

Georgia Administrative Guide

**To Implement the FTA Urbanized Area Formula Program for Areas Under 200,000
Population**

(Title 49 U.S.C. Section 5307)



2005

GEORGIA DEPARTMENT OF TRANSPORTATION
OFFICE OF INTERMODAL PROGRAMS

TABLE OF CONTENTS

	<u>Page</u>
Introduction	1
FTA Urbanized Area Formula Program	
Mission Statement and Goals	2
(Title 49 U.S.C. Section 5307)	2
Roles and Responsibilities	2
Funding Distribution.....	3
Relationship to Capital Program (Title 49 U.S.C. Section 5309)	4
Surface Transportation Program (STP).....	5
Eligible Grant Activities	5
Annual State Program of Projects and Budget.....	7
Program Requirements.....	7
Federal Requirements Associated with the Urbanized Area Formula Grant Program	
National Transit Database Reporting System	9
Certification Procedures.....	9
Annual Audit and Triennial Reviews	9
Certifications Particular to the Urbanized Area Formula Program.....	9
Program of Projects and Public Participation Requirements	13
Associated Capital Maintenance Items	13
Preventive Maintenance.....	14
Buses	14

TABLE OF CONTENTS *(continued)*

Bus Facilities..... 16

Clean Air Act 16

Drug-Free Workplace 16

Drug and Alcohol Testing..... 17

Environmental Protection 17

Integrity - Debarment and Suspension..... 17

Intergovernmental Review..... 17

Labor Standards 17

Lease vs. Buy Considerations 18

Lobbying..... 18

New Starts..... 18

New Technology Introduction 18

Nondiscrimination-Civil Rights Requirements..... 18

Private Enterprise Concerns..... 19

Real Property Acquisition..... 20

Relocation 20

Seismic Design and Construction Standards 20

FTA Urbanized Area Formula Program Application Procedures..... 21

 Application Requirements 21

 Instructions for Applications..... 22

TABLE OF CONTENTS *(continued)*

EXHIBITS

	<u>Page</u>
Exhibit 1 - Sample Letter of Transmittal	24
Exhibit 2 - Urbanized Area Formula Program Funding Form and Capital Program Justification.....	25
Exhibit 3 - Program of Projects and Budget	26
Exhibit 4 - Project Budget Worksheet for Operating Assistance	27
Exhibit 5 - Project Milestone Schedule	30
Exhibit 6 - Authorizing Resolution.....	31
Exhibit 7 - Federal FY 2005 Certifications and Assurances for FTA Assistance.....	32
Exhibit 8 – Georgia Intergovernmental Consultation Process.....	34
Exhibit 9 - FTA Title VI Data Collection and Reporting	36
Exhibit 10 – Labor Union Information.	39
Exhibit 11 – Anti-Drug Program Certification	40
Exhibit 12 – Certification of No Intent of Charter Service	41
Exhibit 13 – Sole Source, Single Bid and Brand Name Procurement Certification.....	42
Exhibit 14 – ADA Plan Update	43
Exhibit 15 – NTD Closeout Letter.....	44
Exhibit 16 - Application Checklist	45

Appendices

Appendix A - Quarterly Progress Reports	46
Appendix B – Reimbursements	49
Appendix C – Sample Contract Closeout Letter.....	53
Appendix D - Administrative Guidelines for Transit Projects Planning, Design and Construction	54
Appendix E - Capital Purchasing and Construction Guidelines	56
Appendix F - Financial Administration Guidelines	57
Appendix G - Codification of Federal Transit Laws.....	59
Appendix H – Annual GDOT Compliance Monitoring Review.....	60
Appendix I - Federal Register/Vol 69, No. 206 (10-26-04)..... Fiscal Year 2005 Annual Listing of Certifications and Assurances for FTA Grants and Cooperative Agreements.	84
Appendix J - FTA Scope and Activity Line Item Codes	
Appendix K – Federally Required Clauses.....	109
Appendix L – Federally Required and Other Model Contract Clauses.....	114

INTRODUCTION

This document describes the Georgia Department of Transportation's (GDOT) procedures for the administration of the Federal Transit Administration's (FTA) Urbanized Area Formula Program (Title 49 U.S.C. Section 5307) for urbanized areas in Georgia under 200,000 population¹. The 2004 edition includes new procedures for GDOT Annual Review of subgrantees as well as expanded program oversight. The Section 5307 program was authorized to provide assistance to urban areas operating public transit systems. These funds were made available for capital, planning and operating assistance purposes beginning Fiscal Year 1984.

GDOT is the designated recipient of FTA Section 5307 funds for areas under 200,000 population. In Georgia, ten urbanized areas fall within the under 200,000 population classification. These are Albany, Athens, Brunswick, Dalton, Gainesville, Hinesville, Macon, Rome, Valdosta and Warner Robins. Urbanized areas over 200,000 are Atlanta, Augusta, Columbus and Savannah; these four metropolitan areas receive Section 5307 funds directly from FTA.

The Department administers the Section 5307 program in accordance with federal and state requirements. As a part of the statewide public transportation effort, the Section 5307 program is coordinated with the Non-urbanized Area Formula Program (Section 5311) and the Metropolitan Planning Programs (Section 5303) to provide the state with the optimum mix of resources that can be applied to public transportation.

¹ *Public Law No. 103-272, dated July 5, 1994 codified the Federal Transit Act as amended as Chapter 53 of Title 49 of the United States Code, which required new citations for all Federal Transit Laws. The Public Law repealed the Federal Transit Act and related provisions and reenacted them as Chapter 53 of Title 49 U.S.C. There were no substantive changes to the law due to codification.*

Mission Statement and Goals of GDOT's Office of Intermodal Programs

“We shall facilitate program management to provide efficient, effective public transportation services that will enhance mobility and safety for citizens of Georgia while meeting federal and state guidelines.”

The Department's goal is to work with local governments to provide effective utilization of the resources and to deliver safe, efficient and responsive public transportation services. This effort is a joint endeavor of the Department and local governments working together for a common purpose.

FTA URBANIZED AREA FORMULA PROGRAM²

Roles and Responsibilities

As Designated Recipient of Section 5307 funds for areas under 200,000, the Georgia Department of Transportation has the following responsibilities:

- Allocate and program funds
- Review application components from local areas
- Prepare the statewide electronic grant application (TEAM) to FTA for funding of local projects
- Contract with FTA and with local areas
- Monitor quarterly progress reports from local areas and the progress of projects
- Report on project performance to FTA (TEAM); and
- Monitor compliance with federal and state project requirements

The local Metropolitan Planning Organization (MPO) is responsible for meeting the planning requirements for projects programmed for federal and state funding. As the designated planning organization for the area, the MPO works closely with the transit operator to evaluate transit operations

² *The information contained in this document is based on FTA Circular 9030.1C, “Urbanized Area Formula Program: Grant Application Instruction”, the Georgia Department of Transportation Manual of Guidance and other pertinent Federal and State regulatory requirements. The information presented herein is not intended to be all inclusive; contact the Office of Intermodal Programs for more detailed instructions related to any topic presented in the document.*

and finances, identify and prioritize new projects, develop the Transportation Improvement Program (TIP), and carry out the transit planning work programs.

Eligible capital and operating projects must be programmed in the urban area's TIP for inclusion in the Statewide Transportation Improvement Program (STIP). Planning Projects utilizing Section 5307 funding must be included in the Unified Planning Work Program (UPWP), the local TIP and the STIP.

Funding Distribution

The FTA Section 5307 funds are authorized by Congress to assist eligible recipients in the financing of public transportation capital, operating and planning projects. The Federal match for planning and/or capital assistance under Section 5307 is 80 percent of the net project cost. The Federal match for operating assistance will not exceed 50 percent of the net project deficit. There are three exceptions to the 80 percent Federal match for capital projects: Bicycle facilities, Americans with Disabilities Act (ADA) and Clean Air Act (CAA) equipment.

Under the Section 5307 program, the Federal match is 90% for those projects designed to (1) provide access for bicycles to public transportation facilities, (2) provide shelters and parking facilities for bicycles in or around public transportation facilities and (3) install racks or other equipment for transporting bicycles on public transportation vehicles.

Title III of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 included a provision for Americans with Disabilities Act and Clean Air Act compliance. In the capital assistance category, funding for projects to meet the ADA and CAA requirements are eligible for 90 percent federal assistance. Vehicle-related equipment required by the CAA or ADA should be add-ons to the basic vehicle that will enhance accessibility as required by the ADA or to allow the vehicle to conform to the CAA.

Applicants should identify in their applications the vehicle-related equipment necessary to meet the requirements of the two Acts. The 90% federal assistance applies only to the difference between normal capital costs and the additional cost incurred to meet ADA and/or CAA requirements.

The distribution of funding for the Section 5307 program is as follows:

Project Type	Federal Sources	State Sources	Local Sources
Operating	Up to 50% of the operating	-0-	50% or more of the operating
Capital	80 percent	10 percent	10 percent
ADA Capital	90 percent	5 percent	5 percent
CAA Capital	90 percent	5 percent	5 percent
Bicycle Facilities	90 percent	5 percent	5 percent
Planning	80 percent	10 percent	10 percent

Bicycle facilities, along with ADA and CAA vehicle-related projects will be funded at 90 percent Federal, 5 percent State and 5 percent local share.

Basic comprehensive planning activities should be funded under the Metropolitan Planning Program, which is the primary source of FTA planning funds. Urbanized Area Formula Program funds should be used for technical studies of special interest to transit operators, such as maintenance or operational plans when the basic planning funds are insufficient to meet all of the planning needs.

Relationship to Capital Program (Title 49 U.S.C. Section 5309)

The Section 5309 discretionary capital grant program funding should be used to supplement Section 5307 formula funds. Urbanized Area Formula Program funds are intended to be the primary resource for routine capital needs. Discretionary Capital funds will be used as a resource for major bus or rail projects that require Federal funding beyond what is available under FTA Urbanized Area Formula Program funds.

The purpose of this funding is to capitalize transit facilities, and to help bring those facilities up to a level of acceptable safety, reliability and efficiency. Critical bus capital projects that cannot be accommodated under the Urbanized Area Formula Program will be considered for discretionary capital funding.

The most recent guidance regarding Section 5309 indicated that FTA's highest priorities in consideration of Section 5309 discretionary requests are those that will enable states and transit authorities to meet federally imposed ADA and Clean Air requirements. This would include alternative fuel vehicles and ADA compliance equipment and purchase of new rolling stock. Priority consideration will also be given to requests to fund intermodal facilities. This would include passenger terminals that would serve both bus and rail transfer points, enable transit passengers to transfer from one transportation mode to another and/or from one bus service provider to another.

Application procedures for the Discretionary Capital Program are similar to those outlined in this Urbanized Area Formula Program Administrative Guide with some additional documentation dependent upon the capital equipment applied for. Interested Subgrantees should contact the Office of Intermodal Programs at (404) 651-9200 for detailed application procedures.

Surface Transportation Program (STP) and Congestion Mitigation Air Quality (CMAQ)

ISTEA established new Surface Transportation Program (STP) and Congestion Mitigation and Air Quality (CMAQ) which provide block grant type funding to the Federal Highway Administration (FHWA) to be used for highway or transit capital projects. Section 1007(a) of ISTEA outlines project eligibility for STP and CMAQ funds. Possible transit and transit-related projects include any capital project normally eligible under the Urbanized Area Formula and Discretionary Capital programs, some of which are listed in the next section. A transit project using STP or CMAQ funds must be included in the local TIP and the STIP. Contact the Office of Intermodal Programs for detailed information on flexing options and the application process.

Eligible Grant Activities

Projects to be funded from the Urbanized Area Formula program fall into the three general categories of operating, capital or planning and may be selected from the following listing. Applicants should verify that projects are eligible as outlined in this section.

Eligible Items

- Operating: Provides for financing the operating deficit that may result from transit operations and maintenance. Marketing is a part of the transit operations and may include service promotions, development of logos, and publishing materials such as schedules, etc.*
- Capital: Bus purchases (new or used), replacement, rehabilitation, rebuilding or remanufacture*
- Expansion of bus fleets*
- Overhaul of buses (including paratransit vehicles)*
- Bicycle facilities*
- Crime prevention and security equipment*
- Purchase and installation of service and support equipment*
- Construction or rehabilitation of maintenance facilities including land acquisition, design and engineering, demolition, relocation, etc.*
- Construction of other facilities, e.g. transfer facilities, intermodal terminals and bus shelters, including design and engineering, land acquisition, etc.*
- Associated capital maintenance items*
- Preventive Maintenance*
- Capital support equipment, including computer hardware/software, bus diagnostic equipment, and other equipment that enhances operating efficiency*
- Leasing capital assets*
- Capital cost of contracting, the capital portion of costs for service or maintenance provided under contract (includes direct costs, depreciation and interest)*
- Education and Training*
- Design and Art in Transit*
- Non-traditional projects such as innovative financing, joint development, livable communities and technology introduction*
- Planning: Planning, engineering design and evaluation of transit projects as well as other technical studies*

Annual State Program of Projects and Budget

The Department will program and electronically submit for funding, a single Urbanized Area Formula Program annual application to FTA. Applications from local areas must be submitted to the Department by **Friday August 19, 2005**. Completed applications from the local areas should include all necessary documentation.

Program Requirements

Once applications are approved and contracted, Subgrantees must adhere to administrative procedures and guidelines. The purpose of these guidelines is to provide uniform instructions to Subgrantees, ensure compliance with Federal and State rules and regulations and to facilitate a systematic approach to managing public transportation programs and activities in Georgia.

In addition to the Urbanized Area Formula Program and application requirements outlined in this document, subgrantees must comply with GDOT and FTA guidelines for planning, capital and operations activities during the project period. Some of these requirements are detailed in the Appendix. This document is not intended to summarize all Federal and State requirements applicable to the Section 5307 program. A brief summary of FTA program requirements is outlined in the next section; complete Federal guidance may be found in FTA circulars related to this program and the FTA web site at <http://www.fta.dot.gov>. The Office of Intermodal Programs may also be contacted for Federal and State requirements.

The Department reserves the right to review vehicle specifications, construction plans, bid proposals, awards, etc. The Department prior to execution must approve third party contracts. Procurement procedures should meet State requirements and those in FTA Circular 4220.1D. When implementing Section 5307 projects, subgrantees must follow State procedures and project management guidelines outlined in FTA Circular 5010.1C, Grant Management Guidelines, which includes the submission of various reports and conforming to OMB A-133 Audit procedures. A summary of administrative guidelines for capital purchases, construction planning, design, and monitoring/management, audit procedures, submission of quarterly reports and close-out can be found in the Appendices.

In order to address all FTA requirements as well as to promote better management and service delivery, GDOT will make an annual site visit to each subgrantee. During the site visit, GDOT will ask the following questions in each of the twenty-three review areas. Upon completion of the annual review, deficiencies will be noted and addressed in follow-up. This review does not replace the FTA Triennial Review but should well prepare the subgrantee for future FTA Triennial Reviews.

