

## **Program Management Plan (PMP)**

### **Section 5310 Grant: Enhanced Mobility for Seniors and Individuals with Disabilities**

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## Background and Overview

In accordance with the Federal Transit Administration's (FTA) Circular 9070.1G, this Program Management Plan (PMP) documents and describes the methods or processes used by the DCHC MPO to solicit, select, award, and administer all funds. As the designated recipient of the *Section 5310 Enhanced Mobility for Seniors and Individuals with Disabilities*, the funds are awarded through the DCHC MPO to qualified public and private transportation service providers in the MPO's urbanized area. The funds come from the FTA for the purpose of meeting unmet public transportation and human service needs of residents in the Durham-Chapel Hill-Carrboro area. This plan essentially serves as a guide to the biennial project selection and monitoring process. A copy of this plan will be filed with FTA (Region 4) office, and also with the North Carolina Public Transportation Division.

## FAST Act Statutory Authority and Program History

On October 1, 2012 the Moving Ahead for Progress in the 21st Century (MAP-21) was passed into law as the new federal transportation funding legislation. MAP-21 replaced the former law known as SAFETEA-LU, ending both the New Freedom (Section 5317 grant) and the Elderly Individuals and Individuals with Disabilities (Section 5310 grant) as distinct programs. Under Map-21, the new section 5310 consolidates activities previously funded by the New Freedom grant and the SAFETEA-LU 5310 grant. Activities previously funded under New Freedom are also eligible under the Enhanced Mobility for Seniors and Individuals with Disabilities Program (Section 5310).

In 2015, President Obama signed the Fixing America's Surface Transportation (FAST) Act providing funding for federal surface transportation programs over two years through FY2020. The FAST Act builds on many of the strengths of prior highway and transit authorizations. It requires projects selected for funding under Section 5310 to be "derived from a locally developed, coordinated public transit-human services transportation plan" and that the plan be "developed through a process that includes representation of public, private, and nonprofit transportation and human services providers."

MAP-21 changed apportionment structure from one apportionment per state to specific apportionments for large, urbanized, small urbanized, and rural areas. The City of Durham was named as the Designated Recipient of 5310 funding for the Durham UZA, with the DCHC MPO named as the Lead Planning Agency for the competitive selection process required to administer 5310 funds.

## Section 5310 Grant Program Goals and Objectives

The primary goal of the Section 5310 grant is to *"improve mobility for seniors and individuals with disabilities throughout the country by removing barriers to transportation services and expanding the transportation mobility options available. Toward this goal, FTA provides financial assistance for transportation services planned, designed, and carried out to meet the special transportation needs of seniors and individuals with disabilities in all areas—large urbanized, small urbanized, and rural. The program requires coordination with other federally assisted programs and services in order to make the most efficient use of federal resources."* (Circular FTA C 9070.1G, July 7, 2014)

This program provides grant funds for capital and operating expenses to recipients for:

- Public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable;
- Public transportation projects that exceed the requirements of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq.);
- Public transportation projects that improve access to fixed-route service and decrease reliance on complementary paratransit; and
- Alternatives to public transportation projects that assist seniors and individuals with disabilities with transportation.

The 5310 program is administered towards the goals, strategic objectives, and recommendations found in the DCHC MPO *2019 Coordinated Public Transit - Human Services Transportation Plan*. The program requires coordination with other Federally-assisted programs and services in order to make the most efficient use of Federal resources.

## Definitions

- a. **Applicant:** Used to identify an entity that is seeking, but has not yet been awarded, specific federal financial assistance directly from FTA. The term “applicant” is used interchangeably with “grant applicant.” For purposes of this PMP, the grant applicant is limited to states and designated recipients.
- b. **Capital Asset:** Facilities or equipment with a useful life of at least one year.
- c. **Capital Lease:** Any transaction whereby the recipient acquires the right to use a capital asset without obtaining full ownership regardless of the tax status of the transaction.
- d. **Capital Project:** A category of reimbursable project expenses that includes all activities identified in 49 U.S.C. 5302(3). Eligible activities under this project category are explained in Chapter III of this circular.
- e. **Coordinated Public Transit-Human Service Transportation Plan (Coordinated Plan):** Means a locally developed, coordinated transportation plan that identifies the transportation needs of individuals with disabilities, seniors and people with low incomes, provides strategies for meeting those needs, and prioritizes transportation services for funding and implementation.
- f. **Cost of Project Property:** This is the net invoice unit price, including the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make the equipment usable for the intended purpose. Other charges, such as the cost of inspection, installation, transportation, taxes, duty, or in-transit insurance, should be treated in accordance with the recipient’s regular accounting practices, in the same or as separate line items.
- g. **Designated Recipient:** An entity designated, in accordance with the planning process under sections 5303 and 5304 of title 49, United States Code, by the governor of a state, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under 49 U.S.C. 5336 to urbanized areas of 200,000 or more in population; or a state or regional authority, if the authority is responsible under the laws of a state for a capital project and for financing and directly providing public transportation.
- h. **Direct Recipient:** An entity that receives funding directly from FTA. For purposes of this circular, a direct recipient is a state or a designated recipient.

