Administration formula grant program for projects relating to the development and maintenance of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, and for public transportation projects designed to transport residents of urbanized areas and rural areas to suburban employment opportunities.

joint participation agreement (JPA) - A contract between the Department of Transportation and a local sponsor of a transportation project, defining a project and the Department's participation. JPAs may be for one year or multiple years (up to five years), at the discretion of the Department.

Large urbanized area – an urbanized area (UZA) with a population of 200,000 or more individuals, as determined by the Bureau of Census.

locally developed, coordinated public transit-human services transportation plan – means a plan that identifies the transportation needs of individuals with disabilities, older adults, and people with low incomes, provide strategies for meeting those local needs, and prioritizes transportation services for funding and implementation. Projects considered for Section 5310 funding must serve identified needs of the disabled population. A locally developed Transportation Disadvantages Services Plan (TDSP) will qualify in most instances. All stakeholders identified in the circular must be included in the development of the TDSP.

metropolitan planning organization (MPO) – MPOs are the policy and planning bodies, designated by the Governor, responsible for transportation planning in urbanized areas.

new applicant – An applicant for Section 5310 assistance that has not received an award in the last two fiscal years.

new service - A first time applicant starting a new service.

non-ambulatory - A person who has a mobility impairment that prevents them from being able to walk or move about freely.

nonprofit organization – A corporation or association determined by the U. S. Secretary of the Treasury to be an organization described by 26 U.S.C. Section 501(c) which is exempt from taxation under 26 U.S.C. Section 501(a) or one incorporated within Florida which is certified as not for profit by the Secretary of State.

notice of grant award – mean a form used to notify a successful Section 5310 applicant that they have been selected to receive a grant award and for the applicant to accept the grant being offered as a Section 5310 grant recipient.

one-way passenger trips - A person who rides a transportation vehicle in one direction between two points for a specific purpose.

operating revenue - For Section 5310, operating revenue includes the sum of all fares paid by passengers, whether such fares are paid at the time service is provided or via a prepaid arrangement such as passes or tokens. Operating revenue excludes revenues from contracts with social service agencies that pay for transportation of social service clients.

private organization – means a non-public organizations, bodies which are not municipalities or other political subdivisions of the State of Florida; are not public agencies or instrumentalities of one or more states; are not Indian Tribes (except private nonprofit corporations formed by Indian Tribes); are not public corporations, boards or commissions established under the law of any state; or are not subject to direct control by public authority, Federal, State, county, or municipal.

program of projects – means a list of projects to be funded in a grant application submitted to the Federal Transportation by the Florida Department of Transportation. The program of projects (POP) lists the subrecipients and indicates whether they are private non-profit agencies or local governmental authorities, designates the areas served (including rural areas), and identifies any tribal entities. In addition, the POP includes a brief description of the projects, total project cost and Federal share for each project, and the amount of funds used for program administration from the ten percent (10%) allowed.

public agency - An authority, commission, committee, council, department, division, bureau, board, section or any other unit or entity of the state or of a town, city, municipality, county or other local governing body.

public transit - The transporting of people by conveyances or systems of conveyances, traveling on land or water, local or regional in nature, and available for use by the general public. Public transit specifically includes those forms of transportation commonly known as "paratransit" characterized by their non-scheduled, non-fixed route nature.

recipient – means the Florida Department of Transportation, a State Agency designed by the Governor to receive funds apportioned by formula to the States under Section 5310(b)(1), or a local government authority when Federal Highway Administration (FHWA) funds are flexed to Section 5310 to support services for individuals with disabilities.

recurring applicant – An applicant for Section 5310 Federal Assistance who applies every year.

rural areas- an area encompassing a population of fewer than 50,000 people that has not been designated in the most recent decennial census as an urbanized area by the Secretary of Commerce.

seniors –an individual who is 65 years of age or older.

small urbanized areas (UZA) - A UZA with a population of at least 50,000 but less than 200,000, as determined by the Bureau of the Census.

subrecipient – means a private non-profit organization, if the public transportation service provided is unavailable, insufficient, or inappropriate; or a governmental authority that is approved by the State to coordinate services for elderly individuals and individuals with disabilities or certifies that there are no non-profit organizations readily available in the area to provide the services.

transit development plan (TDP) - A locally adopted document, addressing a minimum five-year time frame. It is prepared by the public transit provider, in cooperation with the appropriate Metropolitan Planning Organization. It is consistent with the applicable approved local government comprehensive plan. The TDP includes an assessment of the need for transit services in the local area, identifies the local transit policies, existing services and proposed service improvements, capital and operating costs of the proposed services, existing and proposed sources of funding and a staged implementation plan. A TDP is updated annually.

transportation disadvantaged - Those persons who because of physical or mental disability, income status, or age, or who for other reasons, are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk as defined in Chapter 411.202 F.S.

transportation disadvantaged service plan (TDSP) – a plan developed by the CTC and approved by the Local Coordinating Board that identifies service gaps and provides recommended strategies to provide service in areas of need. The TDSP may serve as the Local Coordinated Human Services Transportation Plan. The TDSP is updated annually but includes a five year planning window.

transportation improvement program (TIP) – means a continuing, cooperative and comprehensive planning process that delineates transportation improvements recommended for federal and state funding during the program period. The MPO submits the TIP to the Florida Department of Transportation as required by Chapter 339, Florida Statutes.

transportation operator contract – a written contract between the CTC and the transportation operator prepared at the local level that outlines the terms and conditions for any services to be performed.

urbanized area – an area encompassing a population of not less than 50,000 people that has been defined and designated in the most recent decennial census as an urbanized area by the Secretary of Commerce.

End of Manual

5310 Grant Application Manual Revised on 30 December 2014

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**SECTION 5311 APPLICATION
MANUAL**

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2015

U.S.C. Section 5311

FORMULA GRANTS FOR RURAL AREAS

20.509

5311

OPERATING & CAPITAL

APPLICATION MANUAL

FLORIDA DEPARTMENT OF TRANSPORTATION

PUBLIC TRANSIT OFFICE

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Introduction

This manual includes program information, application forms, exhibits, certifications and assurances, and instructions to enable an applicant to apply for Federal operating, capital, job access, and reverse commute assistance under U.S.C. Section 5311 Formula Grants for Rural Areas Program, as administered by the Florida Department of Transportation (FDOT).

The Section 5311 Formula Grants for Rural Areas Program provides Federal operating, capital, or job access and reverse commute assistance to eligible recipients (see glossary) who operate/contract public transportation service in rural areas. To be considered rural, an area will have population under 50,000.

Several types of activities are eligible for federal assistance under this program: 1) planning for rural transportation projects; 2) public transportation capital projects; 3) operating costs of equipment and facilities for use in public transportation; 4) job access and reverse commute projects (see glossary); 5) mobility management and 6) the cost of service agreements with private providers to provide rural public transportation. Capital equipment purchased must be necessary and reasonable to the provision of public transportation services in rural areas.

The sections of this manual pertaining to general information, Exhibits, and the Appendix apply to all applicants. In the “Contents of Applications” section, **Part A** applies to all applicants; **Part B** applies to applicants for operating assistance; and **Part C** applies to all applicants for capital assistance. Applicants seeking job access and reverse commute operating assistance must complete **Part B**. Applicants seeking job access and reverse commute capital assistance must complete **Part C**.

All applications must be “stand-alone”; that is, separate from any Section 5310, 5339 and/or Section 5311(f) application the applicant may also be submitting to FDOT. Applicants may apply for Section 5311 Operating Assistance, Capital Assistance, or Job Access and Reverse Commute Assistance (capital and/or operating), within one application. However, in preparing the application, the applicant may have to use forms or exhibits from more than one section or part of this manual. Checklists to assist the applicant in determining the completeness of an application are included in this manual at the end of the Exhibits section as Attachment 1-A, Attachment 1-B, and Attachment 1-C.

Interested applicants may also obtain other application manuals from the FDOT District Office in their service area (see Appendix), including the: Section 5310, Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program; Section 5311(f), Intercity Bus Services Program; and 5339 Bus and Bus Facilities Program.

The latest Federal Transit Administration Circular on the Section 5311 Program can be downloaded from http://www.dot.state.fl.us/transit/Pages/FTA_Section_5311_Circular.pdf.

General Program Information / Requirements

Program Administration. The Federal government allocates funds by formula to the State of Florida each fiscal year for the Section 5311 Program. FDOT has been designated by the Governor of Florida to administer the program. As the program administrator, FDOT is responsible for the following services. At its discretion, FDOT may contract with a service provider to perform these services.

1. announcement of funding availability;
2. selection of projects for funding according to approved selection criteria;
3. development and processing of agreements;
4. oversight of recipient procurement actions;
5. oversight of recipient compliance with state and Federal requirements;
6. processing of recipient invoices for reimbursement, and
7. provision of technical assistance regarding the Section 5311 Program.

Authorizing legislation for the program is shown in the Glossary of this manual under “authorizing Federal and State Legislation.”

The Federal goal of the program is to enhance the access of people in rural areas to:

1. health care, shopping, education, employment, public services and recreation;
2. assist in the maintenance, development, improvement and use of public transportation systems in rural areas;
3. encourage and facilitate the most efficient use of all Federal funds used to provide passenger transportation in rural areas through the coordination of programs and services; and,
4. provide for the participation of private transportation providers in rural areas.

In Florida, program funds shall be used to support local transit services that act to maximize the passenger carrying capacity of surface transportation facilities. Services for the transportation disadvantaged should play a significant part under this program. All recipients of funds shall provide their non-prioritization service plan to the District to ensure access to the general public. Recurring applicants must re-submit their non-prioritization plan only if changes to the plan have been made since previous application cycle.

Application Deadlines. Application deadlines vary from district to district but usually fall between December and February each year. When received, FDOT District Offices evaluate applications within their respective districts and, thereafter, submit a Program of Projects (POP) to the FDOT Central Office.

The Central Office compiles POPs from the various districts and submits a statewide grant application for Federal assistance to the Federal Transit Administration (FTA) by April 1 of each year. FDOT anticipates FTA's approval of the statewide grant application (including district POP's) by July 1. The Florida Legislature also approves the general appropriation for the State's current year budget by July 1. Once Federal approval is received and the State budget finalized, District Offices may make grant awards. (See "Grant Award Process" below.)

Threshold Criteria. Threshold criteria are the minimum legal eligibility requirements. Applications must provide information that identifies eligible services, eligible service areas, eligible recipients, eligible expenses, and provide evidence of local matching funds. Applicants must also ensure compliance with a number of other conditions placed on grant recipients including, but not limited to, coordination of transit services, civil rights preservation, compliance with safety and drug free work place regulations, drug and alcohol testing of safety-sensitive employees, competitive procurement of goods and services bought with grant funds, and references to the Federal Transit Administration's Master Agreement (<http://www.fta.dot.gov/documents/17-Master.pdf>).

Eligible Recipients. Eligible recipients of Section 5311 Grants include political subdivisions of the State of Florida and agencies thereof; Indian Tribes; and private non-profit agencies designated as Community Transportation Coordinators (CTC) in accordance with Chapter 427, Florida Statutes. Private for-profit agencies may receive funds through contractual arrangements with eligible recipients. The eligible recipient will be responsible for ensuring that the Private for-profit (i.e., third-party sub-recipient) applicant meets all federal and state program requirements. All recipients who are not CTCs must enter into coordination or transportation operator contracts with the appropriate CTC for the purpose of coordinating services. Local governments providing fixed route/fixed schedule service are not required to have an agreement with the CTC.

Eligible Expenses for Section 5311 Operating or JARC Operating Assistance (Part B). Operating expenses are those costs directly related to system operations. Eligible operating expenses include administrative, management, and operations costs directly related to public transportation services in rural areas LESS operating revenue. Operating revenue (see Glossary) includes fares paid by passengers, whether such fares are paid at the time service is provided or via prepaid arrangements such as passes or tokens. The capital costs of providing services are not eligible expenses for Section 5311 Operating Assistance but may be eligible for Section 5311 Capital Assistance or similar Federal Capital Assistance. The Federal share for net eligible operating costs shall not exceed 50%. The other 50% funding share must be from local funding sources, which may include FDOT State funding assistance.

Eligible Expenses for Section 5311 Capital or JARC Capital Assistance (Part C). Section 5311 funds may be used for the capital expense of transit services to the general public in rural areas. Eligible expenses are limited to buses, vans or other paratransit vehicles (including sedans and station wagons), the capital cost of contracting, radios and communications

equipment, wheelchair lifts and restraints, vehicle rehabilitation, microcomputer hardware/software, initial installation costs, vehicle procurement, inspection and acceptance costs, capital cost of contracting, the introduction of new technology, construction or rehabilitation of transit facilities including design, engineering, and land acquisition, and other durable goods such as spare components with unit cost over \$300 and a useful life of more than one (1) year. Mobility Management and planning activities are also considered capital costs. Agencies requesting sedans and station wagons will need to provide a service justification for those requests.

Ineligible Expenses. Expenses for charter service; school bus service; service not open to the general public (prioritized transit service); service exclusively within an urbanized area, and depreciation expense are not eligible under the Section 5311 Program. **Likewise, expenses incurred prior to Federal and State approval of a grant application; expenses incurred prior to the execution of a Joint Participation Agreement (JPA), and expenses incurred prior to the Department's approval of plans, specifications, and third party contracts are ineligible.**

Evaluation Criteria

Section 5311 funds shall be awarded to eligible recipients on the basis of merit and need in accordance with the below evaluation criteria:

1) Service Efficiency and Effectiveness

Examine the data submitted in the application under system description. Compare hours and days of service provided. Rank applicants providing more service, per week, higher than others. Rank applicants providing more rides per seat higher than others.

2) Extent to Which the Community at Large Is Served

Examine the project description, system description and coordination efforts. Rank applicants providing the broadest scope of services and the most service to non-sponsored riders and the general public higher than others.

3) Need

Evaluate the project description and budget. For example, are funds requested for items essential to passenger service, have vehicles being replaced reached the end of their useful life (in accordance with FDOT ***Transit Vehicle Inventory Management, Procedure No. 725-030-025***), is there a large unserved population to which service is being expanded, is there a large number of people dependent on existing service? Rank those demonstrating greater need higher than others.

4) Fiscal and Managerial Capability

Consider the overall quality of the proposal as prepared, previous record of timely and accurate reports, prior audit records (if applicable; new applicants should not be

penalized by lack of history), maintenance capability (as evidenced by age and mileage of vehicles being replaced), and rank overall capabilities accordingly.

Legal Authority and Fiscal & Managerial Capability. Section 5311 applicants must have the legal authority and fiscal/managerial capability to apply for and manage Section 5311 Grants. Grant recipients are required to maintain adequate financial, maintenance, and operating records and be able to comply with the reporting requirements of the **Disadvantaged Business Enterprise (DBE) Program (49 CFR Part 23 “Participation of Minority Business Enterprise in Department of Transportation Programs.”)**

Matching funds for Section 5311 Operating Assistance (Part B). The Section 5311 federal share of eligible operating expenses may not exceed 50%. Some combination of state, local, or private funding sources must be identified and committed to provide the required non-federal share. The non-federal share may be cash, or in-kind contributions. Funds may be local, private, state, or (up to one half) unrestricted Federal funds. Funds may not include any borrowed against the value of capital equipment funded in whole or in part by State and/or Federal sources.

The Section 5311 Program is unique to Federal programs in that it permits up to one half the required match to be derived from other unrestricted Federal funds. Federal funds are unrestricted when a Federal agency permits its funds to match Section 5311. Essentially, all Federal Social Service Programs, such as Medicaid, employment training, vocational rehabilitation services and Temporary Assistance for Needy Families, using transit services are unrestricted; other USDOT Programs are not.

Contract revenue from the provision of transit services to social service agencies may also be used as local match. The costs associated with providing the contract revenue service must be included in the project budget if using contract revenue as match. In most other Federal programs, such revenues would be treated as program income, not as match.

Non-cash, in-kind contributions such as donations of goods or services, volunteered services are eligible to be counted towards the local match only if their value is formally documented, supported and pre-approved by the District Office and FTA. Any funds committed as match to another Federal program may not be used to match Section 5311 funds.

The Applicant Agency must certify that matching funds are available at the time of application.

Matching funds for Section 5311 Capital Assistance (Part C). Some combination of state, local, or private funding sources must be identified and committed to provide the required non-federal share. Applicants may not borrow funds to use as match nor may they place liens on Section 5311-funded vehicles or equipment. The federal share of eligible capital costs shall not exceed 80%.

The agency must certify that matching funds are available at the time of application.

Use of Section 5311 funds/vehicles/equipment. Section 5311 funds/vehicles/equipment may be used for general public transit services provided in rural areas on a regular and continuing basis. They may also be used for service provided to non-sponsored transportation disadvantaged persons and to social service clients in rural areas provided there is no restriction on public use of the service. Service may not be designed exclusively to serve the transportation requirements of social service agencies without regard for the mobility needs of the community as a whole. The need and planned use of the requested vehicles must be detailed in the **Proposed Project Description (Exhibit B)**.

Non-eligible services include charter, sightseeing, and exclusive school bus services. Contact the District Office if you are unsure of your service eligibility.

Services across urbanized/rural area boundaries. **Applicants providing service across urbanized/rural area boundaries must develop a method of segregating or itemizing the costs of services to demonstrate that Section 5311 funds are used primarily for rural area service. Examples of methods that may be used to allocate costs include:**

- **where all passenger addresses are known, assume the percentage of those addresses located in rural areas equals the level of service in rural areas;**
- **segregate urbanized and rural service miles based on route maps, and allocate system-wide costs accordingly; and**
- **utilize driver logs to segregate service mileage or hours inside and outside the urbanized area, and allocate costs accordingly.**

Americans with Disabilities Act (ADA). Applicants must comply with the Americans with Disabilities Act, (ADA) of 1990, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; U.S. DOT regulations, Transportation Services for Individuals with Disabilities (ADA)" at 49 CFR Parts 27, 37; 38, 39 and FTA regulations, Transportation for Elderly and Handicapped Persons, 49 CFR Part 609.

Civil Rights Submissions. Civil rights submissions that will be required include a Title VI Program, Equal Employment Opportunity (EEO) Program, Disadvantaged Business Enterprise (DBE) Program and annual goal, and ADA Paratransit Plan.

All applicants must submit a copy of their Title VI Plan with the grant application. At the applicant's request, the FDOT District Office will provide technical assistance to the applicant in the development of their Title VI Plan.

Administrative requirements. Section 5311 projects awarded to an agency located in an urbanized area must be included in the metropolitan transportation plan (MTP) prepared and approved by the metropolitan planning organization (MPO), the transportation improvement program (TIP) approved jointly by the MPO and the governor, and the statewide transportation improvement program (STIP) developed by the FDOT and jointly approved by FTA and FHWA.

Projects outside UZAs must be included in, or be consistent with the statewide long-range transportation plan, as developed by the state, and must be included in the FDOT STIP.

Although applications for such projects may be accepted by the FDOT District Office prior to their listing in a TIP/STIP, a grant award will not be final for such projects until all administrative requirements are completed, including being listed in the appropriate TIP/STIP.

Administrative requirements (ONLY IF THE GRANT IS FOR FACILITIES). Applicants shall supply the appropriate Regional Planning Council (RPC)/local clearinghouse agency (see Appendix) a copy of its application for Federal Assistance. Each applicant shall request the RPC/Clearinghouse, Intergovernmental Coordination and review (IC&R) process to provide a letter of support of the application to the appropriate FDOT District Office. Copies of correspondence to the RPC/Clearinghouse agency should be contained in the grant application.

Planning requirements. To remain eligible for Section 5311 awards, recurring applicants must submit the TDSP or TDP for their service area to FDOT in a timely manner, on the annual update schedule. The entire TDSP or TDP does not need to be submitted with the application.

Audit requirements for Section 5311 Recipients.

Part I Federally Funded: If the Agency is a state, local government, or non-profit organizations as defined in OMB Circular A-133 and a recipient of federal funds, the following annual audit criteria will apply:

1. In the event that the recipient expends \$750,000 or more in Federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. Exhibit "D" to this agreement indicates Federal resources awarded through the Department by this agreement. In determining the Federal awards expended in its fiscal year, the recipient shall consider all sources of Federal awards, including Federal resources received from the Department. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions OMB Circular A-133, as revised, will meet the requirements of this part.
2. In connection with the audit requirements addressed in Part I, Paragraph 1, the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133.
3. If the recipient expends less than the amount in Part I, Paragraph 1, an audit conducted in accordance with the provisions of OMB Circular A-133, is not required. If the recipient elects to conduct such an audit, the cost of the audit must be paid from resources obtained from other than Federal entities.

4. Federal awards are to be identified using the Catalog of Federal Domestic Assistance (CFDA) title and number, award number and year, and name of the awarding federal agency.

Part II State Funded: If the Agency is a non-state entity as defined by Section 215.97(2) (m), Florida Statutes, and a recipient of state funds, the following annual audit criteria will apply:

1. In the event that the recipient expends a total amount of state financial assistance equal to or in excess of \$750,000 in any fiscal year, the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Department of Financial Services and the CFO; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. Exhibit "D" to this agreement indicates state financial assistance awarded through the Department by this agreement. In determining the state financial assistance expended in its fiscal year, the recipient shall consider all sources of state financial assistance, including state financial assistance received from the Department, other state agencies, and other non-state entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a non-state entity for Federal program matching requirements.

2. In connection with the audit requirements addressed in Part II, Paragraph 1, the recipient shall ensure that the audit complies with the requirements of Section 215.97(8), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2) (e), Florida Statutes, and Chapter 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.

3. If the recipient expends less than the amount in Part II, Paragraph 1, such audit is not required. If the recipient elects to conduct such an audit, the cost of the audit must be paid from the recipient's resources obtained from non-state entities.

4. State awards are to be identified using the Catalog of State Financial Assistance (CSFA) title and number, award number and year, and name of the state agency awarding it.

Part III Other Audit Requirements

1. The Agency shall follow-up and take corrective action on audit findings. Preparation of a summary schedule of prior year audit findings, including corrective action and current status of the audit findings is required. Current year audit findings require corrective action and status of findings.

2. Records related to unresolved audit findings, appeals, or litigation shall be retained until the action is completed or the dispute is resolved. Access to project records and audit work papers shall be given to the Department, the Department Comptroller, and the Auditor General. This section does not limit the authority of the Department to conduct or arrange for the conduct of additional audits or evaluations of state financial assistance or limit the authority of any other state official.

Part IV Report Submission

1. Copies of reporting packages for audits conducted in accordance with OMB Circular A-133 as revised, and required by Section 7.62 Part I of this agreement shall be submitted, when required by Section .320 (d), OMB Circular A-133 as revised, by or on behalf of the recipient directly to each of the following:

A. The Department at the following address:

Florida Department of Transportation
Office of Comptroller, MS 24
605 Suwannee Street
Tallahassee, Florida 32399-0405
Email: FDOTSingleAudit@dot.state.fl.us

B. The number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133 as revised, submitted to the following address:

Federal Audit Clearinghouse
Bureau of the Census
1201 East 10th Street
Jeffersonville, IN 47132

C. Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133 as revised.

2. In the event that a copy of the reporting package for an audit required by Section 7.62 Part I of this Agreement and conducted in accordance with OMB Circular A-133 as revised is not required to be submitted to the Department for reasons pursuant to section .320 (e)(2), OMB Circular A-133 as revised, the recipient shall submit the required written notification pursuant to Section .320 (e)(2) and a copy of the recipient's audited schedule of expenditures of Federal awards directly to each of the following:

Florida Department of Transportation
Office of Comptroller, MS 24
605 Suwannee Street

Tallahassee, Florida 32399-0405

Email: FDOTSingleAudit@dot.state.fl.us

In addition, pursuant to Section .320 (f), OMB Circular A-133 as revised, the recipient shall submit a copy of the reporting package described in Section .320 (c), OMB Circular A-133 as revised, and any management letters issued by the auditor, to the Department at the following address:

Florida Department of Transportation

Office of Comptroller, MS 24

605 Suwannee Street

Tallahassee, Florida 32399-0405

Email: FDOTSingleAudit@dot.state.fl.us

3. Copies of financial reporting packages required by Section 7.62 Part II of this Agreement shall be submitted by or on behalf of the recipient directly to each of the following:

A. The Department at the following address:

Florida Department of Transportation

Office of Comptroller, MS 24

605 Suwannee Street

Tallahassee, Florida 32399-0405

Email: FDOTSingleAudit@dot.state.fl.us

B. The Auditor General's Office at the following address:

Auditor General's Office

Room 401, Pepper Building

111 West Madison Street

Tallahassee, Florida 32399-1450

4. Copies of reports or the management letter required by Section 7.62 Part III of this Agreement shall be submitted by or on behalf of the recipient directly to:

A. The Department at the following address:

Florida Department of Transportation

Office of Comptroller, MS 24

605 Suwannee Street

Tallahassee, Florida 32399-0405

Email: FDOTSingleAudit@dot.state.fl.us

5. Any reports, management letter, or other information required to be submitted to the Department pursuant to this Agreement shall be submitted timely in accordance with OMB Circular A-133 as revised, Section 215.97, Florida Statutes, and Chapter 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.

6. Recipients, when submitting financial reporting packages to the Department for audits done in accordance with OMB Circular A-133 as revised or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the Agency in correspondence accompanying the reporting package.

Certifications and assurances. Applicants must agree to comply with certain Federal requirements by signing the certification and assurances form covered **by Exhibits E, F, I, K and H** of this manual, as appropriate. Compliance items in **Exhibit E** include (but are not limited to) regulations pertaining to charter service and school bus service when using FTA-funded vehicles, equipment, and facilities; and FTA drug and alcohol testing regulations. **Exhibit F** applies to applicants for capital assistance to purchase non-accessible vehicles. **Exhibit H** pertains to Protection of the Environment and applies to applicants seeking grants for facilities. **Exhibit K** assures compliance with Section 5333(b) of the Federal Transit Act regarding compliance with labor protection provisions, and applies to all applicants. Applicants for the Section 5310 Capital Assistance must also sign a certification and assurance to FDOT, as provided in **Exhibit G** of this manual.

Grant Award Process

Awards will be made by the respective FDOT District Office to agencies submitting applications approved by FDOT for an award, either by 1) issuing a Joint Participation Agreement (JPA) to the recipient; or 2) arranging for vehicle/equipment purchases through a contractor.

Grant Award Process for Section 5311 Operating or JARC Operating Assistance (Part B). Grant awards will be made by the respective FDOT District Office to agencies submitting applications approved by FDOT for an award, by entering into a Joint Participation Agreement (JPA) with the agency (grant recipient). The District Office may enter into a multi-year JPA to commit funds for up to five (5) years in one JPA. However, the grant recipient must qualify each year by submitting an annual application for Section 5311 funds, as described in Part A this manual.

In the case of a multi-year JPA, the JPA does not identify the maximum amount of funding available annually for up to five years to the recipient. Each year of the period, the Department will encumber available funding, based on the formula allocation to recipients in

each FDOT District, and provide written confirmation to the recipient of any adjustment to the original estimated funding level as a result of changes in Federal appropriations and/or formula allocations.

Grant Award Process for Section 5311 Capital or JARC Capital Assistance (Part C).

Capital Assistance awards will be made by the respective FDOT District Office to agencies submitting applications approved by FDOT for an award by issuing a Joint Participation Agreement (JPA) to the recipient.

To notify an applicant (recipient) approved for an award by FDOT, the FDOT District Office will send a “Notice of Grant Award” to the applicant/recipient with instructions to sign and return it to the District Office (see sample notice in the Appendix.) Thereafter, a JPA will be issued by the District Office to the recipient.

General Instructions on Forms, Certifications, and Exhibits

Each form, exhibit, and certification provides FDOT with information it must have to make required assurances to the Federal government and to make project selections. It is important that each required form, exhibit, and certification be complete and correct. Applicants should be aware that there are criminal sanctions for furnishing false information in order to obtain federal grants (18 U.S.C. 1001).

The **original** application for Operating Assistance, Capital Assistance, or both, should be prepared on white, 8.5 X 11” paper and securely clipped (no binders or dividers, please) and submitted to the appropriate FDOT District Office. Each District Office requires at a minimum one (1) original and additional copies, as specified by the District. **Application forms, exhibits, and certifications should be arranged in the order listed in the “Checklist(s) for Application Completeness”.** Three (3) separate checklists are provided in this manual at the end of the Exhibits section: one for Operating Assistance, Attachment 1-A; one for Capital Assistance, Attachment 1-B; and, one for both Operating and Capital Assistance, Attachment 1-C. The appropriate checklist should be used to assure the application is complete. Applications that are incomplete, illegible, or unsigned may be rejected in writing (i.e., email or letter) from the District.

The **original** application must be accompanied by the **required cover letter** and **two (2) fully-executed Resolution** forms from the applicant’s governing board (see Appendix for sample). The Resolution should authorize 1) submission of the application; 2) signing of the application and certifications/assurances by a designated individual; 3) acceptance of the grant award by the designated individual for signing the joint participation agreement or the notification of grant award; and 4) be printed on company letterhead (cover letter).

All signatures should be in [blue](#) ink by the individual designated by the governing board of the applicant agency. Blue ink distinguishes an original signature from a photocopy. Only original signature resolutions, applications, and acceptance of grant awards are acceptable.

The additional copies of the original application may be photocopies. Agencies submitting an application via TransCIP should print and sign the documents and upload a scanned color copy into TransCIP. Questions regarding the Section 5311 application process should be directed to the FDOT District Office in the applicant’s service area, as shown in the Appendix of this manual.

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PART A
APPLIES TO ALL APPLICATIONS

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PART A

APPLIES TO ALL APPLICANTS

Grant Application Instructions.

The standard Application for Federal Assistance (Form 424) must be filled out in its entirety for Section 5311 applications, and for the local clearinghouse submission (if grant is for facilities). A sample of the standard form is located on the next page of this manual. Applicants that are not using TransCIP to submit their applications should print a copy of the 424 form, <http://www.dot.state.fl.us/transit/Pages/grantsadministration.shtm>, and include it with this application. This form must be used for **ALL** applications.

No pre-application process is used in this program; therefore, all submissions are applications.

The code assigned to the Section 5311 Program in the Catalog of Federal Domestic Assistance is 20.509. This code should be shown in Section 10 of the form followed by the title: "Formula Grants for Rural Areas Program." A guidance document containing Congressional Districts, DUNS Numbers, UZA numbers and Catalog of Federal Domestic Assistance Numbers can be obtained from <http://www.dot.state.fl.us/transit/Pages/grantsadministration.shtm>.

AGENCIES APPLYING ONLY FOR OPERATING ASSISTANCE: Standard Form 424 should cover only the Operating Assistance being applied for by the applicant.

AGENCIES APPLYING ONLY FOR CAPITAL ASSISTANCE: Standard Form 424 should cover only the Capital Assistance being applied for by the applicant.

AGENCIES APPLYING FOR BOTH OPERATING AND CAPITAL ASSISTANCE (Submitted as two separate forms): Submit separate Standard Form 424 for Operating and Capital. I.e. one form should cover Operating Assistance and a separate form should cover Capital Assistance being applied for by the applicant.

ONLY IF THE GRANT IS FOR FACILITIES: Executive Order 12372 requires a review of all Federal grants to ensure compliance with the local and state planning process. Therefore, prior to submission of an application to the FDOT District Office, copies of the application must be submitted to the appropriate **Local** Clearinghouse/Regional Planning Council (See Appendix). The appropriate clearinghouse agency should be contacted to determine the number of copies required for local review. The date the application was submitted to the local clearinghouse for review must be listed under 19 on the Standard Form 424.

- **Support letters from the local clearinghouse must be submitted to the District Office before a Section 5311 Award can be made.**

Applicants should send their applications to the **LOCAL** Clearinghouse/Regional Planning Council; **NOT TO THE STATE CLEARINGHOUSE.**

Form 424

Item:	Entry:	Item:	Entry:
1.	Type of Submission should be "Application"	11.	Catalog of Federal Domestic Assistance Number is: 20.509 CFDA Title should be: Section 5311
2.	Type of Application should be "New"	12.	Funding Opportunity Number (FTA Grant Number) is not needed at this time.
3.	Enter Date Received	13.	"Not Applicable"
4.	"Not Applicable"	14	List the areas affected by project (cities, counties, States etc.)
5. a	"Not Applicable"	15.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For pre-applications, use a separate sheet to provide a summary description of this project.
5 B	Federal Award Identifier (FTA Grant Number) is not needed at this time.	16.	List the applicant's Congressional District and any District(s) affected by the program or project
6.	State use only (if applicable)	17	Enter the proposed start date and end date of the project.
7.	State Application Identifier is "1001"	18.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item

8. a	Enter legal name of applicant, name of primary organizational unit (including division, if applicable), which will undertake the assistance activity, enter employer/taxpayer identification number (EIN/TIN) as assigned by Internal Revenue Service, enter the organization's DUNS number (received from Dun and Bradstreet), enter the complete address of the applicant (including country), and name, telephone number, e-mail and fax of the person to contact on matters related to this application.	19.	Check the applicable box
9.	Type of Applicant 1: Select Applicant Type	20.	Check the applicable box (If "yes", provide explanation in attachment)
10	Name of Federal Agency should be " Federal Transit Administration"	21.	Sign the form

APPLICATION FOR FEDERAL ASSISTANCE

[View Burden Statement](#)

OMB Number: 4040-0004
Expiration Date: 8/31/2016

Application for Federal Assistance SF-424		
* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): <input type="text"/> * Other (Specify): <input type="text"/>
* 3. Date Received: <input type="text"/>	4. Applicant Identifier: <input type="text" value="Not Applicable"/>	
5a. Federal Entity Identifier: <input type="text" value="Not Applicable"/>	5b. Federal Award Identifier: <input type="text"/>	
State Use Only:		
6. Date Received by State: <input type="text"/>	7. State Application Identifier: <input type="text" value="1001"/>	
8. APPLICANT INFORMATION:		
* a. Legal Name: <input type="text"/>		
* b. Employer/Taxpayer Identification Number (EIN/TIN): <input type="text"/>	* c. Organizational DUNS: <input type="text"/>	
d. Address:		
* Street1: <input type="text"/>	<input type="text"/>	
Street2: <input type="text"/>	<input type="text"/>	
* City: <input type="text"/>	<input type="text"/>	
County/Parish: <input type="text"/>	<input type="text"/>	
* State: <input type="text"/>	<input type="text"/>	
Province: <input type="text"/>	<input type="text"/>	
* Country: <input type="text" value="USA: UNITED STATES"/>	<input type="text"/>	
* Zip / Postal Code: <input type="text"/>	<input type="text"/>	
e. Organizational Unit:		
Department Name: <input type="text"/>	Division Name: <input type="text"/>	
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: <input type="text"/>	* First Name: <input type="text"/>	
Middle Name: <input type="text"/>	<input type="text"/>	
* Last Name: <input type="text"/>	<input type="text"/>	
Suffix: <input type="text"/>	<input type="text"/>	
Title: <input type="text"/>		
Organizational Affiliation: <input type="text"/>		
* Telephone Number: <input type="text"/>	Fax Number: <input type="text"/>	
* Email: <input type="text"/>		

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

X: Other (specify)

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Federal Transit Administration

11. Catalog of Federal Domestic Assistance Number:

CFDA 20.509

CFDA Title:

Section 5311

*** 12. Funding Opportunity Number:**

* Title:

FORMULA GRANTS FOR RURAL AREAS

13. Competition Identification Number:

Not Applicable

Title:

Not Applicable

14. Areas Affected by Project (Cities, Counties, States, etc.):

*** 15. Descriptive Title of Applicant's Project:**

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424	
16. Congressional Districts Of:	
* a. Applicant <input type="text"/>	* b. Program/Project <input type="text"/>
Attach an additional list of Program/Project Congressional Districts if needed.	
<input type="text"/>	<input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>
17. Proposed Project:	
* a. Start Date: <input type="text"/>	* b. End Date: <input type="text"/>
18. Estimated Funding (\$):	
* a. Federal	<input type="text"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text"/>
* g. TOTAL	<input type="text"/>
* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?	
<input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on <input type="text"/> .	
<input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.	
<input checked="" type="checkbox"/> c. Program is not covered by E.O. 12372.	
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If "Yes", provide explanation and attach	
<input type="text"/>	<input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>
21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)	
<input type="checkbox"/> ** I AGREE	
** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.	
Authorized Representative:	
Prefix: <input type="text"/>	* First Name: <input type="text"/>
Middle Name: <input type="text"/>	
* Last Name: <input type="text"/>	
Suffix: <input type="text"/>	
* Title: <input type="text"/>	
* Telephone Number: <input type="text"/>	Fax Number: <input type="text"/>
* Email: <input type="text"/>	
* Signature of Authorized Representative: <input type="text"/>	* Date Signed: <input type="text"/>

PART B
APPLIES TO ALL APPLICANTS FOR OPERATING ASSISTANCE

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Form B-1: Operating & Administrative Expenses and Grant Request Form	23
Form B-2: Operating & Administrative Revenues	24

PART B

APPLIES TO ALL APPLICANTS FOR OPERATING ASSISTANCE

Transportation-Related Operating and Administrative

Expenses & Revenues; Calculation of Grant Request

Information regarding the applicant's transit-related operating and administrative expenses and revenues specific to 5311 funds must be provided with the application for Operating Assistance. **Forms B-1** and **B-2**, as provided in this manual, should be used for this purpose. **Form B-1** provides space for the applicant to show operating and administrative expenses of the service operated/contracted by the applicant. **Form B-1** also provides space to calculate a grant request. However, the grant request cannot be completed until **Form B-2** is completed. **Form B-2** provides space for the applicant to show the sources of revenue proposed to pay for the expenses shown in **Form B-1**.