Beginning in 2005, GDOT will conduct an annual review of each subgrantee. The review will be conducted in May of each year will include all FTA required programs to include the following areas:

1. Legal
2. Financial
3. Technical
4. Satisfactory Continuing Control
5. Maintenance
6. Procurement
7. Disadvantaged Business Enterprise (DBE)
8. Buy America
9. Suspension/Debarment
10. Lobbying
11. Planning
12. Civil Rights (Title VI)
13. Public Participation Process for Fare and Service Changes
14. Half Fare
15. Americans with Disability Act (ADA)
16. Charter Bus
17. School Bus
18. National Transit Database
19. Safety and Security
20. Drug Free Workplace
21. Drug and Alcohol Program
22. Equal Employment Opportunity
23. Intelligent Transportation Systems (ITS)

A copy of the GDOT Annual Review can be found in **Appendix H**. For further information on specific requirements in these areas, refer to the *FTA Grants Management Workbook* at http://www.fta.dot.gov/grant_programs/applying_for_managing_grants/basic_grant_requirements/grants_management_workbook/3909_ENG_HTML.htm

Federal Requirements Associated with the Urbanized Area Formula Program

1. National Transit Database Reporting System

All subgrantees receiving funds under the Section 5307 Program must maintain and report financial and operating information on an annual basis. The FTA Uniform System of Accounts and Reporting System was designed to provide information on which to base planning for public transportation services and public sector investment decisions at all levels of government.

2. Certification Procedures

ISTEA amended Federal transit law to provide that certifications and assurances by a grant applicant may be consolidated into a single document, which will be submitted annually as part of the grant application. These certifications and assurances will be published annually by FTA in the Federal Register. They are included in this document in the Appendix.

3. Annual Audit and Triennial Reviews

Congress has charged FTA with conducting audits or requiring subgrantees to have independent audits to determine that recipients have carried out activities in accordance with program requirements and certifications. In particular, FTA must conduct a full review and evaluation of subgrantee performance at least every three years. These "Triennial Reviews" allow FTA and GDOT to determine if the subgrantee is complying with the certifications that it has made.

4. Certifications Particular to the Urbanized Area Formula Program

There are specific elements to which a grant applicant must certify when applying for Section 5307 funding. A brief description of each is outlined below.

Legal Capacity - The applicant must be eligible and authorized under state or local law to request, receive and spend FTA funds to administer the program. Officials acting on behalf of the applicant must have the appropriate authority to do so.

Financial Capacity - Recipients must be able to match and manage funds through long-term reliable sources and to maintain and operate federally funded facilities and equipment. FTA's Financial Capacity Policy focuses on (1) general financial condition which refers to historical trends and current situations which may affect the ability to maintain present levels of service and (2) financial capability which focuses on the applicant's ability to cover operating deficits and capital costs.

Technical Capacity - Involves the Applicant's ability to carry out and manage federal grants in accordance with the grant agreement and with applicable laws and regulations, using sound management practices. Subgrantee responsibility in this regard is outlined in FTA Circular 5010.1C, "FTA Grant Management Guidelines". Procurement practices are also related to technical capacity.

Satisfactory Continuing Control - Subgrantees must maintain control over federally funded property, ensure that it is used in transit service and dispose of it in accordance with Federal requirements. Satisfactory control also includes safeguards against loss, theft or damage.

Maintenance - Subgrantees must keep equipment and facilities purchased with Federal funds in good operating order. Each grant recipient must have a current maintenance plan, which outlines its goals and objectives of the maintenance program. On-time preventive maintenance (PM) must be performed as outlined in the maintenance plan.

Rates Charged Elderly and Persons with Disabilities During Non-Peak Hours - Subgrantees must ensure that rates charged the elderly and persons with disabilities during non-peak hours for fixed-route transportation using facilities and equipment financed with Federal assistance will not exceed one-half of the rates generally charged other persons at peak hour. The fares, fares charged to elderly and person with disabilities, must be listed on all printed schedules and websites.

Rates Charged Person Presenting a Medicare Card - Subgrantees must extend the half-fare rate to any person presenting a Medicare card issued to that person under the Social Security Act. The fares, including Medicare fare, must be listed on all printed schedules and websites.

Competitive Procurement - Subgrantees must use competitive procurement to obtain goods and services and will not utilize exclusionary or discriminatory specifications. All procurement financed with FTA funds must conform to the requirements of FTA Circular 4220.1D, Third Party Contracting Requirements. State or local preference provisions are generally prohibited.

Micro-Purchases - Micro-purchases are defined as those purchases under \$2,500. Micro-purchases may be made without obtaining competitive quotations if the grantee determines that the price to be paid is fair and reasonable.

- (1) Micro-purchases are exempt from the Buy America requirements. 5
- (2) Micro-purchases should be equitably distributed among qualified suppliers in the local area and purchases should not be split to avoid the requirements for competition above the \$2,500 micro-purchase threshold.
- (3) The requirements of the Davis-Bacon Act apply to construction contracts between \$2,000 and \$2,500.
- (4) Other than the Davis-Bacon Act clauses for construction contracts between \$2,000 and \$2,500, no other Federal clauses are required.
- (5) Minimal documentation is required:
 - (a) a determination that the price is fair and reasonable and
 - (b) how this determination was derived.

Small Purchases - Small purchase procedures may be used if the services, supplies, or other property costs \$100,000 or less. If small purchases procedures are used,

price or rate quotations shall be obtained from an adequate number of qualified sources (at least two). Solicitations and quotations for small purchases may be either oral or written.

Purchases Over \$100,000 –

Sealed Bids/ Invitation for BID (IFB) - 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.

(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 for the business;
- (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; and
- (d) No discussion with bidders is needed.

(2) If this procurement method is 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 to prepare bids 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 sought in order for the bidder to properly respond;
- (c) All bids will be publicly opened at the time and place described in the invitation for bids;
- (d) A firm fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. When specified in bidding documents, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest;
- (e) Any or all bids may be rejected if there is a sound documented reason.

Sole Source Procurement - Sole Source procurements are those in which a proposal is sought from only one source or, after solicitation of a number of sources, only one response is obtained or competition is determined inadequate.

Sole source procurement requires subgrantees to perform a cost or price analysis.

(1) Cost Analysis. A cost analysis will be necessary when adequate price competition is lacking and for sole source procurements . . . 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 on the basis of prices set by law or regulation.

(2) Price Analysis. A price analysis may be used in all other instances to determine the reasonableness of the proposed contract price.

Competitive Proposals (RFP) - A request for proposals typically includes all of the elements of an invitation for bids, and in addition shall contain the evaluation factors and their relative importance, e.g., by stating that the factors are listed in declining order of importance. The request can specify the information needed to perform the evaluation, and may require that cost/price information be physically separated so that the technical evaluation can be performed separately from price evaluation. In architectural and engineering services procurements, grantees shall use competitive proposal procedures based on the Brooks Act, which requires selection based on qualifications and excludes price as an evaluation factor provided the price is fair and reasonable.

The applicable clauses in **Appendix K** must be included in all contracts which exceed \$100,000. For further information on procurement methods, refer to the *FTA Best Practices Procurement Manual*.

Buy America Provisions - Federal transit assistance may not be used to finance the acquisition of iron, steel, or manufactured goods that are not produced in the United States unless the acquisition qualifies for a waiver. The requirements for rolling stock are significantly different from non rolling stock items. Waivers may be issued in the public interest, when goods are not available, and for price differentials of at least 25% between the US and the foreign product. A general interest waiver has been issued to exempt all small purchases, defined as those of \$100,000 or less, from the Buy America Requirement. The Buy America clause in **Appendix L** must be included in all contracts over \$100,000.

Public Participation - Subgrantees should make available to the public, the amount of funds available and activities to be financed. The comments and views of citizens and private operators should be considered and if appropriate, the listing of projects should be modified before the final version is made available to the public.

When any transit agency uses the MPO planning process to fulfill the public participation requirement for the advertisement of the transit program of projects, the following must be included in the MPO's public notice for TIP review: **"This review meets the program of**

projects requirements as established by the FTA pursuant to 49 U.S.C. Section 5307 (c)”

Availability of Local Funds - Local matching funds must be available to carry out the proposed projects.

Improve Mobility, Fuel Consumption and Air Pollution - National Policy indicates that it is in the best interest of the United States to encourage the development of transportation systems that embrace various modes of transportation to efficiently maximize the mobility of individuals and goods in and through urbanized areas and minimize transportation-related fuel consumption and air pollution.

Metropolitan Planning Requirements - Projects must appear in a TIP and STIP jointly approved by FTA and FHWA. Planning projects must appear in an approved UPWP and should appear in the TIP/STIP for information purposes. Before inclusion in the TIP/STIP, projects should be consistent with the area’s Long Range Plan and conform to joint Metropolitan Planning Regulations issued by FTA and FHWA.

Elderly Persons and Individuals with Disabilities National Policy - Elderly and individuals with disabilities have the same rights as other individuals to use transit service and facilities. Thus, subgrantees must make special efforts in planning and designing transit service and facilities to ensure that this segment of the population can use transit.

Public Comment of Fare and Service Changes - Subgrantees should have a written policy describing the public comment processes on increases in the basic fare structure and for major service reductions. The policy should provide an opportunity for a public hearing or public meeting, describe how meetings will be conducted and how the meeting results will be considered in the process of changing fares or reducing service

Transit Security Projects Expenditures - Subgrantees must expend at least one percent (1%) of funds received each fiscal year on transit security projects or certify that these expenditures are not necessary. Security projects may be operating or capital.

5. Program of Projects (POP) and Public Participation Requirements - The POP should be developed in consultation with interested parties and an opportunity for public hearing must be offered to the public. POP development should provide for the coordination of transit services of other federally assisted projects and should be selected from an approved TIP/STIP.

6. Associated Capital Maintenance Items - These items are defined as equipment, tires, tubes and materials, each of which costs no less than one-half of one percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment, tires, tubes and materials are to be used. Purchase of these items is considered a capital expense reimbursable at 80% subject to certain provisions.

7. Preventive Maintenance – Preventive maintenance costs are defined as all maintenance costs. For general guidance as to the definition of eligible maintenance costs, the subgrantee should refer to the definition of maintenance in the most recent National Transit Database (NTD) reporting manual. The funding for Preventive Maintenance is 80% Federal, 10% State and 10% Local.

8. Buses - FTA has established several policies that are meant to ensure that buses purchased with FTA funds are maintained and remain in transit use for a minimum normal service life. The policies also intend to ensure that buses acquired are necessary for regularly scheduled revenue service, meet peak requirements as well as have a reasonable allowance for spares. The suggested service life outlined below refers to time spent in normal service, not time spent stockpiled or otherwise unavailable for regular transit service.

<u>Transit Bus</u>	<u>Size</u>	<u>Service Life</u>	<u>Service Mileage</u>
Large, heavy duty	35' to 40'	12 years	500,000 miles
Medium size heavy duty	30' approx.	10 years	350,000 miles
Medium-size, medium duty	30' approx.	7 years	200,000 miles
Medium-size, light-duty	25' to 35'	5 years	150,000 miles
Other light duty (vans, etc.)		4 years	100,000 miles

A. Bus Replacement Policies

(1) Replacement at End of Minimum Normal Service Life. - Vehicles to be replaced should have achieved the minimum normal service life. The age of the bus is its years of service or mileage at the time the new bus will be put into service.

(2) Early Disposition Policy - If a vehicle is replaced before it has reached the minimum normal service life, the subgrantee has the option of returning the Federal interest to FTA or placing the remaining Federal interest into the new vehicle (like-kind exchange policy).

(3) Like-kind Exchange Policy - Under this policy, the trade-in value or sales proceeds from a vehicle replaced before the end of its normal service life are not returned to FTA but rather applied towards the purchase of a “like-kind” replacement vehicle. Like-kind is defined as a vehicle for a vehicle with similar service life.

(4) Rebuilding Policies - Buses to be rebuilt should be at the end of the minimum normal service life and in need of major structural or mechanical rebuilding. The age of the bus is its years of service at the time the rebuilding work begins.

(5) Vehicle Overhauls - Federal capital assistance of up to 20% of annual vehicle maintenance is eligible for vehicle overhaul work. This eligibility also applies to leasing and contracted service.

(6) Spare Ratio Policies - The number of spare buses in the active fleet for subgrantees operating 50 or more revenue vehicles should not exceed 20% of the number of vehicles operated in maximum service. Spare ratio is defined as the number of spare vehicles divided by the vehicles required for annual maximum service. Local circumstances may be considered in determining a reasonable spare ratio for individual subgrantees.

(7) Contingency Fleets - Buses may be stockpiled in preparation for emergencies. Buses held in a contingency fleet must be properly stored, maintained, and documented in a contingency plan. The plan should be kept up to date to support the continuance of an inactive contingency fleet. Buses may not be stockpiled before the end of minimum normal service life.

B. Requirements Related to Purchase of New Buses

(1) Fleet and Service Expansion - Applicants seeking to expand service and fleets should describe new markets to be served. Vehicle needs, fleet size, projected ridership, operating cost, revenues, and spare ratios should also be documented. More detailed analysis may be requested.

(2) Buy America - Applicants are required to comply with Buy America Provisions.

(3) Warranties - A warranty that is an industry standard is an eligible capital cost as part of the acquisition of a bus or any other capital asset.

(4) Bus Testing - Any new model bus or ones with significant model changes must be tested at the FTA-sponsored test facility in Altoona, Pennsylvania before Federal funds can be used. Vehicles are tested for maintainability, reliability, safety, performance, structural integrity, fuel economy and noise. Bus testing is not required for unmodified, mass produced vans.

(5) Pre-Award and Post Delivery Review of Buses - Subgrantees must undertake reviews of rolling stock before award of the bid, during manufacture and following vehicle delivery. The reviews are intended to improve compliance with Buy America requirements, bid specifications, and Federal Motor Vehicle Safety Standards. **Subgrantees must submit pre award and post delivery certifications upon request for reimbursement (See Appendix B-A).**

C. Buses in Service

(1) Commercial Driver's License (CDL) - All drivers and mechanics of vehicles designed to transport more than 15 people must have a CDL.

(2) Charter Bus Operations - Charter service regulations prohibit FTA recipients from providing service using FTA funded equipment or facilities if there is at least one private charter operator willing and able to provide the service. Before a transit operator may provide service, the operator must publish a notice at least annually to determine if there are private operators willing and able to provide the service. There are exceptions and a specific process for making those requests. Each subgrantee is encouraged not to engage in charter service unless permitted by FTA charter service regulations.

(3) School Bus Operations - Subgrantees seeking to provide school bus service must agree not to engage in exclusive service to students and school personnel in competition with private school bus operators. This prohibition does not apply to "Tripper Service", defined as regularly scheduled transit service that is open to the public and that is designed or modified to accommodate the needs of school students and personnel, using various fare collection and subsidy systems. In some cases, exemptions to regulatory limitations will be allowed.

9. Bus Facilities - FTA will assist building facilities that support transit operations and provide passenger amenities. Examples are administrative buildings, maintenance garages, terminals, stations, shelters and park and ride lots. FTA also supports facilities that are transit-related and will participate in those portions of facilities physically or functionally connected to transit. On intermodal facilities, FTA will participate on a pro rata basis based on the transit portion of the project.

(a) Facility Size – FTA's general policy is to provide assistance for facilities that are adequate for the grant applicant's present needs and that will realistically meet future needs.

(b) Project Staging - Applicants must be able to fully describe the project and estimate the cost of the facility.

(c) Planning Justifications - There must be a planning basis for every project, therefore, appropriate planning studies should be undertaken in support of projects to acquire, install or construct major transit facilities.

10. Clean Air Act - Long-Range Plans, TIPs and projects must conform to State Implementation Plans (SIPs) for air quality. This is primarily applicable to areas designated as "nonattainment" or "maintenance" areas. Many smaller transit projects are exempt by regulation from the conformity requirements.

11. Drug-Free Workplace - Subgrantees are required to maintain a drug-free workplace for all employees and to have an anti-drug policy and awareness program. This includes among other things, a written policy statement, notification to all employees of the program, and an ongoing awareness program.

