

Section 5310 Subrecipient Guide

Regional Transportation Authority (RTA)
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Regional
Transportation
Authority

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Subrecipient Guide Overview

This guide is intended as a resource to subrecipients of the Regional Transportation Authority (RTA) for funds received through the Federal Transit Administration's (FTA) Section 5310: Enhanced Mobility of Seniors and People with Disabilities program. This guide is supplied to program subrecipients to provide guidance on the required steps and actions that begin after funding is awarded. Each subrecipient is assigned an RTA Project Manager, who can provide further technical assistance on program requirements. For additional details on the RTA's Section 5310 Program, please review the [Program Management Plan](#).

Request for Technical Services Agreement or Amendment

Technical Service Agreements (TSA) are prepared by RTA's project manager when the subrecipient is ready to begin expending funds on a particular award. The TSA is the contract / grant document with the RTA. Subrecipients are required to submit a formal request for a TSA for the RTA project manager to process a TSA. For existing subrecipients, TSAs are prepared after one award is expended then the next one may start. New subrecipients will work with RTA project manager and ensure that all requirements are met before TSA is prepared and executed. Two consecutive TSAs may not be active for any component of the award. It is also the responsibility of the subrecipient to submit a request for an amendment to the TSA in the event of a timeline extension, scope change, etc. If a subrecipient was awarded more than one type of funding (operating, mobility management), a separate TSA for each funding type must be executed.

Please see an example of the TSA request form in Exhibit A. Please request a copy of the TSA request form from your RTA Project Manager.



1. The subrecipient project manager will prepare the request for TSA which includes:
 - a. Name of authorized signer on the TSA
 - b. Terms of the agreement (start and end date)
 - c. Amount requested (Federal & Local)
 - d. Detailed project scope
2. For TSA amendments, including requests for scope change or term extension, the same form should be utilized.
3. RTA project manager will email the TSA to subrecipient for signature on the following pages: Page 27, Certifications & Assurances; and signature from the attorney. Electronic signatures are preferred.
4. Once the TSA is signed, email the entire TSA back to the RTA Project Manager for executive director execution.
5. RTA project will email the executed TSA to subrecipient for their file along with the RTA Invoice Coversheet. At this point, invoices may be submitted to the RTA for payment.

Invoicing Procedures

The following process is used in preparing invoices and back-up materials after a Technical Service Agreement is fully executed. The RTA project manager will provide subrecipients a coversheet (Exhibit B) and template which breaks down their expenses into cost categories: direct labor; fringe; operating; administrative; and other expenses. The template will be customized for each subrecipient based on their awarded project. All charges must be incurred during the effective terms of the TSA and include supporting documentation of all allowable expenses. Under no circumstance will the RTA provide funding to pay for services or expenses incurred before or after the effective dates of the TSA.

In order to process invoices for payment, subrecipients (also referred to as "suppliers" and "vendors") that have not done business with the RTA in the past are required to create an account in the [RTA's Supplier Portal](#). Instructions on how to use the Supplier Portal can be found on the [RTA website](#).

An RTA Invoice Coversheet (Exhibit B) will be provided to attach to invoice submittals. The RTA will complete the following fields on the form:

1. Vendor ID
2. Name
3. Service Contract Number
4. Project Number & Description
5. Funding Source Number & Description

The Subrecipient is responsible for completing and updating the following fields:

1. Invoice Number (e.g., 01-2021 5310)
2. Invoice Date
3. Service Dates (mm/dd/yyyy – mm/dd/yyyy)
4. Federal Share (Amount the RTA will pay entered in the Supplier Portal)
5. Local Share
6. Remaining Grant Balance

Two signatures are required on the coversheet (e.g. project manager and supervisor). Both signers certify that they have reviewed the entire invoice and there are no errors in calculations. Electronic signatures are preferred. For existing subrecipients, a new coversheet will be provided with each new TSA.

Invoice Template

The RTA Project Manager will provide subrecipients a customized invoice template based on the type of organization and funding received.

- The template breaks down the invoice into cost categories: cost per trip, cost per mile, cost allocation, direct expenses, direct labor, fringe, operating, administrative, and other expenses.
- Charges must be incurred during the effective dates of the TSA. In no event will the RTA provide funding to pay for services or expenses incurred before or after the effective dates of the contract.
- Legible copies of receipts must be provided for all allowable expenses.
- All allowable expenses must follow FTA circular 2 CFR 225:
<https://www.govinfo.gov/content/pkg/CFR-2012-title2-vol1/xml/CFR-2012-title2-vol1-part225.xml>
- List of allowable costs are contained in 2 CFR Part 225 Appendix B:
<https://www.govinfo.gov/content/pkg/CFR-2012-title2-vol1/pdf/CFR-2012-title2-vol1-part225-appB.pdf>

Operating Expenses

Operating Expenses - Cost Per Mile

The cost per mile methodology is used primarily by human service agencies. The direct allocation rate is calculated using actual transportation expenses for 12 months. The actual monthly expenses are divided by the total miles for the month resulting in a monthly cost per mile. The final approved cost per mile is calculated: total of all months divided by total miles for the 12 months ($\$856,068.12 / \$498,070.44 = 1.72$). The submitted calculations worksheets are forwarded to RTA's Auditor for review and endorsement.

Example:

Total Transp. Expense	\$ 89,197.43	\$ 85,231.15	\$ 88,059.89	\$ 85,202.34	\$ 98,682.34	\$ 81,202.97	\$ 82,873.37	\$ 87,113.97	\$ 75,464.24	\$ 83,040.44	\$ 856,068.14
Total Miles	49,190.94	47,390.51	52,237.25	50,447.75	56,450.63	52,915.00	53,488.97	49,601.73	40,937.80	45,409.86	498,070.44

Approved Rate

\$ 1.72



Operating Expenses - Cost Per Trip

The cost per trip methodology is used primarily by applicants that use Pace as their service provider. The rate is calculated by Total Operating Expenses minus Liquidated Damages and the total amount is divided by the total Section 5310 trips for the month resulting in a monthly cost per trip. The total trips include Companions but not Personal Care Attendants. The cost per trip needs to be taking out to 5 decimal places so the amount matches Pace amounts.

Calculation of Total Cost/Trip	
Total Operating Expenses	\$17,261.63
Liquidated Damages	-\$2,566.96
Cost less liquidated damages	\$14,694.67
Total Trips (including companions)	384
PCA trips not included in trip total but recorded	21
Total Cost/Trip (line C / line D)	\$38.26737

Operating Expenses - Cost Allocation

This method takes into consideration the utilization of resources in terms of mileage and frequency of trips. The costs associated with these variables reflect service consumption by the respective Sponsor. Given the various fare structures the gross cost is adjusted by the respective Sponsor's fare revenue for a net cost result that is equitable for all participating Sponsors.

Follow these steps to determine operating expenses using cost allocation:

Step 1: Total Trips multiplied by (x)Avg. Flag Pull Cost=Gross Flag Pull Cost \$

Step 2: Total/ Project Gross Service Cost \$ minus (M) Total Gross Flag Pull Cost
=Balance of Project Gross Cost \$

Step 3: Divide the Total Sponsor Service Miles by the Total Project Service Miles for a percentage (%) Of service miles for each Sponsor

Step 4: % of Total Service Miles x Balance of Project Gross Cost \$= Gross Mileage Cost \$

Step 5: Gross Mileage Cost \$ added (+) to the Gross Flag Pull Cost \$= Total Adjusted Gross Cost \$

Step 6: Total Adjusted Gross Cost \$ Applicable Fare Revenue= Total Net Cost \$



Direct Labor (timesheets)

- RTA will consult with subrecipient on eligible costs (e.g., fringe & overhead rates).
- The rates should be consistent with employee salary information that is submitted to the RTA.
- Should include the employee's name and title. Electronic timesheets are acceptable and should be properly completed and approved showing the entire work week that is standard for the subrecipient.
- If there are any changes in individual payroll rates or new people working on the project, the subrecipient should send an e-mail to the RTA Project Manager that specifies the individual's classification, rate of pay and the effective date.
- Both the employee and supervisor need to sign the timesheets. Electronic signatures are preferred.

Mobility Manager-Timesheets

Employees dedicating 100% of their time on the Section 5310-funded project may certify that all hours worked are attributed to the project rather than providing detailed timesheets. The RTA Project Manager will provide the certification form to include with the invoice in lieu of timesheets.

Sample:

FEDERAL STAFF CERTIFICATION

This is to certify (Name), Mobility Manager has worked 100% of her time on the (Project Name) Project during (MM/DD/YYYY-MM/DD/YYYY). The mobility manager performed the following activities:

For Example: *registered riders, processed invoices, met with RTA, etc.*

Employee Signature

Supervisor Signature

Time Study

Subrecipients awarded mobility management funding that would like to receive reimbursement for staff that work part time (anything less than 100%) on the Section 5310 project are required to perform a time study. The time study will determine the percentage of the employee's time dedicated to working on the Section 5310 funded project and be used to develop invoices. The RTA will determine under what circumstances the time study is needed. A summary of the steps include:

- Document activities performed during a two-week period in an excel spreadsheet.
- In the first column, add mm/dd/yyyy in each row for two weeks.
- In the following columns add hours in 1/2-hour increments from the start to the end of the day (7.5 hours).
- Add activities performed during the day.
- Add "Hours Transporting" column - include only hours driving clients.
- Add "Total Amount of Hours" column - include all hours worked.
- Last column "Percentage" is calculated by dividing "hours transporting" by "total amount of hours" (e.g., $7.5 \div 10 = 75\%$)
- The overall percentage is calculated taking the average for the two-week period.
- The final completed worksheet is submitted to the RTA's project manager for review and endorsement by the RTA's Auditor.

Subrecipient Invoice Submittal

- The subrecipient submits the first invoice via email to RTA project manager for review. If there are no errors in the invoice, the RTA Project Manager will instruct the subrecipient to submit the invoice in the [Supplier Portal](#). The supplier portal allows suppliers and vendors to submit invoices, respond to events and update their information.
- Invoices should be submitted monthly. If you are unable to meet this requirement, notify the RTA project manager with justification.

RTA reviews the invoices for the following information:

- a. Verify grant number and award amount against approved amount.
- b. If the service is provided by a third party, verify negotiated rates from the third-party agreement that we have on file.
- c. Recalculate all charges that are submitted and confirm proper supporting documentation is attached (e.g., timesheets, receipts, log sheet showing service hours, revenue collected, hourly rates).
- d. Verify the final payable amount that the subrecipient is requesting is for the appropriate federal share of expenses.
- f. Verify that the subrecipient has not exceeded the terms of the agreement.
- g. Invoice number has "FINAL" on the last invoice.

The invoice is rejected if any of the above information is missing, and the subrecipient is notified of documentation that needs to be resubmitted.

Final Invoice

The final invoice for each TSA amount should include "FINAL" with the invoice number when funds have been fully expended on the grant. If it is a partial payment, include "Partial Payment Remaining Grant Balance" next to federal amount. The remaining balance may be requested on future awards. This will let RTA know that no other invoices will be submitted on the grant and the contract may be closed.

Third Party Operating Contracts

All subrecipients contracting services or entering into contracts with a third party must obtain RTA concurrence prior to execution of the contract. The steps for operating projects include:

1. Send a concurrence request checklist (Exhibit C) to RTA project manager.
2. Send the draft contract to RTA project manager via email before entering into the agreement.
3. RTA project manager will review the document and email a concurrence to proceed with execution of the agreement.
4. An executed agreement will be provided to the RTA Project Manager.

Subrecipients that use Pace as their service provider and enter into an Intergovernmental Agreement must include the following sections and articles in their pass-through agreement:

- 7.11 PACE agrees to comply with the following provisions of the TSAs as they exist currently and as may be amended from time to time:

- Article VI Accomplishment of the Project(s) – sections 6.1(b) and (d)
- Article VII Pass-Through Funding Provisions
- Article VIII Project Administration & Management – sections 8.1(a), (b) and (c)
- Article IX Requisition, Payment Procedures, & Record Keeping – sections 9.2, 9.4 and 9.5
- Article XII Procurement – section 12.1 (see also paragraph 7.12 of this Agreement below)
- Article XVI Independence of Recipient
- Article XIX Recipient's Responsibility for Compliance
- Article XX Labor Law Compliance
- Article XXI Civil Rights
- Article XXII Environmental Compliance
- Article XXIII Drug Free Workplace
- Article XXIV Restrictions on Lobbying
- Article XXX Ownership of Documents/Title to Work – sections 30.2 and 30.3
- Article XXXII Privacy
- Exhibit C

- 7.12 Additionally, absent pre-award approval from the RTA, Pace agrees to provide RTA with a copy of any solicitation issued for award of a contract that may be funded in whole or in part through this Agreement within three business days of issuance or concurrent with notice to the County. Similarly, Pace shall provide a copy of all executed contracts funded through this Agreement to the RTA within three business days of execution.

Third Party Consultant Contracts

Subrecipients that are awarded funding through the Section 5310 program and seek to procure consultant assistance with the project must complete the Pre-Solicitation Concurrence Checklist (Exhibit D) prior to releasing a Request for Proposals (RFP) and the Pre-Award Review Checklist (Exhibit E) prior to entering into a third-part contract with the selected consultant. RTA Concurrence on both checklists must be obtained before moving forward with the procurement and before executing an agreement with the selected consultant. The subrecipient and third-party consultant must also include several required federal clauses in the agreement (Exhibit F).

Single Audit Requirements

The Regional Transportation Authority (RTA) is required by federal law to obtain and review the single audit of all subrecipients that had any federally participating funds pass through it, irrespective of the amount provided by the RTA. It is the responsibility of the subrecipient expending federal funds to comply with the requirements of CFR, Title 2, Part 200 and determine whether they are required to have a single audit performed. In accordance with CFR, Title 2-Subtitle A, Chapter II, Part 200, Subpart F, *Audit Requirements*, (Exhibit G) subrecipients are required to:

1. Have a single audit performed if \$750,000 or more in federal awards from all sources, including other agencies, were expended in the fiscal year.
2. Subrecipients must submit the Certification Form (attached to the TSA as Exhibit D) to the RTA Auditor annually within one month of the close of the fiscal year.
3. For subrecipients that receive \$750,000 or more, a copy of the report of the single audit must be submitted no more than nine months after the end of the Subrecipient's fiscal year to RTA's Auditor.
4. For subrecipients that receive multiple awards from the RTA, only one annual submittal of this information is required.

The single audit must be comprised of four parts. The Subrecipient has the option of including the four parts in one report or a combination of reports. The four parts are commonly known as:

1. Comprehensive Annual Financial Report (Financial Statements).
2. Schedule of Expenditures of Federal Awards and Independent Auditor's Report thereon.
3. Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and other matters based on an Audit of Financial Statements performed in accordance with Government Auditing Standards.
4. Independent Auditor's Report on Compliance with Requirements Applicable to each Major Program and on Internal Control over Compliance in accordance with CFR, Title 2, Part 200.

If applicable, submit the following additional information with the single audit report:

1. Corrective Action Plan(s)
2. Management Letter
3. Status of Prior Year Findings

Quarterly Reporting

The Federal Transit Administration (FTA) requires the RTA to submit quarterly reports on each of the subgrantee projects. As part of this, the RTA has developed performance measures for each project. These measures will be used to monitor and assess the performance of the project throughout the contract period and will also be used to evaluate future project applications.

The RTA's project manager will provide a customized template (Exhibit H) for subrecipients to fill out and submit quarterly on a defined schedule. The reports will include both quantitative and qualitative information available on each of the following measures, as applicable to each subrecipient:

1. Service Quality: Describe any issues with the operating service including passenger complaints and actions taken to resolve the issue.
2. Staff Changes: Provide staff related changes to the management of the project.
3. Mobility Management: Describe tasks the Mobility Manager focused on this quarter and any accomplishments.
4. Gaps in Service Filled: Provision of transportation options that would not otherwise be available for seniors and individuals with disabilities measures in numbers of seniors and individuals with disabilities afforded mobility they would not have without program support.
5. Temporal scope of the service: please note the operating hours of the service (days and hours) and note any changes to the service days and hours each quarter. Please also note if any expansion has resulted in new riders.