- i. **Disability:** The term disability has the same meaning as in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102). The term “disability” means, with respect to an individual—
  - o a physical or mental impairment that substantially limits one or more major life activities of such individual;
  - o a record of such an impairment; or
  - o being regarded as having such an impairment.
- j. **Electronic Clearing House Operation (ECHO) System:** ECHO is an FTA Web-based application system that processes drawdown payment requests from FTA recipients.
- k. **Electronic Grant Management System:** A system that recipients and FTA use to manage grant applications, including the review, approval, and management of all grants. This system is used by recipients to submit financial status reports and milestone progress reports and to submit grant modification requests; this term includes FTA’s TEAM-Web and successor systems.
- l. **Equipment:** An article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost that equals or exceeds the lesser of the capitalization level established by the governmental unit for financial statement purposes, or \$5,000. Equipment includes rolling stock and all other such property used in the provision of public transit service.
- m. **Governor:** The term governor means the governor of a state, the mayor of the District of Columbia, and the governor of a territory of the United States; and includes the designee of the governor.
- n. **Grant:** An award of financial assistance, including a cooperative agreement, in the form of money, or property in lieu of money, by the federal government to an eligible recipient or recipient. Used interchangeably with grant agreement.
- o. **Grant Application:** A complete application for an award of financial assistance, including cooperative agreements, in the form of money, or property in lieu of money, by the federal government to an eligible recipient.
- p. **Human Service Transportation:** Transportation services provided by or on behalf of a human service agency to provide access to agency services and/or to meet the basic, day-to-day mobility needs of transportation-disadvantaged populations, especially individuals with disabilities, seniors, and people with low incomes.
- q. **Large Urbanized Area:** An urbanized area (UZA) with a population of 200,000 or more individuals, as determined by the Bureau of the Census.
- r. **Master Agreement:** The FTA official document containing FTA and other cross-cutting federal requirements applicable to the FTA recipient and its project(s). The master agreement is generally revised annually in October. The master agreement is incorporated by reference and made part of each FTA grant, cooperative agreement, and amendment thereto.
- s. **Metropolitan Planning Organization (MPO):** The policy board of an organization designated in cooperation with the state and public transportation operators to carry out the metropolitan planning process, including development of long-range transportation plans and Transportation Improvement Programs (TIP) for metropolitan regions of a State or States.
- t. **Mobility Management:** Consists of short-range planning and management activities and projects for improving coordination among public transportation and other transportation service providers carried out by a recipient or subrecipient through an agreement entered into with a person, including a government entity, under 49 U.S.C. chapter 53 (other than section 5309). Mobility management does not include operating public transportation services.

- u. **Net Project Cost:** The part of a project that reasonably cannot be financed from operating revenues (i.e., farebox recovery).
- v. **New Bus Model:** A bus model (including a model using alternative fuel) that has not been used in public transportation in the United States before the date of production of the model; or has been used in public transportation in the United States, but is being produced with a major change in configuration or components.
- w. **Nonprofit Organization:** A corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. 501(c) which is exempt from taxation under 26 U.S.C. 501(a) or one which has been determined under state law to be nonprofit and for which the designated state agency has received documentation certifying the status of the nonprofit organization.
- x. **Operating Expenses:** Those costs necessary to operate, maintain, and manage a public transportation system. Operating expenses usually include such costs as driver salaries, fuel, and items having a useful life of less than one year.
- y. **Preventive Maintenance:** All maintenance costs related to vehicles and nonvehicles. Specifically, it is defined as all the activities, supplies, materials, labor, services, and associated costs required to preserve or extend the functionality and serviceability of the asset in a cost effective manner, up to and including the current state of the art for maintaining such an asset.
- z. **Pre-award Authority:** Authority given under specific and limited circumstances to incur costs for eligible projects before a grant is made without prejudice to possible federal participation in the cost of the project(s). Applicants must comply with all federal requirements. Failure to do so will render a project ineligible for FTA financial assistance.
- aa. **Program of Projects:** A list of projects to be funded in a grant application submitted to FTA by a state or designated recipient. The program of projects (POP) lists the subrecipients and indicates whether they are private nonprofit agencies or local governmental authorities, designates the areas served (including rural areas), and identifies any tribal entities. In addition, the POP includes a brief description of the projects, total project cost, and federal share for each project, and the amount of funds used for program administration from the 10 percent allowed.
- bb. **Public Transportation:** Regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income, and does not include: intercity passenger rail transportation provided by Amtrak, intercity bus service, charter bus service, school bus service, sightseeing service, courtesy shuttle service for patrons of one or more specific establishments, or intraterminal or intrafacility shuttle services.
- cc. **Recipient:** For purposes of this circular, a designated recipient or a state that receives a grant under Section 5310 directly.
- dd. **Rural Area:** An area encompassing a population of fewer than 50,000 people that has not been designated in the most recent decennial census as an urbanized area by the Secretary of Commerce.
- ee. **Seniors:** An individual who is 65 years of age or older.
- ff. **Small Urbanized Areas:** A UZA with a population of at least 50,000 but less than 200,000, as determined by the Bureau of the Census.
- gg. **Subrecipient:** A state or local governmental authority, a private nonprofit organization, or an operator of public transportation that receives a grant under Section 5310 indirectly through a recipient.

- hh. **Traditional Section 5310 Projects:** Those public transportation capital projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable.
- ii. **Urbanized Area (UZA):** An area encompassing a population of not less than 50,000 people that has been defined and designated in the most recent decennial census as an urbanized area by the Secretary of Commerce.

## Roles and Responsibilities

The designated recipient of Section 5310 Grant funds in urbanized areas over 200,000 in population has the principal authority and responsibility for administering the program. The designated recipient must be officially designated through a process consistent with 49 U.S.C. 5307(a) (2): “an entity designated in accordance with the planning process under Sections 5303, 5304, and 5306, by the chief executive officer of a State, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under Section 5336 that are attributable to transportation management areas identified under Section 5303.”

