



OKLAHOMA
Transportation

State Management Plan for FTA Transit Grant Programs

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Oklahoma Department of Transportation
Office of Mobility and Public Transit

In Association with the U. S. Department of Transportation's
Federal Transit Administration (FTA)

Table of Contents

1. Introduction	3
2. General Transit Program information	3
2A. Roles, Responsibilities, and Coordination.....	3
2B. ODOT Transit Program Goals and Objectives	7
2C. State Administration and Technical Assistance.....	8
2D. AUTHORIZING LEGISLATION.....	8
3. State Program Management.....	8
3A. Oversight of Subrecipients.....	8
3B. FTA Grant Reports	12
3C. Transit Asset Management	13
3D. Procurement.....	14
3E. Property Management and Disposal.....	18
4. Program Complaint Procedures	24
5. Provisions and Requirements for All Programs/Subrecipients	24
5A. Funding Requirements-Federal/Local Match Ratio of this SMP	24
5B. Financial Management.....	26
5C. Annual Certifications and Assurance.....	30
5D. Drug and Alcohol Testing Program	31
5E. Charter Rule	32
5F. School Bus Operations	33
5G. Private Sector Participation.....	33
5H. Grievance Procedures.....	34
5I. Additional Provisions	34
6. Section 5303/5304 program.....	40
6A. Program Overview	40
7. Section 5310 program.....	40
7A. Program Overview	40
7B. Eligibility	41
7C. Funding Requirements-Federal/Local Match Ratio.....	42
7D. Minimum Requirements for Potential Applicants	42
7E. State's FTA Grant Application Process, Timeline, and Program of Projects Development.....	43
8. Section 5311 Program.....	45
8A. Program Overview	45
8B. STATEWIDE ALLOTMENT	46
8C. Eligibility.....	47
8D. Funding Requirements-Federal/Local Match Ratio	48
8E. Minimum Requirements for Potential Applicants.....	50

8F. State’s FTA Grant Application Process, Timeline, and Program of Projects Development.....	51
9. Section 5311(F) Intercity Bus Program	52
9A. Program Overview	52
9B. Eligibility	53
10. Section 5311(b)(3) RTAP Program	54
10A. Program Overview	54
10B. Eligibility	54
10C. Funding Requirements-Federal/Local Match Ratio.....	55
10D. Minimum Requirements for Potential Applicants	55
11. Section 5339 program	56
11A. Program Overview	56
11B. Eligibility	56
11C. Funding Requirements-Federal/Local Match Ratio.....	57
11D. Minimum Requirements for Potential Applicants	57
11E. State’s FTA Grant Application Process, Timeline, and Program of Projects Development.....	58
12. Civil Rights	59
12A. Title VI	59
12B. Equal Employment Opportunity (EEO)	61
12C. Disadvantaged Business Enterprise (DBE).....	62
12D. Section 504 and Americans with Disabilities (ADA).....	63

1. INTRODUCTION

The Federal Transit Administration (FTA) is one of ten operation administrations within the U.S. Department of Transportation (USDOT). USDOT through FTA provides financial assistance to states and local government entities to develop new transit systems, and improve, maintain, and operate existing systems. FTA oversees and ensures regulatory compliance of transit funds awarded to States and requires each state to have an approved State Management Plan (SMP).

The Oklahoma Department of Transportation (ODOT) is designated by Oklahoma's Governor for the administration of federal public transportation financial assistance programs for the state. The intent of this document is to outline the state's policies, procedures, and administrative guidelines for the FTA's 49 U.S.C Sections §5310, 5311, and 5339 grant programs. FTA mandates amendment/revisions to the SMP with changing legislation and state statutes/policies. A significant change to the SMP also requires FTA review and approval.

This document supersedes all prior State Management Plans approved by FTA including the 2021 5310 SMP and the 2021 5303/5304/5311/5339 SMP. This SMP document combines the 5310 SMP and the previous SMPs into one document to include FTA 5310, 5311, and 5339 only. This SMP document also includes updates and revisions to program administration and compliance monitoring requirements and procedures based on corrective actions approved by FTA through the 2021 State Management Review process.

Prior to submitting the SMP to the FTA, a draft of the SMP was circulated and comments were solicited among stakeholders, including divisions within ODOT, current subrecipients, and Oklahoma Transit Association. The public comment inventory is available upon request.

2. GENERAL TRANSIT PROGRAM INFORMATION

2A. ROLES, RESPONSIBILITIES, AND COORDINATION

The Federal Transit Administration

The Federal Transit Administration (FTA) is the federal oversight agency headquartered in Washington, D.C. FTA's responsibilities include, but are not limited to: providing policy and program guidance, funding allocation to the States; developing and implementing financial management procedures; providing program support; and conducting state management reviews, an evaluation/audit that occurs every three years or as warranted; reviewing and approving grant applications; reviewing and approving SMPs. The day-to-day administrations of Oklahoma's programs are managed by FTA's Region VI office located in Fort Worth, Texas. The FTA headquarters contact information is as follows:

Federal Transit Administration
Office of Communications and Congressional Affairs
1200 New Jersey Avenue SE, East Building
Washington, DC 20590

Oklahoma Department of Transportation - Office of Mobility and Public Transit

ODOT is the Governor's designee responsible for the administration of all FTA programs in the state for which ODOT serves as the designated recipient as promulgated under Title 730, Chapter 45 of the Oklahoma

Administrative Rules and Title 69 of the Oklahoma Statute (as amended). ODOT has assigned the Office of Mobility and Public Transit (OMPT) with the administration and oversight of FTA program activities, and additionally may enter into agreements with qualified entities and/or contractors to carry out these activities as deemed necessary. The OMPT will fulfill ODOT's obligation by:

- Developing a fair and equitable application process for the distribution of available FTA funding to eligible rural and tribal transit agencies
- Notifying eligible subrecipients
- Soliciting applications annually and submitting an annual program of projects and grants to FTA
- Certifying eligibility of applicants and project activities
- Entering into agreements with FTA Funded subrecipients and applicable contractors
- Monitoring subrecipient's programs to ensure compliance with FTA rules and regulations
- Providing technical support and assistance for subrecipients
- Overseeing subrecipient project audits and closeout
- Auditing submitted subrecipient reimbursement claims for FTA funding eligibility
- Submitting all FTA reports for ODOT and its subrecipient as required by FTA
- Provide practical coordination of public transportation services funded by FTA with transportation services aided by other federal programs
- Ensuring coordination of public transit at the state and local levels. Oklahoma does not have a state process for intergovernmental review of federal programs; therefore, the FTA Grant Program are not submitted to a state clearinghouse for review. However, all FTA funded projects are included as an element of ODOT's Statewide Transportation Improvement Program (STIP) and thereby will go through the STIP review process
- Compiling and updating the Statewide Transportation Improvement Program (STIP) for Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) approval. The STIP includes the Transportation Improvement Program (TIP) from the Metropolitan Planning Organizations (MPOs)
- Assigning project numbers for all OMPT projects
- As allowed by FTA C 9070.1G ODOT may allocate up to 10% of the 5310 and 5311 program apportionment at 100% federal match for program administration

Requiring applicants for FTA funded programs, when applicable, provide documentation to support their efforts to coordinate proposed transportation services with both private for profit and nonprofit service operators. Acceptable documentation will include, but not limited to: An executed coordination agreement, written and published invitations, public announcements, sign-in sheets and notes of public forums, etc.

ODOT General Counsel Division

The General Counsel Division's responsibility includes but is not limited to providing legal counsel, reviewing and approving the OMPT's subrecipient agreements and contracts.

ODOT Comptroller Division

The Comptroller Division is responsible for the following:

- Review and approval of OMPT's annual budgets
- Processing OMPT approved claims of subrecipients

- Reconciling submitted claims with OMPT before and after each Electronic Clearing House Operation (ECHO) draw
- Review and approve FTA reports and grant closeouts prior to submission by OMPT
- Review and submit OMPT related reports in compliance with the Federal Funding Accountability Transparency Act (FFATA) reporting requirements

ODOT Operations Review and Evaluation Division (OR&E)

The OR&E Division is responsible for the review of subrecipient's single audits for compliance with Office of Management and Budget (OMB) and examines annual audit reports from the Oklahoma State Auditor and Inspector's Office.

ODOT Contract Compliance Division

The Civil Rights Division is responsible for the following:

- Developing Disadvantaged Business Enterprise (DBE) goal methodology process and the establishment of subsequent goals
- ADA compliance and oversight of complaint process
- Providing DBE training, outreach, and partnerships
- Conducting DBE certification process and maintaining certified DBE directory
- Review FTA civil right reports for accuracy before submission by OMPT to FTA
- Developing ODOT's Title VI compliance procedures
- Participating in the OMPT subrecipient Annual Request for Certification

ODOT Procurement

The Procurement Division is tasked with the administration/oversight of the Department's procurement demands, including but not limited to the procurement of professional goods and services to ensure compliance with state and federal regulations.

- Review OMPT capital procurement bid documents and submit to the Office of Management and Enterprise Service's (OMES) Central Purchasing Division for solicitation when applicable.
- Review and approve OMPT's procurement policy
- Providing certification and training to OMPT's Certified Procurement Officer (CPO)
- Provide technical assistance to OMPT when needed
- Provide subrecipient claim account information for reimbursements
- Participating in the OMPT subrecipient Annual Request for Certification

ODOT Human Resources Division

The Human Resources Division is responsible for the oversight of ODOT staffing to include, but not limited to:

- Ensuring that required State and Federal hiring standards/practices are followed when staffing OMPT
- ODOT Drug and Alcohol awareness programs
- ODOT required State and Federal employee training programs

ODOT Environmental Division

The Environmental Division is responsible for the following:

- To integrate environmental considerations and regulatory requirements into ODOT's transportation programs and operations
- To provide a broad range of technical expertise in the natural and human environment
- To provide environmental (NEPA) documents and permits for ODOT projects and activities
- To liaise with regulatory agencies to streamline the environmental review and permit processes

Oklahoma State Office of Management and Enterprise Service's (OMES) Central Purchasing Division

The Central Purchasing Division is responsible for oversight of the solicitation/procurement process for capital assets to include, but not limited to:

- Registering and reviewing past performances of vendors
- Ensuring a competitive process for proposals to solicit bids for statewide contract for transit vehicles and equipment
- Ensuring that specifications and bid packets meet federal and state requirements
- Ensuring that bid awards meet all federal and state regulations
- Maintenance of the statewide procurement website

Metropolitan Planning Organizations (MPOs)

ODOT currently coordinates planning efforts with four MPOs:

- **Association of Central Oklahoma Governments (ACOG):** <http://www.acogok.org/>
- **Indian Nations Council of Governments (INCOG):** <http://www.incog.org/>
- **Lawton Metropolitan Planning Organizations (LMPO):** <http://www.lawtonmpo.org/>
- **Frontier Metropolitan Planning Organization (Frontier):** <http://www.frontiermpo.org/>

Coordination must occur between the MPOs and local transit providers with respect to service areas. Subrecipient coordination efforts are reviewed by ODOT as part of the program application process and in reviewing locally coordinated human service efforts. Proposed FTA funded projects within the MPO regional transportation planning boundaries must be included in the MPO's Transportation Improvement Program (TIP) and subsequently in ODOT's Statewide Transportation Improvement Program (STIP).

ODOT Planning Division

It is the responsibility of the Planning Division to coordinate the Statewide Transportation Improvement Program (STIP) and the Transportation Improvement Program (TIP) for the state of Oklahoma.

Statewide Transportation Improvement Program (STIP)

The STIP is a financially constrained program that identifies priority and regionally significant transportation projects based on extensive planning. All federal funds programmed for highway or transit projects must be included in the STIP. These are projects in which full funding is reasonably anticipated to be available to implement during the next four (4) years. This is not a final schedule of projects but is a "best estimate" at the

time of STIP development. The STIP serves as a short-range planning tool that educates the public on future transportation needs and assures that federal funds are spent on projects consistent with approved long-range plans. The State's procedures for developing the Program of Projects are outlined in the STIP and it includes four program years.

ODOT Subrecipients

Subrecipients receiving State and FTA funds must possess the financial and technical capacity necessary to manage all aspects of the transit grant program(s) and comply with established program rules and reporting procedures outlined in the State Management Plan and associated program documents. Subrecipients must annually commit to several certifications and assurances covering a range of topics to be compliant with FTA and ODOT grant program rules. ODOT oversight of subrecipient compliance will be monthly through the Invoice Reimbursement Checklist of informational and data items, quarterly reporting on transit operations and state of good repair activities, annually through the Annual Request for Certification and NTD reporting, and triennially through agency proficient reviews on over 20 subrecipient rules and requirements. Subrecipient reviews will include:

- financial, technical, managerial, and legal capacity to operate a transit service
- transit operations
- maintaining transit assets in a state of good repair
- compliance with and monitoring of all civil rights requirements
- staying current with FTA program circulars and the State Management Plan
- completing the OMPT subrecipient Annual Request for Certification
- participation in locally coordination human service planning
- submitting an Invoice Reimbursement Checklist with each monthly invoice

Detailed procedures and responsibilities for associated grant programs are outlined in this document and associated grant program documents.

2B. ODOT TRANSIT PROGRAM GOALS AND OBJECTIVES

Program Goal

The goal of Oklahoma's State and Federally funded transit programs is to provide a safe and effective transportation network that will enhance and increase the mobility of all people, including seniors, disadvantaged persons, individuals with disabilities, and individuals with special needs, as well as people living in tribal, non-urbanized and small urban areas of the state. This will be accomplished by preserving and improving existing public transportation systems, removing barriers to transportation services, and improving transportation mobility options in order to provide better access to health care, employment, education, shopping, recreation, and public services throughout the state.

Overall Program Objectives

To obtain the goals set forth, available Federal and State funding will be used to:

- Support and maintain existing transit systems and establish new services in the state
- Provide a fair distribution of public transportation funds to all areas of the State

- Study, coordinate, and implement transportation service needs with State, local, and municipal governments across the state
- Provide technical assistance to new and existing transit providers statewide
- Promote and maintain strong partnerships with transit providers and associations
- Maintain assets in accordance with asset management plans

2C. STATE ADMINISTRATION AND TECHNICAL ASSISTANCE

The OMPT routinely distributes information concerning the Section 5310, 5311, and 5339 Programs. It maintains communications with public transportation providers throughout the nation through its participation in transit associations. Department personnel also meet with local and national organizations to inform them about the Section 5310, 5311, and 5339 Programs.

OMPT staff are available to answer questions and provide technical assistance. Various transit related studies such as needs assessments are conducted as needed. The services of Consultant Firms and Transit Specialists are routinely acquired for extensive studies and workshops.

The activities described in this section are funded for an amount not to exceed 10% of the annual allocation of Section 5310 and 5311 Program funds. The federal share is 100%. ODOT may not use FTA Rural Transit Assistance Program (RTAP) Funds for the administration of the RTAP Program or for overhead expenses. However, administrative expenses incurred by ODOT in administering the RTAP Program may be covered by the Section 5311 Program formula allocation available for administrative purposes.

2D. AUTHORIZING LEGISLATION

Congress establishes the legal authority to commence and continue FTA programs through authorizing legislation. Each reauthorization amends the Federal Transit Laws codified in Title 49 USC Chapter 53.

The most recent authorization, the Bipartisan Infrastructure Law, was signed by President Biden on November 15, 2021. The legislation reauthorizes surface transportation programs for Fiscal Year (FY) 2022 through FY 2026. Prior authorization legislation includes:

In December 2015, President Obama signed the Fixing America’s Surface Transportation (FAST) Act, reauthorizing surface transportation programs from FY 2015 through FY 2020.

In July 2012, President Obama signed Moving Ahead for Progress in the 21st Century (MAP-21) Act, which reauthorized surface transportation programs from FY 2012 through FY 2014.

3. STATE PROGRAM MANAGEMENT

3A. OVERSIGHT OF SUBRECIPIENTS

FTA gives ODOT, to the extent permitted by law, maximum discretion in designing and managing the Section 5310 and 5311 Programs. FTA staff provides oversight; apportions the funds annually to the State; develops and implements financial management procedures, conducts national program reviews and evaluations, collects reimbursement documentation, and requires annual subrecipient certifications. FTA defers to ODOT, where possible, the development of specific program standards, criteria, procedures and policies in order to provide

Oklahoma the flexibility to standardize its management of these federal programs and related state programs.

All participants in the formula grant programs in Oklahoma are required to complete and submit periodic forms designed to capture data that reflects key performance and utilization aspects of their efforts in rendering transportation services.

ODOT monitors projects through on-site reviews, equipment inspections, implementation of reporting requirements, and other activities, as necessary. Subrecipients are required to monitor and report on a variety of items, including ridership, revenues, expenses, vehicle and equipment management, drug and alcohol testing, DBE reports, and service coordination efforts as applicable.

ODOT collects operational data from each of its subrecipients on a monthly, quarterly, or annual basis. Data collection includes the number of miles, hours, and trips provided during the reporting period, as well as financial information such as expenses and revenues during the reporting period. These reports identify productivity and cost-effectiveness.

A continuous system of checks and balances is built into project monitoring through various means such as the Annual Certification Checklist, subrecipient reports, invoice processing, the generation of supplemental agreements and operating performance data review and data collection process. These methods are enhanced through regular communication between the subrecipients and ODOT staff, site visits, and a compliance review process. When an issue surfaces, ODOT staff will address the issue in a timely manner and will strive to benefit both the subrecipient's and ODOT's needs as much as possible.

Subrecipient Monitoring

ODOT is authorized to monitor all project activities, services, capital assets, project administration and management practices supported with federal funds, to ensure compliance with federal regulations. To that regard, ODOT has monitoring procedures in place that uses visual inspection of the subrecipients' site(s), equipment, advertised scheduled routes, websites etc. This verifies information about the subrecipients, such as contact name, address and location of the site(s); records the number, types and condition of vehicles being used in the program; and asks questions about the subrecipients' compliance with Federal and State regulations and procedures.

Periodic reviews based on annual risk will also be conducted throughout the year as deemed necessary. During these reviews, OMPT staff will randomly select subrecipients to evaluate ongoing compliance. The analysis will include, but is not limited to; Field assessments of actual routes taken by drivers to evaluate time allowed at stops, location, and condition of stops, whether deviated fixed routes allow enough time between stops to permit adherence to advertised route timelines, civil rights compliance, etc. At the time of the reviews, any subrecipients found to be out of compliance with Federal and State regulations and procedures will be notified of such non-compliance and given time to remedy the situation. If the violation is not corrected in the time provided, FTA funding may be jeopardized, and/or federally funded vehicle(s) may have to be returned.

Invoice Reimbursement Checklist

When an invoice is received, it is examined along with the supporting documents by the OMPT. OMPT implemented the use of an Invoice Reimbursement Checklist (IRC) to ensure that invoice reviewers examine the invoice and the supporting documentation before an invoice is approved for reimbursement.

Approval from OMPT is required before an invoice is processed for reimbursement. After the IRC and all

supporting documentation has been uploaded in MYLEOnet, OMPT reviews documentation against the contract and purchase orders in the system to ensure that the supporting documentation attached to the request corresponds to what is entered in the system. This includes the invoice date and number, the vendor’s name and address, the amounts, terms, payment instructions, account codes and project information. The requests are specifically checked to confirm that attached supporting documents include a signed and approved IRC summarizing the content of expenditures and categories being billed.