The budget line items shown on the forms were originally defined in the Transportation Accounting Consortium's Model Uniform Accounting System for Rural and Specialized Transportation Providers (TAC Manual). The account numbers in parentheses are the object code numbers for these line items in the TAC manual and in FTA National Transit Data Reports (NTD). Definitions for expense and revenue line items are included in the Appendix of this manual.

Applicants should show the transit related operating and administrative expenses and revenues of their agency for the proposed project as projected for the year the Section 5311 Grant Award is to be used. For example, the projected expense and revenue budgets for year FY 2015/2016 should be used if Section 5311 Assistance is requested by the applicant for use in FY 2015/2016.

INSTRUCTIONS FOR COMPLETING FORM B-1.

Applicants should complete both the "Total Expense" and "FTA Eligible Expense" columns of **Form B-1**. In completing the form, Community Transportation Coordinators (CTCs) may use expense information from the budget in their most current TDSP. The "Total Expense" column should show all operating and administrative expenses associated with the proposed transportation service. The definitions for each line item code, as provided in the Appendix of this manual, apply. The "FTA Eligible Expense" column should include only those expenses that are eligible under FTA rules for service provided in rural areas. This means, for example, that expenses for charter service, school bus service, transportation service not open to the general public, service exclusively inside an urbanized area, depreciation expense, and other ineligible expenses would not appear in the "FTA Eligible Expense" column.

After completing the expense columns on **Form B-1**, applicants should next complete **Form B-2** (see instructions below.)

Note: In completing Form B-1 and B-2, applicants serving both urban and rural areas should use the same mechanism for segregating urban and rural expenses as they do for segregating urban and rural revenues. (See “Services Across Urbanized / Rural Area Boundaries”, page 6).

INSTRUCTIONS FOR COMPLETING FORM B-2.

Applicants should complete both the “Total Revenue” and “Revenue Used as FTA Match” columns of **Form B-2**. In completing **Form B-2**, CTCs may use revenue information from the budget in their most current TDSP. The “Total Revenue” column should show all revenues used to pay for the expenses shown in Form B-1, as noted previously. The definitions for each line item code, as provided in the Appendix of this manual, apply. The “Revenue Used as FTA Match” column separates total revenues from revenues accepted by FTA as match. This includes revenues in object codes 410, 411, 412, and 430. It also includes revenues in object code 413 EXCEPT for any FTA or other USDOT funds. In other words, FTA or other USDOT revenues should be deducted from the amount shown in object code 413 in the “Total Revenue” column, and the balance should be shown in the “Revenue Used as FTA Match” column.

Next, both columns should be totaled and (b) “Total Rural Passenger Fares” (401) and (e) “Grand Total Revenues” and this total should then be transferred to the grant request section of **Form B-1**.

INSTRUCTIONS FOR COMPLETING THE GRANT REQUEST ON FORM B-1.

To calculate the grant request on **Form B-1**:

- Enter the total (a) from the FTA Eligible Expense column of **Form B-1**.
- Enter the rural passenger fare revenue (b) from the first row of **Form B-2** (object Code 401- rural revenue).
- Subtract the passenger fare revenue (b) from the FTA Eligible Expense (a) to determine the operating deficit (c).
- Complete the Section 5311 request (d). Applicants may request no more than 50% of the operating deficit. Total revenues may not exceed total costs. Therefore, it may be necessary to adjust the Section 5311 request to an amount less than 50% of the deficit calculated.

PART B
APPLIES TO ALL APPLICANTS FOR OPERATING ASSISTANCE
FORM B-1

TRANSPORTATION-RELATED OPERATING and ADMINISTRATIVE EXPENSES

Name of Applicant: _____

State Fiscal period requesting funding for, from July 1, 2015 to June 30, 2016

EXPENSE CATEGORY	TOTAL EXPENSE	FTA ELIGIBLE EXPENSE
Labor (501)	\$	\$
Fringe and Benefits (502)		
Services (503)		
Materials and Supplies (504)		
Vehicle Maintenance (504.01)		
Utilities (505)		
Insurance (506)		
Licenses and Taxes (507)		
Purchased Transit Service (508)		
Miscellaneous (509)		
Leases and Rentals (512)		
Depreciation (513)		
TOTAL	\$	\$ (a)

PART B
APPLIES TO ALL APPLICANTS FOR OPERATING ASSISTANCE
FORM B-2

TRANSPORTATION-RELATED OPERATING and ADMINISTRATIVE REVENUES

Name of Applicant: _____

State Fiscal period requesting funding for, from July 1, 2015 to June 30, 2016

OPERATING REVENUE CATEGORY	TOTAL REVENUE	REVENUE USED AS FTA MATCH
Passenger Fares for Transit Service (401)	Total= \$ Rural =\$ (b)	
Special Transit Fares (402)		
School Bus Service Revenues (403)		
Freight Tariffs (404)		
Charter Service Revenues (405)		
Auxiliary Transportation Revenues (406)		
Non-transportation Revenues (407)		
Total Operating Revenue	\$	\$
OTHER REVENUE CATEGORY		
Taxes Levied directly by the Transit System (408)		
Local Cash Grants and Reimbursements (409)		
Local Special Fare Assistance (410)		
State Cash Grants and		

Reimbursements (411)		
State Special Fare Assistance (412)		
Federal Cash Grants and Reimbursements (413)		
Interest Income (414)		
Contributed Services (430)		
Contributed Cash (431)		
Subsidy from Other Sectors of Operations (440)		
Total of Other Revenue	\$	\$
GRAND TOTAL ALL REVENUE	\$	\$ (e)

PART C

APPLIES TO ALL APPLICANTS FOR CAPITAL ASSISTANCE

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PART C
APPLIES TO ALL APPLICANTS FOR CAPITAL ASSISTANCE

**Transportation-Related Operating and Administrative
Expenses & Revenues**

Information regarding the applicant's transit-related operating and administrative expenses and revenues must be provided with the application. **Forms C-1 and C-2** are included in this manual for that purpose. These forms should provide information about operating and administrative expenses of the vehicles or service operated/provided by the applicant, as described in **Exhibits A and B** of the application, and information about the sources of revenue used to pay for these expenses.

The budget line items shown on the forms were originally defined in the Transportation Accounting Consortium's Model Uniform Accounting System for Rural and Specialized Transportation Providers (TAC Manual). The account numbers in parentheses are the object code numbers for these line items in the TAC Manual and in FTA National Transit Data Reports (NTD). Definitions for expense and revenue line items are included in the Appendix of this manual.

Applicants should show the transit-related operating and administrative expenses and revenues of their agency as projected for the year the Section 5311 Grant Award is requested. For example, the projected expense and revenue budgets for year FY 2015/2016 should be used if Section 5311 Assistance is requested by the Agency for use in FY 2015/2016.

PART C
APPLIES TO ALL APPLICANTS FOR CAPITAL ASSISTANCE

FORM C-1

TRANSPORTATION-RELATED OPERATING and ADMINISTRATIVE EXPENSES

Name of Applicant: _____

State Fiscal period requesting funding for, from July 1, 2015 to June 30, 2016

EXPENSE CATEGORY	EXPENSE \$
Labor (501)	\$
Fringe and Benefits (502)	
Services (503)	
Materials and Supplies (504)	
Vehicle Maintenance (504.01)	
Utilities (505)	
Insurance (506)	
Licenses and Taxes (507)	
Purchased Transit Service (508)	
Miscellaneous (509)	
Leases and Rentals (512)	
Depreciation (513)	
TOTAL EXPENSE	\$

FORM C-2

OPERATING and ADMINISTRATIVE REVENUES

OPERATING REVENUE CATEGORY	REVENUE \$
Passenger Fares for Transit Service (401)	
Special Transit Fares (402)	
Other (403 – 407) (identify by appropriate code)	
TOTAL OPERATING REVENUE	\$
OTHER REVENUE CATEGORY	
Taxes Levied Directly by the Transit System (408)	
Local Cash Grants and Reimbursements (409)	
Local Special Fare Assistance (410)	
State Cash Grants and Reimbursements (411)	
State Special Fare Assistance (412)	
Federal Cash Grants & Reimbursements (413)	
Interest Income (414)	
Contributed Services (430)	
Contributed Cash (431)	
Subsidy from Other Sectors of Operations (440)	
TOTAL OF OTHER REVENUE	\$
GRAND TOTAL ALL REVENUE	\$

PART C

APPLIES TO ALL APPLICANTS FOR CAPITAL ASSISTANCE

Current Vehicle and Transportation Equipment Inventory Form

Applicants must complete the “Current Vehicle and Transportation Equipment Inventory” (**Form C-3**), as shown in this manual. Applicants should refer to the “What’s on the Market” summary located in the Appendix to identify the vehicle types available, but should also reference the TRIPS website to access the contracts for the vehicle(s) they are interested in to estimate the cost to fulfill their agency’s specific needs and the amount of their request. The form must include a current list of all vehicles and equipment used by the applicant to transport individuals, including those bought in previous years with Federal funds; those bought with other than Federal funds; those now on order; and those to be ordered with grant awards made in previous years. All columns of the form must be completed. An asterisk (*) should be placed next to the model year of vehicles to be replaced with the grant being applied for with this application. Vehicles can only be listed for replacement once. If a grant award for replacement is received for a vehicle, then that vehicle cannot be listed for replacement on a subsequent application. Vehicles operated by the applicant’s contractor or lessee should also be identified, and the name of the contractor/lessee shown in Exhibit B of the application.

Capital Request.

Applicants must complete the “Capital Request”, **Form C-4**, provided in this manual. The upper part of the form (vehicle requests) covers vehicles; the lower (equipment requests), covers other capital equipment such as radios, computer software, computer hardware, etc.

NOTE: In the case of vehicles, applicants should be sure to indicate whether the new vehicle is to replace (R) an older vehicle or expand (E) the fleet by adding a new vehicle. The length of the vehicle, the number of passenger seats & wheelchair positions, lift or ramp, and the type of fuel is also important because this affects the cost. The make of the vehicle should not be shown on the form.

Applicants should refer to “**What’s on the Market**”, located in the Appendix, to identify the most appropriate vehicle type for its needs, and the estimated cost. The appropriate FDOT District Office or the Center for Urban Transportation Research (see “**What’s on the Market**”) may be contacted for assistance.

(b) Identify vehicles to be replaced with this or other grant by placing an asterisk (*) next to the model year. In Exhibit B of the application, provide the name of the lessee or contractor, if applicable.

(c) For example, Ford 22' bus; Dodge converted van.

(d) Show FDOT control number AND VIN if bought with grant through FDOT. If bought through other funding, list the complete VIN.

(e) Include computer hardware and software, copiers, printers, mobile radios, communication systems, etc.

(f) Identify the grant or other funding source used for purchasing the vehicle/equipment.

NOTE: Applicants may add additional lines to the form. Those requesting replacement vehicles, please identify the year the vehicle(s) were purchased

PART C
Form C-4
CAPITAL REQUEST

VEHICLE REQUEST

R or E (a)	Number requested	Description (b) (c)	Estimated Cost
Sub-total			\$

EQUIPMENT REQUEST (c)

Sub-total			\$

(a) Replacement (R) or Expansion (E).

b) Provide a brief description including the length and type vehicle, type of fuel, lift or ramp, number of seats and wheelchair positions. Do not show the Make. For example, 22' gasoline bus with lift, 12 ambulatory seats, 2 wheelchair positions.

(c) Show mobile radios and identify the type of radio (i.e., two way radio or stereo radio), computer hardware/software, etc. under "Equipment Request."

VEHICLE SUBTOTAL \$ _____ + EQUIPMENT SUBTOTAL \$ _____ = \$ _____ (x).

(x) X 80% = \$ _____ [Show this amount on Form 424 in block 15(a)]

EXHIBITS
(TO BE INCLUDED IN APPLICATIONS
AS INDICATED BELOW)

Exhibit	Applies to Operating Assistance Only	Applies to Capital Assistance Only	Applies to Both	Page
A – System Description	X	X	X	32
A -1 – Fact Sheet	X	X	X	33
B – Proposed Project Description	X	X	X	34
C – Public Hearing		X (**)		35
D – Cash Match and Leasing	X	X	X	36
E – Federal Certifications and Assurances	X	X	X	37
F – Certification of Equivalent Service		X		38
G – Applicant Certification and Assurance to FDOT		X		49
H- Protection of the Environment	X (***)	X (***)	(***)	40
J - Standard Lobbying Certification Form	X	X	X	42
K – FTA Section 5333(b) Assurance	X	X	X	43
Checklists for Application Completeness	X	X	X	44

(**) Public Agencies only.

(***) Applicants for facilities only.

APPLIES TO APPLICANTS FOR OPERATING ASSISTANCE, CAPITAL ASSISTANCE, OR BOTH

EXHIBIT A - Not to exceed three (3) pages

Current System Description

Applicants must submit Exhibit A as part of their application. Exhibit A should provide a short description of who the applicant is and what they do. It is requested that you submit the System Description in a question/answer format if applying in District 2. At a minimum, the following information should be included in the narrative:

- An overview of the organization including its mission.
- Organizational structure, type of operation, total number of employees, and other pertinent information.
- Who is responsible for insurance, training and management, and administration of the agencies transportation program?
- Who provides maintenance if capital assistance is requested.
- Number of transportation related employees.
- Who will drive the vehicle, number of drivers, CDL certifications, etc., if capital assistance is requested.
- A detailed description of service, routes and ridership numbers.
- Exhibit A-1 (below)

If the applicant is a Community Transportation Coordinator (CTC), **relevant** pages of a Transportation Disadvantaged Service Plan (TDSP) and Annual Operating Report (AOR) containing the above information may be provided.

Evaluators will rely heavily on an applicant's narrative in determining the amount of funds/vehicles/equipment awarded.

GRANT WRITING TIP: Refer to the Evaluation Criteria in the General Program Information Section of this manual. An applicant's narrative should cover the points that will be evaluated.

All Applicants

EXHIBIT A-1

FACT SHEET

	CURRENTLY	IF GRANT IS AWARDED *
1. Number of one-way passenger trips.* PER YEAR		
2. Number of individuals served unduplicated (first ride per rider per fiscal year). PER YEAR**		
3. Number of vehicles used for this service. ACTUAL		
4. Number of ambulatory seats. AVERAGE PER VEHICLE (Total ambulatory seats divided by total number of fleet vehicles)		
5. Number of wheelchair positions. AVERAGE PER VEHICLE (Total wheelchair positions divided by total number of fleet vehicles)		
6. Vehicle Miles traveled. PER YEAR		
7. Average vehicle miles PER DAY		
8. Normal vehicle hours in operation. PER DAY		
9. Normal number of days in operation. PER WEEK		
10. Trip length (roundtrip). AVERAGE		

Estimates are acceptable. The information listed should be specific to the Section 5311 funds and not agency wide.

* One way passenger trip is the unit of service provided each time a passenger enters the vehicle, is transported, then exits the vehicle. Each different destination would constitute a passenger trip

** The unduplicated riders are for current year and the subsequent year once the grant is awarded

APPLIES TO ALL APPLICANTS FOR CAPITAL ASSISTANCE
APPLIES TO ALL APPLICANTS FOR OPERATING ASSISTANCE

EXHIBIT B

Proposed Project Description (not to exceed three (3) pages)

Applicants must submit **Exhibit B** as part of their application. The proposed project description should be thorough as evaluators will rely heavily on the narrative in reviewing and ranking an application. It is requested that you submit the Project Description in a question/answer format if applying in District 2. The project description should not repeat the current system description shown in **Exhibit A**. **Exhibit B** must include, but not be limited to:

Questions Related to All Agencies Requesting Capital Funds:

1. Is the project to continue the existing level of services, to expand present service, or to provide new service? How will a grant award be used? More hours? Larger geographic area? Shorter headways? More trips? Please explain in detail.
2. If a grant award will be used to maintain services as described in Exhibit A, specifically explain how it will be used in the context of total service. Make sure to include information on how the agency will supply the reporting information required by FTA.
3. Give a detailed explanation of the need for the vehicle and provide evidence of the need.
4. Will a grant award be used to replace existing equipment or purchase additional vehicles/equipment? Provide details.
5. Identify vehicles/equipment being replaced and list them on the “**Current Vehicle and Transportation Equipment Inventory**” form, provided elsewhere in this manual.
6. Describe the Agency’s maintenance program and include a section describing how vehicles will be maintained without interruptions in service (who, what, where, and when).
7. If vehicles and/or equipment are proposed to be used by a lessee or private operator under contract to the applicant, identify the proposed lessee/operator.
 - a. Include an equitable plan for distribution of vehicles/equipment to lessees and/or private operators.
8. Each applicant shall indicate whether they are a government authority or a private non-profit agency, provide a brief description of the project which includes the counties served, whether the applicant employees are represented by a union and if so represented the name and local number of the union.

9. Fully explain Your Transportation Program

- a. Service hours, planned service, routes and trip types
- b. Staffing – include plan for training on vehicle equipment such as wheelchair lifts, etc.
- c. Records maintenance
- d. Vehicle maintenance – who, what, when and where
- e. CDL requirements
- f. System safety plan
- g. Drug free work place

New Agencies:

10. Have you met with the CTC and, if so, how are you providing a service that they cannot?
Provide detailed information supporting this requirement.

Questions Related to Agencies Requesting Operating Funds:

1. How do you currently fund the operations of your transit program?
2. If this grant is not fully funded, can you still proceed with this program?
3. If this grant is not fully funded, can you still proceed with this program?

New Agencies:

4. Have you met with the CTC and, if so, how are you providing a service that they cannot?
Provide detailed information supporting this requirement.

**APPLIES TO PUBLIC AGENCY APPLICANTS
FOR CAPITAL ASSISTANCE**

EXHIBIT C

Public Hearing

An opportunity for a public hearing is required **ONLY** for Public Agencies requesting Section 5311 Capital Assistance. An application for Section 5311 Capital Assistance submitted by a public agency should contain a copy of the notice of public hearing (identified as Exhibit C) and an affidavit of publication. If Exhibit C is not applicable, this should be stated in the application.

A sample public notice is located in the Appendix of this manual. A public notice should contain all pertinent information relating to the project (such as number and types of vehicles as well as the estimated cost of the vehicles) and should run at least one time in a newspaper of general circulation in the applicant's service area, no less than 15 or more than 30 days prior to the submission of an application. The notice should state that persons requesting a hearing must notify the applicant of the request, in writing, and send a copy of the request for a hearing to the FDOT District Office.

The deadline for hearing requests **must** be prior to the date applications are due at the District Office. If a hearing is requested:

1. A hearing must be conducted;
2. The FDOT District Office must be notified of the date, time, and location of the hearing;
and
3. A copy of the minutes of the hearing (to include a discussion of issues raised and resolution of issues) must be submitted to the FDOT District Office, before a Section 5311 Award can be made.

EXHIBIT D
Cash Match and Leasing
MEMORANDUM for FTA 5311

Date: _____

From: _____
(Typed name and title) (Signature)

(Typed or printed agency name)

To: Florida Department of Transportation, District Office
Modal Development Office / Public Transit

Subject: YEAR 2015 GRANT APPLICATION TO THE
FEDERAL TRANSIT ADMINISTRATION,
OPERATING OR CAPITAL GRANTS FOR RURAL AREAS PROGRAM,
49 UNITED STATES CODE SECTION 5311

Local Cash Match

Has the _____, as applicant to the Federal Transit
(Name of applicant agency)
Administration Section 5311 Program, borrowed, or will the Applicant borrow, funds
to use as cash match?
_____ Yes _____ No

Will the _____, as applicant to the Federal Transit
(Name of applicant agency)
Administration Section 5311 Program be using In-Kind Match as cash match?
_____ Yes _____ No

Leasing

Will the _____, as applicant to the Federal Transit
(Name of applicant agency)
Administration Section 5311 Program, lease the proposed vehicle(s) (or any other
equipment that may be awarded to the Applicant) to a third-party?
___ Yes ___ No If yes, specify to whom: _____

NOTE: It is the responsibility of the applicant agency to ensure District approval of all lease agreements.

APPLIES TO ALL APPLICANTS

EXHIBIT E

Federal Certifications and Assurances

The **last** page of the annual Federal Register Notice that applies to Federal Certifications and Assurances provides applicants with a single signature page on which an applicant and its attorney must certify compliance with the requirements of the various Federal Transit Administration grants or cooperative agreements. The Federal Register Notice is revised annually and is usually available around January 1 of each year. Applicants may obtain a copy of the current year document through the Internet at <http://www.fta.dot.gov/grants/13071.html>. If unable to access the form, applicants may contact their FDOT District Office for assistance. The appropriate signed Federal certification/assurance form must be included in the application when it is submitted to the FDOT District Office.

Submissions in TEAM: An applicant submitting certifications and assurances for their agency in TEAM can attach a screenshot of their PIN as replacement of the signature page.

GRANT WRITING TIP: All applicants must use the current year form and it must be the actual form from FTA. This form cannot be an edited version of a prior year's form or a recreation of the form.

The signature page for Federal Certifications and Assurances should be signed by an individual authorized by the applicant's governing board to sign and submit applications, and its attorney. Blue ink is required as it distinguishes an original signature from a photocopied signature.

Federal Certifications and Assurances Required of Each Applicant:

- Authority of applicant and its representative
- Standard Assurances
- Debarment, Suspension, and other Responsibility Matters
- Drug Free Workplace Certification
- Intergovernmental Review Assurance
- Federal Transit Administration Master Agreement (<http://www.fta.dot.gov/documents/17-Master.pdf>)
- Nondiscrimination Assurance
- Assurance of Nondiscrimination on the Basis of Disability Procurement Compliance.

A. Applicants for Federal Assistance may signify compliance with the above certifications and assurances by placing an "X" at the top of Appendix A next to the statement that

reads: "The Applicant agrees to comply with applicable requirements of Categories 01-24". If an applicant chooses to do this, no additional notation is necessary, except for the signature on the reverse.

A description of the certifications required for the Section 5311 Formula Grants for Rural Areas Program is provided in the annual Federal Register Notice.

APPLIES TO APPLICANTS FOR CAPITAL ASSISTANCE FOR NON-ACCESSIBLE VEHICLES

EXHIBIT F

CERTIFICATION FOR AGENCIES REQUESTING NON-ACCESSIBLE VEHICLES

If the applicant wants to purchase non-accessible vehicles for demand responsive service, they must provide a detailed explanation as to the need for this type of vehicle (sedan, station wagon or passenger van) in addition to the following "Certification of Equivalent Service" must be completed and included in the application.

CERTIFICATION OF EQUIVALENT SERVICE

The _____ 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 area;
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 Part 37, public entities operating demand responsive systems for the general public which receive financial assistance under 49 U.S.C. 5310 and 5311 of the Federal Transit Administration (FTA) funds must file this certification with the appropriate state program office before procuring any inaccessible vehicle. Such public entities not receiving FTA funds shall also file the certification with the appropriate state office program. Such public entities receiving FTA funds under any other section of the FTA Programs 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.

Executed this _____ day of _____, _____

(Signature of authorized representative)

(Typed name and title of authorized representative)

APPLIES TO APPLICANTS FOR CAPITAL ASSISTANCE
EXHIBIT G
APPLICANT CERTIFICATION AND ASSURANCE TO FDOT

To be completed and signed by an individual authorized by the governing board of the applicant agency and submitted with the grant application.

The _____ (undersigned) _____ certifies and assures to the Florida Department of Transportation in regard to its Application under U.S.C. Section 5311 dated _____:

- 1) It shall adhere to all Certifications and Assurances made to the federal government in its Application.
- 2) It shall comply with Florida Statutes:
 - a. Section 341.051- Administration and financing of public transit and intercity bus service programs and projects
 - b. Section 341.061 (2) - Transit Safety Standards; Inspections and System Safety Reviews
- 3) It shall comply with Florida Administrative Code:
 - a. Rule Chapter 14-73 - Public Transportation
 - b. Rule Chapter 14-90 - Equipment and Operational Safety Standards for Bus Transit Systems
 - c. Rule Chapter 14-90.0041 - Medical Examination for Bus System Driver
 - d. Rule Chapter 41-2 - Definitions
- 4) It shall comply with the Department's:
 - a. Bus Transit System Safety Program Procedure No. 725-030-009
 - b. Public Transit Substance Abuse Management Program Procedure No. 725-030-035
 - c. Transit Vehicle Inventory Management Procedure No. 725-030-025
 - d. Public Transportation Vehicle Leasing Procedure No. 725-030-001
 - e. Guidelines for Acquiring Vehicles
 - f. Procurement Guidance for Transit Agencies Manual
- 5) It has the fiscal and managerial capability and legal authority to file the application.

- 6) Local matching funds will be available to purchase vehicles/equipment at the time an order is placed.
- 7) It will carry adequate insurance to maintain, repair, or replace project vehicles/equipment in the event of loss or damage due to an accident or casualty.
- 8) It will maintain project vehicles/equipment in good working order for the useful life of the vehicles/equipment.
- 9) It will return project vehicles/equipment to the Department if, for any reason, they are no longer needed or used for the purpose intended.
- 10) It recognizes the Department's authority to remove vehicles/equipment from its premises, at no cost to the Department, if the Department determines the vehicles/equipment are not used for the purpose intended, improperly maintained, uninsured, or operated unsafely.
- 11) It will not enter into any lease of project vehicles/equipment or contract for transportation services with any third party without prior approval of the Department.
- 12) It will notify the Department within 24 hours of any accident or casualty involving project vehicles/equipment, and submit related reports as required by the Department.
- 13) It will submit an annual financial audit report to the Department, if required by the Department.

Date: _____

(Typed name and title of authorized representative)

(Signature of authorized representative)

APPLIES TO APPLICANTS FOR FACILITIES

EXHIBIT H

Protection of the Environment

Most transit projects funded under Section 5311 will be classified by FTA as categorical exclusions. Examples of categorical exclusions include operating assistance, purchase of transit vehicles, and purchase of office equipment.

If the proposed project is for construction or acquisition of facilities or other buildings, further evaluation may be required before a determination can be made that the project is a categorical exclusion. The FDOT District Office in the applicant's service area (see Appendix) should be contacted to determine if additional evaluation is needed. If it is needed, information such as an Environmental Assessment or Environmental Impact Statement (as determined by FDOT) should be included with an application for Section 5311 Assistance. This information may be separately bound and identified as Exhibit H.

Questions about this requirement should be directed to the FDOT District Office.

EXHIBIT J

Standard Lobbying Certification Form

NOTE: All grant awards issued to a recipient in the amount of \$100,000 or more must include a signed standard lobbying form.

The undersigned [Contractor] 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 an 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 making lobbying contacts to 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," (a copy the form can be obtained from

<http://www.dot.state.fl.us/transit/Pages/grantsadministration.shtm>) in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*)]

(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 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). 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. § 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 Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

_____ Signature of Contractor's Authorized Official

_____ Name and Title of Contractor's Authorized Official

_____ Date

APPLIES TO ALL APPLICANTS
EXHIBIT K
FTA Section 5333 (b) Assurance

(Note: By signing the following assurance, the recipient of Section 5311 and/or 5311(f) assistance assures it will comply with the labor protection provisions of 49 U.S.C. 5333(b) by one of the following actions: (1) signing the Special Warranty for the Rural Area Program; (2) agreeing to alternative comparable arrangements approved by the Department of Labor (DOL); or (3) obtaining a waiver from the DOL.)

The _____ (hereinafter referred to as the "Recipient")
HEREBY ASSURES that the "Special Section 5333 (b) Warranty for Application to the Small Urban and Rural Program" has been reviewed and certifies to the Florida Department of Transportation that it will comply with its provisions and all its provisions will be incorporated into any contract between the recipient and any sub-recipient which will expend funds received as a result of an application to the Florida Department of Transportation under the FTA Section 5311 Program.

Dated _____

(Name and Title of Authorized Representative)

(Signature of Authorized Representative)

Note: All applicants must complete the following form and submit it with the above Assurance.

LISTING OF RECIPIENTS, OTHER ELIGIBLE SURFACE TRANSPORTATION PROVIDERS, UNIONS OF SUB-RECIPIENTS, AND LABOR ORGANIZATIONS REPRESENTING EMPLOYEES OF SUCH PROVIDERS, IF ANY

(See Appendix for Example)

<p style="text-align: center;">1</p> <p style="text-align: center;">Identify Recipients of Transportation Assistance Under this Grant.</p>	<p style="text-align: center;">2</p> <p style="text-align: center;">Site Project by Name, Description, and Provider (e.g. Recipient, other Agency, or Contractor)</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">Identify Other Eligible Surface Transportation Providers (Type of Service)</p>	<p style="text-align: center;">4</p> <p style="text-align: center;">Identify Unions (and Providers) Representing Employees of Providers in Columns 1, 2, and 3</p>

ATTACHMENT 1-A
APPLIES TO APPLICANTS FOR OPERATING ASSISTANCE (ONLY)
CHECKLIST FOR APPLICATION COMPLETENESS

Name of Applicant: _____

Check One: New Applicant _____ **Recurring Applicant** _____

The following documents must be included in section 5311 Operating Assistance Applications in the order listed:

___ checklist.

___ Applicant's cover letter (use FDOT provided cover letter).

___ Two (2) copies of the governing board's Resolution.

___ Forms B-1 and B-2 (Operating and Administrative Expense & Revenues; Grant Request.)

___ Application for Federal Assistance (Form 424, Code 20.509).

___ **Exhibit A: Current System Description**

___ Exhibit A-1: Fact Sheet.

___ Exhibit B – Proposed Project Description.

___ Exhibit D – Cash Match and Leasing

___ Exhibit G: Applicant Certification and Assurance to FDOT

___ Exhibit J: Standard Lobbying Certification Form

___ Exhibit K: FTA Section 5333(b) Assurance.

___ Copy of the Title VI Plan

If grant is for facilities:

___ Copy of cover letter sent with application submitted to Local Clearinghouse Agency/RPC
Date:

FOR DEPARTMENT USE ONLY

Date: _____ Letter received from the Local RPC/Clearinghouse

ATTACHMENT 1-B
APPLIES TO APPLICANTS FOR CAPITAL ASSISTANCE (ONLY)
Checklist for Application Completeness

Name of Applicant: _____

Check one: **New Applicant** _____ **Recurring Applicant** _____

The following must be included in the Application for Section 5311 Capital Assistance in the order listed.

- ___ This checklist
- ___ Applicant's cover letter (use FDOT provided cover letter).
- ___ Two (2) copies of the governing board's Resolution.
- ___ Application for Federal Assistance (Form 424, Code 20.509)
- ___ Forms C-1 and C-2 (Operating and Administrative Expenses & Revenues)
- ___ Form C-3 (Current Vehicle and Transportation Equipment Inventory)
- ___ Form C-4 (Capital Request)
- ___ Exhibit A: Current System Description
- ___ Exhibit A-1: Fact Sheet
- ___ Exhibit B: Proposed Project Description
- ___ Exhibit C: Public Hearing and Publisher's Affidavit (public agencies only)
- ___ Exhibit D: Cash Match and Leasing
- ___ Exhibit E: Federal Certifications and Assurances
- ___ Exhibit F: Certification of Equivalent Service (if grant is for non-accessible vehicles)
- ___ Exhibit G: Applicant Certification and Assurance to FDOT
- ___ Exhibit H: Protection of the Environment (if grant is for facilities)
- ___ Exhibit J: Standard Lobbying Certification Form
- ___ Exhibit K: FTA Section 5333(b) Assurance
- ___ Copy of the Title VI Plan

If grant is for facilities:

___ Copy of cover letter sent with application submitted to Local Clearinghouse Agency/RPC Date: ___

FOR DEPARTMENT USE ONLY! Date: _____ Letter received from the Local RPC/Clearinghouse

ATTACHMENT 1-C
APPLIES TO APPLICANTS FOR BOTH OPERATING AND CAPITAL ASSISTANCE
CHECKLIST FOR APPLICATION COMPLETENESS

Name of Applicant: _____

Check one: **New Applicant** _____ **Recurring Applicant** _____

The following must be included in the Application for both Section 5311 Operating and Capital Assistance in the order listed.

