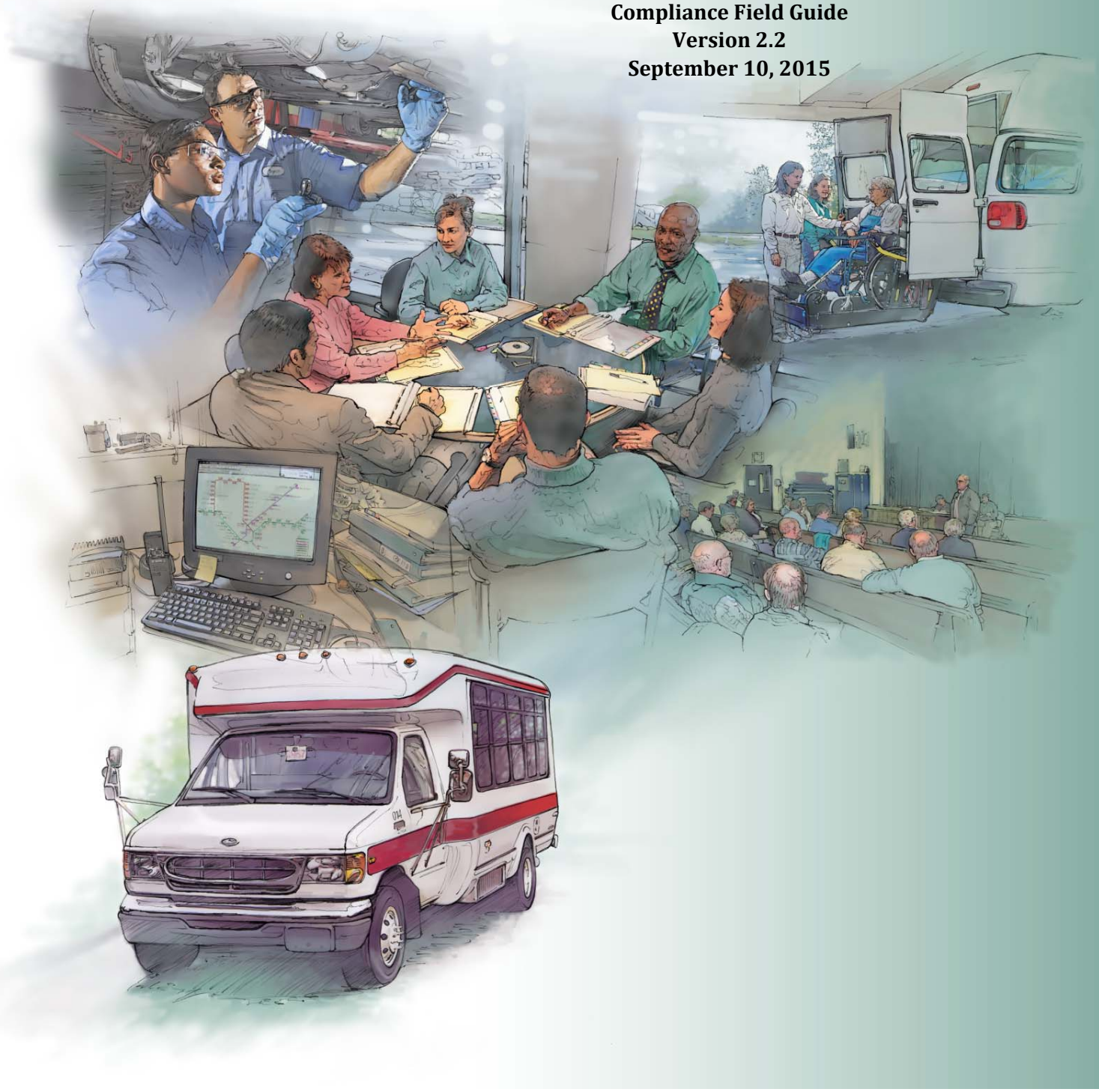
Oregon Department of Transportation
Public Transportation Division

Compliance Field Guide
Version 2.2
September 10, 2015



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ODOT Compliance Review Field Guide
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Introduction

ODOT Compliance Review Program

Scope of the Review

The Public Transit Division's Compliance Monitoring Program Field Guide is designed to assist the Division and public transportation providers assess how transit agencies in Oregon meet the varied compliance requirements imposed by the Federal Transit Administration and Oregon DOT.

The purpose of the on-site review is to assess how the agency's management is complying with Federal and state laws, rules, requirements, and regulations. The overall goal of the program is to improve the agency's compliance with applicable regulations while strengthening managements' abilities in these areas.

The review will be organized into 10 major areas, encompassing:

1. Program Management
2. Financial Management
3. Operations Management
4. Procurement
5. Use and Maintenance of Project Equipment
6. Civil Rights
7. Americans with Disabilities Act
8. Charter and School Bus
9. Special Transportation Fund
10. Miscellaneous Topics

Data collection to support the Compliance Review will be conducted in two stages: (a) a desk review, conducted by the consultant based on the submittal of requested data by the transit system; and (b) information gathered during a one to two day site visit to the project.

Desk Review

The review process will kick-off with notification via letter from the Public Transportation Division that the system has been scheduled for a compliance review. The letter will outline the scope and parameters of the review and request that the subrecipient provide data in advance of the compliance review team's site visit.

Agencies will be given 30 days to provide information requested for the desk review. All information is to be submitted electronically to a secure cloud server. Requested data is documented in that attached "Desk Review Data Request" Form.

On-Site Review

ODOT and the transit system will mutually determine the dates for the site review. While on-site, the review team may need to interview multiple personnel at the transit system, including, but not necessarily limited to, the individuals who perform the following functions:

- Transit manager
- Governing board chair
- Advisory board chair
- Operations manager
    - Customer service
    - Scheduling
    - Dispatch
- Maintenance manger
- Fiscal director
- Human resources director
- Procurement manager
- Training supervisor

The site visit will begin with an entrance interview. During this session, the review consultant and ODOT staff will review the scope of the review and provide an opportunity to ask questions about the review.

Depending upon the complexity of the transit system, ODOT envisions that the site review will take between eight and sixteen hours.

At the conclusion of the review, an exit conference will be held. The review consultant will be prepared to discuss preliminary findings and discuss potential remediation strategies.

Compliance Report

Following the desk review, site visit, analysis of documents, interviews with agency staff, and inspection of records, equipment, or procedures, the review consultant will render a finding. Findings may include:

- The subrecipient is in compliance with state requirements;
- The subrecipient is not in complete compliance with state requirements;
- The subrecipient is in compliance, however, an advisory recommendation to improve adherence to a regulation or improve the management of the transit program is provided.

Thirty days after the site visit the review consultant will release the draft report to ODOT. Following state review, the report will be released to the transit system.

In this report, two types of findings are rendered: observations and advisories. Observations represent an area where the subrecipient is not in compliance with a Federal or state requirement; these observations are given high or low priority status. High priority observations are those that impact civil rights, may represent a safety concern, or otherwise represent a high priority to the Federal Transit Administration. These observations will be assigned a period of remedy, ranging from 30 to 180 days. Deficiencies with less impact, or that have a required public hearing and/or approval process, will be

provided with a longer remedy period. Low priority observations still represent a lack of compliance and, therefore must be addressed, but no timeline is assigned. It is expected that these findings will be remedied before the next compliance review is performed. Advisory recommendations do not require implementation, but instead are suggestions provided by the reviewer which represent industry best practices and which may assist in achieving greater agency efficiency.

The report will be organized by topic, corresponding to the outline of this Review Guide. Each section will provide a summary of the compliance requirements, the observations and findings of the reviewer, and the actions necessary to remedy the findings.

Resolution of Compliance Findings

During the remediation period, ODOT expects the transit system to satisfactorily resolve all compliance observations. Energies should be directed at "high priority" compliance observations. ODOT anticipates that "low-priority" compliance will be remedied prior to the next compliance review cycle. Advisory recommendations may be accepted or rejected, as appropriate – these are only recommendations, not requirements.

After issuance of the report, the Regional Transportation Coordinator (RTC) will be available to assist the system remedy and close findings; provide examples of policies, procedures, and best practices; and review system proposals for remedy. It will be the primary responsibility of the RTC to close findings.

The review consultants will also be available, as needed, for consultation via e-mail and/or by telephone, to provider further assistance.

Compliance Review Desk Review Item Checklist

Yes	No	Document/Reference in Indiana Program Manual
Program Management		
☐	☐	Copies of Any Subcontracts with Lower Tier Operators
Financial Management		
☐	☐	Subrecipient's chart of accounts
☐	☐	Indirect cost allocation plans and cognizant agency approval letter
☐	☐	Written financial management policies and procedures
Procurement		
☐	☐	Copies of written procurement policies
☐	☐	Copies of code of conduct governing personnel involved in procurement (if not included in written procurement policy)
☐	☐	Non-accessible vehicle acquisition certification
☐	☐	Copies of third party contracts arising from all formal procurements, last three years (*Note: if there are multiple instances of formal procurements, contact the review team and seek clarification on the submittal*)
☐	☐	For locally conducted procurements, copies of procurement documents, including IFB, RFP, or purchase orders and vendor lists, bid tabulations, etc. (*Note: if there are multiple instances of formal procurements, contact the review team and seek clarification on the submittal*)
Civil Rights		
☐	☐	Description(s) of any lawsuits or complaints alleging discrimination in service delivery filed within last year along with statement of resolution/outcome
☐	☐	Summary of all civil rights complaints, last three years
☐	☐	Copy of EEO program (If the subrecipient receive more than $1,000,000 in Federal assistance or employ more than 50 employees
☐	☐	Copy of DBE Program and Goals (If the subrecipient has more than $250,000 (exclusive of vehicle purchases) in contracting opportunities
Americans with Disabilities Act (ADA)		
☐	☐	Complementary paratransit plan, if applicable
☐	☐	Copies of any complaints filed against the subrecipient alleging discrimination on the basis of disability in service delivery (filed within last year) along with statement of resolution/outcome
☐	☐	Service brochures and other system information made available to the public
☐	☐	Copy and description of fare structure employed by the subrecipient
☐	☐	ADA related service and operating policies
Use and Maintenance of Project Equipment		
☐	☐	Vehicle fleet roster with funding source designation, date of acquisition, accessibility status, and "designed to transport" capacity
☐	☐	Transit equipment inventory
☐	☐	Blank pre-trip vehicle inspection form
☐	☐	Vehicle lease agreements, if any
☐	☐	Equipment/vehicle disposition procedures
☐	☐	Preventive maintenance plans and schedules
☐	☐	Buy America certifications, if applicable
☐	☐	Pre-award and post delivery audits (if applicable)
☐	☐	Copies of vendor provided Bus Testing certifications (approval page only)

Yes	No	Document/Reference in Indiana Program Manual
Charter and School Bus		
☐	☐	Copies of charter reports, last year
☐	☐	Copies of contracts with all entities that purchase contract service from the system if available)

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Section 1. Program Management

In this section, a subrecipient's eligibility and authority to receive FTA funds is established.

Program Identification

Eligibility for Federal and state programs is determined by ODOT as part of the planning and grants management process. In this stage of the review, the reviewer must document the funding sources used by the transit system during the last three years. The reviewer does not need to verify eligibility or eligible services. If upon review of the scope of services the reviewer determines that the described services vary from that outlined in the project application and/or as described in a statement of work or grant agreement, report this as a finding.

1. What are the sources of Federal funds received by this subrecipient during the last three years (check all that apply)?

☐ Section 5311 ☐ Section 5311(f) ☐ Section 5310 ☐ SGR
☐ Section 5339 ☐ STF ☐ Other

Governance

All ODOT grant recipients must be legally constituted and have a governing board, structured according to the organizational status of the agency. Governing boards, in addition to providing the legal authority to enter into an agreement with ODOT, must provide appropriate oversight of the financial affairs of the organization and approve all key policies of the agency (*e.g.*, procurement policies). If the governing delegates any of these responsibilities, the reviewer should examine such delegation authority.

FTA requirements include approval actions by the governing board. These policies, plans or programs include DBE, Title VI, and Drug and Alcohol regulations.

2. What is the governing body of the organization that is duly authorized to operate the public transit project?

_____

_____

3. How often does this body meet?

_____

4. Is there documented evidence that this body deliberates on key management issues facing the transit system?

_____

_____

5. Has the governing board delegated grants management responsibilities to other parties, such as key employees of the organization?

☐ Yes ☐ No

If "Yes," is there a governing board resolution or other appropriate action that approves this delegation of authority?

☐ Yes ☐ No

Control Environment

An agency's overall control environment sets the tone of the organization and influences the control consciousness of its employees. To successfully address risks and achieve its objectives, agency management must institute various control activities, such as segregation of duties, physical controls, and a system of approvals.

6. Are agency employees skilled and trained to perform the duties associated with their particular job functions (e.g., daily management of staff, accounting functions, delivery of services)?

☐ Yes ☐ No

If "Yes," describe how the agency ensures that individuals with the proper training and credentials are assigned job duties.

_____

_____

7. How does management remain abreast of the requirements of laws and regulations pertinent to the transit grant programs?

_____

_____

8. Is there a formal (written) conflict of interest policy or code of conduct in effect?

☐ Yes ☐ No

If "Yes," describe the key elements of this policy.

_____

_____

Who is covered by this policy?

Yes	No	Covered Individuals
☐	☐	Employees
☐	☐	Officers of the organization
☐	☐	Board members
☐	☐	Immediate family members of (a), (b), (c) above
☐	☐	Agents/contractors of the organization
☐	☐	Prospective employees

9. How does the agency management convey the message that integrity cannot be compromised? How is this communicated to employees?

_____

_____

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Section 2. Financial Management

Overview

As a primary recipient of grant funds and as the State agency designated to administer such funds for public transit activities, ODOT manages the fiscal elements of these programs in accordance with its existing procedures, FTA guidelines, and other applicable state and Federal regulations.

All subrecipients are required to establish and maintain an accounting system to which all transportation-related costs, revenues, and operating costs are recorded so that they may be clearly identified, easily traced and substantially documented. The fully allocated cost of the public transit program must be clearly identified regardless of the operational nature of the agency.

Accounting Practices

Receipt of a ODOT grant obligates the grantee to use funds it receives as specified in the project application and grant agreement. Execution of the grant agreement establishes a partnership between ODOT and the subrecipient wherein ODOT assumes an oversight role in the use of grant funds and retains a vested interest in the unused grant balances, improperly applied funds, and property and facilities purchased or otherwise acquired under the grant. Subrecipients, lower tier operators, and third party contractors are responsible for establishing and maintaining adequate internal control over all their functions that relate to project administration and execution of the project. These control systems must adhere to: applicable Federal requirements outlined in the Common Rule (49 CFR part 18 and 49 CFR part 19), OMB Circular A-87, program specific program guidance contained in State Management Plan and appropriate FTA Circular, and other requirements as may be established by ODOT.