Annual Request for Certification

Prior to receiving an annual allocation and contract from OMPT, all subrecipients are required to certify, and submit documentation where applicable, that the subrecipient has created plans and procedures required of all recipients of Federal funds. OMPT will collect these certifications and documents annually by using the Annual Request for Certification (ARC) checklist. ODOT also requires subrecipients to complete a Risk Assessment as part of the annual certification. The risk assessments are compiled and taken into consideration along with other data and information to determine the appropriate frequency of on-site monitoring. Documents and plans to be collected include:

Signatory Authority	Title VI Plan	Annual Single Audit Report
FTA Certifications & Assurances	EEO Policy	Drug-free work place
New or Pending Lawsuits and Complaints	LEP Policy	Warranty Recovery Program
Certification of no school bus and charter service	Public Participation Plan	Organization Chart
Documentation of Organizational Status	Written Lease Agreements	Board Membership
Service Availability Certification	501 3C IRS Letter	Maintenance Log
Cost Allocation Plan & Approval Letter	Secretary of State Letter	Source of Local Match
Section 504/ADA assurances	Charter/Articles of Incorporation	Lobby Certification
Certification of Equivalent Service	CRO Title VI Approval Letter	Grievance Procedures
Public Transportation Agency Safety Plan	Procurement Policy	Agency "Three Year Plan"
Coordinated Public Transit Human Services Plan	Transit Asset Management Plan	Drug & Alcohol Policy
ADA Paratransit Plan & Program Documents	Executed Written Agreements	New Lease Agreements
Vehicle and Facilities Maintenance Plan	Risk Assessment	Revenue Certification

Comprehensive Triennial Subrecipient Oversight Reviews

At a minimum of every three years, or as circumstances warrant, ODOT will conduct on-site project evaluations and compliance reviews of each subrecipient’s management and operations using the Section 5311 Comprehensive Triennial Subrecipient Oversight Workbook to ensure compliance with federal regulations. ODOT will send a packet containing material which will be covered during the monitoring process. The Subrecipient Oversight Checklist will be sent to the subrecipient to complete and returned to ODOT for a desk audit prior to the monitoring visit.

During the on-site monitoring visit, an entrance conference will be conducted at the discretion of the ODOT Project Manager. ODOT will review all areas included in the oversight workbook through observations, discussions, and samples for the period(s) under review. Discussions with appropriate subrecipient staff will take place to provide more meaningful reporting. The exit conference will identify findings; provide corrective actions, guidance and

recommendations based on ODOT and subrecipient observations and responses.

A written report of the monitor's findings will be prepared and presented to the subrecipient. This report denotes any administrative or operating services that are excellent and/or program weaknesses. On-site evaluations include but are not limited to:

- Project Application Review – Review how the subrecipient is addressing key points of FTA's administrative and operational rules and regulations. The application review is typically conducted by one person during a one-day visit.
- Subrecipient Oversight Checklist – Is the tool used to conduct in-depth review of the subrecipient's compliance in the areas; Program Management, Grant Administration, Financial Management, Procurement, Disadvantaged Business Enterprise, Asset Management, Charter Bus (if applicable), School Bus, Americans with Disabilities Act, Title VI, Equal Employment Opportunity, and Drug Free Work Place/ Drug and Alcohol Programs. The reviews are typically conducted by two to three people over two to three days, four days for large multi-county projects.

Subrecipient Reporting Requirements

Daily Reporting: each subrecipient must submit statistical and financial data electronically via MYLEOnet at odotmyleonet.net. Each subrecipient is required to enter data from daily drivers' log sheets, as listed on ODOT's "Data Intake Forms 01 & 02" (Trip Sheets) and in Transit Assistant (or other approved scheduling/dispatching software). This data is used to compile statistical ridership data for each project.

Monthly Reporting: each subrecipient must submit monthly financial data which will be used by the OMPT to generate the monthly reimbursement claims. This financial data will include all actual project expenses allowable under 5311 (true costs) and all supporting documentation. Each subrecipient must report the amount of intercity bus service it provides. The process for identifying intercity bus service is described in the Section 5311 program documents and in the 5311(f) sections of this SMP. All driver log sheets must be signed by the driver and retained by the subrecipient for a minimum of three (3) years after the end of the applicable program year. Failure to maintain such records will render the report for the effective period as ineligible.

Quarterly Reporting: each subrecipient must submit Quarterly Reports to ODOT as applicable. These reports are submitted using MYLEOnet. The reports require data on the following:

- Narrative of the last quarter's activity with the subrecipient's operations, capital, etc.
- DBE contracting activity
- Charter (if applicable)

A quarterly report must be completed for organizations receiving Section 5310 funds being approved and submitted by the organization's staff member or the individual responsible for the vehicle(s), whether the vehicle is in operation or not. The quarterly report is approved and submitted via MYLEOnet, an online database reporting system provided by ODOT, which can be found at ODOTMYLEOnet.net. OMPT also has the right to require additional reporting forms from the organization to help determine if compliance is being met. Organizations are to collect and maintain the proper information needed to provide accurate, correct, and up-to-date records needed for reviews and to prepare annual reports for the National Transit Database and the FTA Regional Office. ODOT compiles the data and submits this report to the National Transit Service Center.

For each vehicle, the grantee will maintain the quarterly reports and corresponding data. Such data should consist of the total number of passenger trips, senior trips, disabled trips and senior disabled trips, as well as using classification for the trip type category (recreation, education, medical, shopping/personal, employment, nutrition

and other). The vehicle condition rating, beginning and ending odometer, days in service, and miles are also reported. These reports are reviewed for any documentation omissions, for proper use of vehicles and to identify any issues or barriers to equitable and efficient service provision within the individual project.

A monitoring report identifying findings to be addressed is provided to the subrecipient in person, by e-mail or by mail depending on the severity and urgency of the deficiency noted and the immediacy of any correction required. A follow up is conducted by desk audit or site visit to ensure that corrections are made in a timely manner depending on the finding noted.

Annual Reporting: Section 5311(b)(4) specifies that each Section 5311 recipient shall submit an annual report containing information on capital investment, operations, and services provided under Section 5311. This data is entered and updated throughout the year into MYLEO-net. The data includes the following:

- Total annual revenue
- Sources of revenue
- Total annual operating costs
- Total annual capital costs
- Fleet size and type, and related facilities
- Revenue vehicle miles
- Ridership

Additionally, subrecipients must submit annually a Drug and Alcohol Management Information Systems report. ODOT's Drug and Alcohol Program is managed by a contractor overseen by ODOT. The annual MIS report will be submitted to ODOT's contractor who will verify the submitted information and forward it to the OMPT for submittal to FTA.

3B. FTA GRANT REPORTS

ODOT will submit the following required reports to FTA for Section 5310 and 5311 grant programs with information provided by ODOT and subrecipients as follows:

Annual Program of Projects (POP): By October 31 each year, ODOT will submit to FTA the annual program of projects with the current Section 5310 and 5311 award programming.

Federal Financial Reports (FFR) and Milestone Progress Reports (MPR): ODOT will submit quarterly, monthly, and annual financial reports as required by FTA for each active grant, as appropriate.

Federal Funding Accountability & Transparency Act of 2006 (FFATA): ODOT is required to report all sub-award information exceeding \$25,000 to the Federal Funding Accountability & Transparency Act Sub-award Reporting System (FSRS). ODOT Comptroller Division will submit the required reports no later than 30 days after the obligation of funds.

Disadvantaged Business Enterprise (DBE) Reports: ODOT will submit its DBE program goal to FTA by August 1 every three years. Subsequent uniform report of DBE awards or commitment of payments will be submitted semi-annually by June 1st and December 1st.

All subrecipients are required to submit their DBE plans and goals to OMPT and certify annually that the plan is up-to-date and properly implemented.

National Transit Database (NTD): The National Transit Database is the FTA's primary national database for

statistics on the transit industry. Section 5311(b)(4) specifies that each recipient of Section 5311 Program funds shall submit an annual report containing information regarding capital investment, operations and service provided under Section 5311. Items to be reported include total annual revenue, sources of revenue, total annual operating costs, total annual capital costs, fleet size, type and related facilities, revenue vehicle miles and ridership.

ODOT is responsible for ensuring that the data is collected by each Section 5311 subrecipient, and that the data complies with the NTD requirements. The OMPT collects the data for the NTD Program through the monthly submission of uniform operating and financial reports from each subrecipient. The information is accumulated and compiled into the format required by the NTD Program. The deadline for submitting the annual report to the National Transit Database is January 31.

ODOT will set a date every year that each subrecipient will need to submit the RR-20 Reduced report, A-10 Stations and Maintenance Facilities report, A-30 Revenue Vehicle report, and any other report as applicable, as well as all required backup documentation. Reporting requirements are included in the NTD reporting instructions manual issued each year. Visit the NTD website at www.ntdprogram.gov for the most recent rural reporting manual.

3C. TRANSIT ASSET MANAGEMENT

Program Overview

Transit Asset Management (TAM) is a model that uses asset condition to help prioritize funding to achieve or maintain transit networks in a state of good repair. The FTA has established a National Transit Asset Management (TAM) System in accordance with section 20019 of the Moving Ahead for Progress in the 21st Century Act (MAP-21; Pub. L. 112-141 (2012), codified at 49 U.S.C. 5326). *Note: The FAST Act supersedes MAP-21; however, no amendment was made to the TAM statute 49 U.S.C. 5326.* A transit asset management system is “a strategic and systematic process of operating, maintaining, and improving public transportation capital assets effectively through the life cycle of such assets.”

Critical to the safety and performance of a public transportation system is the condition of its capital assets—most notably, its equipment, rolling stock, infrastructure, and facilities. When transit assets are not in a state of good repair, the consequences include increased safety risks, decreased system reliability, higher maintenance costs, and lower system performance.

Tier I	Tier II
Operates rail OR	Subrecipient of 5311 funds OR
≥ 101 vehicles across all fixed route modes OR	American Indian Tribe OR
≥ 101 vehicles in one non-fixed route mode	≤ 100 vehicles across all fixed route modes OR
	≤ 100 vehicles in one non-fixed route mode

The FTA has structured the TAM system using five pillars:

- The definition of “state of good repair”
- A requirement that recipients and subrecipients develop TAM plans
- SGR performance measures, and a requirement that recipients and subrecipients set performance targets based on the measures
- Annual reporting requirements for recipients and subrecipients
- Technical assistance from FTA

Together, these requirements allow transit providers to better assess their SGR needs, and in turn make more informed investment decisions. The coordination amongst transit providers, States and MPOs should influence MPO and State transportation funding investment decisions and is intended to increase the likelihood that transit

SGR needs are programmed, committed to, and funded as part of the planning process.

Transit Asset Management (TAM) is the strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, for the purpose of providing safe, cost-effective and reliable public transportation. (49 CFR 625.5)

The TAM Final Rule is applicable to all recipients and subrecipients of federal financial assistance under 49 U.S.C. Chapter 53 that own, operate, or manage capital assets used for providing public Transportation. Tier II Agencies may develop their own TAM Plan or participate in a group plan.

The OMPT, in accordance with Chapter 53, is the group sponsor for Oklahoma's Transit Asset Management Plan. Subrecipients opting out of the group sponsored plan must submit a formal letter of intent, on agency letterhead, and signed by an authorized individual stating their intention of not participating in the group TAM Plan. An Agency may only participate in one TAM Plan. Subrecipients that opt out of the group-sponsored plan must submit the completed TAM Plan which they are part of and that is signed by the accountable executive, to OMPT.

The Oklahoma Group sponsored TAM Plan has set benchmarks to determine performance measures and targets, as well as the State of Good Repair (SGR) of the participating agencies. SGR is the condition at which a capital asset is able to operate at a full level of performance. (49 CFR 625.5) The resulting data will be reported to the National Transit Database (NTD) annually as required.

The Oklahoma Group sponsored TAM Plan will be updated, at a minimum, every four years. OMPT will coordinate and share the group sponsored TAM Plan and corresponding data with statewide transit partners, and metropolitan planning organizations.

All subrecipients are required to submit their TAM plan, if locally developed, to OMPT and certify annually on the certification checklist that the plan is up-to-date and properly implemented. More information on the ODOT OMPT TAM Plan can be found on the ODOT website at www.oklahoma.gov/odot.

Proper maintenance of assets is key to protecting FTA capital investments and prolonging the useful life of the asset. All subrecipients must have a written maintenance plan(s) for FTA-funded assets. These plans must describe a system of periodic inspections and preventative maintenance to be performed at certain defined intervals. Plans should be updated with the purchase of new rolling stock to account for new technology and/or new manufacturer's recommended maintenance intervals and programs and incorporate actions to maintain each vehicle type and model on a specific cycle. These actions will help ensure proper care and maximize vehicle longevity.

A model program for FTA-funded vehicles and associated accessories would include, but not be limited to:

- Organization and assignment of responsibility for vehicle, facilities and associated accessory maintenance
- A system of periodic inspections and preventive maintenance to be performed at certain defined intervals (required in regulation). Such a system may be part of a subrecipient's maintenance management information system. Maintenance intervals might be measured in terms of time (daily, monthly, or annually) or in terms of use (hours)
- A record-keeping system that maintains adequate permanent records of maintenance and inspection activity for vehicles and associated accessories

3D. PROCUREMENT

Except as permitted by Federal law or regulations, the Common Grant Rules require a Subrecipient of Federal assistance to use third party procurement procedures that provide full and open competition. The procedures used must comply with State and local law, the OMPT procurement policy, as well as with Federal requirements. Federal restrictions vary with the type of procurement method used.

All subrecipients are required to submit their procurement policy to OMPT and certify during the Annual Request for Certification that the policy is up-to-date and properly implemented.

General Requirements

OMPT has a comprehensive procurement policy and procedure manual. Subrecipients' procurement procedures must align with the OMPT procurement policy and procedures manual.

Subrecipients must use their own documented procurement procedures which reflect applicable federal, state, and local laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in 2 CFR § 200.318 - § 200.326.

Subrecipients must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

Standards of Conduct

The subrecipient must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award, and administration of contracts. No employee, officer, or agent must participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the subrecipient must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, subrecipients may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the subrecipient.

Written Procurement Procedures

ODOT requires all subrecipients to have written procurement policies that reflect the required elements of applicable state and local purchasing regulations. These policies must also address all federal requirements as addressed in FTA Circular 4220.1F and 2 CFR § 200. When a provision in 2 CFR § 200 conflicts with any element of FTA Circular 4220.1F, the provision in 2 CFR § 200 shall prevail. Subrecipients shall follow the applicable FTA Purchasing Circulars should they be later renamed or combined.

Subrecipients should refer to the Office of Mobility and Public Transportation's Procurement Standards Manual for detailed information on procurement laws, regulations, standards, and methods. OMPT's Procurement Standards Manual contains information on solicitation, award, competition, federal clauses, record keeping, etc.

and should be used as a resource for subrecipients. No subrecipient procurement policy shall be in direct conflict with OMPT's Procurement Standards Manual.

Capital Equipment

Prior to issuing a purchase order, the subrecipient must coordinate the procurement of capital items by notifying the OMPT, in writing, of their intent to make a capital purchase. The notice of intent will include:

- A statement affirming that the item(s) are programmed under the subrecipient's currently approved application for capital equipment.
- A description, quantity, and estimated purchase price of the equipment to be purchased.
- A certification that the necessary local match has been deposited in the subrecipient's regular banking account and that these monies will be used exclusively to purchase the requested equipment. Refer to the example at the end of this section.
- If the request is for transit rolling stock and the vehicle(s) will not be equipped with a wheelchair lift, the subrecipient's notice of intent must also include a certification to ODOT that:
 - The transportation services provided by the subrecipient is meeting the transportation needs of persons with disabilities within its service area and that the subrecipient is in compliance with all requirements of the Americans with Disabilities Act of 1990; and
 - The vehicle(s) requested will not be used in a fixed route mode.

After OMPT has determined that the required documentation has been submitted and an appropriate amount of funds has been programmed, a notice to proceed will be sent to the subrecipient.

The following steps should be used to complete the procurement:

Equipment on state contract:

- A copy of the state contract pertaining to the equipment requested will be forwarded to the subrecipient.
- The subrecipient will deal directly with the vendor and all purchases will be shipped directly to the subrecipient.
- All the procedures for "piggy-backing" from a state contract found in Circular 4220.1F, the FTA's Best Practices Procurement Manual, or the current guiding FTA Circular(s) should they be later renamed or combined shall be followed.
- The subrecipient will send all contract clauses and FTA certifications and assurances directly to the vendor for acceptance.
- The subrecipient will issue its purchase order directly to the designated vendor. When issuing the purchase order, extra care should be taken to ensure that the equipment requested is clearly specified and that all related contract numbers are included.
- The subrecipient should also take extra care to ensure that FTA's Pre-award audit requirements and all the special provisions and assurances have been properly executed before finalizing the purchase.
- When the equipment is delivered, the subrecipient must initiate a general delivery inspection immediately followed with a notice to ODOT of the vehicle(s) delivery, with a copy of the purchase order. ODOT will then conduct a post-delivery audit to confirm that the items are delivered as specified and all contract clauses and FTA certs and assurances are included in the contract with the vendor.

Equipment NOT on state contract:

Procurements more than \$10,000

- Competitive *bid process* through the Oklahoma Office of Management and Enterprise Services (OMES) must be used, unless otherwise authorized by ODOT in writing. This procedure will also apply to the procurement of any item(s) that vary from those available on state contract and is as follows.
- The subrecipient will make a request for bids through Central Purchasing.
- The subrecipient will review the solicitation for Disadvantaged Business Enterprise (DBE) opportunities and establish a DBE contract goal, when appropriate.
- The subrecipient will develop specifications that clearly and precisely define the equipment that is being requested. This effort should be coordinated with the OMPT.
- The subrecipient will prepare and submit a purchase requisition and equipment specifications to Central Purchasing.
- Central Purchasing will solicit and receive bids for the equipment requested and will advise the subrecipient as to the lowest and best bid.
- If the subrecipient is in agreement with the outcome of the bid solicitation, it will advise Central Purchasing to award the bid.
- If the subrecipient is not in agreement with the outcome of the bid solicitation, it should advise Central Purchasing in writing to cancel the bid and start the process over.
- The authorized local bid process by ODOT and OMPT requires the subrecipient to develop specifications that clearly and precisely define the equipment that is being requested. This effort should be coordinated with the OMPT as follows:
 - Advertise its request for bids using local newspaper and industry periodicals, as applicable. The subrecipient will purposely include publications directed to minorities.
 - Allow prospective bidders thirty calendar days to submit their bid; analyze each bid received by conducting a pre-award audit.
 - The subrecipient will award the bid to the lowest and best responsive bid based on a fair and comparative analysis of the bid proposals submitted.
 - The subrecipient must have, at a minimum, two responsive bids before it can make a decision to award the bid.
 - The subrecipient must follow all Federal, FTA, and State requirements and include all clauses and certifications.