6. Geographic scope of the service: note the core service area of the operating service, including municipalities and counties covered. Please note any changes to the service area each quarter.
7. Number of Partners or Sponsors: please note the number of partner agencies or sponsors participating in the operating project. Please note the addition or loss of partners each quarter.
8. Ridership: Provide actual or estimated number of rides (as measured by one-way trips) provided during the reporting quarter for seniors or individuals with disabilities on Section 5310 supported vehicles and services. If applicable, also provide the number of general public riders on the service.
9. Inter-County Transfers or Services: please note any rides that are outside the core service area of the operating service.

Title VI

The Federal Transit Administration (“FTA”) requires all grantees/recipients of FTA grant assistance to develop a Title VI program plan (“Title VI Plan”). Title VI of the Civil Rights Act of 1964 is a federal statute and prohibits recipients of federal financial assistance (e.g., states, local governments, transit providers) that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity. Additional FTA for Circular 4702.1B https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Title_VI_FINAL.pdf

FTA requires Title VI plans must be updated every three years.

- New subrecipients are required to submit a Title VI Plan along with their application during the Call for Projects process.
- Existing subrecipients must update their plan every three years. The three-year mark starts after the final plan and board approved ordinance is submitted to the RTA.

The RTA prepared a questionnaire (Exhibit I) to guide your agency in gathering information and answering questions in order to prepare the Title VI Plan. The RTA Project Manager can provide an electronic version of the questionnaire. Required elements of the Title VI plan include the following:

1. Title VI notice to the public that indicates the recipient complies with Title VI and informs members of the public of the protections against discrimination afforded to them by Title VI. Include a list of locations where the notice is posted.
2. Provide instructions to the public on how to file a Title VI discrimination complaint, including a copy of the complaint form.
3. Add list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient since the time of the last submission. This list should include only those investigations, complaints, or lawsuits that pertain to allegations of discrimination on the basis of race, color, and/or national origin in transit-related activities and programs and that pertain to the recipient submitting the report, not necessarily the larger agency or department of which the recipient is a part.
4. Public participation element should include an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission. A recipient’s targeted public participation plan for minority populations may be part of efforts that extend more broadly to FTA C 4702.1B Chap. III-3 include other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.
5. Include a plan for providing language assistance to persons with limited English proficiency (persons having a limited ability to read, write, speak, or understand English).
6. Subrecipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils.

Once the draft plan is prepared, subrecipients must follow these procedures:

1. Submit the draft Title VI plan to the RTA for review and approval by the RTA General Counsel.
2. Once approval from the RTA General Counsel is provided, the subrecipient must receive approval / endorsement of the plan from their governing board.
3. Subrecipient must submit to the RTA Project Manager the final approved plan along with a copy of the board resolution, meeting minutes, or similar documentation with the Title VI Program as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Program.

Equal Employment Opportunity (EEO)

The Federal Transit Laws, 49 U.S.C. 5332(b), provide that "no person in the United States shall on the grounds of race, color, religion, national origin, sex, or age be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any project, program or activity funded in whole or in part through financial assistance under this Act." This applies to employment and business opportunities and is in addition to the provisions of Title VI of the Civil Rights Act of 1964.

The FTA requires recipients and subrecipients receiving FTA funding (including Section 5310 funding administered by the RTA) to comply with applicable Federal civil rights laws and regulations and to follow applicable Federal guidance. Recipients and subrecipients are required to develop, implement, and monitor an effective Equal Employment Opportunity (EEO) Program to ensure they do not discriminate against any employees or applicants for employment because of race, color, religion, sex, disability, age or national origin.

<https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/regulations-and-guidance/civil-rights-ada/56501/eoo-circular-c-47041a.pdf>

Subrecipients who meet BOTH of the following threshold requirements must implement all of the EEO Program elements and must submit the full EEO program to the RTA every four years:

- Employs 100 or more transit-related employees¹, and

¹**Transit-related employee** is "an employee of an FTA applicant, recipient, subrecipient, or contractor who is involved in any aspect of an agency's public transit operation funded by FTA." (Circular Section 1.6). Agencies are required to count all part-time employees and employees with collateral duties who support the transit program, including those who contribute time to other programs (Circular Section 1.4). Therefore, a transit-related employee is anyone "who is involved in any aspect of an agency's public transit operation" and not just those who plan routes and drive buses. The following are some examples of transit-related employees:

- A city planner involved in planning bus routes would be counted as part of the recipient's transit-related workforce, but a city planner involved only in land use would not be counted.
- A budget analyst who processes payments for the transit program.
- An employee focusing on grants management who handles grant applications for several city programs, including transit programs.
- An HR officer managing staffing at a transit agency transit staff as part of a city/county program.

- Requests or receives federal capital or operating funding in excess of \$1 million in the previous Federal fiscal year, or requests or receives federal planning funding in excess of \$250,000 in the previous Federal fiscal year.

The EEO Program must contain the following seven elements (refer to the Circular 4704.1a, Chapter 2 for further guidance):

1. Statement of Policy
2. Plan for dissemination both internally and externally
3. Designation of appropriate personnel responsible for carrying out the EEO Program, including the designation of an EEO Officer
4. Utilization analysis
5. Goals and timetables to correct identified areas of underutilization or concentration
6. Assessment of an agency's employment practices
7. Plan for monitoring and reporting on the EEO Program

Subrecipients who meet BOTH of the following threshold requirements must prepare and maintain an abbreviated EEO Program, however, the EEO plan does not need to be submitted to the RTA:

- Employs between 50-99 transit-related employees, and
- Requests or receives federal capital or operating assistance in excess of \$1 million in the previous Federal fiscal year, or requests or receives federal planning assistance in excess of \$250,000 in the previous Federal fiscal year. An abbreviated EEO Program includes the Statement of Policy, dissemination plan, designation of personnel, assessment of employment practices, and a monitoring and reporting system.

-
- An employee providing civil rights oversight at a transit agency or State DOT.
 - A security guard or facilities staffer at a transit-specific building or subway station would be a transit-related employee, while a security guard or facilities staffer at a State DOT building would not.

Compliance Monitoring

The RTA will conduct compliance reviews of all subrecipients to determine whether subrecipients are administering FTA funds in accordance with 49 U.S.C. Chapter 53, Federal transit law provisions. The reviews will assess the subrecipient's management practices and program implementation to ensure projects are administered in accordance with FTA requirements and are meeting program goals and objectives.

These reviews will consist of the following activities:

- RTA Staff initial review of submitted documents
- Onsite visit and review
- Compliance review report
- Corrective action monitoring, if applicable

New Subrecipient: Pre-Implementation Project Review (Exhibit J)

1. The RTA project manager will conduct a review of the following areas prior to execution of the Technical Services Agreement: Legal, Financial & Technical, Purchasing, Civil Rights, Program Measures, and Labor Protection.
2. Documents submitted will be reviewed for compliance and the subrecipient will be notified if additional documentation or clarification is required.
3. Upon completion of the initial review, RTA will schedule an in-person site visit to resolve any outstanding issues.
4. Once all requirements are met, the RTA project manager will finalize the report and email to the subrecipient.
5. After one year, RTA will conduct a Post-Implementation Project Review (see below).

Existing Subrecipients: Post-Implementation Project Review (Exhibit K)

1. The RTA project manager will schedule a compliance review with the subrecipient utilizing the Post-Implementation Checklist at least once every 3 years.
2. All subrecipients will be assessed in the areas of financial management, financial capacity, technical capacity, satisfactory continuing control, Title VI, procurement, drug free workplace, planning/ program of projects and DBE for compliance with FTA requirements. In some cases, one or more areas may not be applicable to the subrecipient, therefore, do not require consideration.
3. The RTA project manager will provide the subrecipient instructions and the master checklist in advance of the compliance review. Responses to the request will support an assessment of your agency's compliance with federal requirements.
4. The subrecipient submits the requested documents and completed checklist with responses to RTA within one month.
5. The RTA project manager will review the relevant compliance:
 - Verify compliance with relevant regulations regarding receipt of Federal funds
 - Review financial records
 - Review project records
 - Review written policies
 - Review preventative maintenance records
 - Inspect vehicles, equipment & facilities (ride behind vehicle)
6. An in-person site visit will be conducted to finalize any outstanding items and conduct a vehicle "ride behind".
7. If applicable, the subrecipient will coordinate with Pace for RTA to participate in a ride behind. This will consist of observing a trip pickup and drop off and vehicle check. This should occur on the same date as the in-person site visit. Subrecipients providing transportation services will coordinate directly with the RTA project manager.
8. RTA will determine the subrecipient's compliance status. If the subrecipient is in compliance, the RTA will finalize the master checklist and email to the subrecipient.
9. This entire review process will be completed within 3 months of the start of the review.

Exhibits

Request for Technical Services Agreement or Amendment

REQUESTOR	TITLE	DATE

SECTION 5310 PROJECT TITLE

SUPERVISOR (Signature)	TITLE	DATE

NAME OF AUTHORIZED SIGNER ON THE AGREEMENT	TITLE	DATE

FUNDING SOURCE
Section 5310 <input type="checkbox"/>
Year of the Award <input type="checkbox"/> MM/DD/YYYY

REQUEST TYPE
New TSA <input type="checkbox"/>
Term of Agreement: <input type="checkbox"/> Start (mm/dd/yyyy) End (mm/dd/yyyy)
Amount of Request <input type="checkbox"/> Federal \$ _____ Local \$ _____
TSA Amendment <input type="checkbox"/> <i>Fill in the section below</i>
TSA Extension <input type="checkbox"/> <i>Fill in the section below</i>

New TSA:
Add Detailed Project Scope below to be included in the TSA:

TSA Amendment/ Extension - Details of the request includes the following documents as available and applicable (provide explanation if no document is available)				
Checklist Item	Yes	No	N/A	Comments
Scope Change Justification attached	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Terms of the Extension	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Terms: _____

**RTA INVOICE COVER SHEET****RTA PROJECT MANAGER**

Fluturi Demirovski

VENDOR ID**NAME****INVOICE NUMBER****INVOICE DATE****SERVICE CONTRACT NUMBER****SERVICE DATES**

MM/DD/YYYY – MM/DD/YY

PROJECT NUMBER & DESCRIPTION**FUNDING SOURCE NUMBER & DESCRIPTION****RTA Federal Award: \$500,000****Federal Share** (Enter in INFOR
RTA Payment Amount)

\$

Local Share

\$

Remaining Grant Balance

\$

Signature (1st reviewer)_____
Date_____
Signature(2nd Reviewer)_____
Date

RTA CONCURRENCE REQUEST CHECKLIST

Date: _____

Subrecipient Name: _____

Project Title: _____

RTA Grant No.: _____

Federal Grant No.: _____

Submitted by: _____

Name and Title

Concurrence is requested for the following - check below:

☐ **PASS-THROUGH AGREEMENT BETWEEN § 5310 SUBRECIPIENT AND PACE**

- Copy of the proposed pass-through agreement

Required Articles in the agreement:

7.11 PACE agrees to comply with the following provisions of the TSAs as they exist currently and as may be amended from time to time:

- Article VI Accomplishment of the Project(s) – sections 6.1(b) and (d)
- Article VII Pass-Through Funding Provisions
- Article VIII Project Administration & Management – sections 8.1(a), (b) and (c)
- Article IX Requisition, Payment Procedures, & Record Keeping – sections 9.2, 9.4 and 9.5
- Article XII Procurement – section 12.1 (see also paragraph 7.12 of this Agreement below)
- Article XVI Independence of Recipient
- Article XIX Recipient's Responsibility for Compliance
- Article XX Labor Law Compliance
- Article XXI Civil Rights
- Article XXII Environmental Compliance
- Article XXIII Drug Free Workplace
- Article XXIV Restrictions on Lobbying
- Article XXX Ownership of Documents/Title to Work – sections 30.2 and 30.3
- Article XXXII Privacy
- Exhibit C

7.12 Additionally, absent preaward approval from the RTA, Pace agrees to provide RTA with a copy of any solicitation issued for award of a contract that may be funded in whole or in part through this Agreement within three business days of issuance or concurrent with notice to the County. Similarly, Pace shall provide a copy of all executed contracts funded through this Agreement to the RTA within three business days of execution.

☐ **PRE-SOLICITATION/PRE-BID or PRE-AWARD**
The Proposed Basis of Award for this Procurement Will Be:

- ☐ Independent Cost Estimate (ICE) and documentation
- ☐ Lowest responsible, responsive bid (goods and equipment/not recommended for professional services)
- ☐ Evaluation process using both price and qualifications (professional services (non-A&E), goods, or equipment)
- ☐ Qualifications and technical criteria/no price considerations (architectural/engineering (A&E) and related services)
- ☐ Sole Source (requires supplemental justification—see Attachment 1)
- ☐ Other (explain):

Documents to be Submitted with Request for Pre-Solicitation/Pre-Bid Concurrence (where applicable):

Check Box of All Attached Documents	Document
<input type="checkbox"/>	A cover letter identifying the proposed procurement and any special circumstances about this solicitation or procurement
<input type="checkbox"/>	The proposed advertisement for bid and/or other solicitation efforts (formal or informal)
<input type="checkbox"/>	List of prospective vendors to be contacted/notified through direct communication about this procurement opportunity
<input type="checkbox"/>	A copy of the draft Invitation for Bid, Request for Proposal, or other solicitation documents
<input type="checkbox"/>	A copy of the proposed evaluation criteria and any weighting to be applied (if not included in the solicitation docs)
<input type="checkbox"/>	List of evaluators who will participate on the selection committee or in the selection process
<input type="checkbox"/>	Other pertinent documents associated with the procurement that the grantee feels will facilitate the pre-solicitation/pre-bid process review and concurrence by RTA (e.g., drawings, specifications)
<input type="checkbox"/>	Independent cost estimate (ICE) (use RTA provided worksheets, if appropriate)
<input type="checkbox"/>	Protest procedures
<input type="checkbox"/>	Level of DBE participation ____% \$_____

☐ **PRE-AWARD**
The Proposed Basis of Award for this Procurement Will Be:

- ☐ Top ranked offeror (proposals)
- ☐ Other than top ranked offeror (grantee must explain factors for award basis)
- ☐ Single offer (grantee must determine why only a single offer was received and submit single offer documentation to the RTA)
- ☐ Sole source (requires: (a) prior RTA approval; and (b) cost and price analysis)
- ☐ Other (explain): _____

Documents to be Submitted with Request for Goods and Commodities

Check Box of All Attached Documents	Document
<input type="checkbox"/>	A cover letter identifying the proposed award, grant number, amount of the proposed award, and a description of any special circumstances about this procurement
<input type="checkbox"/>	A copy of the final RFP used to solicit proposals
<input type="checkbox"/>	RFP advertisement and publisher's affidavit (if applicable)
<input type="checkbox"/>	A summary tabulation that lists all offerors and all evaluator scores
<input type="checkbox"/>	A narrative describing the evaluation, ranking, and selection process
<input type="checkbox"/>	A completed cost summary form, documenting salaries, direct costs, overhead, profit, subcontracts (if applicable)
<input type="checkbox"/>	A copy of the proposed contract (all Federal clauses must be included—see Attachment 2)

☐ **Use of Force Account for Capital Projects**

Estimate of Force Account Work: _____

Work to be accomplished: _____

If Force Account estimated at \$1,000,000 or greater, attach Force Account Justification and Work Plan.

For RTA Use Only

Recommendation:

☐ Recommended for Concurrence

☐ Not Recommended for Concurrence

If not recommended, explain:

Prepared by: _____
Name

Date: _____

RTA Recommendation Approved by: _____
Name

Date: _____

RTA CONCURRENCE REQUEST CHECKLIST – ATTACHMENT 1

Waiver from Full and Open Competition Procurement Request

Grant Recipient:

Proposed Vendor: Enter Contractor Name

Cost Estimate (Attach Independent cost estimate): Enter anticipated contract cost

Scope of Work: Summary description of goods or services to be provided

Basis for Waiver in Accordance with FTA C 4220.1F (check all that apply):

Sole Source - When the recipient requires supplies or services available from only one responsible source, and no other supplies or services will satisfy its requirements, the recipient may make a sole source award. When the recipient requires an existing contractor to make a change to its contract that is beyond the scope of that contract, the recipient has made a sole source award may be justified if one of the conditions described below is present: (check all that apply)

☐ **Unique or Innovative Concept**. The offeror demonstrates a unique or innovative concept or capability not available from another source. Unique or innovative concept means a new, novel, or changed concept, approach, or method that is the product of original thinking, the details of which are kept confidential or are patented or copyrighted, and is available to the recipient only from one source and has not in the past been available to the recipient from another source.