Financial records, supporting documentation, and all other records pertinent to a grant must be retained by the subrecipient and must be made readily available to authorized representatives including ODOT, for a period of three (3) years from the date of project completion and final payment under the agreement has been rendered.

If any litigation, claim, or audit is started before the expiration of the three-year period, the records must be retained beyond three (3) years, until all litigation, claims, or audit findings involving the records have been resolved.

1. Is the subrecipient's chart of accounts sufficiently detailed to accumulate project revenues and expenses in detail?

   ☐ Yes ☐ No

2. Is the chart of accounts sufficiently detailed to distinguish between project capital and operating expenses?

   ☐ Yes ☐ No

3. Is the subrecipient's accounting system capable of generating reports to ensure the timely collection of revenues and grant receipts?

   ☐ Yes ☐ No

4. Are the personnel responsible for recording financial transactions, generating reports, and ensuring the accuracy of financial data suitably trained to perform these functions?

   ☐ Yes ☐ No

5. Does the subrecipient adhere to the requirement that all financial records pertaining to an ODOT grant be retained for three (3) years following the final payment?

   ☐ Yes ☐ No

6. Does the subrecipient have written financial management procedures?

   ☐ Yes ☐ No

7. Federal cost principles require that all costs incurred under a grant must be "reasonable and necessary." Does the subrecipient have a process in place to determine reasonable and necessary costs prior to making the expenditure?

   ☐ Yes ☐ No

   If "Yes," what are these procedures?

   _____

   _____

8. How does the subrecipient ensure that costs claimed under a Federal grant award are not included as a cost or used to meet cost sharing or matching requirements of any other Federally-financed program in either the current or a prior period?

   _____

9. Financial capacity is measured by a subrecipient's ability to handle a number of functions, including the following management elements (check if the subrecipient demonstrates sufficient managerial ability to):

Yes	No	Requirement
☐	☐	Match and manage FTA grant funds.
☐	☐	Cover grant cost overruns.
☐	☐	Cover operating deficits through long-term, stable, revenue sources.
☐	☐	Maintain and operate grant-funded equipment.
☐	☐	Conduct annual A-133 audits (if applicable).

Indirect Costs

Indirect costs are those: (a) incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. The term "indirect costs," applies to costs of this type originating in the grantee department, as well as those incurred by other departments in supplying goods, services, and facilities.

There is no universal rule for classifying certain costs as either direct or indirect under every accounting system. A cost may be direct with respect to some specific service or function, but indirect with respect to the Federal award or other final cost objective. Therefore, it is essential that each item of cost be treated consistently in like circumstances either as a direct or an indirect cost.
Where an accumulation of indirect costs will ultimately result in charges to a Federal award, a cost allocation plan is required.

Amounts not recoverable as indirect costs or administrative costs under one Federal award may not be shifted to another Federal award, unless specifically authorized by Federal legislation or regulation.

For organizations that seek reimbursement of indirect costs under their Federal grant awards, an indirect cost rate proposal must be prepared annually and submitted to the cognizant Federal agency, an agency designated by OMB as responsible for reviewing, negotiating, and approving indirect cost rate. In the absence of a designated cognizant agency, the Federal funding source providing the most significant amount of funding will typically serve as the cognizant agency. In cases where funds first flow to a primary recipient to a subrecipient, the primary recipient may review, negotiate, and approve indirect cost rate proposals (this scenario describes the relationship between ODOT and its subrecipients).

10. Does the subrecipient seek reimbursement of indirect costs in its claims under its various Federal grant awards?

☐ Yes ☐ No

If "Yes," has the subrecipient submitted the plan for approval to a cognizant Federal agency or ODOT?

☐ Yes ☐ No

If "Yes," which agency approved the Cost Allocation Plan (CAP)?

_____

11. Is the Cost Allocation Plan (CAP) updated annually or on a multi-year period as required by the cognizant agency for audit?

☐ Yes ☐ No

What is the date on the latest approved CAP?

_____

12. Are claims for reimbursement of indirect costs made in accordance with the latest approved indirect cost rate?

☐ Yes ☐ No

Internal Controls

Subrecipients are responsible for establishing and maintaining adequate internal controls over their functions that affect implementation of a grant. For proper management of grants, these controls must be used by each subrecipient in all of its operating, accounting, financial, and administrative systems. To ensure proper accountability for grant funds, internal controls must be integrated with the management systems used by the grantee to regulate and guide its operations.

13. Subrecipients must demonstrate that it has certain policies, procedures, and protocols in place to demonstrate that it has sufficient internal controls over financial management. Does the subrecipient address the following internal controls?

Yes	No	Requirement
☐	☐	Does the subrecipient have written grants administration policies that govern organizational control of its activities?
☐	☐	Does the subrecipient's formal organizational structure clearly define, assign, and delegate appropriate authority for all duties?
☐	☐	Given the size of the organization, is there sufficient segregation of duties in financial management functions to ensure that adequate internal checks and balances exist?

- ☐ ☐ Does the subrecipient have a system of organizational planning to determine financial, property, and personnel resource needs?
- ☐ ☐ Are there sufficient checks and balances in place to prevent illegal or unauthorized transactions or acts?
- ☐ ☐ Do the subrecipient's information systems reliably provide needed operating and financial data for decision-making and performance review?
- ☐ ☐ Does the subrecipient have any type of internal audit functions to ensure that grant funds are expended properly?
- ☐ ☐ Are the subrecipient's personnel properly qualified for their assigned responsibilities, duties, and functions? Are education, training, experience, competence, and integrity considered in assigning work?
- ☐ ☐ Are the subrecipient's expenditures controlled so that construction, equipment, goods, and services are acquired and received as contracted for (as to quality, quantity, price, and time of delivery)?
- ☐ ☐ Does the subrecipient exercise sufficient control over real property, equipment, expendables, and funds to prevent misuse, misappropriation, waste, or unwarranted deterioration or destruction?

14. How is the security of financial data maintained? Who has access to records? How often is the financial system backed-up?

_____

_____

Budget

Subrecipients are responsible for monitoring expenditures or outlays and must compare these outlays to budgeted amounts for each grant or subgrant. Financial information must be related to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the grant or subgrant agreement. If the unit cost data are required, estimates based on available documentation will be accepted whenever possible.

Applicable cost principles, as stated in 2 CFR part 200.401 - 475, agency program regulations, and the terms of grant and subgrant agreements will be followed in determining the allowability and allocability of costs.

Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contracts, and subgrant award documents.

15. How is the budget developed? Who is responsible for developing the budget?

_____

_____

16. Who is responsible for approving the budget?

_____

17. Who is responsible for ensuring that costs are consistent with the project budget and the limitations set forth in the grant agreement?

_____

_____

18. Who is responsible for determining cost allowability? Are budget officials knowledgeable about Federal cost principles governing cost allowability?

_____

_____

19. How is the budget managed throughout the fiscal year? Does the accounting system generate periodic reports regarding revenues, expenses, budget variances, etc.? Who receives these reports? How are the reports used by transit management?

_____

_____

20. What role does the governing board play in monitoring the organization's budget?

_____

_____

21. What is the subrecipient's fiscal year?

Start date (current year)_____End date (current year) _____

22. What is the subrecipient's basis of accounting?

- ☐ Cash Basis
- ☐ Modified Cash
- ☐ Accrual Basis
- ☐ Other (Describe)_____

23. If the subrecipient provides service under contract to human service agencies, what is the frequency for issuing invoices to the contracting organizations? What is the typical aging cycle on such receivables?

_____

_____

24. What procedures does the subrecipient have in place to track and collect on aged receivables?

_____

_____

25. Does the subrecipient provide credit cards to its employees?

☐ Yes ☐ No

If "Yes," are their written policies in place governing the use of such cards?

☐ Yes ☐ No

Do these policies provide sufficient protection against fraud and abuse? Is there sufficient separation of function to detect fraud and misuse of agency credit cards?

☐ Yes ☐ No

Documentation of Costs

Normally, supporting documentation consists of receipts, invoices, vouchers, contracts, leases, etc. There are special requirements for the documentation of personnel expenses, particularly those employees whose time is split between (a) more than one Federal award; (b) a Federal award and a non-Federal award;(c) an indirect cost activity and a direct cost activity; (d) two or more indirect activities which are allocated using different allocation bases; or (e) an unallowable activity and a direct or indirect cost activity.

26. Does the subrecipient maintain proper supporting documentation for routine purchases?

☐ Yes ☐ No

27. How does the subrecipient support personnel charges made to Federal grants?

_____

_____

If "Yes," do the affected employees maintain personal activity reports consistent with OMB requirements below?

Yes	No	Personal Activity Report or Equivalent Document Must:
☐	☐	Reflect an after-the-fact distribution of the actual activity of each employee.
☐	☐	Account for the total activity for which each employee is compensated.
☐	☐	Prepared at least monthly and must coincide with one or more pay periods.
☐	☐	Must be signed by the employee.

Cash Management

Subrecipient must periodically reconcile grant accounts, reconcile bank records with financial system records, ensure the timely deposit of cash receipts to prevent fraud or loss, and ensure sufficient separation of function to provide adequate checks and balances in the cash handling process.

28. Describe the process in which the transit system receives cash and checks from ODOT and or other entities that purchase service. Include cash donations in this analysis.

_____

_____

29. How often are receipts deposited to the bank?

_____

30. Does a person other than the individual who conducts the accounting function verify the cash receipts listing against the deposit slips?

☐ Yes ☐ No

31. Document the following elements associated with fare collection:

Are there written procedures governing fare collection?

☐ Yes ☐ No

Are system vehicles equipped with fareboxes?

☐ Yes ☐ No

If "No," describe the procedures in place to protect fare collections from theft or loss?

_____

_____

How often are revenues pulled from system vehicles/fareboxes?

_____

_____

Where are farebox revenue counts conducted?

_____

_____

Is this location secure? Who has access?

_____

_____

How are the counts posted to the agency's general ledger?

_____

_____

Are farebox counts reconciled against driver logs?

☐ Yes ☐ No

32. What steps has the organization taken to protect itself from theft, fraud, or loss? Are employees who handle cash bonded? Is there insurance to cover loss or theft?

_____

_____

33. Does the subrecipient sell passes, pass books, or paper tickets?

☐ Yes ☐ No

If “Yes,” what controls are in-place to prevent theft, fraud or misuse of the passes?

_____

_____

If “Yes,” what steps are taken to secure storage or unsold media?

_____

_____

34. Is there a petty cash fund?

☐ Yes ☐ No

If yes, are there written policies and procedures in place for petty cash expenditures which include how it may be used and who is eligible to withdraw funds?

☐ Yes ☐ No

35. Who is responsible for check writing?

_____

Are two original signatures required on all checks?

☐ Yes ☐ No ☐ Other

If "Other," please explain:

_____

_____

36. Are check signers authorized by the governing board?

☐ Yes ☐ No

37. Are bank accounts reconciled on a regular basis?

☐ Yes ☐ No

38. Does the subrecipient have written policies regarding the payment of travel expenses incurred by employees who travel away from their duty station on agency business?

☐ Yes ☐ No

Financial and Program Reporting

PTD requires that requests for reimbursement be supported by a statement of revenues and expenditures for each quarter, including documentation of local match contributions.

39. What is the frequency of report submission to ODOT?

_____

_____

40. Do the reports include a statement of revenues and expenditures for each quarter, including documentation of local match contributions?

☐ Yes ☐ No

41. Does the subrecipient utilize monthly financial reports and/or variance reports to monitor budget adherence?

☐ Yes ☐ No

42. In reporting service data, what methods are used to collect and validate the accuracy of reported data?

☐ Yes ☐ No

_____

_____

Local Match

Federal and state grants awarded by ODOT may require match or local participation in the share of project costs. The amount of local match is specified in the grant agreement.

Examples of local sources that may be used for the local share include: State or local funds; dedicated tax revenues; private donations; and net income generated from advertising and concessions. Additionally, revenues derived from a service agreement with a State or local social service agency or a private social service organization may be used to meet the local matching share, even if the source of those funds was another Federal program.

Subrecipients may count non-cash shares such as donations, volunteered services, or in-kind contributions toward the local match only if the recipient formally documents the value of each non-cash share, and if this value represents a cost that would otherwise be eligible under the project. The net project cost must include the value of any in-kind contributions included in net project cost to the extent it is used as local match.

43. What are the sources of funds being used to generate the local match? Are these sources non-Federal as defined above? Do these sources meet FTA requirements for local match as defined below?

Yes	No	Check all that apply:
Statutorily Defined Sources:		
☐	☐	State or local appropriations
☐	☐	Dedicated tax revenue
☐	☐	Other Cash
☐	☐	Private donations
☐	☐	Net income derived from advertising and/or concessions
Other Federal funds that are unrestricted in their use as match:		
☐	☐	Funds received from a service agreement with a State or local social service agency or a private social service organization
☐	☐	Federal Lands Highway Program
☐	☐	Other[1]
In-Kind or Contributed Services:		
☐	☐	In-Kind[2]
☐	☐	Volunteer[2]

[1] Verify there are no restrictions on use as match.
[2] See next section to verify allowability as in-kind or volunteer service.

44. Are the funds cited above verified as not being included as a cost or used to meet cost sharing or matching requirements of any other Federal award in either the current or a prior period, except as specifically provided by Federal law or regulation?

☐ Yes ☐ No

45. Is the subrecipient generating sufficient local match to meet the applicable percentage as defined in the grant agreement?

☐ Yes ☐ No

In-Kind or Contributed Services

Non-cash shares such as donations, volunteered services, or in-kind contributions are eligible to be counted toward the local match only if the value of each is formally documented and supported. Additionally, any donation or volunteer service must represent a cost which would otherwise be eligible under the project.

ODOT allows donated or volunteer services to be furnished to a nonprofit organization by professional and technical personnel, consultants, and other skilled and unskilled labor. The value of the donations may be used to meet the local match requirements, but may not be claimed for reimbursement.

There are conditions governing the use of donations and/or volunteer services. Such items and services: (a) must be verifiable from the recipient's records; (b) not included as contributions for any other Federally-assisted project or program; (c) necessary and reasonable for proper and efficient accomplishment of project or program objectives; (d) must be allowable under the applicable cost principles; (e) must not paid by the Federal Government under another award, except where authorized by Federal statute to be used for cost sharing or matching; and (f) provided for in the approved budget when required by the Federal awarding agency; and (g) conform to other provisions of 2 CFR part 200, as applicable.

