



State of Oklahoma  
5310 Transportation Program  
State Management Plan

“Enhanced Mobility for  
Senior and Individuals with  
Disabilities”



2017

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OKLAHOMA 5310 TRANSPORTATION MANAGEMENT PLAN  
(SECTION 5310 OF 49 U.S.C.)

Federal Transit Administration Section 5310 Transportation Program  
Enhanced Mobility for Seniors and Individuals with Disabilities

**Introduction**

The State Management Plan (SMP) is a document that describes the Oklahoma Department of Human Services, Aging Services, implementation of the FTA Section 5310 Transportation Program. MAP-21 legislation passed in 2013 entitled the program "Enhanced Mobility for Seniors and Individuals with Disabilities. The Management Plan describes state policies and procedures for administering this FTA program. Section 5310 of the Federal Transit Act declares as National policy that seniors (65 and older) and individuals with disabilities have the same right to access transportation as other persons. Section 5310 authorizes Federal Capital Assistance grants to meet the special needs of seniors and individuals with disabilities where public mass transportation is unavailable or insufficient. The funds are distributed to each state based upon the number of seniors and individuals with disability in the state's population (a federal formula grant). Eligible applicants include private non-profit organizations and public bodies that coordinate Specialized Transportation Services.

The Section 5310 Program is one part of a larger effort by Oklahoma's Department of Human Services, the Oklahoma Department of Transportation (ODOT), the Metropolitan Planning Organizations (MPOs): Association of Central Oklahoma Governments (ACOG) and Indian Nations Council of Governments (INCOG), and other local and state planners and providers to improve transportation services for all Oklahoma citizens where those services are currently inadequate or unavailable, including in rural as well as urban areas. The 5310 Transportation program staff work with other transportation programs and providers to understand the needs of the public, particularly seniors and individuals with disabilities and to improve transportation services across the state. Coordinated planning between entities identifies barriers and works to eliminate them for all Oklahomans. The Oklahoma Department of Transportation prepares a Statewide Transportation Improvement Plan (STIP) in which transportation programs are identified and plans for future improvements in the area of transportation for the state are included. Area Coordinated plans are developed by the two Metropolitan Planning Organizations-AGOG and INCOG. Statewide coordination and planning is also accomplished by the Oklahoma Department of Transportation, the Governor's United We Ride Council, where various state agencies are represented to assist in positive developments for all citizens, such as providing support for various grant projects across the state and including pilot projects for improvements such as mobility management and other transportation providers and local governments.

The New Freedom Program was previously operated under SAFETEA-LU (former federal legislation to MAP 21). It was a program that provided *operational funding* for transportation services above and beyond the requirements of the Americans with Disabilities Act (ADA). With the passage of MAP 21 (new federal legislation), the New Freedom Program was repealed and funding was awarded to the 'Enhanced Mobility of Seniors and Individuals with Disabilities' program. Each state operates the 5310 program

in various ways. For sub recipients of the former New Freedom program in Oklahoma, the 5310 program was a significant change. The applicants needed to study the 5310 program to determine the differences between the two programs and to assess whether 1) the 5310 program met the needs of their project, and 2) the applicant could comply with the 5310 program's state and federal rules for the 5310 program.

The 5310 Program is administered by Aging Services through the Department of Human Services and is a "capital assistance only" program. Improvements above and beyond the requirements of the ADA, in the form of "options" on the state contract for purchase of vehicles, continue to be available. For example, wheelchair lift capacity increased to 800 lbs. However, Oklahoma provides a 1000 lb. lift on the 12 passenger and larger vehicles. Options are available, such as two-way radios and cameras, contingent on the availability of funds.

In 2013, in accordance with new MAP 21 requirements, the state (Governor) appointed DHS as the Designated Recipient for federal funding and administration of the large urban area of Oklahoma City, in addition to the small urban and rural areas, covered by the Department since 1976. The Metropolitan Planning Organization for the large and small urban areas of Oklahoma City, local transit providers, and ODOT met and requested that the Governor designate the Department of Human Services (DHS). The Governor appointed DHS by letter on May 23, 2013 thus increasing the areas of the state served by the Aging Services 5310 Program from rural and some small urban areas, to include the large urban area as well.

The pilot project in 2013, that included purchase of a CNG vehicle by one of the 5310 transportation capital assistance sub recipients is now available across the state as long as the applicant can show that there are enough CNG stations to provide fuel for the vehicles used in the program. Monitoring of the advantages and disadvantages of using a CNG vehicle for 5310 resulted in that expansion statewide. The project proved successful and the CNG vehicles were made available for all 5310 applicants as an option in their application.

The State Management Plan (SMP) is intended to facilitate both State management and Federal Transit Administration (FTA) oversight by documenting the State's procedures and policies for administering the Section 5310 program in a single reference. At a minimum, this document includes the State's objectives, policies, procedures, and administrative requirements in a form readily accessible to potential sub recipients, State staff, FTA, and the public. The SMP's primary purpose is to serve as a guide for FTA State level management reviews of the program, and to provide information to the public about the State's administration of the Section 5310 program. The Federal Transit Administration conducts a State Management Review of each state receiving FTA funds every three years. That review ensures that each state and subsequently each sub recipient is following FTA regulation and guidance in the management of the FTA grant funded programs.

a. **Changes made to the 5310 program in FFY 2016-2017** (Oct. 1, 2016 - Sept. 30, 2017):

1) **clarification of service areas for the DHS, Aging Services 5310 program.**

The Indian Nations Council of Governments (INCOG), the Tulsa metropolitan area, receives its own allocation of federal funding directly from the Federal Transit Administration. Aging Services of the Department of Human Services receives funding for the large urban area of Oklahoma City, small urban and rural areas of the state.

Because of this fact, applicants in the area served by INCOG cannot also apply for funding from Aging Services. Aging Services funding cannot duplicate funding in the areas of the state covered by INCOG. INCOG's area includes the following cities within counties: Creek, (including Kiefer and Sapulpa), Osage, (Sand Springs and Tulsa), Rogers, (Catoosa, Collinsville, Owasso), Tulsa (Bixby, Broken Arrow, Glenpool, Jenks, Owasso Sand Springs, Sperry, Tulsa) and Wagoner (Coweta, Tulsa) counties. Applicants (non-profit organizations and governmental entities) In these areas will need to apply for their vehicles from INCOG. The contact person is Patricia Dinoa at (918) 579-9489. In all remaining areas of the state, non-profit organizations and governmental entities may apply for the 5310 program capital assistance through Aging Services of the Department of Human Services by calling (405) 522-6683, by e-mailing Patricia Heer at [Patricia.Heer@okdhs.org](mailto:Patricia.Heer@okdhs.org), or by finding the application on-line through the DHS website ([www.okdhs.org](http://www.okdhs.org)) and following that link to Aging Services and the 5310 Transportation Program.

2. Dual Fuel (propane/gasoline) was introduced to the program upon request of an applicant in 2015-2016.
3. Revision of 5310 program forms, making them fillable in order to streamline and improve the efficiency of the program.
4. Revision and reduction of: a) the required vehicle trips that sub recipients must meet and b) the requirement to report trip and vehicle information from monthly to quarterly.  
*(First quarterly report will be due July 10, 2017 for the months of April, May and June.)*
5. In 2016-2017, ADA equipped mini-vans includes a fold away seat which enables service as an ADA or a non-ADA vehicle. This vehicle can be used to transport either ambulatory or non-ambulatory riders. It provides versatility in the numbers of riders that can be transported. Due to this versatility, only ADA equipped vehicles will be purchased in the future.
6. Templates were developed by Aging Services to assist the sub recipients in conducting the four factor analysis and preparing their Limited English Proficiency and Title VI plans required by the program.
7. When the useful life of a vehicle has been met, the sub recipient may request, in writing, that the trip requirement be removed. However, quarterly reporting is still required as long as the vehicle is utilized.
8. Liens will be released once a written disposition plan is received and approved by Aging Services, for the disposition of the vehicle.

**b. Program Goals and Objectives**

**Goal:** Improve mobility for seniors (65+) and individuals with disabilities in the state of Oklahoma where public transportation programs are inaccessible or inadequate.

**Objectives:**

1. Improve the access to transportation services which in turn will increase the independence and quality of life for all seniors and persons with disability including persons who are economically disadvantaged, minority populations, limited English speaking persons and other underserved populations by providing adequate and efficient transportation to services such as health care, recreation, education, shopping, employment, nutritional, respite and public services in Oklahoma.
2. Improve the quality of transportation services in rural and urban areas of Oklahoma.
3. Expand the 5310 Transportation program to all 77 counties including assurance of fair opportunity to apply and receive capital assistance through the Section 5310 program for all rural and urban areas of the state.
4. Coordinate transportation programs and services to make the most efficient use of Federal and State resources including efforts to avoid duplication and provide consistent services statewide. Oklahoma Department of Human Services, Aging Services (OKDHS AS) coordinates with entities such as, but not limited to: the Metropolitan Planning Organizations, the State's Department of Transportation, the Governor's United We Ride Council, Tribal organizations, transportation providers and other programs and services.

**Goal:** Protecting the Investment of the Federal Transit Administration through monitoring the use of the vehicles in the 5310 capital assistance program to ensure compliance with state and federal law and regulation.

**Objectives:**

1. Monitor all sub recipient use of 5310 funded vehicles on a regular basis through site visits and desk reviews. This review will be conducted at a minimum of once every two years to ensure compliance with State and Federal rule and identify any misuse of the vehicle as well as provide technical assistance to each program as needed.
2. Receive and review required monthly program reports from each sub recipient which include mileage, trips and ridership for each 5310 funded vehicle.
3. Annual review of State Management Plan (SMP) and state policy and procedure a) to assure compliance with federal rules and any current changes, b) to ensure vehicle is used for the originally intended purpose, and c) to address any identified misuse or need for technical assistance by a 5310 program sub recipient.
4. Regular review of Civil Rights and LEP plans to ensure compliance with Federal rule and equal opportunity to utilize transportation provided by the program.

These goals and objectives are derived from public input at meetings and public hearing opportunities provided by the Oklahoma Department of Transportation, the Metropolitan Planning Organizations: AGOG and INCOG, local transit providers, Indian tribes and others. The United We Ride Council identifies needed areas of improvement as well.

Public opportunities to identify what services need improvement in all areas of the state were provided through a variety of public information workshops and hearings administered by the United We Ride Council and ODOT in 2016. In addition, Area Agencies on Aging, the State Council on Aging, the Silver Haired Legislature and other advocacy groups identify transportation services as a top priority for seniors and individuals with disabilities. The United We Ride Council includes seats at the table for representatives of all state agencies including the Department of Human Services, the Department of Health, the Department of Rehabilitation Services, the Dept. of Commerce, the Department of Veterans Affairs, Department of Transportation (ODOT) and local transportation providers. In addition, the United We Ride meetings are open to the public and are attended by persons with first-hand experience with the public transportation services in the state, including individuals with disabilities who are able to share their stories about barriers to needed transportation services.

These entities work closely together to improve transportation services for the public including seniors and individuals with disabilities. In addition, ODOT leads the state in development of major changes to the transportation services statewide. Regional workshops are attended by people from the agencies listed above to provide the public with information about each transportation program available. Information is provided through FTA, ODOT and OKDHS including how to apply for the capital assistance.

The MPOs, (Metropolitan Planning Organizations - ACOG, and INCOG) provide regional transportation planning services. The MPOs, 5310 staff, elected county officials and others share information about each selected sub recipient to be included in the coordinated area plans developed by the MPOs.

### **c. Roles and Responsibilities**

In 1976, the Oklahoma Department of Human Services (DHS) was designated by the Governor to administer the Section 5310 Transportation program for the State of Oklahoma. In May of 2013 Aging Services became the Designated Recipient for the large urban area of Oklahoma City under MAP 21. The Governor's designation letter is in the file in Aging Services of DHS.

Coordination between the 5310 program and the **Office of the Governor** includes, but is not limited to, designation of authority for administration of the Section 5310 Transportation program and communications related to specific applicants for 5310 capital assistance. Governmental applicants are required to have notified the Governor in certain circumstances and are required to receive approval from the Governor in other circumstances. The Governor also makes the determination of the "designated recipient" (DR) for federal formula grant funding provided by DOT for administration of the 5310 program. In addition, if a transfer of funds is needed between geographical areas (small urban and rural areas), the Governor certifies that all of the objectives of the Section 5310 program are being met in that location and must authorize the transfer of funds by DHS to another geographical area. The Governor's representative also attends the United We Ride Council meetings for input and coordination in planning and services.