For Micro-purchases less than \$10,000

This value is set by the Federal Acquisition Regulation (FAR) at 48 C.F.R. part 2, subpart 2.1 (Definitions) and is periodically adjusted for inflation. These purchases may be made without obtaining competitive quotes if the recipient determines the price to be paid is fair and reasonable. These purchases should be distributed equitably among qualified suppliers in the local area and purchases should not be split to avoid the requirements for competition above the \$10,000 micro-purchase threshold.

Davis-Bacon prevailing wage requirements will apply to construction contracts exceeding \$2,000, even if the recipient uses micro-purchase procurement procedures.

The following procedures apply to micro-purchases:

- Competition. The recipient should distribute micro-purchases equitably among qualified suppliers.
- Prohibited Divisions. The recipient may not divide or reduce the size of its procurement merely to

come within the micro-purchase limit.

- Documentation. FTA's only documentation requirement for micro-purchases is a determination that the price is fair and reasonable and a description of how the recipient made its determination. FTA does not require the recipient to provide its rationale for the procurement method used, selection of contract type, or reasons for contractor selection or rejection.

Sole Source Evaluation

ODOT will determine whether or not there is a valid justification to obtain the product or service using the sole source method in federal compliance with the use of funds for those purposes requested by a subrecipient. FTA permits use of federal funds for sole source procurements if at least one of the following circumstances are present:

- The item is available only from a single source. Unique capability or availability must be definitively established.
- The public exigency or emergency for the procurement will not permit a delay resulting from competitive solicitation. Health and safety issues may be an adequate basis for a public exigency or emergency.
- When the agency's need for the supplies or services is of such an unusual or compelling urgency that the agency would be seriously injured unless sole source procurements were utilized.
- Authorized by FTA or the pass-through entity, in response to a written request by the recipient.
- Single bid or single proposal. After solicitation of a number of sources, competition is determined inadequate. If the recipient is satisfied about the bidding environment and the reasons why it only received one bid, it can negotiate a sole source contract to arrive at a reasonably priced contract.

It is the responsibility of the purchaser to ensure that all special provisions and assurances are properly executed before finalizing any purchase. The subrecipient is financially responsible for the payment of all purchases.

All equipment purchases are to be delivered directly to the agency unless otherwise designated. The OMPT personnel will oversee the bid process and delivery of all vehicles. They will assist the subrecipient during the bid review and delivery of the vehicles. They will ensure that all required certifications and assurances relative to the purchase have been executed. The ODOT reviewer will secure a copy of all documents relative to the procurement and bring them to the Division office for filing. Division personnel, who did not participate in the on-site post-delivery audit, will perform a secondary review by conducting a desk review of the documents to determine that all requirements had been met and that all documents relating to the purchase are on file at ODOT.

3E. PROPERTY MANAGEMENT AND DISPOSAL

Maintenance and Facilities

Both ODOT and the subrecipient are responsible for managing and maintaining various types of property purchased with FTA funds. It is important that vehicles, equipment, and facilities be maintained in good working order. Subrecipients at a minimum should follow the manufacturer's recommended maintenance schedule for Section 5310, 5311, and Section 5339 (or any other federal grant) capital funded assets which include but are not limited to: facilities, equipment, vehicles, wheelchair lifts, and other accessibility equipment. Subrecipients should have a documented maintenance policy and plan with specific goals and objectives which meet FTA

requirements.

Vehicle maintenance involves two major components: preventive maintenance and the repair function, both should be monitored through a maintenance management system, which could range from a paper file on each vehicle to a computerized program utilizing specialized vehicle maintenance software. Preventive maintenance activities should include daily pre-trip inspections by the vehicle operators, including daily checks of wheelchair lifts and associated accessibility equipment to ensure proper and safe working conditions.

Subrecipients must submit an agency maintenance and facilities policy for review during the Annual Request for Certification. Developed policy templates are available upon request; it is however the responsibility of each Transit Agency to make modifications as deemed necessary for their specific operations. ODOT OMPT representatives will conduct assessments of the Transit Agency's approved policy during site visits for compliance.

All subrecipients are required to submit their vehicle and facilities maintenance plan(s) to OMPT and certify annually on the certification checklist that the plan is up-to-date and properly implemented.

Warranty Recovery

Subrecipients are required to have a process in place to track warranty repairs as well as ensure that a person or contractor, certified by the applicable manufacturer, completes the repairs. If the repairs are made by a contractor/dealer that party will usually bill the manufacturer directly. However, subrecipient's employees make the repairs; approval from the manufacturer is required.

All subrecipients are required to submit their warranty recovery program to OMPT and certify annually on the certification checklist that the program is up-to-date and properly implemented.

Title and Lien

Vehicle(s) acquired with Section 5310, 5311, or 5339 program funds shall be titled in the name of the subrecipient. The subrecipient will, at the time of registering the vehicle, name the Oklahoma Department of Transportation as first lien holder. A scanned copy of the title showing ODOT is the lien holder shall be submitted to OMPT within 5 business days of receiving the title. Based on new State of Oklahoma law, vehicle titles issued after July 1, 2022, and are subject to a lien will be sent by the State directly to the first lienholder (ODOT).

Inventory Management and Useful Life:

ODOT OMPT maintains an inventory of equipment purchased using FTA funds. If a subrecipient requests reimbursement for a non-expendable item greater than or equal to \$5,000, the agency must enter the item into MYLEOnet with all required information. The project manager will then review and approve the item was entered correctly in MYLEOnet.

Useful Life of Vehicles:

To ensure that vehicles are adequately maintained and remain in service for their normal service life, ODOT's OMPT has established minimum useful-life standards for vehicles funded with state or federal funds, identified

below. These standards apply to all vehicles purchased with any federal or state funds and to all vehicles that will be replaced with federal or state funded vehicles, regardless of the initial funding source.

Useful life of rolling stock begins on the date the vehicle is placed into revenue service and continues as long as it is in service. If a vehicle is out of service more than 30 days, ODOT must be notified. The period of time that the vehicle is out of service does not count toward the minimum useful life. Incidental service mileage does not count toward the minimum useful life.

NOTE: Mileage for charter services must be deducted when determining useful life.

Classification	Length	Useful Life
Small Vehicles (6,000 - 14,000 GVWR)		
Minivans, Accessible & Standard	<20 ft.	4 years and/or 100,000 miles
Vans, Accessible & Standard	<20 ft.	
Light-Duty Bus	20 ft. – 22 ft.	
Medium-Size Vehicles (10,000 – 16,000 GVWR)		
Light-Duty Bus & Van Body on Chassis/Cutaway	20 ft. – 25 ft.	5 years and/or 150,000 miles
Medium Size Vehicles (15,000 – 26,000 GVWR)		
Medium-Duty Transit Bus Chassis/Cutaway	25 ft. – 30 ft.	7 years and/or 200,000 miles
Medium Size Vehicles (26,000 – 33,000 GVWR)		
Heavy-Duty Transit Bus	30 ft. – 35 ft.	10 years and/or 350,000 miles
Large Vehicles (33,000 – 40,000 GVWR)		
Heavy-Duty Transit Bus	35 ft. or greater	12 years and/or 500,000 miles

Once a vehicle has reached the useful life threshold, it may be considered a backup or spare vehicle upon review and approval by ODOT. The vehicle is still subject to the lien and inventory requirements. The recommended minimum spare ratio for a subrecipient fleet is not to exceed 20 percent.

Disposal after the End of Useful Life

Once a vehicle has met its useful life and the subrecipient decides to dispose of the vehicle, the subrecipient must request approval from ODOT prior to initiating the disposal process. A Request for Equipment Disposal is submitted to ODOT for approval. Upon approval, ODOT will release the lien of title to the subrecipient. The subrecipient request must include details for the request as well as two (2) appraisals for the vehicle. All final disposal paperwork shall be submitted to ODOT within 90 days of receiving the vehicle title from ODOT. If there is a delay in the disposal process, then written justification must be provided to ODOT.

Vehicle disposal paperwork to be submitted by the subrecipient includes:

- Copy of receipt or bill of sale
- Copy of front and back of title with signatures
- Copy of check (if applicable)
- Copy of deposit slip if equity received is over \$5,000

The subrecipient must maintain proper records four (4) years after the vehicle is disposed, including application and executed agreement documents, drivers' daily records, passenger trip records, inventory control and maintenance records. Chronic failure to complete quarterly reports accurately and promptly may result in termination of the contract and/or repossession of project equipment.

The Infrastructure Investment and Jobs Act (IIJA) changed the provisions for transit asset disposition [49 USC § 5334(h)(4)(B)]. For rolling stock, equipment and aggregate supplies that have met their minimum useful life and were (1) purchased with federal assistance, (2) with a fair market value of more than \$5,000 and (3) sold after November 15, 2021, the recipient may retain a portion of the funds -- \$5,000 plus the percentage of its local share in the original award. Any remaining federal share must be returned to FTA. The federal share of the sales proceeds cannot be retained by the subrecipient for public transportation use.

The remaining proceeds from the sale of a vehicle will be returned to OMPT and OMPT will use the funds to support public transportation purposes and reimburse the FTA their duly allowed amount. Funds are not allowed to be used for other programs operated by the subrecipient agency.

Useful Life of Other Equipment

Office furnishings and other equipment shall follow the manufacturer's useful life. When the useful life has been reached, there is no longer a federal interest in vehicles and equipment. The subrecipient may request, in writing, permission to dispose of equipment, using the Request for Disposal of Equipment Form along with justification for its sale. Upon review and approval of the completed Request for Disposal of Equipment, ODOT may, at its discretion, permit the subrecipient to sell the equipment using the Department of Central Services Surplus Auction process, or through the guidance of a public auction process. All proceeds shall be returned to OMPT for the benefit of the transit program and reimbursement to the FTA for any amount owed to the FTA. If the subrecipient would like to maintain possession of the item after the useful life has been reached, the subrecipient will include a justification for continued possession on the Request for Disposal of Equipment Form.

Transit Systems No Longer Participating in the Section 5311 Program

In the event that a subrecipient withdraws or is excluded from the Section 5311 Program, the following procedures (with prior approval from ODOT) will be used to dispose of all equipment acquired with Section 5311 Program funds:

- If the equipment has not exceeded its useful life as defined above:
 - The subrecipient may contact other subrecipients operating in the State and negotiate a fair market value for the equipment. The withdrawing agency will be paid its local share equity in the equipment by the receiving subrecipient; or
 - The subrecipient disposing of the equipment may sell the equipment at public auction. The subrecipient would retain the local share equity of the sale price and return the balance to

- ODOT; or
- The subrecipient may choose to retain the equipment by repaying to ODOT FTA's pro-rata share of the equipment's fair market value.
- If the equipment has exceeded its useful life as defined above:
 - ODOT may permit the subrecipient to keep the equipment if it can demonstrate that the equipment will be used for other acceptable mass transit purposes; or
 - ODOT may instruct the subrecipient to sell the equipment at public auction. The subrecipient would retain the local share equity of the sale price and return the balance to ODOT.

To establish the fair market value of the equipment, with the exception of vehicles, either the straight-line depreciation method or a "statement of estimated value" from an industry vendor may be used. To establish the fair market value of vehicles, ODOT may use, at its discretion, the "average loan value" as stated by the National Automobile Dealers Association's Official Used Car Guide or other such industry periodical, a "statement of estimated value" from an industry vendor or the straight-line depreciation method by applying the percentage of the vehicle's remaining useful life by mileage or years to the purchase price of the vehicle.

ODOT must give its approval regarding any action taken to dispose of any equipment purchased with funding passed through ODOT.

Insurance Coverage

Subrecipients are required to secure and maintain liability, collision, and comprehensive insurance policies for the protection and replacement value of all vehicles and equipment in accordance with federal and state law. These policies must be effective at time of asset delivery. **Minimum** amounts of coverage shall be:

Liability	
Bodily Injury	\$175,000 each person
Property Damage	\$25,000 each occurrence
Single occurring accident	\$1,000,000 each occurrence
Comprehensive – Deductible to be determined by local operator	
Collision – Deductible to be determine by local operator	

Insurance Proceeds

If a vehicle is withdrawn from service due to damage from an accident, theft, or vandalism, the agency must immediately notify ODOT. If the damaged vehicle can be repaired, the agency is responsible for making necessary repairs to restore the vehicle to its original working condition. The cost of such repairs shall be borne by the agency, from local funds, and/or insurance proceeds.

If the vehicle cannot be repaired, is stolen, or otherwise unrecoverable, the following steps must be taken:

- 1) The subrecipient will promptly file an insurance claim for damage or loss of the vehicle and

- ODOT will be provided a copy of the insurance claim as well as documentation of subsequent correspondence with the insurance carrier or agent.
- 2) The subrecipient will request ODOT to release the vehicle title. Once the request is received, ODOT will request FTA approval to release the vehicle lien on the title.
The subrecipient will work directly with ODOT OMPT in the methodology to determine fair market value (FMV). The insurance adjuster does not determine the FMV.
 - 3) ODOT prefers the subrecipient to use insurance proceeds, plus any additional local funds required, to replace the vehicle. If the subrecipient determines that it can meet existing service levels without replacing the vehicle, then the agency will be required to use the insurance proceeds to reimburse ODOT accordingly by following the requirements outlined under **Disposal after the End of Useful Life** regarding new IJA provisions for retainage of proceeds.

Intrastate Transporters

The Oklahoma Corporation Commission has jurisdiction, via 47 O.S. 230.22 and 230.23, over for-hire motor carriers of passengers not operating exclusively within the limits of an incorporated city or town. However, cabs and bus companies are exempt from OCC's jurisdiction unless operating between 2 or more cities or towns and duly licensed by a municipal corporation in which they might be doing business. Also exempt from this jurisdiction are transports paid for by government contracts. Intrastate transporters of persons or property not subject to authority requirements of the OCC are not required to file liability insurance certificates as set forth in OAC 165:30-3-11.

Protection of the Environment

FTA's procedures allow the flexibility to categorically exclude most of the projects typically funded under the Section 5310, 5311, and 5339 Programs. ODOT will screen potential projects to make an initial determination as to which projects clearly meet the FTA criteria for categorical exclusions and which projects may require additional documentation. The latter projects will be coordinated with the FTA Regional Office early in the project development so that any necessary environmental analysis and review will not delay implementation. Those projects or activities with no environmental impact or minimal impact require no individual review by FTA.

However, a project involving new construction of a facility or substantial rehabilitation of an existing facility will be discussed with FTA to determine the need for information supporting a categorical exclusion and whether any additional environmental requirements apply.

Early coordination with FTA is also necessary to identify those projects for which an Environmental Assessment (EA) will have to be prepared. If an EA is required, further steps to develop the project (e.g., property acquisition, final design, and construction) will not be authorized until FTA makes a final environmental finding for the project. Any project listed in Category B of a Program of Projects that does not qualify as a categorical exclusion will receive environmental clearance from FTA before being advanced to Category A.

Facility Construction and Renovation

ODOT personnel or its representatives/consultants will monitor all phases of the construction and/or renovation of facilities that involve the use of FTA funds.

Design Phase:

- ODOT will ensure the DBE firm(s) is performing a Commercially Useful Function (CUF) when subcontracted for services.
- ODOT must review and approve the process for solicitation of bids for project design, including award of bid and award of design contract.
- ODOT will participate in all pre-bid, pre-award and pre-design meetings.
- ODOT must review and approve all plans and documents related to the project.

Construction Phase:

- ODOT must review and approve the process for solicitation of bids for a project, contractor, including award of contracts.
- All subcontracts have been reviewed and approved, prior to a subcontractor starting work.
- ODOT will participate in all pre-bid, pre-award and pre-construction meetings.
- ODOT must review and approve expenses claimed by the subrecipient before reimbursement will be made.
- Inspections will be made by ODOT personnel at prescribed stages of the project.

This policy statement may be supplemented as necessary to respond to changed conditions or additional regulations which may be forthcoming.

4. PROGRAM COMPLAINT PROCEDURES

Local Complaint Procedures

Questions concerning the fairness of local procedures and decisions must first be addressed at the local level. Each subrecipient must develop a mechanism, preferably independent of the sponsoring agency, to address disputes from private providers or the general public arising from its public transportation service. This procedure must be addressed in the grant application as outlined in the Section 5311 Application Handbook.

State Complaint Procedures

Complaints which cannot be resolved at the local level shall be forwarded, in writing, to the OMPT within 5 business days. A meeting will be scheduled, not more than 10 working days after receipt of complaint, between the subrecipient and the complainant, at which time, the OMPT will work with the parties in an attempt to resolve the conflict. If the conflict cannot be resolved at this level, the matter will be forwarded to the Contract Compliance Division who will review the proceedings as an objective 3rd party that understands the rules and regulations and will make a final decision.

The FTA will review complaints and only become involved if they are procedural in nature.

5. PROVISIONS AND REQUIREMENTS FOR ALL PROGRAMS/SUBRECIPIENTS

5A. FUNDING REQUIREMENTS-FEDERAL/LOCAL MATCH RATIO OF THIS SMP

To determine acceptable sources of local match, please refer to specific program information in FTA Circulars, or Notices of Apportionments or Notices of Funding Opportunities published in the Federal Register.

In general, FTA grants funding for:

- Capital activities - typically (see additional discussion below) 80% federal / 20% local
- Operating expenses (where and when allowed) - 50% federal / 50% local
- State Administration - 100% federal at a capped amount

Variances in federal share and local match requirements may be allowed per:

- FTA program and activities. For example, funding provided by:
 - CARES Act and FTA's Emergency Relief Program to respond to COVID-19 - 100% federal
 - Tribal Transit Program - TTP formula 100% federal; TTP competitive 90% to 100% federal
- Sliding Scale Federal Share Rates for Federal Lands states, available in:
 - flexible funds transfers from FHWA
 - FTA 5310 and 5311 grants
 - Planning grants in which FTA and FHWA funding is consolidated for ease of administration.
- To comply with the Americans with Disabilities Act of 1990 or the Clean Air Act:
 - Vehicles - 85% federal / 15% local, per 49 U.S.C. 5323(i)(1)(A)
 - Vehicle-related equipment or facilities - 90% federal / 10% local, per 49 U.S.C. 5323(i)(1)(B)

Local Match. The grantee agrees to provide sufficient funds or approved in-kind resources to serve as local match for all federally assisted projects in compliance with 49 U.S.C. Chapter 53. The subrecipient certifies that it has or will have available the proportionate amount of local share promptly as project costs are incurred or become due, except to the extent that the Federal Government determines in writing that the local share may be deferred. The grantee may not use an amount as match for more than one grant.

Non-Federal Funds or Non-Federal Share includes the following sources of funding or in-kind property or services used to match the federal assistance awarded for the Grant or Cooperative Agreement:

- Local funds
- Local in-kind property or services
- State funds
- State in-kind property or services
- Other federal funds for which the federal statute authorizing a program specifically provides that federal funds made available for that program can be applied to the cost-sharing requirements of other federal programs.

In-Kind Contributions. Grantees may use in-kind contributions of real property as part of the local matching share so long as the property to be donated is needed to carry out the scope of the approved project. The property can be owned and donated by the grantee or by a third party. The in-kind contribution allowance will be based on the current market value as independently appraised. Appraisals for property being donated, regardless of appraised value, must be submitted to the FTA regional or metropolitan office.