Fair market value of contributed or volunteer labor must be computed based on the regular rates paid for similar work in other activities of the organization or, in cases where the kinds of skills involved are not found in other activities of the organization, the rates used must be consistent with those paid for similar work in the labor market in which the organization competes for such skills.

Under any circumstance, the value of these services is not reimbursable either as a direct or indirect cost under Federal grant awards; rather this value may only be used as local match.

46. Does the subrecipient utilize contributions or donations to meet part of the match share of ODOT grants?

☐ Yes ☐ No

47. How did the subrecipient assign fair market value to the donated or contributed service?

_____

_____

48. Are the services or items donated necessary and reasonable for proper and efficient accomplishment of project or program objectives?

☐ Yes ☐ No

49. Did the subrecipient use the value of the donation only as local match (*e.g.*, the subrecipient does not seek reimbursement from grant funds for the donation)?

☐ Yes ☐ No

Program Income

Program Income is gross income received by a subrecipient that is directly generated by a grant supported activity, or earned only as a result of the grant funded project during the grant period (the time between the effective date of the grant and the ending date of the grant reflected in the final financial report).

Program income includes income: (a) from fees for services performed; (b) from the use or rental of real or personal property acquired with grant funds; (c) from payments of principal and interest on loans made with grant funds; and (d) tax credits. Program income may not be used to reduce the local share of the grant in the year in which it was earned, but may be used in future grants. Net income from advertising and revenues from a contract with a state or local social service agency or a private social service agency represent a special case and may be used in the year in which it was earned. The income from contract services may not be used as match if the original source of payment for the contract is another FTA grant.

Fares are not considered program income and must be deducted from total operating costs to determine the net cost of service.

50. Does the subrecipient generate program income?

☐ Yes ☐ No

If "Yes," what is the source of this program income?

_____

_____

If "Yes," has the subrecipient retained the revenues for use in the transit program?

☐ Yes ☐ No

If other than advertising and contract income, has the subrecipient used the program income for the local share in a year other than the year in which the income was earned?

☐ Yes ☐ No

51. Did the subrecipient report to program income and their use to ODOT as appropriate?

☐ Yes ☐ No

Single Audit

Subrecipients expending $750,000 or more in Federal financial assistance from all sources in the subrecipient's fiscal year must prepare a single audit pursuant to 2 CFR part 200.500 (Note: this threshold is applicable to fiscal years beginning after December 26, 2014; fiscal years that encompass an earlier ending date must be audited in accordance with the old threshold - $500,000).

Additionally, ODOT requires that subrecipients entering into lower tier subcontracts require those lower tier contractors to also adhere to the requirements of a single audit. Subrecipients are obligated to ensure that these terms are contractually stipulated in the lower tier agreement and that the lower tier contractor provides ODOT a copy of the single audit.

Subrecipients and lower tier contractors are responsible for prompt resolution of all audit findings and recommendations. This responsibility requires that the subrecipient:

- Promptly evaluate the report;
- Determine the appropriate follow-up actions and establish a date for their completion;
- Directly submit report to ODOT; and
- Complete all required actions within the established period of time.

Subrecipients receiving less than $750,000/$500,000 in Federal funds must submit to the Public Transit Division a copy of any annual audit, if conducted (for example, Municipal Audits) covering the funds expended under current grant agreements with ODOT.

If a finding relates to an ODOT grant, ODOT requires the subrecipient to take follow-up action to resolve the finding. ODOT will review the remedial action and/or remedy and close the finding or work with other state agencies to ensure closure.

52. Did the subrecipient receive more than $750,000 in Federal funds annually (from all sources) during any one of the last three fiscal years?

☐ Yes ☐ No

If "Yes," did the subrecipient prepare a single audit?

☐ Yes ☐ No

53. Does the subrecipient enter into any lower tier agreements?

☐ Yes ☐ No

If “Yes’ does the subrecipient pass single audit obligations to the lower tier contract?

☐ Yes ☐ No

If “Yes,” did the subrecipient complete a single audit?

☐ Yes ☐ No

54. Does the subrecipient submit a copy of the audit report to ODOT as required?

☐ Yes ☐ No

55. Does the audit contain any findings relative to the subrecipient’s use of ODOT/FTA funds?

☐ Yes ☐ No

If "Yes," has the subrecipient submitted a remedial action plan to ODOT and/or resolved the findings?

☐ Yes ☐ No

Section 3. Operations Management

Overview

Many questions in this section do not relate to a specific compliance topic; rather, the questions relate to the operational efficiencies and effectiveness in the system's various operational policies. This section addresses organization and staffing, transit operations, scheduling, dispatching, customer service, safety and security, operations planning, marketing, complaint management, and service evaluation.

Organization and Staffing

The subrecipient is responsible for ensure it has the managerial and technical capacity to carry out the ODOT grant. The transit agency is responsible for ensuring that it has sufficient personnel assigned to the various transit functions (administration, operations, and maintenance) to ensure successful delivery of public and coordinated human services transportation.

1. What are the direct staff commitments to the various transit functions:

Fixed Route		Demand Response	
FTEs	**Function**	**FTEs**	**Function**
_____	Administration	_____	Administration
_____	Operations	_____	Operations
_____	Maintenance	_____	Maintenance
_____	Non-Vehicle Maintenance	_____	Non-Vehicle Maintenance

2. Examine the organization chart. Has the subrecipient and/or operator dedicated sufficient human resources to carry out all responsibilities of the transit system?

   ☐ Yes ☐ No

3. Are there written job descriptions for all positions?

   ☐ Yes ☐ No

4. Are there any commitment of other agency or organizational personnel who performs functions on behalf of the transit agency indirectly (*e.g.*, they also perform functions other than transit)?

   ☐ Yes ☐ No

If "Yes," describe these individuals and what functions do they provide?

_____

_____

Operations

Fixed Route Operations

5. If the system operates fixed route services, what types of services are offered?

Yes	No	Check all that apply:
☐	☐	Non-commuter bus (traditional fixed routes)
☐	☐	Commuter bus
☐	☐	Intercity bus
☐	☐	Route/point deviation with deviations limited to certain riders

6. What is the maximum number of vehicles used in revenue fixed route service?

_____ Vehicles

7. How are operators assigned to vehicle runs?

_____

_____

8. Is there an extraboard or some additional staffing that must report for duty to ensure that all route depart the garage on-time at pull-out?

☐ Yes ☐ No

If “No,” how does the system ensure that there are a sufficient number of operators to run scheduled services?

_____

_____

9. How does the system measure on-time performance?

_____

_____

Does the system have any standards for on-time fixed route operations?

_____

_____

10. Does the system have a system of on-street supervision?

☐ Yes ☐ No

11. Does the system have a system of regular on-board ride checks?

☐ Yes ☐ No

If "Yes," how frequently are such checks conducted?

_____

_____

12. What is the extent of operating training prior to being permitted to drive independently on a fixed route?

Hours	**Training Component**
_____	Classroom Training
_____	Behind the Wheel Training

13. What components make up the operator's training?

Yes	No	Check all that apply:
☐	☐	Agency policies and procedures
☐	☐	Defensive driving
☐	☐	Passenger relations
☐	☐	Accident procedures
☐	☐	Evacuation and emergency procedures
☐	☐	Behind the wheel orientation
☐	☐	ADA requirements
☐	☐	Customer service
☐	☐	Other (specific)_____
☐	☐	Other (specific)_____
☐	☐	Other (specific)_____

14. Does the agency keep training records and documentation of each employee's training history?

☐ Yes ☐ No

15. How are driver schedules developed?

_____

_____

16. What are the maximum time limits on work hours (spread time) for bus operators imposed by the transit system?

_____

_____

Demand Response Operations

17. What modes of demand response services are operated?

Yes	No	Check all that apply:
☐	☐	ADA complementary paratransit
☐	☐	Route/point deviation with deviations for the general public
☐	☐	Other demand responsive service

18. What are the maximum numb of vehicles used in paratransit revenue service?

_____ Vehicles

19. How are operators assigned to vehicle runs?

_____

_____

20. How does the system ensure that are sufficient number of drivers available to handle all runs?

_____

_____

21. What are the maximum time limits on work hours (spread time) for paratransit operators imposed by the transit system?

_____

22. If both modes are operated, is the work force divided between fixed route and demand response operations?

☐ Yes ☐ No

If "Yes," then answer the following questions for demand response operators as well, otherwise move on to the next section.

23. What is the extent of operating training prior to being permitted to drive independently on a fixed route?

Hours	**Training Component**
_____	Classroom Training
_____	Behind the Wheel Training

24. What components make up the operator's training?

Yes	**No**	**Check all that apply:**
☐	☐	Agency policies and procedures
☐	☐	Defensive driving
☐	☐	Passenger relations
☐	☐	Accident procedures

Yes	No	Check all that apply:
☐	☐	Evacuation and emergency procedures
☐	☐	Behind the wheel orientation
☐	☐	ADA requirements
☐	☐	Customer service
☐	☐	Other (specific)_____
☐	☐	Other (specific)_____
☐	☐	Other (specific)_____

25. Does the agency keep training records and documentation of each employee's training history?

    ☐ Yes ☐ No

26. How are driver schedules developed?

    _____

    _____

Volunteers

27. Does the transit system rely on volunteers to deliver public transit and/or coordinated human services transportation?

    ☐ Yes ☐ No

    If "Yes," does the transit system describe any training program for volunteers?

    _____

    _____

Scheduling

Scheduling is the process of taking trip reservations and assigning the trip to vehicle tours in an efficient fashion. Scheduling can be manual, computer-assisted, or fully automated.

28. Does the system have a dedicated phone line for transportation reservations?

    ☐ Yes ☐ No

    How are callers greeted? Is there a standard script?

☐ Yes ☐ No

Does the greeting connote public transportation (rather than an agency) service?

☐ Yes ☐ No

29. Does the system record all requests for service (even if the trip request is not scheduled)?

☐ Yes ☐ No

30. Does the system record all denied requests for service and record the reason for denial?

☐ Yes ☐ No

31. What are the hours and days in which the system accepts telephone reservations?

Start Time	End Time	Day
		Weekdays
		Saturday
		Sunday

32. What is the capacity of the phone system?

Number	Element
_____	Number of reservation phone lines
_____	Number (in FTEs) of dedicated reservationists

What happens if existing phone lines are busy?

_____

_____

Based on observation, does the system have sufficient telephone capacity?

☐ Yes ☐ No

33. Does the system accept subscriptions?

☐ Yes ☐ No

If "Yes," are there any limitations on subscription reservations?

_____

_____

34. How are reservations accepted?

Check	Reservation
☐	Reservations are written on slips of paper and given to the scheduler
☐	Reservations are recorded on a board (blackboard, whiteboard, etc.)
☐	Reservations are entered into an Office Suite application
☐	Reservations are entered into an automated scheduling and dispatch software system
☐	Other (describe): _____

35. When are schedules developed?

_____

36. Who develops the schedule?

_____

37. How are schedules developed?

Yes	No	Check all that apply:
☐	☐	Manually developed
☐	☐	Computer assisted
☐	☐	Fully automated (name software and version): _____
☐	☐	Fully automated with manual manipulation
☐	☐	Other (specific)_____
☐	☐	Other (specific)_____
☐	☐	Other (specific)_____

38. Are base schedules ever re-optimized?

Yes ☐ No

If "Yes," when was the last time this occurred?

_____

39. How are schedules communicated to drivers?

_____

40. Has the scheduler undergone any special training appropriate to duties?

Yes ☐ No

If "Yes," what was this training?

_____

Dispatching

Dispatching is the process of controlling the movement of revenue vehicles. This includes on-going communication with vehicles in revenue service, ensuring that schedules are being operated on-time, responding to real-time conditions such as traffic delays and vehicle break-downs, and providing guidance to revenue vehicles in emergency situations.

41. Does the transit system have a dedicated dispatch function?

Yes ☐ No

If "Yes," what are the hours of operation for system dispatching?

Start: _____ End: _____

42. Does dispatch operate during all hours when vehicles are in revenue service?

Yes ☐ No

43. What method of communication is used between dispatch and drivers?

Yes	No	Check all that apply:
☐	☐	Cell phones
☐	☐	Two-way mobile communication using 12.5 kHz efficiency technology
☐	☐	Two-way mobile communication using 150-512 MHz radio bands
☐	☐	Mobile data terminals/computers (MDTs/MDCs)
☐	☐	Other (specific)_____

If using mobile two-way radio communications, has the system transitioned to 12.5 kHZ technology prior to the January 1, 2013 FCC narrowband deadline?

Yes ☐ No

44. Does the system have written procedures for various operating scenarios (break-downs, accidents, etc.) to be used by dispatch personnel to handle emergency situations?

Yes ☐ No

45. Have dispatch personnel undergone any special training appropriate to duties?

Yes ☐ No

If "Yes," what was this training?

_____

_____

Safety and Security

PTD and FTA have authority to withhold financial assistance from a subrecipient failing to correct a condition which PTD believes "creates a serious hazard of death or injury." FTA's authority to investigate is permissive, not mandatory. Certain transit providers may be subject to Federal Motor Carrier Safety Regulations and State Motor Carrier Regulations. PTD expects equipment to be adequately maintained and operated in a safe manner.

46. Does the transit agency have a safety and security program?

Yes ☐ No

If "Yes," does the agency have a regular program of employee training on the safety program?

Yes ☐ No

47. Does the transit agency perform an annual safety inspection for all grant acquired vehicles?

Yes ☐ No

48. Does the transit agency have a program and procedure in place to report all vehicle accidents to PTD?

    Yes ☐ No

    If "Yes," does this system specify that all accidents involving a fatality are reported within one (1) day and that follow-up documentation is submitted within three (3) business days?

    Yes ☐ No

49. If required, does the operator and agency file an Oregon Traffic Accident and Insurance Report (Form 735-32) with DMV within 72 hours?

    Yes ☐ No

50. For organizations that are covered by FMCSA drug and alcohol regulations (not FTA), does the agency conduct the requisite post-accident testing?

    Yes ☐ No

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Section 4. Procurement

Overview

Subrecipients must comply with all federal, state and local laws, ordinances, regulations and policies regarding procurement and contracting. Circular 4220.1F documents the FTA's procurement requirements. Subrecipients who are public entities will follow the requirements that apply to state and local governments, called the Common Rule, 49 CFR Part 18, and nonprofit agencies will comply with 49 CFR Part 19. Both types of agencies will also comply with the following requirements:

All governmental subrecipients follow State procurement procedures. However, because of differences between 49 CFR part 18 and 49 CFR part 19 (the Common Rule), FTA third party contracting requirements are fewer for States and subrecipients that are local or tribal governments than for subrecipients that are private non-profit organizations.