Under the MAP-21 act, The City of Durham is the Designated Recipient of the Section 5310 Grant, and the DCHC MPO is the Lead Planning Agency in charge of the competitive selection process required for the Section 5310 grant. Every two years, the DCHC MPO will solicit, receive, and select proposals for funding from both private and public transportation providers from across the Durham Urbanized Area.

### Lead Planning Agency (DCHC MPO) Responsibilities

The DCHC MPO will assume the primary responsibilities associated with grant administration, including, but not limited to:

1. Document procedures in a Program Management Plan;
2. Planning for future transportation needs and ensure integration and coordination among diverse transportation modes and providers;
3. Developing selection criteria consistent with the coordinated planning process;
4. Notifying eligible local entities of funding availability;
5. Soliciting applications from potential sub-recipients;
6. Determining applicant and project eligibility;
7. Certifying allocations of funds are made on a fair and equitable basis;
8. Submitting an annual POP and grant applications/reports to FTA;
9. Ensuring that all sub-recipients comply with Federal requirements;
10. Certifying that all projects are included in a locally developed, coordinated public transit-human service transportation plan developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and non-profit transportation and human service providers, and other members of the public;
11. Certifying that to the maximum extent feasible, funded 5310 services are coordinated with transportation services assisted by other Federal departments and agencies;
12. Overseeing the implementation of projects as developed/prioritized in the coordinated plan;



13. Ensuring at least 55 percent of the apportionment is used for traditional Section 5310 projects carried out by eligible sub-recipients; and
14. Managing all aspects of grant administration, distribution, and oversight for sub-recipients.

### Technical Subcommittee

The DCHC MPO draws upon a technical subcommittee to assist in the development of a variety of materials, including the development and update of the *2019 Coordinated Human Services Transportation Plan Update* and project evaluation criteria. The subcommittee represents a wide variety of special needs transportation interests, and is comprised of the following types of agencies:

- Human service transportation providers
- MPO Technical Coordinating Committee –transit subcommittees
- County departments of community services
- Transit agencies
- Department of Social and Health Services

### Coordination

Section 5310 Grant funding must be implemented effectively and efficiently. One way to provide quality service under these constraints is to coordinate agencies and projects. Proposed projects will be evaluated based on their ability to coordinate with other public transportation, community transportation and/or social service resources (including financing of projects). Projects that include partnerships with non-profits, private business, or other stakeholders will also receive higher points. Project sponsors should clearly identify project stakeholders, and how they will keep stakeholders involved and informed throughout the project. The MPO will assist coordination efforts related to this program with public and private providers including human services agencies, private non-profit organizations, community service agencies, private operators including taxicabs, Meals-on-Wheels, retirement communities, and university transportation services. Operators of public transportation, such as Chapel Hill Transit, Durham Area Transit Authority, Triangle Transit Authority, Orange Public Transportation, and Durham County Access will also be included in all coordination efforts.

### CPT-HSTP

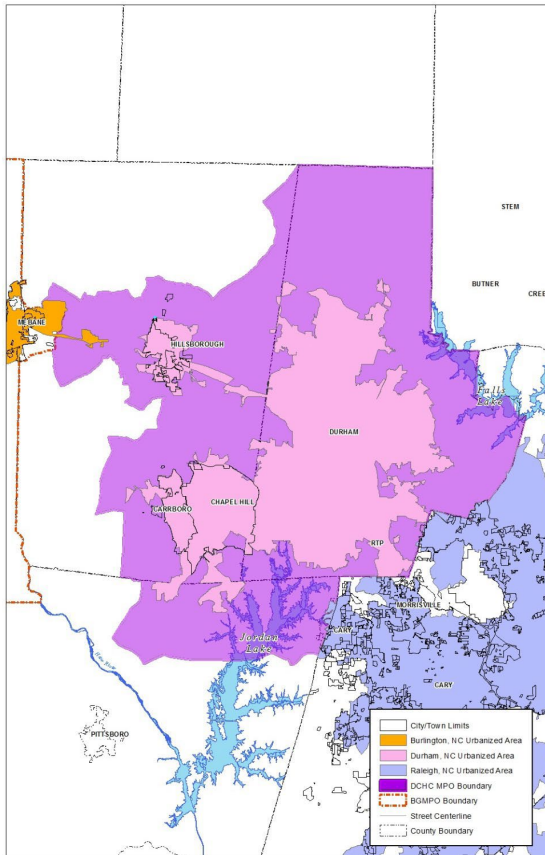
In June 2019, the DCHC-MPO adopted the *2019 Coordinated Public Transit-Human Services Transportation Plan Update* (CPT-HSTP) to fulfill the requirement of MAP-21 for coordinated public transportation plans. Federal law also requires that the plan be developed locally “through a process that includes representatives of public, private, and non-profit transportation and human services providers and participation by the public.” The purpose of a CPT-HSTP is to improve transportation services for persons with disabilities, older adults, and low-income individuals through a better coordinated transportation system. Plan updates are mandatory every four years to identify needs of the transportation disadvantaged.

CPT-HSTPs coordinate fixed-route transit, paratransit, and transit services provided by local agencies and non-profits. Human service transportation projects funded by Federal Transportation Administration (FTA) grants must be derived from priorities identified in the CPT-HSTP. DCHC-MPO will continue to facilitate and coordinate human services transportation by hosting 5310 Grant

Workshops for potential sub-recipients, providing quarterly opportunities for coordination amongst providers, and oversight for the 5310 grant program.