12. Drug and Alcohol Program - Federal Transit Administration (FTA) regulations require that recipients and subrecipients under title 49 of US code (U.S.C.) Section 5307, 5309 and 5311 to implement and maintain a program to:

- (1) Deter and detect use of prohibited drugs
- (2) Deter and detect misuse of alcohol by safety sensitive employees.
- (3) Report the results of its programs to FTA upon request. Recipients requested to submit their reports must do so by March 15th.

Compliance with FTA's Drug and Alcohol Testing Program is a condition of federal assistance. Failure of a recipient or subrecipient to establish and maintain or implement a drug and alcohol testing program either in its own operations or in those of an entity operating on its behalf, may result in the suspension of FTA funding to the recipient. All applicants must submit a signed exhibit 11.

13. Environmental Protection - Proposed projects must comply with FTA environmental review procedures implementing the National Environmental Policy Act (NEPA). Review procedures are classified based on the significance of their probable impacts. All other applicable environmental protection requirements should be coordinated with the NEPA compliance process.

14. Integrity - Debarment and Suspension - All subgrantees should only do business with responsible parties. USDOT Policy requires subgrantees to ensure that it and its contractors and subcontractors have not been debarred, suspended, are ineligible or voluntarily excluded from participation in federally assisted transactions.

15. Intergovernmental Review - Subgrantees must ensure that appropriate authorities are informed about and have an opportunity to comment on projects involving Federal assistance within the State. They must comply with the State's Intergovernmental Consultation Review Process.

16. Labor Standards - Subgrantees must ensure that laborers and mechanics employed for construction projects covered by the Davis-Bacon Act will be paid the prevailing wages for their locality as determined by the US Department of Labor (USDOL). This applies to authorized transit construction projects. In addition, fair and equitable arrangements must be made to protect the interests of transit employees affected by the proposed FTA assistance. The protections must be afforded to all transit employees in the service area (Applicant, other FTA subgrantees, and Public and Private, and Contract Providers).

17. Lease vs. Buy Considerations - Subgrantees must make a written comparison of the cost of leasing assets with the cost of purchase or construction. They must certify that leasing is more cost-effective than purchase or construction.

18. Lobbying - All recipients and contractors receiving \$100,000 or more must certify that the funds were not used to influence or attempt to influence transactions involving Federal grants, contracts or cooperative agreements. Lobbying activities are not prohibited; however, using Federal funds to pay for lobbying is prohibited. Certain lobbying activities must be disclosed.

19. New Starts - Occasionally Section 5307 funds are used to support a new fixed guideway or its extension. It can also involve development of transit corridors and markets to support the eventual construction of fixed guideway systems, including purchase of land to protect rights-of-way or construction of park-and-ride lots.

20. New Technology Introduction - Formula funds may be used for projects that introduce new technology and adopt innovative techniques and methods. FTA encourages suppliers to produce, and transit providers to introduce new technology in transit service in the form of innovative and improved products.

21. Nondiscrimination - Civil Rights Requirements - Subgrantees must comply with all civil rights program requirements that apply to transit-related projects. Applicable program areas are Title VI of the Civil Rights Act of 1964, as amended (nondiscrimination in the delivery of service and benefits), Equal Employment Opportunity (EEO), Minority Business Enterprise (MBE) and Americans with Disabilities (ADA).

(a) Title VI - Subgrantees must submit a program that addresses Civil Rights requirements. In this documentation, they must assure those transit services and benefits provided with FTA assistance will be provided in a nondiscriminatory manner, without regard to race, color, national origin, creed, age or sex. This includes but is not limited to land acquisition, relocation, route placement, vehicle assignments, and availability of transit amenities. There are general and specific reporting requirements to assess compliance applicable to grant recipients.

(b) Equal Employment Opportunity - Applicable to subgrantees with 50 or more employees that have received \$1 million or more dollars in the previous fiscal year. The major focus of this program is that the subgrantee must conduct a workforce analysis to identify job

categories and levels of employment in which minorities and women are under represented and take corrective action.

(d) Disadvantaged Business Enterprise – It is the policy of GDOT in compliance with 49 CFR Part 26 and as a condition of receiving Federal financial assistance, that all subgrantees receiving planning, capital, and or operating assistance who will award prime contracts (excluding transit vehicle purchases) greater than or equal to \$250,000 in fiscal year establish a DBE program to ensure the following.

- (1) Nondiscrimination in the award and administration of DOT-assisted contracts or programs.
- (2) Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts.
- (3) Provide appropriate flexibility in establishing and providing equal opportunities for DBEs to receive and participate in DOT-assisted contracts or programs.
- (4) In administering your program, you must not directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating our substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, sex or national origin.

In addition to the above, recipients must set an overall aspirational goal for DBE participation equal to or greater than the national goal of ten percent.

Challenges and appeals of DBE status will be handled in the process outlined in the Georgia Unified Certification Plan.

(d) Transportation of Persons with Disabilities - Subgrantees must not discriminate on the basis of handicap or disability. ADA contains:

- (1) requirements for vehicle accessibility (public and private; fixed route and demand responsive),
- (2) accessibility requirements in the design and construction of new transportation facilities, alterations to existing facilities and key stations on rail transit,
- (3) provisions for complementary paratransit service to people who cannot use fixed route service and
- (4) service requirements intended to ensure that people with disabilities are afforded equal opportunity to use transportation vehicles and facilities.

22. Private Enterprise Concerns - Subgrantees must include the private sector in developing local transit programs, ensure adequate compensation if a state or local government purchases the facilities and equipment of a private provider, and protecting the private provider from competing with federally assisted transit projects. Planning requirements specify that private enterprise participation be encouraged to the maximum

extent feasible. Private providers of charter and school bus service are afforded certain protections from competition with public transit operators.

23. Real Property Acquisition - Subgrantees must ensure that displaced persons and the owners of real property are treated fairly and consistently. Subgrantees must also ensure that displaced persons will not suffer disproportionately as a result of a federally assisted project. They must also ensure that the regulations are implemented in a cost efficient and cost-effective manner in accordance with requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

24. Relocation - When a federally assisted project requires displacement of individuals, corporations, etc., no financial assistance can be extended unless an adequate relocation program is in place for persons to be displaced by the project.

25. Seismic Design and Construction Standards - Any new building or addition to a building built with federal assistance, must be designed and constructed in accordance with seismic safety standards which can be found at <http://fire.nist.gov/bfrlpubs/build94/art037.html>.

FTA URBANIZED AREA FORMULA PROGRAM APPLICATION PROCEDURES

Application Requirements

In order to participate in the Urbanized Area Formula Program, eligible recipients must complete the following application components. Urbanized Area Formula Program application packages must be submitted by **August 19, 2005** in order to be included in the State Program of Projects to be submitted to FTA. The grant application consists of the following documentation:

Exhibits

1. Letter of Transmittal
2. Urbanized Area Formula Program Funding Form / Capital Program Justification
3. Program of Projects and Budget
4. Project Budget Worksheet for Operating Assistance
5. Project Implementation Schedule (Capital , Planning)
6. Authorizing Resolution
7. Annual List of Certifications and Assurances
8. Georgia Intergovernmental Consultation Process

Supplemental Exhibits

9. FTA Title VI Data Collection and Reporting
10. Labor Union Information
11. Anti-drug Program Certification
12. Certification of no Intent of Charter Service
13. Sole-Source, Single Bid & Brand Name Procurement Certification
14. ADA Plan Update
15. NTD Closeout Letter
16. Application Checklist

All applications should be completed in the order shown in this manual. Completed applications should have original signatures. An original and one copy of the application should be submitted to the Department. Original copies should not be stapled, bound or folded and should be prepared on standard 8 1/2 by 11 paper size.

Instructions for Applications

The completed applications should include only the items listed in the preceding section. A brief description of each component is outlined below. *The Department reserves the right to request additional documentation as needed.*

1. Letter of Transmittal - The applicant should utilize the sample letter of transmittal in **Exhibit 1**. It is important to identify the type of grant and the amount of financial assistance requested.
2. Urbanized Area Formula Funding Form - The purpose of this form is to identify the amounts of federal, state and local funding requested. The Congressional District of the project, the project duration, and the Clearinghouse number and date approved must also be provided. The Capital Program Justification should be descriptive of the capital projects requested.

The funding form and capital justification should be included in the application as **Exhibit 2**.

3. Program of Projects and Budget - Each grant recipient is required to develop a Program of Projects and Budget that has undergone a public review process. The public review process undertaken for the Local TIP will satisfy this application requirement.

The Program of Projects and Budget describes the general purpose of the proposed projects and should include a listing of all capital, operating and planning projects (**Exhibit 3**). These projects must be part of the current approved local Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP).

Budget Codes found in Appendix F must be used.

4. Project Budget Worksheet for Operating Assistance - For transit operating projects, a worksheet (**Exhibit 4**) must be completed and attached to the application.
5. Project Milestone Schedule - Each grant application for capital and/or planning projects should include a completed Project Milestone Schedule (**Exhibit 5**). This would relate to the acquisition, construction and disposition of capital projects or funding of technical assistance projects. This schedule should be monitored during the life of the project. **Any changes to be made to the schedule after grant approval should be attached to the quarterly progress reports submitted to the GDOT Office of Intermodal Programs by the 10th day following each quarter.**
6. Authorizing Resolution - The resolution must be executed by the governing body of the applicant. The resolution authorizes the applicant to file an Urbanized Area Formula Program application with the Georgia Department of Transportation and the U.S. DOT and it also identifies the person authorized to execute a grant on behalf of the applicant. A sample resolution is in **Exhibit 6**.
7. Annual Listing of Certifications and Assurances - To receive a Federal grant for mass transportation purposes from FTA, an applicant must provide certain certifications and assurances required by Federal laws and regulations which change from time to time. FTA will annually publish in the Federal Register, a listing of certifications and assurances that pertain to all mass transportation assistance grants applied for during the current Federal Fiscal Year.

The notice applicable to this year's grant applications (FY 2005) was published in the Federal Register/Vol. 69, No. 206/ Tuesday, October 26, 2004, page 62533. A copy of the notice is included in this document as Appendix G. The certification that must be signed consists of two pages and should be included in the application as **Exhibit 7**.

8. Clearing House Review- Applicants for Urbanized Area Formula Assistance must complete Clearing House Requirements as outlined in **Exhibit 8**. This needs to be submitted directly to the Clearing House office. The response from the Clearing House Office must be attached to the grant application.
9. Civil Rights - All applicants for Urbanized Area Formula Program assistance must have completed civil rights program information as required in FTA Circular 9030.1C. Title VI updates must be submitted to the Georgia Department of Transportation annually. An updated submission of the title VI Data Collection, reporting and monitoring activities should be included in the grant application as **Exhibit 9**.
10. Labor Union Information – Applicants must fill out **Exhibit 10** and provide information concerning transit related labor unions.
11. Anti-drug Program Certification – Applicants must certify by completing **Exhibit 11** that they and their subcontractors have a Drug and Alcohol program in effect which meets the requirements set forth in 49 CFR, Parts 40 and 655.
12. Certification of No Intent of Charter – Applicants must complete **Exhibit 12** which certifies that the applicant does not intend to run charter services with FTA funding.
13. Sole-Source, Single-Bid and Brand-Name Procurement Certification – The Federal Transit Administration (FTA) requires full and open competition in procurements for goods and services and encourages grantees to award contracts to the lowest bidder. However, sole-source, single-bid, and brand-name or equal awards can be used. In such situations, the applicant must have appropriate documentation for the award. As part of the application process, all applicants must certify that they are in compliance with this requirement (**Exhibit 13**).
14. ADA Plan Update – In order to be eligible to receive federal funding, applicants must submit an updated ADA plan annually as **Exhibit 14** of the application.
15. Copy of NTD Closeout Letter for Last Fiscal Year (Exhibit 15) – Applicants must submit a copy of the most recent NTD closeout letter.
16. Application Checklist - A completed application checklist should be included at the end of the grant application (**Exhibit 16**). This is provided to each applicant to ensure the application includes all necessary components. The completed checklist form must be signed.

EXHIBIT 1

SAMPLE LETTER OF TRANSMITTAL

Mr. Steven J. Kish, Transit Program Manager
Office of Intermodal Programs
Georgia Department of Transportation
276 Memorial Drive SW
Atlanta, Georgia 30303-3743

Dear Mr. Kish:

The (Applicant) is applying for a FTA Urbanized Area Formula Program (capital/operating/planning) grant to aid in the transit operation of the (transit agency). The capital and/or operating assistance requested in this project has been reviewed and approved by the local transportation planning process and is listed in the current Transportation Improvement Program/Statewide Transportation Improvement Program. We are requesting federal assistance in the amount of \$_____ for capital assistance, \$_____ for operating assistance and \$_____ for planning assistance. State assistance in the amount of \$_____ is also requested which will be matched with local assistance in the amount of \$_____.

We attest that all of the information contained in this Urbanized Area Formula Program request is correct and the applicant has the legal, financial and technical capacity to carry out the proposed project.

If you have any questions on this request, please contact (principal contact) at (phone number).

Sincerely,

Signature of Designated Official

Title

EXHIBIT 2

**URBANIZED AREA FORMULA PROGRAM FUNDING FORM
AND
CAPITAL PROGRAM JUSTIFICATION**

Name of Applicant _____
 Congressional District: _____
 Project Start Date: _____ Project Duration: _____(months)
 Clearinghouse Number: _____ Approval Date: _____

1. Proposed Funding:

	<u>Federal</u>	<u>State</u>	<u>Local</u>	<u>Other</u>	<u>Total</u>
Capital	\$	\$	\$	\$	\$
ADA Capital *					
CAA Capital *					
Bicycle Capital					
Operating					
Planning					
TOTAL	\$	\$	\$	\$	\$

* Vehicle-related equipment only.

2. Capital Program “Description” and “Justification”:

3. Rolling Stock

BUSES TO BE PURCHASED		BUSES TO BE REPLACED				
Size	Fuel Type	Make	Age	Size	Fuel Type	Mileage

4. Justification (Use TIP Information):

EXHIBIT 3

PROGRAM OF PROJECTS AND BUDGET

Name of Applicant _____

Congressional District: _____

Project Start Date: _____ Project Duration: _____(months)

Clearinghouse Number: _____ Approval Date: _____

Proposed Funding:

<u>SCOPE</u>		<u>TOTAL AMOUNT</u>	<u>FEDERAL AMOUNT</u>	<u>STATE AMOUNT</u>	<u>LOCAL AMOUNT</u>
--------------	--	-------------------------	---------------------------	-------------------------	-------------------------

_____	<u>DESCRIPTION</u> _____	\$	\$	\$	\$
-------	-----------------------------	----	----	----	----

Quantity: _____

ACTIVITY:

Quantity: _____

Quantity: _____

Quantity: _____

SCOPE:

_____	_____	\$	\$	\$	\$
-------	-------	----	----	----	----

Quantity: _____

ACTIVITY:

Quantity: _____

Quantity: _____

TOTAL PROGRAMMED

\$ \$ \$ \$

EXHIBIT 4

PROJECT BUDGET WORKSHEET FOR OPERATING ASSISTANCE

Transit Operator: _____ Operating Period: _____ to _____
(Month/Year) (Month/Year)

(1) TOTAL OPERATING EXPENSES (Itemize)

TOTAL OPERATING EXPENSES \$ _____ (1)

(2) LESS ELIMINATIONS

(a) Less Ineligible Expenses (Itemize)

(b) Less Non-Mass Transportation Expenses (Itemize)

(c) Less Contra-Expenses (Itemize)

(d) Less Other Exclusions (Itemize)

TOTAL ELIMINATIONS \$ _____ (2)

(3) ELIGIBLE OPERATING EXPENSES (Line 1 - Line 2) \$ _____ (3)

(4) LESS FAREBOX AND OTHER REVENUES NOT INCLUDED AS LOCAL SHARE (Itemize)

TOTAL FAREBOX AND OTHER REVENUE APPLIED AGAINST ELIGIBLE EXPENSES NOT INCLUDABLE AS LOCAL SHARE: \$ _____ (4)

(5) NET PROJECT COST (Line 3 - Line 4) \$ _____ (5)

(6) LOCAL SHARE (Itemize)

TOTAL LOCAL SHARE \$ _____ (6)

(7) NET EXPENSES BEFORE APPLYING FTA FUNDS (Line 5 - Line 6) \$ _____ (7)

(8) **TOTAL FTA FUNDS REQUESTED** \$ _____ (8)

EXHIBIT 4 (Continued)

Ineligible Expenses – Actual or estimated expenses during the project year for activities not related to the provision of mass transportation to or within the subgrantee’s urbanized area are ineligible for operating assistance and may not be included in the computation of net project cost, pursuant to OMB Circular A-87, “Cost Principles for State and Local Governments”. Such activities include but are not limited to the following.