Roles and responsibilities of the state include administration of the 5310 Transportation program, including but not limited to the following:

- Documentation of state's procedures in a state management plan (SMP) and making it available to grantees, planning organizations and the general public after FTA approval
- Publicizing the availability of funds for the capital assistance (5310) program for large urban, small urban and rural areas
- Local and state coordination for planning transportation needs and ensure coordination among transportation modes and sub recipients
- Developing 5310 program elements and submitting those for inclusion in the state transportation improvement program (STIP) developed by Oklahoma Dept. of Transportation
- Providing and receiving applications
- Development of project selection criteria, competitive selection process and evaluation of potential projects for funding in coordination with the Metropolitan Planning Organizations (MPO)
- Reviewing, prioritizing and selecting projects for approval
- Developing agreements (contracts) with selected sub recipients
- Purchasing according to State purchasing processes (state contract), delivering and monitoring the use of vehicles. This includes pre and post delivery inspections and monitoring for compliance of Federal rules.
- Ensuring that equipment purchased with grant funds is maintained to manufacturer's specifications and operated consistently with project objectives and demonstrating satisfactory continuing control over the use of project property.
- Training sub recipients and providing technical assistance in a variety of areas including interpretation of rules, Civil Rights planning, Limited English Proficiency, completion of required forms, and reporting of complaints.
- Provision of complaint forms, notices and posters for sub recipient to post or make available to the public.
- Collection and approval of Title VI Plans and as needed LEP plans
- Monitoring local project activity for compliance with FTA regulation to ensure conformity to Grant Agreements, applicable statutes, codes, and safety standards.
- Coordinating with various agencies and divisions within the state for successful procurement and program implementation (as discussed below)
- Identify barriers to the successful use of transportation services for elders and persons with disability and work to resolve issues and make recommendations for improvement of transportation services.
- Entering statewide project data into electronic software provided by FTA as needed including but not limited to the grant application, grant certifications and assurances, sign-offs and approvals, grant funds requested/reserved, grant execution, milestone reporting and grant closure.

Section 5310 funds are made available through a formula grant from the Federal Transit Administration annually. The Oklahoma 5310 program application process is open year round. OKDHS Aging Services publicizes the availability of grant funding. OKDHS Aging Services publicizes the grant and the application process in a variety of ways. Public information is provided via U.S. Postal Service, website and e-mail, and articles published in Oklahoma newspapers in both rural and urban areas as well as posting on the web.



Public presentations are made for individual agencies and groups such as Area Agencies on Aging, State Council on Aging, Oklahoma Aging Advocacy and Leadership Academy (OAALA), the Five Civilized Tribes, United We Ride Council and Councils of Government. Presentations are made during meetings, trainings and statewide conferences. Presentations are also made for the public statewide in conjunction with the Oklahoma Department of Transportation (ODOT), Metropolitan Planning Organizations (MPOs), tribal authorities and community action programs (CAPs) to inform the public of the 5310 program and application process. Applications are available and distributed during these presentations and upon request. The application package provides the phone number to OKDHS Aging Services so that the applicant may make inquiry and receive technical assistance related to their project need and their application for 5310 funding.

Eligible capital assistance project requests include passenger vehicles (including Compressed Natural Gas vehicles}, accessibility equipment and communications systems requested as options listed in the State's Purchasing Contract. OKDHS Aging Services includes a brief description of these items in the application package. The Department of Central Purchasing is the agency through which all procurements are made within the state of Oklahoma government. Aging Services is the designated recipient to receive the federal formula grant funds, safeguard the investment of the FTA and monitor the compliance of all projects utilizing federal funds for capital assistance.

The Department of Central Purchasing/Office of Management Enterprise Services is one of the other agencies with which the 5310 Transportation Program coordinates to purchase the capital equipment. Applicants may select from the vehicles offered on the State wide contract which meet all federal clauses such as the 'made in America' provision. The size and type of vehicles are described on the state contract website through the Oklahoma Department of Central Purchasing, including Americans with Disabilities Act (ADA) equipped and non ADA equipped vehicles. If this application is the first for any applicant, the vehicle must be ADA equipped. Subsequent vehicles and applications may include non ADA equipped vehicles.

By standardizing equipment, OKDHS Aging Services can take advantage of cost savings associated with volume purchasing through the Oklahoma Department of Central Services. OKDHS Aging Services encourages applicants to provide input into the development of vehicle specifications. OKDHS Aging Services 5310 staff shares this information in coordination with the OK Department of Transportation staff who write the specifications for the FTA program vehicles on the state contract. The applicant can also choose equipment needed in their vehicle. For example, choices may include a lift, number of wheelchair tie downs, flip seats to make additional wheelchair positions, storage compartments, position of the ramp/lift (mid or rear vehicle) and position of the tire mount, to name a few.

Fuel types are also described in the application (regular gas fuel, compressed natural gas and propane). A CNG or propane fueled vehicle application will include specific requests for information about fuel and service stations in the area to accommodate these types of vehicles. This will ensure that the applicant or sub recipient has the capacity to operate and maintain the vehicles before the purchase.

Under the Americans with Disabilities Act, applicants may request non lift equipped vehicles if they can certify that the service provided to persons with disabilities is equivalent to the services provided to ambulatory persons. This certification must be submitted with each application for a non ADA equipped vehicle and is in effect for the useful life of the vehicle. MAP 21 encourages improvements beyond the traditional

vehicles and accessories required under 5310 and the Americans with Disabilities Act. For example, Oklahoma Aging Services has, in agreement with ODOT, increased the capacity of the wheelchair lift to heavy duty lifts (up to 1000 lb. capacity) which is an increase from previous 800 lb. wheelchair lifts. This complies with MAP 21 requirements to go above and beyond the minimum requirement of 500-600 lb. lifts. In addition, Oklahoma's ADA minivans are equipped with titanium wheelchair ramps which will hold up to 1000 lbs. A new sub recipient applicant must apply for an ADA equipped vehicle. Subsequent applications may be for a non ADA equipped vehicle as long as the certificate of equivalency mentioned above is included with the application.

**The Office of Civil Rights** of the Department of Human Services handles 5310 Transportation Program Title VI complaints. The sub recipient is required to notify the state's 5310 staff when a complaint about discrimination or civil rights violations is lodged. If the sub recipient agency cannot resolve the complaint with technical assistance from the state 5310 staff, a referral is made to the Office of Civil Rights. The Office investigates the complaint and renders a decision. In writing to the complainant, the sub recipient and the state.

The **Cost Allocation Accounting and Revenue Enhancement Unit (CARE)**, within the Department of Human Services Finance Division is the entity which is responsible for filing federal financial reports with FTA through the electronic software required by FTA. They also handle the 'draw down' of federal funds to replace state funds which have been used to purchase the 5310 vehicles. These funds are for administrative and capital assistance (vehicles) costs. FTA funds are not held by the state agency to accrue interest.

Under MAP 21, there is a new requirement for keeping separate accounts for designated geographical areas: small urban, large urban and rural. The C.A.R.E. Unit partners with Aging Services to ensure the expenditure of the FTA funds for the proper geographic allocation. This entity also enters data on the 5310 transportation program on the FFATA (Federal Financial Accountability Transparency Act) reports to meet federal transparency requirements and provides program accountability through a cost allocation process within the agency and is accountable for the cost allocation reporting of employee time on federal grants according to state and federal regulation.

**The Contract and Purchasing (C&P) Unit within the Department of Human Services (OHS)** is the guiding entity for development of contracts within DHS. This unit acts as the central repository of all contracts and purchase orders. The Contracts and Purchasing Unit coordinates with the Department of Central Purchasing within the Office of Management and Enterprise Services to order the vehicles from the vendors appearing on the State Purchasing Contract and to ensure all state regulation is followed including all FTA provisions such as the "Buy America" clause that requires a percentage of parts to be made, and final assembly of vehicles to be completed in the U.S.A. (United States of America).

**ODOT is the lead agency for transportation planning statewide.** ODOT partners with Aging Services to develop specifications for the vehicles needed by the applicants, as well as planning for future transportation needs. ODOT works closely with the Department of Central Purchasing to ensure that all federal clauses are included in the bid specifications for the statewide contract. ODOT prepares the STIP (State Transportation Improvement Plan) and includes data from the 5310 transportation program. ODOT and the Department of Human Services, Aging Services have some of the same sub recipients and coordinate well to reach the public at large concerning the

transportation programs available and the application processes for these programs. The agencies coordinate to ensure training and technical assistance is provided and information for all programs is available to the public.

**The two Metropolitan Planning Organizations** in Oklahoma are the Association of Central Oklahoma Governments (ACOG) and the Indian Nation Council of Governments (INCOG). These two entities coordinate with OHS to evaluate service needs in the metropolitan areas and to develop plans and projects to improve transportation services. AGOG and INCOG create a locally developed transportation plan for each of the respective metropolitan areas and coordinate with DHS and ODOT for approval and support of these projects.

**The Legal Counsel for the Dept. of Human Services** is led by the Office of the Attorney General. The designated attorney reviews the master agreement between DHS and FTA, provides legal assistance when needed and signs the certifications and assurances required by the Federal Transit Administration each year to be submitted with the state's application for the federal formula grant funding.

**Area Agencies on Aging (AAA)** are planning and service organizations funded through the Administration for Community Living (ACL), formerly Administration on Aging. Aging Services receives the funding and passes it through for these agencies to fund specific services for seniors in their areas. The 11 AAAs throughout Oklahoma conduct periodic needs assessments to determine the selection of projects for their Planning and Service Areas (PSA). These agencies coordinated with the United We Ride Council, including 5310 transportation program staff, in the logistical planning and the provision of public information workshops in each of the 11 PSAs across the state this year (2013 and 2014). In some cases, the Councils of Government (partners with DHS and ODOT for transportation service planning in metropolitan areas through the MPO) are the sponsoring agencies for the Area Agencies on Aging. Some of the projects funded through the Area Agencies on Aging utilize the 5310 vehicle for meal delivery for homebound individuals. However, these meal deliveries are not counted as "a trip". These Area Agencies on Aging are strong advocates for the needs of seniors and persons with disability in their areas.

The **Governor's United We Ride Council** is charged with analysis of transportation services across the state. The council supports grants, evaluates services with streamlining and avoidance of duplication in mind. The Council convenes various partners to discuss improvements and projects needing support. The Council meets quarterly. The United We Ride Council partners with Aging Services in support of pilot projects, in presentations for the general public, in identifying barriers to transportation services for seniors and individuals with disability, etc.

**The 211 program** also supports the 5310 program and the public in need of transportation services. Aging Services partners with the 211 statewide Information and Referral Hotline. This is a toll free number that reaches a live responder who pulls information related to the request and provides the caller with names and numbers to call to meet their needs. 211 has a resource data base that houses all of the 5310 transportation programs available to the public.

d. **Coordination**

Coordinated public Transit-human services transportation, previously required in the Safe, Accountable, Flexible, Efficient Transportation Equity Act- A Legacy for Users

(SAFETEA-LU) is continued in MAP 21 legislation. Requirements to assist grantees in administering the FTA-funded projects and in meeting grant responsibilities and reporting requirements remain. The Act requires that projects selected for funding under the Section 5310, programs be "derived from a locally developed, coordinated public transit-human services transportation plan" and that the plan be "developed through a process that includes representatives of public, private, and non-profit transportation programs and human services providers with participation by members of the public."

In MAP 21, coordination continues to be a focus for the purpose of providing efficient and effective transportation services. Aging Services Transportation staff coordinate closely with Oklahoma Department of Transportation (ODOT) staff, Metropolitan Planning Organization (MPO) staff, local transit provider staff and others. Aging Services transportation staff work closely with the Department of Central Purchasing, the Contracts and Purchasing unit within OHS and with ODOT regarding the specifications for the rolling stock, not only to make sure FTA clauses are included in the bid packages, but also to meet the sub-recipient requests and needs.

Oklahoma Department of Human Services participates in development of the local coordinated human services plan with the MPO, ODOT, United We Ride, county government officials, state officials, tribal officials and others. ODOT annually provides seminars and open meetings around the state for the purpose of educating the public at large about the availability of funds from the Federal Transit Administration through the federal formula grant program. This program provides federal funds for the implementation of the capital assistance program (the 5310 Transportation program), serving elders and individuals with disability.

Aging Services is invited, and annually attends the meetings provided by ODOT to include information, in panel or presentation form, for the public concerning the 5310 transportation program. These public information workshops are publicized by ODOT and held in the four quadrants of the state. Aging Services transportation staff also coordinate with the Indian Tribes to provide public information about the 5310 program and application process and to provide technical assistance. Aging Services encourages sub-recipients to coordinate with other non-profit agencies in their services areas in order to make the maximum use of the 5310 vehicles for seniors and individuals with disabilities.