☐ **Patents or Restricted Data Rights**. Patent or data rights restrictions preclude competition.

☐ **Substantial Duplication Costs**. In the case of a follow-on contract for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in substantial duplication of costs that are not expected to be recovered through competition.

☐ **Unacceptable Delay**. In the case of a follow-on contract for the continued development or production of a highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in unacceptable delays in fulfilling the recipient's needs.

Other than Sole Source- There are additional circumstances when other than Full and Open Competition may be acceptable provided they are covered by one of the following two categories.

☐ **Unusual and Compelling Urgency**. The Common Grant Rule for governmental recipients permits the recipient to limit the number of sources from which it solicits bids or proposals when a recipient has such an unusual and urgent need for the property or services that the recipient would be seriously injured unless it were permitted to limit the solicitation. The recipient may also limit the solicitation when the public exigency or emergency will not permit a delay resulting from competitive solicitation for the property or services.

☐ Authorized by FTA. These circumstances are detailed in FTA C 4220.1F VI-Subparagraph 3.i(2) (pages VI 16-18).

Required Attachments as Applicable:

Sole Source Justification

For sole source justification the attached memo should explain how it was determined that "there is only one source" for obtaining, the product and how the item(s) checked apply to proposed sole source procurement. It particularly should address what potential sources for the product were explored in making the sole source determination.

Justifications for Other Circumstances

The justification for Unusual and Compelling Urgency requires the circumstances be documented supporting the public exigency or emergency. When the procurement is authorized by FTA, a copy of the written authorization may be attached.

Independent Cost Estimate

The independent cost estimate should be an independent assessment of what you should expect to pay. The estimate may be based on historical payment for similar products, industry standard or market survey.

Cost Analysis

For all sole source procurements a cost analysis is required. The cost analysis should verify the accuracy of the cost and pricing information submitted by the proposed contractor, and the reasonableness of the proposed costs by type including profit. Significant variances from the independent cost estimate should also be addressed.

Proposed Contract with Vendor

Signed: _____

Date: _____

Name/Title (print) _____

RTA CONCURRENCE REQUEST CHECKLIST – ATTACHMENT 2

Subrecipients are to Fill-In Appropriate Box for Any Attached Federal Clauses

Yes	No	N/A	FEDERAL CLAUSE	PAGE#	DOCUMENT SECTION
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Requirement to comply with all applicable provisions of federal, state and local law		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Notice that state requirements may change and the changed requirements will apply to Project		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Contractor requirement to sign certification regarding bribery		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Fly America Requirements		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Buy America Requirements		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Seismic Safety Requirements		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Energy Conservation Requirements		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Clean Water Requirements		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bus Testing Requirements		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pre-Award and Post Delivery Audit Requirements (acquisition of Rolling Stock/Turnkey only)		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lobbying Requirements		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Access to Records and Reports Requirements		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Federal Changes Requirements		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bonding Requirements		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Clean Air Requirements		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Recycled Products Requirements		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Davis-Bacon and Copeland Anti-Kickback Acts Requirements		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Contract Work Hours and Safety Standards Act Requirements		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Government Obligation to Third Parties Requirements		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Program Fraud and False or Fraudulent Statements and Related Acts Requirements		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Termination Requirements		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Government-wide Debarment and Suspension Requirements		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Civil Rights Requirements		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Breaches and Dispute Resolution Requirements		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Disadvantaged Business Enterprises (DBE) Requirements		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Incorporation of Federal Transit Administration (FTA) Terms Requirements		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Contractor agrees to permit general audits and inspections		

PRE-SOLICITATION CONCURRENCE CHECKLIST (Required of Section 5310 Subrecipients)

Subrecipient: **Federal Grant No. (if applicable)***(List each grant on a separate line)**Ex.: IL-18-00XX***RTA Grant No. (if applicable)***(List each grant on a separate line)**Ex.: CAP-XX-XXXX*Scope of Work - Description: Is the scope of work consistent with the grant agreement? ☐ Yes ☐ NoIndependent Cost Estimate (ICE): Project Line Item Budget Code: *(if applicable)*Total Line Item Budget: Available Funds for this Procurement: Total Grant Contract Budget **The Proposed Basis of Award for this Procurement Will Be:**

- ☐ Lowest responsible, responsive bid (goods and equipment/not recommended for professional services)
- ☐ Evaluation process using both price and qualifications (professional services (non-A&E), goods, or equipment)
- ☐ Qualifications and technical criteria/no price considerations (architectural/engineering (A&E) and related services)
- ☐ Sole Source (requires supplemental justification-See Attachment 2)
- ☐ Other (explain):

Documents to be Submitted with Request for Pre-Solicitation Concurrence (where applicable)

The subrecipient must submit the following documents to the RTA (if applicable) for review and concurrence by RTA.. Select all that apply.

Submitted	N/A	Document
<input type="checkbox"/>	<input type="checkbox"/>	A cover letter identifying the proposed procurement and any special circumstances about this solicitation or procurement
<input type="checkbox"/>	<input type="checkbox"/>	The proposed advertisement for bid and/or other solicitation efforts (formal or informal)
<input type="checkbox"/>	<input type="checkbox"/>	List of prospective vendors to be contacted/notified through direct communication about this procurement opportunity
<input type="checkbox"/>	<input type="checkbox"/>	A copy of the draft Invitation for Bid, Request for Proposal, or other solicitation documents
<input type="checkbox"/>	<input type="checkbox"/>	A copy of the proposed evaluation criteria and any weighting to be applied (if not included in the solicitation docs)
<input type="checkbox"/>	<input type="checkbox"/>	List of evaluators who will participate on the selection committee or in the selection process
<input type="checkbox"/>	<input type="checkbox"/>	Other pertinent documents associated with the procurement that the subrecipient feels will facilitate the pre-solicitation/pre-bid process review and concurrence by RTA --List additional documents: _____
<input type="checkbox"/>	<input type="checkbox"/>	Independent cost estimate (ICE)
<input type="checkbox"/>	<input type="checkbox"/>	Protest procedures
<input type="checkbox"/>	<input type="checkbox"/>	Level of DBE participation ____ % \$ _____
<input type="checkbox"/>	<input type="checkbox"/>	Proposed Third Party Contract and Solicitation Package includes required clauses-See Attachment

Reviewed by _____

Date _____

Verified by _____

Date _____

PRE-AWARD REVIEW – PROFESSIONAL SERVICES CHECKLIST

All Subrecipients

Subrecipient:

Federal Grant No. (if applicable)

(List each grant on a separate line)

Ex.: IL-18-00XX

RTA Grant No. (if applicable)

(List each grant on a separate line)

Ex.: CAP-XX-XXXX

Detailed Scope of Work:

Independent Cost Estimate (ICE):

Total Line Item Budget (Capital Grants):

Date Proposals/Quote/Qualifications Opened:

Proposal/Quote Expiration Date (if applicable):

Proposed Award Amount:

Name of Firm Proposed for Award:

The Proposed Basis of Award for this Procurement Is:

- ☐ Top ranked offeror (proposals) OR most qualified offer for architectural/engineering and related services with price negotiations complete
- ☐ Other than top ranked offeror (grantee must explain factors for award basis)
- ☐ Single offer (grantee must determine why only a single offer was received and submit single offer documentation to RTA)
- ☐ Other (explain)

Documents to be Submitted with Request for Professional Services Pre-Award Concurrence

Submitted	N/A	Document
<input type="checkbox"/>		A cover letter identifying the proposed award and any special circumstances about this procurement
<input type="checkbox"/>	<input type="checkbox"/>	RFP advertisement, publisher's affidavit (if applicable) and/or letters to qualified firms inviting bids/proposal
<input type="checkbox"/>	<input type="checkbox"/>	A summary tabulation that lists all offerors and all evaluator scores with names/affiliation/job title of evaluators
<input type="checkbox"/>	<input type="checkbox"/>	A copy of the top-ranked proposal
<input type="checkbox"/>	<input type="checkbox"/>	Completed cost summary form, documenting salaries, direct costs, overhead, profit, subcontracts (if applicable)
<input type="checkbox"/>	<input type="checkbox"/>	A copy of the proposed contract, supporting documents, and/or local purchase order (if applicable), including required federal clauses

Reviewed by

Date

Verified by

Date

The following required provisions and clauses must be included in all Third Party Contracts that utilize **Federal funds**.

Section 3. Implementation

§ 3(g) *Application of Federal, State, and Local Laws, Regulations, Requirements, and Guidance.*

The Recipient agrees to comply with all applicable federal requirements and follow applicable federal guidance. All standards or limits are minimum requirements when those standards or limits are included in the Recipient's Underlying Agreement or this Master Agreement. At the time the FTA official awards federal assistance to the Recipient in support of the Underlying Agreement, the federal requirements and guidance that apply then may be modified from time to time, and will apply to the Recipient or the accompanying Underlying Agreement, except as FTA determines otherwise in writing.

§3(L) *No Federal Government Commitment or Liability to Third Parties.* Except as the Federal Government expressly consents in writing, the Recipient agrees that:

- (1) The Federal Government does not and shall not have any commitment or liability related to the Underlying Agreement, to any Third Party Participant at any tier, or to any other person or entity that is not a party (FTA or the Recipient) to the Underlying Agreement; and
- (2) Notwithstanding that the Federal Government may have concurred in or approved any Solicitation or Third Party Agreement at any tier that may affect the Underlying Agreement, the Federal Government does not and shall not have any commitment or liability to any Third Party Participant or other entity or person that is not a party (FTA or the Recipient) to the Underlying Agreement.

Section 4. Ethics, Political Activity, Disqualification, and Certain Criminal Activities

(c) *Lobbying Restrictions.* The Recipient agrees that neither it nor any Third Party Participant will use federal assistance to influence any officer or employee of a federal agency, member of Congress or an employee of a member of Congress, or officer or employee of Congress on matters that involve the Underlying Agreement, including any extension or modification, according to the following:

- (1) *Laws, Regulations, Requirements, and Guidance.* This includes:
 - i. The Byrd Anti-Lobbying Amendment, 31 U.S.C. § 1352, as amended;
 - ii. U.S. DOT regulations, "New Restrictions on Lobbying," 49 CFR Part 20, to the extent consistent with 31 U.S.C. § 1352, as amended; and
 1. Other applicable federal laws, regulations, requirements, and guidance prohibiting the use of federal assistance for any activity concerning legislation or appropriations designed to influence the U.S. Congress or a state legislature; and
- (2) *Exception.* If permitted by applicable federal law, regulations, requirements, or guidance, such lobbying activities described above may be undertaken through the Recipient's or Subrecipient's proper official channels.

(e) *False or Fraudulent Statements or Claims.*

1. *Civil Fraud.* The Recipient acknowledges and agrees that:

- i. Federal laws, regulations, and requirements apply to itself and its Underlying Agreement, including the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. § 3801, et seq., and U.S. DOT regulations, “Program Fraud Civil Remedies,” 49 CFR Part 31.
 - ii. By executing the Underlying Agreement, the Recipient certifies and affirms to the Federal Government the truthfulness and accuracy of any claim, statement, submission, certification, assurance, affirmation, or representation that the Recipient provides to the Federal Government.
 - iii. The Federal Government may impose the penalties of the Program Fraud Civil Remedies Act of 1986, as amended, and other applicable penalties if the Recipient presents, submits, or makes available any false, fictitious, or fraudulent information.
- (2) *Criminal Fraud.* The Recipient acknowledges that 49 U.S.C. § 5323(l)(1) authorizes the Federal Government to impose the penalties under 18 U.S.C. § 1001 if the Recipient provides a false, fictitious, or fraudulent claim, statement, submission, certification, assurance, or representation in connection with a federal public transportation program under 49 U.S.C. chapter 53 or any other applicable federal law.

(h) *Debarment and Suspension.* The Recipient agrees to the following:

- (1) It will comply with the following requirements of 2 CFR Part 180, subpart C, as adopted and supplemented by U.S. DOT regulations at 2 CFR Part 1200.
- (2) It will not enter into any “covered transaction” (as that phrase is defined at 2 CFR §§ 180.220 and 1200.220) with any Third Party Participant that is, or whose principal is, suspended, debarred, or otherwise excluded from participating in covered transactions, except as authorized by—
 - i. U.S. DOT regulations, “Nonprocurement Suspension and Debarment,” 2 CFR Part 1200;
 - ii. U.S. OMB regulatory guidance, “Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” 2 CFR Part 180; and
 - iii. Other applicable federal laws, regulations, or requirements regarding participation with debarred or suspended Recipients or Third Party Participants.
- (3) It will review the U.S. GSA “System for Award Management – Lists of Parties Excluded from Federal Procurement and Nonprocurement Programs,” if required by U.S. DOT regulations, 2 CFR Part 1200.
- (4) It will ensure that its Third Party Agreements contain provisions necessary to flow down these suspension and debarment provisions to all lower tier covered transactions.

- (5) If the Recipient suspends, debar, or takes any similar action against a Third Party Participant or individual, the Recipient will provide immediate written notice to the:
 - i. FTA Regional Counsel for the Region in which the Recipient is located or implements the Underlying Agreement;
 - ii. FTA Headquarters Manager that administers the Grant or Cooperative Agreement; or
 - iii. FTA Chief Counsel.

Section 11. Right of the Federal Government to Terminate.

- (a) *Justification.* After providing written notice to the Recipient, the Recipient agrees that the Federal Government may suspend, suspend then terminate, or terminate all or any part of the federal assistance for the Award if:
 - (1) The Recipient has failed to make reasonable progress implementing the Award;
 - (2) The Federal Government determines that continuing to provide federal assistance to support the Award does not adequately serve the purposes of the law authorizing the Award; or
 - (3) The Recipient has violated the terms of the Underlying Agreement, especially if that violation would endanger substantial performance of the Underlying Agreement.
- (b) *Financial Implications.* In general, termination of federal assistance for the Award will not invalidate obligations properly incurred before the termination date to the extent that those obligations cannot be canceled. The Federal Government may recover the federal assistance it has provided for the Award, including the federal assistance for obligations properly incurred before the termination date, if it determines that the Recipient has misused its federal assistance by failing to make adequate progress, failing to make appropriate use of the Project property, or failing to comply with the Underlying Agreement, and require the Recipient to refund the entire amount or a lesser amount, as the Federal Government may determine including obligations properly incurred before the termination date.
- (c) *Expiration of the Period of Performance.* Except for a Full Funding Grant Agreement, expiration of any period of performance established for the Award does not, by itself, constitute an expiration or termination of the Award; FTA may extend the period of performance to assure that each Formula Project or related activities and each Project or related activities funded with “no year” funds can receive FTA assistance to the extent FTA deems appropriate.
- (d) *Uniform Administrative Requirements.* These termination rights are in addition to and in no way limit the Federal Government’s rights to terminate described in 2 CFR § 200.340.

Section 12. Civil Rights.

- (a) *Civil Rights Requirements*. The Recipient agrees that it must comply with applicable federal civil rights laws, regulations, and requirements, and follow applicable federal guidance, except as the Federal Government determines otherwise in writing.

Therefore, unless a Recipient or a federal program, including the Indian Tribe Recipient or the Tribal Transit Program, is specifically exempted from a civil rights statute, FTA requires compliance with each civil rights statute, including compliance with equity in service requirements.

- (b) *Nondiscrimination in Federal Public Transportation Programs*. The Recipient agrees to, and assures that it and each Third Party Participant will:

1. Prohibit discrimination based on race, color, religion, national origin, sex (including sexual orientation and gender identity), disability, or age.
2. Prohibit the:
 - i. Exclusion from participation in employment or a business opportunity for reasons identified in 49 U.S.C. § 5332;
 - ii. Denial of program benefits in employment or a business opportunity identified in 49 U.S.C. § 5332; or
 - iii. Discrimination identified in 49 U.S.C. § 5332, including discrimination in employment or a business opportunity identified in 49 U.S.C. § 5332.
3. Follow:
 - i. The most recent edition of FTA Circular 4702.1, “Title VI Requirements and Guidelines for Federal Transit Administration Recipients,” to the extent consistent with applicable federal laws, regulations, requirements, and guidance; but
 - ii. FTA does not require an Indian Tribe to comply with FTA program-specific guidelines for Title VI when administering its Underlying Agreement supported with federal assistance under the Tribal Transit Program.