- A. Charter Bus Operations
- B. School bus operations (i.e., operations for the exclusive transportation of school students, not the carrying of students in regularly scheduled transit services)
- C. Sightseeing services
- D. Freight haulage
- E. Intercity transportation
- F. Transit services wholly outside of the urbanized area
- G. Expenses for contingencies or capital acquisitions, including contributions to a capital reserve account or fund
- H. Capitalized costs or expenses recognized as part of and reimbursable under another FTA project. This includes both the value of cash contributions and in-kind services provided as the local share of projects such as the following:
 - 1. FTA capital grants (e.g., administrative expenses reimbursed under the capital grant).
 - 2. FTA technical studies projects
 - 3. FTA research, development and demonstration projects
 - 4. Demonstration projects funded fully or in part by non-federal public or private entities. However, under certain circumstances, demonstration project expenses (other than FTA-funded) may be eligible, and the non Federal payments to cover such expenses may be used as local share to match Section 5 operating assistance. At an applicant’s request, FTA will consider the eligibility of demonstration project expenses on a case-by-case basis.
- I. Expenses incurred by a Governor, a designated recipient, or other agency in its capacity as an intermediary for providing Urbanized Area Formula Program funds between FTA and the transit operating entity.
- J. Costs of advisory councils unless prior FTA approval has been granted.
- K. For private transit operators, provision for Federal, State, or local income taxes.
- L. Indirect transit related functions or activities of state, regional, or local entities performed as a normal or direct aspect of general public transportation.

EXHIBIT 4 (Continued)

- M. Depreciation accrued by public operators, depreciation on facilities or equipment purchased with public (i.e. Federal, State or local) capital assistance, depreciation of an intangible asset and/or depreciation in excess of the rate otherwise used for income tax purposes.
- N. Interest expense on long-term borrowing and debt retirement.
- O. Revenue items that directly offset transit expenses (referred to as contra items), such as the following:
 - 1. Interest income earned on working capital
 - 2. Proceeds from the sale of equipment in excess of the depreciated value (Private Operators Only)
 - 3. Cash discounts and refunds which directly offset accrued expenses
 - 4. Insurance claims and reimbursements that directly offset accrued liabilities
 - 5. State fuel tax rebates to public operators
- P. Lobbying Expenses

EXHIBIT 5

Project Milestone Schedule

Subgrantee Name: _____

Contact Name: _____

Contact Phone: _____

Budget Activity No.	Budget Line Item Description	Budget Request

	<u>Estimated Completion Date*</u>
RFB/IFB Out for Bid	(month, day, year)
Contract Award	
First Bus Delivered (if applicable)	
Last Bus Delivered (if applicable)	
Contract Complete	

Budget Activity No.	Budget Line Item Description	Budget Request

	<u>Estimated Completion Date*</u>
RFB/IFB Out for Bid	(month, day, year)
Contract Award	
First Bus Delivered (if applicable)	
Last Bus Delivered (if applicable)	
Contract Complete	

* "Varies" is not acceptable

EXHIBIT 6 - AUTHORIZING RESOLUTION

Resolution authorizing the filing of an application with Department of Transportation, United States of America, and the Georgia Department of Transportation for a grant under Title 49 U.S.C., Section 5307

WHEREAS, the Secretary of US DOT Transportation and Commissioner of the Georgia Department of Transportation are authorized to make grants for mass transportation; and

WHEREAS, the contract for financial assistance will impose certain obligations upon the Applicant, including the provision of its local share of the project costs in the program; and

WHEREAS, it is required by the U.S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under Title 49 U.S.C., Section 5307, the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and other pertinent directives and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Applicant that Minority Business Enterprise (Disadvantaged Business Enterprise and Woman Business Enterprise) be utilized to the fullest extent possible in connection with this/these project(s), and that definite procedures shall be established and administered to ensure that minority business shall have the maximum feasible opportunity to compete for contracts and purchase orders when procuring construction contracts, supplies, equipment contracts, or consultant and other services.

NOW, THEREFORE, BE IT RESOLVED BY (Governing Body of Applicant)

1. That (Title of Designated Official) is authorized to execute and file (an) application(s) on behalf of (Legal Name of Applicant) with the Georgia Department of Transportation to aid in the financing of planning, capital and/or operating assistance projects pursuant to Title 49 U.S.C, Section 5307, Urbanized Area Formula Program.
2. That (Title of Designated Official) is authorized to execute and file with such applications an assurance or any other document required by the U.S. Department of Transportation and the Georgia Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964.
3. That (Title of Designated Official) is authorized to furnish such additional information as the U.S. Department of Transportation and the Georgia Department of Transportation may require in connection with the application for the Program of Projects and Budget.
4. That (Title of Designated Official) is authorized to set forth and execute affirmative minority business policies in connection with the Program of Projects and Budget's procurement needs.
5. That (Title of Designated Official) is authorized to execute grant agreements on behalf of (Legal Name of Applicant) with the Georgia Department of Transportation for aid in the financing of the planning, capital and/or operating assistance requested in the Program of Projects and Budget.

CERTIFICATION

The undersigned duly qualified and acting (Title of Designated Official) of the (Legal Name of Applicant) certifies that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the (Governing Body of Applicant) held on _____, 20____.

If applicant has an official seal, impress here.

Signature of Recording Officer

Title of Recording Officer

Date

EXHIBIT 7

FEDERAL FY 2005 CERTIFICATIONS AND ASSURANCES FOR FTA ASSISTANCE*

Both pages of this signature document must be completed and signed as indicated.

Name of Applicant: _____

The applicant agrees to comply with applicable requirements of Categories I-XV. (The Applicant may make this selection in lieu of individual selections below.)OR

The Applicant agrees to comply with the applicable requirements of the following categories it has selected:

- | | | |
|-------|---|--------------------------|
| I. | Certifications and Assurances Required of Each Applicant | <input type="checkbox"/> |
| II. | Lobbying Certification | <input type="checkbox"/> |
| III. | Certifications Pertaining to Effects on Private Mass Transportation Companies | <input type="checkbox"/> |
| IV. | Public Hearing Certification for a Project with Substantial Impacts | <input type="checkbox"/> |
| V. | Certification for the Purchase of Rolling Stock | <input type="checkbox"/> |
| VI. | Bus Testing Certification | <input type="checkbox"/> |
| VII. | Charter Service Agreement | <input type="checkbox"/> |
| VIII. | School Transportation Agreement | <input type="checkbox"/> |
| IX. | Certification for Demand Responsive Service | <input type="checkbox"/> |
| X. | Prevention of Alcohol Misuse and Prohibited Drug Use Certification | <input type="checkbox"/> |
| XI. | Certification Required for Interest and Other Costs | <input type="checkbox"/> |
| XII. | Intelligent Transportation Systems Program Assurance | <input type="checkbox"/> |
| XIII. | Certification and Assurances for the Urbanized Area Formula Program
And Job Access and Reverse Commute Program and the Clean Fuels Program | <input type="checkbox"/> |
| XIV. | Certifications and Assurances for the Elderly and Persons with Disabilities
Program | <input type="checkbox"/> |
| XV. | Certifications and Assurances for the Non-urbanized Area Formula Program | <input type="checkbox"/> |
| XVI. | Certifications and Assurances for the State Infrastructure Bank (SIB) Program | <input type="checkbox"/> |

EXHIBIT 7 (Page 2 of 2)

FTA Certifications and Assurances for Federal Fiscal Year 2005

Name of Applicant: _____

Name and Relationship of Authorized Representative: _____

BY SIGNING BELOW I, _____ (name) on behalf of the applicant, declare that the Applicant has duly authorized me to make these certifications and assurances and bind the Applicant's compliance. Thus, the Applicant agrees to comply with all Federal statutes, regulations, executive orders, and administrative guidance required for each application it makes to the Federal Transit Administration (FTA) in Federal Fiscal year 2005.

FTA intends that the certifications and assurances and bind the Applicant's compliance. Thus, the Applicant selects on page 1 of this document, as representative of the certifications and assurances in Appendix A* should apply, as required, to each project for which the Applicant seeks now, or may later, seek FTA assistance during Federal Fiscal Year 2005.

The Applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in the statements submitted herein with this document and any other submission made to FTA, and acknowledges the provisions of the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 et. seq., as implemented by the U.S. DOT regulations, "Program Fraud Civil Remedies, "49 CFR part 31 apply to any certification, assurance or submission made to FTA. The criminal fraud provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with the Metropolitan Planning Program, 49 U.S.C. 5303, and may apply to any other certification, assurance, or submission made in connection with any other program administered by FTA.

In signing this document, I declare under penalties of perjury that the foregoing certifications and assurances, and any other statements made by me on behalf of the applicant are true and correct.

Date: _____

(Authorized Representative of Applicant)

(The Applicant's legal counsel is required to affirm the legal capacity of the Applicant.)

AFFIRMATION OF APPLICANT'S ATTORNEY

for _____ (Name of Applicant)

As the undersigned legal counsel for the above-named applicant I hereby affirm that the Applicant has authority under state and local law to make and comply with the certifications and assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the certifications and assurances have been legally made and constitute legal and binding obligations on the Applicant.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these certifications and assurances, or the performance of the project. Furthermore, if I become aware of circumstances that change the accuracy of the foregoing statements, I will notify the Applicant and FTA promptly.

Date: _____

(Applicant's Attorney)

* Federal Register/Vol. 69, No. 206/Tuesday 10/26/2004/pg. 62533/(See Appendix I of this document).

Exhibit 8
Georgia Intergovernmental Consultation Process

Applicant:

Project Name:

Applicant's Address:

Name and Title of Contact Person:

Phone:

Impacted City/Cities:

Impacted County/Counties:

Project Description (Nature, Purpose, Location):

Funding

Federal Catalog Number: 20.507		
<u>Source</u>	\$ Amount	Federal Program Name: Section 5307
Basic Federal Grant		Federal Agency Name: Federal Transit Administration. Federal Agency's Address: Atlanta Federal Center, Suite 17T50, 61 Forsyth St. S.W., Atlanta, GA 30303-3109 Name and Title of Contact Person: Tony Dittmeier, Transportation Program Specialist Telephone: (404)562-3512
State Matching Grant		
Local Matching Grant		
Total Cost		
Impacted Regional and Metropolitan Clearinghouse:		
Signature of Authorizing Official	Title	Date

- * **Please send completed form to: State Clearinghouse c/o Barbara Jackson, Office of Planning and Budget, Suite 8069, 270 Washington Street, S.W., Atlanta, Georgia 30334. Fax# (404) 656-7916.**
- * **Send copy to the affected MPO (except Atlanta) if appropriate. Do Not Send to the Regional Development Center (RDC)**

The original form should be sent to the State Clearinghouse, c/o Barbara Jackson, Office of Planning and Budget, Suite 8069, 270 Washington Street, S.W., Atlanta, Georgia 30334. Fax # (404) 656-7916. If the project is to be located in a locale served by a Metropolitan Clearinghouse, a legible copy must be sent to the appropriate MPO for review and approval (except in Atlanta).

When completing the Intergovernmental Consultation Form, the applicant must be sure to include the following information:

1. Identification of the applicant.
2. Federal program title, number and agency under which assistance is sought as listed in the latest **Catalog of Federal Domestic Assistance**.
3. Geographic location of the proposed project by type accompanied by a map (physical development only).
4. Brief description of the proposed project by type, purpose, general size, or scale, estimated cost, beneficiaries or other characteristic details.

* **Note:** The State Clearinghouse will coordinate area wide clearinghouse responses with the respective Regional Development Centers including ARC. **DO NOT SEND TO RDC.**

EXHIBIT 9

FTA TITLE VI DATA COLLECTION AND REPORTING

(Page 1 of 4)

All applicants for FTA Urbanized Area Formula Program assistance must have completed civil rights program information as required in FTA Circular 4702.1. The Title VI Status Report and Monitoring Plan must be included in the grant application identified as Exhibit 9.

All applicants for FTA funding are required to maintain and provide GDOT and FTA with certain Title VI information. The required information is outlined in Part 1 - General Requirements and Part 2 - Monitoring Procedures. Updated information should be provided to the Department as conditions warrant but at a minimum, Parts 1 and 2 should be updated annually. *The information should be relevant to the organizational entity actually submitting the application, not necessarily the larger agency or department of which the entity is a part.*

Part 1 - General Reporting Requirements:

1. A list of any active lawsuits or complaints naming the applicant which allege discrimination on the basis of race, color, or national origin with respect to service or other transit benefits. The list should include:
 - (a) The date the lawsuit or complaint was filed;
 - (b) A summary of the allegation; and
 - (c) The status of the lawsuit or complaint.
2. A description of all pending applications for financial assistance, and financial assistance currently provided by other federal agencies.
3. A summary of all civil rights compliance review activities conducted in the last three years. The summary should include:
 - (a) The purpose or reason for the review;
 - (b) The name of the agency or the organization that performed the review;
 - (c) A summary of the findings and recommendations of the review; and
 - (d) A report on the status and/or disposition of such findings and recommendations.

EXHIBIT 9 (continued)

(page 2 of 4)

4. Construction Projects - A fixed-facility impact analysis should be conducted to assess the effects on minority communities. If this information has been prepared as a result of an environmental assessment or environmental impact statement, the applicant, recipient, or subrecipient should reference the relevant information by document, page number(s), and date of submission to FTA.

- (a) A discussion of the potential impact on minority communities and minority-owned businesses during and after construction;
- (b) A discussion of all potential negative environmental impact, such as noise, air, or water pollution;
- (c) A detailed list of minority-owned businesses and households that will be affected by the construction project;
- (d) A description of other significant changes or impacts on the minority community, such as increased traffic, reductions in the amount of available parking, etc.; and
- (e) A description of the relocation program and/or other measures adopted by the applicant that will be used to mitigate any identified adverse social, economic, or environmental effect of the proposed construction project.

5. Changes in Service Features - Provide a description of the type of service changes (e.g. route extensions, deletions, etc. including any changes as a result of contracting out transit service over the next three years and a statement of the effect of these changes on minority communities and minority transit users. In particular, the transit system must describe significant service changes relating to hours or days of operation, headways or fares, etc. and provide the schedule reflecting such changes.

6. Information Dissemination - Provide a description of the methods used to inform minority communities of service changes (e.g. public notices, public hearings, or other formal or informal public discussions, presentations, meetings, etc.) relating to transit service and improvements.