- ___ This checklist
- ___ Applicant's cover letter (use FDOT provided cover letter).
- ___ Two (2) copies of the governing board's Resolution.
- ___ Application for Federal Assistance (Form 424, Code 20.509)
- ___ Form B-1 and B-2 (Operating and Administrative Expenses & Revenues; Grant Request)
- ___ Form C-2 (Current Vehicle and Transportation Equipment Inventory)
- ___ Form C-3 (Capital Request)
- ___ Exhibit A: Current System Description
- ___ Exhibit A-1: Fact Sheet
- ___ Exhibit B: Proposed Project Description
- ___ Exhibit C: Public Hearing and Publisher's Affidavit (public agencies only)
- ___ Exhibit D – Cash Match and Leasing
- ___ Exhibit E: Federal Certifications and Assurances
- ___ Exhibit F: Certification of Equivalent Service (if grant is for non-accessible vehicles)
- ___ Exhibit G: Applicant Certification and Assurance to FDOT
- ___ Exhibit H: Protection of the Environment (if grant is for facilities)
- ___ Exhibit J: Standard Lobbying Certification Form
- ___ Exhibit K: FTA Section 5333(b) Assurance
- ___ Copy of the Title VI Plan

If grant is for facilities:

___ Copy of cover letter sent with application submitted to Local Clearinghouse Agency/RPC Date: ___

FOR DEPARTMENT USE ONLY! Date: _____ Letter received from the Local RPC/Clearinghouse

APPENDIX

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49 U.S.C. 5335, Definitions - Operating and Administrative Expenses

(National Transit Data Report – NTD)

<http://www.ntdprogram.gov/ntdprogram/Glossary.htm>

(501) labor - The pay and allowances due employees in exchange for the labor services they render in behalf of the transit system.

(502) fringe and benefits - Payments or accruals to others (insurance companies, governments, etc.) on behalf of an employee and payments or accruals direct to an employee arising from something other than his performance of a piece of work.

(503) services - Labor and other work provided by outside organizations for fees and related expenses.

(504) materials and supplies - Tangible products obtained from outside suppliers or manufactured internally.

(504.01) vehicle maintenance - Cost of fuel and lubricants, tires and tubes, vehicle maintenance parts.

(505) utilities - Payments made to various utilities for utilization of their resources (e.g., electric, gas, water, telephone, etc.)

(506) insurance - Cost elements covering protection of the transit system from loss through insurance programs; compensation of others for their losses due to acts for which the transit system is liable; and recognition of the cost of a miscellaneous category of corporate losses.

(507) license and taxes - Taxes and fees levied against the transit system by Federal, state, and local governments.

(508) purchased transit service - The payment or accrual to other transit systems for providing transportation service.

(509) miscellaneous - Those expenses which cannot be attributed to any of the other major expense categories.

(512) leases and rentals - Payments for the use of capital assets not owned by the transit system.

(513) depreciation - Charges that reflect the loss in service value of the transit system's assets.

49 U.S.C. 5335, Definitions - Operating and Administrative Revenue

(National Transit Data Report – NTD)

<http://www.ntdprogram.gov/ntdprogram/Glossary.htm>

(401) passenger fares for transit services - Revenue earned from carrying passengers along regularly scheduled routes.

(402) special transit fares - Revenues earned for rides given in regular transit service, but paid for by some organization rather than by the rider, and for rides given along special routes for which revenue may be guaranteed by a beneficiary of the service.

(403) school bus service revenues - Revenues earned from operating vehicles under school bus contracts.

(404) freight tariffs - Revenues earned from carrying freight on runs whose primary purpose is passenger operations.

(405) charter service revenues - Revenues earned from operating vehicles under charter contracts.

(406) auxiliary transportation revenues - Revenues earned from operations closely associated with the transportation operations (e.g., concessions, advertising, automobile ferriage, etc.)

(407) nontransportation revenues - Revenues earned from activities not associated with the provision of the transit system's transit service (e.g., sale of maintenance services, rental of revenue vehicles, rental of buildings and other property, investment income, parking lot revenue, etc.)

(408) taxes levied directly by transit system - Tax revenues to transit systems that are organized as independent political subdivision with their own taxation authority.

(409) local cash grants and reimbursements - Funds obtained from local government units to assist in paying the cost of operating transit services.

(410) local special fare assistance - Funds obtained from local government units to help cover the difference between full adult fares and special reduced fares. *(Includes local social service contract funds)*

(411) state cash grants and reimbursements - Funds obtained from state government to assist in paying the cost of operating transit services. *(Includes Commission for the Transportation Disadvantaged grant funds)*

(412) state special fare assistance - Funds obtained from state government to help cover the difference between full adult fares and special reduced fares. *(Includes state social service contract funds)*

(413) federal cash grants and reimbursements - Funds obtained from the Federal government to assist in paying the cost of operating transit services. Include and identify the source of unrestricted Federal Funds used as match.

(414) interest income - Revenues earned from the lending or deposit of funds.

(430) contributed services - The receipt of services (not cash) from another entity where such services benefit transit operations and the transit operator is under no obligation to pay for the services.

(431) contributed cash - The receipt of funds from another entity where such funds benefit transit operations and the transit operator is under no obligation to repay the funds.

(440) subsidy from other sectors of operations - Funds obtained from other sectors of a transit company's operations to help cover the cost of providing transit service.

WHAT'S ON THE MARKET

Below is a listing of all active contracts available through the FDOT TRIPS Program for the purchase of new transit vehicles. **The Auto and Light Truck contract can be found at [The Florida Department of Management Services \(DMS\) website](#).** Some new types of vehicles have entered the community transportation market in the last few years. They generally fall into the following categories of expected minimum life of service years and mileage:

FDOT Minimum Service Life – 5 years and/or 200,000 miles:

MINI BUS (Formally: Commuter Van 9-Passenger Center Aisle Vehicles)

Expired - Bidding For New Contract Summer 2014

MOBILITY VENTURES, LLC MV-1 PURPOSE BUILT SPECIAL NEEDS VEHICLE

GVWR/Length	Ambulatory Seating Capacity	Price	Wheelchair Positions	Contract #	Order Packet & Pricing
6,600#/205"	0 - 6	\$46,598	0 - 2	TRIPS-12-SNV-CBS	Order Packet

MINIVANS

The extended low floor minivans with mobility ramp intended use is as a Paratransit or a supervisor vehicle, providing public transportation for a maximum capacity of six (6) ambulatory passengers or a maximum of two (2) wheelchair passengers and three (3) ambulatory passengers. These configurations exclude the driver.

GVWR/Length	Ambulatory Seating Capacity	Price	Wheelchair Positions	Contract #	Order Packet & Pricing
6,050#	3-6	\$42,130- \$44,702	2	TRIPS-13-MV-FTS	Order Packet
6,050#	3-6	\$40,420- \$43,026	2	TRIPS-13-MV-MW	Order Packet

STANDARD CUTAWAY

Each dealer offers a variety of models built on a variety of chassis' and chassis weights. Please contact the dealer directly for questions on capacity, floor plans, and pricing.

Creative Bus Sales, Inc.	Alliance Bus	Getaway Bus, LLC	LBS South, LLC	Atlantic Bus Sales, Inc.
TRIPS-11-CA-TP	TRIPS-11-CA-FCCSC	TRIPS-11-CA-GB	TRIPS-11-CA-RB	TRIPS-11-CA-ABS
Contract	Contract	Contract	Contract	Contract
Order Packet	Order Packet	Order Packet	Order Packet	Order Packet

SMALL CUTAWAY LOW FLOOR

Currently Suspended

Chevrolet 3500 Chassis 12,300# GVWR

Chevrolet 4500 14,200# GVWR

International 25,500# GVWR

Small low floor chassis transit vehicle with wheel chair ramp, produced by two different manufacturers and dealers.

() - Indicates number of seats without wheel chairs.

GVWR/Length	Seating Capacity	Price	Wheelchair Positions	Contract #	Order Packet & Pricing
12,300#/21'	6 – 12 (15)	\$109,100 - \$131,800	1	TRIPS-10-SCLF-FCCS Optional Hybrid Drive	Order Packet
14,200#/23'	6 – 12 (23)	\$117,000 - \$150,000	1 - 3		
25,500#/26' – 36'	12 – 26 (32)	\$158,400 - \$209,600	1 - 2	TRIPS-10-SCLF-TP	Order Packet

FDOT Minimum Service Life – 10 years and/or 350,000 miles:

MEDIUM DUTY

Expired - Bidding For New Contract Fall 2014

**Sample
RESOLUTION FORM**

A **RESOLUTION** of the _____(Governing Board)_____ authorizing the signing and submission of a grant application and supporting documents and assurances to the Florida Department of Transportation, the acceptance of a grant award from the Florida Department of Transportation, and the purchase of vehicles and/or equipment and/or expenditure of grant funds pursuant to a grant award.

WHEREAS, _____ (Applicant) _____

has the authority to apply for and accept grants and make purchases and/or expend funds pursuant to grant awards made by the Florida Department of Transportation as authorized by Chapter 341, Florida Statutes and/or by the Federal Transit Administration Act of 1964, as amended;

NOW, THEREFORE, BE IT RESOLVED BY THE _____ (Governing Board) _____

_____, FLORIDA:

1. This resolution applies to Federal Program(s) under U.S.C. Section(s) _____.

2. The submission of a grant application(s), supporting documents, and assurances to the Florida Department of Transportation is approved.

3. _____ (Authorized Individual by Name and Title) _____ is authorized to sign the application, accept a grant award, purchase vehicles/equipment and/or expend grant funds pursuant to a grant award, unless specifically rescinded.

DULY PASSED AND ADOPTED THIS _____, 201_

By: _____

(Signature, Chairman of the Board)

(Typed Name and Title)

ATTEST:

_____ (seal)

**REQUIRED
COVER LETTER
(On Agency Letterhead)**

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
GRANT APPLICATION**

_____ (agency name) submits this Application for the Section 5311 Program Grant and agrees to comply with all assurances and exhibits attached hereto and by this reference made a part thereof, as itemized in the Checklist for Application Completeness.

_____ (agency name) further agrees, to the extent provided by law (in case of a government agency in accordance with Sections 129.07 and 768.28, Florida Statutes) to indemnify, defend and hold harmless the Department and all of its officers, agents and employees from any claim, loss, damage, cost, charge, or expense out of the non-compliance by the Agency, its officers, agents or employees, with any of the assurances stated in this Application.

This Application is submitted on this _____ day of _____, 201____ with two (2) original resolutions or certified copies of the original resolution authorizing _____ (Name & Title) to sign this Application.

Agency Name

By _____ Date _____

Title _____

**Sample
Public Notice
(Pertains to Exhibit C)**

All interested parties within (counties affected) are hereby advised that (public agency) is applying to the Florida Department of Transportation for a capital grant under Section 5311 of the Federal Transit Act of 1991, as amended, for the purchase of (description of equipment) to be used for the provision of public transit services within (defined area of operation) .

A Public Hearing has been scheduled at (date, time, location) , for the purpose of advising all interested parties of service being contemplated if grant funds are awarded, and to ensure that contemplated services would not represent a duplication of current or proposed services provided by existing transit or paratransit operators in the area.

This hearing will be conducted if and only if a written request for the hearing is received by (two days prior to the scheduled hearing).

Requests for a hearing must be addressed to (Public Agency name and address) and a copy sent to (name and address of appropriate FDOT District Office.)

SAMPLE
(Pertains to Exhibit K)

Listing of Recipients, Other Eligible Surface Transportation Providers, and Labor Organizations Representing Employees of Such Providers, if any

- (1) Recipient
- (2) Project Description
- (3) Other Eligible
- (4) Labor Organization Transportation Representing Employees Providers of Providers, if any

Identify Recipients of Transportation Assistance under this grant.	Cite Project by Name, Description, and Provider (e.g. Recipient, other Agency, or Contractor)	Identify Other Eligible Surface Transportation Providers (Type of Service)	Identify Unions (and providers) Representing Employees of Providers in Column 1, 2, and 3
A) ABC County Transit	Application for Section 5311 funds for Operating Assistance for FY 02 for ABC County Transit to provide public transportation service to residents of rural areas of the county traveling within the rural area and/or to the adjacent urban area and return to rural domicile.	A) XYZ Transit, Inc. (intercity service) B) MNOP Transit, Inc. (urban transit service)	A) No union (ABC County Transit) B) ATU L.U. #000 (XYZ Transit, Inc.) C) MNOP Transit Drivers Association (MNOP Transit, Inc.)

Local Clearinghouses / Regional Planning Councils (RPC)

CLEARINGHOUSE/RPC	COUNTIES COVERED
West Florida RPC 4081-A East Olive Road Pensacola, FL 32514 850-332-7976 800-226-8914	Bay, Escambia, Holmes, Okaloosa, Santa Rosa, Walton, Washington Contact: Ms. Terry Joseph Email: terry.joseph@wfrpc.org
Apalachee RPC 2507 Callaway Road, Suite 200 Tallahassee, FL 32303 850-488-6211	Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty, Wakulla Contact: Mr. Keith McCarron Email: keith.mccarron@thearpc.com
North Central Florida RPC 2009 N.W. 67 Place Gainesville, FL 32653-1603 352-955-2200 ext 103	Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Madison, Suwannee, Taylor Contact: Mr. Marlie Sanderson Email: msanderson@ncfrpc.org
Northeast Florida RPC 6850 Belfort Oaks Place Jacksonville, FL 32216 904-279-0880 ext 178	Baker, Clay, Duval, Flagler, Nassau, Putnam, Saint Johns Contact: Mr. Eric Anderson Email: eanderson@nefrc.org
Withlacoochee RPC 1241 S.W. 10th St Ocala, FL 32674-2788 352-732-1315 ext 228	Citrus, Hernando, Levy, Marion, Sumter Contact: Mr. Michael Arnold Email: marnold@wrpc.cc
East Central Florida RPC 309 Cranes Roost Boulevard Suite 2000 Altamonte Springs, FL 32701 407-262-7772	Brevard, Lake, Orange, Osceola, Seminole, Volusia Contact: Mr. Hugh Harling, Jr. Email: harling@ecfrpc.org

Central Florida RPC
Post Office Drawer 2089
Bartow, FL 33830
863-534-7130 ext 103

DeSoto, Hardee, Highlands, Okeechobee, Polk

Contact: Ms. Marcia Staszko
Email: mstaszko@cfrpc.org

Tampa Bay RPC
4000 Gateway Center Boulevard
Suite 100
Pinellas Park, FL 33782-6141
727-570-5151 ext 29
727-550-5118 fax

Hillsborough, Manatee, Pasco, Pinellas

Contact: John Meyer
Email: johnm@tbrpc.org

Southwest Florida RPC
1926 Victoria Avenue
Fort Myers, FL 33901
239-338-2550 ext 232

Charlotte, Collier, Glades, Hendry, Lee,
Sarasota

Contact: Ms. Nicole Gwinnett
Email: ngwinnett@swfrpc.org

Treasure Coast RPC
421 Southwest Camden Avenue
Stuart, Florida 34994
772-221-4060

Indian River, Martin, Palm Beach, Saint Lucie

Contact: Ms. Stephanie Heidt
Email: sheidt@tcrpc.org

South Florida RPC
3440 Hollywood Blvd. Suite 140
Hollywood, FL 33021
954-985-4416

Broward, Miami-Dade, Monroe

Contact: Ms. Kathe Lerch
Email: klerch@sfrpc.com

FDOT District Office Contacts

District	Contacts	Address
1	<p><i>Manager:</i> TBD (863) 519-2388</p> <p><i>Transit Unit</i> <i>Contact:</i> TBD</p>	<p>P.O. Box 1249 801 North Broadway Bartow, FL 33830-1249</p>
<i>Counties Covered:</i> Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Polk, Sarasota		
2	<p><i>Manager:</i> Doreen Joyner-Howard (904) 360-5650</p> <p><i>Transit Unit</i> <i>Contact:</i> Janell Damoato Alachua, Baker, Clay, Nassau, Putnam, St. Johns Sandra Collins Bradford, Columbia, Dixie, Gilchrest, Hamilton, Lafayette, Levy, Madison, Suwannee, Taylor, Union Counties Thee Perry Duval</p>	<p>2198 Edison Avenue, MS 2806 Jacksonville, FL 32204</p> <p>(904) 360-5687 (386) 961 7870 (904) 360 5414</p>
<i>Counties Covered:</i> Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Gilchrist, Hamilton, Lafayette, Levy, Madison, Nassau, Putnam, St Johns, Suwannee, Taylor, Union		
3	<p><i>Manager:</i> Mike Lewis (850) 330-1545</p> <p><i>Transit Unit</i> <i>Contact:</i> Kathy Rudd Bay, Escambia, Gulf, Holmes, Jackson, Santa Rosa, Walton, Washington Vanessa Strickland Calhoun, Franklin, Gadsden, Jefferson, Leon, Liberty, Okaloosa, Wakulla</p>	<p>P. O. Box 607 Chipley, FL 32428-9990</p> <p>(850) 330-1549 (850) 330-1534</p>
<i>Counties Covered:</i> Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, Washington		

Glossary

ambulatory - A person who is able to walk and move about freely without being confined to a bed or wheelchair.

applicant – An agency applying for Section 5311 Federal Assistance. See also “new applicant” and “recurring applicant.”

authorizing Federal and State Legislation – Legislation authorizing the Section 5311 program are: Moving Ahead for Progress in the 21st Century (MAP-21) Section 20010; 49 U.S.C. Sections 5311; FTA Circular 9040.1F, Florida Statutes; and Chapter 14-73, Florida Administrative Code. The Section 5311 FTA Circular can be found at

http://www.dot.state.fl.us/transit/Pages/FTA_Section_5311_Circular.pdf.

category A project – A project certified by the District Office as having met all the statutory and administrative requirements for approval.

category B project – A project the District Office anticipates approving, but that has not met all the statutory and administrative requirements for approval.

community transportation coordinator (CTC) - A transportation entity recommended by an MPO, or by the appropriate designated official planning agency, as provided for in Sections 427.011 - 427.017, F.S. in an area outside the purview of a MPO, to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area.

contract revenue – fee collected from a third-party for transportation services provided to the third-party.

coordination contract – A written contract between the CTC and an agency who receives transportation disadvantages funds and performs some, if not all, of its own transportation services, as well as transportation services to others, when shown to be more effective and more efficient from a total system perspective. The contract reflects the specific terms and conditions that will apply to those agencies who perform their own transportation, as well as joint utilization and cost provisions for transportation services to and from the CTC.

disabled person – See individuals with disabilities.

district program of projects – A district listing of each applicant agency for which a grant award is proposed, a description of the project to be funded, and the proposed federal, state and local share of the project cost. The district program of projects includes certification by the District Office that all applicants and projects so proposed either meet all program requirements or will meet all program requirements before a JPA is executed.

eligible expenses, capital or JARC, 5311 - Section 5311 funds may be used for the capital expense of transportation services to the general public in rural areas. Eligible expenses are limited to buses, vans or other paratransit vehicles (including sedans and station wagons),

radios and communications equipment, wheelchair lifts and restraints, vehicle rehabilitation, capital cost of contracting, new technologies, microcomputer hardware/software, initial installation costs, vehicle procurement, inspection and acceptance costs, construction or rehabilitation of transit facilities including design, engineering, and land acquisition, and other durable goods such as spare components with unit cost over \$300 and a useful life of more than one year.

eligible expenses, operating or JARC operating - For the Section 5311 Program, eligible operating expenses include the total administrative, management, and operation costs directly incident to the provision of public transportation services less operating revenues. Projects may include late night and weekend service; guaranteed ride home service; shuttle service; demand-response van service; ridesharing and carpool activities; marketing. The federal share for net eligible operating costs may not exceed 50%. *Combine this definition and the one below into a single definition.*

eligible JARC projects, 5311 – For the 5311 Program eligible JARC program activities include: late-night and weekend service; guaranteed ride home service; shuttle service; expanding fixed-route public transit routes; demand-response van service; ridesharing and carpooling activities; bike racks; promotion and marketing efforts for low-income riders; administration of voucher programs; acquiring GIS tools; integrating automated regional public transit and human service transportation scheduling systems; deploying AVL systems; facilitating the provision of public transportation services to suburban employment opportunities; and supporting mobility management and trip planning for low income clients.

eligible recipient, 5311 – For the Section 5311 Program, political subdivisions of the State of Florida and agencies thereof, Indian Tribes and private nonprofit agencies designated as CTCs, per Chapter 427, F.S., who provide public transportation in rural areas, are eligible recipients for the Section 5311 Program. Private for-profit agencies may receive funds through contractual arrangements with eligible recipients. All recipients who are not CTCs must enter into coordination or transportation operator contracts with the appropriate CTC for the purpose of coordinating services. Local governments providing fixed route/fixed schedule service are not required to have an agreement with the CTC.

eligible service, 5311 – Public transit service provided in rural areas on a regular and continuing basis is eligible. Service provided to non-sponsored transportation disadvantaged persons and to social service clients is eligible. Services may be designed to maximize usage by transportation disadvantaged persons in general, as long as there is no restriction on public use of the service. Services may not be designed exclusively to serve the transportation requirements of social service agencies without regard for the mobility needs of the community as a whole. The non-prioritization service plan must be submitted to the District Office. Charter, sightseeing, and exclusive school bus services are not eligible services. Since the goal of Section 5311 is to enhance access of people living in rural areas to activities, Section

5311 projects may include the transportation of rural area residents to and from urbanized areas.

expanded service - Adding a new service to an already existing system.

fares – co-pay or revenue collected from the client to cover the cost of their trip.

federally recognized Indian Tribal Government – The governing body or a governmental agency of any Indian tribe, band, nation or other organized group or community certified by the Secretary of the Interior as eligible for the special programs and service provided through the Bureau of Indian Affairs.

FDOT control number - Is assigned by the District once the vehicle has been purchased, received and titled to the recipient with the Department of Transportation as the first lienholder.

incurred - Commitment or obligation to spend funds for goods to be received or services to be rendered.

individuals with disabilities- means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use effectively, without special facilities, planning or design, public transportation service or a public transportation facility.

job access and reverse commute program activities – Activities to improve access to transportation service to employment and employment related activities for welfare recipients and eligible low-income individuals and to transport resident of urbanized areas and rural areas to suburban employment opportunities.

joint participation agreement (JPA) - A contract between the Department of Transportation and a local sponsor of a transportation project, defining a project and the Department's participation. JPAs may be for one year or multiple years (up to five years), at the discretion of the Department.

labor protections – All Section 5311 operational projects, including intercity bus projects, require agreement to the terms and conditions of the standard Section 5333(b) special warranty for the Section 5311 Program.

large urbanized area – an urbanized area (UZA) with a population of 200,000 or more individuals, as determined by the Bureau of Census.

local match – Can be a cash match, human services transportation contract or in-kind. Income from contract to provide human service transportation may be used either to reduce the net project cost or to provide local match. In either case, the cost of providing the contract service is included in the total project cost. No Federal Transit Administration program funds can be used as a source of local match for other FTA Programs, even when used to contract for

service. In-kind match must be approved, prior to invoicing, by the District Comptroller's Office and be an eligible source listed in the FTA Master Agreement. Non-cash items such as donations of goods or services, volunteered services, or in-kind contributions are eligible to be counted towards the local match only if the value of such is formally documented, supported and pre-approved by the District Office. Any funds committed as match to another Federal program may not be used to match Section 5311 funds.

mobility management – Consists of short-range planning and management activities and projects for improving coordination among public transportation and other transportation-service providers carried out by a recipient or sub-recipient through an agreement entered into with a person, including a government entity, under 49 U.S.C. Chapter 53 (other than section 5309). Mobility management does not include operating public transportation service.

new applicant – An applicant for Section 5311 assistance that has not received an award in the last two fiscal years.

new service - A first time applicant starting a new service.

non-ambulatory - A person who has a mobility impairment that prevents them from being able to walk or move about freely.

non-prioritization plans – The plan developed by the recipient, and provided to the funding District, which outlines how the recipient plans to provide non-prioritized general public transportation services. All transportation services funded with Section 5311 funds shall be available to the general public, the plan must outline how the recipient will assure that all 5311 funded service is open to the general public.

rural area – The area outside of an urbanized area. An urbanized area is defined as “a core area and the surrounding densely populated area with a population of 50,000 or more, with boundaries fixed by the United States Census Bureau or extended by State and local officials.” For the purpose of Section 5311 the urbanized area map as approved by the Metropolitan Planning Organization, Florida Department of Transportation and the Federal Highway Administration, available from the District Planning Sections, shall be used to determine eligible service areas.

nonprofit organization – A corporation or association determined by the U. S. Secretary of the Treasury to be an organization described by 26 U.S.C. Section 501(c) which is exempt from taxation under 26 U.S.C. Section 501(a) or one incorporated within Florida which is certified as not for profit by the Secretary of State.

one-way passenger trips - A person who rides a transportation vehicle in one direction between two points for a specific purpose.

operating revenue - For Section 5311, operating revenue includes the sum of all fares paid by passengers, whether such fares are paid at the time service is provided or via a prepaid

arrangement such as passes or tokens. Operating revenue excludes revenues from contracts with social service agencies that pay for transportation of social service clients.

program of projects – A list of projects to be funded in a grant application submitted to the Federal Transit Administration by the Florida Department of Transportation. The program of projects lists the subrecipients and indicates whether they are private non-profit agencies, public bodies, or private providers of transportation service, designates the areas served (including Congressional Districts), and identifies any tribal entities. The program of projects also identifies intercity and RTAP projects. In addition, the program of projects includes a brief description of the projects, total project cost and the Federal share for each project, and the amount of funds used for program administration from the fifteen percent (15%) allowed. The program of projects shall indicate whether the employees of a subrecipient are represented by a union and if so by which union.

public agency - An authority, commission, committee, council, department, division, bureau, board, section or any other unit or entity of the state or of a town, city, municipality, county or other local governing body.

public transportation – Surface transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or intercity bus transportation or intercity passenger rail transportation provided by AMTRAK.

public transit - The transporting of people by conveyances or systems of conveyances, traveling on land or water, local or regional in nature, and available for use by the general public. Public transit specifically includes those forms of transportation commonly known as "paratransit" characterized by their non-scheduled, non-fixed route nature.

recipient – A State or Indian tribe that receives a Federal transit program grant directly from the Federal government.

recurring applicant – An applicant for Section 5311 Federal Assistance who applies every year.

rural areas- an area encompassing a population of fewer than 50,000 people that has not been designated in the most recent decennial census as an urbanized area by the Secretary of Commerce.

seniors –an individual who is 65 years of age or older.

small urbanized areas (UZA) - a UZA with a population of at least 50,000 but less than 200,000, as determined by the Bureau of the Census.

subrecipients – A state or local governmental authority, a non-profit organization, or operator of public transportation or intercity bus service that receives Federal transit program grant funds indirectly through a recipient.

transit development plan (TDP) - A locally adopted document, addressing a minimum five-year time frame. It is prepared by the public transit provider, in cooperation with the appropriate Metropolitan Planning Organization. It is consistent with the applicable approved local government comprehensive plan. The TDP includes an assessment of the need for transit services in the local area, identifies the local transit policies, existing services and proposed service improvements, capital and operating costs of the proposed services, existing and proposed sources of funding and a staged implementation plan. A TDP is updated annually.

transportation disadvantaged - Those persons who because of physical or mental disability, income status, or age, or who for other reasons, are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk as defined in Chapter 411.202 F.S.

transportation disadvantaged service plan (TDSP) - a three year implementation plan, with annual updates developed by the CTC's and planning agencies which contains the provisions of service delivery in the coordinated transportation system. The plan shall be reviewed and recommended by the local coordinating board.

urbanized area - an area encompassing a population of not less than 50,000 people that has been defined and designated in the most recent decennial census as an urbanized area by the Secretary of Commerce.

End of Manual

5311 OPERATING and CAPITAL Manual Revised on 5 September 2014

Revised by: Kristin Gladwin

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**SECTION 5311(f)
APPLICATION MANUAL**

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2015

**U.S.C. Section 5311(f)
INTERCITY BUS SERVICE PROGRAM**

5311 (f)

**OPERATING and CAPITAL ASSISTANCE
APPLICATION MANUAL**

**FLORIDA DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSIT OFFICE**

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Introduction

This manual contains program information, application forms, exhibits, certifications and assurances, and instructions to guide an applicant through the application process for Operating and/or Capital Assistance under U.S.C. Section 5311(f), Intercity Bus Service Program, as administered by the Florida Department of Transportation (FDOT).

The Section 5311(f) Program is a subsection of the U.S.C. Section 5311 Formula Grants for Rural Areas Program, also administered in the State of Florida by FDOT. Section 5311(f) requires each state to spend fifteen percent of its annual Section 5311 apportionment “to carry out a program to develop and support intercity bus transportation,” unless the State’s Governor certifies that “the intercity bus service needs of the state are being met adequately.” Since Florida’s Governor has not made this certification, eligible recipients for Section 5311 funds who submit applications approved by FDOT for Section 5311(f) assistance are eligible for Section 5311(f) Grants to offset operating and capital expenses for intercity bus service.

In Florida, intercity bus service is defined as regularly scheduled bus service for the general public that operates with limited stops over fixed routes connecting two or more urban areas not in close proximity; makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available; maintains scheduled information in the National Official Bus Guide; and provides package express service incidental to passenger transportation. To be considered an eligible bus carrier it must be a private company that has operated defined intercity bus service in the state, with formal authority in accordance with the rules and regulations of the Federal Motor Carrier Safety Administration and the Surface Transportation Board of the Federal Department of Transportation for a minimum of 2 years. Priority will be given to projects that connect rural communities to urban centers. Intercity service is not limited by the size of the vehicle used or by the identity of the carrier.

The sections of this manual pertaining to general information, Exhibits, and the Appendix apply to all applicants. In the “Contents of Applications” section, Part A applies to all applicants; Part B applies to applicants for Operating Assistance; and Part C applies to applicants for Capital Assistance. All applications in support of intercity bus service must be **“stand-alone”** applications, separate from any application for Section 5310 Capital Assistance and/or 5311 Operating and/or Capital Assistance also submitted by the applicant to FDOT. Applicants may apply either for Section 5311(f) Operating Assistance, Capital Assistance, or both, within one application. However, in preparing the application, the applicant may have to use forms or exhibits from more than one section or part of this manual. The Section 5311(f) application and appropriate attachments and exhibits must fully describe the existing intercity bus service; why these services are inadequate; and how the proposed service will enable meaningful connections with the national system of intercity bus services. Checklists to assist the applicant in determining the completeness of an application are included in this manual at the end of the Exhibits section.

General Program Information / Requirements

Program Administration. FDOT has been designated by Florida's Governor to administer the Section 5311(f) Program. As the program administrator, FDOT is responsible for the following services. At its discretion, FDOT may contract with a service provider to perform these services.

- announcement of funding availability;
- selection of projects for funding according to approved selection criteria;
- development and processing of agreements;
- oversight of recipient procurement actions;
- oversight of recipient compliance with state and Federal requirements; and
- provision of technical assistance regarding the Section 5311(f) Program.

Authorizing legislation for the program is shown in the Glossary of this manual under "authorizing Federal and State Legislation."

In Florida, intercity bus service is a vital link between otherwise isolated rural communities and the rest of the nation. In the 1980's and more recently, major intercity bus carriers abandoned many less productive routes. Patronage generated in rural areas, however, appears to be important to the continuing viability of the remaining intercity routes. One objective of the funding for intercity bus service under Section 5311, therefore, is to support the connection between rural areas and the larger regional or national system of intercity bus service. Another objective is to support services to meet the intercity travel needs of residents in rural areas. A third objective is to support the infrastructure of the intercity bus network through planning and marketing assistance and capital investment in facilities. FTA encourages Florida use the funding under 49 U.S.C. 5311(f) to support these national objectives, as well as priorities determined by the State.

Application Deadlines. Application deadlines vary from FDOT District to District but usually fall in the time period between December and February of each year. Thereafter, District Offices evaluate grant applications and submit recommendations for grant awards to the FDOT Central Office where applications are reviewed and considered relative to all other Section 5311(f) applications submitted. By April 1 of each year, the Central Office submits those projects it has chosen for Section 5311(f) Grants to the Federal Transit Administration (FTA), in combination with the statewide application for Section 5311 Assistance. The statewide application is, usually, approved by FTA by July 1. The Florida Legislature also approves the general appropriation for the State's current year budget by July 1. Once Federal approval is received and the State budget finalized, District Offices may make grant awards for approved projects. (See "Grant Award Process")

Threshold Criteria. Threshold criteria are the minimum legal eligibility requirements. Applications must be for eligible services, eligible service areas, eligible recipients, eligible

expenses, and provide evidence of local matching funds. Applicants must also ensure compliance with a number of other conditions placed on grant recipients including, but not limited to, coordination of transit services, civil rights preservation, compliance with safety and drug free work place regulations, ADA, drug and alcohol testing of safety-sensitive employees, competitive procurement of goods and services bought with grant funds, and references to the Federal Transit Administration's Master Agreement (<http://www.fta.dot.gov/documents/17-Master.pdf>).

Additionally, the following criteria apply to Section 5311(f) Grants. These criteria will be used by evaluators in ranking Section 5311(f) applications.

Objectives. Section 5311(f) service must:

1. support the connection between Rural Areas and the larger regional or national system of intercity bus service;
2. support services to meet the intercity travel needs of residents in Rural Areas; and,
3. support the infrastructure of the intercity bus network through planning and marketing assistance and capital investment in facilities.

Eligible Activities. Proposed projects must support intercity bus service between urbanized and Rural Areas. Eligible activities include planning and marketing for intercity bus transportation; capital grants for intercity bus shelters, joint-use stops and depots; operating grants; user-side subsidies and demonstration projects; and coordination of rural connections between small transit operations and intercity bus carriers.

Other capital and operating projects for the support of intercity bus service are not precluded. Capital Assistance may be provided for intercity bus service planning and marketing and to purchase vehicles or vehicle-related equipment such as wheelchair lifts for use in intercity service. Charter and tour services are not eligible for FTA Assistance.

MINIMUM CRITERIA FOR INTERMODAL FACILITIES PLANNED FOR USE IN CONJUNCTION WITH INTERCITY BUS SERVICES

For Section 5311(f) applications in support of intermodal facilities, the following mandatory and non-mandatory criteria apply.

Mandatory Criteria - Proposed intermodal facility projects must meet the following minimum criteria to be eligible for a Section 5311(f) grant award:

5. The project will have a direct benefit to a significant number of riders traveling to, from, or within Rural Area(s);
2. The project will include a meaningful amount of intercity bus passenger service on a continuous basis;
6. The project will improve or stabilize Rural Area intercity bus service;

7. The project will improve Rural Area public transportation;
8. The project will improve an existing or planned intermodal passenger facility;
9. The project will be supportive of and coordinated with the Florida Department of Transportation Intermodal Development Program and included in the applicant's adopted Transit Development Plan (TDP), if applicable;
10. The project has a complete feasibility analysis, project justification, and reliable project cost estimate;
11. The project is consistent with official local comprehensive plans and growth policy; and,
12. The project has been certified to have available local matching funds sufficient to accommodate Federal requirements.

