

# Greenville-Pickens Area Transportation Study

## Program Management Plan (PMP)

Federal Transit Administration Public Transportation Programs

2016



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## **I. Program Goals & Objectives**

The Greenville-Pickens Transportation Study (GPATS) Metropolitan Planning Organization (MPO) serves as the designated recipient responsible for ensuring that transportation programs utilizing FTA funds in the Greenville, SC urbanized area are based on a continuing, comprehensive, and coordinated planning process.

There are 11 MPOs in the state of South Carolina, and GPATS is one of the largest in terms of funding and population. GPATS covers a significant portion of Greenville County and Pickens County, and smaller portions of Anderson, Laurens, and Spartanburg counties. It contains the municipalities of Central, Clemson, Easley, Fountain Inn, Greenville, Greer, Liberty, Mauldin, Norris, Pelzer, Pendleton, Pickens, Simpsonville, Travelers Rest, West Pelzer, and Williamston. It covers an area of 777 square miles and is home to more than 500,000 residents. GPATS is a separate entity from the South Carolina Department of Transportation (SCDOT), which maintains and manages a large percentage of the roads within the state. Additionally, many of the municipalities and counties within GPATS manage their own transportation projects within their boundaries (GPATS).

The primary role of GPATS is to be the designated recipient of all state and federal funds for transportation projects. The GPATS Policy Coordinating Committee approves the scheduling of projects, the allocation of funds, and helps to guide the development of the region's transportation infrastructure. This includes, but is not exclusive to, roads and highways, mass transit, bicycle and pedestrian facilities, and freight (GPATS).

## **II. Roles & Responsibilities**

The designated recipient is responsible for selection of projects, and may, but is not required to, include a competitive selection process. If the designated recipient decides to hold a competitive selection, it may conduct the competitive selection itself or establish alternative arrangements to administer and conduct the competitive selection. For example, the MPO could be the lead agency for the competitive selection, even if it is not the designated recipient. Alternatively, the designated recipient may, through interagency agreement or third party contracts, provide for the administrative management and oversight of the competitive selection process (Federal Transit Administration, 2014).

The designated recipient will apply to FTA for funding using the designated FTA electronic grant management system on behalf of itself and/or eligible sub-recipients for Section 5310 projects within the recipient's area. The designated recipient is responsible for the following actions (Federal Transit Administration, 2014):

- a) Developing the program of projects (POP). Developing project selection processes, including deciding whether to conduct an area-wide (or statewide) competitive selection process and, if so, conducting the competition;
- b) Certifying that all projects are included in a locally developed, coordinated public transit-human service transportation plan (coordinated plan) developed and approved through a process that included participation by seniors; individuals with disabilities; representatives of public, private, and nonprofit transportation and human service providers; and other members of the public. The designated recipient is not directly responsible for developing the coordinated plan, but is responsible for ensuring that the plan from which a selected project was included was developed in compliance with the statutory requirements. An agency or organization other than the designated recipient may take the lead in developing the coordinated plan;
- c) Overseeing the implementation of projects as developed and prioritized in the coordinated plan, including, where not specified in the coordinated plan, selecting entities to carry out projects consistent with procedures approved in the coordinated plan and/or documented in the designated recipient's state or program management plan. In cases where the designated recipient is responsible for allocating funding among localities or regions that have developed and approved individual coordinated plans, the designated recipient shall select projects consistent with a process developed in collaboration with organizations responsible for developing local or regional coordinated plans;
- d) Certifying a fair and equitable distribution of funds to sub-recipients, if any;
- e) Managing all aspects of grant distribution and oversight for sub-recipients receiving funds under this program; and
- f) Submitting reports as required by FTA.

### **III. Coordination**

Title 49 U.S.C. 5310, as amended by MAP-21, requires a recipient of Section 5310 funds to certify that projects selected for funding under this program are included in a locally developed, coordinated public transit-human service transportation plan and that the plan was developed and approved through a process that included participation by seniors; individuals with disabilities; representatives of public, private, nonprofit transportation and human service providers; and other members of the public. This coordinated transportation plan should be prepared through a process that is consistent with the applicable metropolitan or statewide planning process, as described below. Transit service and demographic information developed and used in the broader metropolitan and statewide processes may provide a useful starting point for the more detailed review that will take place in preparing the coordinated plan. Similarly, the extensive public participation and stakeholder consultation provisions of metropolitan and statewide planning can provide a useful context and basis for the more focused local public involvement involved in preparing the coordinated plan. For these reasons, FTA strongly encourages coordination and consistency between the local coordinated public transit-human service transportation plan and metropolitan or statewide transportation planning processes, as described in 23 CFR part 450 and 49 CFR part 613 (Federal Transit Administration, 2014).

### **IV. Eligible Sub-recipients**

Section 5310(b) provides that of the amounts apportioned to states and designated recipients, not less than 55 percent shall be available for traditional Section 5310 projects — those public transportation capital projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, unavailable, or inappropriate. Further, the law provides that, for these projects, a recipient may allocate the funds apportioned to it to (Federal Transit Administration, 2014):

- a. A private nonprofit organization; or
- b. A state or local governmental authority that:
  - (1) is approved by a state to coordinate services for seniors and individuals with disabilities; or
  - (2) certifies that there are no nonprofit organizations readily available in the area to provide the service.

These provisions, found at 49 U.S.C. 5310(b)(1) and (b)(2), essentially maintain the status quo for traditional Section 5310 projects (Federal Transit Administration, 2014).

Governmental authorities eligible to apply for Section 5310 funds as “coordinators of services for seniors and individuals with disabilities” are those designated by the state to coordinate human service activities in a particular area. Examples of such eligible governmental authorities are a county agency on aging or a public transit provider which the state has identified as the lead agency to coordinate transportation services funded by multiple federal or state human service programs (Federal Transit Administration, 2014).