7. Minority Representation on Decision-making Bodies - Provide a racial breakdown of transit-related non-elected Boards, Advisory Councils or Committees which are integral parts of the transit agency's planning process. Implementation of programs and other related activities. Provide a description of the efforts made to encourage minorities to participate on such Boards, Councils or Committees.

8. Multilingual Requirements - Assess the bilingual needs of the service area. Where a significant number or portion of the population to be served needs service or information in a language other than English to participate in FTA assisted programs, the recipient shall take every reasonable step to provide information in appropriate languages.

EXHIBIT 9 (continued)

(Page 3 of 4)

Part 2 - Data Collection Requirements:

Please supply documentation of level of service and quality of service monitoring activities as outlined in Part 2, for the past year.

Monitoring Procedures - For the purpose of this section, FTA is requiring that all subgrantees that provide public transit service develop and implement procedures to monitor their level and quality of transit service to determine compliance with Title VI. These comparisons of the level and quality of transit service provided to the minority community, against overall system averages, will measure the actual realization of established service policies and standards. FTA requests that the following methodologies be incorporated in the subgrantee's monitoring procedures for reviewing levels and quality of service:

1. **Level of Service Methodology** - For the purpose of this methodology, minority communities must be identified by census tracts or traffic analysis zones. Service provided to these communities will be measured in terms of the service policies and standards adopted by the recipient (i.e., vehicle load, vehicle assignment, headways, transit amenities, transit access, etc.). Recipients shall as a part of their internal monitoring procedure undertake the following:
 - a. Select an appropriate sample size. At a minimum, the sample must include each tract or zone that has a minority population (minority census tract) that is equal to or above the total percentage of all minorities within the service area. In addition, at least ten percent (10%) of all the census tracts or traffic analysis zones in the service area should be monitored.
 - b. Inventory the transit service provided in the selected sample areas.
 - c. Assess the performance of each route operating within the selected areas for each of subgrantee's service standards and policies.
 - d. Compare the transit service provided to minority areas to the recipient's service policies and standards, and review and take action in all cases in which the service to minority areas do not meet the stated service policy or standards of the subgrantee.
 - e. Compare the average performance for each route in the transit system to the subgrantee's service policies and standards, and take action on the observed differences.

EXHIBIT 9 (continued)

(Page 4 of 4)

2. **Quality of Service Methodology** - This methodology will determine whether the quality of service is consistent among different user groups and the degree to which transit service is responsive to minority needs. Recipients shall utilize the following methodology to assess equity in the quality of service provided:
- a. Identify an appropriate number of minority census tracts or traffic analysis zones and a corresponding number of comparable nonminority census tracts or traffic analysis zones. The number of census tracts or analysis zones selected should be based on the population within the service area. For service areas with a population of 200,000 or below, at least three minority and nonminority census tracts or traffic analysis zones must be selected.
 - b. Conduct a survey of transit riders in the identified areas to determine travel patterns (work trip destination) and opinions on the transit service provided. Census data may also be used to model transit travel patterns in an urbanized area.
 - c. Summarize the travel patterns of transit users in the selected census tracts or traffic analysis zones, and summarize comments or opinions about the transit service.
 - d. Using transit travel time and fare matrices, and/or other appropriate indices, information must be monitored for the top three most-traveled destinations. All values below emanate from the centroid of selected census tracts or traffic analysis zones to the centroid of destination:
 1. Average peak hour travel time to destination;
 2. Number of transfers/bus stops before reaching destination;
 3. Total cost of trip to destination; and
 4. Cost per mile of trip to destination.
 - e. In using this methodology, the subgrantee must compare the quality of service of minority census tracts or traffic analysis zones with nonminority census tracts or traffic analysis zones, and takes action on the disparities.

EXHIBIT 10

Labor Union Information (if applicable)

1. List of Labor Unions
2. Name of Contact Person(s)
3. Address, Phone Number, Fax and E-mail of Contact Person(s)

EXHIBIT 11
ANTI-DRUG PROGRAM CERTIFICATION

(Official Letter Head)

I, _____ (Name of Official) _____, _____ (Title) _____

Certify that _____ (Name of Organization) _____ and its contractors as required under 49 of U.S Code(U.S.C) Parts 655 and 40 for the section 5307 program, has established and implemented an anti-drug and alcohol misuse prevention program in accordance with the above federal regulations.

I further certify that the following statements are true:

- (a) Random testing of safety sensitive employees will be conducted in a manner consistent with requirements of 49 CFR Parts 655 and 40 and that these tests will be spread reasonably throughout the calendar year to include all workdays and hours of service and shall be unpredictable.

- (b) Employee training will be conducted in a manner consistent with requirements of 49 CFR Parts 655 and 40.

Signature of Recipient/Subrecipient

Signature of Contractor

Date: _____

Date: _____

EXHIBIT 12
CERTIFICATION OF NO INTENT OF CHARTER SERVICE

_____ certifies that it does not intend to provide charter service with FTA funded equipment or facilities during the operating period of this application. Should the Applicant decide to provide charter service, the Applicant will notify the Georgia Department of Transportation no less than 90 days prior to implementation of this service.

DATE: _____

Signature of Authorized Officer

Name and Title of Authorized Officer

Exhibit 13

SOLE-SOURCE, SINGLE-BID AND BRAND-NAME PROCUREMENT CERTIFICATION

The Federal Transit Administration (FTA) requires full and open competition in procurements for goods and services and encourages grantees to award contracts to the lowest responsive and responsible bidder. However, sole-source, single-bid, and brand-name or equal awards can be used. In such situations, the grantee should have appropriate documentation for the award which is described below.

Sole-Source

In the case of a sole-source award, the documentation should be a sole-source justification, which includes a cost analysis.

Single-Bid

With a single-bid, the documentation should include a cost analysis, as well as an explanation as to why a single bid was obtained.

Brand-Name

For brand-name or equal awards, the procurement specification should list the product's salient characteristics and allow an equal product to be offered.

I hereby assure that the FTA requirements for single bid, sole source and brand name or equal procurements are understood and will be followed for procurements involving FTA funds.

Signature of Official

Title of Official

Date

EXHIBIT 14

**AMERICANS WITH DISABILITIES ACT
PARATRANSIT PLAN ANNUAL UPDATE**

(DATE)

Prepared by:

(Name of Contact Person)

(Name of Government)

**EXHIBIT 14
AMERICANS WITH DISABILITIES ACT (ADA) UPDATE**

Transit Agency:		
Six Service Criteria		Y/N
1. Service Area	Service to all origins and destinations within the defined area	
	Coordination with contiguous/overlapping service areas	
2. Response Time	Requests accepted during normal business hours on "next day" basis	
	Requests accepted on all days prior to days of service (e.g. weekends/holidays)	
	Requests accepted at least 14 days in advance	
	Trips scheduled within one hour of requested pickup time	
3. Fares	No more than twice the base fixed fare for eligible individuals	
	Compliance with companion fare requirement	
	Compliance with personal care attendant fare requirement	
4. Days & Hours of Service	Paratransit provided during all days and hours when fixed route service is in operation	
5. Trip Purposes	No restriction on types of trip purposes	
	No restriction by trip purpose in scheduling	
6. Capacity Constraints	No restrictions on the number of trips an individual will be provided	
	No waiting list for access to the service	
	No substantial numbers of significantly untimely pickups for initial or return trips	
	No substantial number of trip denials or missed trips	
	No substantial numbers of trips with excessive trip lengths	
	When capacity is unavailable, subscription trips are less than 50%	
CERTIFICATION OF PARATRANSIT PLAN		
The (transit agency name) hereby certifies that it has completed the 2004 Paratransit Review as required under 49 CFR 37.139(j) and finds it to be in conformance with the transportation plan developed under 49 CFR part 613 and 23 CFR part 450 (the FTA/FHWA joint planning regulation). This certification is valid for one year.		
Signed by:		

Title:
Date:

EXHIBIT 15
NTD CLOSEOUT LETTER

Please provide as Exhibit 15, the most recent close-out letter for the NTD reporting.

EXHIBIT 16
APPLICATION CHECKLIST

Please check off items as being completed:

- 1. Exhibit 1 - Letter of Transmittal _____
- 2. Exhibit 2 - Urbanized Area Formula Program Funding Form _____
 - Capital Program Justification _____
- 3. Exhibit 3 - Program of Projects and Budget _____
- 4. Exhibit 4 - Project Budget Worksheet for Operating Assistance _____
- 5. Exhibit 5 - Project Implementation Schedule (Capital/Planning) _____
- 6. Exhibit 6 - Authorizing Resolution _____
- 7. Exhibit 7 - Annual List of Certifications and Assurances _____
- 8. Exhibit 8 - Georgia Intergovernmental Consultation Process _____

Supplemental Exhibits

- 9. Exhibit 9 – FTA Title VI Data Collection and Reporting _____
- 10. Exhibit 10 – Labor Union Information _____
- 11. Exhibit 11 – Anti-Drug Program Certification _____
- 12. Exhibit 12 – Certification of No Intent of Charter Service _____
- 13. Exhibit 13 - Sole-Source, Single-Bid and Brand-Name Procurement Certification _____
- 14. Exhibit 14 – ADA Plan Update _____
- 15. Exhibit 15 - NTD Closeout Letter _____
- 12.. Exhibit 16 – Application Checklist _____

Signed by Official

Title of Official

Date

APPENDIX A

Quarterly Progress Reports

Grant Management Guidelines (FTA Circular 5010.1C) requires Urbanized Area Formula Program recipients to complete quarterly progress reports for grants which include capital and/or planning assistance in the Program of Projects. For operating assistance projects only, a quarterly Statement of Revenues and Expenses is required. At a minimum the progress reports should include the following:

<ul style="list-style-type: none">• A description of budget or schedule changes during the reporting period;
<ul style="list-style-type: none">• A comparison of scheduled activities and budgeted expenditures with actual accomplishments for the period;
<ul style="list-style-type: none">• A summary of reasons why any scheduled milestones were not met and a remedy to resolve the problems; delays should also be discussed along with steps outlined to minimize them;
<ul style="list-style-type: none">• A list of all outstanding claims exceeding \$100,000 and all claims settled during the reporting period. There should also be a brief description and reasons for the claims;
<ul style="list-style-type: none">• Projected activities planned for the next quarter and the steps proposed to carry them out;
<ul style="list-style-type: none">• Any expected changes in the scheduled activities; and
<ul style="list-style-type: none">• Any available photographs of the project.
<ul style="list-style-type: none">• Quarterly Preventive Maintenance and Spare Ratio Report

An original report must be submitted to the GDOT Office of Intermodal Programs in Atlanta by the 10th day after the end of the quarter.

APPENDIX A (continued)

**Capital Item Milestones
Quarterly Report***

Transit Agency _____

Date _____

Federal Grant Number _____

State Contract Number _____

BUDGET ACTIVITY NO.	BUDGET LINE ITEM DESCRIPTION	APPROVED BUDGET	BUDGET CHANGES	CURRENT BUDGET	AMOUNT EXPENDED	PERCENT COMPLETE

Progress During this Quarter _____

	Original Estimated Completion Date (Month, Day, Year)	Revised Estimated Completion Date (Month, Day, Year)	Actual Completion Date (Month, Day, Year)	Comments
RFB/IFB Out for Bid				
Contract Awarded				
First Bus Delivered (if applicable)				
Last Bus Delivered (if applicable)				
Contract Complete				

*** Comments must be provided if any dates are revised. For any lapsed dates, a new estimated date is required along with explanation in the Comments column. "Varies" is not an acceptable completion date. Dates must indicate Month, Day and Year.**

TYPE OF VEHICLE (if applicable): _____

NAME OF CONTRACTOR OR MANUFACTURER (vehicles Only): _____

APPENDIX B-1

Reimbursements for Federal and State Funds

To request reimbursement for items purchased with federal funds (Section 5307, Section 5309 or Section 3037 (JARC) your agency will need to complete the following process:

1. A letter must be submitted requesting reimbursement for all qualifying expenses. The letter must include:
 - a. the total of the costs submitted for reimbursement,
 - b. the grant number and the GDOT contract number associated with the reimbursement,
 - c. the date of acceptance, and
 - d. the source of matching funds.

A sample letter is included with the certification forms following these instructions.

2. A copy of all invoices associated with the total costs identified in the reimbursement request letter must be submitted.
3. Pre-Award / Post-Delivery Certification forms must be submitted. These certifications include Pre-Award and Post-Delivery Purchaser's Requirements Certification (all vehicle purchases), Pre-Award and Post-Delivery Buy America Certification, Federal Motor Vehicle Safety Standards (FMVSS) Certification, and Altoona Bus Testing Certification (for all purchases qualifying under 49 CFR 665).
4. Send copy to GDOT and keep the originals for your files.
5. Mail the documents described above to:

Mr. Steven J. Kish
Transit Program Manager
Office of Intermodal Programs
276 Memorial Drive, S.W.
Atlanta, GA 30303-3743

6. All Section 5307 Contracts should be closed out within two years. A request for closeout consists of a letter to the Transit Program Manager which references the contract number and requests that the contract be closed. An example letter can be found in Appendix C.

APPENDIX B-2

Reimbursements for Federal and State Funds

Sample Letter

April 22, 2004

Mr. Steven J. Kish
Transit Program Manager
Office of Intermodal Programs
276 Memorial Drive, SW
Atlanta, GA 30303-3743

Re: Reimbursement request for vehicle purchase

Dear Mr. Kish:

[Name of Transit Agency] has received delivery of **X** number of buses and is requesting reimbursement for the purchase of these vehicles. The following information has been provided as per the reimbursement instructions provided by your office.

- The total cost for the purchase is \$_____.
- This reimbursement request is from Grant number **[Insert Grant Number]**, Contract number **[Insert Contract Number]**
- The vehicles were accepted by our agency on 4/10/04.
- The source of local matching funds for this purchase was from City General Funds.

Attached are copies of the invoices for all expenses claimed in this reimbursement request. Required certification forms have also been included.

Please contact **[name of contact person]** at **[phone number]** if there is anything else needed to process this request.

Sincerely,

John Doe, General Manager
ABC Transit

APPENDIX B-3

Pre-Award Capital Purchase Certification Form

This purchase was made from a State of Georgia Contract.

Initial all that apply.

PRE-AWARD PURCHASER'S REQUIREMENTS CERTIFICATION (purchases over \$5000)
As required by Title 49 of CFR, Part 663-Subpart B, the organization identified below certifies by the signature of its authorized representative that the vehicles(s) listed below is/are the same product(s) described in the recipient's solicitation specification and that the proposed manufacturer is a responsible manufacturer with capability to produce a vehicle that meets the specifications.

PRE-AWARD BUS TESTING (all vehicle purchases other than unmodified sedans, station wagons, vans and minivans)
The organization identified below certifies by the signature of its authorized representative, that the vehicle(s) obtained in this procurement complies with 49 U.S.C .A 5323(c) and FTA's implementation 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.

FEDERAL MOTOR VEHICLE SAFETY STANDARDS (FMVSS) CERTIFICATION
The organization identified below certifies by the signature of its authorized representative that the vehicle described below meets all Federal Motor Vehicle Safety Standards (FMVSS) which are applicable to this type of vehicle. This also certifies that any modifications to the vehicle have not violated the integrity of the structure, design, or systems that have been tested to conform to the FMVSS for this vehicle.

PRE-AWARD BUY AMERICA COMPLIANCE CERTIFICATION (purchases over \$100,000)
As required by Title 49 of the CFR, Part 663-Subpart B, the organization identified below certifies by the signature of its authorized representative that the vehicle/equipment to be purchased from the vendor listed below meet(s) the requirements of Section 165(b)(3) of the Surface Transportation Assistance Act of 1982 as amended. The recipient listed below has reviewed documentation provided by the manufacturer, which lists (1) the proposed component and sub-component parts of the vehicle/equipment identified by the manufacturer, country of origin and cost; and (2) the proposed location of the final assembly point for the vehicle/equipment, including a description of the activities that took place at the final assembly point and the cost of final assembly.