Termination for Convenience: FTA or the recipient may terminate the award in whole or in part when both parties agree that continuation of the award would not produce results commensurate with the further expenditure of federal assistance. By executing the award, the recipient agrees at the outset to a termination for convenience in the event FTA makes such a finding. Both parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portions of the award to be terminated. The recipient may

not incur new obligations for the terminated portion of the award after the effective date of the termination and must cancel as many outstanding obligations as possible. FTA evaluates each obligation to determine its eligibility for inclusion in the costs of the award. Settlement is made in accordance with the terms and conditions of the Grant or Cooperative Agreement. FTA allows full credit to the recipient for the federal share of the obligations (that cannot be cancelled) properly incurred by the recipient before termination.

If a transit agency terminates their award and discontinues transit services, ODOT will develop criteria, based on FTA regulations, to select another transit agency to continue services in the affected area. Any transfer of assets will be done in accordance with FTA guidelines as outlined in FTA circulars C9040.1.G and C5010.1E, as amended, or the circular governing the transfer of assets should the circulars be later renamed or combined.

5B. FINANCIAL MANAGEMENT

The financial management system of each subrecipient must provide for the following:

- Identification, in its accounts, of all federal and state awards received and expended and the federal and state programs under which they were received. Federal program and federal award identification must include, as applicable, the CFDA title and number, federal award identification number and year, name of the federal agency, and name of the pass-through entity, if any.
- Accurate, current, and complete disclosure of the financial results of each federal award or program in accordance with the reporting requirements imposed by FTA and ODOT and FTA and ODOT oversight and monitoring and reporting program performance.
- Records that identify adequately the source and application of funds for federally funded activities. These records must contain information pertaining to federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest and be supported by source documentation.
- Effective control over, and accountability for, all funds, property, and other assets. The subrecipient must adequately safeguard all assets and assure that they are used solely for authorized purposes.
- Comparison of expenditures with budget amounts for each federal award.
- Written procedures to implement the requirements of 2 CFR §200.305 which requires the recipient to minimize the time elapsing between the transfer of funds from the United States Treasury or the pass-through entity and the disbursement by the subrecipient whether the payment is made by electronic funds transfer, or issuance or redemption of checks, warrants, or payment by other means.
- Written procedures for determining the allowability of cost.
- Indirect cost allocation plan that includes methodology for allocation, current rate calculation per indirect cost category, along with the agency's cognizant agency of approval if subrecipient is to charge indirect costs to an FTA funding program. The subrecipient cost allocation plan must be updated annually and submitted to ODOT OMPT through the Annual Request for Certification (ARC).

OMPT will collect financial management documentation for inspection during the Triennial Subrecipient Review process.

Audits (A-133)

Each subrecipient who expends a cumulative amount of more than \$750,000 in Federal funds must conduct an

annual agency-wide audit as outlined in 2 CFR Part 200. This annual audit must be submitted to ODOT for review and approval within thirty days after receipt of the auditor's report(s), or nine months after the close of the fiscal year.

If the subrecipient does not meet the \$750,000 threshold, an annual audit shall be submitted under the same timeline. ODOT will conduct program compliance audits as deemed necessary to aid in determining if the subrecipient is managing the project according to applicable laws and regulations.

If the audit is not received by ODOT or the Federal Audit Clearinghouse by the deadline, the subrecipient may be required to submit supporting documentation for each of the line-item expenses of monthly claims until such time as the audit is received by ODOT, reviewed by the ODOT Operations and Review Division and found to contain no errors or areas of concern or compliance issues.

Audits of third-party contractors are addressed in FTA Circular 4220.1, as amended, Chapter III. It may be desirable to perform an audit of one or more specific third-party contracts as part of the management process. Should the Circular later be renamed or combined, subrecipients should refer to the new guidance.

All subrecipients are required to submit their annual audit report during the Annual Certification Process.

Accounting System

Personnel from ODOT's Operations Review and Evaluation Division will conduct pre-award audits on all newly funded subrecipients to determine if an applicant's accounting system conforms to generally accepted accounting procedures. The pre-award audit will also be used to help determine the subrecipient's ability to conform to the requirements of the State Auditor and Inspector's Office and with ODOT and Federal requirements.

Reimbursement of Eligible Expenses

Except where otherwise authorized by statute, costs must meet the following general criteria in order to be allowable under federal awards:

- Be necessary and reasonable for the performance of the federal award and be allocable thereto under these principles.
- Conform to any limitations or exclusions set forth in these principles or in the federal award as to types or amount of cost items.
- Be consistent with policies and procedures that apply uniformly to both federally financed and other activities of the subrecipient.
- Be accorded consistent treatment. A cost may not be assigned to a federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the federal award as an indirect cost.
- Be determined in accordance with generally accepted accounting principles (GAAP), except, for state and local governments and Indian tribes only, as otherwise provided for in this part.
- Not be 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.
- Be adequately documented.

Reimbursement for allowable expenses, in accordance with 2 CFR Part 200.420 (previously Office of Management and Budget [OMB] Circular A-87), is submitted by the subrecipient and reviewed by ODOT to ensure compliance with project scope and the terms and conditions of the standard agreement. All claims for the

entire fiscal year (including the 13th month claims, special claims, etc.) must be submitted by November 1st of every year. This is critical for end of year reporting. No late submissions will be accepted.

Indirect Costs: non-federal entities that have never received a negotiated indirect rate have the opportunity to indefinitely elect a de minimis indirect cost rate of 10% of modified total direct costs. If the agency elects to not use the de minimis rate, then an indirect rate proposal is developed annually at the operating agency level to distribute administrative support and/or overhead costs of that agency to the programs that benefit from them. An agency for which a federal cognizant agency has been designated must submit its indirect cost rate proposal to its federal cognizant agency annually for review and approval. The cognizant agency should provide a letter of approval to the agency and in turn the agency provides to ODOT as documentation for submitting reimbursement claims that include indirect costs. An agency that does not have a cognizant federal agency identified by OMB must develop an indirect cost rate proposal annually and maintain the proposal and related supporting documentation for OMPT review. These annual rate proposals must also be submitted to OMPT through the Annual Request for Certification (ARC).

ODOT requires subrecipients to update their cost allocation plan or indirect cost rate proposal when:

- the subrecipient has made a change in its accounting system, thereby affecting the previously approved indirect cost rate and its basis of application.
- the subrecipient proposed indirect cost rate exceeds the amounts approved previously by more than 20 percent.
- the subrecipient changes the indirect cost rate proposal methodology.

ODOT requires subrecipients to identify all indirect costs and show them separately on reimbursement requests. Subrecipients must charge the rates shown in the approved plan. OMPT identifies projects to which the indirect costs are associated and compares charges in reimbursement requests to the approved plan to ensure the correct rates are used.

In some circumstances, ODOT, as the pass-through agency of FTA funds, may serve as the agency responsible for approving a subrecipient's indirect cost rate proposal. When the entity does not have approval from a federal cognizant agency for indirect costs, and the agency primarily receives funding through a state pass-through agency such as ODOT, 2 CFR § 200.331(a)(4) permits ODOT to review the methodology and determine its reasonableness for approval.

A proposal to establish a cost allocation plan or an indirect cost rate, whether submitted to a federal cognizant agency or to ODOT, must be certified by the subrecipient using the Certificate of Cost Allocation Plan or Certificate of Indirect Costs as set forth in 2 CFR § 200, Appendices III through VII. The certificate must be signed annually on behalf of the agency by an individual at a level no lower than the vice president or chief financial officer of the subrecipient that submits the proposal. The subrecipient agency's certification or its cost allocation plan proposal through ODOT must be submitted annually through the Annual Request for Certification (ARC) process that ODOT has established.

ODOT cannot advance Section 5310 and 5311 Program funds to subrecipients. All payments are made on a cost reimbursement basis. Subrecipients must be able to finance their operations for at least a 90-day period and wait for reimbursement from ODOT. The estimated time for receiving payment is four to six weeks from the date a claim is received and accepted by the Office of Mobility and Public Transit. Subrecipients must be willing and able to make the necessary financial arrangements to avoid jeopardizing the fiscal stability of their project.

For accurately reporting true cost expenses for federally required reports, each expense shall be claimed in the federal fiscal year (October 1st to September 30th) in which the expenses are incurred, not when the expenses are paid. Examples are as follows:

- Building maintenance was completed September 15, 2019 and invoiced on September 20, 2019. The subrecipient then pays the invoice on October 2, 2019. This expense must be claimed in federal fiscal year 2019.
- Vehicle was in the shop for repairs from August 25, 2019, to September 28, 2019, however, it was not invoiced until October 12, 2019. The subrecipient pays the invoice on December 3, 2019. This expense must be claimed in federal fiscal year 2019.
- Utility bill is paid in advance with an invoice date of September 15, 2019, for service provided in the following month for October 1, 2019 – October 30th, 2019. The subrecipient pays the invoice on September 30th, 2019. This expense must be claimed in federal fiscal year 2020.

ODOT OMPT requires each subrecipient to use a web-based program called MYLEOnet (odotmyleonet.net) for the reimbursement of claims and various data collections. In order to approve reimbursement for each subrecipient's monthly claim, the following process must be followed at a minimum:

- Each subrecipient will set a true cost budget of which ODOT's Project Manager will approve.
- Each subrecipient will enter each line-item expense into MYLEOnet.
- Each subrecipient will upload a completed Invoice Reimbursement Checklist and a file containing information for all monthly expense line items. It is mandatory that this file be in csv format. The file must contain a minimum of the following data:
 - Proof of purchase such as a receipt, invoice, canceled check, or general ledger entry.
 - Can only have one header.
 - Line-item category (ex: "Vehicle Maintenance", "Utilities", etc.).
 - Check numbers (if applicable).
 - Date the item was paid.
 - Invoice Date
 - Line-item description (ex: "Drug Screening", "Roof Repair", etc.).
 - Name of company or payee the check was paid to.
 - Amount of expense or credit.
- The file cannot have the following:
 - Any employee information (Employee Names, Salary, Insurance, Workers Comp, any Fringe items).
 - Totals or sub totals.
 - Any blank fields.
- The subrecipients must highlight the claim amount, service date, and invoice date in green and late fees and non-reimbursable amounts in red on the invoices.
- The Project Managers will review the invoices and approve or reject the supporting documentation.
- Once the supporting documentation is reviewed and approved, the Project Managers will then evaluate and approve or reject line items as appropriate and proceed with submitting the claim for reimbursement.

Reasonableness of each line item, such as overhead costs, miscellaneous items/services, etc. is evaluated by ODOT. Should an expense against any line item be deemed inappropriate, OMPT personnel will correspond with the subrecipient to discuss and determine an "amount not to exceed" based on past performance and the other subrecipient's data and costs of specific expenses of units of service delivered. ODOT personnel will work with the

subrecipient to determine what steps might be taken to either cut costs or increase service.

All claims for reimbursement must be accompanied by a completed Invoice Reimbursement Checklist which will be reviewed, along with all supporting documentation, by OMPT.

Assignment of a Claim

ODOT does recognize that a financial hardship could be placed on some subrecipients when they must pay for expenses such as the purchase of vehicles. In these instances, the subrecipients may file an assignment of the claim. This process allows the subrecipient to pay to the vendor their required local share only and assign payment of the federal balance directly to vendor. The OMPT has established the following procedure for the Assignment Claim:

- The assignment of a claim is limited to major single purchases with a minimum cost of \$5,000.
- Upon delivery and acceptance of the goods or services, the subrecipient pays directly to the vendor the required local share.
- The subrecipient will file an assigned claim for the federal share, which ODOT will pay directly to the vendor. The assigned claim must include:
 - an executed and notarized claim form.
 - the subrecipient's original invoice to ODOT.
 - a copy of the notification of award of bid and amount of award or a copy of the purchase order.
 - a copy of the vendor's invoice to the subrecipient.

ODOT will pay only the federal portion of the total claim (not to exceed the allocated federal amount). The subrecipient must pay the local match to the vendor prior to submitting an assigned claim to ODOT

Grant Closeout

ODOT will begin grant closeout procedures within ninety days of having a zero balance on an FTA grant. All closeout documents will be reviewed in office by a second reviewer before being forwarded to the Office of the Comptroller for their review. Following the review and acceptance by Comptroller, OMPT will submit the grant closeout to FTA within the required ninety days following initiation of a grant closeout. If the final audit is not available at the end of closeout procedures, it will be forwarded to FTA as soon as it is available.

FTA expects grants awarded for a specific program of projects to be completed within a reasonable, specified time frame, generally two to three years. If small amounts of funds remain in an inactive grant, the state should request that the funds be deobligated and the project closed out. If the de-obligated funds are still within their period of availability, FTA can re-obligate the funds in a new grant to the state along with other currently available funds. Otherwise, the de-obligated funds lapse and are reapportioned by FTA among all the states in a subsequent year.

5C. ANNUAL CERTIFICATIONS AND ASSURANCE

Subrecipients must submit the applicable certification and assurances during the annual certification process that will satisfy all applications for federal program funds. OMPT staff will provide the appropriate fiscal year's certifications and assurances in the annual certification package that is required to be completed and submitted to OMPT for all existing FTA program subrecipients. For specific information regarding these requirements, the

applicant should refer to FTA Circular 9040.1 (as amended) for Section 5311, FTA Circular 5100.1 (as amended) for Section 5339, FTA circular C 9070.1G (as amended), or the current guiding FTA Circular(s) should they be later renamed or combined. The circular contains, in general, which certifications and assurances are required of the applicant for assistance from all FTA program subrecipients. Note, however, that this will be superseded by the most current version of FTA's certifications and assurances, which are published annually. The applicant should check the FTA website <http://www.fta.dot.gov> to confirm that they have the most recent documentation.

Subrecipients must certify by means of OMPT's Annual Certification Process that it has completed the FTA's Annual Certifications and Assurances.

5D. DRUG AND ALCOHOL TESTING PROGRAM

Subrecipients that receive only Section 5310 program assistance are not subject to FTA's drug and alcohol testing rules but must comply with the Federal Motor Carrier Safety Administration (FMCSA) rule for all employees who hold commercial driver's licenses (49 CFR part 382). Section 5310 recipients (ODOT) and subrecipients that also receive funding under one of the covered FTA programs (Section 5307, 5309, or 5311) should include any employees funded under Section 5310 projects in their testing program.

An FTA compliant testing program, as required by the receipt of FTA operating or capital funding (5307, 5309, 5311) may be used for Section 5310 employees; there is no need to have separate testing programs. Employees of a subrecipient of Section 5310 funds from ODOT should also be included in ODOT's testing program.

Implementing a drug and alcohol program is a significant undertaking as it involves planning, contracting, administrative, legal, and monitoring efforts. In order to reduce program burdens and associated costs experienced in complying with the regulations, Oklahoma's Statewide Rural Transit Drug and Alcohol Testing Consortium was established. ODOT OMPT uses State Administration funds to finance the activities of the consortia.

ODOT contracts with a technical administrator who will act as ODOT's liaison to ensure the program is staffed and operated as outlined in the consortium Third-Party Administrator's proposal. All employees performing safety-sensitive functions are placed in a statewide pool and will have an equal chance of being selected for testing during each testing cycle. The actual "drawing" of the names of the safety-sensitive employees to be randomly tested is done by the Third-Party Administrator. No personnel from ODOT, ODOT's technical administrator or the subrecipients are involved in this drawing of names. The FTA regulations require that recipients and subrecipients of FTA funds implement the following elements in their policies and programs:

- A policy statement on prohibited drug use and alcohol misuse in the workplace.
- An employee and supervisor education program and training program.
- A prohibited drug and alcohol testing program for employees and applicants for employment in safety-sensitive positions to include functions performed by those who.
- Operate revenue service vehicles including when not in revenue service.
- Operate non-revenue service vehicles that require drivers to hold a Commercial Driver's License (CDL).
- Dispatch or control revenue service vehicles.
- Maintain revenue service vehicles or equipment used in revenue service, except for those vendors who contract with the subrecipients for such service.
- Provide security and carry a firearm.
- Evaluation of the employee who has violated the drug and alcohol regulations.
- Administrative procedures for record-keeping, reporting, releasing information, and certifying

compliance.

***NOTE:** These categories include supervisors who perform these functions but exclude supervisors of employees in these categories who do not themselves perform these functions.*

The drug and alcohol rules require six types of testing:

- Pre-employment
- Reasonable suspicion
- Post-accident
- Random
- Return to duty
- Follow-up

The FTA has published regulations prohibiting drug use and alcohol misuse by transit employees and requiring transit agencies to test for prohibited drug use and alcohol misuse. Setting up the FTA required drug and alcohol program may require modifying a subrecipient's existing substance abuse policies and programs or may require developing an entirely new program. The critical program elements will be drug and alcohol testing of employees and applicants for employment in positions that require the performance of safety-sensitive functions. The FTA regulations require that recipients and subrecipients of FTA funds implement the following elements in their policies and programs.

Subrecipients must comply with the FTA regulations to be eligible for FTA funding. Furthermore, subrecipients who contract with a third party as a provider of transportation services must make sure that such a subcontractor complies with the provision of the published regulations prohibiting drug use and alcohol misuse. The subrecipient must pass these requirements on to its subcontractor and monitor their performance.

The subcontractor will be responsible for paying for any drug and alcohol testing associated with their own employees performing safety sensitive functions. These safety sensitive employees must be placed in a testing pool as part of a drug and alcohol testing program that meets the requirements as set out by FTA. This pool will be separate from the State's drug and alcohol testing consortium pool.

All subrecipients must submit their Drug and Alcohol Policy to OMPT and certify annually that the program is up-to-date and properly implemented.

5E. CHARTER RULE

Title 49 U.S.C. 5323(d) (as amended) limits charter service provided by federally assisted public transportation operators. FTA regulations specify these limitations in 49 CFR part 604, as amended. Subrecipients are allowed to operate community-based charter services exempted under the regulations; some irregular or limited duration services; and those that are covered by the exceptions. Before an agency conducts any form of charter, a written request must be provided to ODOT 45 days prior outlining the purpose of providing charter service. Each request will be evaluated on a case-by-case basis. If the request is approved, OMPT will work with the agency to ensure all FTA requirements are met.

Exemptions: The charter service regulations provide for the following six exemptions:

- Transportation of Employees, Contractors and Government Officials: Grantees are allowed to transport its employees, other transit system employees, transit management officials, transit

contractors and bidders, government officials and their contractors and official guests, to or from transit facilities or projects within its geographic service area or proposed geographic service area for the purpose of conducting oversight functions such as inspection, evaluation, or review,

- Private Charter Operators: Private charter operators that receive, directly or indirectly, Federal financial assistance under section 3038 of TEA 21, as amended, or to non-FTA funded activities of private charter operators that receive, directly or indirectly, FTA financial assistance under any of the programs: Sections 5307, 5309, 5310, 5311, etc.
- Emergency Preparedness Planning and Operation: Grantees are allowed to transport its employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors and official guests, for emergency preparedness planning and operations.
- Recipients of Funds Under Sections 5310, 5311, 5316 and 5317: Grantees that use Federal financial assistance from FTA, for program purposes only, under Section 5310, 5311, etc.
- Emergency Response: Grantees are allowed to provide service, up to 45 days, for actions directly responding to an emergency declared by the President, governor, or mayor or in an emergency requiring immediate action prior to a formal declaration.
- Recipients in Non-Urbanized Areas: Grantees in non-urbanized areas for transporting its employees, other transit system employees, transit management officials, and transit contractors and bidders to or from transit training outside its geographic service area.
- All subrecipients must certify annually that it will abide by the Charter Service regulations set forth by the FTA.