## **V. Local, Share & Funding Requirements**

- a) General (Federal Transit Administration, 2014). Section 5310 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. Recipients may use up to 10 percent of their apportionment to support program administrative costs including administration, planning, and technical assistance, which may be funded at 100 percent federal share. The local share of eligible capital costs shall be not less than 20 percent of the net cost of the activity, and the local share for eligible operating costs shall be not less than 50 percent of the net operating costs. 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, or new capital. 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. Noncash 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 Section 5310 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](http://www.unitedweride.gov).

b) Exceptions (Federal Transit Administration, 2014). The federal share may exceed 80 percent for certain projects related to ADA and Clean Air Act (CAA) compliance as follows:

(1) Vehicles. The federal share is 85 percent for the acquisition of vehicles for purposes of complying with or maintaining compliance with ADA (42 U.S.C. 12101 *et seq.*) or the CAA. A revenue vehicle that complies with 49 CFR part 38 may be funded at 85 percent federal share.

(1) Vehicle-Related Equipment and Facilities. The federal share for project costs for acquiring vehicle-related equipment or facilities (including clean fuel or alternative fuel vehicle-related equipment or facilities) for purposes of complying or maintaining compliance with the CAA (42 U.S.C. 7401 *et seq.*), or required by the ADA, is 90 percent. FTA considers vehicle-related equipment to be equipment on and attached to the vehicle.

a) Sliding Scale (Federal Transit Administration, 2014) — FHWA Transfers Only. Higher federal share rates for capital costs are available to 14 states described in 23 U.S.C. 120(b). The higher federal shares under 23 U.S.C. 120 (b)(1) are based on the ratio of designated public lands area to the total area of these 14 states. For FHWA transfers to FTA 5310 for capital projects, the federal share increases from 80 percent in proportion to the share of public lands in the state. The sliding scale rates in public lands states can be found on the following website: <http://www.fhwa.dot.gov/legregs/directives/notices/n4540-12.htm>.

## **VI. Project Selection Criteria & Method of Distributing Funds**

Project funds will be awarded through a competitive selection process. Public Notice of funding availability will be completed through publicizing in local newspapers and GPATS website. The process will begin each year at the beginning of fall with a call for projects and, receipt of applications by the GPATS staff or its designee. Applications will be due by the close of business at the appointed deadline.

A maximum of 100-points is available through the following categories, which includes prioritized set of criteria used to rank program proposals (GSATS, 2015):

**Criterion 1-Statement of Need and Organizational Capacity (20-points max)**

- Describe the unmet transportation need that the proposed project seeks to address. Relate this to the Coordination Plan.
- Describe the specific population this project will serve. As appropriate, add tables, charts, maps and data to support this project. Will the project also help meet transportation needs outside this population? (Explain how)
- Estimate the number of people within the target population the project will serve and briefly describe the rationale for the projection – total number of individuals to be served and average number of one-way trips provided (if applicable) per month. If this is building upon an existing service, provide the current number of passenger trips served.

**Criterion 2-Project Budget and Cost Effectiveness (20-points max)**

- Provide a budget for the proposed project. Clearly indicate all funding sources, especially the local share for the project.
- Provide evidence of financial capability and the stability of the local share.
- Identify reasonable sources for on-going funding – clearly indicate all funding sources if there is more than one.

**Criterion 3-Coordination and Program Outreach (20-points max)**

- Coordination among agencies is very important. Describe how the project will be coordinated with other social service programs and/or transit providers in the area. This could include:
  - Share vehicles with other agencies;
  - Share dispatching or scheduling duties;
  - Share in maintenance costs;
  - Coordinate client trips;
  - Coordinate staff training programs;
  - Other strategies.

- Were private sector providers included in developing the project? If so, how?

In addition to the Coordinated Public Transit-Human Services Transportation Plan, provide ways which will continue to involve key stakeholders on a consistent basis.

**Criterion 4-Implementation Plan (20-points max)**

- Provide an operational plan for providing service. Include time tables and route maps (if applicable) showing the service coverage from the project.
- Provide a description on how the agency intends to implement the project – describe process. Include a timeline for project implementation.



- Explain how the project relates to other services or programs provided by the agency and demonstrate how it can be achieved within the agency's technical ability.
- Describe on how the agency will market the project to the target population and promote public awareness of the program.

**Criterion 5-Customer Service and Accessibility (20-points max)**

- Provide the number of years the applicant has provided services for its targeted clientele (elderly, low-income populations, and/or individuals with disabilities).
- Provide information on the number of personnel – existing drivers and administrative staff to support the project. Will the agency hire additional personnel to support the project?
- List the training courses and the drivers who have completed these courses.
- Describe the agency's vehicle maintenance program (if applicable), addressing the following:
  - Pre-trip inspections
  - Preventive maintenance
  - Routine maintenance
  - Contingency plan for when equipment is out of service

**VII. Annual Program of Projects Development & Approval Process**

Applications for South Carolina projects will be forwarded to GPATS' Study Team (Technical Committee) and applications for Transit Coordinating Committee (TCC). The Study Team and TCC may choose to appoint a subcommittee to review and score applications and make recommendation to the committee based on the responsiveness of individual applications; however, the Study Team and TCC may review and score all applications as a whole.

After scoring the proposals, the Study Team will rank and make project selection and funding recommendations to the GPATS Policy Committee. The TCC will rank, make project selections and funding recommendations to the Technical Advisory Committee (TAC) which will be forwarded to the Policy Committee for a decision. The list of selected projects will then be included in the Program of Projects (POP) and published in the Transportation Improvement Program, and submitted to the FTA for funding.

There are several issues that either represents gaps or barriers in the Appalachian region. All proposals should reflect public transportation and human service transportation priorities documented in the Appalachian Regional Transit Plan.

Once the selection process has concluded, a ranked list of projects scheduled to be included in the program of projects will be posted for public review for fifteen (15) days. During the review process, comments will be accepted regarding the selection decisions. Any comment received in writing should be responded to within 15 days of closing of the review process. Formal appeals must be received prior to the close of the review process, and once received, will be considered by GPATS in conjunction with the selection committee. If, after consideration, the appeal is denied, applicants who wish to continue to appeal a decision must contact the FTA through their regional office in Atlanta.