- (c) *Nondiscrimination – Title VI of the Civil Rights Act*. The Recipient agrees to, and assures that each Third Party Participant will:

- (1) Prohibit discrimination based on race, color, or national origin,
- (2) Comply with:
 - (i) Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d, et seq.;
 - (ii) U.S. DOT regulations, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964,” 49 CFR Part 21; and
 - (iii) Federal transit law, specifically 49 U.S.C. § 5332; and

(3) Follow:

- (i) The most recent edition of FTA Circular 4702.1, “Title VI Requirements and Guidelines for Federal Transit Administration Recipients,” to the extent consistent with applicable federal laws, regulations, requirements, and guidance;
- (ii) U.S. DOJ, “Guidelines for the enforcement of Title VI, Civil Rights Act of 1964,” 28 C.F.R. § 50.3; and
- (iii) All other applicable federal guidance that may be issued.

(d) *Equal Employment Opportunity.*

- (1) *Federal Requirements and Guidance.* The Recipient agrees to, and assures that each Third Party Participant will, prohibit discrimination based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and:
 - (i) Comply with Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq.;
 - (ii) Comply with Title I of the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, et seq.;
 - (iii) Facilitate compliance with Executive Order No. 11246, “Equal Employment Opportunity” September 24, 1965 (42 U.S.C. § 2000e note), as amended by any later Executive Order that amends or supersedes it in part and is applicable to federal assistance programs;
 - (iv) Comply with federal transit law, specifically 49 U.S.C. § 5332, as provided in section 12 of this Master Agreement;
 - (v) FTA Circular 4704.1 “Equal Employment Opportunity (EEO) Requirements and Guidelines for Federal Transit Administration Recipients;” and
 - (vi) Follow other federal guidance pertaining to EEO laws, regulations, and requirements.
- (2) *Specifics.* The Recipient agrees to, and assures that each Third Party Participant will:
 - (i) *Affirmative Action.* If required to do so by U.S. DOT regulations (49 CFR Part 21) or U.S. Department of Labor regulations (41 C.F.R. chapter 60), take affirmative action that includes, but is not limited to:
 - (A) Recruitment advertising, recruitment, and employment;
 - (B) Rates of pay and other forms of compensation;
 - (C) Selection for training, including apprenticeship, and upgrading; and
 - (D) Transfers, demotions, layoffs, and terminations; but

- (ii) *Indian Tribe*. Recognize that Title VII of the Civil Rights Act of 1964, as amended, exempts Indian Tribes under the definition of “Employer;” and
- (e) *Disadvantaged Business Enterprise*. To the extent authorized by applicable federal laws, regulations, or requirements, the Recipient agrees to facilitate, and assures that each Third Party Participant will facilitate, participation by small business concerns owned and controlled by socially and economically disadvantaged individuals, also referred to as “Disadvantaged Business Enterprises” (DBEs), in the Underlying Agreement as follows:
 - (1) *Statutory and Regulatory Requirements*. The Recipient agrees to comply with:
 - (i) Section 11101(e) of IIJA;
 - (ii) U.S. DOT regulations, “Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs,” 49 CFR Part 26; and
 - (iii) Federal transit law, specifically 49 U.S.C. § 5332, as provided in section 12 of this Master Agreement.
 - (2) *DBE Program Requirements*. A Recipient that receives planning, capital and/or operating assistance and that will award prime third party contracts exceeding \$250,000 in a federal fiscal year must have a DBE program that is approved by FTA and meets the requirements of 49 CFR Part 26.
 - (3) *Special Requirements for a Transit Vehicle Manufacturer (TVM)*. The Recipient agrees that:
 - (i) *TVM Certification*. Each TVM, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, must certify that it has complied with the requirements of 49 CFR Part 26; and
 - (ii) *Reporting TVM Awards*. Within 30 days of any third party contract award for a transit vehicle purchase, the Recipient must submit to FTA the name of the TVM contractor and the total dollar value of the third party contract using the Transit Vehicle Award Reporting Form on FTA’s website. The Recipient must also submit additional notifications if options are exercised in subsequent years to ensure that the TVM is still in good standing.
 - (4) *Assurance*. As required by 49 C.F.R. § 26.13(a):
 - (i) *Recipient Assurance*. The Recipient agrees and assures that:
 - (A) It must not discriminate based on race, color, national origin, or sex in the award and performance of any FTA or U.S. DOT-assisted contract, or in the administration of its DBE program or the requirements of 49 CFR Part 26;

- (B) It must take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of U.S. DOT-assisted contracts;
 - (C) Its DBE program, as required under 49 CFR Part 26 and as approved by U.S. DOT, is incorporated by reference and made part of the Underlying Agreement; and
 - (D) Implementation of its DBE program approved by U.S. DOT is a legal obligation and failure to carry out its terms shall be treated as a violation of this Master Agreement.
- (ii) *Subrecipient/Third Party Contractor/Third Party Subcontractor Assurance.* The Recipient agrees and assures that it will include the following assurance in each subagreement and third party contract it signs with a Subrecipient or Third Party Contractor and agrees to obtain the agreement of each of its Subrecipients, Third Party Contractors, and Third Party Subcontractors to include the following assurance in every subagreement and third party contract it signs:
 - (A) The Subrecipient, each Third Party Contractor, and each Third Party Subcontractor must not discriminate based on race, color, national origin, or sex in the award and performance of any FTA or U.S. DOT-assisted subagreement, third party contract, and third party subcontract, as applicable, and the administration of its DBE program or the requirements of 49 CFR Part 26;
 - (B) The Subrecipient, each Third Party Contractor, and each Third Party Subcontractor must take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of U.S. DOT-assisted subagreements, third party contracts, and third party subcontracts, as applicable;
 - (C) Failure by the Subrecipient and any of its Third Party Contractors or Third Party Subcontractors to carry out the requirements of this subparagraph 12.e(4)(ii) is a material breach of this subagreement, third party contract, or third party subcontract, as applicable; and
 - (D) The following remedies, or such other remedy as the Recipient deems appropriate, include, but are not limited to, withholding monthly progress payments, assessing sanctions, liquidated damages, and/or disqualifying the Subrecipient, Third Party Contractor, or Third Party Subcontractor from future bidding as non-responsible.
- (5) *Remedies.* Upon notification to the Recipient of its failure to carry out its approved program, FTA or U.S. DOT may impose sanctions as provided for under 49 CFR Part 26, and, in appropriate cases, refer the matter for enforcement under either or both 18 U.S.C. § 1001, and/or the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801, et seq.

- (f) *Nondiscrimination on the Basis of Sex.* The Recipient agrees to comply with federal prohibitions against discrimination based on sex, including:
- (1) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681, et seq.;
 - (2) U.S. DOT regulations, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 49 CFR Part 25; and
 - (3) Federal transit law, specifically 49 U.S.C. § 5332.
- (g) *Nondiscrimination on the Basis of Age.* The Recipient agrees to comply with federal prohibitions against discrimination based on age, including:
- (1) The Age Discrimination in Employment Act, 29 U.S.C. §§ 621 – 634, which prohibits discrimination based on age;
 - (2) U.S. Equal Employment Opportunity Commission (U.S. EEOC) regulations, “Age Discrimination in Employment Act,” 29 CFR Part 1625;
 - (3) The Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101, et seq., which prohibits discrimination against individuals based on age in the administration of Programs, Projects, and related activities receiving federal assistance;
 - (4) U.S. Health and Human Services regulations, “Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance,” 45 CFR Part 90; and
 - (5) Federal transit law, specifically 49 U.S.C. § 5332.
- (h) *Nondiscrimination on the Basis of Disability.* The Recipient agrees to comply with the following federal prohibitions against discrimination based on disability:
- (1) Federal laws, including:
 - (i) Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, which prohibits discrimination based on disability in the administration of federally assisted Programs, Projects, or activities;
 - (ii) The Americans with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. § 12101, et seq., which requires that accessible facilities and services be made available to individuals with disabilities:
 - (A) For FTA Recipients generally, Titles I, II, and III of the ADA apply; but
 - (B) For Indian Tribes, Titles II and III of the ADA apply, but Title I of the ADA does not apply because it exempts Indian Tribes from the definition of “employer;”
 - (iii) The Architectural Barriers Act of 1968, as amended, 42 U.S.C. § 4151, et seq., which requires that buildings and public accommodations be accessible to individuals with disabilities;

- (iv) Federal transit law, specifically 49 U.S.C. § 5332, which now includes disability as a prohibited basis for discrimination; and
 - (v) Other applicable federal laws, regulations, and requirements pertaining to access for seniors or individuals with disabilities.
- (2) Federal regulations and guidance, including:
- (i) U.S. DOT regulations, “Transportation Services for Individuals with Disabilities (ADA),” 49 CFR Part 37;
 - (ii) U.S. DOT regulations, “Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance,” 49 CFR Part 27;
 - (iii) Joint U.S. Architectural and Transportation Barriers Compliance Board (U.S. ATBCB) and U.S. DOT regulations, “Americans With Disabilities (ADA) Accessibility Specifications for Transportation Vehicles,” 49 CFR Part 38;
 - (iv) U.S. DOT regulations, “Transportation for Individuals with Disabilities: Passenger Vessels,” 49 CFR Part 39;
 - (v) U.S. DOJ regulations, “Nondiscrimination on the Basis of Disability in State and Local Government Services,” 28 CFR Part 35;
 - (vi) U.S. DOJ regulations, “Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities,” 28 CFR Part 36;
 - (vii) U.S. EEOC, “Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act,” 29 CFR Part 1630;
 - (viii) U.S. Federal Communications Commission regulations, “Telecommunications Relay Services and Related Customer Premises Equipment for Persons with Disabilities,” 47 CFR Part 64, subpart F;
 - (ix) U.S. ATBCB regulations, “Electronic and Information Technology Accessibility Standards,” 36 CFR Part 1194;
 - (x) FTA regulations, “Transportation for Elderly and Handicapped Persons,” 49 CFR Part 609;
 - (xi) FTA Circular 4710.1, “Americans with Disabilities Act: Guidance;” and
 - (xii) Other applicable federal civil rights and nondiscrimination regulations and guidance.
- (i) *Drug or Alcohol Abuse – Confidentiality and Other Civil Rights Protections.* The Recipient agrees to comply with the confidentiality and civil rights protections of:
- (1) The Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. § 1101, et seq.;

- (2) The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, as amended, 42 U.S.C. § 4541, et seq.; and
 - (3) The Public Health Service Act, as amended, 42 U.S.C. §§ 290dd – 290dd-2.
- (j) *Access to Services for Persons with Limited English Proficiency.* The Recipient agrees to promote accessibility of public transportation services to persons with limited understanding of English by following:
- (1) Executive Order No. 13166, “Improving Access to Services for Persons with Limited English Proficiency,” August 11, 2000, 42 U.S.C. § 2000d-1 note, (65 Fed. Reg. 50121); and
 - (2) U.S. DOT Notice, “DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficiency (LEP) Persons,” 70 Fed. Reg. 74087, December 14, 2005.
- (k) *Other Nondiscrimination Laws, Regulations, Requirements, and Guidance.* The Recipient agrees to comply with other applicable federal nondiscrimination laws, regulations, and requirements, and follow federal guidance prohibiting discrimination.
- (l) *Remedies.* Remedies for failure to comply with applicable federal Civil Rights laws, regulations, and requirements, and failure to follow guidance may be enforced as provided in those federal laws, regulations, requirements, or guidance.
- (m) *Promoting Free Speech and Religious Liberty.* The recipient shall ensure that Federal funding is expended in full accordance with the U.S. Constitution, Federal Law, and statutory and public policy requirements: including, but not limited to, those protecting free speech, religious liberty, public welfare, the environment, and prohibiting discrimination.

Section 16. Procurement.

- (a) *Federal Laws, Regulations, Requirements, and Guidance.* The Recipient agrees:
- (b) To comply with the requirements of 49 U.S.C. chapter 53 and other applicable federal laws, regulations, and requirements in effect now or later that affect its third party procurements;
 - (c) To comply with the applicable U.S. DOT Common Rules; and
 - (d) To follow the most recent edition and any revisions of FTA Circular 4220.1, “Third Party Contracting Guidance,” to the extent consistent with applicable federal laws, regulations, requirements, and guidance.
- (b) *Full and Open Competition.* The Recipient agrees to conduct all its third party procurements using full and open competition as provided in 49 U.S.C. § 5325(a),
- (7) *Clean Air Act (42 U.S.C. §§ 7401 – 7671q.) and the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 – 1388), as amended.* Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. §§ 7401 – 7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. §§ 1251 – 1388). Violations must be reported to

the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

- (s) *Access to Third Party Contract Records.* The Recipient agrees to require, and assures that each of its Subrecipients will require, its Third Party Contractors at each tier to provide:
- (1) The U.S. Secretary of Transportation and the Comptroller General of the United States, the state, or their duly authorized representatives, access to all third party contract records (at any tier) as required under 49 U.S.C. § 5325(g); and
 - (2) Sufficient access to all third party contract records (at any tier) as needed for compliance with applicable federal laws, regulations, and requirements or to assure proper management of Underlying Agreement as determined by FTA.

Section 17. Patent Rights.

- (e) *General.* The Recipient agrees that:
- (1) Depending on the nature of the Underlying Agreement, the Federal Government may acquire patent rights when the Recipient or Third Party Participant produces a patented or patentable invention, improvement, or discovery;
 - (2) The Federal Government's rights arise when the patent or patentable information is conceived or reduced to practice with federal assistance provided through the Underlying Agreement; or
 - (3) When a patent is issued or patented information becomes available as described in the preceding section 17(a)(2) of this Master Agreement, the Recipient will notify FTA immediately and provide a detailed report satisfactory to FTA.
- (d) *Federal Rights.* The Recipient agrees that:
- (1) Its rights and responsibilities and each Third Party Participant's rights and responsibilities in that federally assisted invention, improvement, or discovery will be determined as provided in applicable federal laws, regulations, requirements, and guidance, including any waiver thereof; and
 - (2) Unless the Federal Government determines otherwise in writing, irrespective of its status or the status of any Third Party Participant as a large business, small business, state government, state instrumentality, local government, Indian tribe, nonprofit organization, institution of higher education, or individual, the Recipient will transmit the Federal Government's patent rights to FTA, as specified in 35 U.S.C. § 200, et seq., and U.S. Department of Commerce regulations, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," 37 CFR Part 401.
- (e) *License Fees and Royalties.* Consistent with the applicable U.S. DOT Common Rules, the Recipient agrees that license fees and royalties for patents, patent applications, and inventions produced with federal assistance provided through the

Underlying Agreement are program income, and must be used in compliance with applicable federal requirements.

Section 18. Rights in Data and Copyrights.