Non-Mandatory Criteria. Proposed projects are encouraged but not required to meet the following non-mandatory criteria. Projects which meet both the mandatory criteria (above) and the following non-mandatory criteria may be given higher priority consideration for grant awards by FDOT, especially when requested funds exceed available funds.

13. The project is supportive of intercity bus "feeder service";
14. The project will enhance Florida's economy;
15. The project will aid an area where intercity bus service has been reduced or lost;
16. The project will provide an intermodal transfer connection with an Amtrak facility and/or a proposed high-speed rail facility;
17. The project will improve the coordination of services for existing Section 5311 grantees and/or other local/regional providers;
18. The project will improve the linkage of Rural Area residents with the larger regional or national network of intercity bus service;
19. The addition of a Section 5311(f) component enhances the economic and operational feasibility of the project; and,
20. The project has a completed architectural space program and detailed cost estimates and is ready to proceed with design phase services.

Eligible Recipient. An eligible recipient is a private company that has operated defined intercity bus service in the state, with formal authority in accordance with the rules and regulations of the Federal Motor Carrier Safety Administration and the Surface Transportation Board of the Federal Department of Transportation, for a minimum of 2 years. Intercity bus service is defined as regularly scheduled bus service for the general public which operates with limited stops over fixed routes connecting two or more urban areas not in close proximity; has the capacity for transporting baggage carried by passengers; makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available;

maintains scheduled information in the National Official Bus Guide; and provides package express service incidental to passenger transportation.

Eligible Expenses for 5311(f) Operating Assistance. Eligible expenses include administrative, management, and operations costs directly related to the provision of intercity bus service LESS operating revenue. Operating revenue (see Glossary) includes fares paid by passengers, whether such fares are paid at the time service is provided or via prepaid arrangements such as passes or tokens. The basic definition of an operating cost is something that does not have a useful life of more than one year.

Ineligible Expenses for Section 5311(f) Operating Assistance. Expenses for charter service; school bus service; service not open to the general public; service exclusively within an urbanized or Rural Area, and depreciation expense are not eligible under the Section 5311(f) Program. Likewise, expenses incurred prior to Federal and State approval of a grant application; expenses incurred prior to the execution of a Joint Participation Agreement, and expenses incurred prior to the Department's approval of plans, specifications, and third party contracts are ineligible.

Eligible Expenses for 5311(f) Capital Assistance. Costs associated with a capital project undertaken by an intercity bus carrier to provide intercity bus service, and are limited to acquisition, design, construction, reconstruction, or improvement of a privately operated intercity bus service. Project may include that portion of a governmentally owned or operated transit system designed to support privately operated intercity bus service.

Ineligible Expenses for 5311(f) Capital Assistance: Ineligible expenses include expenses associated with the preparation of grant applications, administration, extended warranties, and operation of vehicles/facilities/equipment; expenses for charter service, school bus service, service not open to the general public and service provided exclusively within an urbanized and/or Rural Area; and expenses incurred prior to Federal and State approval of a grant application, execution of a grant award, and FDOT's approval of plans, specifications, and third party contracts for vehicles/facilities/equipment to be purchased with Section 5311(f) funds.

Legal Authority and Fiscal & Managerial Capability. Section 5311(f) applicants must have the legal authority and fiscal/managerial capability to apply for and manage Section 5311(f) Grants. Grant recipients are required to maintain adequate financial, maintenance, and operating records and comply with the reporting requirements of the Disadvantaged Business Enterprise (DBE) program (49 CFR Part 23 "Participation of Minority Business Enterprise in Department of Transportation Programs.")

Americans with Disabilities Act (ADA). Applicants must comply with the Americans with Disabilities Act, (ADA) of 1990, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; U. S. DOT regulations, Transportation Services for Individuals with Disabilities (ADA)"

at 49 CFR Part 37; and FTA regulations, Transportation for Elderly and Handicapped Persons, 49 CFR Part 609.

Civil Rights Submissions. Civil rights submissions that will be required include a Title VI Program, Equal Employment Opportunity (EEO) Program, Disadvantaged Business Enterprise (DBE) Program and annual goal, and ADA Paratransit Plan.

All applicants must submit a copy of their Title VI Plan with the grant application. At the applicant's request, the FDOT District Office will provide technical assistance to the applicant in the development of their Title VI Plan.

Audit requirements.

Part I Federally Funded: If the Agency is a state, local government, or non-profit organizations as defined in OMB Circular A-133 and a recipient of federal funds, the following annual audit criteria will apply:

1. In the event that the recipient expends \$750,000 or more in Federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. Exhibit "D" to this agreement indicates Federal resources awarded through the Department by this agreement. In determining the Federal awards expended in its fiscal year, the recipient shall consider all sources of Federal awards, including Federal resources received from the Department. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions OMB Circular A-133, as revised, will meet the requirements of this part.
2. In connection with the audit requirements addressed in Part I, Paragraph 1, the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133.
3. If the recipient expends less than the amount in Part I, Paragraph 1, an audit conducted in accordance with the provisions of OMB Circular A-133, is not required. If the recipient elects to conduct such an audit, the cost of the audit must be paid from resources obtained from other than Federal entities.
4. Federal awards are to be identified using the Catalog of Federal Domestic Assistance (CFDA) title and number, award number and year, and name of the awarding federal agency.

Part II State Funded: If the Agency is a non-state entity as defined by Section 215.97(2) (m), Florida Statutes, and a recipient of state funds, the following annual audit criteria will apply:

1. In the event that the recipient expends a total amount of state financial assistance equal to or in excess of \$750,000 in any fiscal year, the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Department of Financial Services and the CFO; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. Exhibit "D" to this agreement indicates state financial assistance awarded through the Department by this agreement. In determining the state financial assistance expended in its fiscal year, the recipient shall consider all sources of state financial assistance, including state financial assistance received from the Department, other state agencies, and other non-state entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a non-state entity for Federal program matching requirements.
2. In connection with the audit requirements addressed in Part II, Paragraph 1, the recipient shall ensure that the audit complies with the requirements of Section 215.97(8), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2) (e), Florida Statutes, and Chapter 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.
3. If the recipient expends less than the amount in Part II, Paragraph 1, such audit is not required. If the recipient elects to conduct such an audit, the cost of the audit must be paid from the recipient's resources obtained from non-state entities.
4. State awards are to be identified using the Catalog of State Financial Assistance (CSFA) title and number, award number and year, and name of the state agency awarding it.

Part III Other Audit Requirements

1. The Agency shall follow-up and take corrective action on audit findings. Preparation of a summary schedule of prior year audit findings, including corrective action and current status of the audit findings is required. Current year audit findings require corrective action and status of findings.
2. Records related to unresolved audit findings, appeals, or litigation shall be retained until the action is completed or the dispute is resolved. Access to project records and audit work papers shall be given to the Department, the Department Comptroller, and the Auditor General. This section does not limit the authority of the Department to conduct or arrange for the conduct of additional audits or evaluations of state financial assistance or limit the authority of any other state official.

Part IV Report Submission

1. Copies of reporting packages for audits conducted in accordance with OMB Circular A-133 as revised, and required by Section 7.62 Part I of this agreement shall be submitted, when required by Section .320 (d), OMB Circular A-133 as revised, by or on behalf of the recipient directly to each of the following:

D. The Department at the following address:

Florida Department of Transportation

Office of Comptroller, MS 24

605 Suwannee Street

Tallahassee, Florida 32399-0405

Email: FDOTSingleAudit@dot.state.fl.us

E. The number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133 as revised, submitted to the following address:

Federal Audit Clearinghouse

Bureau of the Census

1201 East 10th Street

Jeffersonville, IN 47132

F. Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133 as revised.

2. In the event that a copy of the reporting package for an audit required by Section 7.62 Part I of this Agreement and conducted in accordance with OMB Circular A-133 as revised is not required to be submitted to the Department for reasons pursuant to section .320 (e)(2), OMB Circular A-133 as revised, the recipient shall submit the required written notification pursuant to Section .320 (e)(2) and a copy of the recipient's audited schedule of expenditures of Federal awards directly to each of the following:

Florida Department of Transportation

Office of Comptroller, MS 24

605 Suwannee Street

Tallahassee, Florida 32399-0405

Email: FDOTSingleAudit@dot.state.fl.us

In addition, pursuant to Section .320 (f), OMB Circular A-133 as revised, the recipient shall submit a copy of the reporting package described in Section .320 (c), OMB Circular

A-133 as revised, and any management letters issued by the auditor, to the Department at the following address:

Florida Department of Transportation
Office of Comptroller, MS 24
605 Suwannee Street
Tallahassee, Florida 32399-0405
Email: FDOTSingleAudit@dot.state.fl.us

3. Copies of financial reporting packages required by Section 7.62 Part II of this Agreement shall be submitted by or on behalf of the recipient directly to each of the following:

C. The Department at the following address:

Florida Department of Transportation
Office of Comptroller, MS 24
605 Suwannee Street
Tallahassee, Florida 32399-0405
Email: FDOTSingleAudit@dot.state.fl.us

D. The Auditor General's Office at the following address:

Auditor General's Office
Room 401, Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1450

4. Copies of reports or the management letter required by Section 7.62 Part III of this Agreement shall be submitted by or on behalf of the recipient directly to:

B. The Department at the following address:

Florida Department of Transportation
Office of Comptroller, MS 24
605 Suwannee Street
Tallahassee, Florida 32399-0405
Email: FDOTSingleAudit@dot.state.fl.us

5. Any reports, management letter, or other information required to be submitted to the Department pursuant to this Agreement shall be submitted timely in accordance

with OMB Circular A-133 as revised, Section 215.97, Florida Statutes, and Chapter 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.

6. Recipients, when submitting financial reporting packages to the Department for audits done in accordance with OMB Circular A-133 as revised or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the Agency in correspondence accompanying the reporting package.

Certifications and assurances. Applicants must agree to comply with certain Federal requirements by signing the certification and assurances form covered **by Exhibits E, F, I, K and H** of this manual, as appropriate. Compliance items in **Exhibit E** include (but are not limited to) regulations pertaining to charter service and school bus service when using FTA-funded vehicles, equipment, and facilities; and FTA drug and alcohol testing regulations. **Exhibit F** applies to applicants for capital assistance to purchase non-accessible vehicles. **Exhibit H** pertains to Protection of the Environment and applies to applicants seeking grants for facilities. **Exhibit K** assures compliance with Section 5333(b) of the Federal Transit Act regarding compliance with labor protection provisions, and applies to all applicants. Applicants for the Section 5310 Capital Assistance must also sign a certification and assurance to FDOT, as provided in **Exhibit G** of this manual.

Grant Award Process for Section 5311(f) Assistance. In the case of Operating Assistance, the respective FDOT Central Office will make grant awards to agencies submitting applications approved by FDOT by entering into a Joint Participation Agreement (JPA) with the agency (recipient). For Capital Assistance, the Central Office will either issue a JPA to the recipient or the FDOT District Office will issue a JPA to the applicant/recipient.

General Instructions on Forms, Certifications, and Exhibits

Each form, exhibit, and certification in an application provides FDOT with information it must have to make required assurances to the Federal government and to make project selections. It is important that each required form, exhibit, and certification be complete and correct. Applicants should be aware that there are criminal sanctions for furnishing false information in order to obtain federal grants (18 U.S.C. 1001).

The **original** application should be prepared on white, 8.5 X 11" paper and securely clipped (no binders or dividers, please) and submitted to the appropriate FDOT District Office, as shown in the Appendix of this manual. The District Office requires at a minimum one (1) original and five (5) additional copies to be submitted. Application forms, exhibits, and certifications should be arranged in the order listed in the "Checklist(s) for Application Completeness." Three separate checklists are provided in this manual at the end of the Exhibits section: one for Operating Assistance, one for Capital Assistance, and one for both Operating and Capital Assistance. The

appropriate checklist should be used to assure the application is complete. Applications that are incomplete, illegible, or unsigned may be rejected.

The **original** application must be accompanied by the enclosed **cover letter** (see Appendix) and **two fully-executed Resolution** forms from the applicant's governing board (see Appendix for samples). The Resolution should authorize 1) submission of the application; 2) signing of the application and certifications/assurances by a designated individual; and 3) acceptance of the grant award by the designated individual.

All signatures should be in blue ink by the individual designated by the governing board of the applicant agency. Blue ink distinguishes an original signature from a photocopy. Only original signature resolutions, applications, and acceptance of grant awards are acceptable. The five (5) copies of the original application, if required by the District Office, may be photocopies. Agencies submitting an application via TransCIP should print and sign the documents and upload a scanned color copy into TransCIP.

Questions regarding the Section 5311(f) application process should be directed to the FDOT District Office in the applicant's service area, as shown in the Appendix of this manual.

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PART A

APPLIES TO ALL APPLICATIONS

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PART A

APPLIES TO ALL APPLICANTS

Grant Application Cover Page Instructions

The standard Application for Federal Assistance (Form 424) must be filled out in its entirety for Section 5311(f) applications. A sample of the standard form is located on the next page of this manual. Applicants that are not using TransCIP should print a copy of the 424 form: <http://www.dot.state.fl.us/transit/Pages/grantsadministration.shtm>. This form must be used for **ALL** applications.

No pre-application process is used in this program; therefore, all submissions are applications.

The code assigned to the Section 5311 Program [including 5311(f)] in the Catalog of Federal Domestic Assistance is 20.509. This code should be shown in Section 10 of the form followed by the title: "Rural Areas Formula Program." A guidance document containing Congressional Districts, DUNS Numbers, UZA numbers and Catalog of Federal Domestic Assistance Numbers can be obtained from

<http://www.dot.state.fl.us/transit/Pages/grantsadministration.shtm>.

AGENCIES APPLYING ONLY FOR OPERATING ASSISTANCE: Standard Form 424 should cover only the Operating Assistance being applied for.

AGENCIES APPLYING ONLY FOR CAPITAL ASSISTANCE: Standard Form 424 should cover only the Capital Assistance being applied for.

AGENCIES APPLYING FOR BOTH OPERATING ASSISTANCE AND CAPITAL ASSISTANCE (Submitted as two separate forms): Submit separate Standard Form 424 for Operating and Capital. I.e. one form should cover Operating Assistance and a separate form should cover Capital Assistance being applied for by the applicant.

Form 424

Item:	Entry:	Item:	Entry:
1.	Type of Submission should be "Application"	11.	Catalog of Federal Domestic Assistance Number is: 20.509 CFDA Title should be: Section 531(f)1
2.	Type of Application should be "New"	12.	Funding Opportunity Number (FTA Grant Number) is not needed at this time.
3.	Enter Date Received	13.	"Not Applicable"
4.	"Not Applicable"	14.	List the areas affected by project (cities, counties, States etc.)
5. a	"Not Applicable"	15.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For pre-applications, use a separate sheet to provide a summary description of this project.
5 B	Federal Award Identifier (FTA Grant Number) is not needed at this time.	16.	List the applicant's Congressional District and any District(s) affected by the program or project
6.	State use only (if applicable)	17.	Enter the proposed start date and end date of the project.
7.	State Application Identifier is "1001"	18.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item

8. a	Enter legal name of applicant, name of primary organizational unit (including division, if applicable), which will undertake the assistance activity, enter employer/taxpayer identification number (EIN/TIN) as assigned by Internal Revenue Service, enter the organization's DUNS number (received from Dun and Bradstreet), enter the complete address of the applicant (including country), and name, telephone number, e-mail and fax of the person to contact on matters related to this application.	19.	Check the applicable box
9.	Type of Applicant 1: Select Applicant Type	20.	Check the applicable box (If "yes", provide explanation in attachment)
10	Name of Federal Agency should be " Federal Transit Administration"	21.	Sign the form

APPLICATION FOR FEDERAL ASSISTANCE

[View Burden Statement](#)

OMB Number: 4040-0004
Expiration Date: 8/31/2016

Application for Federal Assistance SF-424		
<p>* 1. Type of Submission:</p> <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application		
<p>* 2. Type of Application:</p> <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision		
<p>* If Revision, select appropriate letter(s):</p> <input type="text"/> <p>* Other (Specify):</p> <input type="text"/>		
<p>* 3. Date Received:</p> <input type="text"/>		<p>4. Applicant Identifier:</p> <input type="text" value="Not Applicable"/>
<p>5a. Federal Entity Identifier:</p> <input type="text" value="Not Applicable"/>		<p>5b. Federal Award Identifier:</p> <input type="text"/>
<p>State Use Only:</p>		
<p>6. Date Received by State:</p> <input type="text"/>		<p>7. State Application Identifier:</p> <input type="text" value="1001"/>
<p>8. APPLICANT INFORMATION:</p>		
<p>* a. Legal Name:</p> <input type="text"/>		
<p>* b. Employer/Taxpayer Identification Number (EIN/TIN):</p> <input type="text"/>		<p>* c. Organizational DUNS:</p> <input type="text"/>
<p>d. Address:</p>		
<p>* Street1:</p> <input type="text"/>		
<p>Street2:</p> <input type="text"/>		
<p>* City:</p> <input type="text"/>		
<p>County/Parish:</p> <input type="text"/>		
<p>* State:</p> <input type="text"/>		
<p>Province:</p> <input type="text"/>		
<p>* Country:</p> <input type="text" value="USA: UNITED STATES"/>		
<p>* Zip / Postal Code:</p> <input type="text"/>		
<p>e. Organizational Unit:</p>		
<p>Department Name:</p> <input type="text"/>		<p>Division Name:</p> <input type="text"/>
<p>f. Name and contact information of person to be contacted on matters involving this application:</p>		
<p>Prefix:</p> <input type="text"/>	<p>* First Name:</p> <input type="text"/>	
<p>Middle Name:</p> <input type="text"/>		
<p>* Last Name:</p> <input type="text"/>		
<p>Suffix:</p> <input type="text"/>		
<p>Title:</p> <input type="text"/>		
<p>Organizational Affiliation:</p> <input type="text"/>		
<p>* Telephone Number:</p> <input type="text"/>		<p>Fax Number:</p> <input type="text"/>
<p>* Email:</p> <input type="text"/>		

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

X: Other (specify)

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

Federal Transit Administration

11. Catalog of Federal Domestic Assistance Number:

CFDA 20.509

CFDA Title:

Section 5311 (f)

* 12. Funding Opportunity Number:

* Title:

INTERCITY BUS SERVICE PROGRAM

13. Competition Identification Number:

Not Applicable

Title:

Not Applicable

14. Areas Affected by Project (Cities, Counties, States, etc.):

* 15. Descriptive Title of Applicant's Project:

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant

* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date:

* b. End Date:

18. Estimated Funding (\$):

* a. Federal	<input type="text"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text"/>
* g. TOTAL	<input type="text"/>

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

a. This application was made available to the State under the Executive Order 12372 Process for review on

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

**** I AGREE**

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative: * Date Signed:

PART B

APPLIES TO OPERATING ASSISTANCE

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Form B-2: Operating and Administrative Revenues	22

PART B

APPLIES TO ALL APPLICANTS FOR OPERATING ASSISTANCE

Transportation-Related Operating and Administrative Expenses & Revenues and Calculation of Grant Request - Intercity Bus Service

Information regarding the applicant's transportation-related operating and administrative expenses and revenues of the intercity bus service must be provided with the application. Form B-1 and B-2, as provided in this manual, should be used for this purpose. **(Note: the expenses and revenues associated with other sectors of operations should not be included in these forms.)** Form B-1 provides space for the applicant to show operating and administrative expenses of the intercity bus service operated/contracted (or proposed) by the applicant. Form B-1 also provides space to calculate a grant request. However, the grant request cannot be completed until Form B-2 is completed. Form B-2 provides space for the applicant to show the sources of revenue to pay for the expenses shown in Form B-1.

The budget line items shown in both forms were originally defined in the Transportation Accounting Consortium's Model Uniform Accounting System for Rural and Specialized Transportation Providers (TAC manual). The account numbers in parentheses are the object code numbers for these line items in the TAC manual and in FTA National Transit Data Reports (NTD). Definitions for expense and revenue line items are included in the Appendix of this manual.

Applicants should show the operating and administrative expenses and revenues of their agency for the intercity bus service as projected for the year the Section 5311(f) Grant award is to be used. For example, the projected expense and revenue budgets for year FY 2015/2016 should be used if Section 5311(f) Assistance is requested by the applicant for use in FY 2015/2016.

INSTRUCTIONS FOR COMPLETING FORM B-1

Applicants should complete the "Eligible Expense" column of Form B-1. The definitions for each line item code, as provided in the Appendix of this manual, apply. The "Eligible Expense" column should show only those expenses that are eligible under FTA rules for intercity bus service. This means, for example, that expenses for services provided exclusively within a Rural Area, service exclusively within an urbanized area, charter service, school bus service, service not open to the general public, depreciation expense, and other ineligible expenses should not be shown in the "Eligible Expense" column.

After completing expense information on Form B-1, applicants should next complete Form B-2 (see instructions below).

INSTRUCTIONS FOR COMPLETING FORM B-2

Applicants should complete the “Revenue Used as Match” column of Form B-2 as it relates to the intercity bus service. “Revenue Used as Match” should include all revenues eligible under FTA rules to pay for the expenses shown in Form B-1, as noted previously. The definitions for each line item code, as provided in the Appendix of this manual, apply. Revenues in object codes 410, 411, 412, and 430 are qualifying revenues under FTA rules. Qualifying revenues in object code 413 include unrestricted Federal funds, but **DO NOT INCLUDE**, revenues from FTA or other USDOT revenues. In other words, Section 5307, 5310, 5311, 5311(f) and other sources of revenue from FTA or other USDOT sources do not qualify to match Section 5311(f) Assistance.

Next, “Total Passenger Fares” (401) and “Grand Total Revenues” should be transferred to the grant request section of Form B-1.

INSTRUCTIONS FOR COMPLETING THE GRANT REQUEST ON FORM B-1

To calculate the grant request on Form B-1:

- Enter the total (a) from the Eligible Expense column of Form B-1.
- Enter the total passenger fare revenue (b) from Form B-2 (object Code 401.)
- Subtract the passenger fare revenue (b) from the Eligible Expense (a) to determine the operating deficit (c).
- Complete the Section 5311(f) request (d). Applicants may request no more than 50% of the operating deficit. Total revenues may not exceed total costs. Therefore, it may be necessary to adjust the Section 5311(f) request to an amount less than 50% of the deficit calculated.

PART B
APPLIES TO ALL APPLICANTS FOR OPERATING ASSISTANCE
FORM B-1
OPERATING and ADMINISTRATIVE EXPENSES OF INTERCITY BUS SERVICE

Fiscal period from July 1, 2015 to June 30, 2016

EXPENSE CATEGORY	ELIGIBLE EXPENSE OF INTERCITY BUS SERVICE
Labor (501)	\$
Fringe and Benefits (502)	
Services (503)	
Materials and Supplies (504)	
Vehicle Maintenance (504.01)	
Utilities (505)	
Insurance (506)	
Licenses and Taxes (507)	
Purchased Transit Service (508)	
Miscellaneous (509)	
Leases and Rentals (512)	
Depreciation (513)	
TOTAL	\$ (a)

Section 5311(f) Grant REQUEST

Total Eligible Expense (from Form B-1, above) \$ _____ (a)

Passenger Fare Revenues (from Form B-2) \$ _____ (b)

Operating Deficit \$ _____ (c)

[Eligible Expense (a) minus Passenger Fares (b)]

Section 5311(f) Request \$ _____ (d)

(No more than 50% of Operating Deficit)

Grand Total Revenues (from Form B-2) \$ _____ *(e)

Note: If Grand Total Revenues (e) exceeds Eligible Expense (a), reduce the Section 5311(f) Request (d) by that amount.

Note: See the appendix for an explanation of these categories.

PART B
APPLIES TO ALL APPLICANTS FOR OPERATING ASSISTANCE
FORM B-2
OPERATING & ADMINISTRATIVE REVENUES OF INTERCITY BUS SERVICE

Fiscal period from __ July 1, 2015 to __ June 30, 2016__

OPERATING REVENUES CATEGORY	REVENUE USED AS MATCH
Passenger Fares (401)	
Special Transit Fares (402)	
Freight Tariffs (404)	
Auxiliary Transportation Revenues (406)	
Non-transportation Revenues (407)	
Total Operating Revenue	\$
OTHER REVENUE CATEGORY	
Taxes Levied directly by the Transit System	
Local Cash Grants and Reimbursements (409)	
Local Special Fare Assistance (410)	
State Cash Grants and Reimbursements (411)	
State Special Fare Assistance (412)	
Federal Cash Grants and Reimbursements	
Interest Income (414)	
Contributed Services (430)	
Contributed Cash (431)	
Subsidy from Other Sectors of Operations	
Total of Other Revenue	\$
GRAND TOTAL ALL REVENUE	\$ (e)

Note: See the appendix for an explanation of these categories.

PART C
APPLIES TO CAPITAL ASSISTANCE

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PART C
APPLIES TO ALL APPLICANTS FOR CAPITAL ASSISTANCE
EXCEPT THOSE COMPLETING FORM B-1 and B-2

**Transportation-Related Operating and Administrative
Expenses & Revenues - Intercity Bus Service**

Information regarding operating and administrative expenses and revenues of the intercity bus service must be provided with the application. Forms C-1 and C-2 are included in this manual for that purpose. **(Note: the expenses and revenues associated with other sectors of operations should not be included in these forms.)** These forms should provide information about operating and administrative expenses of the vehicles, facilities, or equipment, as described in Exhibits A and B of the application, and information about the sources of revenue used to pay for these expenses.

The budget line items shown on the forms were originally defined in the Transportation Accounting Consortium's Model Uniform Accounting System for Rural and Specialized Transportation Providers (TAC manual). The account numbers in parentheses are the object code numbers for these line items in the TAC manual and in FTA National Transit Data Reports (NTD). Definitions for expense and revenue line items are included in the Appendix of this manual.

Applicants should show the operating and administrative expenses and revenues of their agency for intercity bus service as projected for the year the Section 5311(f) Grant award is requested. For example, the projected expense and revenue budgets for year FY 2015/2016 should be used if Section 5311(f) Assistance is requested by the Agency for use in FY 2015/2016.

PART C
APPLIES TO ALL APPLICANTS FOR CAPITAL ASSISTANCE
EXCEPT THOSE COMPLETING FORM B-1 and B-2
FORM C-1
OPERATING and ADMINISTRATIVE EXPENSES OF INTERCITY BUS SERVICE

Fiscal period from July 1, 2015 to June 30, 2016

EXPENSE CATEGORY	EXPENSE \$
Labor (501)	\$
Fringe and Benefits (502)	
Services (503)	
Materials and Supplies (504)	
Vehicle Maintenance (504.01)	
Utilities (505)	
Insurance (506)	
Licenses and Taxes (507)	
Purchased Transit Service (508)	
Miscellaneous (509)	
Leases and Rentals (512)	
Depreciation (513)	
TOTAL EXPENSE	\$

FORM C-2

OPERATING and ADMINISTRATIVE REVENUES OF INTERCITY BUS SERVICE

OPERATING REVENUE CATEGORY	REVENUE \$
Passenger Fares for Transit Service (401)	
Special Transit Fares (402)	
Other (403 – 407) (identify by appropriate code)	
TOTAL OPERATING REVENUE	\$
OTHER REVENUE SOURCES	
Taxes Levied Directly by the Transit System (408)	
Local Cash Grants and Reimbursements (409)	
Local Special Fare Assistance (410)	
State Cash Grants and Reimbursements (411)	
State Special Fare Assistance (412)	
Federal Cash Grants & Reimbursements (413)	
Interest Income (414)	
Contributed Services (430)	
Contributed Cash (431)	
Subsidy from Other Sectors of Operations (440)	
TOTAL OF OTHER REVENUE	\$
GRAND TOTAL ALL REVENUE	\$

Note: See the appendix for an explanation of these categories.

PART C

APPLIES TO ALL APPLICANTS FOR CAPITAL ASSISTANCE

Current Intercity Bus Service Vehicle and Transportation Equipment Inventory

Applicants must complete the “Current Vehicle and Transportation Equipment Inventory” (Form C-3), as shown in this manual. The form must include a current list of all vehicles and equipment used by the applicant for intercity bus service (**including spares from other sectors of operations**), including those bought in previous years with Federal funds; those bought with other than Federal funds; those now on order; and those to be ordered with grant awards made in previous years. All columns of the form must be completed. An asterisk (*) should be placed next to the model year of vehicles to be replaced with the grant being applied for, or with previous grants. Vehicles operated by the applicant’s contractor or lessee should also be identified, and the name of the contractor/lessee shown in Exhibit B of the application.

Capital Request

Applicants must complete the “Capital Request”, Form C-4, provided in this manual. The upper part of the form covers vehicles; the lower, other capital equipment such as radios, computer software, computer hardware, etc.

NOTE: In the case of vehicles, applicants should be sure to indicate whether the new vehicle is to replace (R) an older vehicle or expand (E) the fleet by buying a new vehicle. The length of the vehicle, the number of passenger seats & wheelchair positions, lift or ramp, and the type of fuel is also important because this affects the cost. The Make of the vehicle should not be shown on the form.

Applicants should refer to “What’s on the Market”, located in the Appendix, to identify the most appropriate vehicle type for its needs, and the estimated cost. The appropriate FDOT District Office or the Center for Urban Transportation Research (see “What’s on the Market”) may be contacted for assistance.

(c) For example, Ford 22' bus; Dodge converted van.

(d) Show FDOT control number if bought with grant through FDOT; otherwise, show last 5 or 6 digits of Vehicle Identification Number (VIN).

(e) Include computer hardware and software, copiers, printers, mobile radios, communication systems, etc.

(f) Identify the grant or other funding source used for purchasing the vehicle/equipment.

NOTE: Those requesting replacement vehicles, please identify the year the vehicle(s) were purchased.

PART C

APPLIES TO ALL APPLICANTS FOR CAPITAL ASSISTANCE

Form C-4

CAPITAL REQUEST: VEHICLE REQUEST

R or E (a)	Number requested	Description (b) (c)	Estimated Cost
Sub-total			\$

EQUIPMENT REQUEST (c)

Sub-total			\$

(a) Replacement (R) or Expansion (E).

(b) Provide a brief description including the length and type vehicle, type of fuel, lift or ramp, number of seats and wheelchair positions. Do not show the Make. For example, 22' diesel bus with lift, 12 amb. seats, 2 w/c positions.

(c) Show mobile radios, and identify the type of radio (i.e. two way radio or stereo radio), computer hardware/software, etc. under "Equipment Request."

VEHICLE SUBTOTAL \$ _____ + EQUIPMENT SUBTOTAL \$ _____ = \$ _____ (x).

(x) X 80% = \$ _____ [Show this amount on Form 424 in block 15(a)]

EXHIBITS
(TO BE INCLUDED IN APPLICATIONS
AS INDICATED BELOW)

Exhibit	Applies to Operating Assistance Only	Applies to Capital Assistance Only	Applies to Both	Page
A – System Description	X	X	X	30
A -1 – Fact Sheet	X	X	X	31
B – Proposed Project Description	X	X	X	32
C – Public Hearing		X (**)		33
D – Cash Match and Leasing	X	X	X	34
E – Federal Certifications and Assurances	X	X	X	35
F – Certification of Equivalent Service		X		36
G – Applicant Certification and Assurance to FDOT		X		37
H- Protection of the Environment	X (***)	X (***)	(***)	38
J - Standard Lobbying Certification Form	X	X	X	39
K – FTA Section 5333(b) Assurance	X	X	X	40
Checklists for Application Completeness	X	X	X	41

() Public Agencies only.**

(*) Applicants for facilities only.**

APPLIES TO ALL APPLICANTS

EXHIBIT A – Not to exceed two pages

Current System Description

All applicants must submit Exhibit A as part of their application. Exhibit A should provide a short description of who the applicant is and what they do. At a minimum, the following must be provided in the narrative:

- An overview of the organization including its mission.
- Organizational structure, type of operation, number of employees and other pertinent information.
- Who is responsible for insurance, training and management, and administration of the agencies transportation program?
- Who provides maintenance if capital assistance is requested.
- Number of transportation related employees.
- Who will drive the vehicle, number of drivers, CDL certifications, etc., if capital assistance is requested.
- A detailed description of service, routes and ridership numbers.
- Exhibit A-1 (below)

If the applicant is a Community Transportation Coordinator (CTC), **relevant** pages of a Transportation Disadvantaged Service Plan (TDSP) and Annual Operating Report (AOR) containing the above information should be provided.

Evaluators will rely heavily on an applicant's narrative in selecting projects for Section 5311(f) Grants.

All Applicants
EXHIBIT A-1
FACT SHEET REGARDING
INTERCITY BUS SERVICE

Name of Applicant: _____

	CURRENTLY	IF GRANT IS AWARDED *
1. Number of one-way passenger trips.* PER YEAR		
2. Number of individuals served unduplicated (first ride per rider per fiscal year). PER YEAR**		
3. Number of vehicles used for this service. ACTUAL		
4. Number of ambulatory seats. AVERAGE PER VEHICLE (Total ambulatory seats divided by total number of fleet vehicles)		
5. Number of wheelchair positions. AVERAGE PER VEHICLE (Total wheelchair positions divided by total number of fleet vehicles)		
6. Vehicle Miles traveled. PER YEAR		
7. Average vehicle miles		

PER DAY		
8. Normal vehicle hours in operation. PER DAY		
Normal number of days in operation. PER WEEK		
10. Trip length (roundtrip). AVERAGE		

Estimates are acceptable. The information listed should be specific to the Section 5339 funds and not agency wide.

* One way passenger trip is the unit of service provided each time a passenger enters the vehicle, is transported, then exits the vehicle. Each different destination would constitute a passenger trip

** The unduplicated riders are for current year and the subsequent year once the grant is awarded

APPLIES TO ALL APPLICANTS

EXHIBIT B

Proposed Project Description

The above-named applicants must submit Exhibit B as part of their application. The proposed project description should be thorough as evaluators will rely heavily on the narrative in reviewing and ranking an application. The project description should not repeat the current system description shown in Exhibit A. Exhibit B must include, but not be limited to:

11. Is the project to continue the existing level of services, to expand present service, or to provide new service? How will a grant award be used? More hours? Larger geographic area? Shorter headways? More trips? Please explain in detail.
12. If a grant award will be used to maintain services as described in Exhibit A, specifically explain how it will be used in the context of total service.
13. Give a detailed explanation of the need for the vehicle and provide evidence of the need.
14. Will a grant award be used to replace existing equipment or purchase additional vehicles/equipment? Provide details.
15. Identify vehicles/equipment being replaced and list them on the “**Current Vehicle and Transportation Equipment Inventory**” form, provided elsewhere in this manual.
16. Describe how vehicles will be maintained without interruptions in service (who, what, where, and when).
17. If vehicles and/or equipment are proposed to be used by a lessee or private operator under contract to the applicant, identify the proposed lessee/operator.
 - a. Include an equitable plan for distribution of vehicles/equipment to lessees and/or private operators.
18. Each applicant shall indicate whether they are a government authority or a private non-profit agency, provide a brief description of the project which includes the counties services, whether the applicant employees are represented by a union and if so represented the name and local number of the union.