## Eligible Sub-recipients

The Section 5310 Grant funds have two categories of projects and different eligible sub-recipients for each category. Not all sub-recipients are eligible for both Traditional and Non-traditional 5310 projects (please see the chart on the next page). Only transportation-related projects that fall within the Metropolitan Planning Area (Figure 1) will qualify for funding.



**Please Note:** *All organizations or business entities receiving 5310 funds must have a Unique Entity ID (UEI). This UEI is replacing the DUNS number previously required.* The UEI is a twelve-character alphanumeric value managed, granted, and owned by the U.S Government that provides a unique identification for business entities. If you previously had a DUNS number from SAM.gov, you will see that your UEI has replaced your DUNS number.

**If you didn't previously have a DUNS number and do not have a UEI, you can register for one on <https://sam.gov/content/entity-registration>. DCHC-MPO will allow organizations to apply without the UEI, but will not be able to disburse any grant funds until the UEI is provided.**

Types of eligible agencies:

- **Private non-profit organizations.** A non-profit organization is a corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. 501(c) which is exempt from taxation under 26 U.S.C. 501(a) or one which has been determined under State law to be non-profit and for which the designated State agency or urbanized area designated recipient has received documentation certifying the status of the non-profit organization;
- **State or local governmental authorities** approved by the state to coordinate services;
- **Operators of public transportation services**, including private operators of public transportation services.

## Agencies eligible for project categories:

Traditional 5310 Projects	Non-Traditional 5310 Projects
<ol style="list-style-type: none"> <li>1) Private, non-profit organizations.</li> <li>2) State or local governmental authorities approved by the state to:               <ol style="list-style-type: none"> <li>a. coordinate services for seniors and individuals with disabilities</li> <li style="text-align: center;"><b>or</b></li> <li>b. certify that there are no non-profit organizations readily available in the area to provide the service.</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1) Private, non-profit organizations.</li> <li>2) State or local governmental authorities approved by the state to coordinate services for seniors and individuals with disabilities.</li> <li>3) Operators of public transportation (including private operators and taxicab programs).</li> </ol>

## Eligible Activities

### Traditional Activities

According to the MAP-21 legislation, at least **55 percent** of a recipient’s Section 5310 funds are required to be used for capital projects that are “traditional” Section 5310 projects. The 55 percent requirement is the minimum, however capital projects can utilize more of the apportionment if needed.

These “traditional” capital projects are public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable. New or replacement buses and vans are a capital expense, however as the LPA is unable to hold a lien on vehicles (which is recommended by the FTA), **vehicle purchase with 5310 funds is unlikely**. The City of Durham cannot record a lien against the title of any vehicles purchased by sub-recipients, including vehicles purchased with 5310 funds. **Therefore, grant applications that include the use of 5310 funds for vehicle purchase will receive very low scores due to the impossibility of recording a title lien.**

Fundable *capital expenses* that are considered traditional projects include, but are not limited to:

- Rolling stock and related activities for Section 5310-funded vehicles
- Acquisition of expansion or replacement buses or vans, and related procurement, testing, inspection, and acceptance costs;
- Vehicle rehabilitation or overhaul;
- Preventive maintenance;
- Radios and communication equipment; and
- Vehicle wheelchair lifts, ramps, and securement devices.
- Passenger facilities related to Section 5310-funded vehicles
- Purchase and installation of benches, shelters, and other passenger amenities.
- Support facilities and equipment for Section 5310-funded vehicles

- Extended warranties that do not exceed the industry standard;
- Computer hardware and software;
- Transit-related intelligent transportation systems (ITS);
- Dispatch systems; and
- Fare collection systems.
- Lease of equipment when lease is more cost effective than purchase
- Acquisition of transportation services under a contract, lease, or other arrangement
  - This may include acquisition of ADA-complementary paratransit services when provided by an eligible recipient or subrecipient
- Mobility Management
  - Activities may include:
    1. Promotion and enhancement of access to transit services;
    2. Short term management activities for planning/implementation of coordination;
    3. Support of local coordination bodies and councils;
    4. Operation of transportation brokerages to coordinate providers;
    5. Provision of coordination services such as travel training and trip planning for customers;
    6. Development and operation of one-stop travel call centers;
    7. Eligibility management; operations and planning using intelligent transportation technology (GIS, GPS, coordinated vehicle scheduling/dispatch/monitoring, coordinated billing, and single smart customer payment systems).
    8. The purchase of technology is also an eligible capital expense.

## Non-Traditional

The Section 5310 program has expanded the list of eligible activities to include “non-traditional” public transportation projects that include:

1. Public transportation projects (capital only) planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable;
2. Public transportation projects (capital and operating) that exceed the requirements of ADA;
3. Public transportation projects (capital and operating) that improve access to fixed-route service and decrease reliance by individuals with disabilities on ADA-complementary paratransit service; or
4. Alternatives to public transportation (capital and operating) that assist seniors and individuals with disabilities with transportation.

These non-traditional projects are not permitted to utilize more than **45 percent** of the Durham UZA apportionment. These projects must be targeted toward meeting the transportation needs of seniors and individuals with disabilities, although the services may also be used by the general

public. It is not sufficient that seniors and individuals with disabilities are included (or assumed to be included) among the people who will benefit from the project. FTA encourages projects that are open to the public as a means of avoiding unnecessary segregation of services.