Aging Services transportation staff represent the Dept. of Human Services, Aging Services on the United We Ride Council. Meetings of the Council are held quarterly. The Council, including Aging Services staff, support grants being written across the state for Mobility Management, and provide information to the public on the new website for United We Ride Program which is [www.MyRide.ok.gov](http://www.MyRide.ok.gov). Aging Services staff coordinated with the United We Ride Council for 11 presentations across the state (aligned with the planning and services areas of the Area Agencies on Aging) to educate the public about how to use the website to find transportation services in their areas.

Transportation staff from Aging Services have coordinated with the state's information and assistance hotline which is the 2-1-1 program. All 5310 and other transportation services are listed in this data base which can be accessed by the public and can be updated by the transportation provider. Hours of service or expansion of services is included. 2-1-1 and the United We Ride Council are also coordinating to better inform the public about all transportation services. The City of Oklahoma City informs the

United we Ride Council of new start programs such as trolley service and light rail services that are planned for the large urban area of Oklahoma City.

Some sub recipients of 5310 funds coordinate with the Department of Human Services to transport eligible human services clients (Temporary Assistance for Needy Families – TANF- program and persons with low income), who may be unable to afford transportation services, in addition to elders and persons with disability. In this case the eligible human services client may obtain transportation to and from employment/educational institution from a 5310 provider.

Metropolitan Planning Organizations in urban areas are required to develop comprehensive transportation plans called Transportation Improvement Programs (TIP). The TIP program of projects is included in the State's Transportation Improvement Program (STIP) formulated by ODOT. Once Section 5310 applicants in the large urban area of Oklahoma City have applied for capital assistance, a copy of their application is provided to the MPO for review and inclusion in the TIP. The applicants projects are reviewed by the panel of city and ODOT officials to prioritize and avoid duplication of projects. The STIP includes the Section 5310 enhanced mobility for seniors and individuals with disabilities. These transportation plans provided by the STIP, are: 1) required to cover a minimum of a four (4) year period of investment and be updated every four (4) years; 2) be realistic in terms of available funding; and 3) contain the projects, strategies, and programs of TIPS from throughout the State, as well as projects, programs, and strategies from non-metropolitan areas. Small and large urban area MPOs provide a copy of the TIP and STIP to the 5310 Program staff for consideration and development of the 5310 program's Program of Projects. This is another effort to coordinate planning and services.

The 5310 program staff in Aging Services of the Oklahoma Department of Human Services (OKDHS ASD), coordinate with the Department of Transportation, the Metropolitan Planning Organizations, other programs and services to better serve the transportation needs of older individuals and persons with disability. OKDHS Aging Services program policy encourages all sub-recipients to coordinate 5310 vehicles with other non-profit agencies within their communities. The Federal Transit Administration and OKDHS Aging Services encourage the coordination for usage of the 5310 vehicles during idle times. In other words, if the 5310 vehicle is used primarily for transporting participants of a program to and from that program's activities and the transportation is complete, the program (sub recipient) will make the vehicle available for other transportation needs within the community. For example, the program loans the vehicle on the weekend or evening (during idle time) to another group or program, or that the program provides transportation to individuals needing rides to various appointments in between the times that the vehicle is active.

Program use, other than for the original purpose of the 5310 transportation program, shall not result in profit to the agency/program. When programs share the 5310 vehicle, any reimbursement to the original sub-recipient for any costs incurred, such as for a driver, gasoline, insurance, maintenance or other expense will be returned to the 5310 transportation program.

Applicants serving the same geographical areas are encouraged to file their applications jointly. Items such as project justification, project description, provider notification letter and public notice will reflect the joint nature of the application.

The 5310 Program funds capital assistance only, with the goal in mind of providing transportation services for all 77 counties. Applications are taken year round and if funding is exhausted, the application may be partially funded with the remainder of vehicles requested rolled into the next fiscal year grant, when additional funding is available. Selection of funded projects is approved on a "first come, first serve" basis. However, priority may be given to areas of the state where no transportation services are available.

**e. Eligible Sub recipients**

Private non-profit organizations

A nonprofit organization is a corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. Subsection 501 (c) which is exempt from taxation under 26 U.S.C. subsection 501 (a) or one which has been determined under state law to be nonprofit and for which the designated OKDHS Aging Services has received documentation certifying the status of the nonprofit organization.

Public bodies

- (a) Government authorities that certify to the Governor that no non profit corporations or associations are readily available in an area to provide transportation services to seniors and persons with disabilities.
- (b) Government authorities approved by the state to **coordinate transportation services** for seniors and persons with disabilities. Local governmental authorities eligible to apply for Section 5310 funds as coordinators of services are those designated by the State to coordinate human service activities in a particular area. An example of such an eligible public body would be a public transit provider identified by the state as the lead agency which is funded by multiple federal or state human services programs to coordinate transportation services in the area.
- (c) Tribal governments and entities

The State agency ensures that the sub-recipients and project activities are eligible and in compliance with Federal requirements. Technical assistance is provided by Aging Services in the preparation of the application as needed.

**f. Federal and Local share and Local funding requirements**

1. The Federal share of eligible capital and program administrative costs may not exceed 80 percent of the net cost of the program.
2. The Federal share is 90 percent for vehicle-related equipment required by the Clean Air Act Amendments of 1990 (CAAA) or the Americans with Disabilities Act of 1990 (ADA). It is only the incremental cost of the equipment required by the ADA or CAAA that may be funded at 90 percent, not the entire cost of the vehicle, even if the vehicle is purchased for use in service required by the ADA and CAAA. States wishing to apply for assistance at the higher match ratio should consult the FTA regional office for further guidance regarding methods of computing the incremental cost before submitting an application.
3. The local share of eligible capital and match cost, under MAP 21, shall be no

less than 15 percent of the cost of the vehicle for ADA equipped vehicles. All of the local share must be provided from sources other than FTA funds except where specific legislative language of a Federal program permits its funds to be used to match other Federal funds. Some examples of non-Federal sources of **local match** that may be used for any or the entire local share include, but are not limited to: **state or local appropriations; dedicated tax revenues; private donations; other federal (non DOT) funds (example: Older Americans Act Title IIIB Supportive Services Funds), and net income generated from advertising and concessions.**

The grantee submits the local match described above, depending on the number and type of vehicles approved, to the Revenue Processing Division of OKDHS. Coordination between the Revenue Processing Division and Aging Services results in notification to 5310 program staff and generation of a receipt for the funds to the applicant agency. Aging Services staff are available to provide technical assistance to the applicant in completion of this process and throughout the life of the vehicle

During the application process, the 5310 transportation staff advises all sub-recipients that they cannot use FTA funds toward the local matching funds for their capital assistance vehicle. Aging Services staff also provide technical assistance as needed for completion of the application. The match is collected after the applicant has been approved for funding and **before** Aging Services staff requests purchase orders for the vehicles.

**g. Project selection criteria and method of distributing funds**

OKDHS uses a selection process to approve selection of the sub recipients for the 5310 program. The OKDHS Aging Services Section 5310 Application package further discusses the individual items required in an application. The OKDHS Aging Services 5310 transportation program staff is available to provide technical assistance to applicants during the application process. A letter is sent to each applicant verifying that their application has been received and requesting any missing documentation. 5310 staff check the System for Award Management (SAM) website to ensure the integrity of the applicant and that no outstanding financial judgement against the applicant exists before the final selection is made.

OKDHS Aging Services submits the information related to the selected applicants for capital assistance to the Metropolitan Planning Organization (MPO) for inclusion into the Transportation Improvement Program (TIP) written by Association of Central Oklahoma Governments (AGOG). This process is included so that coordination of services and identification of any duplication of services can be considered upon selection of the sub recipient for award. This procedure is to assure that projects are included in a locally developed and coordinated plan. This plan is developed and approved in cooperation with stakeholders including city planners, city government officials, the Areawide Aging Agency, individuals with disabilities and seniors utilizing transportation services.

Statewide coordination includes planning by ODOT in the Statewide Transportation Improvement Plan. United We Ride also involves stakeholders from each state agency, the Governor's Office, local providers of transportation services, individuals with disability and interested parties for statewide planning.

Selection process for the Aging Services 5310 program includes priority for areas of the state where no transportation services are readily available to seniors and individuals with disability. This program's service area does not include the large urban area of Tulsa which is a direct recipient of FTA funds. In legislation (MAP 21) funds available to the state are designated by geographical area: DL stands for 'Large urban area', DM for 'small urban area' and DS for 'rural area'. Applications are funded contingent upon availability of federal funding. Applications that cannot be funded due to lack of funds for a specific geographical area, may be partially funded. If an application is partially funded, the sub recipient has the opportunity to apply in the next grant cycle.

*No application will be selected for funding that is for meal delivery only. 5310 vehicles may be used for incidental meal delivery only if that service does not diminish or interfere with the originally intended purpose of the program...to enhance the transportation for seniors and individuals with disability in areas where transportation is unavailable or insufficient. Transportation must be provided at least 50% of the time in all cases.*

OKDHS must ensure that no person shall, on the grounds of race, color, or national origin be excluded from participating in, or be denied the benefit of, or be subject to discrimination under any program or activity receiving federal financial assistance.

**Each application is evaluated consistently according to the following criteria:**

**0-10 POINTS – Coordination:** Consideration will be given to any applicant who has documented efforts to coordinate with other transportation providers or human service programs in their service area. A minimum of three letters of support should be attached to the application from other public and private transportation providers in addition to newspaper advertisement, showing public notice requirements are met. Letters also document coordination with other entities to establish no duplication or a minimum of duplication of effort and to identify and meet unmet transportation needs.

**0-20 POINTS – Project Need:** The application requires information on the primary clientele anticipated for the service area such as census and Congressional district data identifying minority populations, the type of service to be provided and estimated numbers of elderly individuals and persons with disability to be served. The lack of transportation services for seniors (65 years of age and older) and persons with disability in the planning and service area is considered. Priority may be given to areas of the state where there are no organized transportation services available for seniors and persons with disability. The application also requires an essay be written to explain how the project would address the proposed transportation needs of older persons and persons with disability in the service area. This essay will be evaluated not only on the identification of need in the area but will focus also on the methods that the applicant used for assessing the need. The essay will identify gaps in services and needs of seniors and persons with disability in the service area and strategies for addressing those gaps and needs for the target population. The applicant should also describe special efforts made to reach minority, limited English proficient (LEP) and socially or economically disadvantaged persons.

**0-10 POINTS - Fiscal and Managerial capability:** Capability to provide responsive transportation to seniors and persons with disability within the service area will be evaluated based upon information submitted which includes an itemized project budget plan. Consideration will be given to the ability to manage the project within contract provisions, plans/ability to provide administrative oversight of the project,



and availability of funding to provide the local match\*, insurance, preventative maintenance, and vehicle operating expenses.

*\*Local match for vehicles provided under the 5310 program cannot be derived in whole or in part from any FTA (Federal Transportation Administration) funds.*

**1-10 POINTS** – Certification: Each application must include the certificate of Incorporation, lobbying certification (if requesting over \$100,000 in Federal funds) and certificate from Federal Government (Internal Revenue Service) of Non-profit status (501 (c) 3 and 4). If the applicant agency is a public body or governmental entity, the application will include a letter of notification to, or approval from, the Governor, depending on the type of transportation project intended. In the case of an application assuring that no non-profit corporations or associations are readily available in the area to meet the transportation needs of elderly individuals or persons with disability, a letter of "notification" is sent to the Chief Executive Officer of the State. A letter of "approval" is required from the Chief Executive Officer of the State when an applicant agency is asking to be designated as the manager/coordinator of human service transportation services in a given planning and service area. For example, an entity that coordinates transportation for several different programs in an area would need a letter of approval from the Governor to provide that service.

### **TOTAL POINTS = 50**

Based on points scored, OKDHS Aging Services awards capital assistance to the top-ranked applications as long as funds are available in the given designated geographical area. OKDHS Aging Services will use the above criteria to evaluate each application.

### **Assuring Equity of Distribution of Section 5310 Funds**

OKDHS Aging Services assures equity of distribution of Section 5310 funds by distributing public information through various means, including but not limited to: social media, e-mail distribution lists, press releases, public presentations, word of mouth, to advise the public of the availability of grant funds, and encouraging applicants to apply. Efforts are made by existing 5310 providers to serve limited English speaking and minority populations and those persons living in remote areas of the state. An LEP study was conducted and brochures, fact sheets and the applications are being translated to languages identified by the four factor analysis at the state level. The sub-recipients have also conducted four factor analyses and are submitting their findings and their LEP plans to the state Aging Services transportation staff. Public presentations are made to a variety of groups including Indian tribes to solicit applicants for the 5310 funds and encourage expansion or replacement of transportation services for seniors and individuals with disabilities throughout the state of Oklahoma.