Subrecipients that are governmental authorities such as local or Indian tribal governments must comply with the same Federal requirements governing State procurements. ODOT is responsible for ensuring that subrecipients are aware of and comply with Federal requirements. These procurement practices must, at a minimum, comply with five specific Federal requirements contained in FTA Circular 4220.1F. These include the following: (1) for rolling stock, a five year limitation on contract period of performance; (2) a requirement for full and open competition; (3) a prohibition against geographic preferences; (4) the use of Brooks Act procedures for procurement of architectural and engineering services if the State has not adopted a statute governing procurement of such services; and (5) inclusion in contracts of all Federal clauses required by Federal statutes and Executive Orders and their implementing regulations.

Subrecipients that are private for-profit organizations must comply with FTA procurement requirements contained FTA Circular 4220.1F for procurements conducted with Federal funds. ODOT is responsible for ensuring that private for-profit subrecipients are aware of and comply with these additional requirements.

Capital equipment is defined as a tangible item with an aggregated purchase price of $5,000 or more and with a useful life of at least one year. For all equipment, subrecipients are responsible for maintaining appropriate equipment records, including a method of assigning a property tag number to each item; performing a periodic inventory (at least every two years); safeguarding the equipment from misuse and abuse; maintaining the equipment in useful, safe condition; and following appropriate disposal procedures when the item is no longer needed or has exceeded its useful life.

Standards of Conduct

The Common Grant Rules require each recipient to maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts.

1. Does the subrecipient maintain written standards of conduct governing the performance of its employees that are engaged in the award and administration of contracts?

   ☐ Yes ☐ No

2. Does the written policy cover employees, officers, agents, or board members, or their immediate family members, partners, or organizations that employ or are about to employ any of the foregoing individuals? Does the standard of conduct preclude such persons from participating in the selection, award, or administration of a grant agreement supported with FTA financial assistance if there is a conflict of interest, real or apparent?

   ☐ Yes ☐ No

3. Does the written policy deal with the acceptance of gifts?

   ☐ Yes ☐ No

4. Does the written policy address penalties, sanctions, or other disciplinary action for violation of such standards by the recipient's officers, employees, agents, board members, or by contractors or subrecipients or their agents?

   ☐ Yes ☐ No

Third Party Contracting Capacity

As part of the subrecipient's obligation to maintain adequate technical capacity to carry out its project, the subrecipient's third party contracting capability must be adequate to undertake its procurements effectively and efficiently in compliance with applicable Federal, State, and local requirements. Subrecipients must maintain a contract administration system to ensure that it and its third party contractors comply with the terms, conditions, and specifications of their contracts or purchase orders and applicable Federal, state, and local requirements. If the subrecipient lacks qualified personnel within its organization to undertake the various procurement tasks, such as drafting specifications, evaluating contracts, or performing internal audits for the recipient, ODOT expects the recipient to acquire the necessary services from sources outside the recipient's organization. When using outside sources, the subrecipient should take appropriate steps to prevent or mitigate organizational conflicts of interest that would result in conflicting roles that might bias a contractor's judgment or would result in unfair competitive advantage.

5. Does the subrecipient have written procurement policies?

   ☐ Yes ☐ No

6. Do these policies address the following elements:

Yes	No	Elements
☐	☐	Use of clear, performance based specifications that use non-restrictive terms and requirements and incorporate "brand name or equal" terms when specific references cannot be avoided?
☐	☐	Internal procedures that result in an assessment of the subrecipient's need for the property or services?
☐	☐	Preference, to the extent practicable and economically feasible, for products and services that conserve natural resources, protect the environment, and are energy efficient?
☐	☐	Include race-neutral considerations with respect to DBE participation?

7. If the subrecipient or operator is a public entity, does the transit system follow a locally adopted and procurement policy that has been approved by the governing board?

   ☐ Yes ☐ No

   Are the approved procedures used on all publicly sponsored procurements by the governmental agency or are the procedures uniquely applied to transit system procurements?

   ☐ The transit system uses its own procurement policies.
   ☐ The transit system uses local government procurement policies.

   Is the procurement policy up-to-date with the current FTA Circular?

   ☐ Yes ☐ No

8. Does the subrecipient incorporate required Federal terms and conditions in procurement specifications and contracts?

   ☐ Yes ☐ No

9. Does the subrecipient maintain a written history of every procurement?

   ☐ Yes ☐ No

Does this history include the following elements:

Yes	No	Requirement
☐	☐	Documentation for basis of the procurement method used.
☐	☐	Documentation for the contract type used.
☐	☐	Documentation of the basis for vendor selection.
☐	☐	Justification for the contract cost or price.
☐	☐	Other documents as necessary, commensurate with the size and complexity of the procurement itself, so that compliance with applicable standards can be documented.

10. Does the subrecipient's procurement policy permit access to records by ODOT and appropriate Federal representatives (or any of their representatives), access to and the right to examine and inspect all records, documents, and papers, including contracts, related to any project financed with Federal assistance authorized by 49 U.S.C. Chapter 53?

    ☐ Yes ☐ No

11. Does the subrecipient have in place a methodology to ensure it acquires only quantities it needs for transit services?

    ☐ Yes ☐ No

12. Has the subrecipient undertaken any procurement in the last three years where it split the quantities to take advantage of small purchase procedures?

    ☐ Yes ☐ No

    If "Yes," was the purpose of breaking the purchase into smaller quantities to permit DBEs greater opportunity to participate?

    ☐ Yes ☐ No

13. What steps does the subrecipient use to ensure that awards are only made to "responsible" contractors?

    _____

    _____

14. Does the subrecipient consider the following elements in the determination that the contractor is responsible?

Yes	No	Requirement
☐	☐	Contractor integrity
☐	☐	Compliance with public policy
☐	☐	Record of past performance
☐	☐	Financial and technical resources to conduct the required work or provide the good or service

15. Does the subrecipient apply U.S. DOT's debarment and suspension requirements to itself and each third party contractor at every tier if the estimated cost of the contract is $25,000 or greater?

☐ Yes ☐ No

If "Yes," does the subrecipient routinely check the Excluded Parties List System (EPLS) maintained by the GSA and available at the Web site it maintains: http://www.epls.gov/ before awarding a third party contract?

☐ Yes ☐ No

16. If the third party contract will exceed $100,000, does the subrecipient obtain a lobbying certification, and if applicable, a lobbying disclosure from a prospective third party contractor?

☐ Yes ☐ No

17. Does the recipient use sound business judgment in establishing and extending a contract's period of performance?

☐ Yes ☐ No

If "Yes," does the subrecipient adhere to FTA limitations in the five year limitation in the period of performance on rolling stock and replacement part contracts?

☐ Yes ☐ No

Purchase Methods

Most subrecipient purchases will be micro purchases, or purchases under $3,000. Micro-purchases are relatively simple in terms of required procedures and may be made without obtaining competitive quotes. These purchases are exempt from FTA's Buy America requirements. Davis-Bacon prevailing wage requirements, however, will apply to construction contracts exceeding $2,000, even though the

recipient uses micro-purchase procurement procedures. The transit operator's governing board may set lower thresholds for micro-purchases in compliance with local law or otherwise as it considers appropriate.

ODOT anticipates that subrecipients will distribute micro-purchases equitably among qualified suppliers. Subrecipients, however, are not permitted to divide or reduce the size of its procurement merely to come within the micro-purchase limit. The only documentation requirement for micro-purchases is a determination that the price is fair and reasonable and a description of how the recipient made its determination. In micro purchase, the subrecipient is not required to provide its rationale for the procurement method used, selection of contract type, or reasons for contractor selection or rejection.

Above $3,000, transit systems may use "small purchase" procedures. Small purchase procedures may be used to acquire services, supplies, or other property valued at more than the micro-purchase threshold but less than the Federal simplified acquisition threshold. Again, the governing board may set a lower threshold.

When using small purchase procedures, the subrecipient must obtain price or rate quotations from an adequate number of qualified sources and, like micro-purchases, may not divide or reduce the size of its procurement to avoid the additional procurement requirements applicable to larger acquisitions.

The subrecipient is responsible for preparing the bid contract and specification, advertising and soliciting bids, receiving and reviewing bids, and awarding the contract to the lowest responsible and responsive bidder.

A Request for Proposals (RFP) is the method generally used when conditions are not appropriate for the use of sealed bids. If the RFP method is used, the following requirements apply:

- The request must identify all evaluation factors and their relative importance, including cost as a factor. Please note that cost may not be used as an evaluation factor for architectural and engineering services, in accordance with the Brooks' Amendment;
- Any bonding requirements or other evidence of financial responsibility must be stipulated;
- Solicitation of an adequate number of qualified vendors must occur;
- The subrecipient must have a written method for conducting technical evaluation for the proposals; and
- Contract award will be made to the responsible vendor whose proposal is determined in writing to be the most advantageous to the program.

Micro Purchases

18. Do the subrecipient's written purchase policies recognize micro-purchases?

    ☐ Yes ☐ No

    If "Yes," what is the micro purchase threshold?

    _____

19. If the subrecipient undertakes micro purchases, does the agency:

Yes	No	Policy
☐	☐	Distribute micro-purchases equitably among qualified suppliers?
☐	☐	Break the purchase into smaller quantities or reduce the size of its procurement merely to come within the micro-purchase limit?
☐	☐	Maintain documentation on the procurement to FTA standards?
☐	☐	Make a determination that the price is fair and reasonable and a description of how the recipient made its determination?

20. What documentation does the subrecipient maintain for micro purchases?

_____

_____

Small Purchases

21. Do the subrecipient's written purchase policies recognize small purchases?

☐ Yes ☐ No

If "Yes," what is the small purchase threshold?

_____

22. If the subrecipient undertakes small purchases, does the agency:

Yes	**No**	**Action**
☐	☐	Solicit quotes from a minimum of three suppliers?
☐	☐	Document the quotes in writing and attach the written quote to the purchase requisition/order?
☐	☐	Maintain documentation on the procurement?
☐	☐	Break the purchase into smaller quantities or reduce the size of its procurement merely to come within the small purchase limit?
☐	☐	Make awards to the low responsive and responsible vendor?

Formal Purchase

23. Do the subrecipient's written purchase policies recognize formal purchases that require competitive bids/proposals?

☐ Yes ☐ No

If "Yes," do the policies set a threshold for use of formal procedures at levels less than that set by Oregon code ($150,000)?

☐ Yes ☐ No

If "Yes," what is the formal purchase threshold used by the organization?

_____

24. Has the subrecipient undertaken any formal procurements during the last three years?

☐ Yes ☐ No

If "Yes," what was the procurement used:

☐ Sealed bid (Invitation for Bid)
☐ Competitive Proposals (Request for Proposal)

25. If sealed bids were used, did the subrecipient's procurement meet the following prerequisites necessary for use of this procurement method?

Yes	No	Condition
☐	☐	A complete, adequate, precise, and realistic specification or purchase description is available.
☐	☐	Two or more responsible bidders are willing and able to compete effectively for the business.
☐	☐	The procurement was concluded with a firm, fixed price contract.
☐	☐	The successful bidder was selected on the basis of price and those price-related factors listed in the solicitation including, but not limited to, transportation costs, life cycle costs, and discounts expected to be taken.
☐	☐	No discussions with bidders were held after bids were received as award was based on price and price-related factors alone.

26. If seal bids were solicited, did the subrecipient procurement documents include the following:

Yes	No	Procurement Specification
☐	☐	A clear and accurate description of the recipient's technical requirements for the property or services to be acquired in a manner that provides for full and open competition.
☐	☐	A functional specification rather than designation of specific brands.
☐	☐	Specific quantities predicated on the subrecipients needs.
☐	☐	If alternatives to use of brand names could not be avoided, did the subrecipient include "or equal" language in the specifications to ensure competition was not hindered?

27. Examine the most recent bid documents (formal procurements undertaken during the last three years) to determine if the subrecipient engaged in any of the following prohibited actions:

Yes	No	Action
☐	☐	Imposition of unreasonable business requirements for bidders or offerors.
☐	☐	Imposition of unnecessary experience requirements for bidders and offerors.
☐	☐	Utilization of prequalification procedures that conflict with the prequalification standards described in FTA Circular 4220.1, Chapter VI, paragraph 1.c.
☐	☐	Utilizing a noncompetitive award to any person or firm on a retainer contract with the recipient if that award is not for the property or services specified for delivery under the retainer contract.
☐	☐	Imposition of excessive bonding requirements.
☐	☐	Utilization of brand-name only specifications without permitting or equal substitutions.
☐	☐	Improper imposition of in-state and/or geographic preferences.
☐	☐	Allowance of a procurement action where there was an organizational conflict of interest.
☐	☐	Incorporation of questionable practices or other restraint of trade provisions.
☐	☐	Any other arbitrary action that is contrary to the Circular's requirements.

28. Has the subrecipient conducted any formal purchases by competitive negotiation during the last three (3) years?

☐ Yes ☐ No

If "No," skip to the next section.

If "Yes," did the solicitation meet the following conditions for the use of this procurement method?

Yes	No	Prerequisite
☐	☐	The property, good, or service can be described in a technical specification.
☐	☐	There was uncertainty over the number of potential qualified suppliers.
☐	☐	Price alone was not the determinative factor in vendor selection.
☐	☐	There was a need for discussion with prospective offerors in order to determine the final scope of work.

29. Did the competitive negotiation meet the following requirements (*check all that apply*)?

Yes	No	Action
☐	☐	Was the RFP publicly advertised?
☐	☐	Were all evaluation factors and their relative importance specified in the RFP?
☐	☐	Were proposals solicited from an adequate number of qualified sources?
☐	☐	Did the subrecipient use a specific evaluation methodology to conduct the technical review of proposals received?
☐	☐	Was award made to the responsible offeror whose proposal was deemed most advantageous to the subrecipients program with price and other factors considered?
☐	☐	Were any negotiations conducted as part of the evaluation process?

☐ ☐ If negotiations were conducted, did the subrecipient keep price information of competitors confidential?

Special Requirements for Formal Purchases

FTA's enabling legislation at 49 U.S.C. Section 5325(b)(1) requires the use of the qualifications-based procurement procedures contained in the "Brooks Act," 40 U.S.C. Sections 1101 through 1104, to acquire architectural and engineering (A/E) services. In Oregon the provisions of OAR 137-048-0100 address state procedures for screening and selecting persons to perform architectural, engineering or land surveying services or related services contracts.

The subrecipient must use qualifications-based procurement procedures not only when contracting for A/E services, but also for other services listed in 49 U.S.C. Section 5325(b)(1) and/or OAR.

30. Has the subrecipient conducted any formal purchases to acquire architectural/engineering services or related services during the last three (3) years?