New Agencies:

21. Fully explain Your Transportation Program
 - h. Service hours, planned service, routes and trip types
 - i. Staffing – include plan for training on vehicle equipment such as wheelchair lifts, etc.
 - j. Records maintenance
 - k. Vehicle maintenance – who, what, when and where
 - l. CDL requirements
 - m. System safety plan
 - n. Drug free work place

GRANT WRITING TIP: Refer to the Evaluation Criteria in the General Program Information Section of this manual (page 4), and be sure Exhibit B covers the points that will be evaluated.

APPLIES ONLY TO PUBLIC AGENCIES
APPLYING FOR CAPITAL ASSISTANCE

EXHIBIT C

Public Hearing

An opportunity for a public hearing is required **ONLY** for Public Agencies requesting Section 5311(f) Capital Assistance. An application submitted by a public agency should contain a copy of the notice of public hearing (identified as Exhibit C) and an affidavit of publication. If Exhibit C is not applicable, this should be stated in the application.

A sample public notice is located in the Appendix of this manual. A public notice should contain all pertinent information relating to the project (such as number and types of vehicles as well as the estimated cost of the vehicles) and should run at least one time in a newspaper of general circulation in the applicant's service area, no less than 15 or more than 30 days prior to the submission of an application. The notice should state that persons requesting a hearing must notify the applicant of the request, in writing, and send a copy of the request for a hearing to the FDOT District Office.

The deadline for hearing requests **must** be prior to the date applications are due at the District Office. If a hearing is requested:

1. A hearing must be conducted;
2. The FDOT District Office must be notified of the date, time, and location of the hearing; and
3. A copy of the minutes of the hearing (to include a discussion of issues raised and resolution of issues) must be submitted to the FDOT District Office, before a Section 5311(f) Award can be made.

EXHIBIT D

**Cash Match and Leasing
MEMORANDUM for FTA 5311(f)**

Date: _____

From: _____ (Typed name and title) _____ (Signature)
_____ (Typed or printed agency name)

To: Florida Department of Transportation, District Office
Modal Development Office / Public Transit

Subject: YEAR 2015 GRANT APPLICATION TO THE
FEDERAL TRANSIT ADMINISTRATION,
5311(f) INTERCITY BUS SERVICE PROGRAM

Local Cash Match

Has the _____, as applicant to the Federal Transit
(Name of applicant agency)

Administration Section 5311(f) Program, borrowed, or will the Applicant borrow, funds to use as cash match?

_____ Yes _____ No

Will the _____, as applicant to the Federal Transit
(Name of applicant agency)

Administration Section 5311(f) Program be using In-Kind Match as cash match?

_____ Yes _____ No

Leasing

Will the _____, as applicant to the Federal Transit
(Name of applicant agency)

Administration Section 5311(f) Program, lease the proposed vehicle(s) (or any other equipment that may be awarded to the Applicant) to a third-party?

___ Yes ___ No If yes, specify to whom: _____

NOTE: It is the responsibility of the applicant agency to ensure District approval of all lease agreements.

APPLIES TO ALL APPLICANTS

EXHIBIT E

Federal Certifications and Assurances

The **last** page (Appendix A) of the annual Federal Register Notice that applies to Federal Certifications and Assurances provides applicants with a single signature page on which an applicant and its attorney must certify compliance with the requirements of the various Federal Transit Administration grants or cooperative agreements. The Federal Register Notice is revised annually and is usually available around January 1 of each year. Applicants may obtain a copy of the current year document through the Internet at <http://www.fta.dot.gov/grants/13071.html>. If unable to access the form, applicants may contact their FDOT District Office for assistance. The appropriate signed Federal certification/assurance form must be included in the application when it is submitted to the FDOT District Office.

Submissions in TEAM: An applicant submitting certifications and assurances for their agency in TEAM can attach a screenshot of their PIN as replacement of the signature page.

The signature page for Federal Certifications and Assurances should be signed by an individual authorized by the applicant's governing board to sign and submit applications, and its attorney. Blue ink is suggested as it distinguishes an original signature from a photocopied signature.

Federal Certifications and Assurances Required of Each Applicant:

- Authority of applicant and its representative
- Standard Assurances
- Debarment and Suspension, and other Responsibility Matters
(http://www.fta.dot.gov/funding/thirdpartyprocurement/bppm/grants_financing_6195.html#BM22)
- Drug Free Workplace Certification
(http://www.fta.dot.gov/funding/thirdpartyprocurement/bppm/grants_financing_6195.html#BM31)
- Intergovernmental Review Assurance
- Federal Transit Administration Master Agreement (<http://www.fta.dot.gov/documents/17-Master.pdf>)
- Nondiscrimination Assurance
- Assurance of Nondiscrimination on the Basis of Disability Procurement Compliance.

A. Applicants for Federal Assistance may signify compliance with the above certifications and assurances by placing an "X" at the top of Appendix A next to the statement that reads: "The Applicant agrees to comply with applicable

requirements of Categories I-XV". If an applicant chooses to do this, no additional notation is necessary, except for the signature on the reverse.

OR

B. The applicant may signify compliance with certifications and assurances applicable only to the Section 5311 Program (including the 5311(f) Program), specifically, Category XIV, by placing an "X" in Category I, "Certifications and Assurances required of each applicant" (to cover the above-noted items), as well as an "X" in Category XIV.

A description of the certifications required for the Section 5311/5311(f) Formula Grants for Rural Areas Program is provided in the annual Federal Register Notice.

APPLIES TO APPLICANTS FOR CAPITAL ASSISTANCE FOR NON-ACCESSIBLE VEHICLES

EXHIBIT F

CERTIFICATION FOR AGENCIES REQUESTING NON-ACCESSIBLE VEHICLES

If the applicant wants to purchase non-accessible vehicles for demand responsive service, they must provide a detailed explanation as to the need for this type of vehicle (sedan, station wagon or passenger van) in addition to the following "Certification of Equivalent Service" must be completed and included in the application.

CERTIFICATION OF EQUIVALENT SERVICE

The _____ 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 area;
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 Part 37, public entities operating demand responsive systems for the general public which receive financial assistance under 49 U.S.C. 5310 and 5311 of the Federal Transit Administration (FTA) funds must file this certification with the appropriate state program office before procuring any inaccessible vehicle. Such public entities not receiving FTA funds shall also file the certification with the appropriate state office program. Such public entities receiving FTA funds under any other section of the FTA Programs 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.

Executed this _____ day of _____, _____
(Signature of authorized representative)

(Typed name and title of authorized representative)

APPLIES TO APPLICANTS FOR CAPITAL ASSISTANCE
EXHIBIT G
APPLICANT CERTIFICATION AND ASSURANCE TO FDOT

To be completed and signed by an individual authorized by the governing board of the applicant agency and submitted with the grant application.

The _____ (undersigned) _____ certifies and assures to the Florida Department of Transportation in regard to its Application under U.S.C. Section 5311 dated _____:

- 1) It shall adhere to all Certifications and Assurances made to the federal government in its Application.
- 2) It shall comply with Florida Statutes:
 - a. Section 341.051- Administration and financing of public transit and intercity bus service programs and projects
 - b. Section 341.061 (2) - Transit Safety Standards; Inspections and System Safety Reviews
- 3) It shall comply with Florida Administrative Code:
 - a. Rule Chapter 14-73 - Public Transportation
 - b. Rule Chapter 14-90 - Equipment and Operational Safety Standards for Bus Transit Systems
 - c. Rule Chapter 14-90.0041 - Medical Examination for Bus System Driver
 - d. Rule Chapter 41-2 - Definitions
- 4) It shall comply with the Department's:
 - a. Bus Transit System Safety Program Procedure No. 725-030-009
 - b. Public Transit Substance Abuse Management Program Procedure No. 725-030-035
 - c. Transit Vehicle Inventory Management Procedure No. 725-030-025
 - d. Public Transportation Vehicle Leasing Procedure No. 725-030-001
 - e. Guidelines for Acquiring Vehicles
 - f. Procurement Guidance for Transit Agencies Manual
- 5) It has the fiscal and managerial capability and legal authority to file the application.

- 6) Local matching funds will be available to purchase vehicles/equipment at the time an order is placed.
- 7) It will carry adequate insurance to maintain, repair, or replace project vehicles/equipment in the event of loss or damage due to an accident or casualty.
- 8) It will maintain project vehicles/equipment in good working order for the useful life of the vehicles/equipment.
- 9) It will return project vehicles/equipment to the Department if, for any reason, they are no longer needed or used for the purpose intended.
- 10) It recognizes the Department's authority to remove vehicles/equipment from its premises, at no cost to the Department, if the Department determines the vehicles/equipment are not used for the purpose intended, improperly maintained, uninsured, or operated unsafely.
- 11) It will not enter into any lease of project vehicles/equipment or contract for transportation services with any third party without prior approval of the Department.
- 12) It will notify the Department within 24 hours of any accident or casualty involving project vehicles/equipment, and submit related reports as required by the Department.

It will submit an annual financial audit report to the Department, if required by the Department.

Date: _____

(Typed name and title of authorized representative)

(Signature of authorized representative)

**APPLIES TO APPLICANTS FOR
CAPITAL ASSISTANCE FOR FACILITIES**

EXHIBIT H

Protection of the Environment

Most transit projects funded under Section 5311 [including 5311(f)] will be classified by FTA as categorical exclusions. Examples of categorical exclusions include operating assistance, purchase of transit vehicles, and purchase of office equipment.

If the proposed project is for construction or acquisition of facilities or other buildings, further evaluation may be required before a determination can be made that the project is a categorical exclusion. The FDOT District Office in the applicant's service area (see Appendix) should be contacted to determine if additional evaluation is needed. If it is needed, information such as an Environmental Assessment or Environmental Impact Statement (as determined by FDOT) should be included with an application for Section 5311(f) Assistance. This information may be separately bound and identified as Exhibit H.

Questions about this requirement should be directed to the FDOT District Office.

EXHIBIT J

Standard Lobbying Certification Form

NOTE: All grant awards issued to a recipient in the amount of \$100,000 or more must include a signed standard lobbying form.

The undersigned [Contractor] 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 an 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 making lobbying contacts to 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," (a copy the form can be obtained from

<http://www.dot.state.fl.us/transit/Pages/grantsadministration.shtm>) in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*)]

(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 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). 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. § 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 Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

_____ Signature of Contractor's Authorized Official

_____ Name and Title of Contractor's Authorized Official

_____ Date

APPLIES TO ALL APPLICANTS

EXHIBIT K

FTA Section 5333(b) Assurance

(Note: By signing the following assurance, the recipient of Section 5311 and/or 5311(f) assistance assures it will comply with the labor protection provisions of 49 U.S.C. 5333(b) by one of the following actions: (1) signing the Special Warranty for the Non-Urbanized Area Program; (2) agreeing to alternative comparable arrangements approved by the Department of Labor (DOL); or (3) obtaining a waiver from the DOL.)

The _____ (hereinafter referred to as the "Recipient")
HEREBY ASSURES that the "Special Section 5333 (b) Warranty for Application to the Small Urban and Rural Program" has been reviewed and certifies to the Florida Department of Transportation that it will comply with its provisions and all its provisions will be incorporated into any contract between the recipient and any sub-recipient which will expend funds received as a result of an application to the Florida Department of Transportation under the FTA Section 5311 Program.

Dated _____

(Signature of Authorized Representative)

(Name and Title of Authorized Representative)

Note: All applicants must complete the following form and submit it with the above Assurance.

LISTING OF RECIPIENTS, OTHER ELIGIBLE SURFACE TRANSPORTATION PROVIDERS, UNIONS OF SUB-RECIPIENTS, AND LABOR ORGANIZATIONS REPRESENTING EMPLOYEES OF SUCH PROVIDERS, IF ANY

(See Appendix for Example)

<p style="text-align: center;">1</p> <p style="text-align: center;">Identify Recipients of Transportation Assistance Under this Grant.</p>	<p style="text-align: center;">2</p> <p style="text-align: center;">Site Project by Name, Description, and Provider (e.g. Recipient, other Agency, or Contractor)</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">Identify Other Eligible Surface Transportation Providers (Type of Service)</p>	<p style="text-align: center;">4</p> <p style="text-align: center;">Identify Unions (and Providers) Representing Employees of Providers in Columns 1, 2, and 3.</p>

APPLIES TO APPLICANTS FOR OPERATING ASSISTANCE (ONLY)
CHECKLIST FOR APPLICATION COMPLETENESS

Name of Applicant: _____

Check One: New Applicant _____ **Recurring Applicant** _____

The following documents must be included in section 5311(f) Operating Assistance Applications in the order listed:

___ This checklist.

___ Applicant's cover letter and 2 copies of the governing board's Resolution.

___ Forms B-1 and B-2 (Operating and Administrative Expense & Revenues; Grant Request.)

___ Application for Federal Assistance (Form 424, Code 20.509).

___ Exhibit A: Current System Description.

___ Exhibit A-1: Fact Sheet

___ Exhibit B: Proposed Project Description

___ Exhibit D – Cash Match and Leasing

___ Exhibit J: Standard Lobbying Certification Form

___ Exhibit K: FTA Section 5333(b) Assurance.

___ Copy of the Title VI Plan

APPLIES TO APPLICANTS FOR CAPITAL ASSISTANCE (ONLY)
Checklist for Application Completeness

Name of Applicant: _____

Check one: New Applicant _____ **Recurring Applicant** _____

The following must be included in the Application for Section 5311(f) Capital Assistance in the order listed.

- ___ This checklist
- ___ Applicant's cover letter and 2 copies of the governing board's Resolution
- ___ Application for Federal Assistance (Form 424, Code 20.509)
- ___ Forms C-1 and C-2 (Operating and Administrative Expenses & Revenues)
- ___ Form C-3 (Current Vehicle and Transportation Equipment Inventory)
- ___ Form C-4 (Capital Request)
- ___ Exhibit A: Current System Description.
- ___ Exhibit A-1: Fact Sheet
- ___ Exhibit B: Proposed Project Description
- ___ Exhibit C: Public Hearing and Publisher's Affidavit (public agencies only)
- ___ Exhibit D: Cash Match and Leasing
- ___ Exhibit E: Federal Certifications and Assurances
- ___ Exhibit F: Certification of Equivalent Service (if grant is for non-accessible vehicles)
- ___ Exhibit G: Applicant Certification and Assurance to FDOT
- ___ Exhibit H: Protection of the Environment (if grant is for facilities)
- ___ Exhibit J: Standard Lobbying Certification Form
- ___ Exhibit K: FTA Section 5333(b) Assurance
- ___ Copy of the Title VI Plan

**APPLIES TO APPLICANTS FOR BOTH OPERATING AND CAPITAL ASSISTANCE
CHECKLIST FOR APPLICATION COMPLETENESS**

Name of Applicant: _____

Check one: New Applicant _____ **Recurring Applicant** _____

The following must be included in the Application for both Section 5311(f) Operating and Capital Assistance in the order listed.

- ___ This checklist
- ___ Applicant's cover letter and 2 copies of the governing board's Resolution
- ___ Application for Federal Assistance (Form 424, Code 20.509)
- ___ Form B-1 and B-2 (Operating and Administrative Expenses & Revenues; Grant Request)
- ___ Form C-2 (Current Vehicle and Transportation Equipment Inventory)
- ___ Form C-3 (Capital Request)
- ___ Exhibit A: Current System Description.
- ___ Exhibit A-1: Fact Sheet
- ___ Exhibit B: Proposed Project Description
- ___ Exhibit C: Public Hearing and Publisher's Affidavit (public agencies only)
- ___ Exhibit D: Cash Match and Leasing
- ___ Exhibit E: Federal Certifications and Assurances
- ___ Exhibit F: Certification of Equivalent Service (if grant is for non-accessible vehicles)
- ___ Exhibit G: Applicant Certification and Assurance to FDOT
- ___ Exhibit H: Protection of the Environment (if grant is for facilities)
- ___ Exhibit J: Standard Lobbying Certification Form
- ___ Exhibit K: FTA Section 5333(b) Assurance
- ___ Copy of the Title VI Plan

APPENDIX

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49 U.S.C. 5335, Definitions - Operating and Administrative Expenses

(National Transit Data Report - NTD)

<http://www.ntdprogram.gov/ntdprogram/Glossary.htm>

(501) labor - The pay and allowances due employees in exchange for the labor services they render in behalf of the transit system.

(502) fringe and benefits - Payments or accruals to others (insurance companies, governments, etc.) on behalf of an employee and payments or accruals direct to an employee arising from something other than his performance of a piece of work.

(503) services - Labor and other work provided by outside organizations for fees and related expenses.

(504) materials and supplies - Tangible products obtained from outside suppliers or manufactured internally.

(504.01) vehicle maintenance - Cost of fuel and lubricants, tires and tubes, vehicle maintenance parts.

(505) utilities - Payments made to various utilities for utilization of their resources (e.g., electric, gas, water, telephone, etc.)

(506) insurance - Cost elements covering protection of the transit system from loss through insurance programs; compensation of others for their losses due to acts for which the transit system is liable; and recognition of the cost of a miscellaneous category of corporate losses.

(507) license and taxes - Taxes and fees levied against the transit system by Federal, state, and local governments.

(508) purchased transit service - The payment or accrual to other transit systems for providing transportation service.

(509) miscellaneous - Those expenses which cannot be attributed to any of the other major expense categories.

(512) leases and rentals - Payments for the use of capital assets not owned by the transit system.

(513) depreciation - Charges that reflect the loss in service value of the transit system's assets.

49 U.S.C. 5335, Definitions - Operating and Administrative Revenue

(National Transit Data Report - NTD)

<http://www.ntdprogram.gov/ntdprogram/Glossary.htm>

(401) passenger fares for transit services - Revenue earned from carrying passengers along regularly scheduled routes.

(402) special transit fares - Revenues earned for rides given in regular transit service, but paid for by some organization rather than by the rider, and for rides given along special routes for which revenue may be guaranteed by a beneficiary of the service.

(403) school bus service revenues - Revenues earned from operating vehicles under school bus contracts.

(404) freight tariffs - Revenues earned from carrying freight on runs whose primary purpose is passenger operations.

(405) charter service revenues - Revenues earned from operating vehicles under charter contracts.

(406) auxiliary transportation revenues - Revenues earned from operations closely associated with the transportation operations (e.g., concessions, advertising, automobile ferriage, etc.)

(407) nontransportation revenues - Revenues earned from activities not associated with the provision of the transit system's transit service (e.g., sale of maintenance services, rental of revenue vehicles, rental of buildings and other property, investment income, parking lot revenue, etc.)

(408) taxes levied directly by transit system - Tax revenues to transit systems that are organized as independent political subdivision with their own taxation authority.

(409) local cash grants and reimbursements - Funds obtained from local government units to assist in paying the cost of operating transit services.

(410) local special fare assistance - Funds obtained from local government units to help cover the difference between full adult fares and special reduced fares. *(Includes local social service contract funds).*

(411) state cash grants and reimbursements - Funds obtained from state government to assist in paying the cost of operating transit services. *(Includes Commission for the Transportation Disadvantaged grant funds).*

(412) state special fare assistance - Funds obtained from state government to help cover the difference between full adult fares and special reduced fares. *(Includes state social service contract funds).*

(413) federal cash grants and reimbursements - Funds obtained from the Federal government to assist in paying the cost of operating transit services. Include and identify the source of unrestricted Federal Funds used as match.

(414) interest income - Revenues earned from the lending or deposit of funds.

(430) contributed services - The receipt of services (not cash) from another entity where such services benefit transit operations and the transit operator is under no obligation to pay for the services.

(431) contributed cash - The receipt of funds from another entity where such funds benefit transit operations and the transit operator is under no obligation to repay the funds.

(440) subsidy from other sectors of operations - Funds obtained from other sectors of a transit company's operations to help cover the cost of providing transit service.

WHAT'S ON THE MARKET

Below is a listing of all active contracts available through the FDOT TRIPS Program for the purchase of new transit vehicles. **The Auto and Light Truck contract can be found at [The Florida Department of Management Services \(DMS\) website](#).** Some new types of vehicles have entered the community transportation market in the last few years. They generally fall into the following categories of expected minimum life of service years and mileage:

FDOT Minimum Service Life – 5 years and/or 200,000 miles:

MINI BUS (Formally: Commuter Van 9-Passenger Center Aisle Vehicles)

Expired - Bidding For New Contract Summer 2014

MOBILITY VENTURES, LLC MV-1 PURPOSE BUILT SPECIAL NEEDS VEHICLE

GVWR/Length	Ambulatory Seating Capacity	Price	Wheelchair Positions	Contract #	Order Packet & Pricing
6,600#/205"	0 - 6	\$46,598	0 - 2	TRIPS-12-SNV-CBS	Order Packet

MINIVANS

The extended low floor minivans with mobility ramp intended use is as a Paratransit or a supervisor vehicle, providing public transportation for a maximum capacity of six (6) ambulatory passengers or a maximum of two (2) wheelchair passengers and three (3) ambulatory passengers. These configurations exclude the driver.

GVWR/Length	Ambulatory Seating Capacity	Price	Wheelchair Positions	Contract #	Order Packet & Pricing
6,050#	3-6	\$42,130- \$44,702	2	TRIPS-13-MV-FTS	Order Packet
6,050#	3-6	\$40,420- \$43,026	2	TRIPS-13-MV-MW	Order Packet

STANDARD CUTAWAY

Each dealer offers a variety of models built on a variety of chassis' and chassis weights. Please contact the dealer directly for questions on capacity, floor plans, and pricing.

Creative Bus Sales, Inc.	Alliance Bus	Getaway Bus, LLC	LBS South, LLC	Atlantic Bus Sales, Inc.
TRIPS-11-CA-TP	TRIPS-11-CA-FCCSC	TRIPS-11-CA-GB	TRIPS-11-CA-RB	TRIPS-11-CA-ABS
Contract	Contract	Contract	Contract	Contract
Order Packet	Order Packet	Order Packet	Order Packet	Order Packet

SMALL CUTAWAY LOW FLOOR

Currently Suspended

Chevrolet 3500 Chassis 12,300# GVWR

Chevrolet 4500 14,200# GVWR

International 25,500# GVWR

Small low floor chassis transit vehicle with wheel chair ramp, produced by two different manufacturers and dealers.

() - Indicates number of seats without wheel chairs.

GVWR/Length	Seating Capacity	Price	Wheelchair Positions	Contract #	Order Packet & Pricing
12,300#/21'	6 – 12 (15)	\$109,100 - \$131,800	1	TRIPS-10-SCLF-FCCS Optional Hybrid Drive	Order Packet
14,200#/23'	6 – 12 (23)	\$117,000 - \$150,000	1 - 3		
25,500#/26' – 36'	12 – 26 (32)	\$158,400 - \$209,600	1 - 2	TRIPS-10-SCLF-TP	Order Packet

FDOT Minimum Service Life – 10 years and/or 350,000 miles:

MEDIUM DUTY

Expired - Bidding For New Contract Fall 2014

**Sample
RESOLUTION FORM**

A **RESOLUTION** of the _____(Governing Board)_____ authorizing the signing and submission of a grant application and supporting documents and assurances to the Florida Department of Transportation, the acceptance of a grant award from the Florida Department of Transportation, and the purchase of vehicles and/or equipment and/or expenditure of grant funds pursuant to a grant award.

WHEREAS, _____(Applicant) _____

has the authority to apply for and accept grants and make purchases and/or expend funds pursuant to grant awards made by the Florida Department of Transportation as authorized by Chapter 341, Florida Statutes and/or by the Federal Transit Administration Act of 1964, as amended;

NOW, THEREFORE, BE IT RESOLVED BY THE _____(Governing Board)_____ _____, FLORIDA:

4. This resolution applies to Federal Program(s) under U.S.C. Section(s)_____.
5. The submission of a grant application(s), supporting documents, and assurances to the Florida Department of Transportation is approved.
6. _____(Authorized Individual by Name and Title) _____ is authorized to sign the application, accept a grant award, purchase vehicles/equipment and/or expend grant funds pursuant to a grant award, unless specifically rescinded.

DULY PASSED AND ADOPTED THIS _____, 20__

By:

(Signature, Chairman of the Board)

(Typed Name and Title)

ATTEST:

_____ (seal)

REQUIRED COVER LETTER
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
GRANT APPLICATION

_____agency name) submits this Application for the Section 5311(f) Program Grant and agrees to comply with all assurances and exhibits attached hereto and by this reference made a part thereof, as itemized in the Checklist for Application Completeness.

This Application is submitted on this _____ day of _____, 20__ with two (2) original resolutions or certified copies of the original resolution authorizing _____ (Name & Title) to sign this Application.

Agency Name

By: _____

Title: _____

Date: _____

Sample
Public Notice
(Pertains to Exhibit C)

All interested parties within (counties affected) are hereby advised that (public agency) is applying to the Florida Department of Transportation for a capital grant under Section 5311(f) of the Federal Transit Act of 1991, as amended, for the purchase of (description of equipment) to be used for the provision of public transit services within (defined area of operation).

A Public Hearing has been scheduled at (date, time, location), for the purpose of advising all interested parties of service being contemplated if grant funds are awarded, and to ensure that contemplated services would not represent a duplication of current or proposed services provided by existing transit or paratransit operators in the area.

This hearing will be conducted if and only if a written request for the hearing is received by (two days prior to the scheduled hearing).

Requests for a hearing must be addressed to (Public Agency name and address) and a copy sent to (name and address of appropriate FDOT District Office).

Sample
(Pertains to Exhibit K)

Listing of Recipients, Other Eligible Surface Transportation Providers, and Labor Organizations Representing Employees of Such Providers, if any.

- (1) Recipient**
- (2) Project Description**
- (3) Other Eligible**
- (4) Labor Organization**

Transportation Representing Employees Providers of Providers, if any.

Identify Recipients of Transportation Assistance under this grant.	Cite Project by Name, Description, and Provider (e.g. Recipient, other Agency, or Contractor)	Identify Other Eligible Surface Transportation Providers (Type of Service)	Identify Unions (and providers) Representing Employees of Providers in Column 1, 2, and 3
A) ABC County Transit	Application for Section 5311 funds for Operating Assistance for FY 02 for ABC County Transit to provide public transportation service to residents of rural areas of the county traveling within the rural area and/or to the adjacent urban area and return to rural domicile.	A) XYZ Transit, Inc. (intercity service) B) MNOP Transit, Inc. (urban transit service)	A) No union (ABC County Transit) B) ATU L.U. #000 (XYZ Transit, Inc.) C) MNOP Transit Drivers Association (MNOP Transit, Inc.)

FDOT District Office Contacts

District	Contacts	Address
1	<p><i>Manager:</i> TBD (863) 519-2388</p> <p><i>Transit Unit</i> <i>Contact:</i> TBD</p>	<p>P.O. Box 1249 801 North Broadway Bartow, FL 33830-1249</p>
<i>Counties Covered:</i> Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Polk, Sarasota		
2	<p><i>Manager:</i> Doreen Joyner-Howard (904) 360-5650</p> <p><i>Transit Unit</i> <i>Contact:</i> Janell Damoato Alachua, Baker, Clay, Nassau, Putnam, St. Johns Sandra Collins Bradford, Columbia, Dixie, Gilchrest, Hamilton, Lafayette, Levy, Madison, Suwannee, Taylor, Union Counties Thee Perry Duval</p>	<p>2198 Edison Avenue, MS 2806 Jacksonville, FL 32204</p> <p>(904) 360-5687 (386) 961 7870 (904) 360 5414</p>
<i>Counties Covered:</i> Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Gilchrist, Hamilton, Lafayette, Levy, Madison, Nassau, Putnam, St Johns, Suwannee, Taylor, Union		
3	<p><i>Manager:</i> Mike Lewis (850) 330-1545</p> <p><i>Transit Unit</i> <i>Contact:</i> Kathy Rudd Bay, Escambia, Gulf, Holmes, Jackson, Santa Rosa, Walton, Washington Vanessa Strickland Calhoun, Franklin, Gadsden, Jefferson, Leon, Liberty, Okaloosa, Wakulla</p>	<p>P. O. Box 607 Chipley, FL 32428-9990</p> <p>(850) 330-1549 (850) 330-1534</p>
<i>Counties Covered:</i> Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, Washington		

4 Manager: Larry Merritt 3400 W. Commercial Blvd.

(954) 777-4683 Ft. Lauderdale, FL 33309

Transit Unit

Contact: Lisa Maack (954) 717-2253

Counties Covered: Broward, Palm Beach, Martin, St Lucie, Indian River

5 Manager: Brenda Young 133 South Semoran Blvd.
(407) 482-7852 Orlando, FL 32807

Transit Unit

Contact: Diane Poitras (407) 482-7860

Counties Covered: Brevard, Flagler, Lake, Marion, Orange, Osceola, Seminole, Sumter, Volusia

6 Manager: Dionne Richardson 1000 NW 111th Ave., Room 6111
(305) 470-5292 Miami, FL 33172

Transit Unit

Contact: Raymond Freeman (305) 470-5255

Counties Covered: Miami-Dade, Monroe

7 Manager: George Boyle 11201 N. McKinley Dr. (MS-7500)

(813) 975-6409 Tampa, FL 33612

Transit Unit

Contact: Tracy G. Tronco (813) 975-6195

Counties Covered: Citrus, Hernando, Hillsborough, Pasco, Pinellas

To send e-mail to any of the above: **first name.last** [name@dot.state.fl.us](mailto:first name.last_name@dot.state.fl.us)

Glossary

ambulatory - A person who is able to walk and move about freely without being confined to a bed or wheelchair.

applicant – An agency applying for Section 5311(f) Federal Assistance. See also “new applicant” and “recurring applicant.”

authorizing Federal and State Legislation – Legislation authorizing the Section 5311, and 5311(f) Programs are: Moving Ahead for Progress in the 21st Century (MAP-21) Section 20010; 49 U.S.C. Sections 5311; Circular 9040.1F; Section 341.051, Florida Statutes; and Chapter 14-73, Florida Administrative Code. The Section 5311 FTA Circular can be found at http://www.dot.state.fl.us/transit/Pages/FTA_Section_5311_Circular.pdf.

capital projects in urbanized area – Use of Section 5311(f) funds for capital projects in urbanized areas is limited to those aspects of the project that can be identified as directly benefiting and supporting service to and from rural areas. These projects are to be included in both the metropolitan Transportation Improvement Program (TIP) and the Statewide Transportation Improvement Program (STIP) and follow the appropriate project selection requirements contained in the joint planning rule.

category A project – A project certified by the District Office as having met all the statutory and administrative requirements for approval.

category B project – A project the District Office anticipates approving, but that has not met all the statutory and administrative requirements for approval.

community transportation coordinator (CTC) - A transportation entity recommended by an MPO, or by the appropriate designated official planning agency, as provided for in Sections 427.011 - 427.017, F.S. in an area outside the purview of an MPO, to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area.

coordination contract – A written contract between the CTC and an agency who receives transportation disadvantaged funds and performs some, if not all, of its own transportation services, as well as transportation services to others, when shown to be more effective and more efficient from a total system perspective. The contract reflects the specific terms and conditions that will apply to those agencies who perform their own transportation, as well as joint utilization and cost provisions for transportation services to and from the CTC.

district program of projects – A district listing of each applicant agency for which a grant award is proposed, a description of the project to be funded, and the proposed federal, state and local share of the project cost. The district program of projects includes certification by the District Office that all applicants and projects so proposed either meet all program requirements or will meet all program requirements before a JPA is executed.

eligible assistance – Assistance under Section 5311(f) must support intercity bus service in rural areas. Section 5311(f) specifies eligible intercity bus activities to include “planning and marketing for intercity bus transportation, capital grants for intercity bus shelters, joint-use stops and depots, operating grants through purchase-of-service agreements, user-side subsidies and demonstration projects, and coordination of rural connections between small public transportation operations and intercity bus carriers.” This listing does not preclude other capital and operating projects for the support of rural intercity bus service. For example, the State may provide operating assistance to a public or private non-profit organization for the direct operation of intercity service after appropriate consideration of participation by private for-profit service providers. Capital assistance may be provided to purchase vehicles or vehicle related equipment such as wheelchair lifts for use in intercity service. Charter and tour services are not eligible for FTA assistance.

eligible expenses, capital – For the Section 5310 and 5311 Program, eligible capital expenses include buses, vans or other paratransit vehicles (including sedans and station wagons), radios and communications equipment, and wheelchair lifts and restraints, vehicle rehabilitation, data processing hardware/software, initial installation costs, vehicle procurement, inspection and acceptance costs, and other durable goods such as spare components with a useful life of more than one year, and costs associated with pre-award and post-delivery audits. For the Section 5311 and 5311(f) Programs, eligible capital expenses also include the construction or rehabilitation of transit facilities including design, engineering, and land acquisition. For the 5311(f) Program, planning and marketing expenses are eligible capital expenses. The federal share for eligible capital expenses may not exceed 80%.

eligible expenses, operating - For the Section 5311(f) Program eligible operating expenses include the total administrative, management, and operation costs directly incident to the provision of public transportation services less operating revenues. The federal share for net eligible operating costs may not exceed 50%.

eligible recipient, 5311(f) – The definition of a subrecipient in Section 5311(a)(2) includes an operator of intercity bus service that receives Federal transit program grant funds through a State or Indian tribe that is a direct recipient. In some instances, certain intercity bus providers may be unwilling or unable to accept the terms and conditions the State applies to subrecipients and may prefer to maintain a contractual relationship, in order to isolate the remainder of their operations from Federal requirements related to a grant. The State may use either mechanism to provide assistance to private operators for intercity bus

service. In either case, the State should use a merit-based selection process to ensure that the private operator is qualified, will provide eligible service, can comply with Federal and State requirements, and is the best, or only, provider available to offer service at a fair and reasonable cost.

eligible service – 5311(f) [intercity bus service] – Regularly scheduled service for the general public which operates with limited stops over fixed routes connecting two or more urban areas

not in close proximity, which has the capacity for transporting baggage carried by passengers, and which makes meaningful connection with scheduled service to more distant points, if such service is available. Package express service may also be included, if incidental to passenger transportation.

expanded service - Adding a new service to an already existing system.

federal share – The Federal share for intercity projects is the same as for the Section 5311 Program as a whole: 50 percent of the net cost for operations and 80 percent of the net cost for capital projects and project administration. State administration, planning, and technical assistance in support of intercity bus transportation are eligible at 100 percent Federal share if applied against the cap on State administration expenses. The amount of Section 5311 funds used for planning for intercity bus transportation is not limited by the 15 percent cap on State administration. However, the Federal share of any planning assistance for intercity bus not included in the 15 percent allowed for State administration is limited to 80 percent of the planning costs.