OKDHS Aging Services reviews the applicant's projected ridership to insure an equitable distribution of grant awards among eligible groups within Oklahoma and to ensure the inclusion of minority participants including socially and/or economically disadvantaged. Aging Services will also look for the 4-factor analysis developed by the applicant/sub recipient within the application. The 4-factor analysis precedes the development of a Limited English Proficiency Plan for the sub recipient.

## **Notification of Award**

Applicants will receive written notification via e-mail of OKDHS Aging Services decision to fund the request. A notice is sent to the sub recipients requesting submission of required matching funds and giving a deadline for receipt of such matching funds. Once the matching funds are received, the OKDHS Aging Services begins the procurement process through the Office of Management Enterprise Services/Department of Central Purchasing- the state agency responsible for procurement of all state supplies and equipment under a statewide contract.

The Revenue Processing Division of OKDHS notifies Aging Services of the deposit of the local matching funds. ASD reviews the statewide contract specifications for each type of vehicle to make sure that all clauses required by the Federal Transit Administration are included in the statewide contract. 5310 transportation staff request a purchase authorization (PA#) for each type of vehicle. A requisition is made for a purchase order (PO#) from the OKDHS Contracts and Purchasing Division which coordinates with the Oklahoma Department of Central Purchasing to order and supply the vehicles.

Once the projects have been selected, vehicles are ordered and arrive approximately within 120 days of order. Delivery dates are coordinated for the sub recipient to take possession of the vehicles. Aging Services and the vendor are the designated locations for vehicle transfer. On the delivery date, OKDHS Aging Services completes title paperwork, including lien placement, and provides training for the sub recipient on the monthly trip by trip reporting, bus maintenance log and written maintenance plan, civil rights and Limited English Proficiency plan, and data collection for various reports. OKDHS Aging Services 5310 Transportation program staff coordinate training for the sub recipient by the vendor for operation of the vehicle, wheelchair lift and wheelchair ramp at the time of delivery. OKDHS staff informs the sub recipient of charter bus rules. Technical assistance is offered and available by phone, e-mail and physical site visits throughout the useful life of the vehicle.

Sub recipients contact OKDHS Aging Services for assistance in troubleshooting and problem resolution. OKDHS Aging Services 5310 transportation program staff keep sub recipients apprised of any federal and/or state policy revisions. OKDHS Aging Services and the sub recipient receive recall notices via U.S. Postal Service from the vendor/manufacturer. Aging Services contacts sub recipients to ensure communication has been received related to any recalls or other information needed pertaining to the vehicles provided.

## **Appeal Rights**

Any applicant not receiving approval of their application may appeal the selection decision to the Director of OKDHS Aging Services. The process for filing an appeal is as follows:

1. The affected applicant must send, by certified mail, an appeal within 15 calendar days after receiving notification of the decision made by OKDHS Aging Services. The appeal should be mailed to:

OKLAHOMA DEPARTMENT OF HUMAN SERVICES  
AGING SERVICES  
2401 N.W. 23<sup>rd</sup> STREET, SUITE 40  
OKLAHOMA CITY, OKLAHOMA 73107  
ATTN: AGING SERVICES DIRECTOR

2. OKDHS Aging Services will conduct a preliminary review within five (5) working days. If necessary, the request for additional information from the applicant will be made by certified mail.
3. OKDHS Aging Services will allow five working days for receipt of additional materials;
4. The Director of Aging Services will make a final decision within fifteen (15) working days from the receipt of the appeal request, or within fifteen (15) working days from the receipt of additional materials.
5. OKDHS Aging Services will notify the applicant in writing within five (5) working days of the Director's final decision.

h. Annual Program of Projects (POP) Development and Approval Process

The POP is a list of projects to be funded in a grant application submitted to FTA by a designated recipient. The POP lists the sub recipients and indicates whether they are private, non-profit agencies, governmental authorities or private providers of transportation services, designates the areas served, including rural areas and identifies any tribal entities. In addition, the POP includes a brief description of projects, total project cost and federal share for each project. The POP is attached to the grant application. Information is also submitted throughout the year and also at year's end when the electronic grant closure occurs.

The selection and award process for projects is discussed in section f, above.

OKDHS Aging Services notifies the Metropolitan Planning Organization (MPO) by letter or electronic mail, of applications being submitted to provide transportation services in areas surrounding Oklahoma City, Norman, and Lawton. Applicants must respond to any request from the MPO concerning their application and any coordination efforts made within their local planning and services areas.

The MPO Technical Advisory Committee, which includes the OKDHS Aging Services 5310 transportation program staff and the Oklahoma Department of Transportation's 5311 program staff, reviews the applications in an effort to avoid duplication of resources and services. Additional information may be requested by the Committee at any time during the application and selection process.

Applications will be accepted at any time with no closing date beginning at the start of the grant year. Applications will be evaluated in the order received. Applications that are received after a grant year allocation has been expended will need to be resubmitted upon next available funding year. Each application from an eligible applicant will be checked to ensure that all required documentation has been provided. If the application is missing any documents or information, a reasonable opportunity will be given to the applicant to provide the necessary information. If the applicant fails

to provide the requested additional information in a reasonable time, the application may not be given further consideration.

Technical assistance is provided any applicant by the Aging Services Transportation staff. The application packet includes instructions and samples of required documents. Training is provided upon delivery of the vehicle for all reports required to be submitted to Aging Services for monitoring the use, trips and ridership of the vehicle.

Once the applicants have been selected, information is shared with the MPO, the applicants are notified and the sub recipient agreement is signed. Once the agreement is signed, the local match is requested based upon the total cost of the vehicle. Once the local match is received, the vehicles are ordered through the state contract/the OMES, Department of Central Purchasing. Vehicles are delivered to Aging Services approximately 120 days from the date ordered. Sub recipients are assigned a date for delivery and meet Aging Services staff at the dealership or Aging Services offices for post-delivery inspection, training and delivery paperwork.

**i. State Administration, Planning and Technical Assistance**

Ten percent of the appropriation from the Federal Transit Administration is available to the Department of Human Services for administration of the Section 5310 program.

Allowable administrative costs may include, but are not limited to, general administration and overhead costs, staff salaries, office supplies and development of specifications for vehicles and equipment. The program administrative budget line item may also include technical assistance and planning activities including allocations to sub recipients to support the local coordinated planning process.

DHS Aging Services 5310 Transportation staff provide technical assistance to all 5310 sub recipients as needed, starting with public notice of available funding and publicity about the program itself to encourage applications. Technical assistance is provided for completion of the application and its components such as the coordination with other transit providers to determine support for the project; what qualifies as "matching funds", whether they need a letter of notification or a letter of approval from the Chief Executive Officer of the state, and other details on the process of application, timelines.

Technical assistance is also provided once the sub recipient has been selected. Technical assistance includes, but is not limited to training on required reporting, maintenance requirements of the vehicle, conducting the 4 factor analysis to determine necessity for an LEP plan, conducting the LEP plan, writing of a Civil Rights Plan, how to collect data for the LEP plan, and other requirements of the program.

In addition, the 5310 program staff provide forms and brochures for the sub recipient to use in the conduct of the program. For example, the state staff provide Title VI notices to be posted in each 5310 vehicle, complaint forms, brochures and fact sheets for the sub recipient to use in public information. The state staff provide assistance with development of plans and suggestions related to obtaining census data, and other needed information for the completion of required plans. Other technical assistance is provided as needed and requested.

**j. Transfer of Funds**

Oklahoma's 5310 program is a capital assistance only program. DHS/Aging Services

does not give **funding** to any sub recipient.

Funds cannot be transferred from the 5310 "Enhanced Mobility for Seniors and Individuals with Disabilities" program to another program.

Funds cannot be 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. A recipient (the state) 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.

**k. Private Sector Participation**

All applicants are required to inform private, for profit, public transit operators and other social service providers of their intent to apply for a vehicle to be used in a special transportation program.

1. Each applicant is required to complete an application.
2. Each applicant must publish in the local newspaper their intent to provide specialized transportation services to elderly individuals and persons with disability. This is to notify private sector providers of transportation services to avoid duplication of service, promote competition, identify any objections to the project and provide an opportunity for private sector providers to be consulted in developing transportation plans and programs in both urban and rural areas. Notice will be at each applicant's own expense.
  - a. The format of the public notice must include information prescribed by OKDHS Aging Services in the Vehicle Application instruction packet. Notice to the public shall include:
    - 1) the name of the applicant
    - 2) notification that the applicant "has applied for a vehicle through the FTA Section 5310 Transportation program for the elderly and persons with disabilities, administered by the Oklahoma Department of Human Services, Aging Services, Contracts and Coalitions Unit"
    - 3) description of the geographical area (city, town or county) where the transportation for seniors and individuals with disability will be provided
    - 4) the proposed service area, routes and service levels to be initiated, and

- 5) the proposed type of services and special features or conditions that make it not feasible for existing private or public carriers to provide the same service.
3. Applicant must allow local transportation providers a minimum of fifteen days to respond to the publication.
4. Disputes or objections must be directed to OKDHS Aging Services.
5. A clipping and photocopy of each printed notice must be sent with the application to OKDHS Aging Services.
6. Each applicant must write to at least three (3) local transportation providers in the proposed service area describing:
  - (A) Type of service to be offered.
  - (B) Eligible persons using services
  - (C) Geographical area to be served.
  - (D) Routes and service levels to be initiated.
  - (E) List of any special features of the proposed service that would make it unfeasible for existing carriers to provide transportation service.
7. Each applicant must allow private, for profit or public transportation providers an opportunity to provide the same proposed service and opportunity to help plan a proposed transportation system.
8. If no non-profit or public transportation provider is interested in providing or planning the service, the applicant must show notice of publication of intent to provide transportation service in that particular area of the state. Also, with the application, the applicant must submit three letters from non-profit agencies and transportation providers in the area (taxi-cab or other public transportation provider) stating no objection to the project. If a governmental authority (i.e. city government) is the applicant, the applicant must submit a letter to the Governor stating that there are no non-profit corporations or associations that are readily available in an area to provide the services. If the governmental authority (i.e. city government, county agency on aging, or public transit provider) is the applicant and the applicant intends to **coordinate** transportation services (provided by more than one program) in the area, a letter to the Governor must be written asking to be approved by the State (Governor) to "coordinate" services for elderly individuals and individuals with disabilities. The letter from the Governor will serve as the designation by the state to coordinate human service and/or transportation activities in a particular area funded by multiple Federal or State human services programs. A copy of this letter should be attached to the application.

Public participation is encouraged for transportation planning. Oklahoma Department of Transportation (ODOT) conducted public meeting related to their transportation plans for the state. ODOT also provides public information workshops around the state that describe all federally funded transportation projects including the Section 5310 program activities.

Aging Services staff participate in these workshops in each quadrant of the state. Aging Services staff receive public comments from individuals in person, via e-mail and U.S. mail. The Area Agencies on Aging partner with Aging Services and share information gleaned from needs assessments and public hearings in their planning and service areas. The Area Agencies across the state fund a variety of services that assist seniors. Some provide funding for transportation. Information is shared to enable referral to requested services. In addition the United We Ride Council also holds open meetings for Council deliberations, strategic planning and public comment.

## **I. Civil Rights**

Reference: FTA Circular 4702.1B "Title VI dependent guidelines for federal transit administration recipients". The purpose of this policy is to establish guidelines to effectively monitor and ensure that OKDHS Aging Services transit program is in compliance with FTA Title VI requirements and regulations at 49 CFR Section 21.9(b)  
Policy: effective January 2009.

OKDHS Aging Services transit program will ensure that policies and activities all comply with DOT Title VI regulations. Aging Services is committed to creating and maintaining a public transportation system that is free of all discrimination. OKDHS Aging Services will provide annual Title VI certifications and assurances to ensure accordance with 49 CFR Section 21.9. This requirement shall be fulfilled when OKDHS Aging Services submits its annual certifications and assurances to FTA.

OKDHS Aging Services requires non-discrimination assurances from all applicants. This requirement is met when applicants complete the capital assistance vehicle application and sign the contract agreement. The documents include Title VI, Equal employment opportunity (EEO), and disadvantaged business enterprise (DBE) assurances. To ensure equity of distribution of benefits among groups within the state as required by Title VI, OKDHS Aging Services requires applicants to list the estimated numbers of minority riders. During site visits, the transportation specialist obtains a breakdown of the actual ridership ethnicity.