YEAR, MAKE, MODEL: _____ **VIN:** _____

For certification of multiple vehicles of the same year, make, and model attach a list of the VINs for each vehicle.

REGISTERED OWNER: _____ **DATE:** _____

SECURITY INTEREST HOLDER: _____ **AGREEMENT #:** _____

RECIPIENT AGENCY: _____ **ADDRESS:** _____

CITY: _____ **STATE:, ZIP:** _____

SIGNATURE: _____

TITLE: _____

APPENDIX B-4

Post-Delivery Capital Purchase Certification Form

This purchase was made from a State of Georgia Contract.

Initial all that apply.

POST-DELIVERY PURCHASER'S REQUIREMENTS CERTIFICATION (purchases over \$5000)
As required by Title 49 of CFR, Part 663-Subpart C, after visually inspecting and road testing the contract vehicle(s), the organization identified below certifies by the signature of its authorized representative, that the vehicle(s) listed below meet(s) the contract specifications..

POST-DELIVERY BUS TESTING (all vehicle purchases other than unmodified sedans, station wagons, vans and minivans)
The organization identified below certifies by the signature of its authorized representative, that the vehicle(s) obtained in this procurement complies with 49 U.S.C .A 5323(c) and FTA's implementation 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.

FEDERAL MOTOR VEHICLE SAFETY STANDARS (FMVSS) CERTIFICATION
The organization identified below certifies by the signature of its authorized representative that the vehicle described below meets all Federal Motor Vehicle Safety Standards (FMVSS) which are applicable to this type of vehicle. This also certifies that any modifications to the vehicle have not violated the integrity of the structure, design, or systems that have been tested to conform to the FMVSS for this vehicle.

POST-DELIVERY BUY AMERICA COMPLIANCE CERTIFICATION (purchases over \$100,000)
As required by Title 49 of the CFR, Part 663-Subpart C, the organization identified below certifies by the signature of its authorized representative that the vehicle/equipment listed below meet(s) the requirements of Section 165(b)(3) of the Surface Transportation Assistance Act of 1982 as amended. The recipient listed below has reviewed documentation provided by the manufacturer, which lists (1) the component and sub-component parts of the vehicle/equipment identified by the manufacturer, country of origin and cost; and (2) the location of the final assembly point for the vehicle/equipment, including a description of the activities that took place at the final assembly point and the cost of final assembly.

YEAR, MAKE, MODEL: _____

VIN: _____

For certification of multiple vehicles of the same year, make, and model attach a list of the VINs for each vehicle.

REGISTERED OWNER: _____

DATE: _____

SECURITY INTEREST HOLDER: _____

AGREEMENT #: _____

RECIPIENT AGENCY: _____

ADDRESS: _____

CITY: _____

STATE:, ZIP: _____

SIGNATURE: _____

TITLE: _____

APPENDIX C
SAMPLE FINAL REIMBURSEMENT/CLOSEOUT LETTER

Mr. Steven J. Kish
Transit Program Manager
Office of Intermodal Programs
Georgia Department of Transportation
276 Memorial Drive, S.W.
Atlanta, GA 30303-3743

RE: Project No. (**ENTER PROJECT NUMBER**)
Final Reimbursement Request/Contract Closeout

Dear Mr. Kish,

ENTER AGENCY NAME requests that project **ENTER PROJECT NUMBER** be processed for closeout. Please find the attached final zero (\$0.00) request for reimbursement for this contract. All payments have been received from this contact and we are ready to proceed with closeout.

If you have any questions on these matters, please contact (**ENTER PRINCIPAL CONTACT**) at (**ENTER PHONE NUMBER**).

Sincerely,

Signature of Designated Official

APPENDIX D
ADMINISTRATIVE GUIDELINES FOR TRANSIT PROJECTS
PLANNING, DESIGN AND CONSTRUCTION

The following guidelines are to be used by a City, County, or Authority, hereinafter referred to as Local Government, for the planning, design and construction of transit projects in which the Georgia Department of Transportation (GDOT), Office of Intermodal Programs is contractually providing federal and/or state funds. Transit projects as used in these guidelines will mean any building, facility, or structure to be used in connection with the operation of a public transit system.

PLANNING AND DESIGN OF PUBLIC TRANSPORTATION PROJECTS

The following are alternatives and/or elements for implementing projects:

1. The Local Government may use its own personnel or contract with a qualified consultant for project design.
2. If a consultant is to be employed, the request for proposal (RFP) generally outlining the scope of services being requested will be submitted to the GDOT for review and approval prior to advertisement. The Scope of Services should be descriptive and to inform the prospective consultants if they are both interested and qualified to respond. The Scope of Services should specify any division of labor or materials between the consultant and the Local Government. The RFP may also state a project cost range and will be awarded as a negotiated lump sum contract.
3. All projects will require a graphic work program depicting the tasks to be performed and a schedule to illustrate the flow of work. This work program becomes a basis for establishing monthly progress payments.
4. It is recommended that the Local Government include in any agreement for design, a provision for the consultant to maintain oversight responsibility during construction. A detailed schedule of architectural and engineering work to be performed through construction should be included.
5. The Local Government shall notify the GDOT such that the Department shall be a party to all project progress meetings with the consultant as called for in the work program and schedule.
6. Project plans and specifications should be in compliance with the applicable GDOT, Federal Transit Administration (FTA) as well as Local Government codes and standards.
7. The final plans, specifications and bid documents, including the official cost estimate, will be provided to GDOT for review and approval prior to advertisement of the project.
8. Upon approval of the final plans and specifications, the Local Government will prepare the project bid package for advertisement and shall provide a complete bid package including advertisements to GDOT. Parties responsible for bid preparation and construction monitoring should be specified.

APPENDIX D (Continued)

9. The Local Government in accordance with its established procedures, practices and laws will let the project for bid.
10. The Local Government will provide GDOT with a complete tabulation of the bids and recommendations for award of the project contract.

CONSTRUCTION OF PUBLIC TRANSPORTATION PROJECTS

1. The Local Government and/or its agent are directly responsible for the supervision and control of the contractor and overall construction of the project.
2. The Local Government shall appoint a project engineer and/or project manager to supervise project construction and administer the construction contract.
3. The Local Government shall assure that the designated project engineer/manager is adequately trained in the construction involved, familiar with the plans, specifications, and project schedule and is regularly on the site during construction.
4. The Local Government shall notify the GDOT of any preconstruction conference with the contractor and any additional project meetings with the contractor.
5. The Local Government shall establish a formal procedure for the review and approval of change orders and supplemental agreements relating to the project.
6. The Local Government project engineer/manager shall be responsible for documenting work performed and maintaining adequate project records in order to authorize progress payments.
7. Any work stoppage, failure to comply with contract terms or other significant development should be reported immediately to GDOT. Schedule and work order changes should also be promptly reported.
8. The Local Government will submit billings in suitable detail to the GDOT for payment along with a construction progress report. Invoices submitted should always reference contracted work items.
9. The final inspection and acceptance of the project shall include the GDOT and the appropriate parties.

APPENDIX E

CAPITAL PURCHASING AND CONSTRUCTION GUIDELINES

Capital Purchases

For contracted items to be purchased, Federal and State regulations require competitive procurement. Purchases up to **\$100,000** do not require prior approval by the GDOT if the following procedures are followed:

Small purchases of less than \$500 require only telephone bids. Items costing between \$500 and \$1,500 can be purchased with a minimum of three telephone bids. Items costing between \$1,501 and \$5,000 can be purchased with a minimum of three written bids. Items over \$5,000 will require sealed bids. Statewide contracts should be checked for availability.

Bid documents for projects over \$100,000 should be submitted to GDOT for approval prior to contracting for any item. Whenever possible, the low bidder should be selected. If the low bidder is not selected, an explanation should be provided.

All purchases regardless of the size should be in compliance with local, State and Federal purchasing regulations. The transit system is responsible for documenting the purchasing process and compliance with all applicable rules, regulations and guidelines.

Construction Guidelines

The Department will allow subrecipients to negotiate a contract with private sector contractors for the construction and/or reconstruction, repair of transportation facility, procurement of Engineering, Architect or other professional services in an amount of less than \$20,000 without proceeding through the public advertising and bidding process. The work to be performed shall be specifically described in writing for written quotations from three contractors who are qualified and experienced to perform the work. This kind of contracting for construction work is intended to be for singular type projects and not for a project which is a part of a greater or multi-faceted project. Georgia codes 32-4-60, 63 and 113 are the basis for these guidelines.

APPENDIX F
FINANCIAL ADMINISTRATION GUIDELINES

State and local governments are accountable for all financial matters and for compliance with program requirements. Program administration should follow OMB Circular A-133 regulations providing continuous administrative and management oversight of project operations. In part, this administrative oversight responsibility involves maintaining separate accounts of charter operations and conduct of annual independent audits.

STATE REQUIREMENTS

Standards for state financial management systems:

A State must expand 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 subsubgrantees and cost-type contractors, must be sufficient to:

- 1) Permit preparation of reports required by 49 CFR Part 18 and the statutes authorizing the grant; and
- 2) 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 of applicable statutes.

LOCAL GOVERNMENT REQUIREMENTS

The financial management systems of local government subgrantees should meet the following standards.

- 1) 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 subgrant.
- 2) Accounting records - Subgrantees and subsubgrantees must maintain records, which adequately identify the source and application of funds, provided for financially assisted activities. These records must contain information pertaining to grant or subgrant awards and authorization, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income.
- 3) Internal control - Effective control and accountability must be maintained for all grant and subgrant case, real, and personal property, and other assets. Subgrantees and subsubgrantees must adequately safeguard all such property and must assure that it is used solely for authorized purposes.
- 4) Budget control - Actual expenditures or outlays must be compared with budgeted amounts for each grant or subgrant. 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 or subgrant agreement. If unit cost data are required, estimates based on available documentation will be accepted whenever possible.
- 5) Allowable cost - Applicable OMB cost principles, agency program regulations, and terms of grant and subgrant agreements will be followed in determining the reasonableness, allowability, and allocability of costs.

APPENDIX F (Continued)

- 6) Source documentation - Accounting records must be supported by such source documentation as canceled checks, paid bills, payrolls, time and attendance records, contract and subgrant award documents, etc.
- 7) Cash Management - An awarding agency may review the adequacy of the financial management system of any applicant for financial assistance as part of a preaward review or at any time subsequent to award.

ALLOWABLE COSTS:

Applicable cost principles - For the costs of a State or local government, use the principles in OMB Circular A-87.

NON-FEDERAL UNIT:

Basic Rule. Subgrantees and subsubgrantees are responsible for obtaining audits in accordance with the Single Audit Act of 1984 and federal agency implementing regulations. An independent auditor in accordance with generally accepted government auditing standards covering financial and compliance audits shall make the audits.

Subsubgrantees, State or local governments that receive Federal financial assistance and provide \$25,000 or more of it in a fiscal year to a subsubgrantee shall:

- 1) Determine whether local subsubgrantees have met the audit requirements of the Act .
- 2) Determine whether the subsubgrantee spent Federal assistance funds provided in accordance with applicable laws and regulations .
- 3) Ensure that appropriate corrective action is taken within six months after receipt of the audit report in instance of noncompliance with Federal laws and regulations.

APPENDIX G
CODIFICATION OF FEDERAL TRANSIT LAWS

On July 5, 1994, President Clinton signed Public Law 103-272, repealing the Federal Transit Act and related transit provisions and reenacting them as chapter 53 of Title 49, United States Code.

Chapter 53 uses new language in some instances and generally rearranges the old provisions with which we are all familiar. A listing of the most commonly used citations is outlined below:

<u>Subject</u>	<u>Federal Transit Act</u>	<u>49 U.S.C.</u>
Capital Program	Section 3	Section 5309
Urbanized Area Formula Program	Section 9	Section 5307
Nonurbanized Area Formula Program	Section 18	Section 5311
Labor Protection Certifications	Section 13 (c)	Section 5333(b)
Elderly and Persons w/Disabilities Program	Section 16	Section 5310
Metropolitan Planning Program	Section 8	Section 5303
State Planning and Research Program	Section 26	Sections 5313(b)
National Transit Database	Section 15	Section 5335
Clean Fuels Program	N/A	Section 5308
Job Access and Reverse Commute	N/A	Section 3037

APPENDIX H

Annual GDOT Compliance Review For Subgrantees



Georgia Department of Transportation
Office of Intermodal Programs

Introduction

In order to address all FTA requirements as well as to promote better management and service delivery, GDOT will make an annual site visit to each subgrantee. During the site visit, GDOT will ask the following questions in each of the twenty-three review areas. Upon completion of the annual review, deficiencies will be noted and addressed in follow-up. This review does not replace the FTA Triennial Review but should well prepare the subgrantee for future FTA Triennial Reviews.

1. Legal

1. Is the authority properly delegated and executed?
2. Has the subrecipient submitted a properly completed Annual List of Certifications and Assurances?
 - Was it submitted on time?
 - Was it signed by an authorized official and attorney with the proper authority?

2. Financial

1. What are the sources of non-FTA funding for operating and capital expenses?
2. Is there any pending legislation or “sunset” provision in existing legislation that could affect sources of state or local funding or financial capacity?
3. In the next few years, does the subrecipient anticipate any significant changes in the levels of local funding for transit, the sources of local funding for transit, or the current transit service levels?
4. What is the subrecipient’s current financial status?
Please provide a multi-year financial plan, which should be prepared in accordance with the “Guidance for Transit Financial Plans,” June 2000 (the Green Book).
5. Are indirect costs being charged to grants?
 - If yes does the subrecipient have a cost allocation plan to support indirect administrative costs related to a grant program?
 - If yes, what agency approved the plan?
 - Is the plan being followed?
6. Is the subrecipient using FTA funds to support ADA paratransit operating costs?

If yes, is the subrecipient classifying more than 10 percent of its annual formula apportionment of Section 5307 funds as operating expenses for ADA paratransit operating costs?

7. Have annual single audits been conducted?
8. Are there any unresolved compliance issues in the single audits conducted in the past three years?
If yes, what is the status of these issues?
9. Have any internal, state, or local governmental audit reports had findings related to FTA program requirements?

3. **Technical**

1. What are the procedures for grant administration and management?
2. Are Milestone/Progress Reports (MPR) and Financial Status Reports (FSR) submitted on time? Do MPRs contain narrative information including:
 - a. A discussion of budget or schedule changes
 - b. Status of milestones
 - c. Reasons why milestones were not met
 - d. A list of outstanding claims exceeding \$100,000 and all claims settled in the subject quarter
 - e. A list of all change order amounts exceeding \$100,000 pending or settled during the quarter
 - f. Unforeseen events that impact project schedule, cost, or purpose
 - g. Progress and schedule of force account activities
3. What is the schedule for closing out all open grants? Are projects on schedule?
 - Are any grants inactive?
 - Should these or any other grants be closed?
 - Should any grant funds be deobligated?
4. During the review period, did the transit agency use FTA capital assistance to finance the lease of any transit facilities or equipment costing \$100,000 or more annually or \$250,000 over the life of the lease?

If yes, did the agency make a written comparison of the cost of leasing the asset with the cost of purchasing or constructing it?

Is the written comparison on file?

- If no, did the agency obtain FTA approval for an alternative form of cost-effectiveness evaluation?