5F. SCHOOL BUS OPERATIONS

Subrecipients may not engage in school bus operations exclusively for the transportation of students and school personnel in competition with private school bus operations, as stated in Title 49 U.S.C. 5323(f). This does not preclude providing normal public transit services to school children. Each application must include a signed assurance concerning charter and school bus operations. The implementing regulation (49 CFR part 605) does permit regular service to be modified to accommodate school students along with the general public (“tripper service”). For the purpose of FTA’s school bus regulation, Head Start is considered a social service, not a school program. Rules for the Head Start Program limit the types of vehicles which may be used to transport children participating in a Head Start Program. FTA recipients may operate multifunctional school activity vehicles that meet the safety requirements for school transportation but may not provide exclusive school service.

All subrecipients must certify annually that it will abide by the School Bus Operations regulations set forth by the FTA.

5G. PRIVATE SECTOR PARTICIPATION

Private providers will be afforded the opportunity to participate in the planning and development of the proposed Section 5310 and 5311 Program services, as well as an opportunity to provide the proposed transportation services. Applicants are required to provide documentation of their efforts to include private providers. If there are any private providers in the area, ODOT requires the applicant to invite them to participate in planning the system.

5H. GRIEVANCE PROCEDURES

Questions concerning the fairness of local procedures and decisions must first be addressed at the local level. Each subrecipient must develop a mechanism, preferably independent of the sponsoring agency, to address disputes from private providers or the general public arising from its public transportation service. This procedure must be addressed in the grant application as outlined in the Section 5310 and 5311 Application Handbook.

Complaints which cannot be resolved at the local level shall be forwarded, in writing, to the OMPT. A meeting will be scheduled (not more than ten working days after receipt of complaint) between the subrecipient and the complainant, at which, the OMPT will work with the parties in an attempt to resolve the conflict. If the conflict cannot be resolved at this level, the matter will be forwarded to the Deputy Director of ODOT who will review the proceedings and make a final decision.

The FTA will review complaints and only become involved if they are procedural in nature. All subrecipients must submit their grievance procedures to OMPT and certify annually that the procedures are up-to-date and properly implemented.

5I. ADDITIONAL PROVISIONS

The following policies have been adopted by ODOT:

Transit Driver's License Requirements

- Knowledge of and compliance with all applicable laws and regulations governing the transportation of passengers is a critical part of an agency's ability to manage a transportation program. The grant application requires a description of how the agency's drivers and staff will be utilized, and a description of the applicant's training programs.
- If a transit vehicle requires a Commercial Driver License (CDL), all drivers of the vehicle will be regulated by the requirements of Oklahoma and those of any other state wherein the vehicle is operated.
- Commercial Driver's License (CDL): All drivers of motor vehicles designed or used to transport more than fifteen passengers (including the driver) or of vehicles which have a gross combination weight rating of 26,001 pounds or more must have a CDL. Mechanics that drive the vehicles must also have a CDL.

Communications Equipment

- Installation charges for mobile communications and data devices will be considered as part of the procurement cost.

In-Kind Contributions

- If eligible under the program, the value of donated personal services, materials, equipment and building space must be clearly identified, documented, and approved by ODOT.

Real Property

- Real Property acquisition standards are included in the FTA Circular 5010.1E, as amended. Should the Circular later be renamed or combined, the subrecipient should refer to the new guidance. Any

agency wishing to use office, warehouse or garage space as a program cost or local match must request, in writing, an appraisal of the space from ODOT. The request must indicate the exact location(s) and describe the Section 5310 and 5311 program activities for which the space will be utilized. Requests for appraisal must include a drawing with dimensions of each office area the subrecipient would like appraised. ODOT appraisers will prepare a market analysis and determine a fair market value for the space. If the area(s) are shared by other agency programs, a methodology showing the division of the space cost and how much will be charged to the subrecipient must be provided. If the subrecipient will occupy real property acquired from a third party, either by donation (in-kind) or actual rental, ODOT's appraised value will set the maximum amount eligible as an expense to the project.

- Real property owned by the contracting agency is not considered donated (in-kind) space. The contracting agency may claim actual cost for real property that is used by the subrecipient. The method for determining actual cost must be submitted to ODOT for approval. Depreciation is not allowable for calculating actual cost for properties acquired with federal funds. If the structure occupied by the subrecipient was originally built with federal funds, the cost to occupy the space is not an eligible expense under the Section 5310 and 5311 programs.

Contract Revenue

- Revenue generated through contracts with social service agencies and businesses for the express purpose of transporting their clients and/or employees, even if the client(s) are listed by name within the contract, need not be reported as "fare-box revenue," but may be counted as contract services and used as local match for FTA program funds. Charter trips in which the vehicle is traveling in a "closed door" mode must be accounted for separately from the other types of Section 5311 Program activities. All Section 5311 Program charter regulations apply, and no operational deficits may be reimbursed with Section 5311 Program funds.
- All profits earned from charter service must be applied to the promotion and development of the transit service.
- All profits earned from advertising services provided by the subrecipient, such as signs on the vehicles and bus benches, must be applied to the promotion and development of the subrecipient.
- All revenue generated through contracts with the populace, for transportation services performed on behalf of an individual shall be regarded as fare box revenue and shall be reported as such by deducting the amount received from the project's gross operating expenses.

Three-Year Plan

- Each subrecipient must involve the general public in developing a "Three Year Plan." Public planning meetings should be held, and minutes of the meetings retained for documentation. A sign-in sheet should be a part of the minutes. The plan must include efforts to coordinate transportation services with other Federal, State and local agencies.
- As the costs associated with the operations of the subrecipient increase, financial planning for the program must extend beyond a single year. An increasing demand for new vehicles, expansion of services and requests for technical and administrative assistance is already evident. It is in the best interest of rural public transportation to plan for the future now. At a minimum, the "Three Year Plan" should include:
 - An outline of proposed transit activities, including additions to service area.
 - Requests for new vehicles by type.
 - Major changes in administration, or an annual program budget.

The Three-Year Plan will be a continuing planning document and will be required with a program's second year and each subsequent year's application/proposal. The Three-Year Plan should be prepared for the three program years following the year funds are being applied for (i.e., Plan for FY-2014 program year should reflect program years 2015, 2016 and 2017). Plan should be submitted as a separate document. Like all planning tools, this document should be flexible enough to adapt to changes that may occur.

All subrecipients must submit their Three-Year Plan to OMPT and certify annually that the plan is up-to-date and properly implemented.

Training Program

- In addition to RTAP training, local transit personnel are given the opportunity to attend in-state and out-of-state seminars, workshops and training classes dealing with topics such as public transit management and operations. Training is provided on program requirements such as Title VI, EEO, DBE, ADA, and Drug and Alcohol Testing. Various driver training and passenger safety courses are also provided. Eligible expenses include only those costs that are directly associated with transit operations and administrative functions.

Dependent Insurance Coverage

- Dependent insurance cost is not an eligible program cost.

Volunteer Labor

- The value of volunteer labor will be based on the rate approved in the budget for that service. Personnel services will be reimbursed limited to the value of the services rendered, and not at the value of the expertise of the person performing the service or on the basis of duties performed in another capacity. (Example: The local school superintendent drives the bus in the summer. The value of that work is based on the hourly wage of other drivers in the transit program, and not on his/her regular salary as a school official).

Shared Employee

- If a paid employee works for more than one program operated by the subrecipient, the pay rate for the transit service employee will reflect only the value of like or similar service performed for the transit service. (Example: If the employee works half time as a foreman in the weatherization program and half time as a dispatcher for the transit service, the rate for the time spent dispatching should be comparable to other dispatchers. The rate for dispatcher will be set in the line-item justification of the program budget).

Non-Expendable Equipment

- When purchasing non-expendable equipment, the subrecipient must follow the same procedures as outlined for capital procurements with the exception that they do not need to obtain a notice to proceed from the OMPT. Subrecipients purchase for non-expendable equipment cannot exceed \$5,000.00 for a single vendor within a given fiscal year. Non-expendable equipment is defined in ODOT policy as "...items costing less than \$500.00 and not immediately consumed when placed

in use. May also include inexpensive office equipment and furniture type items costing less than the above limit...” Examples of non-expendable equipment are letter trays, waste baskets, staplers, etc.

Reimbursement of Claims

- Claims for previous fiscal year must be submitted and approved by ODOT within 30 days after the close of the program fiscal year.
- No new fiscal year claims shall be submitted until all previous fiscal year claims are processed by ODOT.
- Monthly claims must be submitted to MYLEOnet no later than 30 days after each claim month. Claims must be accompanied with the Invoice Reimbursement Checklist.
- ODOT may delay reimbursement of claims, if the subrecipient is not in compliance with all mandatory requirements.
- Previous fiscal year’s expenses cannot be claimed in current fiscal year.

Nondiscrimination on the Basis of Sex

- ODOT and its subrecipients will comply with all applicable requirements of Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. 1681 et seq.), with DOT implementing regulations, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 49 CFR part 25.

Nondiscrimination on the Basis of Age

- ODOT and its subrecipients will comply with all applicable requirements of the Age Discrimination Act of 1975, as amended, (42 U.S.C. 6101 et seq.), and Department of Health and Human Services’ (DHHS’) implementing regulations, “Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance,” (45 CFR part 90), which prohibit discrimination against individuals on the basis of age. In addition, the recipient agrees to comply with all applicable requirements of the Age Discrimination in Employment Act (ADEA), 29 U.S.C. 621 through 634, and Equal Employment Opportunity Commission (EEOC) implementing regulations, “Age Discrimination in Employment Act” (29 CFR part 1625), which prohibit employment discrimination against individuals on the basis of age.

Drug-Free Workplace

- In accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 *et seq.*), and 49 CFR part 32, each recipient is required to maintain a Drug-Free Workplace for all employees and to have an anti-drug policy and awareness program. The recipient must agree that it will provide a Drug-Free Workplace and comply with all requirements of 49 CFR part 32. These provisions apply only to FTA’s direct recipients and do not extend to subrecipients.
- The recipient is required to provide a written Drug-Free Workplace policy statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and stating specific actions that will be taken for violations. The ongoing Drug- Free Awareness Program must inform employees about the dangers of drug abuse; about any available drug counseling, rehabilitation, and employee assistance programs; about penalties that may be imposed; and those employees are to be aware that the recipient operates a Drug-Free Workplace.

- An employee of an FTA recipient is required to report in writing any conviction for a violation of a criminal drug statute occurring in the workplace, and the recipient/employer is required to provide written notice to FTA within 10 days of having received the notice. Within 30 days of receiving the notice of a conviction, the recipient/employer must have taken appropriate action against the employee or have required participation in a drug abuse assistance or rehabilitation program.
- Technical assistance materials and training information to help recipients implement the Drug-Free Workplace and Drug and Alcohol Testing rules are available on FTA's website <http://www.fta.dot.gov> or by contacting FTA's Office of Safety and Oversight, FTA Headquarters, 1200 New Jersey Ave. SE. Washington, DC 20590.
- All subrecipients must certify annually through the Annual Request for Certification that the agency has a Drug Free Workplace policy.

Employee Political Activity

- To the extent applicable, the recipient agrees to comply with the provisions of the Hatch Act, 5 U.S.C. Sections 1501–1508, and Sections 7324–7326, and U.S. Office of Personnel Management regulations, “Political Activity of State or Local Officers or Employees,” 5 CFR part 151. The Hatch Act limits the political activities of State and local agencies and their officers and employees, whose principal employment activities are financed in whole or part with Federal funds including a Federal grant, cooperative agreement, or loan. Nevertheless, in accordance with 49 U.S.C. 5323(l)(2) and 23 U.S.C. 142(g), the Hatch Act does not apply to a nonsupervisory employee of a public transportation system (or of other agencies or entities performing related functions) receiving FTA assistance to whom the Hatch Act would otherwise apply.

Environmental Justice

- Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, requires the U.S. DOT and the FTA, to make environmental justice (EJ) part of our mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects on our programs, policies, and activities on minority populations and/or low-income populations. Environmental justice at FTA includes incorporating environmental justice and non-discrimination principles into transportation planning and decision-making processes as well as project-specific environmental reviews. FTA Circular 4703.1 “Environmental Justice Policy Guidance for Federal Transit Administration Recipients” provides FTA recipients and subrecipients with guidance and instructions necessary to carry out the executive order. Should the Circular later be updated, renamed, or combined, the subrecipient should refer to the new guidance.

Labor Protections

- Davis-Bacon Act: For FTA programs, 49 U.S.C. 5333(a) imposes Davis-Bacon Act prevailing wage requirements. This provision applies only to construction projects. In the event that a project involves construction, Section 5333(a) requires the Secretary to ensure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of loans or grants under Chapter 53 be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor and in accordance with the Davis-Bacon Act, as amended. The Secretary may not approve any such loan or grant without first obtaining assurance that required labor standards would be

maintained upon the construction work. This assurance is obtained when recipients accept grant funds and sign the Master Agreement.

- **Transit Employee Protection:** Before FTA may award a grant for capital or operating assistance, fair and equitable arrangements must be made to protect the interests of transit employees affected by the proposed FTA assistance (49 U.S.C. 5333(b), formerly Section 13(c) of the Federal Transit Act as amended). Those arrangements must be certified by the Secretary of Labor as meeting the requirements of the law.
- Questions concerning employee protective arrangements and related matters pertaining to transit employees should be addressed to the Division of Statutory Programs, Employment Standards Administration, U.S. Department of Labor, Room N-1519, 200 Constitution Avenue NW, Washington, DC 20210; telephone (202)-693-1193; fax (202)-693-1344.

Lobbying Restrictions

- Lobbying is defined as influencing or attempting to influence an officer or employee of any Federal department or agency, a member of the U.S. Congress, an officer or employee of the U.S. Congress, or an employee of a member of the U.S. Congress in connection with obtaining a federal grant, cooperative agreement, or any other federal award. Contracts, grants and cooperative agreements using federally appropriated funds are actions covered by restrictions on lobbying. ***For example, activities such as submitting grant applications, status inquiries, and professional and technical services are not lobbying and do not need to be disclosed. Efforts to influence Federal officials about specific grants and contracts or to ask Congressional representatives for support of a particular application must be disclosed.*** Lobbying restrictions do not apply to activities that might influence policy issues.
- ODOT must certify annually that they have not and will not use federally appropriated funds for lobbying.
- Subrecipients certify annually to ODOT that they have not and will not use federal grant funds for lobbying.
- Subrecipients who document on the annual Certifications and Assurances that they are participating in lobbying activities will provide updated information on a quarterly basis, either by informing their Public Transportation Coordinator via email that no changes have been made to the original submitted OMB Standard Form LLL or providing an updated form.
- ODOT and subrecipients must impose lobbying restrictions on their third-party contractors and must obtain certifications. The regulations are found in 49 CFR Part 20. Subrecipient responsibilities include:
 - Sign an annual certificate of compliance pertaining to lobbying activities.
 - Where third party contractors are involved, subrecipients must obtain a signed certification of compliance from the contractor.
 - If non-federal funds have been used to support lobbying activities in connection with a grant and the subrecipient receives federal grants exceeding \$100,000, the subrecipient must fill out Standard Form-LLL and submit it to the ODOT's OMPT Office.
 - If contractors received more than \$100,000 in federal funds and used non-federal funds to support lobbying, subrecipients must obtain the completed Standard Form-LLL from the contractor and submit it to the ODOT's OMPT.
 - All subrecipients must certify annually through the Annual Request for Certification that it will comply with the lobbying restrictions set forth by the FTA. Compliance with lobbying restrictions will be reviewed annually and during the Triennial Subrecipient Review.

6. SECTION 5303/5304 PROGRAM

6A. PROGRAM OVERVIEW

The Metropolitan Planning Program (MPP) is a major source of Federal financial assistance to help urbanized areas (UZAs) plan for the development, improvement, and effective management of their multimodal transportation systems. MPP funds are available to carry out the metropolitan transportation planning process and meet the transportation planning requirements of the joint Federal Transit Administration (FTA)/Federal Highway Administration (FHWA) planning regulations. In general, MPP grants are available to assist States, authorities of the States, Metropolitan Planning Organizations (MPOs), and local governmental authorities with preparing transportation plans and programs; planning, engineering, designing, and evaluating a public transportation project; and conducting technical studies related to public transportation. In carrying out the metropolitan transportation planning process, the MPO, the State(s), and the public transportation operator(s) shall cooperatively determine their mutual responsibilities. They must also clearly identify these responsibilities in written agreements between the MPO, the State(s), and the public transportation operator(s) serving the Metropolitan Planning Area (MPA) (23 CFR 450.314).

Under the planning provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), the State is the Designated Recipient (DR) and is the only entity eligible to apply for and receive MPP and State Planning and Research Program (SPRP) assistance directly from FTA. Although FTA makes MPP grants directly to States, the State is required by law to distribute these funds to each UZA, or portion of a UZA, within the State, according to a formula developed by the State in cooperation with the MPO and approved by FTA. Under the MPP program, only an MPO is eligible to receive MPP assistance directly from the State. The State recipient enters into sub agreements with subrecipients, consistent with applicable requirements of law.

FTA’s guidance and instructions for this program are located in FTA C 8100.1C Program Guidance for Metropolitan Planning and State Planning and Research Program Grants. Subrecipients should use the current guiding circular should it later be updated, renamed, or combined.

7. SECTION 5310 PROGRAM

7A. PROGRAM OVERVIEW

The Section 5310 program (49 U.S.C.5310) provides formula funding to states for the purpose of assisting private nonprofit groups in meeting the transportation needs of seniors and people with disabilities when the transportation service provided is unavailable, insufficient, or inappropriate to meeting these needs. Funds are apportioned based on each state's share of the population for these two groups. Formula funds are apportioned to direct recipients; for rural and small urban areas, this is the state Department of Transportation, while in large urban areas, a designated recipient is chosen by the governor. For Oklahoma, the governor's designee for large urban areas is also the Department of Transportation with the exception of the Tulsa area whereas INCOG has been designated by the governor to be the direct recipient of 5310 funds.

The program aims to improve mobility for seniors and individuals with disabilities by removing barriers to transportation services and expanding transportation mobility options. This program supports transportation

services planned, designed, and carried out to meet the special transportation needs of seniors and individuals with disabilities in all areas – large-urbanized areas (over 200,000 general population), small-urbanized areas (50,000-200,000 general population), and rural areas (under 50,000 general population). FTA's guidance and instructions for this program can be found in FTA C 9070.1G, Chapter III. Subrecipients should use the current guiding circular should it later be updated, renamed, or combined.

For the 5310 program ODOT may use up to 10 percent of the apportionment to support program administrative costs including planning, and subrecipient technical assistance, which may be funded at 100 percent federal share.

7B. ELIGIBILITY

Eligible Applicants:

- Private not-for-profit corporations
- Public agencies able to certify to the Governor that no private not-for-profits are readily available to provide the proposed service
- All public agencies and operators of public transportation services
- Federally recognized Indian entities

Eligible Projects: the 5310 Program funds traditional capital ADA vehicle purchases only, with the goal in mind of providing transportation services for all 77 counties in Oklahoma. Applications are accepted during the annual application cycle as announced by ODOT.