FDOT control number – A number assigned to a vehicle by the FDOT District Office once the vehicle has been purchased, received and titled to the recipient with the Department of Transportation as the first lienholder.

incurred - Commitment or obligation to spend funds for goods to be received or services to be rendered.

individual with disabilities - means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use effectively, without special facilities, planning or design, public transportation service or a public transportation facility.

intercity bus feeder service - The "coordination of rural connections between small transit operations and intercity bus carriers" may include the provision of service which acts as a feeder to intercity bus service. The feeder service is not required to have the same characteristics as the intercity service with which it connects, as defined below. For example, feeder service may be demand responsive, while intercity service is, by definition, fixed route. Examples of eligible costs include marketing and extended hours of service in order to connect with scheduled intercity service. Note: The funding of intercity bus feeder service shall be at the discretion of the District Office.

intercity bus service - means regularly scheduled bus service for the general public that operates with limited stops over fixed routes connecting two or more urban areas not in close proximity, that has the capacity for transporting baggage carried by passengers, and that makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available.

joint participation agreement (JPA) - A contract between the Department of Transportation and a local sponsor of a transportation project, defining a project and the Department's participation. JPAs may be for one year or multiple years (up to five years), at the discretion of the Department.

labor protections – All Section 5311 operational projects, including intercity bus projects, require agreement to the terms and conditions of the standard Section 5333(b) special warranty for the Section 5311 Program.

Large urbanized area – an urbanized area (UZA) with a population of 200,000 or more individuals, as determined by the Bureau of Census.

local match – Can be a cash match, human services transportation contract or in-kind. Income from contract to provide human service transportation may be used either to reduce the net project cost or to provide local match. In either case, the cost of providing the contract service is included in the total project cost. No Federal Transit Administration program funds can be used as a source of local match for other FTA Programs, even when used to contract for service. In-kind match must be approved, prior to invoicing, by the District Comptroller's Office and be an eligible source listed in the FTA Master Agreement.

new applicant – An applicant for Section 5310, 5311, and/or 5311(f) assistance that has not received an award in the last two fiscal years.

new service - A first time applicant starting a new service.

non-ambulatory - A person who has a mobility impairment that prevents them from being able to walk or move about freely.

non-prioritization plans – The plan developed by the recipient, and provided to the funding District, which outlines how the recipient plans to provide non-prioritized general public transportation services. All transportation services funded with Section 5311 funds shall be available to the general public, the plan must outline how the recipient will assure that all 5311 funded service is open to the general public.

nonprofit organization – A corporation or association determined by the U. S. Secretary of the Treasury to be an organization described by 26 U.S.C. Section 501(c) which is exempt from taxation under 26 U.S.C. Section 501(a) or one incorporated within Florida which is certified as not for profit by the Secretary of State.

one-way passenger trips – Transportation provided to a person in one direction between two points for a specific purpose.

operating revenue - For Section 5311 and 5311(f), operating revenue includes the sum of all fares paid by passengers, whether such fares are paid at the time service is provided or via a prepaid arrangement such as passes or tokens. Operating revenue excludes revenues from contracts with social service agencies that pay for transportation of social service clients.

program of projects – A list of projects to be funded in a grant application submitted to the Federal Transit Administration by the Florida Department of Transportation. The program of projects lists the subrecipients and indicates whether they are private non-profit agencies, public bodies, or private providers of transportation service, designates the areas served (including Congressional Districts), and identifies any tribal entities. The program of projects also identifies intercity and RTAP projects. In addition, the program of projects includes a brief description of the projects, total project cost and the Federal share for each project, and the amount of funds used for program administration from the fifteen percent (15%) allowed. The program of projects shall indicate whether the employees of a subrecipient are represented by a union and if so by which union.

public agency - An authority, commission, committee, council, department, division, bureau, board, section or any other unit or entity of the state or of a town, city, municipality, county or other local governing body.

public transit - The transporting of people by conveyances or systems of conveyances, traveling on land or water, local or regional in nature, and available for use by the general public. Public transit specifically includes those forms of transportation commonly known as "paratransit" characterized by their non-scheduled, non-fixed route nature.

recurring applicant – An applicant for Section 5310, 5311, and/or 5311(f) Federal Assistance who applies every year.

rural areas- an area encompassing a population of fewer than 50,000 people that has not been designated in the most recent decennial census as an urbanized area by the Secretary of Commerce.

seniors –an individual who is 65 years of age or older.

small urbanized areas (UZA) - A UZA with a population of at least 50,000 but less than 200,000, as determined by the Bureau of the Census.

subrecipients – A state or local governmental authority, a non-profit organization, or operator of public transportation or intercity bus service that receives Federal transit program grant funds indirectly through a recipient.

transit development plan (TDP) - A locally adopted document addressing a minimum five-year time frame, prepared by/for the public transit provider, in cooperation with the appropriate Metropolitan Planning Organization. The TDP must be consistent with the applicable approved local government comprehensive plan. It must include an assessment of the need for transit service in the local area; identify the local transit policies, existing services, and proposed service improvements; capital and operating costs of the services; existing and proposed sources of funding, and a staged implementation plan. A TDP must be updated annually.

transportation disadvantaged - Those persons who because of physical or mental disability, income status, or age, or who for other reasons, are unable to transport themselves or to

purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk as defined in Chapter 411.202 F.S.

transportation disadvantaged service plan (TDSP) - a three year implementation plan, with annual updates developed by CTC's and planning agencies containing the provisions of service delivery in the coordinated transportation system. The plan must be reviewed and recommended by the TD Local Coordinating Board.

urbanized area - an area encompassing a population of not less than 50,000 people that has been defined and designated in the most recent decennial census as an urbanized area by the Secretary of Commerce.

End of Manual

5311(f) OPERATING & CAPITAL Revised on 5 September 2014

Revised by Kristin Gladwin

Florida Department of Transportation

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**SECTION 5339 APPLICATION
MANUAL**

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2015

U.S.C. Section 5339

Rural Area

20.526

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CAPITAL ASSISTANCE

APPLICATION MANUAL

FLORIDA DEPARTMENT OF TRANSPORTATION

PUBLIC TRANSIT OFFICE

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Introduction

This manual includes program information, application forms, exhibits, certifications and assurances, and instructions to enable an applicant to apply for Federal rural capital under U.S.C. Section 5339 Bus & Bus Facilities Program, as administered by the Florida Department of Transportation (FDOT).

The Section 5339 Bus & Bus Facilities Program provides Federal capital assistance to eligible recipients (see next page) who operate/contract public transportation services in rural areas. To be considered rural, an area will have population under 50,000.

Several types of activities are eligible for federal assistance under this program including projects to replace, rehabilitate, and purchase buses and related equipment, and projects to construct bus-related facilities. This includes the acquisition of buses for fleet and service expansion, bus maintenance and administrative facilities, transfer facilities, bus malls, transportation centers, intermodal terminals, park and ride stations, acquisition of replacement vehicles, bus rebuilds, passenger amenities such as passenger shelters and bus stop signs, accessory and miscellaneous equipment such as mobile radio units, supervisory vehicles and fare boxes, computers, and shop and garage equipment. Capital equipment purchased must be necessary and reasonable to the provision of public transportation services in rural areas.

Interested applicants may also obtain other application manuals from the FDOT District Office in their service area (see Appendix), including the: Section 5310, Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program; and Section 5311, Rural Formula Program.

General Program Information / Requirements

Program Administration. The Federal government allocates funds by formula to the State of Florida each fiscal year for the Section 5339 Program. FDOT has been designated by the Governor of Florida to administer the program. As the program administrator, FDOT is responsible for the following services. At its discretion, FDOT may contract with a service provider to perform these services.

1. announcement of funding availability;
2. selection of projects for funding according to approved selection criteria;
3. development and processing of agreements;
4. oversight of recipient procurement actions;
5. oversight of recipient compliance with state and Federal requirements;
6. processing of recipient invoices for reimbursement, and
7. provision of technical assistance regarding the Section 5339 Program.

Authorizing legislation for the program is shown in the Glossary of this manual under “authorizing Federal and State Legislation.”

The Federal goal of the program is to replace aging equipment and infrastructure. In Florida, program funds shall be used to support local transportation services that act to maximize the passenger carrying capacity of surface transportation facilities. Services for the transportation disadvantaged should play a significant part under this program. All recipients of funds shall provide their non-prioritization service plan to the District to ensure access to the general public. Recurring applicants must re-submit their non-prioritization plan only if changes to the plan has been made since previous application cycle.

Application Deadlines. Application deadlines vary from district to district but usually fall between December and February each year. When received, FDOT District Offices evaluate applications within their respective districts and, thereafter, submit a Program of Projects (POP) to the FDOT Central Office.

The Central Office compiles POPs from the various districts and submits a statewide grant application for Federal assistance to the Federal Transit Administration (FTA) by April 1 of each year. FDOT anticipates FTA’s approval of the statewide grant application (including district POP’s) by July 1. The Florida Legislature also approves the general appropriation for the State’s current year budget by July 1. Once Federal approval is received and the State budget finalized, District Offices may make grant awards. (See “Grant Award Process” below.)

Threshold Criteria. Threshold criteria are the minimum legal eligibility requirements. Applications must be for eligible capital projects. Applicants must also ensure compliance with a number of other conditions placed on grant recipients including, but not limited to, coordination of transit services, civil rights preservation, compliance with safety and drug free work place regulations, drug and alcohol testing of safety-sensitive employees, competitive procurement of goods and services bought with grant funds, and references to the Federal Transit Administration’s Master Agreement (<http://www.fta.dot.gov/documents/17-Master.pdf>).

Eligible Recipients. Eligible recipients of Section 5339 Grants include political subdivisions of the State of Florida and agencies thereof; Indian Tribes; and private non-profit agencies designated as Community Transportation Coordinators (CTC) in accordance with Chapter 427, Florida Statutes. Private for-profit agencies may receive funds through contractual arrangements with eligible sub-recipients. The sub-recipient will be responsible for ensuring that the third-party applicant meets all federal and state program requirements. All recipients who are not CTCs must enter into coordination or transportation operator contracts with the appropriate CTC for the purpose of coordinating services. Local governments providing fixed route/fixed schedule service are not required to have an agreement with the CTC.

Eligible Expenses for Section 5339 Capital Assistance. Section 5339 funds may be used for the capital expense of transportation services to the general public in rural areas. Eligible expenses are limited to buses, vans or other paratransit vehicles (including sedans and station wagons), radios and communications equipment, wheelchair lifts and restraints, vehicle rehabilitation, microcomputer hardware/software, initial installation costs, vehicle procurement, inspection and acceptance costs, construction or rehabilitation of transit facilities including design, engineering, and land acquisition, and other durable goods such as spare components with unit cost over \$300 and a useful life of more than one (1) year. The cost associated with pre-award and post delivery audits also qualify as eligible capital expenses.

Ineligible Expenses. Expenses for charter service; school bus service; service not open to the general public (prioritized serve); **service exclusively within an urbanized area**, and depreciation expense are not eligible under the Section 5339 Program. Likewise, expenses incurred prior to Federal and State approval of a grant application; expenses incurred prior to the execution of a Joint Participation Agreement (JPA), and expenses incurred prior to the Department’s approval of plans, specifications, and third party contracts are ineligible.

Legal Authority and Fiscal & Managerial Capability. Section 5339 applicants must have the legal authority and fiscal/managerial capability to apply for and manage Section 5339 Grants. Grant recipients are required to maintain adequate financial, maintenance, and operating records and be able to comply with the reporting requirements of the **Disadvantaged Business Enterprise (DBE) Program (49 CFR Part 23 “Participation of Minority Business Enterprise in Department of Transportation Programs.”)**

Matching funds for Section 5339 Capital Assistance. FDOT will provide the state required match of 20%. The federal share of eligible capital costs shall not exceed 80%.

Use of Section 5339 vehicles/equipment. Section 5339 vehicles/equipment may be used for general public transportation services provided in rural areas only on a regular and continuing basis. They may also be used for service provided to non-sponsored transportation disadvantaged persons and to social service clients in rural areas provided there is no restriction on public use of the service. Service may not be designed exclusively to serve the transportation requirements of social service agencies without regard for the mobility needs of the community as a whole. The need and planned use of the requested vehicles must be detailed in the **Proposed Project Description (Exhibit B)**.

Charter, sightseeing, and exclusive school bus services are not eligible services.

Services across urbanized/rural area boundaries. Applicants providing service across urbanized/rural area boundaries must develop a method of segregating or itemizing the costs of services to demonstrate that Section 5339 funds are used primarily for rural area service. Examples of methods that may be used to allocate costs include:

- where all passenger addresses are known, assume the percentage of those addresses located in rural areas equals the level of service in rural areas;

- segregate urbanized and rural service miles based on route maps, and allocate system-wide costs accordingly; and
- utilize driver logs to segregate service mileage or hours inside and outside the urbanized area, and allocate costs accordingly.

Americans with Disabilities Act (ADA). Applicants must comply with the Americans with Disabilities Act, (ADA) of 1990, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; U.S. DOT regulations, Transportation Services for Individuals with Disabilities (ADA)” at 49 CFR Parts 27, 37, 38, 39; and FTA regulations, Transportation for Elderly and Handicapped Persons, 49 CFR Part 609.

Civil Rights Submissions. Civil rights submissions that will be required include a Title VI Program, Equal Employment Opportunity (EEO) Program, Disadvantaged Business Enterprise (DBE) Program and annual goal, and ADA Paratransit Plan.

All applicants must submit a copy of their Title VI Plan with the grant application. At the applicant’s request, the FDOT District Office will provide technical assistance to the applicant in the development of their Title VI Plan.

Davis-Bacon Act. In the event that a project involves construction, applicants shall comply with the David Bacon Act 49 U.S.C. Section 5333(a) prevailing wage requirements.

Environmental Determination. The impact that a proposed FTA assisted project will have on the environment shall be evaluated and documented in accordance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), before grant application.

Administrative requirements (ONLY IF THE GRANT IS FOR FACILITIES). Applicants shall supply the appropriate Regional Planning Council (RPC)/local clearinghouse agency (see Appendix) a copy of its application for Federal Assistance. Each applicant shall request the RPC/Clearinghouse, Intergovernmental Coordination and review (IC&R) process to provide a letter of support of the application to the appropriate FDOT District Office. Copies of correspondence to the RPC/Clearinghouse agency should be contained in the grant application.

Section 5339 projects awarded to an agency located in an urbanized area must be included in the metropolitan transportation plan (MTP) prepared and approved by the metropolitan planning organization (MPO), the transportation improvement program (TIP) approved jointly by the MPO and the governor, and the statewide transportation improvement program (STIP) developed by a state and jointly approved by FTA and FHWA. Projects outside UZAs must be included in, or be consistent with the statewide long-range transportation plan, as developed by the state, and must be included in the STIP.

Although applications for such projects may be accepted by the FDOT District Office prior to their listing in a TIP/STIP, a grant award will not be final for such projects until all administrative requirements are completed, including being listed in the appropriate TIP/STIP.

Planning requirements. To remain eligible for Section 5339 awards, recurring applicants must submit the TDSP or TDP for their service area to FDOT in a timely manner. The entire TDSP or TDP does not need to be submitted with the application.

Audit requirements.

Part I Federally Funded: If the Agency is a state, local government, or non-profit organizations as defined in OMB Circular A-133 and a recipient of federal funds, the following annual audit criteria will apply:

1. In the event that the recipient expends \$750,000 or more in Federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. Exhibit "D" to this agreement indicates Federal resources awarded through the Department by this agreement. In determining the Federal awards expended in its fiscal year, the recipient shall consider all sources of Federal awards, including Federal resources received from the Department. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions OMB Circular A-133, as revised, will meet the requirements of this part.
2. In connection with the audit requirements addressed in Part I, Paragraph 1, the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133.
3. If the recipient expends less than the amount in Part I, Paragraph 1, an audit conducted in accordance with the provisions of OMB Circular A-133, is not required. If the recipient elects to conduct such an audit, the cost of the audit must be paid from resources obtained from other than Federal entities.
4. Federal awards are to be identified using the Catalog of Federal Domestic Assistance (CFDA) title and number, award number and year, and name of the awarding federal agency.

Part II State Funded: If the Agency is a non-state entity as defined by Section 215.97(2) (m), Florida Statutes, and a recipient of state funds, the following annual audit criteria will apply:

1. In the event that the recipient expends a total amount of state financial assistance equal to or in excess of \$750,000 in any fiscal year, the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Department of Financial Services and the CFO; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.

Exhibit "D" to this agreement indicates state financial assistance awarded through the Department by this agreement. In determining the state financial assistance expended in its fiscal year, the recipient shall consider all sources of state financial assistance, including state financial assistance received from the Department, other state agencies, and other non-state entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a non-state entity for Federal program matching requirements.

2. In connection with the audit requirements addressed in Part II, Paragraph 1, the recipient shall ensure that the audit complies with the requirements of Section 215.97(8), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2) (e), Florida Statutes, and Chapter 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.

3. If the recipient expends less than the amount in Part II, Paragraph 1, such audit is not required. If the recipient elects to conduct such an audit, the cost of the audit must be paid from the recipient's resources obtained from non-state entities.

4. State awards are to be identified using the Catalog of State Financial Assistance (CSFA) title and number, award number and year, and name of the state agency awarding it.

Part III Other Audit Requirements

1. The Agency shall follow-up and take corrective action on audit findings. Preparation of a summary schedule of prior year audit findings, including corrective action and current status of the audit findings is required. Current year audit findings require corrective action and status of findings.

2. Records related to unresolved audit findings, appeals, or litigation shall be retained until the action is completed or the dispute is resolved. Access to project records and audit work papers shall be given to the Department, the Department Comptroller, and the Auditor General. This section does not limit the authority of the Department to conduct or arrange for the conduct of additional audits or evaluations of state financial assistance or limit the authority of any other state official.

Part IV Report Submission

1. Copies of reporting packages for audits conducted in accordance with OMB Circular A-133 as revised, and required by Section 7.62 Part I of this agreement shall be submitted, when required by Section .320 (d), OMB Circular A-133 as revised, by or on behalf of the recipient directly to each of the following:

G. The Department at the following address:

Florida Department of Transportation

Office of Comptroller, MS 24

605 Suwannee Street

Tallahassee, Florida 32399-0405

Email: FDOTSingleAudit@dot.state.fl.us

- H. The number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133 as revised, submitted to the following address:

Federal Audit Clearinghouse

Bureau of the Census

1201 East 10th Street

Jeffersonville, IN 47132

- I. Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133 as revised.

2. In the event that a copy of the reporting package for an audit required by Section 7.62 Part I of this Agreement and conducted in accordance with OMB Circular A-133 as revised is not required to be submitted to the Department for reasons pursuant to section .320 (e)(2), OMB Circular A-133 as revised, the recipient shall submit the required written notification pursuant to Section .320 (e)(2) and a copy of the recipient's audited schedule of expenditures of Federal awards directly to each of the following:

Florida Department of Transportation

Office of Comptroller, MS 24

605 Suwannee Street

Tallahassee, Florida 32399-0405

Email: FDOTSingleAudit@dot.state.fl.us

In addition, pursuant to Section .320 (f), OMB Circular A-133 as revised, the recipient shall submit a copy of the reporting package described in Section .320 (c), OMB Circular A-133 as revised, and any management letters issued by the auditor, to the Department at the following address:

Florida Department of Transportation

Office of Comptroller, MS 24

605 Suwannee Street

Tallahassee, Florida 32399-0405

Email: FDOTSingleAudit@dot.state.fl.us

3. Copies of financial reporting packages required by Section 7.62 Part II of this Agreement shall be submitted by or on behalf of the recipient directly to each of the following:

E. The Department at the following address:

Florida Department of Transportation

Office of Comptroller, MS 24

605 Suwannee Street

Tallahassee, Florida 32399-0405

Email: FDOTSingleAudit@dot.state.fl.us

F. The Auditor General's Office at the following address:

Auditor General's Office

Room 401, Pepper Building

111 West Madison Street

Tallahassee, Florida 32399-1450

4. Copies of reports or the management letter required by Section 7.62 Part III of this Agreement shall be submitted by or on behalf of the recipient directly to:

C. The Department at the following address:

Florida Department of Transportation

Office of Comptroller, MS 24

605 Suwannee Street

Tallahassee, Florida 32399-0405

Email: FDOTSingleAudit@dot.state.fl.us

5. Any reports, management letter, or other information required to be submitted to the Department pursuant to this Agreement shall be submitted timely in accordance with OMB Circular A-133 as revised, Section 215.97, Florida Statutes, and Chapter 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.

6. Recipients, when submitting financial reporting packages to the Department for audits done in accordance with OMB Circular A-133 as revised or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the

Auditor General, should indicate the date that the reporting package was delivered to the Agency in correspondence accompanying the reporting package.

Certifications and assurances. Applicants must agree to comply with certain Federal requirements by signing the certification and assurances form covered **by Exhibits E, F, I, K and H** of this manual, as appropriate. Compliance items in **Exhibit E** include (but are not limited to) regulations pertaining to charter service and school bus service when using FTA-funded vehicles, equipment, and facilities; and FTA drug and alcohol testing regulations. **Exhibit F** applies to applicants for capital assistance to purchase non-accessible vehicles. **Exhibit H** pertains to Protection of the Environment and applies to applicants seeking grants for facilities. **Exhibit K** assures compliance with Section 5333(b) of the Federal Transit Act regarding compliance with labor protection provisions, and applies to all applicants. Applicants for the Section 5310 Capital Assistance must also sign a certification and assurance to FDOT, as provided in **Exhibit G** of this manual.

Grant Award Process for Section 5339 Capital.

Capital Assistance awards will be made by the respective FDOT District Office to agencies submitting applications approved by FDOT for an award by issuing a Joint Participation Agreement (JPA) to the recipient.

To notify an applicant (recipient) approved for an award by FDOT, the FDOT District Office will send a “Notice of Grant Award” to the applicant/recipient with instructions to sign and return it to the District Office (see sample notice in the Appendix.) Thereafter, a JPA will be issued by the District Office to the recipient.

Note: All recipients must purchase the vehicle(s) and then seek reimbursement from the FDOT!

General Instructions on Forms, Certifications, and Exhibits

Each form, exhibit, and certification provides FDOT with information it must have to make required assurances to the Federal government and to make project selections. It is important that each required form, exhibit, and certification be complete and correct. Applicants should be aware that there are criminal sanctions for furnishing false information in order to obtain federal grants (18 U.S.C. 1001).

The **original** application Capital Assistance should be prepared on white, 8.5 X 11” paper and securely clipped (no binders or dividers, please) and submitted to the appropriate FDOT District Office. Each District Office requires at a minimum one (1) original and additional copies, as specified by the District, to be submitted. **Application forms, exhibits, and certifications should be arranged in the order listed in the “Checklist for Application Completeness”.** A checklist is provided in this manual at the end of the Exhibits section. The checklist should be used to assure the application is complete. Applications that are incomplete, illegible, or unsigned may be rejected by letter from the District.

The **original** application must be accompanied by the **required cover letter** and **two (2) fully-executed Resolution** forms from the applicant's governing board (see Appendix for sample). The Resolution should authorize 1) submission of the application; 2) signing of the application and certifications/assurances by a designated individual; and 3) acceptance of the grant award by the designated individual or signing the joint participation agreement or the notification of grant award; and 4) be printed on company letterhead.

All signatures should be in blue ink by the individual designated by the governing board of the applicant agency. Blue ink distinguishes an original signature from a photocopy. Only original signature resolutions, applications, and acceptance of grant awards are acceptable. The additional copies of the original application may be photocopies. Agencies submitting an application via TransCIP should print and sign the documents and upload a scanned color copy into TransCIP.

Questions regarding the Section 5339 application process should be directed to the FDOT District Office in the applicant's service area, as shown in the Appendix of this manual.

CONTENTS OF APPLICATIONS

Section 5339 APPLICANTS

Grant Application Instructions.

The standard Application for Federal Assistance (Form 424) must be filled out in its entirety for Section 5339 applications, and for the local clearinghouse submission (only if the grant is for facilities). A sample of the standard form is located on the next page of this manual. Applicants that are not using TransCIP to submit their application should print a copy of the 424 form, <http://www.dot.state.fl.us/transit/Pages/grantsadministration.shtm>, and include it with this application. This form must be used for **ALL** applications.

No pre-application process is used in this program; therefore, all submissions are applications.

The code assigned to the Section 5339 Program in the Catalog of Federal Domestic Assistance is 20.526. This code should be shown in Section 10 of the form followed by the title: "Bus and Bus Facilities for Rural Areas Program." A guidance document containing Congressional Districts, DUNS Numbers, UZA numbers and Catalog of Federal Domestic Assistance Numbers can be obtained from <http://www.dot.state.fl.us/transit/Pages/grantsadministration.shtm>.

ONLY IF THE GRANT IS FOR FACILITIES: Executive Order 12372 requires a review of all Federal grants to ensure compliance with the local and state planning process. Therefore, prior to submission of an application to the FDOT District Office, copies of the application must be submitted to the appropriate Local Clearinghouse/Regional Planning Council (See Appendix). The appropriate clearinghouse agency should be contacted to determine the number of copies required for local review. The date the application was submitted to the local clearinghouse for review must be listed under 19 on the Standard Form 424.

- **Support letters from the local clearinghouse must be submitted to the District Office before a Section 5339 Award can be made.**
- Applicants should send their applications to the **LOCAL** Clearinghouse/Regional Planning Council; **NOT TO THE STATE CLEARINGHOUSE**

Form 424

Item:	Entry:	Item:	Entry:
1.	Type of Submission should be "Application"	11.	Catalog of Federal Domestic Assistance Number is: 20.526 CFDA Title should be: Section 5339
2.	Type of Application should be "New"	12.	Funding Opportunity Number (FTA Grant Number) is not needed at this time.
3.	Enter Date Received	13.	"Not Applicable"
4.	"Not Applicable"	14.	List the areas affected by project (cities, counties, States etc.)
5. a	"Not Applicable"	15.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For pre-applications, use a separate sheet to provide a summary description of this project.
5 B	Federal Award Identifier (FTA Grant Number) is not needed at this time.	16.	List the applicant's Congressional District and any District(s) affected by the program or project
6.	State use only (if applicable)	17	Enter the proposed start date and end date of the project.
7.	State Application Identifier is "1001"	18.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item

8. a	Enter legal name of applicant, name of primary organizational unit (including division, if applicable), which will undertake the assistance activity, enter employer/taxpayer identification number (EIN/TIN) as assigned by Internal Revenue Service, enter the organization's DUNS number (received from Dun and Bradstreet), enter the complete address of the applicant (including country), and name, telephone number, e-mail and fax of the person to contact on matters related to this application.	19.	Check the applicable box
9.	Type of Applicant 1: Select Applicant Type	20.	Check the applicable box (If "yes", provide explanation in attachment)
10	Name of Federal Agency should be " Federal Transit Administration"	21.	Sign the form

APPLICATION FOR FEDERAL ASSISTANCE

[View Burden Statement](#)

OMB Number: 4040-0004
Expiration Date: 8/31/2016

Application for Federal Assistance SF-424		
<p>* 1. Type of Submission:</p> <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	<p>* 2. Type of Application:</p> <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	<p>* If Revision, select appropriate letter(s):</p> <input type="text"/> <p>* Other (Specify):</p> <input type="text"/>
<p>* 3. Date Received:</p> <input type="text"/>	<p>4. Applicant Identifier:</p> <input type="text" value="Not Applicable"/>	
<p>5a. Federal Entity Identifier:</p> <input type="text" value="Not Applicable"/>	<p>5b. Federal Award Identifier:</p> <input type="text"/>	
<p>State Use Only:</p>		
<p>6. Date Received by State:</p> <input type="text"/>	<p>7. State Application Identifier:</p> <input type="text" value="1001"/>	
<p>8. APPLICANT INFORMATION:</p>		
<p>* a. Legal Name:</p> <input type="text"/>		
<p>* b. Employer/Taxpayer Identification Number (EIN/TIN):</p> <input type="text"/>	<p>* c. Organizational DUNS:</p> <input type="text"/>	
<p>d. Address:</p>		
<p>* Street1:</p> <input type="text"/>	<p>Street2:</p> <input type="text"/>	
<p>* City:</p> <input type="text"/>	<p>County/Parish:</p> <input type="text"/>	
<p>* State:</p> <input type="text"/>	<p>Province:</p> <input type="text"/>	
<p>* Country:</p> <input type="text" value="USA: UNITED STATES"/>	<p>* Zip / Postal Code:</p> <input type="text"/>	
<p>e. Organizational Unit:</p>		
<p>Department Name:</p> <input type="text"/>	<p>Division Name:</p> <input type="text"/>	
<p>f. Name and contact information of person to be contacted on matters involving this application:</p>		
<p>Prefix:</p> <input type="text"/>	<p>* First Name:</p> <input type="text"/>	
<p>Middle Name:</p> <input type="text"/>	<p>* Last Name:</p> <input type="text"/>	
<p>Suffix:</p> <input type="text"/>	<p>Title:</p> <input type="text"/>	
<p>Organizational Affiliation:</p> <input type="text"/>		
<p>* Telephone Number:</p> <input type="text"/>	<p>Fax Number:</p> <input type="text"/>	
<p>* Email:</p> <input type="text"/>		

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

X: Other (specify)

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Federal Transit Administration

11. Catalog of Federal Domestic Assistance Number:

CFDA 20.526

CFDA Title:

Section 5339

*** 12. Funding Opportunity Number:**

* Title:

Bus & Bus Facilities Program

13. Competition Identification Number:

Not Applicable

Title:

Not Applicable

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant

* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date:

* b. End Date:

18. Estimated Funding (\$):

* a. Federal	<input type="text"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text"/>
* g. TOTAL	<input type="text"/>

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

a. This application was made available to the State under the Executive Order 12372 Process for review on

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

**** I AGREE**

** The list of certifications and assurances, or an Internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative: * Date Signed:

**Section 5339 APPLICANTS
FOR CAPITAL ASSISTANCE**

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Transportation-Related Operating and Administrative Expenses & Revenues

Information regarding the applicant's transportation-related operating and administrative expenses and revenues specific to 5339 funds must be provided with the application. **Forms C-1 and C-2** are included in this manual for that purpose. These forms should provide information about operating and administrative expenses of the vehicles or service operated/provided by the applicant, as described in **Exhibits A and B** of the application, and information about the sources of revenue used to pay for these expenses.

The budget line items shown on the forms were originally defined in the Transportation Accounting Consortium's Model Uniform Accounting System for Rural and Specialized Transportation Providers (TAC Manual). The account numbers in parentheses are the object code numbers for these line items in the TAC Manual and in FTA National Transit Data Reports (NTD). Definitions for expense and revenue line items are included in the Appendix of this manual.

Applicants should show the transportation-related operating and administrative expenses and revenues of their agency as projected for the year the Section 5339 Grant Award is requested. For example, the projected expense and revenue budgets for year FY 2015/2016 should be used if Section 5339 Assistance is requested by the Agency for use in FY 2015/2016.

Section 5339 APPLICANTS FOR CAPITAL ASSISTANCE

FORM C-1

TRANSPORTATION-RELATED OPERATING and ADMINISTRATIVE EXPENSES

Name of Applicant: _____

State Fiscal period requesting funding for, from __July 1, 2015 to __June 30, 2016__

EXPENSE CATEGORY	EXPENSE \$
Labor (501)	\$
Fringe and Benefits (502)	
Services (503)	
Materials and Supplies (504)	
Vehicle Maintenance (504.01)	
Utilities (505)	
Insurance (506)	
Licenses and Taxes (507)	
Purchased Transit Service (508)	
Miscellaneous (509)	
Leases and Rentals (512)	
Depreciation (513)	
TOTAL EXPENSE	\$

FORM C-2

OPERATING and ADMINISTRATIVE REVENUES

OPERATING REVENUE CATEGORY	REVENUE \$
Passenger Fares for Transit Service (401)	
Special Transit Fares (402)	
Other (403 – 407) (identify by appropriate code)	
TOTAL OPERATING REVENUE	\$
OTHER REVENUE CATEGORY	
Taxes Levied Directly by the Transit System (408)	
Local Cash Grants and Reimbursements (409)	
Local Special Fare Assistance (410)	
State Cash Grants and Reimbursements (411)	
State Special Fare Assistance (412)	
Federal Cash Grants & Reimbursements (413)	
Interest Income (414)	
Contributed Services (430)	
Contributed Cash (431)	
Subsidy from Other Sectors of Operations (440)	
TOTAL OF OTHER REVENUE	\$
GRAND TOTAL ALL REVENUE	\$

Current Vehicle and Transportation Equipment Inventory Form

Applicants must complete the “Current Vehicle and Transportation Equipment Inventory” (**Form C-3**), as shown in this manual. The form must include a current list of all vehicles and equipment used by the applicant to transport individuals, including those bought in previous years with Federal funds; those bought with other than Federal funds; those now on order; and those to be ordered with grant awards made in previous years. All columns of the form must be completed. An asterisk (*) should be placed next to the model year of vehicles to be replaced with the grant being applied for with this application. Vehicles operated by the applicant’s contractor or lessee should also be identified, and the name of the contractor/lessee shown in Exhibit B of the application.

Capital Request.

Applicants must complete the “Capital Request”, **Form C-4**, provided in this manual. The upper part of the form (vehicle requests) covers vehicles; the lower (equipment requests), covers other capital equipment such as radios, computer software, computer hardware, etc.

NOTE: In the case of vehicles, applicants should be sure to indicate whether the new vehicle is to replace (R) an older vehicle or expand (E) the fleet by adding a new vehicle. The length of the vehicle, the number of passenger seats & wheelchair positions, lift or ramp, and the type of fuel is also important because this affects the cost. The make of the vehicle should not be shown on the form.

Applicants should refer to “**What’s on the Market**”, located in the Appendix, the vehicle types available, but should also reference the TRIPS website to access the contracts for the vehicle(s) they are interested in to estimate the cost to fulfill their agency’s specific needs and the amount of their request.. Applicants should refer to the “What’s on the Market” summary located in the Appendix to identify the vehicle types available, but should also reference the TRIPS website to access the contracts for the vehicle(s) they are interested in to estimate the cost to fulfill their agency’s specific needs and the amount of their request. The appropriate FDOT District Office or the Center for Urban Transportation Research (see “**What’s on the Market**”) may be contacted for assistance.

(a) Applicants must use this form.

(b) Identify vehicles to be replaced with this or other grant by placing an asterisk (*) next to the model year. In Exhibit B of the application, provide the name of the lessee or contractor, if applicable.

(c) For example, Ford 22' bus; Dodge converted van.

(d) Show FDOT control number AND VIN if bought with grant through FDOT. If bought through other funding, list the complete VIN.

(e) Include computer hardware and software, copiers, printers, mobile radios, communication systems, etc.

(f) Identify the grant or other funding source used for purchasing the vehicle/equipment.

NOTE: Applicants may add additional lines to the form. Those requesting replacement vehicles, please identify the year the vehicle(s) were purchased.

Form C-4

CAPITAL REQUEST

VEHICLE REQUEST

R or E (a)	Number requested	Description (b) (c)	Estimated Cost
Sub-total			\$

EQUIPMENT REQUEST (c)

Sub-total			\$

(a) Replacement (R) or Expansion (E).

(b) Provide a brief description including the length and type vehicle, type of fuel, lift or ramp, number of seats and wheelchair positions. Do not show the Make. For example, 22' gasoline bus with lift, 12 amb. seats, 2 w/c positions.