- Were any such leases terminated or substantially modified before the end of period used in the cost-effectiveness evaluation?
5. How does the transit agency ensure adequate technical oversight of other capital projects (those not monitored by Project Oversight Management (PMO) consultants or that do not exceed \$100 million) including inspection and acceptance of rolling stock?
 6. How does the transit agency monitor subrecipients, third-party contractors, and/or lessees to ensure compliance with FTA requirements?

4. **Satisfactory Continuing Control**

1. Does the transit agency make incidental use of any FTA-funded real property?
 - If yes, was FTA approval obtained?
 - Does the transit agency maintain continuing control over the property?
 - Is revenue used for transit planning, capital, or operating expenses?
2. Does the transit agency have any excess FTA-funded real property?
 - If yes, is there an excess real property inventory and utilization plan?
 - Has the plan been updated, if necessary?
3. Does the transit agency have equipment records that provide the following required information?

Description	
a.	I.D. Number
b.	Acquisition Date
c.	Cost
d.	Federal Percentage
e.	Grant Number
f.	Location
g.	Use and Condition
h.	Disposition Action
i.	Vested Title.
4. Did the transit agency conduct a physical inventory of equipment in the past two years?
5. Were the results of the inventory reconciled with the equipment records?
6. Does the transit agency have an adequate control system to prevent loss, damage, or theft of property?
7. Does the transit agency maintain control of any federally funded contractor-operated equipment?

8. Did the transit agency dispose of any FTA-funded real property or equipment during the past three years?
If yes, provide list.
 - Were competitive sales procedures used to ensure the highest possible return on the property?
 - Has FTA been reimbursed for its share of such property, if required?
9. Was any real property or equipment removed from public transit service before the end of service life?
If yes, was FTA notified?
10. Did FTA provide prior concurrence in the method of disposition of real property or equipment removed from service before the end of its service life?
11. Did the transit agency or its subrecipients receive FTA permission for any vehicle like-kind exchange, equipment trade-in, or retained sale proceeds?
12. Provide an inventory of bus and paratransit vehicles owned/operated by the transit agency
13. For the fixed-route bus (NTD Motorbus category) please provide the following:
 - a. Total number of active vehicles (FTA and non-FTA funded); and
 - b. Peak vehicle requirement.
14. Is there a bus contingency fleet?
If so, is there a contingency plan?

5. **Maintenance**

1. Does the transit agency have a current written vehicle maintenance plan for its federally funded rolling stock?
2. Does the transit agency vehicle maintenance plan include maintenance goals and objectives?
3. What is the transit agency's schedule for vehicle preventive maintenance (PM) inspections:
 - a. in its maintenance plan?
 - b. in practice?
4. Are vehicle PM inspections completed on time?

5. Does the transit agency have a current written maintenance plan for its federally funded facilities and equipment?
6. Does the transit agency's facility maintenance plan include a program of inspections and preventive maintenance activities to ensure that assets are protected from deterioration and reach their maximum useful life?
7. Does the facility maintenance plan prescribe a record keeping system so that the maintenance history of facilities and equipment is permanently recorded?
8. What is the transit agency's schedule for facility and equipment preventive maintenance (PM) inspections:
in its maintenance plan?
in practice?
9. Is any equipment under warranty?
 - If yes, what is the transit agency's system for recovering warranty claims?
 - Are claims pursued satisfactorily?
10. Does the transit agency have written maintenance standards for the subrecipients' maintenance of FTA-funded vehicles? How does the transit agency ensure that it follows the required maintenance standards?

6. **Procurement**

1. Does the transit agency have procurement policies and procedures that conform to applicable federal laws?
2. Do the procedures provide for and/or address the following:
 - a. Contract administration system?
 - b. Written standards of conduct?
 - c. Review of procurement requests to avoid duplicative or unnecessary purchases?
 - d. Written record of procurement history?
 - e. Written protest procedures?
 - f. Written selection procedures?
 - g. Prequalification criteria?
3. Do any potential conflicts of interest exist between policy board members/employees and consultants/vendors/suppliers or between a management contractor and consultants/vendors/suppliers?
4. How does the transit agency allow for full and open competition for all transactions under the following methods of procurement?
 - a. Micro-Purchases (\$2,500 or less)

- b. Small Purchases (more than \$2,500 but not more than \$100,000)
 - c. Sealed Bids/Invitation for Bid (IFB)
 - d. Competitive Proposals/Request for Proposals (RFP)
 - e. Architectural and Engineering Services (A&E)
 - f. Revenue Contracts
5. Has the transit agency improperly imposed geographic preferences, except when contracting for A&E services based on the Brooks Act?
 6. Do solicitations for ITS related projects include a specific requirement for conformance with the National ITS Architecture?
 7. Has the transit agency included competitive procurement requirements in its agreements with its subrecipients?
How does the transit agency monitor the procurement process of subrecipients to ensure that federal requirements are met?
 8. Does the transit agency have any contracts for rolling stock and replacement parts that exceed five years in total length including base and options?
 9. Does the transit agency perform cost or price analysis in connection with every procurement action, including contract modification?
 10. During the review period, were there any change orders to federally funded contracts?
Describe in terms of numbers of change orders and dollars.
If yes, were all change orders approved by authorized officials?
 11. Has the transit agency entered into any time and materials type contracts using FTA funds?
 12. Has the transit agency had any sole-source, single bid, or brand name or equal awards during the past three years?
If yes, do the files contain the appropriate justification and/or documentation for such awards?
 13. Has the transit agency or its subrecipients conducted any piggyback procurements?
If yes, is the appropriate documentation on file?
 14. Has the transit agency procured any equipment or materials using option clauses?
 - If yes, identify.
 - Were options evaluated at the time of the initial bid?
 - If yes, were option prices established?
 15. Has the transit agency used advance payments?

- If yes, was prior, written approval obtained from FTA headquarters?
- Were progress payments used?
- If yes, has the transit agency obtained title of the property or taken alternative measures to protect FTA's interest?

16. Has the transit agency used liquidated damage clauses in any of its procurements?
If yes, is the damage rate specified in the contract?

17. Have buses been purchased or leased with FTA funds?

- If yes: Do the bus models require Altoona testing?
- How was this determination made?
- If models require testing: Was a model tested? s
- If yes, identify model.
- Was a test report issued?
- Was the report received prior to expenditure of FTA funds?
- If models do not require testing: Does the transit agency have certification(s) from the manufacturer that the bus does not need to be tested?

7. **Disadvantaged Business Enterprise**

1. Who is responsible for ensuring that Disadvantaged Business Enterprises (DBEs) are not discriminated against in the award and administration of FTA funded contracts and subcontracts?
 - To whom does this individual report for DBE matters?
 - Is this a collateral duty assignment?
 - If yes, do potential conflicts exist and how are they identified and resolved?
2. If the transit agency is awarding more than \$250,000 of FTA funds in prime contracts in a federal fiscal year, exclusive of transit vehicle purchases, did the transit agency submit a DBE program to FTA?
 - If not, provide an explanation.
 - Has the transit agency's DBE program been approved by FTA?
3. Did the transit agency distribute a signed and dated DBE policy statement and circulate it throughout the organization and to the DBE and non-DBE business communities that perform work on FTA-assisted contracts?
4. What efforts has the transit agency made concerning minority owned or controlled financial institutions?
5. Did the transit agency develop overall annual DBE goals based on the relative availability of DBEs in the area?
 - Did the transit agency submit annual goals to FTA for review?

- Has the transit agency been submitting the Uniform Report of DBE Awards or Commitments and Payments semi-annually?
6. How does the transit agency monitor subrecipients, contractors, and subcontractors to ensure that DBE obligations are fulfilled?
 7. Did the transit agency award a contract to a firm that did not meet a specific DBE contract goal?
 - If yes, how did the transit agency determine if “good faith efforts” by the firm were sufficient?
 - Does the transit agency require contractors to obtain approval from its DBE Officer prior to substituting a DBE firm after contract award?
 8. Is the transit agency’s DBE certification process consistent with the standards of Subpart D of 49 CFR Part 26?
 - Is the transit agency participating in a Unified Certification Program (UCP)?
 - If not, please provide an explanation.
 9. For procurements of transit vehicles (e.g., buses, railcars, vans) during the past three years, did the transit agency obtain DBE certifications from the transit vehicle manufacturers (TVM) with the bids/proposals submitted?
 10. Did the transit agency receive any complaints alleging that it did not comply with the DBE regulations in the past three years?
 - What is the transit agency’s process for handling and resolving such complaints?
 - Do the complaints indicate any problems with the DBE program?

8. **Buy America**

1. Has the transit agency included a Buy America provision for all procurements of steel, iron, and manufactured products, except products with a waiver or small purchases of \$100,000 or less?
2. Has the transit agency obtained and retained Buy America certifications from successful vendors for purchases of more than \$100,000?
3. Did the transit agency conduct pre-award and post-delivery audits for its purchases of rolling stock over \$100,000?
Does the transit agency or its subrecipients have properly completed pre-award and post-delivery certifications in its contract files?
4. If the transit agency purchases rolling stock with multiple delivery dates using either options or multi-year procurements, has the transit agency performed and certified a pre-

award and post-delivery audit for each group of vehicles before placing them into service?

5. What process did the transit agency use to verify the domestic content of the vehicle, its components, and its subcomponents prior to awarding the contract?
6. Unless the transit agency ordered ten or fewer buses, did the transit agency use in-plant inspectors during the manufacturing process?
7. Does the transit agency have a description of the manufacturing activities taking place during the final assembly of the vehicles and, for vehicles that were partially manufactured outside the United States, did the final assembly meet FTA requirements?

9. **Suspension/Debarment**

1. Has the transit agency taken any exception to the statement in its annual certification regarding suspension/ debarment and other responsibility matters?
2. Has the transit agency learned that its certification or the certifications of any of its subgrantees, contractors, or subcontractors were erroneous when submitted or have become erroneous by reason of changed circumstances?
If yes, has the transit agency provided written notice to FTA?
3. Are excluded parties participating in covered transactions?
4. Has the transit agency included the clause for the lower tier certification in all agreements with subgrantees and procurement solicitations exceeding \$100,000?

10. **Lobbying**

1. Has the transit agency included the lobbying clause in all agreements and procurement solicitations exceeding \$100,000?

Have subgrantees, contractors, and subcontractors signed certifications?

2. Has the transit agency used non-federal funds for lobbying activities?
 - If yes, have proper disclosures been made and filed with FTA on Standard Form LLL?
 - Have all disclosures been updated quarterly if needed and so reported?
3. Have subgrantees, contractors, and subcontractors who had filed the certification used non-federal funds for lobbying activities?
 - If yes, have proper disclosures been made and filed with subgrantee on Standard Form LLL?

- Have all disclosures been updated quarterly if needed and so reported?
4. Does the transit agency have an appropriate process for receiving and filing the certifications and disclosure statements (Standard Form LLL and quarterly update)?

11. **Planning**

1. Who develops the financial and travel demand forecasts that are used in preparing the TIP?
2. Does the transit agency publish its own Program of Projects?
Has the transit agency followed all of the POP Public Participation Requirements?
 - a. Has the transit agency made available to the public information on amounts available to the recipient under Section 5307 and the program of projects it proposes to undertake?
 - b. Did the transit agency develop a proposed POP in consultation with interested parties, including private transportation providers?
 - c. How did the transit agency ensure that the proposed POP provided for coordination of mass transportation services assisted by other federal sources?
 - d. Was the proposed POP published in a manner that afforded citizens, private transportation providers, and local elected officials an opportunity to examine its content and to submit comments on the proposed program and the performance of the recipient?
 - e. Was an opportunity for a public hearing provided?
 - f. Were comments or complaints filed as a result of the publication of the POP?
How were such comments considered in preparing the final POP?
Was the final POP made available to the public?
3. Since the last Annual Review, has the transit agency had any complaints or lawsuits with respect to the following?
 - a. Public involvement?
 - b. Environmental justice?
 - c. Air quality conformity?
 - d. Other metropolitan and statewide planning requirements?

If yes, what was the nature of the complaint/lawsuit?

How were these complaints/lawsuits resolved?

Are any pending?

12. **Title VI**

1. Who is responsible for the coordination of Title VI Program/ Environmental Justice Assessments?
2. Who prepares the Title VI Program submissions and updates for FTA?
3. When was the most recent compliance assessment performed by the transit agency and what disparities, if any, were identified?

What action, if any, was taken to address the disparities?

4. Has the transit agency developed and implemented procedures to monitor the level and quality of transit service to determine compliance with Title VI?
5. Has the transit agency significantly reduced transit service?
If yes, did the transit agency examine the impact of the reductions on minority communities and ridership?
6. Has the transit agency assessed and addressed the ability of persons with limited English proficiency (LEP) to use transit services?
 - Are schedules and other public information provided in languages other than English?
 - If yes, what languages are provided?
7. Did the transit agency conduct an environmental justice assessment/fixed-facility impact analysis during the past three years?
If so, please have the analysis available and show how effects on minority communities were addressed.
8. Has the transit agency received any Title VI complaints in the past year?
 - Does the transit agency maintain a log of such complaints?
 - How are such complaints identified and resolved?

13. Public Comment Process for Fare and Service Change

1. Does the transit agency have a locally developed process for soliciting and considering public comment prior to a fare increase or a major service reduction?
 - How are these procedures documented?
 - What does the transit agency consider to be a “major” service reduction?
2. Has either subrecipient raised a fare or carried out a major reduction in service in the past three years?
 - Did they follow the locally developed process for each of these changes?
 - If not, what did they do differently?
3. How were the comments considered in the decision-making process?

14. Half Fare

1. Does the transit agency, during the off-peak period, allow elderly persons, persons with disabilities, and persons with a Medicare card to pay one-half the fare generally paid during the peak periods?

- What is the full fare?
 - What is the fare for E&PWD/Medicare?
 - During what hours are half fares available? (All hours or off-peak hours only.)
 - Are there any services not included in the half-fare program?
2. Is an identification card required at time of boarding in order to obtain the half fare?
 - If yes, what type of card is accepted onboard?
 - What are the procedures to obtain the special ID card?.
 - Does the transit agency require any additional information from a Medicare cardholder?
 3. How has the transit agency informed its employees, the employees of any contractors and lessees, and the public that these half fares are available
Do internal and external materials describing fares show:
 - An E&PWD Half Fare?
 - That half fares are extended to Medicare cardholders?

15. ADA

1. Are ADA complementary paratransit eligibility decisions made within 21 days of receipt of a complete application?
If no, is presumptive eligibility granted?
2. Are eligibility decisions based solely on a note from a physician?
3. What percent of applicants are approved?
4. Are persons who are denied eligibility given notice of their right to appeal?
5. Does the appeals process adhere to the ADA regulations?
6. Does ADA complementary paratransit service meet the following regulatory requirements?
 - Service provided to an ADA eligible individual?
A Personal Care Attendant (PCA)?
One companion?
Visitors' policy adhered to properly?
 - Curb to curb service (at a minimum)?
 - o If no, what type of service is provided?
 - Service area within $\frac{3}{4}$ mile corridors of fixed routes and the core area?
 - Is service provided beyond the $\frac{3}{4}$ mile corridors and core area
 - Next day service provided?
 - o If yes, what percent of reservations are made for the next day?