☐ Yes ☐ No

If "Yes," what method of solicitation was used:

Method

☐ Direct appointment procedure (OAR 137-048-0200)
☐ Informal Selection Procedure (OAR 137-048-0210)
☐ Formal Selection Procedure (OAR 137-048-0220)

Other Than Full and Open Competition

Normally, the subrecipient must provide for full and open competition when soliciting bids or proposals. The Common Grant Rule for governmental recipients, however, acknowledges that under certain circumstances, a recipient may conduct procurements without providing for full and open competition.

31. Has the subrecipient undertaken any "sole source" procurements during the last three (3) years?

☐ Yes ☐ No

If yes, did the subrecipient evaluate the procurement prior to making a sole source purchase to determine unique capability or availability?

☐ Yes ☐ No

If "Yes," were the following factors present?

Yes	No	Requirement
☐	☐	The offeror demonstrated a unique or innovative concept or capability not available from another source
☐	☐	There were patent or data rights restrictions that precluded competition
☐	☐	Was this 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?
☐	☐	Was this 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 have resulted in unacceptable delays in fulfilling the subrecipient's needs?

32. Has the subrecipient undertaken any procurement (bid or proposal) where there was only a single offer?

☐ Yes ☐ No

If "Yes," did the subrecipient undertake a post procurement investigation that revealed:

☐ The single bid was caused by conditions beyond the subrecipient's control.
☐ The single bid was caused by conditions within the subrecipient's control.

Cost and Price Analysis

The Common Grant Rules require the subrecipient to perform a cost or price analysis in connection with **every procurement** action, including contract modifications. The method and degree of analysis depends on the facts and circumstances surrounding each procurement, but as a starting point, the subrecipient must make independent estimates before receiving bids or proposals.

The recipient must obtain a cost analysis when a price analysis will not provide sufficient information to determine the reasonableness of the contract cost.

33. Is there evidence in the procurement files of purchases that the subrecipient developed a preliminary cost estimate for every procurement?

☐ Yes ☐ No

34. In procurements of goods and services where competition was deemed adequate, has the subrecipient conducted a price analysis wherein the entity checks catalog or market prices for the good or service?

☐ Yes ☐ No

If "Yes," is the level of effort and documentation commensurate with the scale of the procurement (*e.g.*, micro purchases and small purchases require only simple or abbreviated analysis)?

☐ Yes ☐ No

35. In the procurement of professional services, A/E firms, etc., where the offeror submits cost elements that included labor hours, overhead, materials, and related costs, the subrecipient is expected to conduct a cost analysis. Has the subrecipient conducted any type of procurement where a cost analysis would be required?

☐ Yes ☐ No

If "Yes," has the subrecipient analyzed the following elements in its cost analysis?

Yes	No	Element
☐	☐	Federal cost principles that define the allowability or allocability of costs.
☐	☐	The wage rates and fringe benefits paid to the respective job classifications offered in the bid or proposal.
☐	☐	The proposed indirect cost rate to be charged by the firm.
☐	☐	The proposed profit rate.

36. Does the subrecipient conduct a cost analysis in the following additional situations where a cost analysis is required?

Yes	No	Requirement
☐	☐	Competition was inadequate during a procurement (*e.g.*, single bid).
☐	☐	All sole source procurements.
☐	☐	For all major change orders on existing contract.

Protests and Disputes

The Common Grant Rules charge subrecipients with the initial responsibility to resolve protests of third party contract awards.

Apart from other methods, when the subrecipient may have to resolve third party contract issues, such as mediation or arbitration, the Common Grant Rule for governmental recipients requires the recipient to have protest procedures. While the Common Grant Rule for non-governmental recipients does not impose a similar requirement on a nonprofit subrecipient or operator, FTA expects each subrecipient to

have appropriate written protest procedures, as part of its requirement to maintain or acquire adequate technical capacity, to implement the project.

37. Does the subrecipient have written protest procedures?

☐ Yes ☐ No

38. Has the subrecipient had any protests during the last three (3) years?

☐ Yes ☐ No

If "Yes," did the subrecipient notify ODOT immediately upon notification of a vendor protest?

☐ Yes ☐ No

39. Does the subrecipient have procedures to resolve disputes that arise in the administration of third party contracts?

☐ Yes ☐ No

40. Has the subrecipient been engaged in any formal contract disputes with third party contractors during the last three (3) years?

☐ Yes ☐ No

Pre-Award and Post Delivery Audits

Procurements for vehicles, other than sedans or unmodified vans, must be audited in accordance with 49 CFR part 663, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases." The regulation requires any recipient or subrecipient that purchases rolling stock for use in revenue service with funds obligated after October 24, 1991, to conduct a pre-award and post delivery review to assure compliance with its bid specifications, Buy America requirements, and Federal motor vehicle safety requirements, and to complete specific certifications.

FTA requires grant recipients purchasing a certain number of revenue passenger rolling stock to undertake reviews of the rolling stock both before the award of the contract and following delivery of the vehicles. The requirement to undertake the pre-award and post delivery reviews arises from 49 U.S.C. 5323(m) and is specified in FTA regulations at 49 CFR part 663. Compliance must be certified on the Annual List of Certifications and Assurances.

SAFETEA–LU amended this requirement so that procurements of 20 vehicles or fewer, purchased for serving rural areas and cities of less than 200,000 in population, are not subject to either review

procedure. The procurement of unmodified vans, in any quantity, is not subject to the review requirement.

41. Has the subrecipient, during the last three years, engaged in any single procurement of 20 vehicles or more?

    ☐ Yes ☐ No

    If "Yes," did the subrecipient complete the pre-award audit required under 49 CFR part 655?

Yes	No	Requirement
☐	☐	Buy America certification.
☐	☐	Pre-award purchaser's certification.
☐	☐	FMVSS certification from the manufacturer (if applicable) or manufacturer's verification that vehicle is not covered.

    If "Yes," did the subrecipient complete the post-delivery audit required under 49 CFR part 655?

    ☐ Yes ☐ No

42. For any size vehicle procurement of primary manufacturer standard production and/or unmodified vans not subject to pre- and post-audit, did the subrecipient conduct a visual inspection and road test of the vehicles to determine that the vehicles met the contract specifications?

    ☐ Yes ☐ No

New Model Bus Testing

All new modified bus models must be tested at the FTA sponsored test facility in Altoona, PA, before FTA funds can be expended for their purchase (49 CFR part 665). This requirement applies to all buses and modified vans procured with FTA funds. It does not apply to unmodified vans, including vans with raised roofs or lifts installed in strict conformance with the original equipment manufacturer modification guidelines. A "new bus model" is defined as a model that has not been used in public transportation service in the United States before October 1, 1988, or a model that has been used in such service but which, after September 30, 1988, is being produced with a major change in configuration or components.

43. Has the subrecipient certified that for any vehicle purchased using its own procurement procedures (other than unmodified vans) that it has obtained a copy of the copy of the official bus testing reports from the Altoona, PA bust testing facility?

    ☐ Yes ☐ No

If “Yes,” did the subrecipient submit all documentation and certifications to the Office of Transportation Delivery?

☐ Yes ☐ No

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Section 5. Use and Maintenance of Project Equipment

Overview

ODOT follows procedures outlined in the State Management Plan to govern use, management, maintenance and disposition of equipment acquired under an ODOT grant.

All property acquired using Federal funds shall be utilized and disposed of in accordance with the State Management Plan and applicable FTA program circular, FTA Circular 5010.1D (as amended), and 49 CFR part 1201. Title to all property purchased with Federal funds shall be vested in the name of the subrecipient.

The subrecipient and/or designated operator shall have the requisite fiscal and technical capacity to carry out the project and be responsible for maintaining required insurance coverage, property records, conducting physical inventories, implementing adequate property control systems, and maintaining the equipment in proper working condition. Documentation must be available upon request.

Federally-funded equipment and facilities must be kept in good operating order. PTD and subrecipients are responsible for vehicles and other equipment financed by state or federal grants. Vehicles must be maintained in good or better condition and must be used for the purposes described in the grant agreement.

Meal delivery or other incidental services provided by the subrecipient cannot conflict with the provision of public transit service or result in a reduction of service to transit passengers.

Real Property

1. Does the subrecipient own any real property that has been acquired under any FTA grant program?

   ☐ Yes ☐ No

   If "Yes," does the subrecipient have title to the real property?

   ☐ Yes ☐ No

2. Is the real property being used for transit purposes or purposes otherwise stated in the grant application?

   ☐ Yes ☐ No

   If "No," what is the property being used for?

   _____

   _____

3. Has the subrecipient disposed of real property in the last three years?

☐ Yes ☐ No

If "Yes," did the subrecipient notify ODOT regarding the disposition?

☐ Yes ☐ No

4. If the property was sold, did the subrecipient notify ODOT?

☐ Yes ☐ No

If "Yes," what steps did the subrecipient use to ensure that it received fair market value for the real property?

_____

5. Has the subrecipient transferred title of real property during the last three (3) years?

☐ Yes ☐ No

If "Yes," did the subrecipient transfer real property to another entity eligible to receive assistance under 49 U.S.C. Chapter 53?

☐ Yes ☐ No

Did ODOT approve of the transfer?

☐ Yes ☐ No

6. Does the subrecipient use real property for any incidental uses?

☐ Yes ☐ No

If "Yes," describe these incidental uses and determine if these uses generate any program income?

_____

_____

Does the incidental use compromise the use of the real property for transit purposes?

☐ Yes ☐ No

Equipment - General

Any property (equipment, furniture and fixtures, vehicles, buildings, and land) purchased with Federal funds valued at $5,000 or more must be accounted for in the agency's fixed asset listing. The asset listing is to contain the Federally required information outlined in the Common Rule and generally accepted accounting principles, as appropriate.

7. Does the subrecipient use all equipment acquired with FTA funds in a manner consistent with the original project application or purpose?

   ☐ Yes ☐ No

8. What is the current configuration and fleet size of the public transit fleet?

   _____

9. Describe the fleet size and vehicle requirements:

No.	**Total fleet size**
_____	Number of vehicles in maximum revenue service
_____	Number of spare vehicles
_____	Spare vehicle ratio

   In the opinion of the reviewer, is the spare vehicle ratio reasonable given peak period requirements and the fleet configuration?

   ☐ Yes ☐ No

10. Does the subrecipient have any project equipment that is no longer needed for transportation purposes?

    ☐ Yes ☐ No

    If "Yes," has the subrecipient notified ODOT that the equipment is no longer needed for program purposes?

    ☐ Yes ☐ No

11. Has the subrecipient disposed of any project equipment during the last three years?

    ☐ Yes ☐ No

12. If the subrecipient disposed of any project equipment prior to the end of useful life via a transfer to another project, what methods were used to establish fair market value?

_____

_____

13. Has any equipment been out-of-service for a period of 90 days or longer?

☐ Yes ☐ No

If "Yes," did the subrecipient notify ODOT?

☐ Yes ☐ No

14. Does the subrecipient maintain property/asset records for all equipment acquired with FTA funds?

☐ Yes ☐ No

If "Yes," are all the required data elements contained in the inventory record?

Yes	No	Requirement
☐	☐	Description of the property
☐	☐	Serial number or other identification numbers
☐	☐	Source of the property (grant source, program number)
☐	☐	Name of the title holder
☐	☐	Acquisition date
☐	☐	Cost
☐	☐	Percentage of Federal participation in the cost of the property
☐	☐	Location of the equipment
☐	☐	Use and current condition
☐	☐	Disposition information (if applicable), including date of disposal and sales price

15. Does the subrecipient lease any project equipment to lower tier contractors?

☐ Yes ☐ No

If "Yes," what measures does the subrecipient use to ensure that it exhibits satisfactory continuing control over project equipment?

_____

_____

16. Has the subrecipient suffered any casualty loss of project equipment during the last three years?

☐ Yes ☐ No

If "Yes," did the subrecipient receive an insurance settlement?

☐ Yes ☐ No

Did the subrecipient request guidance from ODOT on the procedures for re-investing the settlement proceeds in a replacement vehicle?

☐ Yes ☐ No

Maintenance of Equipment and Facilities

Vehicle equipment condition is assessed as new, excellent, good, fair, poor, or out of service. Indicators of vehicle condition can include, but are not limited to, age, mileage, readily visible exterior vehicle condition (visible body damage or deterioration) and interior condition (torn seats, broken fixtures), condition of lights, mirrors and windows, and presence of fluid leaks. PTD expects subrecipients to make necessary repairs to vehicles in a timely manner.

PTD's goal is for vehicles and equipment to be used as long as the equipment remains in good, safe condition. PTD has the option to take a security interest in tangible assets and, if necessary, foreclose on the assets if they are not properly maintained.

17. How are vehicle maintenance services performed?

☐ In-house
☐ Contractors
☐ Combination of in-house and contractors

If a combination of methods is used, are there specific functions that are contracted out?

☐ Yes ☐ No

If "Yes," describe:

_____

_____

18. Does the subrecipient have a written vehicle maintenance policies and plans that at least meet the minimum inspection schedules and preventive maintenance procedures recommended by the vehicle manufacturer to keep vehicles and components in good condition?

    ☐ Yes ☐ No

19. Does the subrecipient's preventive maintenance program also include specific action to ensure that a vehicle's accessibility features, *i.e.*, lifts, ramps, public announcement systems, tie-downs, are maintained in good working order?

    ☐ Yes ☐ No

20. What procedures does the subrecipient use to track all maintenance activities?

    _____

    _____

21. What is the subrecipient's schedule for vehicle preventive maintenance (PM) inspections?

    _____

    _____

22. Are vehicle PM inspections completed on time? Does the review of the maintenance records indicate that at least 80 percent of the inspections are performed on time?

    ☐ Yes ☐ No

23. Does the subrecipient conduct daily pre-trip inspections prior to placing a vehicle in service?

    ☐ Yes ☐ No

    If "Yes," how does the system utilize pre-trip defection reports to make repairs to system vehicles?

    _____

    _____

    If "Yes," does the pre-trip inspection include a cycling of the vehicle's wheelchair lift?

    ☐ Yes ☐ No

24. Does the subrecipient perform annual vehicle safety inspections for each vehicle and are such inspections completed by a certified mechanic?

☐ Yes ☐ No

25. Does the subrecipient operate facilities that were financed by ODOT grants?

☐ Yes ☐ No

If "Yes," is there a written facility maintenance plan?

☐ Yes ☐ No

26. Does the subrecipient insure federally financed facilities?

☐ Yes ☐ No

If "Yes," are the coverage levels adequate to protect the Federal interest in the facility?

☐ Yes ☐ No

Equipment – Insurance

Under the Common Rule, states set their own requirements for maintenance of all equipment acquired with Federal funds. Insurance coverage must be adequate to protect the Federal interest in the vehicle within the useful life determined by ODOT.