(c) Show mobile radios and identify the type of radio (i.e. two way radio or stereo radio), computer hardware/software, etc. under "Equipment Request."

VEHICLE SUBTOTAL \$ _____ + EQUIPMENT SUBTOTAL \$ _____ = \$ _____ (x).

(x) X 80% = \$ _____ [Show this amount on Form 424 in block 15(a)]

EXHIBITS

Exhibit	Applies to Capital Assistance	Page
A – System Description	X	22
A – 1 – Fact Sheet	X	23
B – Proposed Project Description	X	24
C – Public Hearing	X (**)	25
D – Leasing	X	26
E – Federal Certifications and Assurances	X	27
F – Certification of Equivalent Service	X	28
G – Applicant Certification and Assurance FDOT	X	29
H – Protection of the Environment	X (***)	30
J – Standard Lobbying Certification Form	X	32
K – FTA Section 5333(b) Assurance	X	33
Checklists for Application Completeness	X	34

() Public Agencies only.**

(*) Applicants for facilities only.**

Section 5339 APPLICANTS

EXHIBIT A - Not to exceed two (2) pages

Current System Description

All applicants must submit Exhibit A as part of their application. Exhibit A should provide a short description of who the applicant is and what they do. At a minimum, the following information should be included in the narrative:

- Please provide an overview of the organization including its mission.
- Please provide information regarding organizational structure, type of operation, total number of employees, and other pertinent information.
- Who is responsible for insurance, training and management, and administration of the agencies transportation program?
- Who provides maintenance if capital assistance is requested?
- Number of transportation related employees?
- Who will drive the vehicle, number of drivers, CDL certifications, etc., if capital assistance is requested?
- Please provide a detailed description of service, routes and ridership numbers.
- Exhibit A-1 (below)

If the applicant is a Community Transportation Coordinator (CTC), **relevant** pages of a Transportation Disadvantaged Service Plan (TDSP) and Annual Operating Report (AOR) containing the above information may be provided.

Evaluators will rely heavily on an applicant's narrative in determining the amount of funds/vehicles/equipment awarded.

**APPLIES TO APPLICANTS REQUESTING FUNDING FOR PROJECTS TO
REPLACE, REHABILITATE AND PURCHASE BUSES AND RELATED EQUIPMENT**

Section 5339 Applicants

EXHIBIT A-1

FACT SHEET

Name of Applicant: _____

	CURRENTLY	IF GRANT IS AWARDED *
1. Number of one-way passenger trips.* PER YEAR		
2. Number of individuals served unduplicated (first ride per rider per fiscal year). PER YEAR**		
3. Number of vehicles used for this service. ACTUAL		
4. Number of ambulatory seats. AVERAGE PER VEHICLE (Total ambulatory seats divided by total number of fleet vehicles)		
5. Number of wheelchair positions. AVERAGE PER VEHICLE (Total wheelchair positions divided by total number of fleet vehicles)		
6. Vehicle Miles traveled. PER YEAR		
7. Average vehicle miles PER DAY		
8. Normal vehicle hours in		

operation. PER DAY		
9. Normal number of days in operation. PER WEEK		
10. Trip length (roundtrip). AVERAGE		

Estimates are acceptable. The information listed should be specific to the Section 5339 funds and not agency wide.

* One way passenger trip is the unit of service provided each time a passenger enters the vehicle, is transported, then exits the vehicle. Each different destination would constitute a passenger trip

** The unduplicated riders are for current year and the subsequent year once the grant is awarded

SECTION 5339 APPLICANTS FOR CAPITAL ASSISTANCE

EXHIBIT B

Proposed Project Description (not to exceed three (2) pages)

Applicants must submit **Exhibit B** as part of their application. The proposed project description should be thorough as evaluators will rely heavily on the narrative in reviewing and ranking an application. The project description should not repeat the current system description shown in **Exhibit A**. **Exhibit B** must include, but not be limited to:

1. Is the project to continue the existing level of services, to expand present service, or to provide new service? How will a grant award be used? More hours? Larger geographic area? Shorter headways? More trips? Please explain in detail.
2. If a grant award will be used to maintain services as described in Exhibit A, specifically explain how it will be used in the context of total service. Make sure to include information on how the agency will supply the reporting information required by FTA.
3. Give a detailed explanation of the need for the vehicle and provide evidence of the need.
4. Will a grant award be used to replace existing equipment or purchase additional vehicles/equipment? Provide details.
5. Identify vehicles/equipment being replaced and list them on the “**Current Vehicle and Transportation Equipment Inventory**” form, provided elsewhere in this manual.
6. Describe how vehicles will be maintained without interruptions in service (who, what, where, and when).
7. If vehicles and/or equipment are proposed to be used by a lessee or private operator under contract to the applicant, identify the proposed lessee/operator.
 - a. Include an equitable plan for distribution of vehicles/equipment to lessees and/or private operators.
8. Each applicant shall indicate whether they are a government authority or a private non-profit agency, provide a brief description of the project which includes the counties services, whether the applicant employees are represented by a union and if so represented the name and local number of the union.
9. Provide details as to the methodology used for determining requested operating costs and a breakdown of categories.

Fully explain Your Transportation Program

- o. Service hours, planned service, routes and trip types
 - p. Staffing – include plan for training on vehicle equipment such as wheelchair lifts, etc.
 - q. Records maintenance
 - r. Vehicle maintenance – who, what, when and where
 - s. CDL requirements
 - t. System safety plan
 - u. Drug free work place
10. Have you met with the CTC and, if so, how are you providing a service that they cannot?
Provide detailed information supporting this requirement.

APPLIES TO PUBLIC AGENCY APPLICANTS FOR SECTION 5339 CAPITAL ASSISTANCE

EXHIBIT C

Public Hearing

An opportunity for a public hearing is required **ONLY** for Public Agencies requesting Section 5339 Capital Assistance. An application for Section 5339 Capital Assistance submitted by a public agency should contain a copy of the notice of public hearing (identified as Exhibit C) and an affidavit of publication. If Exhibit C is not applicable, this should be stated in the application.

A sample public notice is located in the Appendix of this manual. A public notice should contain all pertinent information relating to the project (such as number and types of vehicles as well as the estimated cost of the vehicles) and should run at least one time in a newspaper of general circulation in the applicant's service area, no less than 15 or more than 30 days prior to the submission of an application. The notice should state that persons requesting a hearing must notify the applicant of the request, in writing, and send a copy of the request for a hearing to the FDOT District Office.

The deadline for hearing requests **must** be prior to the date applications are due at the District Office. If a hearing is requested:

1. A hearing must be conducted;
2. The FDOT District Office must be notified of the date, time, and location of the hearing; and
3. A copy of the minutes of the hearing (to include a discussion of issues raised and resolution of issues) must be submitted to the FDOT District Office, before a Section 5339 Award can be made.

Florida Law and Title VI of the Civil Rights Act of 1964 Prohibits Discrimination in:

Public accommodation on the basis of race, color, religion, sex, national origin, handicap, or of marital status.

Persons believing they have been discriminated against on these conditions may file a complaint with the Florida Commission on Human Relations at 850-488-7082 or 800-342-8170 (voice messaging

EXHIBIT D
Leasing
MEMORANDUM for FTA 5339

Date: _____

From: _____
(Typed name and title) (Signature)

(Typed or printed agency name)

To: **Florida Department of Transportation, District Office**
Modal Development Office / Public Transit

Subject: **YEAR 2015 GRANT APPLICATION TO THE**
FEDERAL TRANSIT ADMINISTRATION,
CAPITAL GRANTS FOR NON URBANIZED AREAS PROGRAM,
49 UNITED STATES CODE SECTION 5339

Leasing

Will the _____, as applicant to the Federal Transit
(Name of applicant agency)

Administration Section 5339 Program, lease the proposed vehicle(s) (or any other equipment that may be awarded to the Applicant) to a third-party?

Yes No If yes, specify to whom: _____

NOTE: It is the responsibility of the applicant agency to ensure District approval of all lease agreements.

SECTION 5339 APPLICANTS

EXHIBIT E

Federal Certifications and Assurances

The **last** page (Appendix A) of the annual Federal Register Notice that applies to Federal Certifications and Assurances provides applicants with a single signature page on which an applicant and its attorney must certify compliance with the requirements of the various Federal Transit Administration grants or cooperative agreements. The Federal Register Notice is revised annually and is usually available around January 1 of each year. Applicants may obtain a copy of the current year document through the Internet at <http://www.fta.dot.gov/grants/13071.html>. If unable to access the form, applicants may contact their FDOT District Office for assistance. The appropriate signed Federal certification/assurance form must be included in the application when it is submitted to the FDOT District Office.

Submissions in TEAM: An applicant submitting certifications and assurances for their agency in TEAM can attach a screenshot of their PIN as replacement of the signature page.

GRANT WRITING TIP: All applicants must use the current year form and it must be the actual form from FTA. This form cannot be an edited version of a prior year's form or a recreation of the form.

The signature page for Federal Certifications and Assurances should be signed by an individual authorized by the applicant's governing board to sign and submit applications, and its attorney. Blue ink is required as it distinguishes an original signature from a photocopied signature.

Federal Certifications and Assurances Required of Each Applicant:

- Authority of applicant and its representative
- Standard Assurances
- Debarment, Suspension, and other Responsibility Matters
- Drug Free Workplace Certification
- Intergovernmental Review Assurance
- Federal Transit Administration Master Agreement (<http://www.fta.dot.gov/documents/17-Master.pdf>)
- Nondiscrimination Assurance
- Assurance of Nondiscrimination on the Basis of Disability Procurement Compliance.

A. Applicants for Federal Assistance may signify compliance with the above certifications and assurances by placing an "X" at the top of Appendix A next to the statement that

reads: "The Applicant agrees to comply with applicable requirements of Categories 01-24". If an applicant chooses to do this, no additional notation is necessary, except for the signature on the reverse.

A description of the certifications required for the Section 5339 Bus and Bus Facilities for Rural Areas Program is provided in the annual Federal Register Notice.

Section 5339 APPLICANTS FOR CAPITAL ASSISTANCE FOR NON-ACCESSIBLE VEHICLES

EXHIBIT F

CERTIFICATION FOR AGENCIES REQUESTING NON-ACCESSIBLE VEHICLES

If the applicant wants to purchase non-accessible vehicles for demand responsive service, they must provide a detailed explanation as to the need for this type of vehicle (sedan, station wagon or passenger van) in addition to the following "Certification of Equivalent Service" must be completed and included in the application.

CERTIFICATION OF EQUIVALENT SERVICE

The _____ 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 area;
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 Part 37, public entities operating demand responsive systems for the general public which receive financial assistance under 49 U.S.C. 5310, 5339, and 5311 of the Federal Transit Administration (FTA) funds must file this certification with the appropriate state program office before procuring any inaccessible vehicle. Such public entities not receiving FTA funds shall also file the certification with the appropriate state office program. Such public entities receiving FTA funds under any other section of the FTA Programs 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.

Executed this _____ day of _____, 20_____.
(Signature of authorized representative)

(Name and title of authorized representative)

APPLIES TO APPLICANTS FOR CAPITAL ASSISTANCE

EXHIBIT G

APPLICANT CERTIFICATION AND ASSURANCE TO FDOT

To be completed and signed by an individual authorized by the governing board of the applicant agency and submitted with the grant application.

The _____ (undersigned) _____ certifies and assures to the Florida Department of Transportation in regard to its Application under U.S.C. Section 5339 dated _____:

- 1) It shall adhere to all Certifications and Assurances made to the federal government in its Application.
- 2) It shall comply with Florida Statutes:
 - a. Section 341.051- Administration and financing of public transit and intercity bus service programs and projects
 - b. Section 341.061 (2) - Transit Safety Standards; Inspections and System Safety Reviews
- 3) It shall comply with Florida Administrative Code
 - a. Rule Chapter 14-73 - Public Transportation
 - b. Rule Chapter 14-90 - Equipment and Operational Safety Standards for Bus Transit Systems
 - c. Rule Chapter 14-90.0041 - Medical Examination for Bus System Driver
 - d. Rule Chapter 41-2 - Definitions
- 4) It shall comply with the Department's:
 - a. Bus Transit System Safety Program Procedure No. 725-030-009
 - b. Public Transit Substance Abuse Management Program Procedure No. 725-030-035
 - c. Transit Vehicle Inventory Management Procedure No. 725-030-025
 - d. Public Transportation Vehicle Leasing Procedure No. 725-030-001
 - e. FDOT Guidelines for Acquiring Vehicles
 - f. Procurement Guidance for Transit Agencies Manual
- 5) It has the fiscal and managerial capability and legal authority to file the application.
- 6) Local matching funds will be available to purchase vehicles/equipment at the time an

order is placed.

- 7) It will carry adequate insurance to maintain, repair, or replace project vehicles/equipment in the event of loss or damage due to an accident or casualty.
- 8) It will maintain project vehicles/equipment in good working order for the useful life of the vehicles/equipment.
- 9) It will return project vehicles/equipment to the Department if, for any reason, they are no longer needed or used for the purpose intended.
- 10) It recognizes the Department's authority to remove vehicles/equipment from its premises, at no cost to the Department, if the Department determines the vehicles/equipment are not used for the purpose intended, improperly maintained, uninsured, or operated unsafely.
- 11) It will not enter into any lease of project vehicles/equipment or contract for transportation services with any third party without prior approval of the Department.
- 12) It will notify the Department within 24 hours of any accident or casualty involving project vehicles/equipment, and submit related reports as required by the Department.
It will submit an annual financial audit report to the Department, if required by the Department.

Date: _____

(Typed name and title of authorized representative)

(Signature of authorized representative)

Section 5339 APPLICANTS

EXHIBIT H

Protection of the Environment

Most transit projects funded under Section 5339 will be classified by FTA as categorical exclusions. Examples of categorical exclusions include operating assistance, purchase of transit vehicles, and purchase of office equipment.

If the proposed project is for construction or acquisition of facilities or other buildings, further evaluation may be required before a determination can be made that the project is a categorical exclusion. The FDOT District Office in the applicant's service area (see Appendix) should be contacted to determine if additional evaluation is needed. If it is needed, information such as an Environmental Assessment or Environmental Impact Statement (as determined by FDOT) should be included with an application for Section 5339 Assistance. This information may be separately bound and identified as Exhibit H.

Questions about this requirement should be directed to the FDOT District Office.

EXHIBIT J

Standard Lobbying Certification Form

NOTE: All grant awards issued to a recipient in the amount of \$100,000 or more must include a signed standard lobbying form.

The undersigned [Contractor] 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 an 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 making lobbying contacts to 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," (a copy the form can be obtained from

<http://www.dot.state.fl.us/transit/Pages/grantsadministration.shtm>) in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*)]

(3) 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 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 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). 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. § 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 Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

_____ Signature of Contractor's Authorized Official

_____ Name and Title of Contractor's Authorized Official

_____ Date

Section 5339 APPLICANTS

EXHIBIT K

FTA Section 5333 (b) Assurance

(Note: By signing the following assurance, the recipient of Section 5311, 5339, and/or 5311(f) assistance assures it will comply with the labor protection provisions of 49 U.S.C. 5333(b) by one of the following actions: (1) signing the Special Warranty for the Rural Area Program; (2) agreeing to alternative comparable arrangements approved by the Department of Labor (DOL); or (3) obtaining a waiver from the DOL.)

The _____ (hereinafter referred to as the "Recipient")
HEREBY ASSURES that the "Special Section 5333 (b) Warranty for Application to the Small Urban and Rural Program" has been reviewed and certifies to the Florida Department of Transportation that it will comply with its provisions and all its provisions will be incorporated into any contract between the recipient and any sub-recipient which will expend funds received as a result of an application to the Florida Department of Transportation under the FTA Section 5339 Program.

Dated _____

(Name and Title of Authorized Representative)

(Signature of Authorized Representative)

Note: All applicants must complete the following form and submit it with the above Assurance.

LISTING OF RECIPIENTS, OTHER ELIGIBLE SURFACE TRANSPORTATION PROVIDERS, UNIONS OF SUB-RECIPIENTS, AND LABOR ORGANIZATIONS REPRESENTING EMPLOYEES OF SUCH PROVIDERS, IF ANY

<p style="text-align: center;">1</p> <p style="text-align: center;">Identify Recipients of Transportation Assistance Under this Grant.</p>	<p style="text-align: center;">2</p> <p style="text-align: center;">Site Project by Name, Description, and Provider (e.g. Recipient, other Agency, or Contractor)</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">Identify Other Eligible Surface Transportation Providers (Type of Service)</p>	<p style="text-align: center;">4</p> <p style="text-align: center;">Identify Unions (and Providers) Representing Employees of Providers in Columns 1, 2, and 3</p>

Section 5339 APPLICANTS FOR CAPITAL ASSISTANCE
Checklist for Application Completeness

Name of Applicant: _____

Check one: New Applicant _____ Recurring Applicant _____

The following must be included in the Application for Section 5339 Capital Assistance in the order listed.

- ___ This checklist
- ___ Applicant's cover letter (use FDOT provided cover letter).
- ___ Two (2) copies of the governing board's Resolution.
- ___ Application for Federal Assistance (Form 424, Code 20.526)
- ___ Form C-3 (Current Vehicle and Transportation Equipment Inventory) (if grant is for vehicles)
- ___ Form C-4 (Capital Request)
- ___ Exhibit A: Current System Description
- ___ Exhibit A-1: Fact Sheet (if grant is for vehicles)
- ___ Exhibit B: Proposed Project Description
- ___ Exhibit C: Public Hearing and Publisher's Affidavit (public agencies only)
- ___ Exhibit D: Leasing
- ___ Exhibit E: Federal Certifications and Assurances
- ___ Exhibit F: Certification of Equivalent Service (if grant is for non-accessible vehicles)
- ___ Exhibit G: Applicant Certification and Assurance to FDOT
- ___ Exhibit H: Protection of the Environment (if grant is for facilities)
- ___ Exhibit J: Standard Lobbying Certification Form
- ___ Exhibit K: FTA Section 5333(b) Assurance
- ___ Copy of the Title VI Plan

If grant is for facilities: ___ Copy of cover letter sent with application submitted to Local Clearinghouse Agency/RPC Date: ___

FOR DEPARTMENT USE ONLY

Date: _____ Letter received from the Local RPC/Clearinghouse

APPENDIX

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49 U.S.C. 5335, Definitions - Operating and Administrative Expenses

(National Transit Data Report – NTD)

<http://www.ntdprogram.gov/ntdprogram/Glossary.htm>

(501) labor - The pay and allowances due employees in exchange for the labor services they render in behalf of the transit system.

(502) fringe and benefits - Payments or accruals to others (insurance companies, governments, etc.) on behalf of an employee and payments or accruals direct to an employee arising from something other than his performance of a piece of work.

(503) services - Labor and other work provided by outside organizations for fees and related expenses.

(504) materials and supplies - Tangible products obtained from outside suppliers or manufactured internally.

(504.01) vehicle maintenance - Cost of fuel and lubricants, tires and tubes, vehicle maintenance parts.

(505) utilities - Payments made to various utilities for utilization of their resources (e.g., electric, gas, water, telephone, etc.)

(506) insurance - Cost elements covering protection of the transit system from loss through insurance programs; compensation of others for their losses due to acts for which the transit system is liable; and recognition of the cost of a miscellaneous category of corporate losses.

(507) license and taxes - Taxes and fees levied against the transit system by Federal, state, and local governments.

(508) purchased transit service - The payment or accrual to other transit systems for providing transportation service.

(509) miscellaneous - Those expenses which cannot be attributed to any of the other major expense categories.

(512) leases and rentals - Payments for the use of capital assets not owned by the transit system.

(513) depreciation - Charges that reflect the loss in service value of the transit system's assets.

49 U.S.C. 5335, Definitions - Operating and Administrative Revenue

(National Transit Data Report – NTD)

<http://www.ntdprogram.gov/ntdprogram/Glossary.htm>

(401) passenger fares for transit services - Revenue earned from carrying passengers along regularly scheduled routes.

(402) special transit fares - Revenues earned for rides given in regular transit service, but paid for by some organization rather than by the rider, and for rides given along special routes for which revenue may be guaranteed by a beneficiary of the service.

(403) school bus service revenues - Revenues earned from operating vehicles under school bus contracts.

(404) freight tariffs - Revenues earned from carrying freight on runs whose primary purpose is passenger operations.

(405) charter service revenues - Revenues earned from operating vehicles under charter contracts.

(406) auxiliary transportation revenues - Revenues earned from operations closely associated with the transportation operations (e.g., concessions, advertising, automobile ferriage, etc.)

(407) nontransportation revenues - Revenues earned from activities not associated with the provision of the transit system's transit service (e.g., sale of maintenance services, rental of revenue vehicles, rental of buildings and other property, investment income, parking lot revenue, etc.)

(408) taxes levied directly by transit system - Tax revenues to transit systems that are organized as independent political subdivision with their own taxation authority.

(409) local cash grants and reimbursements - Funds obtained from local government units to assist in paying the cost of operating transit services.

(410) local special fare assistance - Funds obtained from local government units to help cover the difference between full adult fares and special reduced fares. *(Includes local social service contract funds)*

(411) state cash grants and reimbursements - Funds obtained from state government to assist in paying the cost of operating transit services. *(Includes Commission for the Transportation Disadvantaged grant funds)*

(412) state special fare assistance - Funds obtained from state government to help cover the difference between full adult fares and special reduced fares. *(Includes state social service contract funds)*

(413) federal cash grants and reimbursements - Funds obtained from the Federal government to assist in paying the cost of operating transit services. Include and identify the source of unrestricted Federal Funds used as match.

(414) interest income - Revenues earned from the lending or deposit of funds.

(430) contributed services - The receipt of services (not cash) from another entity where such services benefit transit operations and the transit operator is under no obligation to pay for the services.

(431) contributed cash - The receipt of funds from another entity where such funds benefit transit operations and the transit operator is under no obligation to repay the funds.

(440) subsidy from other sectors of operations - Funds obtained from other sectors of a transit company's operations to help cover the cost of providing transit service.

WHAT'S ON THE MARKET

Below is a listing of all active contracts available through the FDOT TRIPS Program for the purchase of new transit vehicles. **The Auto and Light Truck contract can be found at [The Florida Department of Management Services \(DMS\) website](#).** Some new types of vehicles have entered the community transportation market in the last few years. They generally fall into the following categories of expected minimum life of service years and mileage:

FDOT Minimum Service Life – 5 years and/or 200,000 miles:

MINI BUS (Formally: Commuter Van 9-Passenger Center Aisle Vehicles)

Expired - Bidding For New Contract Summer 2014

MOBILITY VENTURES, LLC MV-1 PURPOSE BUILT SPECIAL NEEDS VEHICLE

GVWR/Length	Ambulatory Seating Capacity	Price	Wheelchair Positions	Contract #	Order Packet & Pricing
6,600#/205"	0 - 6	\$46,598	0 - 2	TRIPS-12-SNV-CBS	Order Packet

MINIVANS

The extended low floor minivans with mobility ramp intended use is as a Paratransit or a supervisor vehicle, providing public transportation for a maximum capacity of six (6) ambulatory passengers or a maximum of two (2) wheelchair passengers and three (3) ambulatory passengers. These configurations exclude the driver.

GVWR/Length	Ambulatory Seating Capacity	Price	Wheelchair Positions	Contract #	Order Packet & Pricing
6,050#	3-6	\$42,130- \$44,702	2	TRIPS-13-MV-FTS	Order Packet
6,050#	3-6	\$40,420- \$43,026	2	TRIPS-13-MV-MW	Order Packet

STANDARD CUTAWAY

Each dealer offers a variety of models built on a variety of chassis' and chassis weights. Please contact the dealer directly for questions on capacity, floor plans, and pricing.

Creative Bus Sales, Inc.	Alliance Bus	Getaway Bus, LLC	LBS South, LLC	Atlantic Bus Sales, Inc.
TRIPS-11-CA-TP	TRIPS-11-CA-FCCSC	TRIPS-11-CA-GB	TRIPS-11-CA-RB	TRIPS-11-CA-ABS
Contract	Contract	Contract	Contract	Contract
Order Packet	Order Packet	Order Packet	Order Packet	Order Packet

SMALL CUTAWAY LOW FLOOR

Currently Suspended

Chevrolet 3500 Chassis 12,300# GVWR

Chevrolet 4500 14,200# GVWR

International 25,500# GVWR

Small low floor chassis transit vehicle with wheel chair ramp, produced by two different manufacturers and dealers.

() - Indicates number of seats without wheel chairs.

GVWR/Length	Seating Capacity	Price	Wheelchair Positions	Contract #	Order Packet & Pricing
12,300#/21'	6 – 12 (15)	\$109,100 - \$131,800	1	TRIPS-10-SCLF-FCCS Optional Hybrid Drive	Order Packet
14,200#/23'	6 – 12 (23)	\$117,000 - \$150,000	1 - 3		
25,500#/26' – 36'	12 – 26 (32)	\$158,400 - \$209,600	1 - 2	TRIPS-10-SCLF-TP	Order Packet

FDOT Minimum Service Life – 10 years and/or 350,000 miles:

MEDIUM DUTY

Expired - Bidding For New Contract Fall 2014

**Sample
RESOLUTION FORM**

A **RESOLUTION** of the _____(Governing Board)_____ authorizing the signing and submission of a grant application and supporting documents and assurances to the Florida Department of Transportation, the acceptance of a grant award from the Florida Department of Transportation, and the purchase of vehicles and/or equipment and/or expenditure of grant funds pursuant to a grant award.

WHEREAS, _____ (Applicant) _____

has the authority to apply for and accept grants and make purchases and/or expend funds pursuant to grant awards made by the Florida Department of Transportation as authorized by Chapter 341, Florida Statutes and/or by the Federal Transit Administration Act of 1964, as amended;

NOW, THEREFORE, BE IT RESOLVED BY THE _____ (Governing Board) _____
_____, FLORIDA:

7. This resolution applies to Federal Program(s) under U.S.C. Section(s) _____.
8. The submission of a grant application(s), supporting documents, and assurances to the Florida Department of Transportation is approved.
9. _____ (Authorized Individual by Name and Title) _____ is authorized to sign the application, accept a grant award, purchase vehicles/equipment and/or expend grant funds pursuant to a grant award, unless specifically rescinded.

DULY PASSED AND ADOPTED THIS _____, 201_

By: _____

(Signature, Chairman of the Board

(Typed Name and Title)

ATTEST:

_____ (seal)

**REQUIRED
COVER LETTER
(On Agency Letterhead)**

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

GRANT APPLICATION

_____ (agency name) submits this Application for the Section 5339 Program Grant and agrees to comply with all assurances and exhibits attached hereto and by this reference made a part thereof, as itemized in the Checklist for Application Completeness.

_____ (agency name) further agrees, to the extent provided by law (in case of a government agency in accordance with Sections 129.07 and 768.28, Florida Statutes) to indemnify, defend and hold harmless the Department and all of its officers, agents and employees from any claim, loss, damage, cost, charge, or expense out of the non-compliance by the Agency, its officers, agents or employees, with any of the assurances stated in this Application.

This Application is submitted on this _____ day of _____, 201____ with two (2) original resolutions or certified copies of the original resolution authorizing _____ (Name & Title) to sign this Application.

Agency Name

By _____ Date _____

Title _____

**Sample
Public Notice
(Pertains to Exhibit C)**

All interested parties within (counties affected) are hereby advised that (public agency) is applying to the Florida Department of Transportation for a capital grant under Section 5339 of the Federal Transit Act of 1991, as amended, for the purchase of (description of equipment) to be used for the provision of public transit services within (defined area of operation).

A Public Hearing has been scheduled at (date, time, location), for the purpose of advising all interested parties of service being contemplated if grant funds are awarded, and to ensure that contemplated services would not represent a duplication of current or proposed services provided by existing transit or paratransit operators in the area.

This hearing will be conducted if and only if a written request for the hearing is received by (two days prior to the scheduled hearing).

Requests for a hearing must be addressed to (Public Agency name and address) and a copy sent to (name and address of appropriate FDOT District Office.)

Florida Law and Title VI of the Civil Rights Act of 1964 Prohibits Discrimination in:

Public accommodation on the basis of race, color, religion, sex, national origin, handicap, or of marital status.

Persons believing they have been discriminated against on these conditions may file a complaint with the Florida Commission on Human Relations at 850-488-7082 or 800-342-8170 (voice messaging)

SAMPLE

NOTICE OF GRANT AWARD FOR CAPITAL AWARDS

(To be completed, signed, and sent to the Applicant/Recipient by the FDOT District Office)

Based on the Agency’s Application for Federal Assistance under U.S.C. Section 5339 dated _____, on file in the Department, the Florida Department of Transportation hereby makes the following grant award to:

(Name and Address of Recipient)

Award Year Description Estimated Value Estimated matching funds required

FLORIDA DEPARTMENT OF TRANSPORTATION

Date _____ Award Approved by _____
(name)

Typed Name and Title _____

ACCEPTANCE OF GRANT AWARD

(To be completed and signed by recipient’s authorized representative and returned to the FDOT District Office)

The undersigned accepts the above-described award in a department Joint Participation Agreement (JPA).

AGENCY: _____
(name)

Date _____ Accepted by _____
(signature)

Typed Name and Title _____

Agency vendor number as registered in My Florida Marketplace:

SAMPLE
(Pertains to Exhibit K)

Listing of Recipients, Other Eligible Surface Transportation Providers, and Labor Organizations Representing Employees of Such Providers, if any

(1) Recipient

(2) Project Description

3) Other Eligible

(4) Labor Organization Transportation Representing Employees Providers of Providers, if any

Identify Recipients of Transportation Assistance under this grant.	Cite Project by Name, Description, and Provider (e.g. Recipient, other Agency, or Contractor)	Identify Other Eligible Surface Transportation Providers (Type of Service)	Identify Unions (and providers) Representing Employees of Providers in Column 1, 2, and 3
A) ABC County Transit	Application for Section 5339 funds for Operating Assistance for FY 02 for ABC County Transit to provide public transportation service to residents of rural areas of the county traveling within the rural area and/or to the adjacent urban area and return to rural domicile.	A) XYZ Transit, Inc. (intercity service) B) MNOP Transit, Inc. (urban transit service)	A) No union (ABC County Transit) B) ATU L.U. #000 (XYZ Transit, Inc.) C) MNOP Transit Drivers Association (MNOP Transit, Inc.)

Local Clearinghouses / Regional Planning Councils (RPC)

CLEARINGHOUSE/RPC

COUNTIES COVERED

West Florida RPC
4081-A East Olive Road
Pensacola, FL 32514
850-332-7976
800-226-8914

Bay, Escambia, Holmes, Okaloosa, Santa Rosa,
Walton, Washington

Contact: Ms. Terry Joseph
Email: terry.joseph@wfrpc.org

Apalachee RPC
2507 Callaway Road, Suite 200
Tallahassee, FL 32303
850-488-6211

Calhoun, Franklin, Gadsden, Gulf, Jackson,
Jefferson, Leon, Liberty, Wakulla

Contact: Mr. Keith McCarron
Email: keith.mccarron@thearpc.com

North Central Florida RPC
2009 N.W. 67 Place
FL 32653-1603
352-955-2200 ext 103

Alachua, Bradford, Columbia, Dixie, Gilchrist,
Hamilton, Lafayette, Madison, Suwannee, Gainesville,
Taylor, Union

Contact: Mr. Marlie Sanderson
Email: msanderson@ncfrpc.org

Northeast Florida RPC
6850 Belfort Oaks Place
Jacksonville, FL 32216
904-279-0880 ext 178

Baker, Clay, Duval, Flagler, Nassau, Putnam,
Saint Johns

Contact: Mr. Eric Anderson
Email: eanderspm@nefrpc.org

Withlacoochee RPC
1241 S.W. 10th St
Ocala, FL 32674-2788
352-732-1315 ext 228

Citrus, Hernando, Levy, Marion, Sumter

Contact: Mr. Michael Arnold
Email: marnold@wrpc.cc

East Central Florida RPC
309 Cranes Roost Boulevard
Suite 2000
Altamonte Springs, FL 32701
407-262-7772

Brevard, Lake, Orange, Osceola, Seminole,
Volusia

Contact: Mr. Hugh W. Harling, Jr.
Email: hharling@ecfrpc.org

Central Florida RPC
Post Office Drawer 2089
Bartow, FL 33830
863-534-7130 ext 103

DeSoto, Hardee, Highlands, Okeechobee, Polk

Contact: Ms. Marcia Staszko
Email: mstaszko@cfrpc.org

Tampa Bay RPC
4000 Gateway Center Boulevard
Suite 100
Pinellas Park, FL 33782-6141
727-570-5151 ext 10
727-550-5118 fax

Hillsborough, Manatee, Pasco, Pinellas

Contact: John Meyer
Email: johnm@tbrpc.org

Southwest Florida RPC
1926 Victoria Avenue
Fort Myers, FL 33901
239-338-2550 ext 232

Charlotte, Collier, Glades, Hendry, Lee,
Sarasota

Contact: Ms. Nicole Gwinnett
Email: ngwinnett@swfrpc.org

Treasure Coast RPC
421 Southwest Camden Avenue
Stuart, Florida 34994
772-221-4060

Indian River, Martin, Palm Beach, Saint Lucie

Contact: Ms. Stephanie Heidt
Email: sheidt@tcrpc.org

South Florida RPC
3440 Hollywood Blvd. Suite 140
Hollywood, FL 33021
954-985-4416

Broward, Miami-Dade, Monroe

Contact: Ms. Kathe Lerch
Email: klerch@sfrpc.com

FDOT District Office Contacts

District	Contacts	Address
1	<p><i>Manager:</i> TBD (863) 519-2388</p> <p><i>Transit Unit</i> <i>Contact:</i> TBD</p>	<p>P.O. Box 1249 801 North Broadway Bartow, FL 33830-1249</p>
<i>Counties Covered:</i> Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Polk, Sarasota		
<hr/>		
2	<p><i>Manager:</i> Doreen Joyner-Howard (904) 360-5650</p> <p><i>Transit Unit</i> <i>Contact:</i> Janell Damoato (904) 360-5687 Alachua, Baker, Clay, Nassau, Putnam, St. Johns Sandra Collins (386) 961 7870 Bradford, Columbia, Dixie, Gilchrest, Hamilton, Lafayette, Levy, Madison, Suwannee, Taylor, Union Counties Thee Perry (904) 360 5414 Duval</p>	<p>2198 Edison Avenue, MS 2806 Jacksonville, FL 32204</p>
<i>Counties Covered:</i> Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Gilchrist, Hamilton, Lafayette, Levy, Madison, Nassau, Putnam, St Johns, Suwannee, Taylor, Union		
<hr/>		
3	<p><i>Manager:</i> Mike Lewis (850) 330-1545</p> <p><i>Transit Unit</i> <i>Contact:</i> Kathy Rudd (850) 330-1549 Bay, Escambia, Gulf, Holmes, Jackson, Santa Rosa, Walton, Washington Vanessa Strickland (850) 330-1534 Calhoun, Franklin, Gadsden, Jefferson, Leon, Liberty, Okaloosa, Wakulla</p>	<p>P. O. Box 607 Chipley, FL 32428-9990</p>
<i>Counties Covered:</i> Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, Washington		

Glossary

ambulatory - A person who is able to walk and move about freely without being confined to a bed or wheelchair.

applicant – An agency applying for Section 5339 Federal Assistance. See also “new applicant” and “recurring applicant.”

authorizing Federal and State Legislation – Legislation authorizing the Section 5339 program are: Moving Ahead for Progress in the 21st Century (MAP-21) Section 20029; 49 U.S.C. Sections 5339; FTA Proposed Circular Section 341.051, Florida Statutes; and Chapter 14-73, Florida Administrative Code.

category A project – A project certified by the District Office as having met all the statutory and administrative requirements for approval.

category B project – A project the District Office anticipates approving, but that has not met all the statutory and administrative requirements for approval.

community transportation coordinator (CTC) - A transportation entity recommended by an MPO, or by the appropriate designated official planning agency, as provided for in Sections 427.011 - 427.017, F.S. in an area outside the purview of a MPO, to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area.

contract revenue – fee collected from a third-party for transportation services provided to the third-party.

coordination contract – A written contract between the CTC and an agency who receives transportation disadvantaged funds and performs some, if not all, of its own transportation services, as well as transportation services to others, when shown to be more effective and more efficient from a total system perspective. The contract reflects the specific terms and conditions that will apply to those agencies who perform their own transportation, as well as joint utilization and cost provisions for transportation services to and from the CTC.

disabled person – See individuals with disabilities.

district program of projects – A district listing of each applicant agency for which a grant award is proposed, a description of the project to be funded, and the proposed federal, state and local share of the project cost. The district program of projects includes certification by the District Office that all applicants and projects so proposed either meet all program requirements or will meet all program requirements before a JPA is executed.

eligible expenses, capital 5339 - Section 5339 funds may be used for the capital expense of transportation services to the general public in rural areas. Eligible expenses are limited to

buses, vans or other paratransit vehicles (including sedans and station wagons), radios and communications equipment, wheelchair lifts and restraints, vehicle rehabilitation, microcomputer hardware/software, initial installation costs, vehicle procurement, inspection and acceptance costs, construction or rehabilitation of transit facilities including design, engineering, and land acquisition, and other durable goods such as spare components with unit cost over \$300 and a useful life of more than one year. The cost associated with pre-award and post delivery audits also qualify as eligible expenses.

eligible recipient, 5339 – For the Section 5339 Program, political subdivisions of the State of Florida and agencies thereof, Indian Tribes and private nonprofit agencies designated as CTCs, per Chapter 427, F.S., who provide public transportation in rural areas, are eligible recipients for the Section 5339 Program. Private for-profit agencies may receive funds through contractual arrangements with eligible recipients. All recipients who are not CTCs must enter into coordination or transportation operator contracts with the appropriate CTC for the purpose of coordinating services. Local governments providing fixed route/fixed schedule service are not required to have an agreement with the CTC.

eligible service, 5339 – Public transit service provided in rural areas on a regular and continuing basis is eligible. Service provided to non-sponsored transportation disadvantaged persons and to social service clients is eligible. Services may be designed to maximize usage by transportation disadvantaged persons in general, as long as there is no restriction on public use of the service. Services may not be designed exclusively to serve the transportation requirements of social service agencies without regard for the mobility needs of the community as a whole. The non-prioritization service plan must be submitted to the District Office. Charter, sightseeing, and exclusive school bus services are not eligible services. Since the goal of Section 5339 Rural is to enhance access of people living in rural areas to activities, Section 5339 projects may include the transportation of rural area residents to and from urbanized areas.

expanded service - Adding a new service to an already existing system.

fares – co-pay or revenue collected from the client to cover the cost of their trip.

federally recognized Indian Tribal Government – The governing body or a governmental agency of any Indian tribe, band, nation or other organized group or community certified by the Secretary of the Interior as eligible for the special programs and service provided through the Bureau of Indian Affairs.