- Are advance reservations beyond the next day required (not including subscription service)?
- Are requests for reservations accepted during normal business hours on all days prior to days of service (e.g., weekends, holidays, even if the administrative office is closed)?
- Trips scheduled within one hour of the requested trip time?
 - Fares no more than twice the fixed route fare?
 - No fare charged for PCAs?
 - No priorities based on trip purposes?
 - ADA complementary paratransit available during the same hours and days as fixed route?
 - Subscription service does not exceed 50 percent unless there is non-subscription capacity?
7. Does the transit agency monitor ADA complementary paratransit service to ensure that there is no pattern or practice of trip denials?
 - Untimely pick-ups?
 - Missed trips?
 - Excessively long trips?
 - If yes, how?
 - What is the denial rate?
 - What is the on-time performance rate?
 8. Are rides that are not provided in a one-hour window tracked as denials?
 9. When one leg of a round trip cannot be reserved, is it tracked as two denials when the rider declines the trip?
 10. What is the average telephone wait time for a reservation?
 11. For next day service, at what time of day are reservations cut off?
 12. At peak times, can a caller reach the reservation office?
 13. How does a rider contact the reservation agent to cancel a trip?
 14. Has the transit agency implemented the following fixed-route service provisions required by the ADA?
 - Stop announcements on fixed-route vehicles?
 - Vehicle identification mechanisms at multi-route stops?
 - Service animals permitted in vehicles and facilities?
 - Are there any policies or practices that may have the effect of limiting service animal use?
 - Are service animals required to be certified?

Are animals other than dogs recognized as service animals in the transit agency procedures?

Are persons with disabilities other than visual impairments allowed to use service animals?

May a passenger board a fixed route vehicle at any time, with no prior arrangements, with a service animal?

Use of lifts and securement systems by persons who use mobility devices?

Use of lifts by ambulatory persons?

Use of accessibility-related equipment and features?

Public information/communications made available in accessible formats?

In what formats is information regarding transportation services available?

Lift deployment at all designated stops?

Service to persons using respirators or portable oxygen?

Adequate time provided to allow persons with disabilities to board/ disembark from a vehicle?

15. How are these requirements communicated to employees and contractors?

16. How does the transit agency monitor adherence to these requirements or otherwise enforce their implementation?

17. Are personnel, contractors, and subcontractors trained to proficiency so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service with respect, courtesy, and sensitivity?

18. Has the transit agency purchased or leased any new fixed route vehicles since the last annual review?

- If yes, do the vehicles comply with the transit agency ADA regulation?
- Has the transit agency purchased or leased any new demand responsive vehicles that are not accessible since the last annual review?
- If yes, is there equivalent service?
- Has the transit agency filed a certification of equivalent service?

19. Has the transit agency purchased or leased any used vehicles since the last triennial review?

- If yes, do the vehicles comply with the applicable standards under 49 CFR Part 38?
- If no, does the transit agency have documentation of a good faith effort to obtain an accessible vehicle?

20. Has the transit agency remanufactured any existing vehicles since the last triennial review?

If yes, do the vehicles comply with the applicable remanufacturing requirements under Part 37, Subpart D?

21. Has any new transit facility been constructed?

If yes, is the facility accessible?

22. Have any transit facilities been modified?

- If yes, were the modifications in accordance with Appendix A to 49 CFR Part 37, the ADA Accessibility Guidelines (ADAAG)?
- If no, please explain.

23. What system of regular and frequent maintenance checks of lifts, ramps and other accessibility equipment has the transit agency established?

- Is this system sufficient to determine if lifts are operative?
- When a lift, ramp or other equipment is found to be inoperative, is the vehicle taken out of service by the beginning of the next service day?
- Are lifts, ramps and other equipment repaired within the timeframes required by the transit agency's ADA regulations prior to returning the vehicle to service?

24. What is the transit agency's policy with regard to lift, ramp and other accessibility equipment failures on in-service vehicles?

- Are operators required to report lift, ramp and other equipment failures promptly?
- Is alternative service provided to persons stranded for more than 30 minutes due to lift, ramp and other equipment failures?

25. Does the transit agency have a procedure for responding to and tracking complaints?

- Who handles the complaints (Civil Rights Office, Legal Office, Customer Service, ADA Office)?
- Do these procedures apply to all modes, including complementary paratransit?

26. Are any lawsuits alleging discrimination on the basis of disability pending?

Identify parties to suits and issues.

16. **Charter Bus**

1. Does the transit agency, contractors, or lessees operate any charter service?

2. If yes, has the transit agency annually determined if there are any private charter operators willing and able to provide that service?

3. If yes, did the process follow the regulatory requirements?

4. Under what exception is the charter service operated?

- a. No willing and able private charter operators.
- b. Entering into a contract with a private charter operator to provide equipment or service if the private operator has a request for service that exceeds its capacity or requires accessible equipment.

- If yes, does the transit agency have documentation of the contract?
- c. Special Events
If yes, was this exception approved by FTA?
 - d. Contract with a government entity or private, non-profit organization providing service to persons with disabilities or eligible to receive public assistance funds.
If yes, did the transit agency obtain the required certifications from the sponsoring organization?
 - e. Formal agreement executed between the transit agency and all private operators determined to be willing and able.
If yes,
 - i. Does the formal agreement specifically allow the transit agency to provide the particular type of charter?
 - ii. Did the transit agency provide for this type of agreement in its annual public charter notice or publish a separate notice of the agreement?
 - iii. Are all willing and able private operators party to the agreement?
5. Is all charter service incidental, i.e., service that does not interfere with or detract from the provision of mass transportation service, does not shorten the mass transit life of the equipment or facilities, and recovers fully allocated costs?
 6. Does documentation show that mileage and/or hours are recorded and subtracted from the useful life of the equipment used in charter service?
 7. Have any complaints been filed alleging that the transit agency is operating charters in violation of the regulations?
 8. Does the transit agency provide charter service with locally owned vehicles?
Are the vehicles stored and maintained in an FTA facility?

17. **School Bus**

1. Does the transit agency operate exclusive school bus service?
 - Does it qualify for one of the statutory exceptions?
 - Does the transit agency offer and operate that service only with non-federally funded equipment and/or facilities?
2. Does the transit agency provide school “tripper service”? Does this service meet the following criteria?
 - Regularly scheduled mass transportation service
 - Buses are clearly marked as open to the public
 - Service has been modified to meet needs of students/school personnel
 - Service uses various fare collection systems or subsidies

- Buses have no special designations (e.g., “school bus,” “school special.” View buses if possible)
- Buses use regular bus stops
- Service is noted on published schedules.

18. **National Transit Database**

1. Did the transit agency submit an NTD report this year?
 - Were its reports submitted on time?
 - If not, did the transit agency request an extension?
 - Did the transit agency receive an exemption from submitting an annual NTD report because it operates nine or fewer vehicles, or a reporting waiver from the FTA?
 - If yes, note the date of the letter granting the waiver.
Exemption or reporting waiver granted:
2. Is there a Chief Executive Officer (CEO) Certification on file?
3. Does the CEO Certification contain paragraph #3 that certifies that the transit agency has had its accounting system certified by an independent auditor?
4. Has the transit agency changed its accounting method or system during the review period?
If yes, has the transit agency renewed its auditor waiver?
5. Does the CEO Certification contain paragraph #4 certifying that the transit agency has properly collected its passenger mile data?
6. If required, does the transit agency have an Independent Auditor’s Statement for Urbanized Area Formula Data for the current fiscal year’s NTD report?

19. **Safety and Security**

1. Does the transit agency have a written policy on safety?
Has it been signed by the CEO?
2. Does the transit agency have a written system safety program plan (SSPP) for its transit services?
Does the SSPP address management of the safety function?
3. How is the safety function managed?
 - Are there staff safety personnel?
 - If so, are responsibilities and authorities clear?
 - To whom do they report?

4. What are the investigation procedures for major accidents?
 - What circumstances and conditions determine which accidents will be investigated?.
 - Who does the investigation?
 - To whom do reports go?
 - What follow-up action is taken and by whom?
5. What key safety issues have been identified and how are they being addressed?.
6. Is there a process for hazard identification and resolution?
When corrective action is needed, how is it initiated and followed up?
7. Does management hold line personnel accountable for safety?
 - Do line personnel job descriptions (senior level to first-line supervisors) include a provision for safety accountability?
 - Are safety responsibilities clearly defined?
 - Do annual evaluations include an appraisal of safety performance?
8. Is there safety training for employees performing safety sensitive functions?
 - Who performs the training?
 - How is it done?
 - Do supervisors receive formal safety training?
 - If so, please describe.
9. Has the transit agency submitted transit safety data in NTD for the past year in a timely manner?
10. Does the transit agency utilize the one percent expenditure of its Urbanized Area Formula Grant funds for transit security?
 - a. **If yes, how did the transit agency utilize the one percent expenditure over the last year?**
 - b. **If no, why does the transit agency consider such expenditures unnecessary (check all that apply)?**
 - Existing security measures meet agency needs -
 - Level of incidents does not warrant further security expenditures -
 - Potential security threats are minimal -
 - Adequate local and federal (less than one percent) funds are spent on security projects. -

Provide project and expenditure information for the last year in Exhibit 19.1 for both FTA and locally funded projects.

11. Does the transit agency collect and review information on all security incidents?
12. Does the transit agency have a written system security program plan for all modes of operation?
Have the plans been updated to include anti-terrorist measures and procedures to address current threat conditions?
13. Does the transit agency have written procedures for handling security incidents? If yes:
 - a. Have all operating personnel been trained on these procedures?
 - b. Have all non-operating personnel been trained on these procedures?
 - c. Are there procedures for managing a chemical/biological (chem/bio) release incident as recommended by FTA?
14. Has the transit agency conducted a threat and vulnerability assessment of its security risks?
If yes, when was it completed?
Did it include an assessment of potential acts of terrorism (e.g., bombing, sabotage, or hijackings)?
15. Has the transit agency conducted training in recognizing and reporting suspicious or illegal activity:
 - a. for all operating personnel?
 - b. for all non-operating personnel?
16. Have criminal background checks been conducted on all operating personnel?
17. Does the transit agency have a written emergency management plan?
If yes, does it cover all modes of operation?
18. Does the transit agency have written emergency response procedures?
If yes, have all appropriate personnel received instruction in these procedures?
19. Has the transit agency worked with local law enforcement, fire departments, medical services, and regional emergency management agencies to determine how it will work with these agencies to respond to emergencies and transit-related terrorism?

EXHIBIT 19.1

TRANSIT SECURITY EXPENDITURES

Security Projects	Annual Expenditures					
	FY 2003		FY 2004		FY 2005	
	FTA	Local	FTA	Local	FTA	Local
Infrastructure/Capital Improvements:						
Increased Lighting						
Increased Surveillance						
Emergency Comm.						
Other Projects (list)						

Subtotal						
Operating/Personnel Expenditures (1):						
In-house Security Personnel						
Contract Security Personnel						
Other Projects (list)						

Subtotal						
TOTAL						
UAFG Funds Received						
Security Percentage						

(1) Federal operating funds available to agencies in areas with populations under 200,000

20. Has the transit agency conducted field drills, table top exercises, or assessments of potential emergency events (man-made/natural disasters and terrorism) related to its operations?
- If yes, when was it completed?
 - Was an after- action report prepared?

20. **Drug-Free Workplace**

1. Has the transit agency established a drug-free workplace according to the requirements of the Drug-Free Workplace Act (DFWA)?
2. Does a written policy exist as prescribed in the DFWA and has it been distributed to all employees?
3. Does the policy:
 - a. Notify employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace?
 - b. Notify employees that they must abide by the terms of the policy statement as a condition of employment?
 - c. Notify employees that, if convicted of a drug statute violation occurring in the workplace, they are to report such to the employer in writing no later than five days after such a conviction?
4. Has the transit agency established an ongoing drug-free awareness program?
5. Has the transit agency informed employees of the dangers of drug abuse and any available drug counseling, rehabilitation, and employee assistance programs?
6. Has any employee reported to the transit agency a criminal conviction for a drug statute violation that occurred in the workplace?
If yes, was such notice timely?
7. Did the transit agency provide the FTA timely notice of the conviction?
What action was taken against personnel that reported such a conviction?

21. **Drug and Alcohol Program**

1. Does the transit agency have a drug and alcohol testing program for safety sensitive employees as defined by FTA?
Do Subrecipients, contractors and subcontractors with safety sensitive employees have drug and alcohol testing programs?

2. Does the transit agency have a drug and alcohol policy as required by the FTA drug and alcohol regulations?

Does the policy contain the following elements:

- a. approval by governing board or other "final authority" for the agency
- b. identity of contact person
- c. employee categories subject to testing
- d. prohibited behavior
- e. testing circumstances
- f. testing procedures
- g. requirement that covered employees submit to testing
- h. behavior that constitutes a refusal to submit to a test
- i. consequences for an employee who has a verified positive test result
- j. consequences for an employee found to have an alcohol concentration of 0.02 or greater but less than 0.04?

3. Does the transit agency conduct the following types of drug and alcohol testing:

- a. Pre-Employment (drugs only)
- b. Random
- c. Post-Accident
- d. Reasonable Suspicion
- e. Return to Duty
- f. Follow-up

Does the transit agency test for the following substances:

- a. Marijuana
- b. Cocaine
- c. Opiates
- d. Phencyclidine
- e. Amphetamines
- f. Alcohol.

4. Is the transit agency testing at a random rate of 50 percent for drugs and 10 percent for alcohol?
5. Does the transit agency make proper post-accident determinations?
6. What efforts does the transit agency make to monitor the FTA Drug and Alcohol testing program requirements of its contractors, subrecipients, or lessees with safety-sensitive employees?

7. If the transit agency contracts out any or all aspects of its Drug and Alcohol Program, what steps is the transit agency taking to monitor vendor (e.g., collection sites, MROs) compliance with program requirements?

22. **Equal Employment Opportunity**

1. Who is responsible for ensuring that equal employment opportunities (EEO) obligations are fulfilled?
 - To whom does this individual report for EEO matters?
 - Is this a collateral duty assignment?
 - If yes, do potential conflicts exist and how are they identified and resolved?
2. Please provide a summary of EEO complaints, both formal and informal, filed during the past three years.
How are these complaints addressed?
3. If applicable, were EEO goals met during the past year?
 - What are the transit agency current areas of underutilization?
 - What is the transit agency doing to address this underutilization (e.g., outreach programs)?
4. Does the transit agency's program ensure non-discrimination for ADA-eligible persons in terms of employment?
 - Does the transit agency have policy and procedures for making reasonable accommodations for persons with disabilities?
 - If requested, did the transit agency make reasonable accommodations for persons with disabilities during the past three years, in accordance with Title I of the ADA?
 - If so, please describe.

23. **ITS Architecture**

1. Is the transit agency attempting to deploy ITS technologies?
2. Has the transit agency established a plan that will allow it to be part of a locally approved regional ITS Architecture by April 8, 2005?
3. Has the transit agency established a process for the systems engineering analysis of ITS projects?
Has it applied the process?
4. Has the transit agency met requirements of the FTA National ITS Architecture Policy for Transit Projects that became effective April 8, 2001?

APPENDIX I

FEDERAL REGISTER

Tuesday, October 26, 2004

**DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION**

*Grants and Cooperative Agreements;
Fiscal Year 2005 Annual List of
Certifications and Assurances
for FTA Grants and Cooperative Agreements*

<http://www.fta.dot.gov/documents/04-23873.pdf>

APPENDIX J

FTA SCOPE AND ACTIVITY LINE ITEM CODES

<http://www.fta.dot.gov/library/program/ali.pdf>

APPENDIX K

FEDERALLY REQUIRED CONTRACT CLAUSES

<http://www.fta.dot.gov/FY2005TriReview/clauses.htm>

APPENDIX L

FEDERALLY REQUIRED AND OTHER MODEL CONTRACT CLAUSES

<http://www.fta.dot.gov/library/admin/BPPM/appA1.html>

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