Transportation service supported by 5310 must remove barriers to transportation service or expand transportation opportunities for the elderly and/or people with disabilities. This expanded service may be part of general public transportation or be part of programs devoted to these populations.

ODOT does not allow the leasing of vehicles under the FTA Section 5310 program. Current 5310 subrecipients with FTA-funded vehicle lease agreements will be required to submit all agreements to OMPT through the annual certification process. New lease agreements for 5310 subrecipients will not be approved by OMPT and all invoice reimbursement requests including lease expenses will be denied.

Locally Developed Coordinated Plan: To be considered for funding award, proposed projects must be included in a locally developed, coordinated public transit-human service transportation plan. Applicants are required to commit to coordinate their transportation services as outlined in their locally developed plan that cover their area of existing/proposed service. Updated or amended Local Coordinated Plans must be submitted to ODOT no less than every four (4) years. Plans older than four (4) years, or those that have not been updated within the last four (4) years are considered outdated. Members of the public, including but not limited to, seniors, individuals with disabilities, representatives of the public, private, not-for-profit transportation and human service providers must participate in the development and approval of the locally developed coordinated plan.

Ineligible Activities:

- **School Usage Exclusion** - School bus purchases are not available through the 5310 program. The use of FTA funds for school bus transportation operations (exclusively for the transportation of students and school personnel) is prohibited under Title 49 USC 5323 unless the subrecipient has been granted an exemption by FTA (See 49 CFR 605.11). Exempted organizations applying for funding must provide a copy of the exemption with the application. Regardless of the applicant's

exemption status, vehicles purchased through this program may not provide exclusive school bus service in competition with private school bus companies.

- An organization may use vehicles purchased through this program for the transportation of students and school personnel in incidental charter-bus operations.
- Sectarian Organizations/Religious Purpose use - Private not-for-profit organizations affiliated with religious organizations may be eligible for this program, however vehicles purchased through this program cannot be used for religious purposes. For example, vehicles cannot be used to transport members of a church or its congregation to the church facility exclusively for religious purposes/services.

Subrecipients under the 5310 program are required to certify annually through the Annual Request for Certification process that the services they provide with FTA-funded vehicles remain in compliance with FTA and ODOT rules.

7C. FUNDING REQUIREMENTS-FEDERAL/LOCAL MATCH RATIO

At least one-half of net capital expenses must be provided in cash or cash equivalent. Examples of local share funds are local appropriations, dedicated tax revenue, income generated from purchase of service contracts and the profit generated from incidental charter services. The remainder of the local share may include unrestricted federal funds other than FTA sources of funding, such as Community Service Block Grants and Community Development Block Grants. The applicant must identify and substantiate sources of local funding. Letters of commitment from these funding sources must be incorporated into the application. If the applicant plans to use unrestricted funds from other federal or state programs as part of the local match, it will be the responsibility of the applicant to contact the funding agency and obtain, in writing, authorization to apply their funds as local match to the Section 5310 Program.

The local match must be cash or services provided from sources other than United States Department of Transportation (USDOT) funds, except where permitted to be used as match for other USDOT funds. Other federal funds can be used as match if allowed by that program. Donations are considered local match.

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

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

The federal share is 80 percent for any other project related expenses such as mobility management and construction projects, non-ADA or CAA equipment and vehicle related equipment or start-up costs.

7D. MINIMUM REQUIREMENTS FOR POTENTIAL APPLICANTS

Program Year: October 1 – September 30

To be eligible for consideration of funding for the succeeding fiscal year, an applicant must submit the following to ODOT by the applicable deadline:

- A notice of intent letter (by a date to be determined by ODOT) indicating an applicant's interest in applying for available Section 5310 program funds along with a resolution from the governing board pledging financial support of the project.
- A draft application
- A final application
- An Annual Request of Certification Package

To receive a rating of "Pass" and continue through the evaluation process, applications must be received by the deadline and have all questions/areas of the application completed. They must also be in compliance with the programs noted below in order to be considered responsive:

- Application Information
- Project Funding Request
- Performance Measures
- Civil Rights, EEO, Title VI Requirements
- Public Participation Plan and Coordination Requirements
- Locally Developed, Coordinated Public Transit Human Services Transportation Plan (Plus TIP and STIP # if applicable)
- Applicant Affirmations
- Executed FY(Applicable Year) Certifications and Assurances
- Resolution from the Agency's Governing Board
- Must ensure adequate matching funds are available for the project. Letters of commitment from local dedicated funding sources must be included in the application.

Public Hearing and Notice for Disadvantaged Business Enterprises (DBE): An opportunity for a public hearing is required for capital grants under Section 5310. Section 5310 applications must submit a copy of the notice of public hearing, notices for DBE opportunities, and an affidavit of publication.

7E. STATE'S FTA GRANT APPLICATION PROCESS, TIMELINE, AND PROGRAM OF PROJECTS DEVELOPMENT

The 5310 program's fiscal year is October 1st through September 30th. To be eligible for consideration of funding for the succeeding fiscal year, an applicant must submit the following to ODOT by the applicable deadline:

- A notice of intent letter indicating an applicant's interest in applying for available Section 5310 program funds along with a resolution from the governing board pledging financial support of the project.
- A draft application
- Final application due

Documents are reviewed in the order in which they are received. Applicants should submit their draft in a timely manner. This allows for the review, possible rewrite and submission of the completed document by the given deadline. A completed application is defined as a document that clearly outlines the applicant's proposed capital purchases, as well as its intended use, and does not require further revisions or editing. Failure to submit a completed application will result in the applicant being considered ineligible for Section 5310 Program financial assistance for that respective application cycle fiscal year.

The following is ODOT's process and timetable for soliciting, reviewing, and application approval for projects to be included in the annual Program of Projects for Section 5310:

- A public announcement of the opening of an application cycle at a date to be determined by ODOT as funding becomes available.
- Applicant letter of intent due at a date to be determined by ODOT
- Applicants will submit draft applications at a date to be determined by ODOT
- Applicants will submit additional documents (if needed) to complete their final application
- ODOT will review and approve/select applications for award based on pre-determined criterion
- Grant award announcement/notifications sent
- Initiate FTA grant program of projects in TrAMS
- Begin agreements process
- Issue a notice to proceed to begin the implementation of Agency awarded projects

Technical assistance in preparing an application is provided by ODOT OMPT. However, the development, preparation and timely submittal of the document is the sole responsibility of the applicant. Application instructions may be obtained by requesting from ODOT OMPT.

Application Response Requirements: to receive a rating of "Pass" and continue through the evaluation process, applications received by the deadline must have completed all questions/areas of the application and be in compliance with the requirements of the program as noted below in order to be considered responsive:

Evaluation Criteria: Applications with a passing score on the minimum application responsiveness requirements noted above are evaluated using the criteria and point values identified in the table below. Each project type is scored separately, with a maximum score of 100 points. Each individual project score is comprised of up to 50 points for the primary* application submission plus up to 50 points for the respective project type submission.

Minimum 5310 Application Responsiveness Requirements	
A	<u>Application Information</u> Recipient Information (address, union info, UZAID, DUNS), Project Information (schedule, description, FY, MPO, cost), Budget (scope and activities, sources and uses), Project Milestones, Environmental Findings/Status
B	Project Funding Request
C	Performance Measures
D	Public Participation and Coordination Requirements
E	Resolution from the Agency’s Governing Board
F	Completed Annual Certification Checklist

If available funding meets or exceeds the amount of funding needed to fund all proposed projects, ODOT reserves the right to waive the numerical scoring phase of the evaluation process and award all projects proposed that successfully pass the pre-screening process.

Public Hearing and Notice for Disadvantaged Business Enterprises (DBE) Notice: An opportunity for a public hearing is required for capital grants under Section 5310. Section 5310 applications must submit a copy of the notice of public hearing, notices for DBE opportunities, and an affidavit of publication.

Transfer of Funds: Annually, FTA makes available the fiscal year apportionments. Oklahoma's 5310 program is a funding program for capital assistance only. Applicants must indicate which geographic area they are applying for (rural, small urban, large urban) during the application process. Funds cannot be transferred from the 5310 "Enhanced Mobility for Seniors and Individuals with Disabilities" program to another program, nor transferred from the large urban area to another geographically designated area (small urban or rural). However, the State may use funds apportioned for small-urbanized area projects in rural areas and rural funding in small urban areas if the Governor of the state certifies all of the objectives of the 5310 Program are being met in the specific area from which funds are transferred. Funds apportioned to small urbanized and rural areas may also be transferred for use anywhere in the State including large-urbanized areas if the state has established a statewide program for meeting the objectives of the Section 5310 Program. ODOT may transfer apportioned funds only after consulting with responsible local officials, publicly owned operators of public transportation and non-profit providers in the area from which the funds to be transferred were originally apportioned. Using these apportionments, and any prior years' unused funding, ODOT determines the total amount of funding available for the annual application cycle. ODOT announces the opening of an application cycle, solicits application proposals for projects, reviews and scores applications, and determines the amount of funding each applicant is eligible to receive. Subsequently, ODOT prepares a Program of Projects (POP) and application for submission to FTA via FTA's Transit Award Management System (TrAMS) and executes agreements with successful applicants as follows:

- ODOT enters and submits applications for federal assistance to FTA for its approval
- FTA reviews and approves the POP/grant
- ODOT executes the grant
- ODOT develops agreements outlining the terms of program and associated funding for successful grant applicant to execute
- ODOT issues a notice to proceed for successful applicant to begin project

8. SECTION 5311 PROGRAM

8A. PROGRAM OVERVIEW

Pursuant to 49 U.S.C. 5311, FTA apportions or awards funds to states, Indian tribes, or other eligible recipients located in rural areas for planning, public transportation capital projects, operating costs, job access reverse commute projects, and the acquisition of public transportation service. The Section 5311 program supports both the maintenance of existing public transportation services and the expansion of those services through the following program goals:

- Enhancing access in rural areas to health care, shopping, education, employment, public services, and recreation
- Assisting in the maintenance, development, improvement, and use of public transportation systems in rural areas
- Encouraging and facilitating the most efficient use of all transportation funds used to provide passenger transportation in rural areas through the coordination of programs and services
- Providing financial assistance to help carry out national goals related to mobility for all, including seniors, individuals with disabilities, and low-income individuals
- Increasing availability of transportation options through investments in intercity bus services

- Assisting in the development and support of intercity bus transportation
- Encouraging mobility management, employment-related transportation alternatives, joint development practices, and transit-oriented development
- Providing for the participation of private transportation providers in rural public transportation

The purpose of the program is to support public transportation for people living in any area outside of a UZA as designated by the Bureau of the Census. A UZA consists of a core area and the surrounding densely populated area with a total population of fifty thousand or more, with boundaries fixed by the Bureau of the Census. Areas not within a UZA as of the 2020 Census are eligible for Section 5311 funding even if they are included within the metropolitan area planning boundary, which includes the surrounding area expected to be urbanized within twenty years and/or the air quality nonattainment boundary.

FTA’s guidance and instructions for this program is located in FTA C 9040.1G Formula Grants for Rural Areas: Program Guidance and Instructions. Subrecipients should use the current guiding circular should it later be updated, renamed, or combined.

8B. STATEWIDE ALLOTMENT

The program year allotment establishes the maximum amount of Section 5311 funds available to the subrecipients. The amount of Section 5311 funding that will be made available to each subrecipient will be determined by the cumulative amounts of their Incentive Allotment, and Performance Allotment. Any funds not programmed or obligated by the subrecipient during the contracted program year will be deemed as lapsed by ODOT and any such balance of funding will be carried forward for allocation within the subsequent year’s Statewide Allotment. Note that ODOT may evaluate and change the methodology and formula to distribute annual program funds after notifying and receiving input from subrecipients.

All statistical data for the months of October – September must be submitted to the OMPT by November 1 for use in the program allocation formula. Any statistical data not submitted by this deadline will be deemed late and therefore may not be eligible for inclusion into the processes for calculating the Incentive Allotment and Performance Allotment.

ODOT will monitor the status of federal transit funds available to the State. If the demand for funds in the rural areas exceeds the availability of Section 5311 program funds, FTA Section 5307 funds may be transferred from the small-urbanized areas to supplement the state’s Section 5311 apportionment and vice-versa. ODOT has the option to transfer unobligated Section 5307 funds or Section 5311 program funds to the area with the greatest need. ODOT must advise the FTA of any such transfer of funds.

After deducting for state administration and technical assistance, intercity bus project awards, the Program Reserve, any unspent funds from the previous years (if applicable) and adding carryover funds from the previous year’s Program Reserve (if applicable), the balance of Section 5311 funds will be referred to as the Statewide Allotment. This Statewide Allotment will be divided among subrecipients using the process detailed below:

- **Incentive Allotment:** the first part of the process establishes the Incentive Allotments. The incentive Allotment consists of fare-box. Each subrecipient will receive an incentive amount equal to the annual average of the preceding two years farebox revenue reported. For the purpose of administering this program, farebox revenue is defined as cash payments made by an individual transit user such as:
 - Money paid into the farebox as a passenger boards a vehicle.

- Payment made for a transit pass. The subsidized amount does not qualify.
- **Performance Allotment:** the second step is to determine the Performance Allotment. For the purpose of this program, performance allotment is defined as a procedure for dividing the annual allocation of Section 5311 funds among subrecipients using three performance indicators based on annual statistics (below). The amount available for distribution under the Performance Allotment is calculated by subtracting the Incentive Allotment from the Statewide Allotment. Each subrecipient is allocated a pro rata share based on their performance under the three performance measures. The Performance Allotment is calculated as follows:
 - Passenger miles: thirty-five percent (35%) of the Performance Allotment is disbursed based on each subrecipient's pro rata share of the preceding two years annual average passenger miles reported statewide. The annual reporting period is October through September.
 - Revenue miles: twenty percent (20%) of the Performance Allotment is disbursed based on each subrecipient's pro rata share of the preceding two years annual average revenue miles reported statewide. The annual reporting period is October through September.
 - Passenger trips: forty-five percent (45%) of the Performance Allotment will be disbursed based on each subrecipient's pro rata share of the preceding two years annual average passenger trips reported statewide. The annual reporting period is October through September.

8C. ELIGIBILITY

Eligible Applicants:

- Existing 5311 subrecipients (a current list of subrecipients can be found on the ODOT website)
- All public agencies and operators of public transportation services
- Federally recognized Indian entities
- ODOT will not accept 5311 applications from agencies that are not current subrecipients unless the legislative body of a local government submits a formal request to ODOT

Eligible Projects: the Section 5311 program provides capital, administrative, planning, and operating assistance to States and federally recognized Indian tribes in rural areas with populations less than 50,000. The State may use up to 10 percent of its Section 5311 program funds to administer the program and provide technical assistance to subrecipients. Technical assistance includes project planning, program and management development, public transportation coordination activities, and research the state considers appropriate to promote effective delivery of public transportation in rural areas.

ODOT allows 5311 eligible expenses for Project Administration, Capital, Planning, and Operations. For the complete list of eligible activities please see chapter III of FTA C 9040.1G Formula Grants for Rural Areas: Program Guidance and Instructions. Subrecipients should use the current guiding circular should it later be updated, renamed, or combined.

For the purpose of this program, "public transportation" is defined as regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age (older adults), disability, or low income.

Federally recognized Indian Tribes are eligible recipients of Section 5311 funds under 49 U.S.C. 5311 and as such, can receive funds as direct recipients of FTA or as subrecipients of ODOT. A declaration must be made by the tribes during the application process. In either case the terms and conditions of the ODOT application process

and subsequent ODOT/FTA Section 5311 standard grant administration agreements will apply. The special terms and conditions that FTA developed for tribes receiving funding under the Tribal Transit Program are applicable only to that program.

ODOT may limit subrecipient eligibility requirements in order to comply with state laws or to further program goals.

8D. FUNDING REQUIREMENTS-FEDERAL/LOCAL MATCH RATIO

Eligible costs and the level of federal participation for these expense categories are discussed in the following sections and follow the guidelines under FTA C 9040.1G (as amended) and the OMB “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR part 200, as outlined below. Subrecipients should use the current guiding circular should it later be updated, renamed, or combined.

Allowable Costs and Audit Requirements: Allowable costs shall be governed by the applicable cost principles as published in the Office of Management and Budget (OMB) Circulars. OMB “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR part 200, supersedes and streamlines the former OMB Circulars on Uniform Administrative Guidance: A-102, and A-110, former OMB Circulars on Cost Principles, A-21, A-87 and A-122, and former OMB Circulars addressing Single Audit issues, A-133 on Single Audit Act administration and A-50 on Single Audit Act follow-up. ODOT follows the OMB Circular for guidance on allowable purchases using federal funds.

State Administration: The Section 5311 Program allows states to use an amount not to exceed ten percent (10%) of its annual apportionment for administration, planning and technical activities.

Capital: Capital expenses include transit related vehicles and the acquisition, construction and improvement of public transit facilities and equipment for a safe, efficient, and coordinated public transportation system. Examples of eligible capital expenditures include, but are not limited to:

85% federal reimbursement

- buses
- vans
- paratransit vehicles

80% federal reimbursement

- communication equipment
- wheelchair lifts
- vehicle rehabilitation
- computer hardware and software

For the complete list of eligible capital expenses please see chapter III of FTA C 9040.1G Formula Grants for Rural Areas: Program Guidance and Instructions. Subrecipients should use the current guiding circular should it later be updated, renamed, or combined.