OKDHS Aging Services will notify beneficiaries about protection under Title VI In order to comply with 49 CFR Section 21.9(b). Sub recipients shall provide information to the public regarding their Title VI obligations. OKDHS apprises members of the public through measures including posting the Civil Rights Protections on the agency's website. Sub-recipients of the 5310 Transportation Program are provided Civil Rights posters and complaint forms at the time of vehicle delivery. Training at the delivery site includes use of these Civil Rights resources. Transit Agencies are required by Aging Services to place comment /complaint cards in their 5310 vehicles along with the Civil Rights Poster which was created for them by Aging Services. In order to reach the Limited English Proficient population, Aging Services has translated the Civil Rights documents into Spanish and is working on publishing the documents in Vietnamese.

The Aging Services Program Field Representative provides new complaint forms to the sub recipients during site visits and monitors the availability of the complaint forms to the public. The sub recipient is required to place the Civil Rights poster inside each 5310 vehicle. The sub recipient agrees to report any Civil Rights complaints related to the 5310 Transportation Service in writing to Aging Services of the Department of Human Services within 5 business days from the receipt of the complaint.

If the sub recipient receives a complaint and is unable to resolve the complaint it is then forwarded to OKDHS Aging Services. OKDHS Aging Services will forward the complaint to

the OHS Office of Civil Rights for investigation and resolution. Aging Services keeps track of complaints and lawsuits in order to comply with 49CFR Section 21.9(b). OKDHS Aging Services shall prepare and maintain a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient that allege discrimination on the basis of race, color, national origin. The list shall include the date of the investigation, lawsuit, or complaint and the results of the investigation.

The recipient (Aging Services) is responsible to the Federal Transit Administration for receipt and storage of each sub recipient's Civil Rights **Plan**. The sub recipient agrees to prepare and submit a Civil Rights Plan to the Aging Services Division for review and approval. Aging Services will coordinate with the Oklahoma Department of Transportation to share mutual recipient submissions and approvals. The remainder of sub recipients will be requested to submit their Civil Rights Plans to Aging Services. Aging Services will collect, review and approve 1/3 of the sub recipient projects plans each year. Those sub recipients will be notified so that they may review and update their plans before submission due date. Technical assistance will be provided if plans are not compliant with state and federal rule.

### Equal Employment Opportunity

The following equal employment opportunity requirements apply to the underlying contract:

- a. *Race, Color, Creed, National Origin, Sex* - In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, and Federal transit laws at 49 U.S.C. § 5332, the Contractor agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 *et seq.*, (which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. § 2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project. The Contractor agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.
- b. *Age* - In accordance with section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § § 623 and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.
- c. *Disabilities* - In accordance with section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, the Contractor agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition,



the Contractor agrees to comply with any implementing requirements FTA may issue.

- d. The Contractor also agrees to include these requirements in each subcontract financed in whole or in part with Federal assistance provided by FTA, modified only if necessary to identify the affected parties.

Limited English Proficiency Planning: The U.S. DOT published revised LEP guidance for its recipients on December 14, 2005. (Federal Register, vol. 70, no.239,page 74087-74100, December 14, 2005). FTA's Circular 4702.1b states that grantees shall document the steps undertaken to implement the DOT LEP guidance necessary to provide "meaningful access" on the basis of four factors:

- a. The number and proportion of LEP persons served or encountered in the eligible service population,
- b. The frequency with which LEP individuals come into contact with the program,
- c. The nature and importance to people's lives of the program, activity, or service provided, and
- d. The resources available to the recipient for LEP outreach and the associated costs.

The contractor agrees to conduct an analysis of the population in their service area, according to FTA guidance and develop a language assistance plan to assure compliance with this requirement. The program needs to be based on the results of the analysis of how the four factors apply to the grantees, programs and activities. OKDHS Aging Services encourages sub recipients to provide meaningful access to Limited English Proficient (LEP) persons. Title VI and its implementing regulations require that OKDHS Aging Services will take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their program and activities for individuals who have Limited English Proficiency.

OKDHS has a contract for interpreter services through Language Service Associates (LSA) 1-866-827-7028 or [www.lsaweb.com](http://www.lsaweb.com). For persons with hearing impairment Aging Services utilizes "Total Source for Hearing-loss Access" (TSHA) 1-888-311-3523. OKDHS Aging Services also employs approximately three staff members who speak Spanish, which is the language determined by the LEP plan and four factor analysis to be the most prominent language spoken in the state, other than English. Sub-recipients are advised to call OKDHS Aging Services to obtain resources and assistance.

### **Section 504 and ADA reporting**

*SEC. 504 OF THE REHABILITATION ACT OF 1973 STATES: "(A) NO OTHERWISE QUALIFIED INDIVIDUAL WITH A DISABILITY IN THE UNITED STATES, AS DEFINED IN SECTION 7(20), SHALL, SOLELY BY REASON OF HER OR HIS DISABILITY, BE EXCLUDED FROM THE PARTICIPATION IN, BE DENIED THE BENEFITS OF, OR BE SUBJECTED TO DISCRIMINATION UNDER ANY PROGRAM OR ACTIVITY RECEIVING FEDERAL FINANCIAL ASSISTANCE OR UNDER ANY PROGRAM OR ACTIVITY CONDUCTED BY ANY EXECUTIVE AGENCY OR BY THE UNITED STATES POSTAL SERVICE."*

*IN ADDITION, "TITLES II AND III OF THE AMERICANS WITH DISABILITIES ACT OF 1990*

*(ADA) PROVIDE THAT NO ENTITY SHALL DISCRIMINATE AGAINST AN INDIVIDUAL WITH A DISABILITY IN CONNECTION WITH THE PROVISION OF TRANSPORTATION SERVICE. THE LAW SETS FOR SPECIFIC REQUIREMENTS FOR VEHICLES AND VEHICLE ACCESSIBILITY AND THE PROVISION OF SERVICE INCLUDING ACCESS TO FIXED ROUTE BUS AND RAIL AND COMPLEMENTARY PARATRANSIT SERVICE."*

OKDHS Aging Services complies with the Rehabilitation Act and the Americans with Disabilities Act. All new 5310 sub recipients must purchase ADA equipped vehicles, accessible by persons with disabilities. Accessibility is interpreted to mean that a person using a wheelchair can enter and leave the vehicle without leaving the wheelchair, by means of a wheelchair lift or ramp.

An exception to this accessibility requirement is granted when the sub recipient/applicant is serving clients with limited capabilities including but not limited to emotional, mental, developmental or intellectual disabilities who do not require assistance with mobility. Participants in programs such as sheltered workshops, group homes and other residential or day treatment settings may have disabilities or limited capabilities without needing wheelchair accessibility. OKDHS Aging Services reports routinely to the Federal Transit Administration, in the annual grant application and in milestone reports, the numbers of vehicles purchased with and without ADA equipment. Additional information is provided when vehicles are ordered which do not require ADA equipment. OKDHS Aging Services reviews the project to assure the same access to transportation is available to persons with all types of disabilities as is available to the public. OKDHS approves projects requesting non ADA equipped vehicles only after assuring that the applicant program already has ADA equipped vehicles available to accommodate persons with physical disabilities. The applicant attests to their service equivalency in the application package by describing their provision of equal services to with and without disabilities.

OKDHS Aging Services encourages all sub recipients to provide reasonable ADA Accommodation. Personal Care Attendants may ride with their care receiver. Service Animals are also allowed to accompany the rider when needed on a 5310 vehicle.

DHS Programs Field Representative conducts site visits to each sub recipient program in the state. The Program Field Representative reviews reports of ridership which include numbers of riders with disabilities as well as numbers of riders without disability. Each program has a file within Aging Services where reports, certificates and notations are maintained.

A maintenance schedule is provided to each sub recipient receiving a 5310 vehicle. Training is provided at the time of delivery on the use of the wheelchair ramp and lift. Because the use of the lift is imperative on ADA equipped vehicles, service of wheelchair lift or ramp must be acquired and repairs made within five (5) days in urban areas and ten (10) days in rural areas, unless another accessible vehicle is available for transportation needs.

Complaint procedures have been developed and publicized. Aging Services shares information and complaint forms with each sub recipient. When a complaint is lodged, the sub recipient notifies Aging Services of the complaint and resolution efforts are monitored. If the complaint is not resolved Aging Services refers the complaint to the Office of Civil Rights for investigation. (See Civil Rights section I. above)

Each sub recipient prepares a Civil Rights Plan which is reviewed and approved by Aging Services. Collection of the plans occurs for 1/3 of the state each year and is coordinated with the Oklahoma Department of Transportation to identify, share plans and avoid duplicating requirements for shared programs. Aging Services collects the remainder for review and approval. Aging Services will collect approximately 45 Civil Rights plans each year for review and approval. Once the plan has been reviewed Aging Services staff will upload the plan and maintain an electronic file per year in Aging Services files. Aging Services will communicate plan approval via e-mail or U.S. Postal Service.

**n. Program Measures**

The sub recipients shall permit OKDHS Aging Services, the Comptroller General of the United States and the Secretary of the United States Department of Transportation, or their authorized representatives, to inspect all vehicles, facilities and equipment purchased by the sub recipients as part of the Project. All sub recipients will provide access to all project data to all Federal and State government officials.

Any person or government Department, agency, or establishment, non-profit institution or organization that receives federal financial assistance of at least \$500,000 in a fiscal year must comply with the requirements of the single Audit Act of 1984, Office of Management and Budget (OMB) Circular A-133 as applicable, and Government Accountability Office (GAO) "Guidelines for Financial and compliance audits of federally assisted programs". Audits are reviewed on monitoring site visits.

OKDHS Aging Services Program Field Representative (PFR) is project monitor for the 5310 Transportation Program and has set as a program measure to conduct a site visit audit of each sub recipient and vehicle every year and a half (18 months). This audit is to assure compliance with the state contract and with federal transit administration requirements.

The 5310 Program fills gaps in transportation services identified in various coordinated transportation plans and by entities such as county governments and the United We Ride Council. Monthly reports are collected from each of approximately 145 sub recipient programs which report on the number of miles, riders and one way trips that a program has provided. These numbers are shared with the State Council on Aging and others. Approximately 500 5310 vehicles have been provided to eligible agencies over the life of the program.

Approximately 700,560 individuals are transported by the 5310 program in a given year. This includes 226,883 seniors, 406,569 individuals with disability, and 67,108 non-ambulatory individuals needing wheelchair assistance.. 1,992,722 one way trips were provided in a given year for the original purpose of the program or "traditional 5310 projects" meaning transportation for seniors and individuals with disabilities in areas where transportation is either inadequate or unavailable.

Another program measure monitored to indicate compliance with federal rule and success of the program is the number of complaints received and lawsuits filed on the 5310 program and/or sub recipient related to discrimination. This information is also collected for the audit of the state program by FTA.

## **o. Program Management**

At the beginning of each federal fiscal year, when Congress has approved the U.S. Department of Transportation budget, the FTA publishes in the Federal Register an apportionment of funds for the 5310 transportation program by way of a formula grant to the states. Oklahoma then applies for funds by way of an electronic grant application. Once approved by the FTA Region VI Administrator, the funds provided to Oklahoma by way of a Federal Formula Grant can be drawn down for purchase of vehicles for the 5310 capital assistance transportation program. Administrative costs can be up to 10% of the state's allocation of Section 5310 funds. The remainder of the FTA grant funding is used for the procurement of vehicles (capital assistance) awarded to selected sub recipient programs. The state also contributes funding for the administration of the project.

The FTA shifts the emphasis from national uniformity to uniformity of procedures and requirements within a State, in order to provide greater flexibility to the States in standardizing the management of related State and Federal programs. A state's requirements may be more restrictive than the federal requirements in Part 19 of 49 CFR, but cannot be more permissive. Oklahoma rules related to useful life of a vehicle, for instance, are more restrictive than those of FTA programs in general. The State is charged with protecting the investment of FTA funds. Decisions are made based upon regulations and the State's experience with the program sub recipients in order to effectively and efficiently provide transportation services statewide.

The OKDHS Finance Division identifies state funds to pay all expenses of the 5310 program and draws down reimbursement from FTA, as needed, in increments as allowed by federal regulation. Procurement of vehicles is done through the Department of Central Purchasing which is administered by the Office of Management Enterprise Services (OMES). The Purchasing Division of OMES performs procurement activities as defined by the Oklahoma Central Purchasing Act (74 O.S §85.1, ET SEQ) and ensures fair and equitable processes for procurement functions resulting in timely delivery of quality products and support services. There is no geographical preference considered by the state in award of the state's purchasing contract to individual vendors/manufacturers. Once awarded, the vendor is notified and placed on the state contract.