PTD currently requires the following levels of insurance: (1) Property damage, $50,000; (2) Bodily injury per person, $200,000; and (3) $500,000 bodily injury per occasion, uninsured motorist protection, and personal injury protection as required by ORS Chapter 806. The subrecipient is responsible for all costs, deductibles or self-insured retention. The subrecipient must include the "Oregon Department of Transportation, Public Transit Division" as "Additional Insured" and provide a certificate of insurance documenting ODOT as an additional insured.

27. How are FTA and State-funded facilities and equipment insured?

_____

_____

28. Are the coverage levels sufficient to meet ODOT requirements?

☐ Yes ☐ No

29. Are all vehicles covered?

☐ Yes ☐ No

If "Yes," are there any exceptions or riders attached to the policies that would impact use of project equipment in the manner described in the grant application?

☐ Yes ☐ No

30. Does the grantee maintain comprehensive and collision insurance on all vehicles with remaining useful life at sufficient levels to protect the remaining Federal interest in the equipment?

☐ Yes ☐ No

If no, does the subrecipient have a self-insurance reserve fund sufficient to cover the Federal interest of the vehicle that was subject to the casualty loss?

☐ Yes ☐ No

31. Does management periodically review insurance coverage?

☐ Yes ☐ No

Equipment – Incidental Use

32. Does the subrecipient utilize project equipment for use on other projects or programs supported directly or indirectly by the Federal government?

☐ Yes ☐ No

33. Does the subrecipient use FTA funded equipment to engage in homebound meal delivery or any other use that is incidental to the provision of public transit service?

☐ Yes ☐ No

If "Yes," does the subrecipient have a cost allocation/costing methodology in place to assess the fully allocated cost of service of the incidental service?

☐ Yes ☐ No

If “Yes,” has the subrecipient received permission from ODOT on these incidental uses?

☐ Yes ☐ No

34. Does the subrecipient transport passengers for compensation (either directly or indirectly) across state lines?

☐ Yes ☐ No

If “Yes,” has the subrecipient obtain authority and/or registered with FMCSA as required?

☐ Yes ☐ No

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Section 6. Civil Rights

Overview

Federal civil rights requirements are encompassed in laws, regulations, and Executive Orders. The objective of FTA's oversight in this area is to:

- Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
- Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
- Promote the full and fair participation of all affected populations in transportation decision making;
- Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations; and
- Ensure meaningful access to programs and activities by persons with limited English proficiency.

Title VI Requirements Applicable to all Recipients/Subrecipient

Some Title VI elements are the responsibility of ODOT and are addressed in the project application and/or grant agreement process. Questions in this section are designed to ensure that subrecipients are compliant with new FTA regulations that went into effect October 1, 2012.

1. Has the subrecipient developed procedures for investigating and tracking Title VI complaints filed against them and made their procedures for filing a complaint available to members of the public upon request?

   ☐ Yes ☐ No

2. Does the subrecipient prepare and maintain lists of active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient and/or subrecipient that allege discrimination on the basis of race, color, or national origin?

   ☐ Yes ☐ No

   If "Yes," does the list include the following items?

Yes	No	Required List Elements
☐	☐	A notice to the public that indicates the subrecipient complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI.

Yes	No	Required List Elements
☐	☐	A copy of the recipient's instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form.
☐	☐	A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient since the time of the last submission to ODOT.
☐	☐	A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission.
☐	☐	A copy of the recipient's plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance.
☐	☐	A table depicting the racial breakdown of the membership of advisory boards or non-elected planning boards and a description of efforts made to encourage the participation of minorities on such committees or councils.
☐	☐	A narrative or description of efforts the primary recipient uses to ensure subrecipients are complying with Title VI, as well as a schedule of subrecipient Title VI program submissions.

3. Does the notice include the following items?

Yes	No	Requirement
☐	☐	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 subrecipient's nondiscrimination obligations.
☐	☐	A description of the procedures that members of the public should follow in order to file a discrimination complaint against the subrecipient.

4. How has the subrecipient disseminated this notice?

_____

_____

5. Has the subrecipient translated this notice into languages other than English consistent with the subrecipient's LEP program?

☐ Yes ☐ No

6. Does the subrecipient have procedures for investigating and tracking Title VI complaints and for making such complaints available to the public?

☐ Yes ☐ No

If "Yes," does the subrecipient have a specific complaint form?

☐ Yes ☐ No

7. Has the subrecipient integrated into its established public participation and outreach processes procedures that ensure involvement and participation by minority and LEP populations?

☐ Yes ☐ No

If "Yes," describe these activities.

_____

_____

8. Are these efforts effective?

☐ Yes ☐ No

Do these effective practices include elements that FTA considers "best practice:"

Yes	No	Best Practices
☐	☐	Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities.
☐	☐	Employing different meeting sizes and formats.
☐	☐	Coordinating with community- and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
☐	☐	Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts.
☐	☐	Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.

Fixed Route Service Providers Only

Most requirements for Title VI apply only to transit providers that operate more than 50 vehicles in fixed route peak service and are located in an urbanized area of 200,000 or more. However, the requirement to establish system-wide standards and policies apply to all providers of fixed route service.

All fixed route transit providers shall set service standards and policies for each specific fixed route mode of service they provide. Fixed route modes of service include but are not limited to, local bus, express bus, and commuter bus.

9. Do the system service standards include:

Yes	No	Best Practices Service Standards
☐	☐	Vehicle load, by fixed mode, by peak and off-peak periods
☐	☐	Vehicle headway
☐	☐	On-time performance
☐	☐	Service availability for each mode

10. Do the system policies include:

Yes	No	Best Practices Policies
☐	☐	Distribution of transit amenities, by mode
☐	☐	Vehicle assignment, by mode

Limited English Proficiency (LEP)/Language Assistance Programs

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter. ODOT subrecipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Subrecipients should apply four (4) factors to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the subrecipient.
- The frequency with which LEP individuals come in contact with the program.
- The nature and importance of the program, activity, or service provided by the recipient to people's lives.
- The resources available to the recipient and costs.

After completing the above four-factor analysis, subrecipients can determine the appropriate "mix" of LEP services required. Subrecipients have two main ways to provide language services: oral interpretation, either in person or via telephone interpretation service, and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.

11. Has the subrecipient assessed and addressed the ability of Limited English Proficient (LEP) to use transit services?

☐ Yes ☐ No

12. Describe the subrecipient's efforts to provide access to information and services by LEP persons.

_____

_____

Equal Employment Opportunity

A subrecipient must ensure that it does not discriminate in its hiring practices on the basis of race, color, sex (including pregnancy), national origin, creed, or religion. All subrecipients must take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to race, color, creed, national origin, sex, or age. Such action must include, but not be limited to: hiring, promotion or upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, disciplinary actions, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The subrecipient shall have a written affirmative action plan designed to achieve full utilization of minorities and women in all parts of the work force.

Subrecipients must post, in a conspicuous place, and make available to employees and applicants for employment, notices setting forth the subrecipient's EEO policy. These policies must include procedures for filing complaints of discrimination, both internally as well as externally with the Federal Economic Employment Opportunity Commission (EEOC), a local or state human rights commission, and/or ODOT.

If a subrecipient exceeds size threshold requirements set by FTA, it must prepare an EEO Affirmative Action Plan and submit this plan to ODOT every three (3) years.

13. Who is responsible for ensuring that EEO obligations are fulfilled on behalf of the subrecipient?

_____

14. Has the subrecipient posted an EEO statement in a conspicuous and accessible place in the workplace?

☐ Yes ☐ No

15. Is the subrecipient's EEO policy included in personnel policies and/or employee handbook?

☐ Yes ☐ No

16. Are EEO statements included on the subrecipient’s job applications and employment notices/job postings?

☐ Yes ☐ No

17. How does the subrecipient ensure non-discrimination for ADA-eligible persons in terms of employment?

_____

_____

If requested, were reasonable accommodations made for hiring a person with disabilities in accordance with Title I of the ADA?

☐ Yes ☐ No

If "Yes," describe the accommodation.

_____

_____

18. Were any EEO complaints or lawsuits received in the past three years?

☐ Yes ☐ No

If "Yes," describe the nature of the complaint or lawsuit.

_____

_____

Did the subrecipient report the complaint or lawsuit to ODOT?

☐ Yes ☐ No

19. Does the subrecipient exceed the FTA thresholds for preparation of an Affirmative Action Plan:

☐ Yes ☐ No

If “Yes,” verify the threshold requirements:

Yes	No	Requirement
☐	☐	The subrecipient has 50 or more transit related employees;
AND:		
☐	☐	Received capital or operating assistance in excess of 1 million during the last fiscal year; OR
☐	☐	Receive planning assistance in excess of $250,000.

20. Has the subrecipient submitted the required plan to ODOT:

☐ Yes ☐ No ☐ Not Applicable

Disadvantaged Business Enterprises (DBE)

The Oregon Department of Transportation (ODOT) is committed to a Civil Rights Program that includes participation of Disadvantaged Business Enterprises (DBEs) in ODOT contracting opportunities. ODOT has established a DBE program in accordance with U.S. Department of Transportation (US DOT) regulations 49 CFR Part 26, as revised.

DBE regulations make clear that the regulation covers all entities to which DOT financial assistance is extended, whether directly or through another recipient, through the programs of FTA.

21. Did the subrecipient exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by this part on the basis of race, color, sex, or national origin?

☐ Yes ☐ No

22. Has the subrecipient, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the program

☐ Yes ☐ No

23. If the subrecipient utilizes a DBE, has the subrecipient properly counted and reported the expenditure to ODOT?

☐ Yes ☐ No

24. Does the subrecipient include the requisite contract language defined in 49 CFR part 26.13(b) as directed by ODOT in all subcontracts?

☐ Yes ☐ No

25. Has the subrecipient purchased any vehicles using local procurement procedures (*e.g.*, not through state contract)?

☐ Yes ☐ No

If "Yes," did the subrecipient verify that the vehicle manufacturer has made the requisite certification to FTA regarding DBE commitment?

☐ Yes ☐ No

26. Does the subrecipient submit DBE reports to ODOT in a timely manner?

☐ Yes ☐ No

Section 7. Americans with Disabilities Act (ADA)

Overview

Under U.S. Department of Transportation (USDOT) Americans with Disabilities Act of 1990 (ADA) regulations, public and private transportation providers are required to operate services in a way that does not discriminate against persons with disabilities. The regulations include general nondiscrimination provisions that apply to all types of agencies and services. There are also provisions that apply just to certain types of agencies and services. For example, public fixed route operators are required to make on-board stop announcements to keep riders oriented to their location. They are also required to have a system in place at stops served by multiple routes that allows riders to identify the bus they need to catch, or drivers to identify which riders are waiting to catch their bus. Public fixed route operators also must provide ADA complementary paratransit service to individuals who cannot use the fixed route due to their disability.

Commuter bus service is exempted from this requirement. As defined in 49 CFR part 37.3, commuter bus service is "characterized by service predominantly in one direction during peak periods, limited stops, use of multi-ride tickets, and routes of extended length, usually between the central business district and outlying suburbs. Commuter bus service may also include other service, characterized by a limited route structure, limited stops, and a coordinated relationship to another mode of transportation." Similarly, intercity bus service may resemble commuter bus service in that there is no attempt to comprehensively cover a service area, it has a limited route structure, limited origins and destinations, and limited purposes of travel, and therefore, the obligation to provide ADA complementary paratransit may not apply. However, other relevant requirements of 49 CFR parts 27, 37, and 38 do apply to intercity bus service.

When a public entity enters into a contract or other arrangement or relationship (including grants or subgrants) with a private entity to operate fixed route or demand-responsive service, the public entity shall ensure that the ADA obligations are met, including any ADA complementary paratransit requirements (49 CFR part 37.23). The nature of the arrangement between the public entity and the private intercity operator would determine whether 49 CFR part 37.37 or 49 CFR part 37.23 applies.

Services Classification

Compliance responsibilities will vary depending upon the type of entity providing the service. The regulations recognize three types of entities as follows:

Public entities include city, town, county, or state governments, or special authorities created under public law such as transit authorities.

Private, primarily engaged entities include private companies whose primary business is transportation. This includes private taxi companies, van or bus companies, or private intercity bus companies. This category includes private, non-profit agencies whose main business is transportation.

Private, not primarily engaged entities are private companies or organizations, including non-profit organizations, whose primary business is something other than transportation, but who provide transportation as a secondary or support service. This includes human service agencies that operate transportation services as a secondary or support service.

Compliance responsibilities will also vary depending on the type of transportation service provided by the subrecipient. Several types of service that are particularly relevant to these reviews are:

Fixed route system means a system of transporting individuals (other than by aircraft), including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including, but not limited to, specified public transportation service, on which a vehicle is operated along a prescribed route according to a fixed schedule.

Commuter bus service means fixed route bus service, characterized by service predominantly in one direction during peak periods, limited stops, use of multi-ride tickets, and routes of extended length, usually between the central business district and outlying suburbs. Commuter bus service may also include other service, characterized by a limited route structure, limited stops, and a coordinated relationship to another mode of transportation.

Demand responsive system means any system of transporting individuals, including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including but not limited to specified public transportation service, which is not a fixed route system.

Route Deviation, Point Deviation, or Flex-Bus systems, which do not have prescribed routes, or which allow for on-request deviations off of prescribed routes, are considered types of demand responsive systems if the on-request, off-route deviations are available to all riders. If off-route deviations are made only for certain individuals, such as persons with disabilities, these types of services are considered fixed route.

ADA complementary paratransit is a specific type of demand responsive service that is required of public entities that provide non-commuter fixed route service.

Entity Classification and Service Mode

To determine compliance responsibilities, the review must determine the type of entity and service modes delivered.

1. Based on the articles of incorporation or enabling legislation, identify the type of subrecipient under review:

   ☐ Public entity
   ☐ Private entity, primarily engaged in transportation
   ☐ Private entity, not primarily engage in transportation

2. Evaluate the scope of services and determine all modes of service operated by the subrecipient. For each subrecipient, check all the primary and sub-modes that apply:

- ☐ Fixed route
  - ☐ Non-commuter bus
  - ☐ Commuter bus
  - ☐ Inter-city bus
  - ☐ Route/point deviation with deviations limited to certain riders
- ☐ Demand Response
  - ☐ ADA complementary paratransit
  - ☐ Route/point deviation with deviations for the general public
  - ☐ Other demand responsive service

Nondiscrimination - All Providers

No entity shall discriminate against an individual with a disability in connection with the provision of transportation service. Except for very specific circumstances, service policies cannot keep individuals with disabilities from benefiting equally from the transportation services provided. Possible exceptions are if providing the service would fundamentally change the nature of the service provided (e.g., exclusive ride versus shared-ride), or if providing the service would present a "direct threat" (i.e., a safety threat to ***others***, not the person with the disability). Examine all public information related to the transportation services provided, including Rider Guides, operating policies and procedures, service bulletins, employee training materials, etc. for any policies or requirements that could discriminate against or limit service to persons with disabilities.