FDOT control number - Is assigned by the District once the vehicle has been purchased, received and titled to the recipient with the Department of Transportation as the first lienholder.

incurred - Commitment or obligation to spend funds for goods to be received or services to be rendered.

individuals with disabilities- means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use effectively, without special facilities, planning or design, public transportation service or a public transportation facility.

joint participation agreement (JPA) - A contract between the Department of Transportation and a local sponsor of a transportation project, defining a project and the Department's participation. JPAs may be for one year or multiple years (up to five years), at the discretion of the Department.

labor protections – All Section 5339 operational projects, including intercity bus projects, require agreement to the terms and conditions of the standard Section 5333(b) special warranty for the Section 5339 Program.

large urbanized area – an urbanized area (UZA) with a population of 200,000 or more individuals, as determined by the Bureau of Census.

local match – Can be a cash match, human services transportation contract or in-kind. Income from contract to provide human service transportation may be used either to reduce the net project cost or to provide local match. In either case, the cost of providing the contract service is included in the total project cost. No Federal Transit Administration program funds can be used as a source of local match for other FTA Programs, even when used to contract for service. In-kind match must be approved, prior to invoicing, by the District Comptroller's Office and be an eligible source listed in the FTA Master Agreement. Non-cash items such as donations of goods or services, volunteered services, or in-kind contributions are eligible to be counted towards the local match only if the value of such is formally documented, supported and pre-approved by the District Office. Any funds committed as match to another Federal program may not be used to match Section 5339 funds.

mobility management – Consists of short-range planning and management activities and projects for improving coordination among public transportation and other transportation-service providers carried out by a recipient or sub-recipient through an agreement entered into with a person, including a government entity, under 49 U.S.C. Chapter 53 (other than section 5309). Mobility management does not include operating public transportation service.

new applicant – An applicant for Section 5339 assistance that has not received an award in the last two fiscal years.

new service - A first time applicant starting a new service.

non-ambulatory - A person who has a mobility impairment that prevents them from being able to walk or move about freely.

non-prioritization plans – The plan developed by the recipient, and provided to the funding District, which outlines how the recipient plans to provide non-prioritized general public transportation services. All transportation services funded with Section 5339 funds shall be available to the general public, the plan must outline how the recipient will assure that all 5311 funded service is open to the general public.

rural area – The area outside of an urbanized area. An urbanized area is defined as “a core area and the surrounding densely populated area with a population of 50,000 or more, with boundaries fixed by the United States Census Bureau or extended by State and local officials.” For the purpose of Section 5339 the urbanized area map as approved by the Metropolitan Planning Organization, Florida Department of Transportation and the Federal Highway Administration, available from the District Planning Sections, shall be used to determine eligible service areas.

nonprofit organization – A corporation or association determined by the U. S. Secretary of the Treasury to be an organization described by 26 U.S.C. Section 501(c) which is exempt from taxation under 26 U.S.C. Section 501(a) or one incorporated within Florida which is certified as not for profit by the Secretary of State.

one-way passenger trips - A person who rides a transportation vehicle in one direction between two points for a specific purpose.

operating revenue - For Section 5311, operating revenue includes the sum of all fares paid by passengers, whether such fares are paid at the time service is provided or via a prepaid arrangement such as passes or tokens. Operating revenue excludes revenues from contracts with social service agencies that pay for transportation of social service clients.

program of projects – A list of projects to be funded in a grant application submitted to the Federal Transit Administration by the Florida Department of Transportation. The program of projects lists the subrecipients and indicates whether they are private non-profit agencies, public bodies, or private providers of transportation service, designates the areas served (including Congressional Districts), and identifies any tribal entities. The program of projects also identifies intercity and RTAP projects. In addition, the program of projects includes a brief description of the projects, total project cost and the Federal share for each project, and the amount of funds used for program administration from the fifteen percent (15%) allowed. The program of projects shall indicate whether the employees of a subrecipient are represented by a union and if so by which union.

public agency - An authority, commission, committee, council, department, division, bureau, board, section or any other unit or entity of the state or of a town, city, municipality, county or other local governing body.

public transportation – Surface transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or intercity bus transportation or intercity passenger rail transportation provided by AMTRAK.

public transit - The transporting of people by conveyances or systems of conveyances, traveling on land or water, local or regional in nature, and available for use by the general public. Public transit specifically includes those forms of transportation commonly known as "paratransit" characterized by their non-scheduled, non-fixed route nature.

recipient – A State or Indian tribe that receives a Federal transit program grant directly from the Federal government.

recurring applicant – An applicant for Section 5339 Federal Assistance who applies every year.

rural areas- an area encompassing a population of fewer than 50,000 people that has not been designated in the most recent decennial census as an urbanized area by the Secretary of Commerce.

seniors –an individual who is 65 years of age or older.

small urbanized areas (UZA) - a UZA with a population of at least 50,000 but less than 200,000, as determined by the Bureau of the Census.

subrecipients – A state or local governmental authority, a non-profit organization, or operator of public transportation or intercity bus service that receives Federal transit program grant funds indirectly through a recipient.

transit development plan (TDP) - A locally adopted document, addressing a minimum five-year time frame. It is prepared by the public transit provider, in cooperation with the appropriate Metropolitan Planning Organization. It is consistent with the applicable approved local government comprehensive plan. The TDP includes an assessment of the need for transit services in the local area, identifies the local transit policies, existing services and proposed service improvements, capital and operating costs of the proposed services, existing and proposed sources of funding and a staged implementation plan. A TDP is updated annually.

transportation disadvantaged - Those persons who because of physical or mental disability, income status, or age, or who for other reasons, are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk as defined in Chapter 411.202 F.S.

transportation disadvantaged service plan (TDSP) - a three year implementation plan, with annual updates developed by the CTC's and planning agencies which contains the provisions of service delivery in the coordinated transportation system. The plan shall be reviewed and recommended by the local coordinating board.

urbanized area - an area encompassing a population of not less than 50,000 people that has been defined and designated in the most recent decennial census as an urbanized area by the Secretary of Commerce.

End of Manual

5339 CAPITAL Manual Revised on 5 September 2014

Revised by: Kristin Gladwin

FDOT Public Transit Office

605 Suwannee Street (MS 26)

Tallahassee, Florida 32399-0450

Work Phone: 850-414-4239

Email: kristin.gladwin@dot.state.fl.us

A stylized map of the state of Florida, composed of horizontal blue lines of varying lengths, creating a textured effect. The map is centered in the background of the title box.

**SECTION 5339 SMALL URBAN
GUIDANCE DOCUMENT**

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U.S.C. Section 5339

20.526

5 3 3 9

S m a l l U r b a n

Guidance Document for

FDOT District Offices

FLORIDA DEPARTMENT OF TRANSPORTATION

PUBLIC TRANSIT OFFICE

Table of Contents

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Introduction

This guidance document includes program information and instructions to assist FDOT District Offices with application requirements for Federal Small Urban capital under U.S.C. Section 5339 Bus & Bus Facilities Program, as administered by the Florida Department of Transportation (FDOT).

The Section 5339 Bus & Bus Facilities Program provides Federal capital assistance to eligible recipients who operate/contract public transportation services in Small Urban Areas. Small urbanized areas have a population of at least 50,000 but less than 200,000, as determined by the Bureau of the Census.

Several types of activities are eligible for federal assistance under this program including projects to replace, rehabilitate, and purchase buses and related equipment, and projects to construct bus-related facilities. This includes the acquisition of buses for fleet and service expansion, bus maintenance and administrative facilities, transfer facilities, bus malls, transportation centers, intermodal terminals, park and ride stations, acquisition of replacement vehicles, bus rebuilds, passenger amenities such as passenger shelters and bus stop signs, accessory and miscellaneous equipment such as mobile radio units, supervisory vehicles and fare boxes, computers, and shop and garage equipment. Capital equipment purchased must be necessary and reasonable to the provision of public transportation services in Small Urban Areas.

General Program Information / Requirements

The following documents must be collected from all agencies receiving Federal Small Urban capital funds under U.S.C. Section 5339 Bus & Bus Facilities Program:

1. Standard Form 424
2. Exhibit B - Proposed Project Description
3. Exhibit E - Federal Certs and Assurances
4. Exhibit F - Certification of Equivalent Service
5. Exhibit G – Certification and Assurances to FDOT
6. Exhibit H – Protection of the Environment
7. Exhibit J – Lobbying Certification and Standard Form LLL
8. Exhibit K – FTA Section 5333 (b) Assurance

1. Standard Form 424

The standard Application for Federal Assistance (Form 424) must be filled out in its entirety for Section 5339 applications, and for the local clearinghouse submission (only if the grant is for facilities). A sample of the standard form is located on the next page of this manual. Applicants that are not using TransCIP to submit their application should print a copy of the 424 form, <http://www.dot.state.fl.us/transit/Pages/grantsadministration.shtm>, and include it with this application. This form must be used for **ALL** applications.

No pre-application process is used in this program; therefore, all submissions are applications.

The code assigned to the Section 5339 Program in the Catalog of Federal Domestic Assistance is 20.526. This code should be shown in Section 10 of the form followed by the title: "Bus and Bus Facilities for Small Urban Areas Program." A guidance document containing Congressional Districts, DUNS Numbers, UZA numbers and Catalog of Federal Domestic Assistance Numbers can be obtained from <http://www.dot.state.fl.us/transit/Pages/grantsadministration.shtm>.

ONLY IF THE GRANT IS FOR FACILITIES: Executive Order 12372 requires a review of all Federal grants to ensure compliance with the local and state planning process. Therefore, prior to submission of an application to the FDOT District Office, copies of the application must be submitted to the appropriate Local Clearinghouse/Regional Planning Council (See Appendix). The appropriate clearinghouse agency should be contacted to determine the number of copies required for local review. The date the application was submitted to the local clearinghouse for review must be listed under 19 on the Standard Form 424.

- **Support letters from the local clearinghouse must be submitted to the District Office before a Section 5339 Award can be made.**
- Applicants should send their applications to the **LOCAL** Clearinghouse/Regional Planning Council; **NOT TO THE STATE CLEARINGHOUSE**

Form 424

Item:	Entry:	Item:	Entry:
1.	Type of Submission should be "Application"	11.	Catalog of Federal Domestic Assistance Number is: 20.526 CFDA Title should be: Section 5339
2.	Type of Application should be "New"	12.	Funding Opportunity Number (FTA Grant Number) is not needed at this time.
3.	Enter Date Received	13.	"Not Applicable"
4.	"Not Applicable"	14	List the areas affected by project (cities, counties, States etc.)
5. a	"Not Applicable"	15.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For pre-applications, use a separate sheet to provide a summary description of this project.
5 B	Federal Award Identifier (FTA Grant Number) is not needed at this time.	16.	List the applicant's Congressional District and any District(s) affected by the program or project
6.	State use only (if applicable)	17	Enter the proposed start date and end date of the project.
7.	State Application Identifier is "1001"	18.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show

			breakdown using same categories as item
8. a	Enter legal name of applicant, name of primary organizational unit (including division, if applicable), which will undertake the assistance activity, enter employer/taxpayer identification number (EIN/TIN) as assigned by Internal Revenue Service, enter the organization's DUNS number (received from Dun and Bradstreet), enter the complete address of the applicant (including country), and name, telephone number, e-mail and fax of the person to contact on matters related to this application.	19.	Check the applicable box
9.	Type of Applicant 1: Select Applicant Type	20.	Check the applicable box (If "yes", provide explanation in attachment)
10	Name of Federal Agency should be " Federal Transit Administration"	21.	Sign the form

APPLICATION FOR FEDERAL ASSISTANCE

[View Burden Statement](#)

OMB Number: 4040-0004
Expiration Date: 8/31/2016

Application for Federal Assistance SF-424		
* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): <input type="text"/> * Other (Specify): <input type="text"/>
* 3. Date Received: <input type="text"/>	4. Applicant Identifier: <input type="text" value="Not Applicable"/>	
5a. Federal Entity Identifier: <input type="text" value="Not Applicable"/>	5b. Federal Award Identifier: <input type="text"/>	
State Use Only:		
6. Date Received by State: <input type="text"/>	7. State Application Identifier: <input type="text" value="1001"/>	
8. APPLICANT INFORMATION:		
* a. Legal Name: <input type="text"/>		
* b. Employer/Taxpayer Identification Number (EIN/TIN): <input type="text"/>	* c. Organizational DUNS: <input type="text"/>	
d. Address:		
* Street1: <input type="text"/>	Street2: <input type="text"/>	
* City: <input type="text"/>	County/Parish: <input type="text"/>	
* State: <input type="text"/>	Province: <input type="text"/>	
* Country: <input type="text" value="USA: UNITED STATES"/>	* Zip / Postal Code: <input type="text"/>	
e. Organizational Unit:		
Department Name: <input type="text"/>	Division Name: <input type="text"/>	
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: <input type="text"/>	* First Name: <input type="text"/>	
Middle Name: <input type="text"/>	* Last Name: <input type="text"/>	
Suffix: <input type="text"/>	Title: <input type="text"/>	
Organizational Affiliation: <input type="text"/>		
* Telephone Number: <input type="text"/>	Fax Number: <input type="text"/>	
* Email: <input type="text"/>		

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

X: Other (specify)

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Federal Transit Administration

11. Catalog of Federal Domestic Assistance Number:

CFDA 20.526

CFDA Title:

Section 5339

*** 12. Funding Opportunity Number:**

* Title:

Bus & Bus Facilities Program

13. Competition Identification Number:

Not Applicable

Title:

Not Applicable

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant

* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date:

* b. End Date:

18. Estimated Funding (\$):

* a. Federal	<input type="text"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text"/>
* g. TOTAL	<input type="text"/>

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

a. This application was made available to the State under the Executive Order 12372 Process for review on

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

**** I AGREE**

** The list of certifications and assurances, or an Internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative:

* Date Signed:

Proposed Project Description

EXHIBIT B

Proposed Project Description (not to exceed two (2) pages)

Applicants must submit **Exhibit B** as part of their application. The proposed project description should be thorough as evaluators will rely heavily on the narrative in reviewing an application.

Exhibit B must include, but not be limited to:

1. Is the project to continue the existing level of services, to expand present service, or to provide new service? How will a grant award be used? More hours? Larger geographic area? Shorter headways? More trips? Please explain in detail.
2. Give a detailed explanation of the need for the vehicle and provide evidence of the need.
3. Will a grant award be used to replace existing equipment or purchase additional vehicles/equipment? Provide details.
4. Describe how vehicles will be maintained without interruptions in service (who, what, where, and when).
5. If vehicles and/or equipment are proposed to be used by a lessee or private operator under contract to the applicant, identify the proposed lessee/operator.
 - a. Include an equitable plan for distribution of vehicles/equipment to lessees and/or private operators.
6. Each applicant shall indicate whether they are a government authority or a private non-profit agency, provide a brief description of the project which includes the counties served, whether the applicant employees are represented by a union and if so represented the name and local number of the union.
7. Have you met with the CTC and, if so, how are you providing a service that they cannot? Provide detailed information supporting this requirement.
8. Give a detailed explanation of any construction related activities and provide evidence of the need.

2. Federal Certifications and Assurances

EXHIBIT E

The **last** page (Appendix A) of the annual Federal Register Notice that applies to Federal Certifications and Assurances provides applicants with a single signature page on which an applicant and its attorney must certify compliance with the requirements of the various Federal Transit Administration grants or cooperative agreements. The Federal Register Notice is revised annually and is usually available around January 1 of each year. Applicants may obtain a copy of the current year document through the Internet at <http://www.fta.dot.gov/grants/13071.html>. If unable to access the form, applicants may contact their FDOT District Office for assistance. The appropriate signed Federal certification/assurance form must be included in the application when it is submitted to the FDOT District Office.

Submissions in TEAM: An applicant submitting certifications and assurances for their agency in TEAM can attach a screenshot of their PIN as replacement of the signature page.

GRANT WRITING TIP: All applicants must use the current year form and it must be the actual form from FTA. This form cannot be an edited version of a prior year's form or a recreation of the form.

The signature page for Federal Certifications and Assurances should be signed by an individual authorized by the applicant's governing board to sign and submit applications, and its attorney. Blue ink is required as it distinguishes an original signature from a photocopied signature.

Federal Certifications and Assurances Required of Each Applicant:

- Authority of applicant and its representative
- Standard Assurances
- Debarment, Suspension, and other Responsibility Matters
- Drug Free Workplace Certification
- Intergovernmental Review Assurance
- Federal Transit Administration Master Agreement (<http://www.fta.dot.gov/documents/17-Master.pdf>)
- Nondiscrimination Assurance
- Assurance of Nondiscrimination on the Basis of Disability Procurement Compliance.

A. Applicants for Federal Assistance may signify compliance with the above certifications and assurances by placing an "X" at the top of Appendix A next to the statement that reads: "The Applicant agrees to comply with applicable requirements of Categories 01-24". If an applicant chooses to do this, no additional notation is necessary, except for the signature on the reverse.

A description of the certifications required for the Section 5339 Bus and Bus Facilities for Small Urban Areas Program is provided in the annual Federal Register Notice.

3. Certification of Equivalent Service

EXHIBIT F

CERTIFICATION FOR AGENCIES REQUESTING NON-ACCESSIBLE VEHICLES

If the applicant wants to purchase non-accessible vehicles for demand responsive service, they must provide a detailed explanation as to the need for this type of vehicle (sedan, station wagon or passenger van) in addition to the following "Certification of Equivalent Service" must be completed and included in the application.

CERTIFICATION OF EQUIVALENT SERVICE

The _____ 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 area;
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 Part 37, public entities operating demand responsive systems for the general public which receive financial assistance under 49 U.S.C. 5310, 5339, and 5311 of the Federal Transit Administration (FTA) funds must file this certification with the appropriate state program office before procuring any inaccessible vehicle. Such public entities not receiving FTA funds shall also file the certification with the appropriate state office program. Such public entities receiving FTA funds under any other section of the FTA Programs 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.

Executed this _____ day of _____, 20_____.

(Signature of authorized representative)

(Name and title of authorized representative)

4. Certification and Assurances to FDOT

EXHIBIT G

To be completed and signed by an individual authorized by the governing board of the applicant agency and submitted with the grant application.

The _____ (undersigned) _____ certifies and assures to the Florida Department of Transportation in regard to its Application under U.S.C. Section 5339 dated _____:

- 1) It shall adhere to all Certifications and Assurances made to the federal government in its Application.
- 2) It shall comply with Florida Statutes:
 - a. Section 341.051- Administration and financing of public transit and intercity bus service programs and projects
 - b. Section 341.061 (2) - Transit Safety Standards; Inspections and System Safety Reviews
- 3) It shall comply with Florida Administrative Code
 - a. Rule Chapter 14-73 - Public Transportation
 - b. Rule Chapter 14-90 - Equipment and Operational Safety Standards for Bus Transit Systems
 - c. Rule Chapter 14-90.0041 - Medical Examination for Bus System Driver
 - d. Rule Chapter 41-2 - Definitions
- 4) It shall comply with the Department's:
 - a. Bus Transit System Safety Program Procedure No. 725-030-009
 - b. Public Transit Substance Abuse Management Program Procedure No. 725-030-035
 - c. Transit Vehicle Inventory Management Procedure No. 725-030-025
 - d. Public Transportation Vehicle Leasing Procedure No. 725-030-001
 - e. FDOT Guidelines for Acquiring Vehicles
 - f. Procurement Guidance for Transit Agencies Manual
- 5) It has the fiscal and managerial capability and legal authority to file the application.
- 6) Local matching funds will be available to purchase vehicles/equipment at the time an

order is placed.

- 7) It will carry adequate insurance to maintain, repair, or replace project vehicles/equipment in the event of loss or damage due to an accident or casualty.
- 8) It will maintain project vehicles/equipment in good working order for the useful life of the vehicles/equipment.
- 9) It will return project vehicles/equipment to the Department if, for any reason, they are no longer needed or used for the purpose intended.
- 10) It recognizes the Department's authority to remove vehicles/equipment from its premises, at no cost to the Department, if the Department determines the vehicles/equipment are not used for the purpose intended, improperly maintained, uninsured, or operated unsafely.
- 11) It will not enter into any lease of project vehicles/equipment or contract for transportation services with any third party without prior approval of the Department.
- 12) It will notify the Department within 24 hours of any accident or casualty involving project vehicles/equipment, and submit related reports as required by the Department.

It will submit an annual financial audit report to the Department, if required by the Department.

Date: _____

(Typed name and title of authorized representative)

(Signature of authorized representative)

5. Protection of the Environment

EXHIBIT H

(ONLY IF GRANT IS FOR FACILITIES)

Most transit projects funded under Section 5339 will be classified by FTA as categorical exclusions. Examples of categorical exclusions include purchase of transit vehicles, and purchase of office equipment.

If the proposed project is for construction or acquisition of facilities or other buildings, further evaluation may be required before a determination can be made that the project is a categorical exclusion. The FDOT District Office in the applicant's service area (see Appendix) should be contacted to determine if additional evaluation is needed. If it is needed, information such as an Environmental Assessment or Environmental Impact Statement (as determined by FDOT) should be included with an application for Section 5339 Assistance. This information may be separately bound and identified as Exhibit H.

Questions about this requirement should be directed to the FDOT District Office.

6. Standard Lobbying Certification Form

EXHIBIT J

NOTE: All grant awards issued to a recipient in the amount of \$100,000 or more must include a signed standard lobbying certification form.

The undersigned [Contractor] 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 an 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 making lobbying contacts to 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," (a copy the form can be obtained from

<http://www.dot.state.fl.us/transit/Pages/grantsadministration.shtm>) in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*)]

(3) 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 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 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). 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. § 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 Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

_____ Signature of Contractor's Authorized Official

_____ Name and Title of Contractor's Authorized Official

_____ Date

7. FTA Section 5333 (b) Assurance

EXHIBIT K

(Note: By signing the following assurance, the recipient of Section 5311, 5339, and/or 5311(f) assistance assures it will comply with the labor protection provisions of 49 U.S.C. 5333(b) by one of the following actions: (1) signing the Special Warranty for the Small Urban Program; (2) agreeing to alternative comparable arrangements approved by the Department of Labor (DOL); or (3) obtaining a waiver from the DOL.)

The _____ (hereinafter referred to as the "Recipient")
HEREBY ASSURES that the "Special Section 5333 (b) Warranty for Application to the Small Urban and Rural Program" has been reviewed and certifies to the Florida Department of Transportation that it will comply with its provisions and all its provisions will be incorporated into any contract between the recipient and any sub-recipient which will expend funds received as a result of an application to the Florida Department of Transportation under the FTA Section 5339 Program.

Dated _____

(Name and Title of Authorized Representative)

(Signature of Authorized Representative)

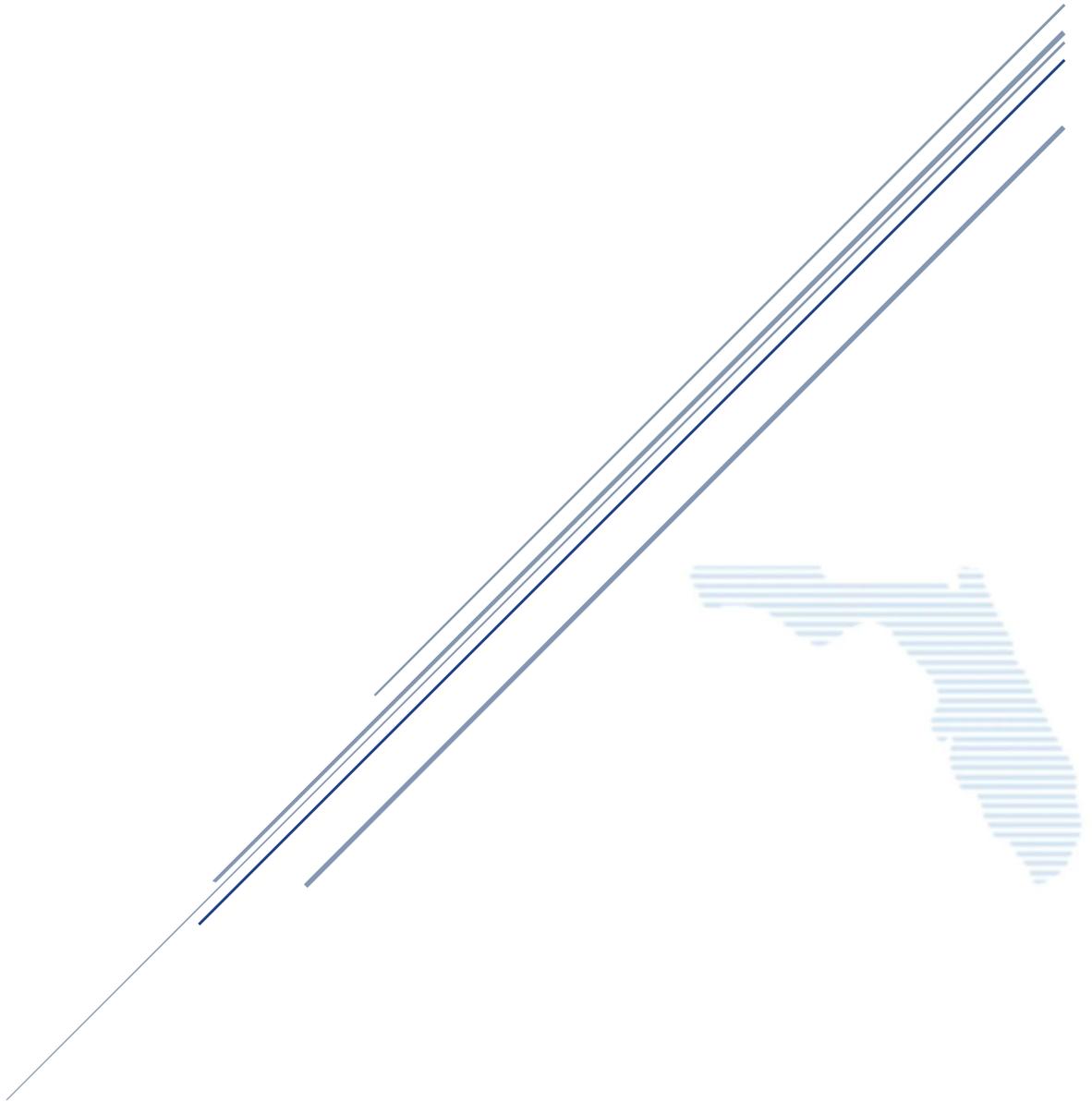
Note: All applicants must complete the following form and submit it with the above Assurance.

LISTING OF RECIPIENTS, OTHER ELIGIBLE SURFACE TRANSPORTATION PROVIDERS, UNIONS OF SUB-RECIPIENTS, AND LABOR ORGANIZATIONS REPRESENTING EMPLOYEES OF SUCH PROVIDERS, IF ANY

(See Appendix for Example)

<p style="text-align: center;">1</p> <p style="text-align: center;">Identify Recipients of Transportation Assistance Under this Grant.</p>	<p style="text-align: center;">2</p> <p style="text-align: center;">Site Project by Name, Description, and Provider (e.g. Recipient, other Agency, or Contractor)</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">Identify Other Eligible Surface Transportation Providers (Type of Service)</p>	<p style="text-align: center;">4</p> <p style="text-align: center;">Identify Unions (and Providers) Representing Employees of Providers in Columns 1, 2, and 3</p>

APPENDICES



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**APPENDIX I - CENTRAL OFFICE
CONTACT LIST**

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OFFICE OF FREIGHT, LOGISTICS & PASSENGER OPERATIONS

FLP Administration	Phone	Title
Vacant	(850)414-5244	State Freight and Logistics Administrator
Alicia Carroll	(850)414-5246	Executive Assistant
Rickey Fitzgerald	(850)414-4702	Freight Coordinator
Annette Lapkowski	(850)414-4541	Intermodal Systems Development Financial Services
Sonya Dudley	(850)414-4454	Budget Coordinator & HR Liaison
Marilyn Swearingen	(850)414-4531	Manager, Budget & Work Program
Sabrina Davis	(850)414-4547	Administrative Assistant
Nina Reich	(850)414-4546	Communication Specialist
Sandy Gardner	(850)414-4523	Contract Specialist
Vacant	(850)414-4070	FLP Intern
Malahia Crisp	(850)414-4542	Financial Services Intern
Rail & Motor Carrier Office	Phone	Title
Todd Gruenemeier	(850)414-4511	Rail & Motor Carrier Officer Manager
Ed Lee	(850)414-4535	Rail & Motor Carrier Planning & Safety Administrator
Michael Dowell	(850)414-4552	Motor Carrier/Rail Corridor Engineer
Andre Goins	(850)414-4620	Rail Operations and Programs Administrator
Scott Allbritton	(850)414-4553	Rail Contracts & Signal Program Engineer
Laura Regalado	(850)414-4528	Crossing Opening/Closure Program Analyst
Ed Bryant, PE	(850)414-4188	Rail Capacity Production Engineer
Mike Dross	(850)414-4544	Rail Consultant
Michael Dowell, PE	(850)414-4522	Rail Corridor Programs Engineer
Brett Allbritton	(850)414-4094	Rail Intern
Vacant	(850)414-4218	Administrative Assistant (OPS)
Transit Office	Phone	Title
Ed Coven	(850)414-4522	State Transit Manager
Bobby Westbrook	(850)414-4533	Transit Operations & Safety Administrator
Erin Schepers	(850)414-4526	Vehicle Procurement
Victor Wiley	(850)414-4525	Safety & Security
Diane Quigley	(850)414-4520	Transit Planning & Technology Administrator
Gabrielle Matthews	(850)414-4532	Transit Data and Modeling
Nina Verzosa	(850)414-4217	Transit Planner

Liz Stutts	(850)414-4530	Transit Grants & Commuter Assistance Administrator
Mike Wright	(850)414-4529	Statewide Commuter and Rural Transit Assistance
Jon Ausman	(850)414-4519	Federal Programs
Krisitin Gladwin	(850)414-4239	Section 5310
Seaport Office	Phone	Title
Bob Emerson	(850)414-4551	State Seaport Manager
Catherine Kelly	(850)414-4527	Financial Project Manager
Julie Christesen	(850)414-4534	Seaport Planner
Jimmy McDonald	(850)414-4509	Seaport Planner
Aviation & Spaceports Office	Phone	Title
Aaron Smith	(850)414-4514	State Aviation Manager
Andy Keith	(850)414-4516	Aviation Development Administrator
Todd Cox	(850)414-4510	Aviation Program Development Manager
Jim Halley	(850)414-4505	Aviation System Manager
Abdul Hatim	(850)414-4504	Airport Engineering Manager
Tom Duncan	(850)414-4513	Spaceport Development Manager
David Roberts	(850)414-4507	Aviation Operations Administrator
Greg Jones	(850_414-4502	Airspace & Land Use Manager
Jason Myers	(850)414-4515	Airport Inspection & Safety Manager
Fred Karuga	(850)414-4512	Aviation Communications Manager
Alice Lammert	(850)414-4503	Private Airport & Finance Manager

END OF MANUAL