DHS Aging Services publicizes available funding, provides public information through electronic media, conducts presentations around the state in conjunction with the Oklahoma Department of Transportation and provides information at various conferences and meetings related to the 5310 program and its services. Aging Services receives applications, reviews the budgets and any experience of an applicant for financial stability, checks the System for Award Management (SAM) for complaint or listing on the Federal/State 'Do Not Pay' listing. Aging Services reviews the type of vehicle selected by the applicant and if a CNG or propane vehicle is selected for a project, Aging Services researches whether or not there are fueling stations in the area to ensure feasibility of the project described in the application. Aging Services selects sub recipients, notifies sub recipients of selection, collects local matching funds, provides technical assistance to the programs from application to disposition of the project including completion of the 4-factor analysis and Limited English Proficiency Planning, if applicable. Aging Services requests civil rights plans from 1/3 of the 5310 transportation sub recipients for review and approval each year.

After selection of sub recipients, the contract agreements are signed by an official of the applicant's agency having legal authority to enter into grants and agreements in which both parties agree to follow FTA regulation and guidelines and State policies and procedures. As part of the grant contract, the sub recipient shall permit OKDHS Aging Service, FTA or any of

their authorized representatives, full access to any books, documents, papers and records relevant to the project. OKDHS Aging Services maintains the right to inspect all project equipment and property. The sub recipient, OKDHS Aging Services, FTA or any party with a *vested* interest in the project, may call a meeting to review or discuss project activities.

The grantee and the sub recipient enter into a contract for the acquisition and the use of the federally funded vehicles. The contract describes the responsibilities of both parties. The contract includes requirements related to usage, maintenance, and reporting on FTA funded vehicles through the 5310 Capital Assistance Program as well as adherence to Civil Rights compliance (section k) and other required federal clauses. (section o. **Other Provisions**, below).

The contract agreement includes: Terms and Conditions, Contract period  
Scope of Work  
Purchase of project equipment  
Cost of project (including full insurance coverage) Use of Project  
Equipment  
Subcontracts  
Records and Reports  
Compensation and Billing  
Audits, Reviews and Inspections  
Interests of members-delegates to Congress Prohibited  
Uses  
Motor Vehicle Safety  
State of Financial Assistance  
General Conditions Coordination  
FTA Required Clauses including but not limited to: Buy America, Charter Service,  
School Bus Tripper Service  
Pre award and post delivery audit requirements  
Suspension and Debarment  
Civil Rights  
Equal Employment Opportunities LEP  
Planning  
Disadvantaged Business Enterprise  
Drug Free Workplace  
Drug and Alcohol Testing  
Clean Water and Clean Air Provisions FTA  
terms

Pre and Post-delivery of vehicles is required by the FTA. Prior to delivery of a vehicle to a sub recipient, a pre-delivery inspection is performed by the Programs Field Representative and a representative of the manufacturer/vendor. These inspections are required of the state by the FTA. The Programs Field Representative keeps a checklist of items that the state ensures will be in compliance with state and federal rule. Pre inspection of 12 passenger buses and larger include items not limited to: the inspection of the lift/ramp and vehicle back up alarm to ensure they are in working order, the inclusion of emergency flare kit, a full sized spare tire, an available vehicle manual, warranty information, first aid kit, pathogen kit, fire extinguisher, seat belt cutter and verification that the vehicle has a full tank of gas and mileage is minimal. Each vehicle type has specific pre-inspection requirements.

The post-delivery audit/inspection (Title 49 of the CFR, Part 663-subpart C) involves the state (purchaser) verification of all federal requirements which includes, but is not limited to: Buy America provisions and compliance (percentage of parts manufactured in the United States),

Federal Motor Vehicle Safety Standards FMVSS -(49 CFR 663, subpart D) compliance and exemption certificates including Altoona testing. Pre- Award and Post-Delivery Audit Requirements, apply to state and vendor contracts. The vendor agrees to comply with 49 U.S.C. § 5323(1) and FTA's implementing regulation at 49C.F.R. Part 663. The Department of Central Purchasing/Office of Management and Enterprise Services verifies that the vendor meets all required clauses before they are placed on the State's purchasing contract and the Oklahoma's Dept. of Transportation provides all specifications for vehicles that appear on the state contract.

Training is provided by the vendor when Aging Services delivers the vehicles. Training by Aging Services is related to required reporting such as trip reporting for submission in the electronic reporting system to FTA and reporting related to Limited English Proficiency planning as well as Civil Rights plan development. Purchase agreement, invoice and lien paperwork is completed at the time of delivery.

Upon delivery of a vehicle to the sub recipient, paperwork is completed to finalize the agreement. New vehicles will be titled to the sub-recipient as named in the original vehicle application submitted to DHS Aging Services. DHS is shown as the lien holder on the title of the vehicle. DHS Aging Services will remain the primary lien holder until the vehicle has reached it's "useful life", which for FTA funded 5310 vehicles in Oklahoma is 100,000 or 150,000 thousand miles based upon vehicle type. Criteria for determining the useful life of a 5310 vehicle can be determined by: (a) generally accepted accounting principles, (b) Independent evaluation, (c) Manufacturer's estimated useful life, (d) Internal Revenue Service guidelines, (e) Industrial Standards, (f) grantee experience, (g) grantee's independent auditor who needs to concur that the useful life is reasonable for depreciation purposes, (h) Proven useful life developed at a federal test facility and (i) whether the sub recipient provides meal delivery service.

*NOTE: Where meal delivery occurs with a 5310 funded vehicle, no federal funds may be used to support the deliveries and the useful life of the vehicle will be extended to cover the time the vehicle is used for the purpose of meal delivery.*

DHS Aging Services will be responsible for providing a Manufacturer's Statement of Origin (MSO) for each new vehicle to each sub recipient for completion of title work required by the Oklahoma Tax Commission. An invoice and other documents are also provided each sub recipient at the time of delivery. Also, the vendor demonstrates the use of the ADA equipment for each sub recipient.

Project rolling stock is to be used by the grantee in the programs or project for the purpose it was acquired as long as needed, whether or not the program or project continues to be supported by Federal funds. When need no longer exists, a disposition plan is required to be submitted and approved by DHS Aging Services. Before disposal, project must have achieved at least the minimum useful life. For purposes of bus replacement projects, the useful life is determined by mileage only.

DHS will not release the lien on any 5310 vehicle, nor will sub recipients be permitted to transfer the title to any other person, agency or corporation without first submitting a disposition plan and receiving an official approval from DHS, Aging Services. The sub recipient should submit, in writing, a request for release of the monthly required trips at the time the useful life of the vehicle (mileage) has been met.

The sub recipient must submit the written plan of disposition to Aging Services **before** the vehicle is sold, auctioned, donated or otherwise disposed. The plan must include vehicle

VIN#, make and model, year, mileage and plan for disposal. DHS Aging Services 5310 staff will review the plan and respond to the sub recipient with an approval or denial of the submitted disposition plan. If denied, DHS Aging Services 5310 Transportation staff will direct the sub recipient and provide technical assistance throughout the disposition process.

Any disposition of project property **before** the end of its useful life requires prior FTA/Aging Services approval. FTA is entitled to its share of the remaining federal interest. Federal interest is determined by calculating the fair market value of the project property immediately before the occurrence prompting the withdrawal of the project property from the originally intended purpose.

For capital assistance that has **not** met its useful life, which is no longer needed by the project, the sub recipient must notify DHS, Aging Services that the vehicle is no longer needed. DHS will transfer the vehicle to another existing 5310 recipient/program. Fair market value of the vehicle is obtained and the receiving project provides the original matching percentage of the total value of the vehicle to the entity relinquishing the vehicle.

**After** the useful life of project property is reached and the vehicle is no longer needed for the original project or program, it may be used by the grantee for other projects or programs. FTA retains its interest **if** the fair market value of the project property is over \$5,000.

For capital assistance that **has** met its useful life, a release of the quarterly trip requirements may be requested and the vehicle can either continue to be used for transportation for seniors and individuals with disabilities **or** a disposition plan can be submitted to Aging Services for approval. In the case where transportation continues for the originally intended purpose of the project after lien release, quarterly reports continue to be submitted, reporting trips, passengers/riders and mileage. The continued reporting is beneficial in supporting the need for transportation in the state of Oklahoma.

For vehicles that have met their useful life and a disposition plan has been approved that includes sale of the vehicle, the following applies: Vehicles with a Fair Market Value of more than \$5,000 may be retained or sold. The grantees disposition letter/notice shall state whether the vehicle will be retained or sold. The bill of sale is submitted to DHS with the funds acquired if the sale price exceeds \$5,000. DHS will return the original matching funds **percentage** of the fair market value at the time of sale based upon Blue Book Market Value, and the remaining funds will be returned to the State's Aging Services 5310 program to be returned to the vehicle purchasing account. If the sale is less than \$5,000, the project will provide the bill of sale to DHS Aging Services but no return of funds to Aging Services from the 5310 program sub recipient will be required. In either case, the funds returned to the sub recipient disposing of the vehicle will be used for their 5310 program. Those funds may be used as local match for a new 5310 vehicle.

If a subrecipient disposes of a 5310 vehicle (through sale or transfer) without first obtaining approval of the disposition plan, the sub recipient will be responsible for any costs to recover the vehicle.

Insurance Proceeds: If the sub recipient receives insurance proceeds when project property has been lost or damaged by fire, casualty or natural disaster, the sub recipient, or the insurance agency **MUST** send the entire insurance settlement check to Aging Services. The percentage paid upon the original purchase (15%) if the settlement amount will be returned to the sub recipient by DHS. The remainder of

funding is the FTA investment in the property and will be returned to the capital assistance vehicle purchasing account.

#### Monitoring of Vehicles and Program Compliance

DHS Aging Services staff conducts monitoring site visits to sub recipient projects to ensure compliance with 5310 Transportation guidelines, reporting requirements and to monitor the program implementation at the local level. Monitoring visits include a comprehensive review of information needed by OKDHS Aging Services to determine if applicable federal and state requirements are being met. Normally, arrangements will be made with the applicant prior to a visit, but OKDHS Aging Services also reserves the right to make unannounced visits to observe program operation and ensure contract compliance. Information is gathered and reviewed, along with back up records, including but not limited to: information related to passenger counts, rides and trips; maintenance records, daily pre-trip inspections, daily logs, insurance documentation, civil rights compliance, four factor analysis/LEP plan applicability, resulting plan development if warranted, and review of safety precautions for each vehicle (i.e. seat belt cutter, fire extinguisher, first aid kit, etc.). In addition, each sub recipient that receives \$750,000 or more from all federal funding sources will be required to submit an A-133 financial audit to Aging Services Division annually.

DHS Aging Services representatives provide technical assistance to the project including updated materials such as an updated maintenance schedule, new or revised documents such as civil rights posters and flyers and/or new complaint forms as needed and appropriate. Aging Services transportation staff also provide technical assistance and policy interpretation related to the LEP plan and applicability. If 5% of the population or 1000 persons, whichever is greater, primarily speak a language other than English, materials are developed in the identified language to reach the population with the same opportunity for participation in the 5310 transportation program as the general public. If an LEP plan is required, Aging Services recommends that the sub-recipient review the FTA website for guidance on preparation of the LEP plan and conducting the four factor analysis. Technical assistance is provided as needed. In 2016, 5310 staff developed a template to assist the program sub recipients in the development of the four factor analysis, the LEP plan and the Civil Rights Plan. FTA guidance can be found in FTA Circular 4702. 1b, and 49 C.F.R. § 21.23(f).

During the site visit review, OKDHS Aging Services will also ensure the sub recipient is compliant in the following areas:

- a. Project equipment is active and continues to be used for the original purpose of the vehicles.
- b. Vehicle maintenance, including accessibility equipment and insurance coverage
- c. Control and responsibility over the equipment
- d. Accident reporting to Aging Services
- e. Coordination efforts with other Human Services providers
- f. Meal Delivery and other incidental services-assuring that this activity does not conflict with the provision of services to the elderly and persons with disabilities or exceed the allowable usage requirement,
- g. ADA service provision (that the sub recipient is providing equivalent services to elderly persons and persons with disabilities);
- h. Title VI Civil Rights, Section 504, Americans with Disabilities Act and Equal Employment Opportunity requirements;
- i. Conducting outreach efforts to reach client's including limited English speaking and economically and/or socially disadvantaged populations.



- j. Supporting documentation for reports submitted to Aging Services including but not limited to the pre- trip inspections, maintenance log, title registration and lien holder status (DHS holds lien as protection of FTA investment until useful life is met);

The procedure for the Program Review is as follows:

1. Desk Review of the sub recipient

The desk review will include, but not be limited to: contracts, monthly reports, vehicle inventory, Civil Rights compliance and/or complaint records, and other materials deemed necessary.