Project Administrative Expenses: The Section 5311 Program has the option of treating project administrative expenses as a separate category. This allows these expenses to be considered "non-operating" expenses and therefore reimbursable at a rate not to exceed eighty percent (80%) of the actual cost. Eligible project

administrative costs may include, but are not limited to:

- General administrative expenses (e.g., salaries of the project director, secretary, and bookkeeper)
- Marketing expenses
- Insurance premiums or payments to a self-insurance reserve
- Office supplies
- Facilities and equipment rental
- Standard overhead rates
- Costs of administering drug and alcohol testing
- Interest on short-term loans for operating assistance is eligible as project administration if it is approved by the State
- Administrative costs for promoting and coordinating ridesharing are eligible as project administration if the activity is part of a coordinated public transportation program

Operating Expenses: Eligible operating expenses will be limited to the items listed below and reimbursable at the maximum rate of fifty percent (50%) of the net operating deficit. The net operating deficit is the amount that remains after the fare-box revenue is subtracted from eligible operating expenses. Fare-box revenue includes fares paid directly by riders and fares paid by riders who are later reimbursed by a human service agency or other user-side subsidy arrangements. Farebox revenues do not include payments made directly to the transportation provider by human service agencies to purchase service. However, purchase of transit passes or other fare media for clients would be considered farebox revenue. A voluntary or mandatory fee that a university or similar institution imposes on all its students for free or discounted transit service is not farebox revenue. Payments made directly to the transportation provider by human service agencies and university fees passed on to the transit provider would be considered “program income” and may be used to reduce the net operating cost of the service or may be used as local match on the existing grant. Fare-box revenue received by a Subrecipient must be reported as such via the ODOT MYLEONET.net online reporting database. Application of contract revenue is further defined in the “Local Share and Local Funding Requirements” section. Eligible operating expenses line items will be limited to the following categories:

- Building and maintenance repairs
- Clerk salary
- Dispatcher salary
- Driver salary
- Equipment maintenance repairs
- Equipment Service Agreements
- Fees and licensing
- Fringe, Operational
- Fuel
- Insurance, other
- Interest Expense
- Mechanic salary
- Miscellaneous Operating
- Office and garage space
- Operational support equipment
- Postage
- Printing
- Supervisor salary
- Supplies
- Telephone
- Transportation Service Agreements
- Travel, Operational
- Utilities
- Vehicle Insurance
- Vehicle maintenance and repairs
- Vehicle service agreements
- Indirect, operational

Local Share Requirements: At least one-half of the local match for net operating, capital and administrative expenses must be provided in cash or cash equivalent. Examples of local share funds are local appropriations, dedicated tax revenue, income generated from purchase of service contracts and the profit generated from

incidental charter services. The remainder of the local share may include unrestricted federal funds other than FTA sources of funding, such as Community Service Block Grants and Community Development Block Grants. The applicant must identify and substantiate sources of local funding. Letters of commitment from these funding sources must be incorporated into the application. If the applicant plans to use unrestricted funds from other federal or state programs as part of the local match, it will be the responsibility of the applicant to contact the funding agency and obtain, in writing, authorization to apply their funds as local match to the Section 5311 Program. Examples of State funds eligible for use as a local match include, but are not limited to, the State Public Transit Revolving Fund and the Oklahoma Department of Commerce's Anti-poverty funds. OMPT will collect and review sources of local match during the annual certification process.

8E. MINIMUM REQUIREMENTS FOR POTENTIAL APPLICANTS

Program Year: October 1 – September 30

Proposed projects must address one or more of the following:

- The proposed system must provide transportation service to the general public and must be a fixed route (with complementary paratransit), deviated fixed-route or demand response system. The applicant is subject to the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, both of which address what the system must do to provide transportation to individuals with disabilities (see ADA section of this SMP for additional guidance).
- Must submit a Letter of Intent to apply for funds to ODOT by Jan 15th of every year. Letter of Intent requirements are as follows:
 - Letter must be on your agency's letterhead
 - Must have the date the letter was signed
 - Letter must be signed by a representative with signature authority
 - Letter must state your interest to apply for Section 5311 funds and for which fiscal year
- Must ensure that adequate funds (local match) are available to match Section 5311 funds and to provide for ongoing operations. A description of the matching source(s) and letters of commitment, where applicable, are required.
- Section 5311 applications must include (at a minimum) the following:
 - Type of service provided. This includes if the request is for startup of new services, maintaining service at the current level or expanding the existing service.
 - Inventory of all vehicles regardless of funding source
 - Project coordination with other transit services in the service area (if applicable)
 - Proposed budget (entered into MYLEONET.net)
 - Schedule of proposed routes and a description of each route (entered into MYLEOnet)
 - The applicant must have a current/active DUNS in order to apply for Federal Transit Administration funding. Starting December 2020, DUNS will be replaced by a unique number assigned by the System for Award Management (SAM.gov).
- The proposed system must display, at a minimum, on its vehicles used for Section 5311 service

the following:

- “Open to the Public” or “Public Transportation” Telephone number
- Vehicle number using ODOT’s naming convention, which is the first 3 letters of the agency name and the last 5 digits of the vehicle identification number. This number must be located on the top of the windshield on the passenger side. The decals should be black 2-inch stickers and should not extend more than 4 ½ inches from the top of the windshield. Vehicles purchased before December 7, 2017, are grandfathered in and can continue using the previous vehicle numbering system
- International ADA symbol (on accessible vehicles) must be located on all sides of the vehicle Agency name or logo

The application deadlines and required documents are as follows:

1. April 1st: The following items are due:
 - Executed Resolution from governing board pledging financial support of the project
 - Letter authorizing individual to execute documents
 - DRAFT Section 5311 Grant Application (Important: A completed Application form includes all associated items found in the checklist located at the beginning of the Application form.)
2. The following Legal Notices should be published at this time as well:
 - “Notice of an Opportunity for a Public Hearing” or “Notice of Public Hearing”
 - “Notice of Opportunity for Disadvantaged Business Enterprises”
3. May 1st: The FINAL Section 5311 Application is due as well as the completion of the Legal Notices.
4. June: ODOT Project Managers will begin scheduling meetings with applicants to review and finalize the grant applications.

ODOT receives the applications and reviews them for correctness of format and completeness. A proposed project is evaluated for content. The financial support listed by the agency is assessed to determine the applicant's ability to meet the local match requirement. A resolution of the governing body of the applicant pledging financial support of the project must accompany an application. Letters of commitment from potential funding agencies must be attached. It is the responsibility of the applicant to determine that funds from a certain source are eligible as match for federal Section 5311 Program funds.

Before executing a contract, representatives from ODOT's Operations Review and Evaluation (OR&E) Division will perform a pre-award audit. The purpose of this audit is to determine the applicant's capability to maintain records that meet generally accepted accounting standards and their ability to meet the program's fiscal requirements.

8F. STATE’S FTA GRANT APPLICATION PROCESS, TIMELINE, AND PROGRAM OF PROJECTS DEVELOPMENT

Application Process and Timeline: ODOT submits its Section 5311 Program of Projects to FTA for the succeeding program year. The program's fiscal year is October 1 through September 30. To be eligible for consideration of funding for the succeeding fiscal year, an applicant must submit the following to the OMPT by the applicable deadline:

- A notice of intent letter indicating an applicant’s interest in applying for available Section 5311 Program funds along with a resolution from the governing board pledging financial support of the

- project
- A draft application
- Final/completed application

A draft application must be submitted to the OMPT for review by April 1st. Draft documents will be reviewed in the order in which they are received. It is important that prospective applicants understand that the deadline to submit its completed application to the OMPT. No late applications will be accepted for processing. Applicants should therefore submit their draft in a timely manner. This will allow for the review, possible rewrite, and submission of the completed document by the May deadline. A completed application is defined as a document that clearly outlines the applicant's proposed transit services, contains all necessary information as outlined by the Section 5311 program documents and does not require further revisions or editing by the OMPT staff. This includes completion of the public hearing requirement.

Failure to submit a completed application will result in the applicant being considered ineligible for Section 5311 Program financial assistance for the succeeding fiscal year. It should be noted, however, that the completed application may not represent the final application document. The application will be subject to change as ODOT deems necessary. The completed application will not be considered final until ODOT advises the applicant that the application has been approved for funding.

Technical assistance in preparing an application is provided by the OMPT. However, the development, preparation and timely submittal of the document is the sole responsibility of the applicant. Application instructions may be obtained by submitting a request to ODOT OMPT.

Program of Projects Development: Once ODOT receives the annual Section 5311 program apportionment from FTA, the total amount of the Section 5311 allocation that will be available for administration, intercity bus and subrecipient distribution is calculated. ODOT may retain an amount of up to ten percent (10%) of Oklahoma's Annual Section 5311 Apportionment for the administration and technical assistance responsibilities related to the administration of the Section 5311 Program, as allowed by FTA regulations.

ODOT will set aside fifteen percent (15%) of Oklahoma's annual Section 5311 apportionment for qualified Intercity Bus Services, as prescribed by FTA regulations. Following the annual ICB call for projects and award announcement, ODOT will adjust the total State Allotment available for the 5311 allocation accordingly.

9. SECTION 5311(F) INTERCITY BUS PROGRAM

9A. PROGRAM OVERVIEW

Section 5311(f) of title 49, United States Code, requires each state to spend 15 percent of its annual Section 5311 apportionment "to carry out a program to develop and support intercity bus transportation," unless the governor certifies that "the intercity bus service needs of the State are being met adequately."

To determine the state's objectives for intercity bus, ODOT carries out an intercity bus needs assessment process at least every three years. The assessment process includes an inventory of current intercity bus service, analysis of statewide need, and a consultation process with intercity bus providers. The ICB assessment included several outreach and analysis methods:

- Survey off statewide stakeholders (local governments, intercity bus riders, rural transit users, chambers of commerce, trip generators), and a survey of intercity bus and transit service providers
- Identification of intercity bus providers in the state, station locations, route locations, route

- frequencies, and feeder routes
- Geospatial analysis of existing station location and population coverage
- Transit propensity analysis using U.S. Census data
- Consultation activities with identified providers and intercity bus organizations

FTA's guidance and instructions for this program are located in Chapter VIII of FTA C 9040.1G Formula Grants for Rural Areas: Program Guidance and Instructions. Subrecipients should use the current guiding circular should it later be updated, renamed, or combined.

9B. ELIGIBILITY

Eligible Applicants:

- Intercity bus operators
- Existing 5311 subrecipients

Eligible Projects: intercity bus service is defined as regularly scheduled bus service for the general public which operates with limited stops over fixed routes connecting two or more urban areas, not in close proximity and has the capacity for transporting baggage carried by passengers and makes meaningful connections with scheduled intercity bus service to more distant points if such service is available.

ODOT allocates fifteen percent (15%) of its annual Section 5311 Program apportionment for intercity bus service. This money may be spent for the development and support of intercity bus transportation for the purpose of addressing the needs identified in the intercity bus needs assessment report. The ICB assessment is conducted at least every three years in consultation with intercity bus operators, existing public transit operators, the general public, and potential stakeholders. The assessment provides several opportunities for ICB consultation including online surveys and virtual group and one-on-one meetings with ODOT. Based on the consultation and public input, complemented with demographic and transit operational data, the assessment recommends potential activities and projects eligible for 5311(f) funding.

If the fifteen percent of ODOT's Section 5311 apportionment for intercity bus service is not fully allocated to intercity bus projects, ODOT will implement the FTA statutory provision allowing the Governor to certify to the Secretary that the State's intercity bus service needs are being adequately met.

ODOT may deny Section 5311(f) funding to intercity bus providers if the application for funding does not address a need identified in the state intercity bus needs assessment.

The federal match for intercity projects is the same as for the Section 5311 Program. ODOT may, if it regards it as appropriate, fund regional or statewide planning activities at one hundred percent, if included within the ten percent (10%) allowed for State Administration. However, any planning expenses for intercity buses not included in the ten percent allowed for State Administration are funded at the current year's established Federal share for project administration.

Refer to the 2022 Intercity Bus Assessment for a detailed list of eligibility requirements and projects. ODOT reviews applicant eligibility through its Annual Request for Certification as well as the ICB Assessment recommendations to determine project eligibility.

10. SECTION 5311(B)(3) RTAP PROGRAM

10A. PROGRAM OVERVIEW

Title 49 U.S.C. 5311(b)(3) authorizes the secretary “to make grants and contracts for transportation research, technical assistance, training and related support services in rural areas.” The Rural Transportation Assistance Program (RTAP) provides a source of funding to assist in the design and implementation of training and technical assistance projects and other support services tailored to meet the specific needs of transit operators in rural areas. RTAP provides an annual allocation to each state to develop and implement training and technical assistance programs in conjunction with ODOT’s administration of the Section 5311 formula assistance program.

The purpose of the scholarship program is to provide funding support to eligible transit agencies to help defray the cost of sending personnel to approved training courses, workshops, and conferences. The intent of the program is to supplement existing training resources, not to supplant them. Trainings may be in-house, in-state or out-of-state.

The objectives of the RTAP Program are:

- To promote the safe and effective delivery of public transportation in non-urbanized (rural and small urban) areas and to make more efficient use of public and private resources
- To foster the development of State and local capacity for addressing the training and technical assistance needs of the rural and small urban transportation community
- To improve the quality of information and technical assistance available through the development of training and technical assistance resource materials
- To facilitate peer-to-peer self-help through the development of local networks of transit professionals
- To support the coordination of public, private, specialized and human service transportation services
- To build a national database on the non-urbanized segment of the public transportation industry

FTA’s guidance and instructions for this program can be found in Chapter IX of FTA C 9040.1G Formula Grants for Rural Areas: Program Guidance and Instructions. Subrecipients should use the current guiding circular should it later be updated, renamed, or combined.

10B. ELIGIBILITY

Eligible Applicants:

- Existing 5311 subrecipients

Eligible Projects: the RTAP (49 U.S.C. 5311(b)(3)) provides a source of funding to assist in the design and implementation of training and technical assistance projects and other support services tailored to meet the needs of transit operators in rural areas.

ODOT provides an annual allocation of RTAP funds to each 5311 transit agency subrecipient to use toward transportation research, technical assistance, training, and related support services in their rural areas. Any capital purchases using funds should be directly related to carrying out the intent of the RTAP as defined by FTA.

ODOT will be the state agency responsible for the administration of the RTAP program. ODOT will maintain broad discretion in deciding how best to provide assistance and implement projects under the RTAP program. ODOT, at its discretion, may develop a state RTAP Advisory Committee which may consist of, but not limited

to, representatives of Section 5311 grant subrecipients consisting of small, medium, and large transit agencies along with federally recognized Indian Tribe representatives. Committee members will provide guidance in the development and implementation of training curriculum. The cost associated with implementing a state RTAP Advisory Committee will be funded with available RTAP funds.

ODOT will use a wide range of mechanisms for program delivery based on the needs and resources available. These can include:

- Assistance by ODOT staff
- Contracts with private consultants, universities, non-profit organizations, state transit associations or other organizations of transit operators, support of peer-to-peer networks of individuals to aid each other
- Interagency agreements with other state agencies, both within the State and in other states
- Scholarships for reimbursements of tuition and expenses for individuals to attend training courses or workshops

ODOT will use the following criteria to review each RTAP application and approving requested scholarships. Criteria used will include but is not limited to:

- Justification in terms of financial need and anticipated value to the transit agency
- Relevance of training to the individual's job at the transit agency
- Amount of funds available to the transit agency
- Transit agency must be in good standings with the ODOT. "Good Standing" means:
- Agency is in compliance with state and federal requirements
- Agency is up to date on submission of monthly claims
- Agency is responsive to communications and requests for information
- Maintains adequate financial records that document and support all contractual expenditures
- Submits monthly progress reports and invoices that are accurate and timely
- Submission of annual reports to ODOT including audit documents, drug/alcohol monthly logs, etc.
- Compliance with all contractual obligations
- Satisfactory progress on contract-funded projects
- Compliance with state and federal reporting requirements
- Availability of remaining scholarship funds may determine if additional scholarships are awarded

10C. FUNDING REQUIREMENTS-FEDERAL/LOCAL MATCH RATIO

There is no federal requirement for local match of RTAP funds, however; the costs of travel scholarship requests and training typically exceed funding availability. ODOT has developed RTAP guidelines for reimbursement of eligible expenses which are outlined in the "OK RTAP Policies and Procedures Manual." ODOT at its discretion may approve the purchase of equipment to support eligible RTAP activities. The procurement procedures of section 5311 will apply.

10D. MINIMUM REQUIREMENTS FOR POTENTIAL APPLICANTS

The following are the eligibility requirements for RTAP Scholarship funds:

- Recipients of FTA Section 5311 and/or 5311 (c) transit programs
- Small urban transit agencies (as long as activities are primarily designed and delivered to benefit

- non-urbanized transit providers)
- Federally recognized tribal transit agencies

Applicants who are applying for Rural Transit Assistance Program (RTAP) funds must submit a Letter of Interest by the deadline established annually to the OMPT. The letter must include the following:

- Letter must be on your agency's letterhead Must have the date the letter was signed
- Letter must be signed by a representative with signature authority
- Letter must state your interest to apply for RTAP funds and for which fiscal year

Letters of Interest must be sent to ODOT OMPT.

11. SECTION 5339 PROGRAM

11A. PROGRAM OVERVIEW

Pursuant to 49 U.S.C. 5339, Federal Transit Administration (FTA) awards grants under this section to the designated recipients in the large-urbanized areas (UZAs) and States for the purpose of financing capital bus and bus-related projects that will support the continuation and expansion of public transportation services in the United States.

FTA's guidance and instructions for this program can be found in FTA C 5100.1 Bus and Bus Facilities Formula Program: Guidance and Application Instructions. Subrecipients should use the current guiding circular should it later be updated, renamed, or combined.

11B. ELIGIBILITY

Eligible Applicants:

- Existing 5311 subrecipients

Eligible Projects: the 5339 program provides funding to replace, rehabilitate and purchase buses, related equipment, and transit-related facilities. For the complete list of eligible capital projects, please see chapter III of circular FTA C 5100.1, or the current guiding FTA Circular(s) should they be later updated, renamed, or combined Bus and Bus Facilities Formula Program: Guidance and Application Instructions.

- Section 5339(a) is a revolving capital grant where ODOT consolidates the annual federal capital funding distributed to the state until all agencies can procure a single vehicle at minimum. ODOT will then send out the Notice of Proposed Rulemaking (NPRM) for the required 30-day commenting period. After the 30-day commenting period is over ODOT will review those comments and send out the Notice of Final Rulemaking and will begin the application process accordingly.
- Section 5339(b) is a discretionary grant for which FTA constructs the criteria. ODOT then notifies the agencies of the funding possibilities and will begin to construct a proposal application for the state on behalf of all interested agencies. Once FTA makes the decision on ODOT's proposal, ODOT will begin the application process accordingly.

ODOT could include, but is not limited to, the following criteria to determine if a transit provider is eligible to apply for Section 5339(a) funding:

- State of good repair

- Program management of past competitive capital grants
- Agency is not on probation

11C. FUNDING REQUIREMENTS-FEDERAL/LOCAL MATCH RATIO

Administrative and Operational expenses are not allowable activities for reimbursement under this program. Under FTA C 5100.1 (as amended), eligible capital expenses include transit related vehicles, the acquisition, construction and improvement of public transit facilities, and equipment for a safe, efficient and coordinated public transportation system. Examples of eligible capital expenditures include, but are not limited to:

85% federal reimbursement

- buses
- vans
- paratransit vehicles

80% federal reimbursement

- communication equipment
- wheelchair lifts
- vehicle rehabilitation
- computer hardware and software

For the complete list of eligible capital expenses please see chapter III of FTA C 9040.1G Formula Grants for Rural Areas: Program Guidance and Instructions. Subrecipients should use the current guiding circular should it later be updated, renamed, or combined.

11D. MINIMUM REQUIREMENTS FOR POTENTIAL APPLICANTS

Section 5339 funds will be limited to ODOT recognized Section 5311 Subrecipients not currently designated as a “New Start Program” or currently on probationary status with FTA or ODOT. At ODOT discretion, projects eligible for funding will be limited to transit vehicles, and associated options/costs, and/or facility construction, rehabilitation, or modification. Vehicle purchase requirements will include the following:

- All purchased vehicles must be ADA compliant.
- Eligible cost will be limited to the cost of the vehicle and associated options/start-up expenses (such as vehicle signage, tag, tax and title etc.).
- Vehicle types and accessories are limited to those presently available on Oklahoma’s statewide contract. A written request must be sent to OMPT for capital purchases not available on state contract. OMPT will review the agency's method of procurement to ensure it meets State and Federal requirements before approving the request.