After final selection has been made, GPATS will include the program of projects into the Transportation Improvement Program (TIP) and State Transportation Improvement Program (STIP). Once adopted by GPATS, the program of projects will be forwarded to the FTA for final approval.

### **VIII. State Administration, Planning, & Technical Assistance**

Up to 10 percent of the recipient's total fiscal year apportionment may be used to fund program administration costs including administration, planning, and technical assistance for projects funded under this program. Recipients may pass any portion of funds available for administrative expenses, up to the allowable 10 percent, on to sub-recipients for the same purpose. Program administration costs may be funded at 100 percent federal share (Federal Transit Administration, 2014).

The state and the designated recipient in urbanized areas have pre-award authority to incur administrative costs for Section 5310. Because the program is continuously managed, oldest funds available are drawn first regardless of the year of award for program activity (Federal Transit Administration, 2014).

FTA encourages recipients to identify all the available Section 5310 administrative funds they intend to use routinely in each annual grant application. However, recipients may choose to accumulate Section 5310 administrative funds within their period of availability to augment the funds available for a special administrative need in a subsequent year. Recipients may accumulate Section 5310 administrative funds in the year of apportionment plus two years (Federal Transit Administration, 2014).

If a recipient includes program administration expenses in excess of the 10 percent in its grant application, it must document the unused Section 5310 administrative funds from prior years available to augment the amount of Section 5310 administrative funds in the current apportionment (Federal Transit Administration, 2014).

The recipient must document the availability of Section 5310 administrative funds in each grant application. The grant application should include a list of all other grants for administrative expenses that utilize funds from the same apportionment. The list must include the total amount of administrative funds included in each grant and the fiscal year in which the funds were apportioned. The list should account for all funds for administrative expenses added through grant budget revisions or amendments. The list should include all other pending grant applications, budget revisions, or amendments that include administrative expenses that utilize funds from the same apportionment (Federal Transit Administration, 2014).

Allowable administrative costs may include, but are not limited to, general administrative and overhead costs, staff salaries, office supplies, and development of specifications for vehicles and equipment. Guidance on eligible costs is in Office of Management and Budget (OMB) Circular A-87 (codified at 2 CFR part 225). The program administration budget line item may also include technical assistance and planning activities, including allocations to sub-recipients to support the local coordinated planning process. Any general overhead costs must be supported

by an indirect cost allocation plan that has been approved by FTA or another cognizant federal agency (Federal Transit Administration, 2014).

These eligible program administrative costs may be used directly by the designated recipient or may be passed through by the designated recipient to sub-recipients for administration, planning, or technical assistance purposes. The funds can be obligated before the completion of the coordinated planning process and project selection process in order to assist with either activity (Federal Transit Administration, 2014).

## **IX. Transfer of Funds**

- a) Transfer to Other FTA Programs (Federal Transit Administration, 2014). Transfers of Section 5310 funds to other programs are not permitted.
- b) Transfer to Other Areas within the Program (Federal Transit Administration, 2014). A State may use funds apportioned for small urbanized and rural areas for projects serving another area of the State if the Governor of the State certifies that all of the objectives of the Section 5310 program are being met in the specified areas. For example, if all objectives of the Section 5310 program are being met in rural areas, funds designated for rural areas may be transferred to urbanized areas of less than 200,000 in population. Funds apportioned to small urbanized and rural areas may also be transferred for use anywhere in the State, including large urbanized areas, if the State has established a statewide program for meeting the objectives of the Section 5310 program. A recipient may transfer apportioned funds only after consulting with responsible local officials, publicly owned operators of public transportation, and nonprofit providers in the area from which the funds to be transferred were originally apportioned. Funds apportioned to large UZAs may not be transferred to other areas.
- c) Transfer of FHWA Flexible Funds (Federal Transit Administration, 2014). Flexible funds from the Federal Highway Administration (FHWA) may be transferred to the Section 5310 program for use by the recipient. The funds will be treated under the Section 5310 program requirements, with the exception of the local match and the minimum requirement for 55 percent to be spent on traditional Section 5310 projects. The FHWA funds will maintain the FHWA eligible match, including the application of the sliding scale for a higher federal share. The funds are available for obligation by the state for two additional years after the year in which they are transferred.
- d) For transfers of flexible funds to Section 5310, the recipient must notify both FHWA and FTA and request FHWA to transfer the funds to the appropriate FTA account. The transfer must be completed prior to grant award (Federal Transit Administration, 2014).

## **X. Private Sector Participation**

Federal law requires the public to be involved in the transportation planning process, and specifically requires that private providers be provided an opportunity to be consulted in developing transportation plans and programs in both urbanized and rural areas. Public

involvement processes must be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement throughout the transportation planning and programming process (Federal Transit Administration, 2014).

## **XI. Civil Rights**

The recipient agrees to comply with all applicable civil rights statutes and implementing regulations including, but not limited to, the following (Federal Transit Administration, 2014):

- a) Nondiscrimination in Federal Transit Programs. The recipient agrees to comply, and assures the compliance of each third party contractor at any tier and each sub-recipient at any tier under the project, with the provisions of 49 U.S.C. 5332. These provisions prohibit discrimination on the basis of race, color, religion, national origin, sex, age, and disability, and prohibit discrimination in employment or business opportunity.
- b) Nondiscrimination on the Basis of Disability. The recipient agrees to comply, and assures the compliance of each third party contractor and each sub-recipient at any tier of the project, with the applicable laws and regulations, discussed below, for nondiscrimination on the basis of disability.
  - (1) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), prohibits discrimination on the basis of disability by recipients of federal financial assistance.
  - (2) ADA, as amended (42 U.S.C. 12101 *et seq.*), prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities, as well as imposes specific requirements on public and private providers of public transportation.
  - (3) DOT regulations implementing Section 504 and the ADA include 49 CFR parts 27, 37, 38, and 39. Among other provisions, the regulations specify accessibility requirements for the design and construction of new transportation facilities and vehicles; require that vehicles acquired (with limited exceptions) be accessible to and usable by individuals with disabilities, including individuals using wheelchairs; require public entities (including private entities “standing in the shoes” of a public entity as a sub-recipient or under a contract or other arrangement) providing fixed route service to provide complementary paratransit service to individuals with disabilities who cannot use the fixed-route service; and include service requirements intended to ensure that individuals with disabilities are afforded equal opportunity to use transportation systems.
  - (4) Providers of demand responsive service must utilize accessible vehicles, as defined at 49 CFR 37.7 or meet the applicable equivalent service standard. For private and public entities, the service must be equivalent in regard to schedules, response times, geographic areas of service, hours and days of service, availability of information, reservations capability, constraints on capacity or service availability, and restrictions based on trip purpose.