The following activities are examples of eligible projects that **go beyond the minimum requirements of ADA**:

1. Enhancing paratransit beyond minimum requirements of the ADA. ADA-complementary paratransit services can be eligible under the Section 5310 program in several ways:
  - a. Expansion of paratransit service parameters beyond the three-fourths mile required by the ADA;
  - b. Expansion of current hours of operation for ADA paratransit services that are beyond those provided on the fixed-route services;
  - c. The incremental cost of providing same day service;
  - d. The incremental cost (if any) of making door-to-door service available to all eligible ADA paratransit riders, but not on a case-by-case basis for individual riders in an otherwise curb-to-curb system;
  - e. Enhancement of the level of service by providing escorts or assisting riders through the door of their destination;
  - f. Acquisition of vehicles and equipment designed to accommodate mobility aids that exceed the dimensions and weight ratings established for wheelchairs under the ADA regulations, 49 CFR part 38 (i.e., larger than 30" x 48" and/or weighing more than 600 pounds), and labor costs of aides to help drivers assist passengers with oversized wheelchairs. This would permit the acquisition of lifts with a larger capacity, as well as modifications to lifts with a 600-pound design load, and the acquisition of heavier duty vehicles for paratransit and/or demand-response service in order to accommodate lifts with a heavier design load; and
  - g. Installation of additional securement locations in public buses beyond what is required by the ADA.
2. Feeder services. Accessible "feeder" service (transit service that provides access) to commuter rail, commuter bus, intercity rail, and intercity bus stations, for which complementary paratransit service is not required under the ADA.

The following activities are examples of those projects that **improve accessibility**:

1. Making accessibility improvements to transit and intermodal stations not designated as key stations. Improvements for accessibility at existing transportation facilities that are not designated as key stations established under 49 CFR 37.47, 37.51, or 37.53, and that are not required under 49 CFR 37.43 as part of an alteration or renovation to an existing station, so long as the projects are clearly intended to remove barriers that would otherwise have remained. Section 5310 funds are eligible to be used for accessibility enhancements that remove barriers to individuals with disabilities so they may access greater portions of public transportation systems, such as fixed-route bus service, commuter rail, light rail, and rapid rail. This may include:
  - a. Building an accessible path to a bus stop that is currently inaccessible, including curbcuts, sidewalks, accessible pedestrian signals, or other accessible features;

- b. Adding an elevator or ramps, detectable warnings, or other accessibility improvements to a non-key station that are not otherwise required under the ADA;
  - c. Improving signage or wayfinding technology; or
  - d. Implementation of other technology improvements that enhance accessibility for people with disabilities including ITS.
2. Travel training. Training programs for individual users on awareness, knowledge, and skills of public and alternative transportation options available in their communities. This includes travel instruction and travel training services.

The following projects are examples of those that **assist seniors and individuals with disabilities with transportation**:

1. Purchasing vehicles to support accessible taxi, ride-sharing, and/or vanpooling programs.
  - a. Section 5310 funds can be used to purchase and operate accessible vehicles for use in taxi, ride-sharing, and/or vanpool programs provided that the vehicle meets the same requirements for lifts, ramps, and securement systems specified in 49 CFR part 38, subpart B, at a minimum, and permits a passenger whose wheelchair can be accommodated pursuant to part 38 to remain in his/her personal mobility device inside the vehicle.
2. Supporting the administration and expenses related to voucher programs for transportation services offered by human service providers.
  - a. This activity is intended to support and supplement existing transportation services by expanding the number of providers available or the number of passengers receiving transportation services. Vouchers can be used as an administrative mechanism for payment of alternative transportation services to supplement available public transportation. The Section 5310 program can provide vouchers to seniors and individuals with disabilities to purchase rides, including:
    - i. mileage reimbursement as part of a volunteer driver program;
    - ii. a taxi trip; or
    - iii. trips provided by a human service agency.

Providers of transportation can then submit the voucher for reimbursement to the recipient for payment based on predetermined rates or contractual arrangements. Transit passes or vouchers for use on existing fixed-route or ADA complementary paratransit service are not eligible. ***Vouchers are an operational expense which requires a 50/50 (federal/local) match.***
3. Supporting volunteer driver and aide programs. Volunteer driver programs are eligible and include support for costs associated with the administration, management of driver recruitment, safety, background checks, scheduling, coordination with passengers, other related support functions, mileage reimbursement, and insurance associated with volunteer driver programs. The costs of enhancements to increase capacity of volunteer driver programs are also eligible. FTA encourages communities to offer consideration for utilizing all available funding resources as an integrated part of the design and delivery of any volunteer driver/aide program.



## Local Share and Local Funding Requirements

The 5310 grant program requires a local match to ensure projects are 100% funded. The FTA's contribution varies according to project type (please see below). Non-DOT funds and local and private funds can be used as the local match. Matching share requirements are flexible to encourage coordination with other federal programs that may provide transportation, such as Health and Human Services or Medicaid. All sources of local match must be identified and described in the grant application.

- Capital Projects – 80% Fed/20% Local Match
- Operating – 50% Fed/ 50% Local Match
- ADA or CAA<sup>1</sup> compliant vehicles – 85% Fed/15% Local Match
- ADA or CAA vehicle-related equipment (on and attached to the vehicle) – 90% Fed/ 10% local

Income from contracts to provide human service transportation may be used either to reduce net project cost (treated as revenue) or to provide local match for Section 5310 operating assistance. No FTA program funds can be used as a source of local match for other FTA programs. Matching share requirements are flexible to encourage coordination with other federal programs that may provide transportation, such Health and Human Service or Medicaid. Some examples of sources of local match which may be used for any portion of local shares include:

- State or local appropriations;
- Other non-DOT Federal funds eligible to be expended for transportation;
- Private donations;
- Revenue from human service contracts;
- Net income generated from advertising and concessions.
- Income from contracts to provide human service transportation.