2. Site review of the sub recipient

The site review consists of, but is not limited to: a review of maintenance records, supporting documentation of trips, physical inventory of vehicles, insurance verification, review of condition of the vehicle, review of individual policy and procedures, procedure for reporting incidents/accidents and assessment of compliance with ADA equipment requirements.

#### Revenue Collection and Method for Reporting:

During the site visit to the project a statement is obtained from the sub recipient concerning any revenue collected from FTA funded vehicles. If any revenue is collected, (fares, donations) records are reviewed to ensure that the funding is returned to the 5310 program operation.

A Quarterly Report form must be completed for Organizations Receiving Section 5310 Funds and signed by the organization's staff member or individual responsible for the vehicle(s), whether the vehicle is in operation or not. The monthly vehicle trip report is to be submitted to OKDHS Aging Services by the tenth day of each month. OKDHS Aging Services 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. Aging Services provides information annually to the Oklahoma Department of Transportation, which is the agency that compiles the data and submits this report to the National Transit Service Center.

OKDHS Aging Services provides the Monthly Report Form to each sub recipient upon delivery of each vehicle. For each vehicle, the grantee collects the numbers of passengers using the classifications of seniors, persons with disability, non-ambulatory, and general public based on a period of 15 days in service, the trip type category (medical, shopping, employment and nutrition). This year we reduced the number of required trips based on the circular language that the 5310 vehicle is required to transport seniors and individuals with disability at least 50% of the time. The vehicle identification number, operating expenses and financial information such as revenues collected from passengers is also reported. In addition, reports include mileage and total miles driven each month, as well as an attestation to appropriate vehicle use and management procedures. 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 sub recipient 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. Monitoring is addressed in additional detail under "Program Monitoring".

After useful life and when the vehicle is still meeting the contractual obligation of providing transportation services to elderly persons and persons with disabilities, the project will continue to submit the quarterly vehicle trip report. After the vehicle is no longer used for the original contractual purpose, the project can cease to send in statistical reports to OKDHS Aging Services. The sub recipient requests this 'change in status of the vehicle' in writing to DHS Aging Services.

The sub-recipient must maintain proper records, including drivers' daily records, passenger trip records, operating expense information, inventory control and maintenance records. Chronic failure to complete monthly reports accurately and promptly may result in termination of the contract and/or repossession of project equipment. Sub-recipients must submit quarterly Monitoring Reports throughout the "useful life" of the vehicle and beyond, until the vehicle is no longer used for its original purpose.

Grant Closeout Process:

OKDHS Aging Services initiates project closeout with FTA within 90 days after funds are expended and all requirements for the project are completed, generally not to exceed two years from receipt of funding. FTA is notified in writing by sending a final Financial Status Report (FSR) and a final budget and revised Program of Projects are completed at the time of closeout. Milestone reports are updated in the electronic reporting mechanism to complete the grant. Upon completion, OKDHS Aging Services submits the final documentation to the Regional Office of the Federal Transit Administration where the documentation is reviewed and the grant is closed on an annual basis.

Coordination between the Finance/C.A.R.E. Unit and Aging Services occurs to make sure the balances between what is obligated and what has been expended match. Funding that is left at the end of the grant year is transferred to the new grant project year at close out of the grant. In addition, the two areas of management are working together to create a 'process map' including all budget and financial responsibilities related to the 5310 program, including but not limited to, the deposit of insurance settlement funds to the proper account. This activity was begun so that when turn-over or retirements occur, there will be a detailed description of processes for the program and another check and balance will occur. In addition, since MAP 21 designated an amount of funding to be used for each geographical area, (DS/rural, DM/small urban and DL/large urban), the C.A.R.E. Unit has created separate accounts for each area. DHS (Aging Services and the Cost Allocation Revenue Enhancement Unit) will be keeping close watch on the funds to make sure funding for each geographical area is expended in the respective area. The C.A.R.E. Unit also agreed to provide for the 5310 staff a spreadsheet showing the financial position of the program.

**p. Other provisions**

States are required to include specific required clauses in FTA-funded procurements, intergovernmental agreements (e.g. those involving states and other public entities), and sub recipients. Procurements by the state must include all applicable federal clauses as part of the solicitation, purchase order, or contract. Required clauses are as follows:

*Buy America* - The contractor agrees to comply with 49 U.S.C. 5323U) and 49 C.F.R. Part 661, which provide that Federal funds may not be obligated unless steel, iron, and manufactured products used in FTA- funded projects are produced in the United States, unless a waiver has been granted by FTA or the product is subject to a general waiver. Separate requirements for rolling stock are set out at 49 U.S.C. 5323U)(2)(C) and 49 C.F.R. 661.11. Rolling stock must be assembled in the United States and have a 60 percent domestic content. For the 5310 program, the state is responsible to ensure that the Buy America provisions are met.

1. Buy America Requirements: The Contractor shall complete and submit a declaration certifying either compliance or noncompliance with Buy America. If the Bidder/Offerer certifies compliance with Buy America, it shall submit documentation which lists 1) component and subcomponent parts of the rolling stock to be purchased identified by manufacturer of the parts, their country of origin and costs; and 2) the location of the final assembly point for the rolling stock, including a description of the activities that will take place at the final assembly point and the cost of final assembly.
2. Solicitation Specification Requirements: The Contractor shall submit evidence that it will be capable of meeting the bid specifications.
3. Federal Motor Vehicle Safety Standards (FMVSS): The Contractor shall submit 1) manufacturer's FMVSS self-certification sticker information that the vehicle complies with relevant FMVSS or 2) manufacturer's certified statement that the contracted buses will not be subject to FMVSS regulations.

**Pre-Award and Post-Delivery Reviews-**

FTA provides blanket pre-award authority in certain programs. The pre- award authority allows recipients to incur certain project costs before grant approval and retain their eligibility for subsequent reimbursement after grant approval. The recipient assumes all risks and is responsible for ensuring that all conditions are met to retain eligibility. The automatic pre spending authority permits a recipient to incur costs on an eligible transit capital or planning project without prejudice to possible federal participation in the cost of the project or projects.

OKDHS Aging Services purchases all equipment on behalf of FTA through the Department of Central Purchasing on a competitive basis. In accordance with federal regulations, OKDHS Aging Services is responsible for ensuring bid specifications include all certifications. Bids or offers not accompanied by a completed Buy America certification must be rejected as non-responsive. The Department of Central Purchasing within OMES will not approve any vendor unless they comply with federal guidelines. ODOT and the Department of Central Purchasing within the Office of

Management Enterprise Services are responsible for ensuring vendors meet all Buy America and Post-Delivery audit provisions.

In accordance with federal regulations, OKDHS Aging Services performs a federal post-delivery audit of vehicles to ensure vendor compliance with Buy America requirements and federal motor vehicle safety standards. OKDHS Aging Services staff will sign the Pre-Award FMVSS Compliance Certifications before accepting the delivery of vehicle(s).

After OKDHS Aging Services reviews the bids and completes the review of compliance with all state and federal requirements including the pre and post delivery assurances for Buy America, OKDHS Aging Services will sign the Buy America certification. These assurances will be retained in the OKDHS Aging Services files.

The Oklahoma Department of Transportation is the lead agency which conducts the pre-award review. Staff from ODOT have traveled to Indiana to observe the manufacturer's compliance with FTA clauses for which the grant recipient is required to assure. After this pre award review, the vendor/manufacturer may be notified of their approval as an Oklahoma state purchasing contract vendor.

Once the vendors appear on the state contract and vehicles are purchased, the post-delivery review is conducted by the manufacturer with Oklahoma Department of Transportation staff. All post-delivery audits and certifications such as Buy America, Altoona testing and FMVSS issued by National Highway Traffic Safety Administration (49 CFR part 571) are maintained by OKDHS, Aging Services.

**Charter Service Operations** – Grantees are prohibited from using federally funded equipment and facilities to provide charter service if a registered private charter operator expresses interest in providing the service. Grantees are allowed to operate community based charter services excepted under the regulations.

The regulations define charter service as follows:

- (1) Transportation provided at the request of a third party for the exclusive use of a bus or van for a negotiated price. The following features may be characteristics of charter service:
  - a. A third party pays a negotiated price for the group
  - b. Any fares charged to individual members of the group are collected by a third party,
  - c. The service is not part of the regularly scheduled service or is offered for a limited period of time.
  - d. A third party determines the origin and destination of the trip as well as scheduling
- (2) Transportation provided to the public for events or functions that occur on an irregular basis or for a limited duration and,
  - a. premium fare is charged that is greater than the usual or customary fixed route fair, or

b. The service is paid for in whole or in part by a third party. The charter regulations include exemptions and exceptions.

Exemptions-

1. Transportation of employees, contractors and governmental officials for the purpose of conducting oversight functions such as inspection, evaluation or review.
2. Private Charter Operators who receive, directly or indirectly, federal financial assistance under the over-the-road bus accessibility program or to non-FTA activities of private charter operators who receive directly or indirectly FTA financial assistance.
3. Emergency Preparedness Planning and Operation: Employees are allowed to transport their employees, other transit system employees, transit management officials, transit contractors and bidders, governmental officials and their contractors and official guests for emergency preparedness planning and operation.
4. Section 5310, 5311, 5316 and 5317 recipients. – The prohibitions do not apply to grantees who use federal financial assistance from FTA programs for program purposes, that is, transportation that serves the needs of their human service agencies or targeted populations (Elderly persons or individuals with disabilities) under Section 5310, 5311, 5316 and 5317. "Program Purposes" does not include exclusive service for other groups formed for purposes unrelated to the special needs of the identified targeted population.
5. Emergency Response- Grantees are allowed to provide service up to 45 days for action directly responding to an emergency declared by the President, Governor or Mayor in an emergency requiring immediate action prior to formal declaration.
6. Recipients in Non-Urbanized areas- Grantees in non-urbanized areas may transport employees, other transit system employees, transit management officials and transit contractors and bidders to or from transit training outside its geographic service area.

Exceptions:

1. Government officials- A grantee is allowed to provide charter service (up to 80 charter service hours annually) to government officials (federal, state and local), for official government business which can include non-transit related purposes if the grantee
  - a. Provides the service in its geographic service area
  - b. Does not generate revenue from the charter service except as required by law
2. Qualified Human Service Organization (QHSEO) – A grantee is allowed to provide charter service to a QHSEO for the purpose of serving persons with mobility limitations related to advanced age, disabilities, or low income. Documentation is required.
3. Leasing of Equipment and Driver – A grantee is allowed to lease

its FTA funded equipment and drivers to registered charter providers for charter service only if all of the following conditions are met:

- a. The private charter operator is registered on the FTA charter registration website.
  - b. The registered charter service operator owns or operates buses or vans in a charter service business
  - c. The registered charter operator receives a request for charter services that exceeds its available capacity either of the number of vehicles operated or the number of accessible vehicles operated by the registered charter operator and,
  - d. The registered charter provider has exhausted all of the available vehicles of all registered charter providers in the grantee's geographic service area.
4. No response by registered charter provide within 72 hours for service to be provided in 30 days, or within 14 calendar days for charter service requested to be provided in 30 days or more.
  5. Agreement with all registered charter providers- Service can be provided a customer by a new charter provider for up to 90 days consistent with (although not entered into) an agreement with other charter service providers
  6. Petition to the Administrator- The state (on behalf of the sub recipients) may petition the Administrator for an exception to the charter service regulations in
    - a. Events of regional or national significance
    - b. Hardship
    - c. Unique and time sensitive events.

Reports are only required for the quarter during which charter service was provided.

The contractor agrees to comply with 49 U.S.C. 5323(d) and 49 CFR Part 604, which provides that recipients and sub recipients of FTA assistance are prohibited from using federally funded equipment and facilities to provide charter service if a registered private charter operator expresses interest in providing the service. Grantees are allowed to operate community based charter services excepted under the regulations. The exceptions can be found at 49 CFR 604.9. Any charter service provided under one of the exceptions must be "incidental," i.e., it must not interfere with or detract from the provision of mass transportation.

When a 5310 sub recipient provides Charter Service, a report is required. This report will be submitted to Aging Services/OHS stating the exception or exemption qualifying the service and other trip reporting information.

## **School Bus Operations /Tripper service –**

Pursuant to 49 CFR Part 605, "Final Policy Statement on FTA's School Bus Operations Regulations" 73 FR 53384 September 16, 2008. Pursuant to 69 U.S.C. 5323(f) and 49 CFR Part 605, recipients and sub recipients of FTA assistance may not engage in school bus operations exclusively for the transportation of students and school personnel in competition with private school bus operators unless qualified under specified exemptions. When operating exclusive school bus service under an allowable exemption, recipients and sub recipients may not use federally funded equipment, vehicles, or facilities. Sub recipient may not provide exclusive School Bus Operations without the permission of the FTA Administrator. The grantee enters into an agreement with the FTA Administrator upon approval. Sub recipients shall report any School Bus Operations or Tripper service to Aging Services/DHS.