- (iv) *Definition of "Subject Data."* As used in this section, "subject data" means recorded information, whether or not copyrighted, that is delivered or specified to be delivered as required by the Underlying Agreement. Examples of subject data include, but are not limited to computer software, standards, specifications, engineering drawings and associated lists, process sheets, manuals, technical reports, catalog item identifications, and related information, but do not include financial reports, cost analyses, or other similar information used for performance or administration of the Underlying Agreement.
- (v) *General Federal Restrictions.* The following restrictions apply to all subject data first produced in the performance of the Underlying Agreement:
 - *Prohibitions.* The Recipient may not publish or reproduce any subject data, in whole, in part, or in any manner or form, or permit others to do so.
 - (2) *Exceptions.* The prohibitions do not apply to publications or reproductions for the Recipient's own internal use, an institution of higher learning, the portion of subject data that the Federal Government has previously released or approved for release to the public, or the portion of data that has the Federal Government's prior written consent for release.
- (4) *Federal Rights in Data and Copyrights.* The Recipient agrees that:
 - (i) *General.* It must provide a license to its subject data to the Federal Government that is royalty-free, non-exclusive, and irrevocable. The Federal Government's license must permit the Federal Government to reproduce, publish, or otherwise use the subject data or permit other entities or individuals to use the subject data provided those actions are taken for Federal Government purposes; and
 - (ii) *U.S. DOT Public Access Plan – Copyright License.* The Recipient grants to U.S. DOT a worldwide, non-exclusive, non-transferable, paid-up, royalty-free copyright license, including all rights under copyright, to any and all Publications and Digital Data Sets as such terms are defined in the U.S. DOT Public Access plan, resulting from scientific research funded either fully or partially by this funding agreement. The Recipient herein acknowledges that the above copyright license grant is first in time to any and all other grants of a copyright license to such Publications and/or Digital Data Sets, and that U.S. DOT shall have priority over any other claim of exclusive copyright to the same.
- (e) *Special Federal Rights in Data for Research, Development, Demonstration, Deployment, Technical Assistance, and Special Studies Programs.* In general, FTA's purpose in providing federal assistance for a research, development, demonstration, deployment, technical assistance, or special studies program is to increase transportation knowledge, rather than limit the benefits of the Award to the Recipient and its Third Party Participants. Therefore, the Recipient agrees that:

- (1) *Publicly Available Report.* When an Award providing federal assistance for any of the programs described above is completed, it must provide a report of the Underlying Agreement that FTA may publish or make available for publication on the Internet.
- (2) *Other Reports.* It must provide other reports related to the Award that FTA may request.
- (3) *Availability of Subject Data.* FTA may make available its copyright license to the subject data, and a copy of the subject data to any FTA Recipient or any Third Party Participant at any tier, except as the Federal Government determines otherwise in writing.
- (3) *Identification of Information.* It must identify clearly any specific confidential, privileged, or proprietary information submitted to FTA.
- (4) *Incomplete.* If the Award is not completed for any reason whatsoever, all data developed with federal assistance for the Award becomes subject data and must be delivered as the Federal Government may direct.
- (5) *Exception.* This section does not apply to an adaptation of any automatic data processing equipment or program that is both for the Recipient's use, and acquired with FTA capital program assistance.
- (f) *License Fees and Royalties.* Consistent with the applicable U.S. DOT Common Rules, the Recipient agrees that license fees and royalties for patents, patent applications, and inventions produced with federal assistance provided through the Underlying Agreement are program income, and must be used in compliance with federal applicable requirements.
- (g) *Hold Harmless.* Upon request by the Federal Government, the Recipient agrees that if it intentionally violates any proprietary rights, copyrights, or right of privacy, and if its violation under the preceding section occurs from any of the publication, translation, reproduction, delivery, use or disposition of subject data, then it will indemnify, save, and hold harmless the Federal Government against any liability, including costs and expenses of the Federal Government's officers, employees, and agents acting within the scope of their official duties. The Recipient will not be required to indemnify the Federal Government for any liability described in the preceding sentence, if the violation is caused by the wrongful acts of federal officers, employees or agents, or if indemnification is prohibited or limited by applicable state law.
- (h) *Restrictions on Access to Patent Rights.* Nothing in this section of this Master Agreement pertaining to rights in data either implies a license to the Federal Government under any patent, or may be construed to affect the scope of any license or other right otherwise granted to the Federal Government under any patent.
- (i) *Data Developed Without Federal Assistance or Support.* The Recipient agrees that in certain circumstances it may need to provide to FTA data developed without any federal assistance or support. Nevertheless, this section generally does not apply to data developed without federal assistance, even though that data may have been used in connection with the Award. The Recipient agrees that the Federal Government will not be able to protect data developed without federal assistance from

unauthorized disclosure unless that data is clearly marked “Proprietary,” or “Confidential.”

- (iv) *Requirements to Release Data.* The Recipient understands and agrees that the Federal Government may be required to release data and information that the Recipient submits to the Federal Government as required under:
- The Freedom of Information Act (FOIA), 5 U.S.C. § 552;
 - The U.S. DOT Common Rules;
 - The U.S. DOT Public Access Plan, which provides that the Recipient agrees to satisfy the reporting and compliance requirements as set forth in the U.S. DOT Public Access plan, including, but not limited to, the submission and approval of a Data Management Plan, the use of Open Researcher and Contributor ID (ORCID) numbers, the creation and maintenance of a Research Project record in the Transportation Research Board’s (TRB) Research in Progress (RiP) database, and the timely and complete submission of all required publications and associated digital data sets as such terms are defined in the DOT Public Access plan. Additional information about how to comply with the requirements can be found at <http://ntl.bts.gov/publicaccess/howtocomply.html>; or
- (4) Other federal laws, regulations, requirements, and guidance concerning access to records pertaining to the Award, the accompanying Underlying Agreement, and any Amendments thereto.

Section 39. Disputes, Breaches, Defaults, and Litigation.

- (b) *FTA Interest.* FTA has a vested interest in the settlement of any violation of federal law, regulation, or requirement, or any disagreement involving the Award, the accompanying Underlying Agreement, and any Amendments thereto including, but not limited to, a default, breach, major dispute, or litigation, and FTA reserves the right to concur in any settlement or compromise.
- (c) *Notification to FTA; Flow Down Requirement.* If a current or prospective legal matter that may affect the Federal Government emerges, the Recipient must promptly notify the FTA Chief Counsel and FTA Regional Counsel for the Region in which the Recipient is located. The Recipient must include a similar notification requirement in its Third Party Agreements and must require each Third Party Participant to include an equivalent provision in its subagreements at every tier, for any agreement that is a “covered transaction” according to 2 C.F.R. §§ 180.220 and 1200.220.
 - (1) The types of legal matters that require notification include, but are not limited to, a major dispute, breach, default, litigation, or naming the Federal Government as a party to litigation or a legal disagreement in any forum for any reason.
 - (2) Matters that may affect the Federal Government include, but are not limited to, the Federal Government’s interests in the Award, the accompanying Underlying Agreement, and any Amendments thereto, or the Federal Government’s administration or enforcement of federal laws, regulations, and requirements.
 - (3) *Additional Notice to U.S. DOT Inspector General.* The Recipient must promptly notify the U.S. DOT Inspector General in addition to the FTA Chief Counsel or Regional Counsel for the Region in which the Recipient is

located, if the Recipient has knowledge of potential fraud, waste, or abuse occurring on a Project receiving assistance from FTA. The notification provision applies if a person has or may have submitted a false claim under the False Claims Act, 31 U.S.C. § 3729, et seq., or has or may have committed a criminal or civil violation of law pertaining to such matters as fraud, conflict of interest, bid rigging, misappropriation or embezzlement, bribery, gratuity, or similar misconduct involving federal assistance. This responsibility occurs whether the Project is subject to this Agreement or another agreement between the Recipient and FTA, or an agreement involving a principal, officer, employee, agent, or Third Party Participant of the Recipient. It also applies to subcontractors at any tier. Knowledge, as used in this paragraph, includes, but is not limited to, knowledge of a criminal or civil investigation by a Federal, state, or local law enforcement or other investigative agency, a criminal indictment or civil complaint, or probable cause that could support a criminal indictment, or any other credible information in the possession of the Recipient. In this paragraph, “promptly” means to refer information without delay and without change. This notification provision applies to all divisions of the Recipient, including divisions tasked with law enforcement or investigatory functions.

- (f) *Federal Interest in Recovery.* The Federal Government retains the right to a proportionate share of any proceeds recovered from any third party, based on the percentage of the federal share for the Underlying Agreement. Notwithstanding the preceding sentence, the Recipient may return all liquidated damages it receives to its Award Budget for its Underlying Agreement rather than return the federal share of those liquidated damages to the Federal Government, provided that the Recipient receives FTA’s prior written concurrence.
- (g) *Enforcement.* The Recipient must pursue its legal rights and remedies available under any third party agreement or any federal, state, or local law or regulation.

EXHIBIT D (of the TSA)**INSTRUCTIONS FOR ANNUAL CERTIFICATION TO COMPLY
WITH CODE OF FEDERAL REGULATIONS (CFR) – TITLE 2, PART 200**

Project Name: _____

Does this Project receive federal funds? ☒ Yes ☐ No

Amount of federal funds: _____

Federal Project Number: _____

CFDA Number*, Federal Agency, Program — _____

*For CFDA (Catalog of Federal Domestic Assistance) Number, refer to original Federal Award/Grant Agreement.

The Regional Transportation Authority (RTA) is required by federal law to obtain and review the single audit of all Grantees that had any federally participating funds pass through it, irrespective of the amount provided by the RTA. It is the responsibility of the Grantee expending federal funds to comply with the requirements of CFR, Title 2, Part 200 and determine whether they are required to have a single audit performed. Therefore, in accordance with CFR, Title 2-Subtitle A, Chapter II, Part 200, Subpart F, *Audit Requirements*, you are required to have a single audit performed if \$750,000 or more in federal awards from all sources including other agencies were expended in the fiscal year. To comply with this provision, the following must be submitted:

- The Grantee must submit to the RTA the attached Certification Form annually within one month of the close of the fiscal year.
- If applicable, a copy of the report of the single audit must be submitted no more than nine months after the end of the Grantee's fiscal year.

If your agency receives multiple awards from the RTA, only one annual submittal of this information is required.

The single audit must be comprised of four parts. The Grantee has the option of including the four parts in one report or a combination of reports. The four parts are commonly known as:

1. Comprehensive Annual Financial Report (Financial Statements).
2. Schedule of Expenditures of Federal Awards and Independent Auditor's Report thereon.
3. Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and other matters based on an Audit of Financial Statements performed in accordance with Government Auditing Standards.
4. Independent Auditor's Report on Compliance with Requirements Applicable to each Major Program and on Internal Control over Compliance in accordance with CFR, Title 2, Part 200.

Additional information which should be submitted to RTA, if applicable:

1. Corrective Action Plan(s)
2. Management Letter
3. Status of Prior Year Findings

**CODE OF FEDERAL REGULATIONS (CFR) – TITLE 2, PART 200
AUDIT REQUIREMENTS CERTIFICATION FORM**

Grantee's Legal Name: _____

Grantee's Address: _____

Grantee's Fiscal Year*: _____
(month) (day) (year) (month) (day) (year)

*A **fiscal year** (or financial year, or sometimes budget year) is a period used for calculating annual ("yearly") financial statements in businesses and other organizations. The fiscal year is **not** your TSA contract period. Please indicate above the fiscal year this certification covers.

Project Name(s): _____

Please (1) check the appropriate box, (2) sign below, and (3) return this certification to the address below.

☐ I certify our agency did not expend \$750,000 or more in federal awards during the fiscal year entered above and was not required to have a single audit conducted.

☐ Our agency will submit the audit no more than nine months after the end of the fiscal year.

Grantee's Signature: _____ Date: _____

Print Name and Title: _____

Phone: (_____) _____ E-Mail: _____

Please return to: Regional Transportation Authority
Lalaine Alvarez, Director, Audit
alvarezl@rtachicago.org

SECTION 5310 PROGRAM QUARTERLY PROGRESS REPORT



Subrecipient Name: _____

Project Name: _____

RTA Technical Service Agreement (TSA) Number(s): _____

Terms of RTA TSA: _____

Reporting Quarter*: _____

Section 5310 Program and Performance Measures

The Federal Transit Administration's (FTA) Section 5310 Program requires the RTA to submit quarterly reports on each of the subgrantees. As part of the new Human Services Transportation Plan (HSTP), the RTA is also tracking more detailed performance measures for each project. These measures will be used to monitor and assess the performance of the project throughout the contract period and will also be used to evaluate future project applications. Please provide information each quarter for the below performance measures.

Reporting Period	Due Date
Q1: Oct-Dec	January 10
Q2: Jan-March	April 10
Q3: April-June	July 10
Q4: July-Sept	October 10

1. Service Quality. Describe any issues with the operating service including passenger complaints and actions taken to resolve the issue.

2. Staff Changes: Has there been any staff changes related to the management of this project?

3. Gaps in Service: Does the Section 5310 Program allow you to provide for Gaps in Service that would otherwise not be provided?

Provide the Temporal Scope of the Service				
Day of Week	First Quarter	Second Quarter	Third Quarter	Fourth Quarter
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				
Saturday				
Sunday				

If you have expanded the temporal scope of your service: has the expansion resulted in new riders? If yes, how many?

Provide the Geographic Scope of the Service			
<u>Core Service Area</u> Specify Municipal and County Areas Covered by Quarter			
First Quarter	Second Quarter	Third Quarter	Fourth Quarter

Number of Partners				
End of 2021	First Quarter	Second Quarter	Third Quarter	Fourth Quarter
<p>Please list your partner agencies. Mark any new partners for this reporting quarter with an *:</p>				

Current Ridership (number of individual trips served by your project monthly) Please count by trip, not unique rider			
Rider Cohort	First Month of Quarter	Second Month of Quarter	Third Month of Quarter
Seniors 65 years of Age and Over (Projects Serving Seniors)			
Individuals with Disabilities			
Individuals registered as both Senior and Disabled			
Subtotal			
General Public			
Total			
Provide actual ridership numbers if available. If data is not available provide estimates and mark with an *			
Comments:			



Inter-County Transfers or Services	
Destination (County, Municipality, or Township)	Number of Trips

Additional Comments or Concerns

TITLE VI PROGRAM PLAN

[Insert agency name here]

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TITLE VI PROGRAM QUESTIONNAIRE

The Federal Transit Administration (“FTA”) requires all grantees/recipients (including sub-recipients such as your agency) of FTA grant assistance to develop a Title VI program plan (“Title VI Plan”). The Regional Transportation Authority (“RTA”) has prepared this questionnaire to guide your agency to gather information and answer questions in order to prepare an FTA compliant Title VI Plan. **Please note that prior to submitting any application to the RTA to receive FTA grant assistance, your agency is required to submit a Title VI Plan that has been approved by your Board or Council, along with evidence of that approval (copy of Board or council minutes approving and adopting plan) to the RTA.**

NOTICE TO THE PUBLIC

The FTA requires that each grantee notify the public of its rights under Title VI and include the notice and where it is posted in the Title VI Plan. The notice **must** include:

- A statement that the agency operates programs without regard to race, color, and national origin;
- A description of the procedures that members of the public should follow in order to request additional information on the grantee’s nondiscrimination obligations; and
- A description of the procedures that members of the public should follow in order to file a discrimination complaint against the grantee.

The notice can be a separate document, such as a posted sign, a statement that is in another document, or a stand-alone document, such as a Title VI brochure. **Attachment A** includes two notices, a long-form “stand-alone” statement and a shorter statement that can be included in documents such as a service brochure or as a placard to be placed in public areas. Your agency should post the long form Title VI notice on its website **and** in the reception area and public meeting spaces of its offices.

1. Review and complete the samples notice(s) in **Attachment A**. Completed copies of the Title VI notice(s) should be included in a section of, or as an attachment to your agency’s Title VI Plan.
2. Have you posted a Title VI notice on your website and in the reception area and the public meeting spaces of your office? Include the location of the notice(s) and provide website address in the Title VI Plan.

COMPLAINT INSTRUCTIONS AND FORM

The FTA requires each grantee to provide instructions to the public to follow, and a form for the public to use for filing a Title VI complaint. **Attachment B** includes a sample form and procedures.

3. Review and complete the samples notice(s) in **Attachment B**. The Title VI complaint form and procedures should be included as an attachment to your agency’s Title VI Plan and posted on the agency’s website.

TITLE VI COMPLAINTS, INVESTIGATIONS AND LAWSUITS

The FTA requires that the Title VI Plan include a list of transit-related Title VI complaints, investigations, and lawsuits. The RTA requires that this information be submitted together with all grant applications. Please note that EEO and ADA complaints are **not** Title VI complaints so please do not include them in the Title VI Plan. If you are part of a city, county, or human service agency, only list Title VI complaints, investigations, or lawsuits related to transportation services.

4. Have you had any Title VI complaints, investigations, or lawsuits related to your transportation services? If yes, please complete the following table. Add lines and/or columns as necessary.

TYPE	DATE	SUMMARY	STATUS	ACTION(S) TAKEN
Complaints				
Investigations				
Lawsuits				

PUBLIC PARTICIPATION ELEMENT

The FTA requires that the Title VI Plan include a public participation plan that includes an outreach plan to engage minority and Limited English Proficient (LEP) populations. The Title VI Plan may include other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, among others. Applicants for FTA grant assistance are required to comply with several requirements to be in compliance with Title VI. These requirements include the published notice of intent to apply for FTA grant assistance and participation in the public transit-human services transportation coordinated plan development. Other public participation methods include open Board/Council meetings of your agency, council meetings of cities and counties that provide local funding, advisory committees, public involvement efforts for transportation services, passenger surveys, marketing efforts, such as booths at fairs, and presentations to service and other organizations. Include the answers and information from below in your Title VI Plan.

5. Are Board/Council meetings open to the public?
6. How do you publicize the dates, times, and locations of Board/Council meetings?
7. Where are Board/Council meetings held?
8. Is the location of the meetings accessible to persons with disabilities?
9. Is the location served by your agency's transportation services during the hours Board/Council meetings are held? If yes, please describe. If not, do you offer transportation to the meetings upon request?
10. What other efforts do you undertake to ensure that transportation riders or clients can attend Board/Council meetings?
11. Do you rely on any counties or cities for funding? If yes, please describe how interested parties can comment on your budget and services at city and town council meetings.