Local match may be derived from other Federal funds derived from Federal programs that are eligible to be expended for transportation, other than from the DOT programs. Examples of types of programs that are potential sources of local match for Section 5310 include:

- employment training,
- aging,
- medical,
- community services, and
- rehabilitation services.

To be eligible for local match for FTA funds, the other Federal funds must be used for activities included in the total net project costs of the FTA grant. Expenditure of other Federal funds for transportation outside of the scope of the project cannot be applied as a credit for local match in the FTA grant.

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<sup>1</sup> Clean Air Act

## Project Selection Criteria and Method of Distributing Funds

Project funds will be awarded through a competitive selection process. The process will begin every two years with a call for projects. After receipt of applications by the DCHC-MPO staff, applications will then be forwarded to the Subcommittee of the DCHC's Technical Coordinating Committee (TCC). The Subcommittee will review and score all applications and make a selection based on the responsiveness of individual applications. Representatives of this subcommittee are very familiar with local human service agencies, the target population documented in the CPT-HSTP, and the transportation issues affecting this target population. After scoring the proposals, the Transit Subcommittee will recommend projects for funding to the TCC.



The TCC will review the projects recommended for funding and make further recommendation to the DCHC Board. The Board will have the final vote on the selection and funding of the recommended projects. The list of approved projects will then be published and submitted to the FTA for funding. All proposals will reflect public transportation and human service transportation priorities documented in the CPT-HST Plan. The recommended top tier transportation priority needs currently identified by the MPO are listed below:

1. **Coordination/Mobility Hub for Human Services and Public Transportation**
2. **Expanded Transportation Services**
3. **Expanded Education Services**
4. **Application Process Improvements**
5. **Bus Stop Access Improvements**

Further explanation, detail, and project ideas that fall under the five general areas of need can be found in the 2019 CPT-HSTP Update.

## Program of Projects Development and Approval Process

In accordance with the federal transportation law, MAP-21, all projects selected for 5310 Grant funding must be “included in a locally developed, coordinated public transit-human service transportation plan.” The 2019 CPT-HSTP Update identifies five top priority needs, with many project ideas under each category. Applicants can propose more detailed project ideas than are listed in the CPT-HSTP, allowing applicants the flexibility to address needs creatively.

### All applications must meet the following:

1. The proposed project must be a non-duplicative service or program.
2. Eligible matching funds must be identified and available.
3. The primary focus of the proposed service or program must serve the target populations (i.e. persons with disabilities or seniors).
4. The project must benefit the Durham – Chapel Hill – Carrboro urbanized area.

### **Eligible applications will then be evaluated on the following criteria:**

1. *Project Need/Goals & Objectives (30%)*
  - Fit with high-priority needs identified in the Coordinated Plan
2. *Quality of the implementation plan (15%)*
3. *Project Budget (15%)*
  - Efficiency (estimated cost per new customer)
  - Financial sustainability beyond grant period
4. *Partnerships and Outreach (25%)*
  - Effectiveness of proposed partnerships
  - Maximize additional resources
  - Quality of marketing/outreach plan
  - Geographic range of project benefits
5. *Program Effectiveness and Performance Indicators (10%)*
  - Quality of the evaluation plan
6. *Innovation (5%)*
  - Applicability of innovative ideas or creative financing elsewhere in region

## Project Selection

The Project Selection process will be conducted every two years, as long as 5310 grant funds are available. The solicitation of projects will be announced as early in each calendar year as is feasible, to provide applicants with ample time to develop complete proposals. During this first year, the solicitation announcement follows the Transportation Advisory Committee's approval of the CPT-HSTP and the Program Management Plan. In subsequent years, the solicitation announcement will occur earlier, to provide applicants with ample time to develop complete applications.

All applicants will be required to submit a completed application. This would allow enough time for the application evaluation by the Technical Coordinating Committee (TCC) subcommittee. This subcommittee would make funding recommendations to the full TCC, who in turn would make final recommendations to the Transportation Advisory Committee. The criteria recommended for use in evaluation of competing applications are listed on the preceding page and below.

The intent is that the selected projects will enable all the stakeholders to cooperatively move toward an increasingly coordinated transportation system. This will better serve the needs of all our customers, but particularly those who have traditionally been transportation-disadvantaged.

The TCC will review and make all necessary updates to the program as it deems necessary.

## Project Selection Criteria/Application and Scoring

The LPA is electing to conduct a competitive selection process for projects seeking Section 5310 funds apportioned to the DCHC MPO.

This competition shall occur biennially. The following information and scoring criteria will be used to score and rate project applications:

1. **Project Needs/Goals and Objectives (30 points):** The project should directly address priority transportation needs identified through the Durham-Chapel Hill-Carrboro MPO's locally developed Coordinated Public Transportation - Human Services Transportation Plan. Project application should clearly state the overall program goals and objectives, and demonstrate how the project is consistent with the objectives of the 5310 grant program. The project application should indicate the number of persons expected to be served, and the number of trips (or other units of service) expected to be provided.
2. **Implementation Plan and Evaluation (15 points):** For all projects, applicants must provide a well-defined service operations plan and/or capital procurement plan, and describe implementation steps and timelines for carrying out the plan. The implementation plan should identify key personnel assigned to this project and their qualifications. Project sponsors should demonstrate their institutional capability to carry out the service delivery aspect of the project as described.
3. **Project Budget (15 points):** Projects must submit a clearly defined project budget, indicating anticipated project expenditures and revenues, including documentation of matching funds.