- (5) Providers of fixed-route service must generally utilize accessible vehicles. Private entities may utilize non-accessible vehicles if they can provide equivalent service in terms of schedules and headways, in addition to the equivalent service requirements described above for demand responsive service. Public entities must also provide complementary paratransit service to fixed-route service as defined in 49 CFR 37.121.
  - (6) In addition, recipients of any FTA funds should be aware that they also have responsibilities under Titles I, II, III, IV, and V of the ADA in the areas of employment, public services, public accommodations, telecommunications, and other provisions, many of which are subject to regulations issued by other federal agencies.
- c) Nondiscrimination—Title VI. The recipient agrees to comply, and assures the compliance of each third party contractor and each sub-recipient at any tier of the project, with all of the following requirements under Title VI of the Civil Rights Act of 1964.
- (1) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d *et seq.*), provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
  - (2) U.S. DOT regulations, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act,” 49 CFR part 1.
  - (3) FTA Circular 4702.1B “Title VI Requirements and Guidelines for Federal Transit Administration Recipients. ” This document provides FTA recipients and sub-recipients with guidance and instructions necessary to carry out DOT Title VI regulations (49 CFR part 21), and DOT Policy Guidance Concerning Recipient’s Responsibilities to Limited English Proficient (LEP) Persons.
  - (4) U.S. DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons (70 FR 74087, December 14, 2005). This guidance clarifies the responsibilities of recipients of federal financial assistance from DOT and assists them in fulfilling their responsibilities to LEP persons, pursuant to Title VI of the Civil Rights Act of 1964 and Executive Order 13166.
  - (5) FTA Circular 4703.1 “Environmental Justice Policy Guidance for Federal Transit Administration Recipients.” This document provides FTA recipients and sub-recipients with guidance and instructions necessary to carry out U.S. DOT Order 5610.2 to Address Environmental Justice in Minority Populations and Low-Income Populations, and Executive Order 12898 on Environmental Justice that describes the process that the Office of the Secretary of Transportation and each operating administration will use to incorporate environmental justice principles into existing programs, policies, and activities.
  - (6) U.S. DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations. DOT Order 5610.2 describes the process that the Office of the Secretary of Transportation and each operating administration will use t

incorporate environmental justice principles (as embodied in Executive Order 12898 on Environmental Justice) into existing programs, policies, and activities.

- d) Equal Employment Opportunity. The recipient agrees to comply, and assures the compliance of each third party contractor and each sub-recipient at any tier of the project, with all equal employment opportunity (EEO) requirements of Title VII of the Civil Rights Act of 1964, as amended, (42 U.S.C. 2000e), and with 49 U.S.C. 5332 and any implementing regulations DOT may issue.
- e) Nondiscrimination on the Basis of Sex. The recipient agrees to comply with all applicable requirements of Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681 *et seq.*), with DOT implementing regulations, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 49 CFR part 25.
- f) Nondiscrimination on the Basis of Age. The recipient agrees to comply with all applicable requirements of the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 *et seq.*), and Department of Health and Human Services’ implementing regulations, “Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance” (45 CFR part 90), which prohibit discrimination against individuals on the basis of age. In addition, the recipient agrees to comply with all applicable requirements of the Age Discrimination in Employment Act (ADEA), 29 U.S.C. 621 through 634, and Equal Employment Opportunity Commission (EEOC) implementing regulations, “Age Discrimination in Employment Act” (29 CFR part 1625), which prohibit employment discrimination against individuals on the basis of age.
- g) Disadvantaged Business Enterprise (DBE). To the extent required by federal law, regulation, or directive, the recipient agrees to take the following measures to facilitate participation by DBEs:
  - (1) The recipient agrees and assures that it will comply with MAP-21 Section 1101(b) (23 U.S.C. 101 note), which directs the Secretary of Transportation to expend not less than 10 percent of authorized federal funds with DBEs. This 10 percent national goal is aspirational and is used by DOT to help monitor and evaluate DBE participation in DOT-assisted contracting opportunities.
  - (2) The recipient agrees and assures that it will comply with DOT regulation, “Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs,” 49 CFR part 26. Among other provisions, this regulation requires certain recipients of DOT federal financial assistance, namely state and local transportation agencies, to establish goals for the participation of disadvantaged entrepreneurs and certify the eligibility of DBE firms to participate in their DOT-assisted contracts.
  - (3) The recipient agrees and assures that it shall not discriminate on the basis of race, color, sex, or national origin, in the award and performance of any third party contract, or sub-agreement supported with federal assistance derived from DOT, or in the administration of its DBE program, and will comply with the requirements of 49 CFR part 26. The recipient agrees to take all necessary and reasonable steps set forth in 49 CFR part 26 to ensure nondiscrimination in the

award and administration of all third party contracts and sub-agreements supported with federal assistance derived from DOT. As required by 49 CFR part 26 and approved by DOT, the recipient's DBE program is incorporated by reference and made part of the grant agreement or cooperative agreement. The recipient agrees that implementation of this DBE program is a legal obligation, and that failure to carry out its terms shall be treated as a violation of the grant agreement or cooperative agreement. Upon notification by DOT to the recipient of a failure to implement its approved DBE program, DOT may impose sanctions as provided for under 49 CFR part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001, and/or the Program Fraud Civil Remedies Act, (31 U.S.C. 3801 *et seq.*).