Due dates for Section 5339 applications will be determined by ODOT as necessary. The following requirements must be met by applicants in order to apply for Section 5339 funding:

- The requested vehicles must provide transportation service to the general public and must be a fixed route (with complementary paratransit), deviated fixed-route or demand response system. The applicant is subject to the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, both of which address what the system must do to provide transportation

- to individuals with disabilities. All vehicles purchased with federal funds must be accessible.
- Must submit a Letter of Intent to apply for funds to ODOT by a date determined by ODOT. Letter of Intent requirements are as follows:
 - Letter must be on letterhead
 - Must have the date you signed the letter
 - Letter must be signed by a representative with signature authority
 - Letter must state your interest to apply for Section 5339 funds and for which fiscal year
 - Must ensure that adequate funds (local match) are available to match Section 5339 funds
 - Section 5339 applications must include (at a minimum) the following:
 - Type of service provided with vehicles or purpose of facility. This includes if the request is for startup of new services, maintaining service at the current level or expanding the existing service.
 - Inventory of all vehicles, either funded by FTA or by other funds, which are used in the daily operation of the service.
 - Project coordination with other transit services in the service area (if applicable)
 - Proposed budget
 - Schedule of proposed routes and a description of each
 - The applicant must have a current/active Unique Entity Identifier (UIE) in order to apply for Federal Transit Administration funding. The former DUNS is replaced by an UIE assigned by the System for Award Management (SAM.gov)
 - The proposed system must display, at a minimum, on its Section 5339 vehicles the following:
 - “Open to the Public” or “Public Transportation”
 - Telephone number
 - Vehicle number using ODOT naming convention. Vehicles purchased before December 7, 2017, are grandfathered in and can continue using the previous vehicle numbering system.
 - International ADA symbol (on accessible vehicles) Agency name or logo

11E. STATE’S FTA GRANT APPLICATION PROCESS, TIMELINE, AND PROGRAM OF PROJECTS DEVELOPMENT

Application Process and Timeline: When ODOT applies for Section 5339 funding, ODOT submits its Section 5339 Program of Projects to FTA for the succeeding program year. The program's fiscal year is October 1 through September 30. To be eligible for consideration of funding for the succeeding fiscal year, an applicant must submit the following to the OMPT by the applicable deadline:

- A notice of intent letter indicating an applicant’s determination to apply for available Section 5339 Program funds along with a resolution from the governing board pledging financial support of the project due – due date for letter of intent will be determined by ODOT
- Final/completed application due – application deadlines to be determined by ODOT

A draft and final application must be submitted to the OMPT for review by a date determined by ODOT. Documents will be reviewed in the order in which they are received. Applicants should submit their draft in a timely manner. This allows for the review, possible rewrite, and submission of the completed document by the given deadline. A completed application is defined as a document that clearly outlines the applicant's proposed capital purchases, as well as its intended use, and does not require further revisions or editing by the OMPT staff

or the applicant.

Failure to submit a completed application will result in the applicant being considered ineligible for Section 5339 Program funds for the succeeding fiscal year. It should be noted, however, that the completed application may not represent the final application document. The application will be subject to change as ODOT deems necessary. The completed application will not be considered final until ODOT advises the applicant that the application has been approved for funding.

Technical assistance in preparing an application is provided by the OMPT. However, the development, preparation and timely submittal of the document are the sole responsibility of the applicant. Application instructions may be obtained by writing or e-mailing OMPT.

Program of Projects Development: After ODOT and the applicants for Section 5339 funding complete the applications, ODOT begins programming the projects using the available funding, including previous year's unobligated or unspent funds. A notice of funding availability for each grant will be issued that will outline the criteria used for grant award.

Any funds not programmed or obligated by the subrecipient during the contracted program year ODOT will deem as lapsed and such balance of funding will be carried forward for allocation within the subsequent year's Statewide Allotment. All statistical data (collected through the Section 5311 Program) for the months of October through September must be submitted to the OMPT by November 1 (see Section 5311 sections of this document for more information). Any statistical data not submitted by this deadline will be deemed late and therefore may not be eligible for inclusion in the processes for calculating the applicant's potential allocation.

12. CIVIL RIGHTS

The OMPT will coordinate all civil rights issues with ODOT's Contract Compliance Division. The Contract Compliance Division has agency-wide responsibility for ensuring the compliance of Title VI, Equal Employment Opportunity (EEO), Americans with Disabilities Act (ADA) and Disadvantaged Business Enterprises (DBE). ODOT and its subrecipients will comply with all applicable civil rights regulations and the implementation of regulations.

As a condition for funding, ODOT will require subrecipients (those meeting the threshold requirements) to provide Title VI, ADA and EEO plans to ODOT every three years, at minimum. ODOT has developed Title VI, ADA and EEO plan templates which are available to subrecipient upon request. It is the responsibility of subrecipients to ensure that submitted plans are in compliance with FTA guidelines (as further described in this section).

12A. TITLE VI

Title VI of the Civil Rights Act of 1964 (as amended), provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. FTA Circular 4702.1B (as amended), or the current guiding FTA Circular(s) should they be later updated, renamed, or combined requires recipients to submit reports to FTA in order for FTA to ascertain whether the recipient is in compliance with the DOT Title VI regulations, and recipients must have available "racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance."

Title VI Requirements for ODOT

ODOT's Title VI plan is due to the FTA every three (3) years. Primary recipients shall collect Title VI assurances and Title VI plans from subrecipients prior to passing through federal funds. The FTA authorizes that ODOT may store plans electronically and may request the plans from subrecipients at an interval of its choosing.

Title VI Requirements for Subrecipients

FTA requires that all recipients and subrecipients document their compliance with DOT's Title VI regulations by submitting a Title VI Program to their FTA regional civil rights officer (recipients) or the state DOT (subrecipients) once every three years or as otherwise directed by FTA. For all subrecipients, the Title VI Program must be approved by the subrecipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA.

Subrecipients must submit their Title VI Programs to be reviewed and approved by the ODOT OMPT. Upon receiving approval of the Plan, local adoption should take place. Title VI Plans must be updated at least every three (3) years; OMPT may provide technical assistance with updating the Plan.

Subrecipients may choose to adopt the primary recipient's (ODOT) notice to beneficiaries, complaint procedures and complaint form, public participation plan, and language assistance plan where appropriate. ODOT Title VI Program with these components can be found at www.ok.gov/odot/. Operational differences between the primary recipient and subrecipient may require, in some instances, that the subrecipient tailor its language assistance plan. OMPT personnel will provide the Title VI Plan Adoption Certification upon request. To reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI Notice developed by the primary recipient; however, subrecipients shall notify passengers and other interested persons that they may file discrimination complaints directly with the subrecipient.

All subrecipients are required to submit their Title VI, Public Participation, and Limited English Proficiency plans to OMPT and certify annually that the plans are up-to-date and properly implemented.

To ensure compliance with FTA C 4702.1B (as amended), subrecipient's Title VI Programs shall include the following at a minimum and must be provided every three years:

- A copy of the recipient's Title VI notice to the public that indicates the recipient complies with Title VI and informs members of the public of the protections against discrimination afforded to them by Title VI. Include a list of locations where the notice is posted. If the subrecipient has a website, it must be listed on the website. The notices should include:
- A statement that the agency operates programs without regard to race, color, or national origin.
- A description of the procedures that members of the public should follow in order to request additional information on the recipient's Title VI obligations.
- A description of the procedures that members of the public shall follow in order to file a Title VI discrimination complaint against the recipient.
- 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. This list should include only those investigations, complaints, or lawsuits that pertain to allegations of discrimination on the basis of race, color, and/or national origin in transit-related activities and programs and that pertain to the recipient submitting the report, not necessarily the larger agency or department of which the recipient is a part. If no investigations, complaints, or lawsuits have been filed in the previous three-year period, then a document stating so is required.
- 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 recipient's targeted public participation plan for minority populations may be part of efforts that extend more broadly to include other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.

- A copy of the recipient's plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance.
- Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils.

12B. EQUAL EMPLOYMENT OPPORTUNITY (EEO)

Section 19 of the Federal Transit Act states that "No person in the United States shall on the grounds of race, color, creed, national origin, gender or age be excluded from participation in, or denied the benefits of, or be subject to discrimination under any project, program or activity funded in whole or in part through financial assistance under this Act. The provisions of this section shall apply to employment and business opportunities and shall be considered to be in addition to and not in lieu of the provisions of Title VI of the Civil Rights Act of 1964."

EEO Requirements for ODOT and Subrecipients

The FTA Master Agreement and FTA C 4704.1A (as amended) requires all applicants, recipients, subrecipients, and contractors receiving FTA funding (including Section 5310, 5311, and 5339) who meet both of the following threshold requirements must implement all of the EEO Program elements:

- Employs 100 or more transit-related employees, and
- Requests or receives capital or operating assistance in excess of \$1 million in the previous Federal fiscal year, or requests or receives planning assistance in excess of \$250,000 in the previous Federal fiscal year.

Subrecipients who meet the above EEO Program thresholds must submit their EEO programs to ODOT every four years. FTA requires an EEO Program to contain the following seven elements and must be submitted to the FTA every four (4) years:

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

Agencies between 50–99 transit-related employees are required to prepare and maintain an EEO Program that includes the following:

- the Statement of Policy,
- dissemination plan,
- designation of personnel,

- assessment of employment practices, and
- a monitoring and reporting system.

Smaller agencies (50-99 employees) are not required to conduct a utilization analysis with goals and timetables or to submit the EEO Program to FTA every four years. Instead, these agencies will be required to provide the EEO Program to the FTA or ODOT upon request.

All subrecipients are required to submit their Equal Employment Opportunity plan to OMPT and certify annually that the plan is up-to-date and properly implemented.

12C. DISADVANTAGED BUSINESS ENTERPRISE (DBE)

The FTA and ODOT have a policy of helping small businesses owned and controlled by socially and economically disadvantaged individuals, including minorities and women, to participate in contracting opportunities created by DOT financial assistance programs, as required by 49 CFR Part 26. The FTA's DBE regulations require recipients of federal financial assistance to establish goals for the participation of disadvantaged entrepreneurs and certify the eligibility of DBE firms to participate in their DOT-assisted contracts. It is the policy of ODOT to implement the provisions of 49 CFR Part 26 with the following objectives:

- to ensure nondiscrimination in the award and administration of federally assisted contracts
- to create a level playing field on which DBEs can fairly compete for federally assisted contracts
- to ensure that only firms that fully meet the eligibility standards specified in 49 CFR Part 26 are permitted to participate as DBEs
- to help remove barriers to the participation of DBEs in federally assisted contracts
- to assist the development of firms that can compete successfully in the marketplace outside the DBE Program

DBE Requirements for ODOT

ODOT and its subrecipients will comply and assures that it shall not discriminate on the basis of race, color, sex, or national origin, in the award and performance of any third-party contract, or sub-agreement supported with Federal assistance derived from DOT, or in the administration of its DBE Program, and will comply with the requirements of 49 CFR part 26. The recipient agrees to take all necessary and reasonable steps to ensure nondiscrimination in the award and administration of all third-party contracts and sub-agreements supported with Federal assistance derived from DOT. As required by 49 CFR part 26, the recipient's DBE Program is incorporated by reference and made part of the Grant Agreement or Cooperative Agreement. The recipient agrees that implementation of this DBE Program is a legal obligation, and that failure to carry out its terms shall be treated as a violation of the Grant Agreement or Cooperative Agreement.

Outreach

ODOT's Civil Rights Division will provide events to disseminate DBE information, conduct training, and discuss contracting opportunities. The OMPT will assist the Civil Rights Division with outreach to minority and Tribal organizations to provide awareness and encourage participation. Civil Rights Division conducts various outreach efforts, listed on ODOT's website, to train, inform and provide networking opportunities which are available to all disadvantaged businesses. Newsletters and other materials are also made available to the public to support ODOT's outreach efforts. ODOT's website also contains instructions and information on how to become DBE certified through the State of Oklahoma.

Additionally, ODOT attends Tribal Transit meetings and conferences to inform the community of the opportunities available through various federal programs. Program information, application announcement and newsletters are sent out through the Tribal Transit Assistance Program (TTAP).

DBE Requirements for Subrecipients

ODOT's OMPT requires subrecipients to publish DBE notices of opportunity in local media outlets for outreach as a required part of the application process for federal funding. Additionally, subrecipients must enter monthly claim/financial data for OMPT's review, which includes a vendor database. This helps ensure that ODOT tracks federal activity to DBE's which helps ODOT fulfill its semi-annual DBE reporting requirements, as well as helps ODOT's Civil Rights Division develop its three (3) year DBE goal methodology.

Subrecipients who intend to receive Section 5311 Program funds must have an approved DBE Program as directed by 49 CFR Part 26, as amended. Subrecipients receiving planning, capital and/or operating assistance who will award prime contracts (excluding transit vehicle purchases) the cumulative total value of which exceeds \$250,000 in FTA funds in a Federal fiscal year are required to develop a DBE Program upon request. The OMPT will assist all subrecipients who are seeking Section 5311 Program financial assistance in obtaining technical assistance from the Civil Rights Division in establishing DBE plans, as necessary.

Required elements of a DBE program include:

- Policy statement
- Designation of a DBE Liaison Officer (DBELO)
- Reasonable efforts to use financial institutions owned and controlled by socially and economically disadvantaged individuals
- Prompt payment mechanisms
- DBE directory
- Measures to address overconcentration of DBEs
- Mentor-protégé program
- Monitoring performance
- Fostering small business participation

Subrecipients are required to submit monthly claims which must include vendor data. The OMPT will then review vendor data for DBE activity to assist the Civil Rights Division with DBE monitoring and data collection. Compliance of subrecipients will be evaluated during periodic on-site monitoring visits, desk audits, and on-going as necessary by OMPT staff.

All subrecipients are required to submit their Disadvantaged Business Enterprise plan, and goals, to OMPT and certify annually that the plan is up-to-date and properly implemented.

12D. SECTION 504 AND AMERICANS WITH DISABILITIES (ADA)

Pursuant to 49 CFR Part 37, the Americans with Disabilities Act of 1990 provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law and regulations set forth specific requirements for vehicle and facility accessibility and the provision of service (including reasonable modifications as defined by 49 CFR Part 37) to providers' transportation service procedures. This service must include employment (applicants, hiring, advancement, or discharge of employees, compensation, job training, and other terms and conditions, and privileges of employment), providing accessibility to public facilities (constructing or acquiring accessible facilities), and providing accessible vehicles

to potential riders regardless of their impairment.

Each public entity operating a fixed route system shall provide a complementary paratransit or other special service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route system. To be deemed comparable to fixed route service, a complementary paratransit system shall meet the requirements beginning at 49 CFR 37.121. Requirements for a fixed route with complementary paratransit service include (but are not limited to):

- The complementary paratransit component of the fixed route must provide accessible service to any origin or destination point within fixed route corridor up to $\frac{3}{4}$ of a mile of the route
- Subrecipient must develop a paratransit plan
- Subrecipient must develop a paratransit eligibility application for individuals seeking to use the service
- Subrecipient must advertise to the public instructions on how to apply for and access the service

Subrecipients operating a route deviation service (a.k.a. deviated-fixed route) must ensure that the route deviation service has the characteristics of demand-responsive service for the general public, including those with disabilities, including:

- Response time
- Fares
- Geographic area of service
- Hours and days of service
- Restrictions or priorities based on trip purpose
- Availability of information and reservations capability
- Any constraints on capacity or service availability

To be considered demand responsive, the service must deviate up to $\frac{3}{4}$ of a mile within the route's corridor (for deviated fixed routes) for the general public, not just persons with disabilities. The vehicle should be able to deviate to pick up a passenger and return to its originally scheduled route. If demand response services, including route deviations, are restricted to a particular group, the service ceases to be a form of demand-responsive service for the general public.

All subrecipients are required to submit their Paratransit plan, including the application and instructions, where applicable, to OMPT and certify annually that the plan is up-to-date and properly implemented. Subrecipients must also submit a Certification of Equivalent Service annually, where applicable.

USDOT Section 504 Requirements

Prior to the passage of the ADA in 1990, the Rehabilitation Act of 1973 — and Section 504 of that act — were implemented to prohibit discrimination against individuals with disabilities by entities that receive federal funds. The purpose of the Rehabilitation Act is to ensure that individuals with disabilities are not excluded from, denied the benefits of, or subject to discrimination in any programs or activities receiving federal financial assistance. The DOT regulations implementing Section 504 are found at 49 CFR Part 27. In order to receive federal financial assistance, grantees must comply with Section 504; in order to comply with DOT's Section 504 regulations, grantees must comply with the DOT ADA regulations. Subrecipients agree to Section 504 regulations as part of annual certifications and assurances during the application process for federal funds.

ODOT will collect Section 504/ADA assurances from subrecipients prior to passing through FTA funds. These Section 504/ADA assurances will be submitted as part of the Annual Request for Certification Checklist.

Monitoring ADA Compliance

Subrecipients will report all ADA complaints to ODOT outlining the nature of complaints and the proposed corrective action plan within five business days of the complaint. ODOT will monitor subrecipient's complaint process until compliant process is closed.

ODOT will review all subrecipient's services for ADA requirements during its triennial assessment as well as during on-going route monitoring through ODOT's online database management system MYLEOnet. The assessments will include evaluations of complementary paratransit and route deviation services, as appropriate. Subrecipients must agree to the ADA certifications and assurances during any application for federal funding through ODOT.

As part of the triennial assessment, ODOT will review (at a minimum) items such as the following Section 504/ADA requirements:

- Agency's ADA policy
- Agency's maintenance preventative maintenance schedule for wheelchair lifts/ramps and related equipment.
- A list of any Section 504/ADA investigations, complaints, or lawsuits filed with the agency since the time of the last submission.
- If the agency continues to provide equivalent services to persons with disabilities
- Does the grantee have procedures for investigating and tracking ADA complaints filed against them and making their procedures for filing a complaint available to members of the public upon request?
- Policies regarding transporting of service animals, personal care attendants, and portable oxygen?
- How does the agency advertise ADA services?
- ADA training for staff

ADA Vehicles and Facilities and Other Provisions

Department of Transportation (DOT) regulations implementing Section 504 and the ADA include 49 CFR parts 27, 37 and 38. The regulations specify accessibility requirements for the design and construction of new transportation facilities and the remodeling of current facilities. All vehicles acquired (with limited exceptions) shall be accessible to and usable by individuals with disabilities, including individuals using wheelchairs; require public entities (including private entities "standing in the shoes" of a public entity as a subrecipient or under a contract or other arrangement) providing fixed-route service to provide complementary paratransit service to individuals with disabilities who cannot use the fixed-route service; and include service requirements intended to ensure that individuals with disabilities are afforded equal opportunity to use transportation systems.

Providers of fixed-route service must generally utilize accessible vehicles. Private entities may utilize non-accessible vehicles if they can provide equivalent service in terms of schedules and headways, in addition to the equivalent service requirements described above for demand-responsive service.

Providers of demand responsive service must utilize accessible vehicles, as defined at 49 CFR 37.7 or meet the applicable equivalent service standard.

In addition, recipients of any FTA funds should be aware that they also have responsibilities under Titles I, II, III, IV, and V of the ADA in the areas of employment, public services, public accommodations, telecommunications, and other provisions, many of which are subject to regulations issued by other Federal agencies.

END OF DOCUMENT