Proposals should address long-term efforts and identify potential funding sources for sustaining the service beyond the grant period.

4. **Partnerships and Program Outreach (25 points):** Proposed projects will be evaluated based on their ability to coordinate with other public transportation, community transportation and/or social service resources. Projects that include partnerships with non-profits, private business, or other stakeholders will also receive higher points. Project sponsors should clearly identify project stakeholders, and how they will keep stakeholders involved and informed throughout the project. Project sponsors should also describe how they would promote public awareness of the project. Letters of support from key stakeholders and/or customers should be attached to the grant application.
5. **Program Effectiveness and Performance Indicators (10 points):** The project will be scored based on the project sponsor's ability to demonstrate that the proposed project is the most appropriate match of service delivery to the need, and is a cost-effective approach. Project sponsors must also identify clear, measurable outcome-based performance measures to track the effectiveness of the service in meeting the identified goals. A plan should be provided for ongoing monitoring and evaluation of the service, and steps to be taken if original goals are not achieved. Sponsor should describe their steps to measure the effectiveness and magnitude of the impact that the project will have on target markets (i.e., persons with disabilities or seniors).
6. **Innovation (5 points):** The project will be examined to see if it contains innovative ideas (service concepts or facilities, creative financing, or new technologies) that have the potential for improving access and mobility for the target populations and may have future application elsewhere in the region.

## Program Measures

Under the Government Performance Results Act (GPRA), FTA is required by law to “establish performance goals to define the level of performance” and to also “establish performance indicators to be used in measuring relevant outputs, service levels, and outcomes” for each of its programs. The performance measures described here are designed to fulfill FTA's obligations under this Act.

At the beginning of each program year, and depending on the scope or the emphasis areas chosen by the DCHC-MPO as qualified areas for funding, a set of criteria should be outlined that would be the basis for selection of projects. As part of the compliance and monitoring process, individual projects will have specific reporting benchmarks that must be met in order to stay compliant and be eligible for continuous funding.

At the very least, all projects should provide both qualitative and quantitative data on the following performance measures:

### Traditional Section 5310 Projects

1. **Gaps in Service Filled.** Provision of transportation options that would not otherwise be available for seniors and individuals with disabilities measured in numbers of seniors and people with disabilities afforded mobility they would not have without program support as a result of traditional Section 5310 projects implemented in the current reporting year.
2. **Ridership.** Actual or estimated number of rides (as measured by one-way trips) provided annually for individuals with disabilities and seniors on Section 5310–supported vehicles and services as a result of traditional Section 5310 projects implemented in the current reporting year.

### **Other Section 5310 Projects**

1. Increases or enhancements related to geographic coverage, service quality, and/or service times that impact availability of transportation services for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.
2. Additions or changes to physical infrastructure (e.g., transportation facilities, sidewalks, etc.), technology, and vehicles that impact availability of transportation services for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.
3. Actual or estimated number of rides (as measured by one-way trips) provided for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.

In addition to the measures mentioned above, grantees will be required to propose a set of performance measures that will allow the MPO to evaluate the implementation and effectiveness of individual grant projects. The performance data required of each sub-recipient will vary, but performance measures agreed upon are required in the quarterly project status report. Examples of performance measures include, but are not limited to:

- Passengers per day/hour
- Average passenger revenue
- Net Cost per passenger/client
- Annual vehicle miles traveled
- Revenue service hours provided
- Number of additional clients served/trained
- Expanded service provision

### **Quarterly Report Procedures**

On a **quarterly basis**, all sub-recipients shall submit (with invoices) to the DCHC MPO, a brief narrative of quarterly activities. Information included in the narrative should contain such items as:

- Coordination efforts with employers or other transportation providers,
- Marketing or public awareness efforts, and
- Service or schedule revisions made during the period.

These reports should also include:

- A project narrative
- Local matching sources used
- Number of passenger trips provided (if applicable)
- Vehicle Miles Traveled

- Revenue Service Hours Provided
- Any other benchmarks established at grant award

## Annual Report Procedures

An annual performance report is to be submitted by the DCHC MPO with the final planning funds invoice submission for a fiscal year. Each sub-recipient should provide the following information to the DCHC MPO at the close of the fiscal year:

1. Comparison of work accomplishments to anticipated work goal;
2. Discussion of progress in meeting schedules;
3. Commentary on significant task cost overruns/underruns;
4. Identification of any approved amendments; and
5. Discussion of any items of interest, i.e. reorganization and personnel changes.
6. Documentation of efforts in purchasing from DBE vendors
7. A vehicle condition report

## Administration, Planning, and Technical Assistance

Designated recipients of the Section 5310 Grant funding may utilize up to 10% of each yearly apportionment to support program administrative costs including administration, planning, and technical assistance. This activity may be funded entirely by federal funds and does not require a local match. The DCHC MPO being the designated recipient will utilize allowable funds up to 10% of the total value of any grant that they administer. These funds will offset the cost of overhead and staff salaries associated with application process, project approval and grant management activities. These dollars will be used to support the competitive selection process and updates to the Coordinated Human Services Transportation Plan.