For further guidance, refer to the federal laws, regulations, and executive orders cited in this chapter. FTA's regional civil rights officers or headquarters civil rights staff will also provide current guidance upon request.

## **XII. Section 504 & ADA Reporting**

Section 504 of the Rehabilitation Act of 1973, (Section 504), as amended (29 U.S.C. 794), prohibits discrimination on the basis of handicap by recipients of federal financial assistance. The Americans with Disabilities Act of 1990 (ADA), as amended (42 U.S.C. 12101 *et seq.*), affords equal opportunity for employment, transportation, telecommunications, and places of public accommodation for people with disabilities.

Sub-recipients must comply with 49 CFR Parts 27, 37, and 38 implementing the ADA and Section 504 as required. These provisions:

- Prohibit discrimination against individuals with disabilities;
- Specify accessibility requirements for the design and construction of new transportation facilities;
- Require that vehicles acquired be accessible to and usable by individuals with disabilities, including individuals using wheelchairs (with limited exceptions for demand responsive systems providing equivalent service to individuals with disabilities) or a demonstration of inability to obtain an accessible vehicle despite good faith efforts to do so;
- Require governmental authorities, including a private non-profit entity "standing in the shoes" of the State as a sub-recipient operating fixed route transit must have complementary paratransit plans on file (effective January 26, 1992); and
- Sub-recipients of federal funds should ensure compliance in the areas of employment, public services, public accommodations, telecommunications, and other provisions.

Certification is accomplished annually through the funding application packages containing appropriate assurances.

### **XIII. Program Measures**

#### Section 5310

The following indicators are targeted to capture overarching program information as part of the annual report that each state and designated recipient submits to FTA. GPATS will submit both quantitative and qualitative information as available on each of the following measures according to FTA *Circular 9070.1G*.

#### Traditional Section 5310 Projects

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 people 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.

Ridership. Actual or estimated number of rides (as measured by one-way trips) provided annually for individuals with disabilities and seniors 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

Increases or enhancements related to geographic coverage, service quality, and/or service times 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.

Additions or changes to physical 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.

Actual or estimated number of rides (as measured by one-way trips) provided for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.

GPATS will ensure that the above information is reported for all recipients and sub-recipients of Section 5310 funding in projects selected by the Policy Committee.

### **XIV. Program Management**

#### *i. Procurement*

- a) General. When procuring property, supplies, equipment, or services with funds from an FTA grant, designated recipients that are not states and their sub-



recipients must comply with FTA procurement requirements at 49 CFR part 18 and guidance contained in the current FTA Circular 4220.1. States will follow the same policies and procedures used for procurements from nonfederal funds, to the extent permitted by federal statutes and regulations. While the federal threshold for small purchases is currently \$100,000, the state may set a lower threshold for itself and its sub-recipients. All governmental authority sub-recipients may follow state procurement procedures. However, because of differences between 49 CFR part 18 and 49 CFR part 19, FTA third party contracting requirements are fewer for states and sub-recipients that are local or tribal governments than for sub-recipients that are private nonprofit organizations. For the sake of consistency, the state may choose to use the more detailed FTA requirements included in the current FTA Circular 4220.1 for all sub-recipients as part of its state procurement procedures.

In some cases, a state may choose to grant Section 5310 assistance to a sub-recipient through an intermediary sub-recipient. For example, for public policy reasons, the state might pass funds to a nonprofit organization through a local governmental authority. The arrangement between the first tier and second tier sub-recipient is not a third party contract if the ultimate sub-recipient would otherwise be eligible under Section 5310 to receive funds directly from the state and the ultimate sub-recipient intends to use those funds to pursue its own transit project to meet the needs of seniors and people with disabilities.

Each FTA recipient seeking federal assistance to acquire property or services in support of its proposed project shall certify to FTA, in accordance with 49 CFR 18.36, that its procurements and procurement system will comply with all applicable third party procurement provisions of federal laws, regulations, and directives, except to the extent FTA has expressly approved otherwise in writing. Any applicant that fails to provide this certification may be determined ineligible for award of federal assistance if FTA determines that its procurement practices and procurement system are incapable of compliance with federal laws, regulations, and directives governing procurements financed with FTA assistance.

Procurement procedures used by states and their public agencies and instrumentalities must comply with the following specific federal procurement requirements:

- (1) States. State procurement practices must, at a minimum, comply with five specific federal requirements contained in the current FTA Circular 4220.1. These include the following:
  - (a) For rolling stock, a five-year limitation on contract period of performance;
  - (b) A requirement for full and open competition;
  - (c) A prohibition against geographic preferences;

- (d) The use of Brooks Act procedures for procurement of architectural and engineering services if the state has not adopted a statute governing procurement of such services; and
  - (e) Inclusion in contracts of all federal clauses required by federal statutes and executive orders and their implementing regulations. These clauses are identified in specific federal regulations cited in FTA's master agreement and incorporated by reference into the grant agreement. Additional technical assistance for third party contracting is available in FTA's "Best Practices Procurement Manual," which can be found online at [http://www.fta.dot.gov/funding/thirdpartyprocurement/grants\\_financing\\_6\\_037.html](http://www.fta.dot.gov/funding/thirdpartyprocurement/grants_financing_6_037.html);
- (2) Sub-recipients that are Governmental Authorities. Sub-recipients of states that are governmental authorities such as local or Indian tribal governments must comply with the same federal requirements governing state procurements. States are responsible for ensuring that sub-recipients are aware of and comply with federal requirements.
  - (3) Sub-recipients that are Private Nonprofit Organizations. Sub-recipients that are private nonprofit organizations must comply with FTA procurement requirements contained in the current FTA Circular 4220.1. States and designated recipients are responsible for ensuring that private nonprofit sub-recipients are aware of and comply with these additional requirements.
  - (4) Designated Recipients that are Not States. Other recipients and their sub-recipients must comply with FTA procurement requirements at 49 CFR part 18 and guidance contained in the current FTA Circular 4220.1.
- b) Pre-Award and Post-delivery Reviews. Procurements for vehicles, other than sedans or unmodified vans, must be audited in accordance with 49 CFR part 663, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases." Additional guidance is available in the manual, "Conducting Pre-Award and Post-Delivery Reviews for Bus Procurement" is on FTA's website: [http://www.fta.dot.gov/legislation\\_law/12921\\_5424.html](http://www.fta.dot.gov/legislation_law/12921_5424.html). The regulation requires any recipient or sub-recipient that purchases rolling stock for use in revenue service with funds obligated after October 24, 1991, to conduct a pre-award and post-delivery review to ensure compliance with its bid specifications, Buy America requirements, and federal motor vehicle safety requirements, and to complete specific certifications. Purchase of more than twenty vehicles for use in areas under 200,000 in population (more than ten, for large urbanized areas), other than unmodified vans or sedans, requires in-plant inspection. In the case of consolidated state procurements on behalf of multiple sub-recipients, the in-plant inspection requirement is triggered only if a single sub-recipient will receive more than ten or more than twenty vehicles, depending on area size.
  - c) New Model Bus Testing. Recipients must ensure that buses and vans acquired with FTA funds are tested consistent with the requirements in 49 CFR part 665 and must obtain a copy of the resulting test report before FTA funds can be released. FTA provides a bus testing section on its website that provides an