Three statutory exemptions under which an FTA sub recipient may operate exclusive school bus service:

1. The grantee operates a school system in the area and operates a separate and exclusive school bus system for their area,
2. Existing private school bus operators are unable to provide adequate, safe transportation at a reasonable rate,
3. The grantee (sub recipient), a public entity, has operated the service at any time during the 12 month period preceding August 13, 1973, or anything during the 12 month period preceding November 26, 1974. There are two dates under this particular exemption because this exemption is based on the dates that two separate legislated measures relating to the Federal Highway Administration and then Urban Mass Transportation Administrations were enacted; both legislative measures independently included the school bus condition and this exemption. When operating exclusive school bus service under an allowable exemption, recipients and sub-recipients may not use federally funded equipment, vehicles, or facilities.

### **Lobbying:**

States are required to include a lobbying certification in agreements, contracts and sub contracts exceeding \$100,000. Separately signed certifications regarding lobbying must be obtained by the state from sub recipients and contractors.

The Byrd Anti-Lobbying Amendment 31 U.S.C. 1352, as amended by the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, et seq.] -

Contractors who apply or bid for an award of \$100,000 or more shall file the certification required by 49 CFR part 20, "New Restrictions on Lobbying." Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of

1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier up to the recipient.

Clause and specific language are mandated by 49 CFR Part 19, Appendix A.

### **Suspension and Debarment**

In accordance with Executive Order 12549 [31 U.S.C. § 6101), the Contractor certifies they are not presently or have not in the last three years been debarred, suspended, proposed for debarment, declared ineligible by any federal department or agency, or convicted of a fraud related crime.

This contract is a covered transaction for purposes of 49 CFR Part 29. As such, the contractor is required to verify that none of the contractor, its principals, as defined at 49 CFR 29.995, or affiliates, as defined at 49 CFR 29.905, are excluded or disqualified as defined at 49 CFR 29.940 and 29.945.

By signing and submitting this contract, the proposer certifies as follows:

*The certification in this clause is a material representation of fact relied upon by the State of Oklahoma Department of Human Services, Aging Services. If it is later determined that the applicant/proposer knowingly rendered an erroneous certification, in addition to remedies available to Aging Services, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The proposer agrees to comply with the requirements of 49 CFR 29, Subpart C while this contract is valid (throughout the useful life of the vehicle(s) acquired by this contract).*

### **Disadvantaged Business Enterprises**

In connection with the performance of this contract, the Contractor will cooperate with the State in meeting its commitments and goals with regard to the maximum utilization of minority business enterprises and will use its best efforts to insure that minority business enterprises shall have the maximum practicable opportunity to compete for subcontract work under this contract

- a. This contract is subject to the requirements of Title 49, Code of Federal Regulations, Part 26, *Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs*. The national goal for participation of Disadvantaged Business Enterprises (DBE) is 10%.
- b. The contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of this DOT-assisted contract. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as deemed appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b)).
- c. If a separate goal is established, the Bidders are required to document sufficient DBE participation to meet these goals or, alternatively, document adequate good faith efforts to do so, as provided for in 49 CFR 26.53.



## **Drug and Alcohol Testing**

In compliance with the Drug-Free Workplace Act, 102 Statute 4304, the Contractor agrees to provide a drug-free workplace by establishing policies, awareness programs, and notification processes. The Contractor also agrees that they will not engage in the unlawful manufacture, distribution, possession or use of a controlled substance.

The contractor agrees to establish and implement a drug and alcohol testing program that complies with 49 CFR Parts 653 and 654, produce any documentation necessary to establish its compliance with Parts 653 and 654, and permit any authorized representative of the United States Department of Transportation or its operating administrations and the State Oversight Agency/the Department of Human Services, to inspect the facilities and records associated with the implementation of the drug and alcohol testing program as required under 49 CFR Parts 653 and 654 and review the testing process. The contractor agrees further to certify annually its compliance with Parts 653 and 654. To certify compliance the contractor shall use the "Substance Abuse Certifications" in the "Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements," which is published annually in the Federal Register.

## **Clean Water and Clean Air Provisions:**

While no mandatory clauses for Clean Air and Clean Water are contained in the Federal Water Pollution Control Act and the Clean Air Act, as amended, the following language developed by FTA contains all the mandatory requirements.

Clean Water: (1) The Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 *et seq.* The Contractor agrees to report each violation to the Purchaser and understands and agrees that the Purchaser will, in turn, report each violation as required to assure notification to FTA and the appropriate EPA Regional Office.

(2) The Contractor also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

Clean Air - (1) The Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. §§ 7401 *et seq.* The Contractor agrees to report each violation to the Purchaser and understands and agrees that the Purchaser will, in turn, report each violation as required to assure notification to FTA and the appropriate EPA Regional Office.

(2) The Contractor also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

## **Federal Transit Administration (FTA) Terms**

The preceding provisions include, in part, certain Standard Terms and Conditions required by DOT, whether or not expressly set forth in the preceding contract provisions. All contractual provisions required by DOT, as set forth in FTA Circular 4220.1 E are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a

conflict with other provisions contained in this Agreement. The Contractor shall not perform any act, fail to perform any act, or refuse to comply with any (name of grantee) requests which would cause (name of grantee) to be in violation of the FTA terms and conditions.

Environmental Justice:

OKDHS Aging Services does not fund any construction projects. The 5310 Transportation Program is strictly a capital assistance program. Therefore, the Environmental Justice provisions do not apply.

National Transit Database:

The National Transit database (NTD) is the US DOT/FTA primary national database for statistics on the transit industry. Section 5310(b)(4) specifies that each recipient of Section 5310 funds shall submit an annual report containing information regarding one way trips, passengers, and mileage to NTD. Aging Services submits information through the Oklahoma Department of Transportation to the NTD.

School Transportation:

OKDHS Aging Services does not purchase any school buses with FTA funds. Nor does OKDHS Aging Services provide transportation to and from schools or children's day care.

Drug and Alcohol Testing and Commercial Drivers License:

Recipients or sub recipients that receive only JARC or Section 5310 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 employees who hold Commercial Drivers Licenses. The majority of OKDHS Aging Services vehicles, funded by FTA, are under 15 passenger capacity and a Commercial Drivers License is not required. The Department of Public Safety provides training and certification for Commercial Driver's Licenses (COL) when needed. Those drivers of vehicles accommodating over 15 passengers are required to possess the COL according to FTA requirements.

EEO

OKDHS follows EEO policies and procedures as described in the Civil rights section (reference pg.19) If a 5310 sub recipient receives capital or operating assistance in excess of \$1 million or planning assistance in excess of \$250,000 and has 100 or more transit-related employees, Aging Services will monitor the sub recipient plans and compliance with Federal Transit Administration's Guidelines for grant recipients. These guidelines include: EEO officer designation (including that the officer reports directly to the agency director), Utilization analysis and goals, Narrative and statistical assessment of employment practices and reporting. See Circular 4704.1 called Equal Employment Opportunity for additional information.

Safety and Security

The goal of OKDHS Aging Services' Safety and Security policy is to achieve the highest practical level of safety and security in all modes of transit. OKDHS Aging Services promotes the awareness of safety and security throughout the 5310 Transportation program by establishing an assurance that the sub recipients can use to certify that they will comply with all local, state and federal rules and safe provisions such as not drinking and driving, texting, cell phone use, etc. This assurance is signed by the sub recipient on receipt of the vehicle.

All 5310 sub recipients are also required to comply with all EEO policies and procedures. During the site visit monitoring for compliance with all state and federal rules, a statement is obtained by the Program Field Representative in Aging Services, from the sub recipient, attesting to program compliance with EEO requirements and non-discrimination in hiring and employment practices.

This state management plan is a public document describing the states processes in operation and administration of the 5310 Capital Assistance Program. Aging Services administers the "Enhanced Mobility for Elderly and Individuals with Disabilities Transportation Program" on behalf of the Federal Transit Administration. DHS ensures compliance with all state and federal rules by both the state (Aging Services) and the sub recipients of the program and acts to protect the investment of the Federal Transit Administration during the useful life of the vehicles provided with federal funding. Aging Services welcomes any comments you may have related to this transportation management plan for the Section 5310 transportation program. Any questions or concerns can be voiced to Aging Services of the Department of Human Services by telephone at (405) 521- 2281, by fax at (405) 522- 6738, by mail to Department of Human Services, Aging Services Division, 2401 N.W. 23'd. Street, Suite 40, Attn: 5310 Transportation Program, Oklahoma City, Oklahoma 73107-2422 or by e-mail to [Patricia.Heer@okdhs.org](mailto:Patricia.Heer@okdhs.org).

## **Resources and References**

49 USC Chapter 53 Federal Transit Laws

49 CFR Part 18, "Uniform Administrative Requirements for Grants and cooperative agreements to state and local governments"

FTA Circular 9040.IF "Non-urbanized Area Formula Program Guidance and Grant Application"

FTA Circular 9070.IF "Elderly Individuals and Individuals with Disabilities Program Guidance and Application Instructions"

FTA Circular 9300.18 "Capital Investment Program Guidance and Application Instructions"

FTA Circular 8100.IC "Program Guidance for Metropolitan Planning and State Planning and Research Program Grants"

FTA Circular 5010.ID, "Grant Management

Requirements" 49 CFR Part 20, "New Restrictions on

Lobbying"

MAP-21 Section 20017

Single Audit Act Amendment of 1996

2 CFR Part 225 (OMB Circular 87), "Cost Principles for Non-Profit Organizations"

Transportation Equity Act for the 21<sup>st</sup> Century, Public Law No. 105-178

49 CFR Section 18.36, "Procurement"

Buy America References:

49 CFR Part 571 "Federal Motor Vehicle Safety Standards"

49 CFR Part 661, "Buy America Requirements"

Federal Register Vol. 71, No. 54, pp 14112-14118, Buy America Requirements

pp 14112-14118 Amendments to Definitions

2 CFR Part 180 "OMB Guidelines to Agencies on Government-wide Debarment and Suspension"

2 CFR Part 1200, "Non-procurement Suspension and Debarment"

49 CFR Part 663, "Pre-Award and Post Delivery Audits of Rolling Stock Purchases" FTA "Dear Colleague" Letter, March 18, 1997

49 CFR Part 604, "Charter Service" Final rule, Federal Register, January 14,

2008 49 CFR Part 605 "School Bus Operations"

49 CFR Part 27, "Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance"

49 CFR Part 37, "Transportation Services for Individuals with Disabilities"

49 CFR Part 38, "Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles"

FTA C 4702.IB Title VI Requirements and Guidelines for Federal Transit Administration Recipients"

FTA C 4703.1 "Environmental Justice Policy Guidance for Federal Transit Administration Recipients"

49 CFR Part 21, "Nondiscrimination in Federally-assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964

Federal Register: December 14, 2005 (Volume 70, Number 239, pp. 74087-74100) "DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficiency (LEP) Persons"

49 CFR Part 32 "Government wide Requirements for a Drug Free Workplace 41 USC

Sections 701 et seq., Drug-Free Workplace Act (DFWA) of 1988

49 CFR Part 655, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations" 49 CFR Part 40, "Procedures for Transportation Workplace Drug Testing Programs"

## **Web –Links**

United We Ride ([www.myride.org](http://www.myride.org))

Section 5310 Program Overview ([www.okdhs.org](http://www.okdhs.org), Aging Services, 5310 Transportation)

Questions and Answers on the Section 5310 Program

Bus Testing Website

National RTAP Procurement PRO

FTA Buy America Home Page; U.S. DOT Buy America Webpage

Conducting Pre-Award and Post-Delivery Audits for Bus Procurements, FTA T-90-7713-93-1 Revision B

Guidance on Procurements Following Rescission of the Buy America Waiver for Minivans, FTA, February 14, 2013

FTADBE Website

Sample DBE Program

SAM User Guide

System for Award Management (SAM)

DOT Office of Small and Disadvantaged Business Utilization

(OSDBU) List of Transit Vehicle Manufacturers

FTA School Bus Operations Home Page

Department of Transportation Disability Law

Guidance ADA Standards for Transportation Facilities

U.S. Department of Justice ADA

Homepage FTA Title VI page

DOT Limited English Proficiency (LEP)

Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs

[Title VI Frequently Asked Questions](#)

[FTA Drug and Alcohol Testing Homepage](#)

[Drug and Alcohol Training](#)

[Drug and Alcohol Program Compliance Audit Questionnaires](#)