Denying Service

In general, policies should not cause service to be denied to persons with disabilities. Policies can only call for a denial of service if the situation or behavior is illegal, violent, or seriously disruptive. To be illegal, there must be an established law prohibiting the behavior, not just a common standard of appropriate behavior. Seriously disruptive behaviors must be significant, not just annoying or unpleasant.

3. Following are examples of common policies that discriminate against persons with disabilities. Determine if the subrecipient engages in any of these actions, or has any other policies that discriminate:

Yes	No	Requirement
☐	☐	Does the subrecipient have policies that impose any special charges for individuals with disabilities, including wheelchair users?
☐	☐	Does the subrecipient deny service to any individual because its insurance company conditions coverage or rates?
☐	☐	Does the subrecipient require that wheelchairs have working brakes, be "in good working condition," or place any other restrictions on mobility devices? (Exception: situation that poses a "direct threat to others.)

Yes	No	Requirement
☐	☐	Does the subrecipient have policies that suggest a denial of service for rude behavior, swearing, or other behaviors that do not rise to illegal or seriously disruptive?
☐	☐	Does the subrecipient ***require*** individuals with disabilities to use designated priority seats?
☐	☐	Does the subrecipient require persons traveling in securement areas to wear seat belts or shoulder straps when all other passengers do not have the same requirement?
☐	☐	Does the subrecipient require wheelchair users to wear a body belt when traveling up and down on the lift?
☐	☐	Does the subrecipient policy prohibit respirators or portable oxygen supplies (Exception: items that are prohibited under applicable Department of Transportation rules on the transportation of hazardous materials—49 CFR subtitle B, chapter 1, subchapter C.)
☐	☐	Does the subrecipient have any other policy that could discriminate against persons with disabilities?

4. Does the subrecipient have a policy for dealing with individuals who engage in violent, seriously disruptive, or illegal conduct?

   ☐ Yes ☐ No

   If "Yes," are supervisors, dispatchers, and vehicle operators trained on this policy?

   ☐ Yes ☐ No

   Is there an appropriate appeal policy for any service refusals?

   ☐ Yes ☐ No

Attendant Policies

Individuals with disabilities should be allowed to travel with attendants. Attendants cannot be required, though, except if service could otherwise be refused for illegal, violent or seriously disruptive behavior.

5. Does the subrecipient allow persons with disabilities to travel with attendants?

   ☐ Yes ☐ No

   If "Yes," does definition of attendant extend beyond assistance during travel to also include assistance at destination?

   ☐ Yes ☐ No

6. Are any claimed attendants allowed (*i.e.*, no registration of only certain persons who can be attendants)?

   ☐ Yes ☐ No

7. Are persons with disabilities allowed to travel without attendants, even if they indicate they sometimes use attendants (Exception: Caregiver or guardian requests that attendant always be present, or documented past behavior allows refusal and person/caregiver agree to use attendant to mitigate issues)?

   ☐ Yes ☐ No

Questions for Demand Response Systems

If entities operating demand response services plan to purchase vehicles that are not accessible, they must first make a determination that the services they will be providing (after the purchase of the inaccessible vehicle or vehicles) are "equivalent." Therefore, if entities have inaccessible vehicles as part of their fleet that were purchased since the issuance of the regulations, the services they provide must be "equivalent." Equivalency is defined by specific criteria (noted below). If inaccessible vehicles are purchased, certification of equivalency must also be provided to ODOT.

Service Equivalency

8. **Service Area:** Consider the service area and how accessible and inaccessible vehicles are distributed throughout the area. Are persons with disabilities who need an accessible vehicle able to travel throughout the area on an equivalent basis to all other riders?

   ☐ Yes ☐ No

9. **Response Time:** Consider the advance notice requirement to use the service. If accessible vehicles are operated separate from or different from inaccessible vehicles, consider the advance notice required for use of each type of vehicle. Is the same (or lesser) advance notice required of riders with disabilities who need and use accessible vehicles?

   ☐ Yes ☐ No

10. **Fares:** Consider the fares charged for the service. Note if there are different costs to riders who need and use accessible vehicles versus those who can use inaccessible vehicles. Is the fare the same (or lower) for riders with disabilities who need to use accessible vehicles?

    ☐ Yes ☐ No

11. **Days and Hours:** Consider the days and hours of operation of the service. Note if there are any differences in days and hours based on the accessibility of the vehicles. Are the days and hours the same (or greater) for persons with disabilities who need and use accessible vehicles?

    ☐ Yes ☐ No

12. **Trip Purpose:** Consider the types of trips that are provided by the subrecipient. Note if there are any differences in policy about trip purpose for service provided with accessible versus inaccessible vehicles. Are persons with disabilities able to travel for the same purposes (or more) than individuals who do not need accessible vehicles?

    ☐ Yes ☐ No

13. **Capacity Constraints (Part 1):** Consider if trip requests are sometimes denied for lack of capacity, or if waiting lists or trip caps are employed due to capacity limitations. Examine trip denials records, waiting lists, or other documentation to determine if persons with disabilities who need to use accessible vehicles are denied or wait-listed more frequently than other riders.

    Are there any trip denials, or are wait lists or trip caps used?

    ☐ Yes, Trip Denials
    ☐ Yes, Wait Lists
    ☐ Yes, Trip Caps
    ☐ No

    If there are denials, wait lists, or trip caps, are persons with disabilities who need to use accessible vehicles denied/wait-listed, capped at the same (or lower) rate than other riders?

    ☐ Yes ☐ No

    Note what information or data the system develops and uses to compare the level of trip denials, wait lists, or trip caps for persons with disabilities and for other riders to allow for this type of comparison and analysis.

    _____

    _____

14. **Capacity Constraints (Part 2):** Examine records of service quality (on-time performance, on-board ride times). Consider if there are differences in service quality for trips provided to riders who need to use accessible vehicles versus other riders. Consider if the number and percentage of accessible vehicles in the system suggests that there could likely be problems responding to late trips in an equivalent way throughout the service area. Do persons with disabilities, including persons who need to use accessible vehicles receive the same (or better) level of service?

    ☐ Yes ☐ No

Note what information or data the system develops and uses to compare the level of service (on-time performance, on-board ride times) for persons with disabilities and for other riders to allow for this type of comparison and analysis.

_____

_____

15. **Information and Reservations Capacity:** Consider the service information that is provided and the trip reservations capacity (hours of call-taking, accessibility of information and phone services). If information and reservations are different for using accessible versus inaccessible vehicles, note the differences. Is information and communications provided in accessible formats, and are persons with disabilities who need an accessible vehicle able to get information and reservations assistance in an equivalent way?

    ☐ Yes ☐ No

16. Has the subrecipient acquired vehicles in the last three (3) years?

    ☐ Yes ☐ No

    If "Yes," were the vehicles accessible pursuant to 49 CFR part 38 standards?

    ☐ Yes ☐ No

    If "No," did the subrecipient, before any procurement of an inaccessible vehicle, file with ODOT the required certificate that it provides equivalent service meeting the equivalent service of 49 CFR part 37.77(c)?

    ☐ Yes ☐ No

Questions for Route/Point Deviation Systems – Demand Response

17. Are off-route deviations provided for all riders?

    ☐ Yes ☐ No

    If “Yes”, answer Questions 18-22 below. If “No”, the system does not qualify as demand responsive and must be evaluated as a fixed route system. The fixed route section of the checklist should be completed. ADA complementary paratransit service must also be provided and that section of the checklist must be completed.

18. Are off-route deviations provided throughout the defined service area all along the route?

☐ Yes ☐ No

19. Do riders who request deviations pay the same fare as riders who walk to stops to use the service?

☐ Yes ☐ No

20. Do riders who request deviations experience the same "response time" as riders who walk to stops to use the service (*i.e.*, advance reservation for deviations equal to the route headway)?

☐ Yes ☐ No

21. Are off-route deviations accepted during all days and hours that the service is operated?

☐ Yes ☐ No

22. Do riders who request deviations experience the same "capacity constraints" as riders who walk to stops to use the system (*i.e.*, no trip denials, the same on-time performance, and on-board ride time)?

☐ Yes ☐ No

23. In the opinion of the reviewer, based on the description of services and responses to the questions above, are deviation services well designed and result in customer centric services with few or no trip denials?

☐ Yes ☐ No

Questions for Fixed Route Systems – Fixed Route Service

24. Examine policies and training materials related to on-board stop announcements. Also examine lists that identify which stops are to be announced by route. Does the material indicate that stops are to be announced at transfer points with other fixed routes, other major intersections and destination points, and intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location?

☐ Yes ☐ No

If "Yes," does the material indicate that stops are to be announced anytime at the request of a passenger with a disability?

☐ Yes ☐ No

25. Does the subrecipient provide a means by which an individual with a visual impairment or other disability can identify the proper vehicle to enter or be identified to the vehicle operator as a person seeking a ride on a particular route?

☐ Yes ☐ No

26. ***On-Board Stop Announcement Observations***: Ride a random sample of fixed routes. For each route observed, identify the stops that are supposed to be announced and record how many are announced. Also record if the announcements are audible throughout the vehicle. Make the observations as discretely as possible (unannounced and before doing driver interviews). Record results below.

Number of routes observed	_____
Total number of stops required to be made	_____
Total number of stops actually made	_____
Total number audible	_____

27. ***Vehicle Identification System Information*:** Examine policies and training materials related to vehicle identification (*e.g.*, external vehicle/route announcements). Does the material require that drivers make external announcements at all stops served by more than one route?

☐ Yes ☐ No

Are these announcements to be made any time there are waiting passengers and not just when there is a passenger that the driver feels has a vision disability (e.g. white cane or service animal)?

☐ Yes ☐ No

28. **Vehicle Identification System Observations:** Identify a random sample of stops served by more than one route (transfer centers). Observe buses arriving at these locations and record how many vehicle identification announcements are made. Also record if the announcements are audible to passengers waiting throughout the stop area. Record results below.

Number of stops observed	_____
Total number of bus pull-ins observed	_____
Total number of drivers that identified vehicles	_____
Total number that were audible	_____

Questions for Fixed Route Systems – Complementary Paratransit

This portion of the checklist should be completed if the subrecipient operates any non-commuter fixed route services, or if route/point deviation services are operated where off-route deviations are made only for some riders (not all riders).

Complementary Paratransit Plan

29. Did the subrecipient prepare a complementary paratransit plan prior to implementing fixed route service (or doing the initial period of complementary paratransit implementation: 1991 to 1997)?

    ☐ Yes ☐ No

30. Has the subrecipient made any policy and/or service changes to its complementary paratransit plan since adoption?

    ☐ Yes ☐ No

    If "Yes," did the subrecipient utilize its outreach and consultation process prior to implementing these changes?

    ☐ Yes ☐ No

Eligibility Determination

31. Does the system have a process for certifying the eligibility of persons for complementary paratransit services?

    ☐ Yes ☐ No

    Is this function performed in-house or contracted to a third party?

    ☐ In-House ☐ Third-Party Contractor

    Describe the method used to determine eligibility.

    _____

    _____

32. Is information concerning the application process available in alternative formats upon request?

    ☐ Yes ☐ No

33. Are ADA complementary paratransit eligibility decisions made within 21 days of receipt of a complete application? Examine the log of recent determinations (or a sample of files). What percent of determinations take longer than 21 days from receipt of a complete application?

    _____ % ≤ 21 days
    _____ % > 21 days

    Does public and/or application information indicate that if determinations are not made within 21 days that service will be provided until a determination is made?

    ☐ Yes ☐ No

    If some determinations take longer than 21 days, is presumptive eligibility granted and service provided until a determination is made?

    ☐ Yes ☐ No

34. Are persons whose eligibility is limited (denied, conditioned, only temporary) given a written statement with specific reasons for the denial (not a standard statement or statement that person "can use fixed route"), and notice of their right of appeal?

    ☐ Yes ☐ No

35. Does the appeals process adhere to DOT ADA regulations (opportunity to be heard, separation of function, decision within 30 days, and written notification of decision, with a reason for it)? Note: Concerning "opportunity to be heard," a request for appeal can be required to be in writing, but appellants cannot be required to submit in writing the reasons for their appeal or why they feel the decision was not correct. This type of information can be provided if appellant chooses, but can't be required.

    ☐ Yes ☐ No

    If appeals are not decided within 30 days of being heard, is presumptive eligibility granted and service provided until a decision is made?

    ☐ Yes ☐ No

    Are appeals heard and decided by an individual or individuals who have not been involved in the initial decision, and who do not have a direct line of authority to those who made the initial decision (*i.e.*, separation of authority)?

    ☐ Yes ☐ No

Personal Care Attendants, Companions, and Visitors

36. Does the subrecipient provide free complementary paratransit service to Personal Care Attendants (PCAs)?

    ☐ Yes ☐ No

37. Does the subrecipient provide complementary paratransit service to companions (always one, and others on a space available basis)?

    ☐ Yes ☐ No

38. Does the subrecipient provide complementary paratransit to visitors for up to 21 days in a 365-day period?

    ☐ Yes ☐ No

    If "Yes," does this include individuals determined ADA eligible by other transit systems, as well as individuals who do not have ADA paratransit eligibility from other areas?

    ☐ Yes ☐ No

    For individuals who do not have ADA paratransit eligibility from another transit system, is documentation of disability only required when the disability is not "apparent?"

    ☐ Yes ☐ No

Suspensions

39. Does the subrecipient have a process in place to suspend eligibility for eligible users who establish a pattern or practice of missing scheduled trips?

    ☐ Yes ☐ No

    When adopting this policy, did the subrecipient utilize its consultative and outreach process with the disability community before adopting the policy?

    ☐ Yes ☐ No

40. Does the policy consider both the absolute number of no-shows, as well as the frequency of no-shows when determining if there is a "pattern and practice" of abuse of the service?

    ☐ Yes ☐ No

41. If late cancellations are counted along with no-shows, are late cancellations the "operational equivalent" of no-shows (*e.g.*, cancels within 1-2 hours of scheduled pick-ups, but not further in advance)?

☐ Yes ☐ No

42. Does the public information describing the policy note that no-shows and late cancelations beyond the rider's control will not be counted and explain how to provide this information if charged with a no-show or late cancellation?

☐ Yes ☐ No

If "Yes," are riders first notified of the no-shows and late cancellations recorded against them, and given a chance to explain or dispute them before a decision is made to suspend?

☐ Yes ☐ No

43. If a suspension is issued, is the rider notified of their right to an appeal, and does this appeal process conform to the requirements that apply to eligibility appeals?