overview of the program and assists with understanding applicable procedures and policies: <http://www.fta.dot.gov/bustesting>. The bus testing provisions under 49 U.S.C. 5318 require FTA establish a pass/fall testing standard. FTA funds will be available to acquire a new bus model only if the bus has received a passing score. This requirement will take effect after FTA has issued regulations establishing the standard.

- d) Buy America. Title 49 U.S.C. 5323(j) provides that with limited exceptions, FTA may not obligate funds for a public transportation project unless the steel, iron, and manufactured goods used in the project are produced in the United States. Section 5310 recipients and sub-recipients must comply with FTA regulations, 49 CFR part 661. FTA's Buy America requirements at 49 CFR part 661 differ from Federal Buy American regulations at 48 CFR part 25. The former applies to all purchases, including materials or supplies funded as operating costs when funded by FTA, if the purchase exceeds the threshold for small purchases (currently \$100,000), whereas the latter applies to direct federal procurements. FTA strongly advises recipients to review 49 CFR part 661 as well as the current FTA Circular 4220.1, "Third Party Contracting Guidance," before undertaking any procurement. In addition, 49 U.S.C. 5323(j)(9) allows a party adversely affected by an FTA action the right to seek review. FTA has created a Buy America website to provide an overview of these requirements as well as policies, procedures, and letters of interpretation: <http://www.fta.dot.gov/buyamerica>.
- e) Transit Vehicle Manufacturer Disadvantaged Business Enterprises (DBE) Program Requirement. Recipients must ensure that each transit vehicle manufacturer (TVM), as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, certifies that it has complied with the requirements of 49 CFR part 26, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs." TVMs must establish—and submit to the FTA Office of Civil Rights for approval—an annual overall percentage goal. In setting this overall goal, manufacturers should be guided, to the extent applicable, by the principles underlying 49 CFR 26.45. The recipient is obligated to determine, by checking the TVM listing on FTA's website, <http://www.fta.dot.gov/civilrights/12891.html>, or by checking with FTA's Office of Civil Rights at the time of bid opening, that the manufacturer likely to receive the contract is in compliance with part 26. For further guidance, contact the FTA Regional Civil Rights Officer in the FTA regional office in which the recipient is located.

## ii. *Financial Management*

- (1) Designated recipients that are states. The common grant rule requires a designated recipient that is a state to expend and account for grant funds in accordance with state laws and procedures for expending and accounting for its own funds. Fiscal control and accounting procedures of the state, as well as its sub-recipients and cost-type contractors must be sufficient to:

- (a) Permit preparation of reports described in this circular and reports necessary to comply with other program and statutory requirements; and
- (b) Permit the tracing of funds to a level of expenditures adequate to establish that such funds have not been used in violation of the restrictions and prohibitions applicable to the program.

Sub-recipients that are private entities must comply with the standards for financial management systems provided in 49 CFR part 19. If states purchase vehicles and equipment for sub-recipients, and sub-recipients receive no cash, this requirement does not apply.

(2) Designated recipients that are not states. The financial management system for designated recipients that are not states must meet the standards set forth in 49 CFR 18.20(b) of the common grants rules. These standards include:

- (a) Financial reporting. Accurate, current, and complete disclosure of the financial results of financially assisted activities must be made in accordance with the financial reporting requirements of the grant or sub-grant.
- (b) Accounting records. Designated recipients and sub-recipients must maintain records that adequately identify the source and application of funds provided for financially assisted activities. These records must contain information pertaining to designated recipient or sub-recipient awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income.
- (c) Internal control. Effective control and accountability must be maintained for all designated recipient and sub-recipient cash, real and personal property, and other assets. Designated recipients and sub-recipients must adequately safeguard all such property and must ensure that it is used solely for authorized purposes.
- (d) Budget control. Actual expenditures or outlays must be compared with budgeted amounts for each grant or sub-grant. Financial information must be related to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the grant agreement. If unit cost data are required, estimates based on available documentation will be accepted whenever possible.
- (e) Allowable cost. Applicable Office of Management and Budget (OMB) cost principles, FTA program regulations, and the terms of the FTA master agreement and grant agreements will be followed in determining the reasonableness, allowability, and allocability of costs.
- (f) Source documentation. Accounting records must be supported by such source documentation as cancelled checks, paid bills, payroll, time and attendance records, contract and sub-grant award documents, etc.
- (g) Cash management. Procedures for minimizing the time elapsing between the transfer of funds from the U.S. Treasury and disbursement by designated recipients and sub-recipients must be followed whenever advance payment procedures are used. Designated recipients must establish reasonable

procedures to ensure the receipt of reports on sub-recipients' cash balances and cash disbursements in sufficient time to enable them to prepare complete and accurate cash transactions reports to FTA. When advances are made by letter-of-credit or electronic transfer of funds methods, the designated recipient must make drawdowns as close as possible to the time of making disbursements. Designated recipients must monitor cash drawdowns by their sub-recipients to ensure that they conform substantially to the same standards of timing and amount as apply to advances to the designated recipients.