12. Discuss any other outreach efforts, including transportation advisory committees, procedures for soliciting comments for service changes, passenger surveys, public involvement for transportation services, presentations, etc.

LIMITED ENGLISH PROFICIENCY (LEP)

The FTA requires that the Title VI Plan include a plan for providing language assistance to LEP persons. The FTA describes LEP persons as persons having a limited ability to read, write, speak, or understand English. To document what languages are spoken by LEP persons and to help determine what language assistance efforts you should undertake, FTA requires that you analyze the following four factors:

- The number and proportion of LEP persons served or encountered in your service area;
- The frequency with which LEP individuals come into contact with your transportation service;
- The nature and importance of your transportation service; and
- The language assistance resources potentially available to assist LEP persons.

By completing this questionnaire, your agency will have the information required to complete the four-factor analysis. The primary source data on LEP populations is the U.S. Census. We have provided a table for you to fill with Census data. To look up the 2010 Census data:

- Go to US Census Fact Finder and click on the “Community Facts” tab.
- Search each zip code, county or city in your service area.
- Select “Origins and Language” on the sidebar.
- Select “Language Spoken at Home.”

Please add or remove columns as necessary.

TABLE 1 2010 CENSUS NUMBERS FOR LEP PERSONS RESIDING WITHIN THE SERVICE AREA					
Population Five Years and Over by Language Spoken at Home and Ability to Speak English	Zip Code/ City/County	Zip Code/ City/County	Zip Code/ City/County	Total	Percentage of Population Five Years and Older
Population Five Years and Over					
Speak English less than “very well”					
Spanish					
Speak English less than “very well”					
Other Indo-European					

Speak English less than “very well”					
Asian and Pacific Island					
Speak English less than “very well”					
All Other					
Speak English less than “very well”					

Survey your staff, including drivers, reservationists/dispatchers, customer service agents, and office personnel, to determine the frequency of contact with LEP persons, what languages are spoken by these persons, and the foreign languages they speak and/or understand. **Attachment C** presents a sample survey form. After conducting the survey, please complete the following table. *If conducting the survey and completing the table does not make sense for your agency, in the Title VI Plan please discuss in detail the frequency of contact with LEP persons and the languages spoken by these persons in the space provided below.*

TABLE 2 FREQUENCY OF CONTACT WITH LEP PERSONS	
Frequency	Language Spoken by LEP Persons
Daily	
Weekly	
Monthly	
Less frequently than monthly	

13. If you have not completed Table 2, discuss the frequency of contact with LEP persons and the languages spoken by these persons.

Conduct a telephone survey of organizations, such as municipalities, police departments, school systems, major employers, human service agencies, and churches, to find out if they encounter people with language assistance needs, what languages these people speak, and what language assistance efforts they are undertaking. **Attachment D** presents a sample survey form.

14. What outside organizations did you survey?
15. Do any of these organizations encounter people with language assistance needs? If yes, what languages do these people speak?
16. Provide a description of your service (type, days and hours) and list the major activity centers served (communities, employers, stations, park and ride lots, government and human service agencies, medical facilities, shopping centers, and recreational facilities).
17. Discuss trip purpose from passenger surveys or transportation development plans, if conducted.

18. Does staff speak foreign languages? If so, what languages? Do you use staff to translate?
19. Have you translated documents into Spanish or another language? If yes, please list the documents and the languages they are translated into.
20. Do you use Google Translate for your website? If yes, what languages?
21. What other language assistance efforts are you undertaking?
22. Have you made arrangements with other organizations to provide language assistance efforts? If yes, what organizations and what services?
23. How are LEP persons notified of language assistance services?
24. Discuss outreach programs, such as travel training, school presentations, and community presentations and if these efforts potentially reach LEP persons.
25. Describe how language assistance efforts are monitored, evaluated, and updated.
26. Describe how employees are trained in language assistance efforts.

PLANNING AND ADVISORY BOARDS

The FTA requires that the Title VI Plan present the racial make-up of all transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient (or sub-recipient), and a description of the efforts to encourage the participation of minorities on such committees. Include the answers and information from below in your Title VI Plan.

27. List all of your transit-related advisory boards and committees and the purpose of each.
28. How are members selected?
29. What is the racial makeup of each board and committee?
30. What efforts are undertaken to encourage participation of minorities on these committees?

ATTACHMENT A

Long-Form Title VI Notice to the Public

YOUR RIGHTS UNDER TITLE VI

[Agency] operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the 1964 Civil Rights Act. Any person who believes that she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with our agency.

Any such complaint must be in writing and filed with this agency within 180 days following the date of the alleged discriminatory occurrence. For information on our nondiscrimination obligations or how to file a complaint, please contact [Agency's name] by any of the methods listed below.

Agency Name and Address

Phone

Fax

Email

If this information is needed in another language, please contact us.

Short Title VI Notice to the Public

[Agency] operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the 1964 Civil Rights Act. To find out more about our nondiscrimination obligations, to file a complaint, or to request this information in another language, please contact us at [phone].

ATTACHMENT B

**[Agency Name]
TITLE VI COMPLAINT FORM [SAMPLE]**

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

If you feel that you have been discriminated against in the provision of transportation services, please provide the following information to assist us in processing your complaint. Should you require any assistance in completing this form or need information in alternate formats, please let us know.

Please mail or return this form to:

**Director
Agency Name
Address
Including Email and Fax number**

PLEASE PRINT if you are not completing the on-line version of this form.

1. Complainant's Name:		
a. Address:		
b. City:	State:	Zip Code:
c. Telephone (Home <input type="checkbox"/> or Cell <input type="checkbox"/> Please include area code ()		Telephone Number (Work) ()
d. E-Mail Address:		
Do you prefer to be contacted via this e-mail address? <input type="checkbox"/> Yes <input type="checkbox"/> No		
2. Accessible Format of Form Needed? <input type="checkbox"/> Large Print <input type="checkbox"/> Audio Tape <input type="checkbox"/> TDD <input type="checkbox"/> Other (please specify):		
3. Are you filing this complaint on your own behalf? <input type="checkbox"/> Yes If YES, please go to Question 7 <input type="checkbox"/> No If no, please go to question 4		
4. If you answered NO to question 3 above, please provide your name and address.		
a. Name of Person Filing Complaint:		
b. Address:		
c. City:	State:	Zip Code:
d. Telephone (Home <input type="checkbox"/> or Cell <input type="checkbox"/> Please include area code ()		Telephone Number (Work) ()
e. E-Mail Address:		
Do you prefer to be contacted via this e-mail address? <input type="checkbox"/> Yes <input type="checkbox"/> No		
5. What is your relationship to the person for whom you are filing the complaint?		
6. Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party. <input type="checkbox"/> Yes, I have permission. <input type="checkbox"/> No, I do not have permission.		

7. I believe that the discrimination I experienced was based on (check all that apply) <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin (Classes protected by Title VI) <input type="checkbox"/> Other (please specify)		
8. Date of Alleged Discrimination (Month, Day, Year):		
9. Where did the Alleged Discrimination take place?		
10. Explain as clearly as possible what happened and why you believe that you were discriminated against. Describe all of the persons that were involved. Include the name and contact information of the person(s) who discriminated against you (if known). <i>Use the back of this form or separate pages if additional space is required.</i>		
11. Please list any and all witnesses' names and phone numbers/contact information. <i>Use the back of this form or separate pages if additional space is required.</i>		
12. What type of corrective action would you like to see taken?		
13. Have you filed a complaint with any other Federal, State, or local agency, or with any Federal or State court? <input type="checkbox"/> Yes If yes, check all that apply <input type="checkbox"/> No a. <input type="checkbox"/> Federal Agency (List agency's name) b. <input type="checkbox"/> Federal Court (Please provide location) c. <input type="checkbox"/> State Court d. <input type="checkbox"/> State Agency (Specify Agency) e. <input type="checkbox"/> County Court (Specify Court and County) f. <input type="checkbox"/> Local Agency (Specify Agency)		
14. Please provide information about a contact person at the agency/court where the complaint was filed.		
Name:	Title:	
Agency:	Telephone ()	
Address:		
City:	State:	Zip Code:

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date is required:

_____	_____
Signature	Date

If you completed Questions 4, 5 and 6, your signature and date is required.

_____	_____
Signature	Date

[Agency Name]
TITLE VI COMPLAINT PROCEDURES [SAMPLE]

Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

Any person who believes that he/she has been aggrieved by an unlawful discriminatory practice on the basis of race, color or national origin by [insert your agency’s name] may file a complaint by completing and submitting [your agency’s name] the Title VI Complaint form.

How do you file a complaint?

You may download the [your agency’s name] Title VI Complaint Form at [give web address], or request a copy by phone or in writing [list your agency’s full name, address and phone number].

You may file a signed, dated and written complaint no more than 180 days from the date of the alleged incident. The complaint should include:

- Your name, address and telephone number. (See Question 1 of the Complaint Form)
- How, why, and when you believe you were discriminated against. Include as much specific, detailed information as possible about the alleged acts of discrimination, and any other relevant information. (See Questions 7, 8, 9, and 10 of the Complaint Form)
- The names of any persons, if known, whom the director could contact for clarity of your allegations. (See Question 11 of the Complaint Form)

Please submit your complaint form to address listed below:

Director
Agency Name
Address
Including Email and Fax number

How will your complaint be handled?

[Your agency’s name] investigates complaints received no more than 180 days after the alleged incident. [Your agency’s name] will process complaints that are complete. Once a completed complaint is received, [Your agency’s name] will review it to determine if [your agency’s name] has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by [your agency’s name].

[Your agency’s name] will generally complete an investigation within 90 days from receipt of a completed complaint form. If more information is needed to resolve the case, [your agency’s name] may contact the complainant. Unless a longer period is specified by [your agency’s name], the complainant will have ten (10) days from the date of the letter to send requested information to the [your agency’s name] investigator assigned to the case.

If [your agency's name] investigator is not contacted by the complainant or does not receive the additional information within the required timeline, [your agency's name] may administratively close the case. A case may be administratively closed also if the complainant no longer wishes to pursue their case.

After an investigation is complete, [your agency's name] will issue a letter to the complainant summarizing the results of the investigation, stating the findings and advising of any corrective action to be taken as a result of the investigation. If a complainant disagrees with [your agency's name] determination, he/she may request reconsideration by submitting a request in writing to [your agency's name] director [or the appropriate title] within seven (7) days after the date of [your agency's name] letter, stating with specificity the basis for the reconsideration. The director [or the appropriate title] will notify the complainant of his decision either to accept or reject the request for reconsideration within 10 days. In cases where reconsideration is granted, the director [or the appropriate title] will issue a determination letter to the complainant upon completion of the reconsideration review.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

If information is needed in another language, then contact [your agency's name] at [phone number].

ATTACHMENT C

STAFF LEP SURVEY

[Agency] is studying the language assistance needs of its riders so that we can better communicate with them and increase ridership. Please complete the following survey and return it to [name of Agency representative] by [due date for survey].

How often do you come into contact with passengers who do not speak English or have trouble understanding you when you speak English to them? [Circle one]

Daily

Weekly

Monthly

Less frequently than monthly

What languages do these passengers speak? Please list.

What other foreign languages do you understand or speak?

Would you be willing to serve as a translator when needed?

ATTACHMENT D

OUTSIDE ORGANIZATION LEP SURVEY

Organization:

What language assistance needs are encountered?

What languages are spoken by persons with language assistance needs?

What language assistance efforts are you undertaking to assist persons with language assistance needs?

When necessary, can we use these services?

Would you like information on transportation services?

PRE-IMPLEMENTATION REVIEW CHECKLIST

NOTE: Some areas may not apply to the grantee, they will be noted N/A

Date of Review:

RTA Reviewer:

Grantee Name:

Grantee Representatives: Title: _____

Grant Program: ☒ Section 5310

Grantee Type: ☐ Public

☒ Private Non-Profit

☐ Private For-Profit

Grant Type: ☐ Operating

☐ Capital

☐ Mobility Management

☐ Other

I. LEGAL

A. Legal

	Yes	No
1. The grantee is a legally formed entity operating under the laws of the State of Illinois <i>(Provide copies)</i>		
a. Written by-laws		
b. Board of Directors, meets regularly. <i>(provide schedule)</i>		
c. Written board minutes are taken and maintained		
2. Grantee has written code of ethics,		
a. Approved by Board		
b. Covers all employees, officers, board members and agents.		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

II. FINANCIAL AND TECHNICAL

A. Financial: Management and Internal Controls

1. The grantee has written financial management procedures.		
2. Grantee procedures require at least two people to count cash and checks.		
3. Grantee procedures include at least two approvals prior to payment of invoices.		
4. Grantee procedures require two people to review requisitions		
5. Grantee uses a passenger counting system.		
6. Passenger counts are used to document contract-paid rides.		
7. Grantee staff trained on procedures, review training program.		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

B. Financial: Cash Control (N/A – PACE HANDLES)	Yes	No
1. The grantee has procedures to reduce the opportunity for mishandling cash and other revenues, tickets and passes.	N/A	
2. Grantee procedures match the farebox to the passenger manifest on a regular basis. List frequency.	N/A	
3. Grantee procedures limit or prohibit the driver from handling cash.	N/A	
4. Driver-supervisor checks driver procedures (i.e., farebox and on-board reporting procedures) on a regular basis.	N/A	
5. Ride vehicle and monitor driver fare receipt procedures.	N/A	
Documents Reviewed by RTA and Comments:		
Follow-Up Action or Documents Required from Grantee		

C. Financial: Accounting Systems

1. Review chart of accounts a. Details sufficient to segregate, accumulate, and allocate revenues and expenses.		
2. System distinguishes between or has separate systems for: administrative, operating and capital costs, as necessary.		
3. Review method of accounting: cost or accrual		
4. Review responsibility for general ledger transactions a. Are transactions posted to appropriate account category? Examine several transactions.		
5. Review sources of local match: cash, in-kind, state sources, non-DOT federal. a. Document source and amounts		
6. Review method to allocate indirect funds a. Program consistent with OMB Circular 225 b. Is grantee using a prescribed indirect rate? c. Is the rate charge supported by approved indirect cost allocation plan? d. Cognizant Grantee or major funder approved for current fiscal year?		
Documents Reviewed by RTA and Comments: State method: cost or accrual and name person/s responsible for general ledger transaction		
Follow-up Action or Documents Required from Grantee		

D. Financial: Audit

1. Grantee conducting independent financial audits?		
2. Audit in compliance with OMB Circular 2 CFR Part 200, if grant over \$7500,000 or 65 ILCS 5.		
3. Review last two years audits. a. Review balance sheet for separate income and balance sheet for transit program.		
4. Review audit for a schedule sheet comparing expenditures against approved project budget.		
5. Audit conducted on federal or state fiscal year, if not schedule needed to coincide with one or the other.		
6. Audit findings or recommendations a. Response to findings b. Corrective or remedial action		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

E. Technical: Grant Management	Yes	No
1. Milestone/Progress Reports, quarterly project report, back up information in grantee files. 2. Monthly requisition have matching back up information in files. 3. Yearly Program Measures reporting back up information in grantee files 4. Grantee procedures for internal review of reports and requisitions. 5. Staff trained on cost allowability procedures in OMB Circulars. 6. Schedule of procedures for grant close outs 7. Grantee Project management procedures, including oversight of capital projects.		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

F. Technical: Pass-Through Agreements		
1. Does the grantee have operating or lease agreements with other organizations. 2. Grantee maintains title to vehicles, equipment and facilities funded by the federal government. 3. Operating agreements must include statement that federally funded property can be used in transit service and/or other projects or programs as long as such use does not interfere with service for which it was acquired. 4. For capital leases, performed lease/purchase calculations and has adequate financial resources to meet future obligations. 5. Property management records for all project funded equipment.		
Documents Reviewed by and Comments:		
Follow-up Action or Documents Required from Grantee		

G. Technical: Marketing of Transit Services		
1. The Grantee markets transit services to program specific clients. 2. JARC program materials, to low income persons providing access to employment or employment related services. 3. New Freedom materials, to persons with special transportation needs. 4. Locations, media and/or community partners for marketing materials. a. Review sources and location lists 5. Vehicles have appropriate signage for program. 6. Information in other languages. a. List languages		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