☐ Yes ☐ No

44. If riders are charged for no-shows and/or late cancellations, is this only in lieu of a suspension? Note: Charges can only be proposed as an alternative to a suspension and only after there has been a "pattern and practice" of abuse and a suspension has been issued.

☐ Yes ☐ No

Service Criteria

45. **Service Area:** Examine public information describing the ADA paratransit service. Compare any service area maps to maps of fixed routes. Is ADA paratransit service provided, at a minimum, to all areas within ¾ of a mile of non-commuter fixed routes?

☐ Yes ☐ No

Are small areas surrounded by service corridors also served?

☐ Yes ☐ No

Does the ADA paratransit service area cross all boundaries unless there is a specific legal bar prohibiting agency vehicles from crossing a boundary?

☐ Yes ☐ No

46. **Response Time:** Examine public information describing the ADA paratransit service. Note the advance notice requirements and the days and hours of trip reservations. Can trip requests be made up on a "next day" basis on all days that precede a day of service (including Sundays and holidays)?

☐ Yes ☐ No

Are trip reservations taken during typical administrative business hours?

☐ Yes ☐ No

47. **Fares:** Examine public information describing the ADA paratransit service. Compare ADA paratransit fares to base, non-discounted, adult fares on the fixed route service. Are ADA paratransit fares no more than twice the base adult fixed route fares? Note: consider all fixed routes, including any free shuttle or circulators that may exist.

☐ Yes ☐ No

48. **Days and Hours of Service:** Examine public information describing the ADA paratransit service. Compare the days and hours of operation to the earliest pickup times and latest drop-off times on all fixed route schedules. Is ADA paratransit service provided, at a minimum, during all the days and hours that fixed route service is provided?

☐ Yes ☐ No

49. **Trip Purposes:** Examine public information describing the ADA paratransit service. Does it indicate that all trip purposes are served?

☐ Yes ☐ No

Are all trip requests taken and scheduled the same, without trip purpose priorities?

☐ Yes ☐ No

50. **Capacity Constraints:** Examine recent service delivery data, particularly trip denials, missed trips, on-time pickup and drop-off performance, on-board ride times, and telephone hold times. Also examine how each of these measures of performance is defined and the goal or standard for each. Does the subrecipient have a goal to have zero trip denials?

☐ Yes ☐ No

Are trips with pickups more than one hour from the time requested counted as trip denials?

☐ Yes ☐ No

51. Does the service operate without a substantial number of trip denials?

☐ Yes ☐ No

Number of denials in last year: _____

52. Is the service operated without a waiting list and without trip caps?

☐ Yes ☐ No

What is the goal/standard for missed trips? _____

53. Are missed trips defined to not include trips not taken within the pickup window (which should be no-shows)?

☐ Yes ☐ No

Does the service operate without a substantial number of missed trips?

☐ Yes ☐ No

54. What is the percent of scheduled trips that were missed in the last year: _____

55. What is the on-time pickup window and the goal/standard for on-time pickups? _____

Does the service operate without a substantial number of significantly late pickups?

☐ Yes ☐ No

% of pickups that were late in last year: _____

56. What is the on-time drop-off window and the goal/standard for on-time pickups?

_____

Does the service operate without a substantial number of significantly late drop-offs?

☐ Yes ☐ No

% of drop-offs that were late in the last year: _____

57. How are excessively long trips defined, and what is the goal/standard for on-board travel times?

_____

Is this standard consistent with FTA guidance (*i.e.,* comparable to similar trips by fixed route)?

☐ Yes ☐ No

58. Does the service operate without a substantial number of excessively long rides?

☐ Yes ☐ No

% of trips with excessively long ride times: _____

59. What is the goal/standard for telephone hold times in reservations and dispatch (if separate)?

_____

Is this standard reasonable (*e.g.*, average hold times < 1 minute, or 95% of all calls answered within 3 minutes)?

☐ Yes ☐ No

Does the service operate without excessive telephone hold times?

☐ Yes ☐ No

Passenger Assistance

60. Does the subrecipient provide origin-to-destination service in its complementary paratransit program? (Either door-to-door service, or door-to-door as needed. Only curb-to-curb service does not meet this requirement.)

☐ Yes ☐ No

If door-to-door as needed service is provided, is the need for assistance considered for each trip requested, not just in the eligibility process?

☐ Yes ☐ No

Subscription Caps

61. If there are capacity constraints, does the subrecipient monitor, by time of day, subscription rates and are these rates no more than 50% of capacity at any hour?

☐ Yes ☐ No

All Service Providers

62. How does the subrecipient keep lifts and other accessibility features on system vehicles in working order?

    _____

    _____

    When a vehicle is removed from revenue service, does the subrecipient take reasonable steps to accommodate individuals with disabilities who were scheduled on that vehicle?

    ☐ Yes ☐ No

63. Are vehicle operators trained to immediately report that a lift is not in working order?

    ☐ Yes ☐ No

64. Are vehicles removed from revenue service when it is reported that a lift is not in working order?

    ☐ Yes ☐ No

65. Are vehicles repaired promptly and within the five day period for nonurbanized areas?

    ☐ Yes ☐ No

66. Does the subrecipient transport all wheelchairs and occupants if the lift and vehicle can physically accommodate them, unless doing so is inconsistent with legitimate safety requirements?

    ☐ Yes ☐ No

67. Does the subrecipient "do the best it can" to secure mobility devices, but not deny riders because the mobility devices they are using cannot be secured to the satisfaction of the driver or agency?

    ☐ Yes ☐ No

68. Does the subrecipient permit standees to use the lift?

    ☐ Yes ☐ No

69. Does the subrecipient require scooter users or wheelchair passengers to transfer to another seat?

☐ Yes ☐ No

70. Do the subrecipient's operators assist individuals with disabilities with the use of securement systems, ramps, and lifts?

☐ Yes ☐ No

71. Does the subrecipient permit service animals on system vehicles?

☐ Yes ☐ No

Is the subrecipient's service animal policy consistent with regulatory requirements? (The policy should not require certification of training, should not inappropriately limit type of animal—except emotional support or comfort animal, or animal that cannot be trained to assist.)

☐ Yes ☐ No

72. Does the subrecipient make available to individuals with disabilities adequate information concerning transportation services?

☐ Yes ☐ No

73. Does the subrecipient permit a passenger who uses a lift to disembark from a vehicle at any designated stop, unless the lift cannot be deployed, the lift will be damaged if it is deployed, or temporary conditions at the stop, not under the control of the entity, preclude the safe use of the stop by all passengers?

☐ Yes ☐ No

74. Does the subrecipient ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities?

☐ Yes ☐ No

_____

_____

75. Is the subrecipient's process for making reasonable accommodation requests readily available to the public and in an accessible format?

☐ Yes ☐ No

If "Yes," how is this information communicated to the public?

_____

_____

76. Does the request process for reasonable accommodation require advanced notice?

☐ Yes ☐ No

If "Yes," is there adequate flexibility to accommodate request that would reasonably occur spontaneously?

☐ Yes ☐ No

77. Does the request process require the use of the term "reasonable modification" by the requestor?

☐ Yes ☐ No

78. Does the subrecipient sufficiently advertise the process for filing an FTA complaint?

☐ Yes ☐ No

Describe these advertisement methods.

_____

_____

79. Does the subrecipient have a process in place to ensure a prompt response to ADA related complaints?

☐ Yes ☐ No

Describe this process, including any timeframes imposed filings and processing complaint requests.

_____

_____

80. Does the subrecipient have a process in place to ensure all responses to ADA complaints are documented internally?

☐ Yes ☐ No

81. Does the subrecipient retain a file copy of all ADA related complaints for at least 1 year and a summary of all ADA related complaints for at least 5 years?

☐ Yes ☐ No

Facilities

82. Has the subrecipient constructed any new facility to be used in providing designated public transportation services so that the facility is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs?

☐ Yes ☐ No

83. Has the subrecipient undertaken any alterations of an existing facility or a part of an existing facility used in providing designated public transportation services in a way that affects or could affect the usability of the facility or part of the facility, the entity shall make the alterations (or ensure that the alterations are made) in such a manner, to the maximum extent feasible, that the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon the completion of such alterations?

☐ Yes ☐ No

Section 8. Charter and School Bus

Overview

The Federal Transit Administration was established by the Federal Transit Act, as amended. The Act provided funds for ‘‘mass transportation’’ purposes, defined as: ‘‘transportation by bus or rail or other conveyance, either publicly or privately owned, serving the general public (but not including school buses or charter or sightseeing service) and moving over prescribed routes.’’ This provision illustrates the balance Congress sought to strike between the public and private sectors of the economy. Congress acted to provide Federal funding for the continued existence of urban fixed route providers by enacting a capital program to acquire private transit companies and establish new public transportation agencies. The charter services provided by private companies were still profitable; accordingly, Congress excluded charter service from the definition of ‘‘mass transportation.’’

"Charter service" means, but does not include demand response service to individuals:

(1) Transportation provided by a recipient at the request of a third party for the exclusive use of a bus or van for a negotiated price. The following features may be characteristic of charter service:

(a) third party pays the transit provider a negotiated price for the group;
(b) Any fares charged to individual members of the group are collected by a third party;
(c) The service is not part of the transit provider’s regularly scheduled service, or is offered for a limited period of time; or
(d) A third party determines the origin and destination of the trip as well as scheduling; or

(2) Transportation provided by a recipient to the public for events or functions that occur on an irregular basis or for a limited duration and:

(a) A premium fare is charged that is greater than the usual or customary fixed route fare; or
(b) The service is paid for in whole or in part by a third party.

New regulations provide for both exemptions and exceptions to the regulations. FTA excludes recipients of four funding programs (Section 5310, Section 5311, Section 5316, and Section 5317) from charter regulation coverage ***if*** the service is for “program purposes.” FTA defines this term as: "*…transportation that serves the needs of either human service agencies or targeted populations (elderly, individuals with disabilities, and or low income individuals).”*

No FTA grantee or operator of project equipment is permitted to engage in exclusive school bus operations using buses, facilities or equipment funded under the Act. Note: FTA considers Head Start to be human service agency transportation (not school bus transportation for purposes of 49 CFR part 605).

Charter Service

1. Does the subrecipient provide charter service?

   ☐ Yes ☐ No

2. Can all of the subrecipient's services be called "program" transportation?

   ☐ Yes ☐ No

3. Does the subrecipient operate any services that are defined in the federal regulations as exempt service as defined in 49 CFR part 604.2?

   ☐ Yes ☐ No

   If yes, describe the charter service provide.

   _____

   _____

4. Does the subrecipient operate any services that are defined in the Federal regulations as exceptions as defined in 49 CFR part 604.5 - 604.11?

   ☐ Yes ☐ No

   If yes, describe the charter service provided.

   _____

   _____

   If "Yes,: does the subrecipient prepare and submit the requisite charter reports to ODOT?

   ☐ Yes ☐ No

   Does the subrecipient have a policy on the retention of charter records?

   ☐ Yes ☐ No

5. Has the subrecipient ever requested a charter exception from FTA?

☐ Yes ☐ No

6. How does the subrecipient price charter services? Does the agency have a cost allocation methodology to estimate the actual cost of charter service?

☐ Yes ☐ No

7. Does the subrecipient provide charter services using non-FTA funded vehicles?

☐ Yes ☐ No

School Bus Service

8. Does the subrecipient provide transportation to/from school for school children?

☐ Yes ☐ No

Is the transport of school children to/from school done on an exclusive basis (*e.g.*, in demand response mode, is the run built entirely on school children)?

☐ Yes ☐ No

9. Does the subrecipient provide any tripper services?

☐ Yes ☐ No

10. If the system provides exclusive school bus service does it meet any of exemptions specified in the regulations?

☐ Yes ☐ No

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Section 9. Special Transportation Fund

Overview

The State's Special Transportation Fund Program provides financial support to designated counties, transit districts and Indian tribal governments for special transportation services benefiting seniors and people with disabilities. The majority of the STF money (75%) is allocated on a population-based formula. The remaining funds are distributed by the Public Transportation Discretionary Grant Program.

All Agencies

1. Is the STF Agency up-to-date in applications for current formula funding allocation?

   ☐ Yes ☐ No

   If "No," why not?

   _____

   _____

2. Is the STF Agency up-to-date in quarterly reports from all agencies receiving funds?

   ☐ Yes ☐ No

   If "No," why not?

   _____

   _____

3. Does the STF Agency delegate program administration to a second, separate agency?

   ☐ Yes ☐ No

If "Yes," list the duties of the Administrative entity:

_____

_____

4. Is there an agreement that includes the defined duties between the two entities?

   ☐ Yes ☐ No

5. Does the STF Agency, individual providers, or administrative entity maintain an inventory of capital items purchased in whole or part with STF?

   ☐ Yes ☐ No

6. Has the STF Agency appointed an advisory committee of at least five members, and does the membership have a minority of individuals representing agencies receiving STF funds? (For tribes, the committee is composed of three individuals.)

   ☐ Yes ☐ No

7. Has the STF Agency adopted bylaws for the committee?

   ☐ Yes ☐ No

8. Does the STF Advisory Committee meet at least two times per year?

   ☐ Yes ☐ No

9. Does the STF Agency adhere to open meeting laws: publishes meeting notices and keeps records of all meetings?

   ☐ Yes ☐ No

10. Does the STF Agency use the adopted Coordinated Plan to assist in making funding decisions?

    ☐ Yes ☐ No

11. Does STF Agency have contracts with all providers in receipt of STF Funds?

☐ Yes ☐ No

TD,

12. Does the contract include the required content? Yes / No

☐ Yes ☐ No

13. Does STF Agency have procedures to monitor contracts

☐ Yes ☐ No

For SAMTD, TriMet, LTD, RVTD, and Basin Transit

14. How does the STF Agency determine the percentage allocation of STF formula to the in- and out-of-district areas?

_____

_____

15. Is the percentage equivalent to the proportionate share of population in and outside the district's boundaries?

☐ Yes ☐ No

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Section 10. Other Elements of the Review

Overview

This section describes the physical inspection of vehicles and facilities to be conducted during the compliance review.

Vehicle and Facility Inspections

The review will conduct inspections of randomly selected vehicles and maintenance records to determine:

- Are preventive maintenance checks being conducted in accordance with the written maintenance plan;
- Are Federally financed facilities being maintained in accordance with the written facility maintenance program;
- Are vehicles equipped with the proper safety equipment;
- Are all inspections up-to-date;
- General condition of the vehicle; and
- General cleanliness of the vehicle.

Civil Rights

Various civil rights components require that certain postings be placed in the workplace where affected employees may view them.

- Title VI
- EEO
- “7-in-1” posters

Labor Protection

The terms and conditions of the Special Warranty (Section 5333(b)) require that the Warranty be posted in the workplace where affected employees may view the Warranty.