*iii. Property Management*

If a grant applicant intends to use federal financial assistance in a project which will require real property, the applicant must provide assurances—required by Sections 305 and 210 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act)—that it will comply with the Uniform Act and with U.S. DOT implementing regulations (49 CFR part 24).

DOT regulations at 49 CFR part 24 implement a government wide regulation that applies to all federal or federally assisted activities that involve the acquisition of real property or the displacement of people. As such, the regulation is specific in naming certain actions that must be taken to achieve uniformity in the treatment of property owners and displaced people. Grantees in the process of planning a federally assisted project that will require the displacement of people should be aware of the regulatory need for relocation planning during the early stages of project development.

The 49 CFR part 24 regulation is available from the Government Printing Office website at: [http://www.access.gpo.gov/nara/cfr/waisidx\\_99/49cfr24\\_99.html](http://www.access.gpo.gov/nara/cfr/waisidx_99/49cfr24_99.html). Upon request, FTA regional offices can provide a copy of the uniform act or regulation in its amended form. In addition, the grantee should inform itself of state laws regarding compensation for real property and requirements for relocation of people and personal property.

Real property may be contributed as part of the local matching share. Credit can be allowed only for that portion of the property needed to carry out the scope of the project. Federal funds must not have been used to purchase any property proposed as local matching share. The contribution- in-kind property will be valued at its current market value and when incorporated into the project will be subject to the same reporting and disposition requirements required of all project property. Please consult with your FTA regional office about any property issues.

*iv. Vehicle Use*

FTA encourages maximum use of vehicles funded under the Section 5310 program. 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 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. Vehicles may be used:

- (a) For Section 5310 Project and Program Purposes. Recipients should consider how best to meet the needs of all seniors and people with disabilities in a particular community in the recipient's project selection process. The program must provide for maximum feasible coordination with transportation services assisted by other federal sources. Sub-recipients 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 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. The recipient shall use the vehicle in the project or program for which it was acquired as long as needed, even if the project does not continue to receive federal funding.
- (b) For Other Federal Programs or Project Purposes. During the period the vehicle is used to serve the project or program needs for which it was acquired, the recipient or sub-recipient shall make it available for use on other projects or programs, as long as such other use does not interfere with the service for which the vehicle was originally acquired. First preference for such other use will be given to other projects or programs sponsored by FTA, and second preference will be given to projects or programs sponsored by other federal agencies. Finally, vehicles may be used by non-federally funded providers, first to meet the needs of seniors and people with disabilities, and then to serve the transportation needs of the general public on an incidental basis.
- (c) When No Longer Needed for Original Project or Program Purposes. If the original recipient or sub-recipient no longer needs the vehicle for the purposes for which it was acquired, the state or designated recipient may choose to keep the vehicle in use for Section 5310 program purposes by transferring the vehicle to another designated recipient or sub-recipient. The transfer may be shown in the POP for any active grant. It does not have to be in the grant under which the vehicle was originally funded. Once the vehicle is no longer needed for Section 5310 program purposes, the vehicle may be used first in connection with other

FTA-sponsored activities, and then for activities sponsored by other federal agencies.

- (d) For Meal Delivery. 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.

v. *Maintenance*

GPATS is responsible for ensuring that all vehicles purchased with federal funds are maintained in good operating order. GPATS will require sub-recipients to follow manufacturer's suggested maintenance schedules to maintain good working order.






To the extent that sub-recipients purchase vehicles under the 5310 and 5339 programs, vehicles must be maintained and used for the intended purpose under which they are purchased. Maximum use of vehicles is encouraged, first for program related purposes, then other federal programs and project purposes. GPATS is responsible for ensuring that the sub-recipient is maintaining continuing control over vehicles and that the vehicles are being utilized for eligible public transit purposes.

If any vehicles are to be removed from service prior to the end of their useful life, the sub-recipient must notify GPATS prior to doing so. The sub-recipient will remit the federal share of the current market value of the vehicles to GPATS. If vehicles are to be removed from service at the end of, or after useful life, sub-recipient will notify GPATS.

GPATS will maintain an inventory list of all vehicles purchased under the 5310 and 5339 programs. GPATS will require all sub-recipients to submit annual vehicle use reports (miles, hours, passengers, trip purpose) to ensure that vehicles are used in accordance with program requirements.

GPATS may also require sub-recipients to perform pre-trip inspections of vehicles. GPATS will audit maintenance records of vehicles, and may inspect vehicles during site visits.

GPATS follows FTA guidelines for determining when a vehicle has reached the end of its useful life. A sub-recipient may dispose of or utilize a vehicle for another purpose when the vehicle has attained its useful life. Useful life varies depending on the vehicle type. Consult FTA *Circular 5010.1D*, "Grant Management Requirements" for vehicle useful life guidelines (see table below).

Example	Vehicle	Seats	FTA-Defined Useful Life
	Heavy Duty Large Bus (35' to 40' and articulated buses) Approximate Typical Characteristics: 33,000 to 40,000 GVW	27 to 40	12 years or 500,000 miles
	Heavy-Duty Small Bus (30' to 35') Approximate Typical Characteristics: 26,000 to 33,000 GVW	26 to 35	10 years or 350,000 miles
	Medium-Duty and Purpose-Built Bus (25-35'): Approximate Typical Characteristics: 16,000 to 26,000 GVW	22 to 30	7 years or 200,000 miles
	Light-Duty Mid-Sized Buses (25-35') Approximate Typical Characteristics: 10,000 to 16,000 GVW	16 to 25	5 years or 150,000 miles
	Light-Duty Small Bus, Cutaways, Regular & Modified Van (16-28') Approximate Typical Characteristics: 6,000 to 14,000 GVW	10 to 22	4 years or 100,000 miles

vi. *Disposition*

States and their sub-recipients should follow state laws and procedures for disposing of equipment. States are not required to return to FTA proceeds from the disposition of equipment, regardless of the fair market value at the time the equipment is sold, but should follow their own procedures regarding the use of proceeds, so long as the proceeds remain in use for public transportation purposes. This applies to all equipment currently in use that was purchased by states with Section 5310 funds. This blanket disposition instruction satisfies the provision of 49 CFR part 19 requiring private nonprofit organizations to seek disposition instructions from the federal awarding agency.