III. PURCHASING, INCLUDING BUY AMERICA

A. Purchasing: Procedures, all

	Yes	No
1. Grantee has written purchasing procedures, review copy. a. Covers purchase policy authority (staff positions) at various values (i.e. small purchases for vehicles/facilities). b. Appeal process (for formal bids only)	“	
2. Code of conduct for procurement decisions.	“	
3. Level for competitive process a. Telephone quote b. Written quote c. Bid process	“	
4. Utilizes available state and local intergovernmental agreements for procurement or use of common goods and services.	“	
5. Written procurement history.		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

B. Purchasing: code of conduct 49 CFR 18.36 (b)(3) and FTA C 4220.1F

1. Grantee has a written policy addressing standards of conduct in the award and administration of a contract which precludes conflicts of interest. a. Code include penalties and disciplinary actions for violations		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

C. Purchasing Procedures, Federal Funds

	Yes	No
1. Grantee issues formal contracts in amount of \$100,000 or more for goods and services purchased with Federal funds. 2. Uses FTA Circular 4220.1F (proposed). 3. Filed Self-Certification that procurement system complies with Federal requirements for any third party contracts. 4. Uses FTA Circular 5010.1D (proposed) requirements for purchase of real property. 5. Federal clauses in procurement documents. 6. Buy-America certification.		X
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

D. Purchasing, Procurements, Capital

	Yes	No
1. Grantee a. Participates in Illinois consolidated bids for vehicles b. Conducts procurements for non vehicle purchase c. Piggyback procurements with other grantees 2. Review procurement file for all required procurement documentation 3. Grantee has documentation of RTA approval of procurement process and bid documents for purchases over \$10,0000 4. Real property (land, including affixed land and improvements; structures and appurtenances). a. Real property acquisition process b. If yes describe property and current use 5. Small capital items, acquisition cost \$300 to \$5,000, process		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

E. Purchasing, Competitive	Yes	No
1. Advertisement process: how and where 2. Evaluation process, including factors 3. Geographic preferences 4. Sole source or non-competitive <ul style="list-style-type: none"> a. Cost analysis b. RTA approval c. Contract value less than \$10,000 5. For all procurements in excess of \$5,000 where not to low bidder, approval from RTA prior to conduct of procurement	N/A	
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

IV. Maintenance, Satisfactory Continuing Control, Rehabilitation Act of 1973 (Section 504) and Americans with Disabilities Act of 1990 (ADA)

A. Maintenance: Plan (N/A – PACE HANDLES)	Yes	No
1. Grantee has written vehicle maintenance plan <ul style="list-style-type: none"> a. Date written b. Maintenance manager in attendance at meeting 2. Written preventative maintenance plan 3. Overall asset management plan <ul style="list-style-type: none"> a. Real property b. Vehicles 		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

B. Maintenance and Satisfactory Continuing Control: Real Property	Yes	No
1. Does the grantee own any real property 2. Title in grantee name 3. Realization of any revenue from incidental use of FTA financed real property <ul style="list-style-type: none"> a. How uses revenue 4. Facility maintenance plan <ul style="list-style-type: none"> a. Record keeping system 5. Real property disposition <ul style="list-style-type: none"> a. Provisions of disposition in compliance with FTA Circular 5010.1D (proposed) 6. Visual walk through of facility <ul style="list-style-type: none"> a. Clean facility b. Accessible facility <ul style="list-style-type: none"> i. New facility ii. Modified 	N/A	
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

C. Maintenance: Vehicle Record Inspection	Yes	No
1. Random selection of vehicles <ul style="list-style-type: none"> a. List vehicle ID numbers for vehicles inspected 2. Maintenance records are easily retrieved and well organized		

3. Grantee has manner to track maintenance of each vehicle		
4. Scheduled maintenance is based on mileage or time (note which) BOTH		
a. Evidence of regular brake inspection		
b. Evidence of regular steering and suspension inspection		
c. Evidence of regular lube, oil and filter service		
d. Check for high cost repairs, note		
5. Pre-trip inspections, routine		
6. Post-trip inspections, routine		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

D. Maintenance: Vehicle Visual Inspection, including ADA components (N/A)

Yes No

1. Random selection of vehicles		
a. List vehicle ID numbers for vehicles inspected		
2. Vehicles do not show signs of excessive wear or lack of care		
3. Exterior and Interior are clean and free of damage and rust		
4. Doors, mirrors, lights, wipers, and horn are in working condition		
5. Emergency door/safety interlock system functional		
6. Interlock system prevents vehicle movement when lift is deployed		
7. Cycle lift and check tie-downs		
8. Tires not worn unevenly, use Lincoln penny test		
9. Vehicle starts easily and runs smoothly without excessive visible exhaust		
10. Priority seating signage in place		
Documents Reviewed by RTA and Comments: <i>Will be conducted at the compliance review after 1 year.</i>		
Follow-up Action or Documents Required from Grantee		

E. Satisfactory Continuing Control: Equipment

Yes No

1. Grantee operates equipment purchased with Federal funds.		
2. Grantee holds title to vehicles and equipment, even when operated by others.		
3. Primary use of equipment is consistent with original purpose, from grant.		
4. Equipment is tagged or otherwise identified as property purchased with Federal funds.		
5. Grantee conducted a physical inventory of equipment including vehicles within last two years.		
6. Equipment records include: circle any or all: description, id number, title information, procurement source, acquisition date, cost, percentage of federal share, the grant number/contract number from which procured, location of use, condition, and disposition data including, date, sale price, method of determining fair market value.		
7. Grantee procedures for protecting equipment from misuse, misappropriation, waste, unwarranted deterioration or destruction.		
8. Grantee conducts physical inventory of equipment on a regular basis		
a. Frequency		
9. Equipment disposition (in compliance with 5010.1E.		
a. Determination of fair market value –		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

F. Satisfactory Continuing Control: Employee, Driver and Volunteer Driver Training (N/A – PACE HANDLES)

Yes No

1. Grantee has written employee, driver and/or volunteer driver training program.		
a. Training includes: circle any or all, defensive driving, passenger assistance, ADA requirements, passenger relations, customer relations, customer service, evacuation and emergency procedures , behind the wheel orientation, drug and alcohol program policy and prevention , list any others		

b. Grantee maintains current training records		
2. Grantee has written job descriptions for employees and volunteers.		
a. Performs regular job performance evaluations, frequency		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

G. Satisfactory Continuing Control: Insurance (N/A – PACE HANDLES)	Yes	No
1. Over all insurance plan and policy or self insurance information.		
2. Facilities.		
a. Fire, accident, vandalism, other coverage including exclusions and riders		
3. Vehicles, comprehensive.		
a. Collision insurance on all vehicles with remaining useful life		
b. Document limits on coverage		
c. Replacement value coverage		
d. Casualty losses over last two years, document proceeds used for transit purposes.		
4. Equipment.		
a. Accidental loss, vandalism and/or loss		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

V. Civil Rights: Title VI of the Civil Rights Act of 1964, Equal Employment Opportunity, Disadvantaged Business Enterprise and Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA)

A. Civil Rights: Title VI, Nondiscrimination in Federal Programs	Yes	No
1. Grantee has developed a Title VI plan		
a. Adopted RTA's complaint procedures and notification process.		
2. The grantee has a written complaint process.		
a. No written complaints alleging discrimination in service provision, last 3 years		
b. If yes, describe		
3. Grantee has an environmental justice program for minority and low income populations.		
4. Grantee has developed a Language Implementation Plan for persons with limited English.		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

B. Civil Rights: Equal Employment Opportunity	Yes	No
<ol style="list-style-type: none"> 1. Grantee recruits or advertises for recruitment, hires, promotes or upgrades, demotes, transfers, lays off or terminates, disciplines, compensates, and trains employees without regard to race, color, creed, national origin, sex, age, or disability. 2. Grantee who receives more than \$1,000,000 in Federal funds or employing more than 50 employees, required to develop and submit plan to RTA. Grantee who receives less than \$1,000,000 and employees fewer than 50, no formal plan but must post information in a conspicuous place. 3. The grantee has a written complaint process. <ol style="list-style-type: none"> a. No written complaints alleging discrimination in employment practices, last 3 years b. If yes, describe 4. Equal Opportunity Employment is the Law and other employment law and regulations signage. <ol style="list-style-type: none"> a. Equal Opportunity is the Law, sign and location b. Employee Polygraph Protection Act, sign and location c. Fair Labor Standards Act, sign and location d. Davis-Bacon and Related Acts, sign and location e. Uniformed Services Employment and Reemployment Rights Act, sign and location. f. OSHA, sign and location g. Employee Rights for Workers with Disabilities/Special Minimum Wage Poster, sign and location h. (Employers of over 50 persons) Family Medical Leave Act, sign and location 5. Environmental justice programs for minority and low income populations. 		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

C. Civil Rights: Disadvantaged Business Enterprise (DBE)	Yes	No
<ol style="list-style-type: none"> 1. Grantee who receives more than \$250,000 in contracting opportunities, excluding vehicles, is required to develop DBE program, establish goals for the program and submit periodic reports of compliance. Grantee who does not meet threshold must still make good faith efforts to utilize DBE's and submit reports. Plan required? 2. Review contracts and third party documents for required language re DBE's. 3. If plan required does the grantee have a DBE Officer. 4. If plan required has the grantee developed a process to ensure all contractors pay subcontractors within a reasonable time. 5. If plan required does the grantee maintain and make available a directory of DBE certified firms. 		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

D. Civil Rights: Section 504 and Americans with Disabilities Act (ADA)

Yes No

<ol style="list-style-type: none"> 1. Grantee prohibits discrimination on the basis of handicap and complies with the specific requirements for accessibility by both public and private providers of public transportation. 2. Grantee is reporting on compliance with Section 504 and ADA. 3. Grantee is designing and constructing new facilities in compliance with regulations on accessibility, review any design or drawing. 4. Vehicles specifications include accessibility features, review specification. 5. Document compliance in service accessibility or complementary service provision. <ol style="list-style-type: none"> a. Document service type: fixed route or demand responsive. Demand responsive includes route deviation and subscription route services. 6. For demand responsive, list type of provider: public, private <ol style="list-style-type: none"> a. Persons with disabilities must be able to access. 7. Fixed service. <ol style="list-style-type: none"> a. All vehicles equipped with ramps or lifts, securement devices and are ADA compliant b. Complementary service extending at least ¾ mile on both sides of fixed route must be provided c. All drivers announce stops d. Policy for qualifying persons for complementary service 8. Provider serves persons with disabilities. <ol style="list-style-type: none"> a. Denials c. Designated priority seats d. Any charges for wheel chair, attendants, service animals 9. Complaints filed. <ol style="list-style-type: none"> a. Complaint resolution. 10. Review Fare Structure. 		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

VI. SAFETY AND SECURITY (NOT REQUIREMENT)**A. Safety and Security**

Yes No

<ol style="list-style-type: none"> 1. Grantee has written plan for both system safety and security or a combined plan. <ol style="list-style-type: none"> a. Date written b. Safety/Security Officer c. Plans coordinated with local public safety agencies d. Disseminated to employees e. Training provided 2. The grantee pre-qualifies employees/volunteers prior to employment. <ol style="list-style-type: none"> a. If yes, circle types: criminal background, driver's license, physical, aptitude test, reference check, prior employer check, other. 3. Grantee has "hours in service" standard for drivers, i.e. 4 hours work and 1 hour break. 4. Plan covers: circle all that apply: accident prevention and investigation, crime prevention, violence in the workplace prevention, facility protection, emergency management including terrorism, and safety and security awareness training. 		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

VII. CHARTER AND SCHOOL BUS

A. Charter Bus, JARC only

	Yes	No
New charter regulations (49 CFR Part 604), published in the Federal Register on January 14, 2008 (73 FR 2326) states, at §604.2 (e), "The requirements of this part shall not apply to a recipient that uses Federal financial assistance from FTA for program purposes only, under 49 U.S.C. 5310, 49 U.S.C. 5311, 49 U.S.C. 5316 or 49 U.S.C. 5317." This relieves the operator of a JARC project from this requirement while operating service under this program. Additionally at Sub-part B – Exceptions §604.7 provides an exception for recipients providing charter service to a Qualified Human Services Organization. This type of organization is defined as "...an organization that serves persons who qualify for human services or transportation- related programs or services due to disability, income or advanced age." §604.3(q).	N/A	
1. JARC grantee meets the above requirements and is only providing charters under this program or to QHSO's,		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

VIII. DRUG FREE WORKPLACE AND DRUG AND ALCOHOL TESTING

A. Drug Free Workplace, Federal requirements would only apply to RTA, Illinois Law applies to all grantees

	Yes	No
1. Grantee conducts required, on-going training and awareness programs as required by Drug-Free Workplace Act.		
2. Employees are made aware that grantee operates drug-free workplace.		
3. Employment ads states that grantee maintains a drug free workplace.		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

B. Drug and Alcohol Testing, grantees operating vehicles with capacity of 16 or larger including maintenance, requires a Commercial Drivers License (CDL). Also safety sensitive personnel

	Yes	No
1. Grantee operates vehicles with capacity of more than 16 including driver. a. Operators and mechanics have CDL.	Pace Procedures followed	
2. Grantee employees safety sensitive personnel.		
3. Grantee has policy that is disseminated to all employees. a. Employees are not required to sign a "permission to test" document.		
4. Grantee hires outside testing agency.		
5. Grantee representative has been trained on Drug and Alcohol testing regulations		
6. Testing records are kept in a separate and secure location.		
7. Grantee has training records. a. Training for all safety sensitive employees b. Employee information available on affects of drug and alcohol abuse c. Reasonable suspicion information available		
8. Grantee has a random testing program.		
9. Grantee performs post-accident testing and retraining as required by FTA.		
10. Pre-employment information (want ads, job announcements) includes requirement to test safety-sensitive function employees.		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

IX PROGRAM PERFORMANCE MEASURES

A. JARC Program

	Yes	No
1. Project type: circle all that apply operating, capital, other.	N/A	

2. Grantee goal: jobs, rides, both. 3. Grantee is maintaining records and statistics on actual and/or estimated number of jobs. a. Accessed by geographic coverage b. Accessed by timed coverage c. Method of data accumulation 4. Grantee is maintaining records and statistics on actual and/or estimated number of rides, measured by one-way trips. a. Method of data accumulation: driver counts, supervisor counts, farebox. 5. Is grantee meeting its own criteria for success.		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

X. LABOR PROTECTION

A. Labor Protection: transit employee protections 49 USC 5333(b) JARC only

Yes

No

1. Notice of Federal Assistance and acceptance of Special Warranty posted for employees to view.		N/A
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

B. Labor Protection: Davis-Bacon Act 49 USC 5333(a) Construction projects only

Yes

No

1. Contract review for required clauses and signage at job site		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

XI. Suspension and Disbarment/Integrity/Restriction on Lobbying

Yes

No

1. For third party contracts and subcontracts over \$25,000, review copies of certifications on suspension and debarment 2. For contracts over \$100,000 review certifications of Restrictions on Lobbying 3. If a grantee uses non-federal funds for lobbying review copy of Standard Form LLL "Disclosure Form to Report Lobbying".		
Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

XII. OTHER ITEMS REVIEWED

Yes

No

Documents Reviewed by RTA and Comments:		
Follow-up Action or Documents Required from Grantee		

SECTION 5310 COMPLIANCE REVIEW REPORT

DATE OF REVIEW:

RTA REPRESENTATIVE:

SUBRECIPIENT:

RECIPIENT REPRESENTATIVE:

PROJECT TITLE:

PROJECT TYPE:

I. Legal					
A. Legal	Yes	No	N/A	RTA NOTES	Subrecipient Response
<div>1. The subrecipient is a legally formed entity operating under the laws of the State of Illinois<div>a. Written by-laws</div><div>b. Board of Directors, meets regularly.</div><div>c. Written board minutes are taken and maintained</div></div> <div>2. Subrecipient had written code of ethics, provide copy<div>a. Approved by Board</div><div>b. Covers all employees, officers, board members and agents.</div></div>					

II. Financial Management and Capacity					
A. Financial: Management and Internal Controls					
<div>1. Subrecipient has written financial management procedures.</div> <div>2. Subrecipient procedures require at least two people to count cash and checks.</div> <div>3. Subrecipient procedures include at least two approvals prior to payment of invoices.</div> <div>4. Subrecipient procedures require two people to review requisitions</div> <div>5. Subrecipient uses a passenger counting system.</div> <div>6. Passenger counts are used to document contract-paid rides.</div> <div>7. Subrecipient staff trained on procedures, review training program.</div>					
B. Financial: Cash Control - (#1-4 Handled by Pace)					
<div>1. The subrecipient has procedures to reduce the opportunity for mishandling cash and other revenues, tickets and passes.</div> <div>2. Subrecipient procedures match the farebox to the passenger manifest on a regular basis. List frequency.</div> <div>3. Subrecipient procedures limit or prohibit the driver from handling cash.</div> <div>4. Driver-supervisor checks driver procedures (i.e., farebox and on-board reporting procedures) on a regular basis.</div> <div>5. Ride vehicle and monitor driver fare receipt procedures.</div>					
C. Financial: Accounting Systems					
<div>1. Review chart of accounts</div> <div>2. Review method of accounting: cost or <u>accrual</u></div> <div>3. Review sources of local match: cash, in-kind, state sources, non-DOT federal.<div>a. Document source and amounts</div></div> <div>4. Review method to allocate indirect funds<div>a. Cognizant Subrecipient or major funder approved for current fiscal year?</div></div>					

SECTION 5310 COMPLIANCE REVIEW REPORT

G. Technical: Marketing of Transit Services	Yes	No	N/A	RTA NOTES	Subrecipient Response
1. The Subrecipient markets transit services to program specific clients. 2. Section materials, to persons with special transportation needs. 3. Locations, media and/or community partners for marketing materials. a. Review sources and location lists 4. Information in other languages. a. List languages					

III. Technical Capacity

A.					
1. Subrecipient has written purchasing procedures, review copy. a. Covers purchase policy authority (staff positions) at various values (i.e. small purchases for vehicles/facilities). b. Appeal process (for formal bids only) 2. Code of conduct for procurement decisions. 3. Level for competitive process a. Telephone quote b. Written quote c. Bid process 4. Utilizes available state and local intergovernmental agreements for procurement or use of common goods and services.					