All other designated recipients and their sub-recipients must follow the disposition procedures established in part 18 of the common rule at 49 CFR 18.32(e). Designated recipients are not required to return to FTA proceeds from the disposition of equipment where the fair market value of the per unit item being disposed of is less than \$5,000. If the per unit fair market value exceeds \$5,000, FTA will calculate the amount of proceeds it is owed based on the approved disposition method applied.

*vii. Accounting Systems*

Designated recipients and sub-recipients must maintain records that adequately identify the source and application of funds provided for financially assisted activities. These records must contain information pertaining to designated recipient or sub-recipient awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income.

*viii. Audits*

States and designated recipients are responsible for ensuring that audits are performed pursuant to the requirements of OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," resolving audit findings, and bringing problems to FTA's attention. FTA has not required States and designated recipients to ensure an annual financial audit of a sub-recipient is performed when assistance is provided solely in the form of capital equipment procured directly by the state or designated recipient. Even if the amount of FTA funds the recipient passes to a particular sub-recipient does not trigger the requirement for an A-133 audit, the recipient may wish to review A-133 audit reports prepared for sub-recipients that are required to be audited because the total federal funds from all sources exceed the threshold (currently \$750,000). At a minimum recipients should require sub-recipients to bring to the attention of the recipient any audit findings relevant to their use of FTA funds.

*ix. Closeouts*

Recipients should initiate project closeout with sub-recipients within ninety days after all funds are expended and all work activities for the project are completed. Recipients should similarly initiate POP closeout with FTA within ninety days after all work activities for the POP are completed. A final Federal Financial Report, final budget, and final POP must be submitted electronically via the electronic grant management system at the time of closeout.

FTA expects grants awarded for a specific POP to be completed within a reasonable, specified time frame, generally not to exceed two to three years. Although this circular provides recipients with a great deal of flexibility in developing and subsequently revising programs of projects, it is not FTA's intent that grants be continually revised or amended in ways that will excessively prolong the life of the grant, and consequently result in a large number of active Section 5310 grants. If small amounts of funds remain in an inactive grant, the recipient should request that the funds be deobligated and the project closed out. If the deobligated funds are still within their period of availability, FTA can reobligate the funds in a new grant to the recipient along with other currently available funds. Otherwise the deobligated funds lapse and are reapportioned by FTA among states and UZAs in a subsequent year.

## **XV. Other Provisions**

### **Environmental Protection**

GPATS agrees that Environmental Impact Statements will be provided as required for any projects with significant environmental impact, or for which categorical exclusions do not apply. GPATS anticipates that most, if not all, projects will qualify as Categorical Exclusions.

### **Buy America**

Under the Buy America provision applicable to FTA grants, FTA funds may not be obligated unless steel, iron, and manufactured products used in FTA-funded projects are produced in the United States. Rolling stock must be assembled in the United States and have a sixty percent (60%) domestic content to be considered a United States product. GPATS assures that the purchase of construction equipment or rolling stock for use in federal grant programs will comply with all specifications and Buy America requirements.

### **Pre-Award & Post-Delivery Reviews**

GPATS will ensure that pre-award and post-delivery reviews are completed as specified in FTA regulations at 49 CFR Part 663. GPATS will ensure that an inspector will be placed in the manufacture site if a purchase of 10 or more vehicles is done using grant funds. The cost of the pre-award and post-delivery reviews will be sub-recipient's responsibility.

### **Lobbying Restrictions**

As required by 31 U.S.C. 1352 and U.S. DOT regulations, 'New Restrictions on Lobbying', at 49 CFR 20.110, GPATS must certify that for any recipient of Federal assistance exceeding \$100,000:

1. No Federal appropriated funds have been or will be paid by or on behalf of any person to influence or attempt to influence an officer or employee of any Federal agency, a

Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress regarding the award of Federal assistance, or the extension, continuation, renewal, amendment, or modification of any Federal assistance agreement; and

2. If any funds other than Federal appropriated funds have been or will be paid to any person to influence or attempt to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any application for Federal assistance, the contractor and/or recipient ensures that it will complete and submit Standard Form LLL, 'Disclosure Form to Report Lobbying', including information required by the instructions accompanying the form, which form may be amended to omit such information as authorized by 31 U.S.C. 1352.
3. The language of this certification is included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, sub-agreements, and contracts under grants, loans, and cooperative agreements).

### **School Transportation**

As required by 49 U.S.C. 5323(f) and (g) and FTA regulations at 49 CFR 605.14, GPATS understands and agrees that it and each recipient, lessee, or third party contractor at any tier may engage in school transportation operations in competition with private school transportation operators that uses equipment or facilities acquired with Federal assistance authorized under the Federal transit laws or under 23 U.S.C. 133 or 142, only in compliance with those laws and FTA regulations, "School Bus Operations," 49 CFR part 605.

### **Drug and Alcohol Testing**

GPATS must ensure that employees funded through 5310 grant are managed under GPATS' Drug and Alcohol Testing Program. This includes the employees of its sub-recipients. Therefore, all safety sensitive employees who participate with GPATS's sub-recipients are required to undergo the drug-testing portion of the certification process. This includes the same drug and alcohol testing requirements defined for GPATS' employees, which requires that they submit to new-hire.

### **Conclusion**

The Program Management Plan (PMP) includes the program objectives, policies, procedures, and administrative requirements, in a form readily accessible to potential sub-recipients, recipient staff, FTA and the general public. This document should provide guidance and be useful for GPATS's sub-recipients, as well as GPATS.

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