IV. Purchasing, including Buy America and ITS Architecture

A. Purchasing: Procedures, all					
1. Subrecipient has written purchasing procedures, review copy. a. Covers purchase policy authority (staff positions) at various values (i.e. small purchases for vehicles/facilities). b. Appeal process (for formal bids only) 2. Code of conduct for procurement decisions. 3. Level for competitive process a. Telephone quote b. Written quote c. Bid process 4. Utilizes available state and local intergovernmental agreements for procurement or use of common goods and services. 5. Written procurement history.					
B. Purchasing: code of conduct 49 CFR 18.36 (b)(3) and FTA C 4220.1F (proposed)					
1. Subrecipient has a written policy addressing standards of conduct in the award and administration of a contract which precludes conflicts of interest. a. Code include penalties and disciplinary actions for violations					
C. Purchasing Procedures, Federal Funds					
1. Subrecipient issues formal contracts in amount of \$100,000 or more for goods and services purchased with Federal funds. 2. Uses FTA Circular 4220.1F (proposed). 3. Filed Self-Certification that procurement system complies with Federal requirements for any third party contracts. 4. Uses FTA Circular 5010.1D (proposed) requirements for purchase of real property. 5. Federal clauses in procurement documents. 6. Buy-America certification.					
D. Purchasing, Procurements, Capital NOT APPLICABLE					
1. Subrecipient a. Participates in Illinois consolidated bids for vehicles b. Conducts procurements for non vehicle purchase c. Piggyback procurements with other subrecipients 2. Review procurement file for all required procurement documentation 3. Subrecipient has documentation of RTA approval of procurement process and bid documents for purchases over \$10,0000 4. Real property (land, including affixed land and improvements; structures and appurtenances). a. Real property acquisition process b. If yes describe property and current use 5. Small capital items, acquisition cost \$300 to \$5,000, process					
E. Purchasing, Competitive					
1. Advertisement process: how and where 2. Evaluation process, including factors 3. Geographic preferences 4. Sole source or non-competitive a. Cost analysis b. RTA approval c. Contract value less than \$10,000 5. For all procurements in excess of \$5,000 where not to low bidder, approval from RTA prior to conduct of procurement					
F. Purchasing: Intelligent Transportation Systems NOT APPLICABLE					

SECTION 5310 COMPLIANCE REVIEW REPORT

1. ITS project, integrated traffic signal systems, automatic vehicle location systems, traveler information systems or traffic management system.					
2. Conforms with ITS national, statewide or regional architecture.					

V. Maintenance, Satisfactory Continuing Control, Rehabilitation Act of 1973 (Section 504) and Americans with Disabilities Act of 1990 (ADA)

THIS SECTION IS HANDLED BY PACE

A. Maintenance: Plan NOT APPLICABLE	Yes	No	N/A	RTA NOTES	Subrecipient Response
1. Subrecipient has written vehicle maintenance plan a. Date written b. Maintenance manager in attendance at meeting					
2. Written preventative maintenance plan					
3. Overall asset management plan a. Real property b. Vehicles					
B. Maintenance and Satisfactory Continuing Control: Real Property NOT APPLICABLE					
1. Does the subrecipient own any real property					
2. Title in subrecipient name					
3. Realization of any revenue from incidental use of FTA financed real property a. How uses revenue					
4. Facility maintenance plan a. Record keeping system					
5. Real property disposition a. Provisions of disposition in compliance with FTA Circular 5010.1D (proposed)					
6. Visual walk through of facility a. Clean facility b. Accessible facility i. New facility ii. Modified					
C. Maintenance: Vehicle Record Inspection NOT APPLICABLE					
1. Random selection of vehicles a. List vehicle ID numbers for vehicles inspected					
2. Maintenance records are easily retrieved and well organized					
3. Subrecipient has manner to track maintenance of each vehicle					
4. Scheduled maintenance is based on mileage or <u>time</u> (note which) a. Evidence of regular brake inspection b. Evidence of regular steering and suspension inspection c. Evidence of regular lube, oil and filter service d. Check for high cost repairs, note					
5. Pre-trip inspections, routine					
6. Post-trip inspections, routine					
D. Maintenance: Vehicle Visual Inspection, including ADA components					
1. Random selection of vehicles a. List vehicle ID numbers for vehicles inspected					
2. Vehicles do not show signs of excessive wear or lack of care					
3. Exterior and Interior are clean and free of damage and rust					
4. Doors, mirrors, lights, wipers, and horn are in working condition					
5. Emergency door/safety interlock system functional					
6. Interlock system prevents vehicle movement when lift is deployed					
7. Cycle lift and check tie-downs					
8. Tires not worn unevenly, use Lincoln penny test					
9. Vehicle starts easily and runs smoothly without excessive visible exhaust					
10. Priority seating signage in place					
11. Ride vehicle and monitor driver fare receipt procedures.					
E. Satisfactory Continuing Control: Equipment - NOT APPLICABLE					
1. Subrecipient operates equipment purchased with Federal funds.					
2. Subrecipient holds title to vehicles and equipment, even when operated by others.					
3. Primary use of equipment is consistent with original purpose, from grant.					
4. Equipment is tagged or otherwise identified as property purchased with Federal funds.					
5. Subrecipient conducted a physical inventory of equipment including vehicles within last two years.					
6. Equipment records include: circle any or all: description, id number, title information, procurement source, acquisition date, cost, percentage of federal share, the grant number/contract number from which procured, location of use, condition, and disposition data including, date, sale price, method of determining fair market value.					
7. Subrecipient procedures for protecting equipment from misuse, misappropriation, waste, unwarranted deterioration or destruction.					
8. Subrecipient conducts physical inventory of equipment on a regular basis a. Frequency					
9. Equipment disposition (in compliance with 5010.1D (Proposed). a. Determination of fair market value					
F. Satisfactory Continuing Control: Employee, Driver and Volunteer Driver Training NOT APPLICABLE					
1. Subrecipient has written employee, driver and/or volunteer driver training program. a. Training includes: circle any or all, defensive driving, passenger assistance, ADA requirements, passenger relations, customer					

SECTION 5310 COMPLIANCE REVIEW REPORT

relations, customer service, evacuation and emergency procedures, behind the wheel orientation, drug and alcohol program policy and prevention, list any others b. Subrecipient maintains current training records 2. Subrecipient has written job descriptions for employees and volunteers. a. Performs regular job performance evaluations, frequency					
G. Satisfactory Continuing Control: Insurance NOT APPLICABLE					
1. Over all insurance plan and policy or self insurance information. 2. Facilities. a. Fire, accident, vandalism, other coverage including exclusions and riders 3. Vehicles, comprehensive. a. Collision insurance on all vehicles with remaining useful life b. Document limits on coverage c. Replacement value coverage d. Casualty losses over last two years, document proceeds used for transit purposes. 4. Equipment. a. Accidental loss, vandalism and/or loss					

VI. Civil Rights: Title VI of the Civil Rights Act of 1964, Equal Employment Opportunity, Disadvantaged Business Enterprise and Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA)

A. Civil Rights: Title VI, Nondiscrimination in Federal Programs	Yes	No	N/A	RTA NOTES	Subrecipient Response
1. Subrecipient has adopted RTA’s complaint procedures and notification process. 2. The subrecipient has a written complaint process. a. No written complaints alleging discrimination in service provision, last 3 years b. If yes, describe 3. Subrecipient has an environmental justice program for minority and low income populations. 4. Subrecipient has developed a Language Implementation Plan for persons with limited English.					
B. Civil Rights: Equal Employment Opportunity					
1. Subrecipient recruits or advertises for recruitment, hires, promotes or upgrades, demotes, transfers, lays off or terminates, disciplines, compensates, and trains employees without regard to race, color, creed, national origin, sex, age, or disability. 2. Subrecipient who receives more than \$1,000,000 in Federal funds or employing more than 100 employees, required to develop and submit plan to RTA. Subrecipient who receives less than \$1,000,000 and employees fewer than 100, no formal plan but must post information in a conspicuous place. 3. The subrecipient has a written complaint process. a. No written complaints alleging discrimination in employment practices, last 3 years b. If yes, describe 4. Equal Opportunity Employment is the Law and other employment law and regulations signage. a. Equal Opportunity is the Law, sign and location b. Employee Polygraph Protection Act, sign and location c. Fair Labor Standards Act, sign and location d. Davis-Bacon and Related Acts, sign and location e. Uniformed Services Employment and Reemployment Rights Act, sign and location. f. OSHA, sign and location g. Employee Rights for Workers with Disabilities/Special Minimum Wage Poster, sign and location h. (Employers of over 50 persons) Family Medical Leave Act, sign and location					
C. Civil Rights: Disadvantaged Business Enterprise (DBE) NOT APPLICABLE					
1. Subrecipient who receives more than \$250,000 in contracting opportunities, excluding vehicles, is required to develop DBE program, establish goals for the program and submit periodic reports of compliance. Subrecipient who does not meet threshold must still make good faith efforts to utilize DBE’s and submit reports. Plan required? 2. Review contracts and third party documents for required language re DBE’s. 3. If plan required does the subrecipient have a DBE Officer. 4. If plan required has the subrecipient developed a process to ensure all contractors pay subcontractors within a reasonable time. 5. If plan required does the subrecipient maintain and make available a directory of DBE certified firms.					
D. Civil Rights: Section 504 and Americans with Disabilities Act (ADA) N/A					
1. Subrecipient prohibits discrimination on the basis of handicap and complies with the specific requirements for accessibility by both public and private providers of public transportation. 2. Subrecipient is reporting on compliance with Section 504 and ADA. 3. Subrecipient is designing and constructing new facilities in compliance with regulations on accessibility, review any design or drawing. 4. Vehicles specifications include accessibility features, review specification. 5. Document compliance in service accessibility or complementary service provision. a. Document service type: fixed route or demand responsive. Demand responsive includes route deviation and subscription route services. 6. For demand responsive, list type of provider: public, private a. Persons with disabilities must be able to access. 7. Fixed service.					

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<div><div><div>a. All vehicles equipped with ramps or lifts, securement devices and are ADA compliant</div><div>b. Complementary service extending at least ¼ mile on both sides of fixed route must be provided</div><div>c. Policy for qualifying persons for complementary service</div></div><div>8. Provider serves persons with disabilities.<div><div>a. Denials</div><div>c. Designated priority seats</div><div>d. Any charges for wheel chair, attendants, service animals</div></div></div><div>9. Complaints filed.<div><div>a. Complaint resolution.</div></div></div><div>10. Review Fare Structure.</div></div>					
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VII. Safety and Security (As applicable per MAP-21)

A. Safety and Security NOT APPLICABLE	Yes	No	N/A	RTA NOTES	Subrecipient Response
<div><div>1. Subrecipient has written plan for both system safety and security or a combined plan.<div><div>a. Date written</div><div>b. Safety/Security Officer</div><div>c. Plans coordinated with local public safety agencies</div><div>d. Disseminated to employees</div><div>e. Training provided</div></div></div><div>2. The subrecipient pre-qualifies employees/volunteers prior to employment.<div><div>a. If yes, circle types: criminal background, driver’s license, physical, aptitude test, reference check, prior employer check, other.</div></div></div><div>3. Subrecipient has “hours in service” standard for drivers, i.e. 4 hours work and 1 hour break.</div><div>4. Plan covers: circle all that apply: accident prevention and investigation, crime prevention, violence in the workplace prevention, facility protection, emergency management including terrorism, and safety and security awareness training.</div></div>					

VIII. Drug Free Workplace and Drug and Alcohol Testing

A. Drug Free Workplace, Federal requirements would only apply to RTA, Illinois Law applies to all subrecipients					
<div><div>1. Subrecipient conducts required, on-going training and awareness programs as required by Drug-Free Workplace Act.</div><div>2. Employees are made aware that subrecipient operates drug-free workplace.</div><div>3. Employment ads states that subrecipient maintains a drug free workplace.</div></div>					
B. Drug and Alcohol Testing, subrecipients operating vehicles with capacity of 16 or larger including maintenance, requires a Commercial Drivers License (CDL). Also safety sensitive personnel					
<div><div>1. Subrecipient operates vehicles with capacity of more than 16 including driver.<div><div>a. Operators and mechanics have CDL.</div></div></div><div>2. Subrecipient employees safety sensitive personnel.</div><div>3. Subrecipient has policy that is disseminated to all employees.<div><div>a. Employees are not required to sign a “permission to test” document.</div></div></div><div>4. Subrecipient hires outside testing agency.</div><div>5. Subrecipient representative has been trained on Drug and Alcohol testing regulations</div><div>6. Testing records are kept in a separate and secure location.</div><div>7. Subrecipient has training records.<div><div>a. Training for all safety sensitive employees</div><div>b. Employee information available on affects of drug and alcohol abuse</div><div>c. Reasonable suspicion information available</div></div></div><div>8. Subrecipient has a random testing program.</div><div>9. Subrecipient performs post-accident testing and retraining as required by FTA.</div><div>10. Pre-employment information (want ads, job announcements) includes requirement to test safety-sensitive function employees.</div></div>					

IX Program Performance Measures

C. Section 5310 Program					
<div><div>1. Project type: circle all that apply, operating, capital, other.</div><div>2. Subrecipient goal: increases or enhancements, additions or changes, rides.</div><div>3. Subrecipient is maintaining records and statistics on additions or changes to:<div><div>a. Geographic coverage</div><div>b. Service quality</div><div>c. Service time</div><div>d. Environmental infrastructure (facilities, sidewalks, stations, etc.)</div><div>e. Technology</div><div>f. Vehicles</div></div></div><div>4. Subrecipient is maintaining records and statistics on actual and/or estimated number of rides, measured by one-way trips.<div><div>a. Method of data accumulation: driver counts, supervisor counts, farebox</div></div></div><div>5. Is subrecipient meeting its own criteria for success.</div></div>					

X. Labor Protection

A. Labor Protection: transit employee protections 49 USC 5333(b)	Yes	No	N/A	RTA NOTES	Subrecipient Response
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SECTION 5310 COMPLIANCE REVIEW REPORT

1. Notice of Federal Assistance and acceptance of Special Warranty posted for employees to view.				RTA staff observed and photographed postings on site.	
B. Labor Protection: Davis-Bacon Act 49 USC 5333(a) Construction projects only					
1. Contract review for required clauses and signage at job site				RTA staff observed and photographed postings on site.	

XI. Other Items Reviewed

The city of Naperville does not engage in any lobbying on behalf of this project.				.	
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