In the course of administering projects for sub-recipients, the designated recipient, the LPA (DCHC MPO) may include up to 10% of the net application project amount to fund program administration costs including administration, planning, and technical assistance.

Allowable administrative costs may include, but are not limited to:

- General administrative and overhead costs
- Staff salaries
- Office supplies, and
- Development of specifications for vehicles and equipment

Guidance on eligible costs can be found in the Office of Management and Budget (OMB) Circular A-87. The DCHC MPO as the Lead Planning Agency will assist in determining needs within service areas for seniors and persons with disabilities. This assistance includes an inventory of existing public transportation services, the total estimated demand for seniors and persons with disabilities transportation and the estimated number of vehicles of a given capacity to satisfy the unmet demand.

Grant applicants should consider some the following factors based on specific project type: number of trips, trip purpose, the locations of shopping areas and medical facilities, nutrition sites, social services, recreation areas, the estimated number of vehicles and sizes needed to fill gaps in service. Data compiled on the existing transportation services available in the area will be used and an analysis will be made as to whether or not the existing services are insufficient, inadequate or inappropriate to meet the need.

## Transfer of Funds

Transfers of Section 5310 funds to other FTA programs or sub-recipients are not permitted. Upon successful program selection and funds approval by the Durham City Council, the designated recipient would apply for grants and pass-through funds to sub-recipients under the guideline outlined in this PMP and consistent with pass-through agreements.

## Private Sector Participation

To the extent possible, the DCHC-MPO will provide equal and adequate access for all public and private transportation and human service providers in the Metropolitan area to enable them to apply for the grant, and if qualified, receive funding from the program. The competitive selection process is open and public. Notices for funding and call-for-projects will be advertised in newspapers, as well as mailed out to partners and stakeholders on the MPO Coordinated Human Services mailing lists.

## Civil Rights/Title VI

The City of Durham will require that sub-recipients recommended for federal funding submit all project appropriate FTA certifications and assurances as part of the application process and annually thereafter. These include, but are not limited to:

1. Nondiscrimination Assurances
2. Assurance of Nondiscrimination on the Basis of Disability
3. Equal Employment Opportunity Policy

The City of Durham will not execute any grant contract without having first received these items. The City and NCDOT shall exercises an active oversight role with regard to the equipment procurement process. The DCHC MPO shall require that bidding documents for equipment be in compliance with Subpart D, 49 CFR, Part 26. This requirement relates to the purchase of goods and/or services from disadvantaged business enterprises (DBE). Sub-recipients are required to annually report purchases made from DBE vendors and provide a description of their good faith efforts to locate and purchase from DBE vendors.

The DCHC MPO will ensure that all fund recipients comply with federal civil rights requirements related to the execution of the funded project. The MPO will also ensure that recipients of the funds provide equal access and mobility for any person without regard to race, color or national origin.

Consequently, the DCHC MPO will make certain that projects funded by the grant have in place adequate measures to meet or exceed federal Title VI assurance and DBE goals, and provide fair, equitable service to minority women, children and the elderly population in the course of executing the funds. Additionally, the DCHC, in the process of selecting fund recipients, would make sure that potential fund recipients have incorporated minority programs into their proposal and that the disadvantaged populations have been given due consideration and are not harmed by the execution of the project.

## Section 504 and ADA Reporting

The DCHC-MPO project funding guidelines will guarantee that all programs funded by Section 5310 funds comply with all Section 504 and ADA rules and regulations. Accordingly, all applicants would be made to certify that their respective projects comply with all applicable rules and regulations related to Section 504 and ADA. Also, program selection would be made with Section 504 and ADA compliance requirements in mind and the level of compliance may influence the selection of a program.

Additionally, The DCHC-MPO would require that fund recipients have endorsement from other human service agencies that cater to the needs of ADA clients. Any ADA violation by a fund recipient may be ground for termination of the funds. DCHC MPO will notify each grant recipient at the time of the grant award that that allegations made in regards to discrimination in service or employment, including Section 504 and ADA will be reported and investigated. The City of Durham Human Relations Department may be contacted by anyone alleging discrimination in service or employment, including Section 504 and ADA. Sub-recipients must be in compliance with Section 504 ADA requirements. Any written complaints alleging discrimination will be referred to the City of Durham Human Relations Department and the NCDOT's Office of Equal Opportunity.

## Designated Recipient Program Management

The City of Durham will be responsible for ensuring certain reports are provided to FTA each year or as needed. In order to provide these reports for services provided by the City and its sub-recipients, it will be necessary for The City of Durham to collect certain data from each sub-recipient. The reports that City of Durham will provide to FTA each year are:

### Annual Program of Projects (POP) Status Reports

The DCHC MPO will submit quarterly status reports that include an updated POP for each approved grant that contains active projects. The updated POP reflects project descriptions, changes in projects from one category to another, and adjustments if applicable.

### Significant civil rights compliance

Issues occurring during the year (such as Title VI, Equal Employment Opportunity (EEO), or Disadvantaged Business Enterprise (DBE) Program complaints against the designated recipient, the City of Durham or sub-recipients will be addressed in the annual status report. The City of Durham will also report notable accomplishments or problems involving 5310 Grant sub-recipients.



## Milestone Activity Reports

For activity line items (ALIs) for which milestones were required at the time of the recipient application (for example, for vehicle procurements, construction projects, and program reserve), the DCHC MPO will provide revised milestone dates as part of the report. If the estimated completion date for the grant has changed, the revised date will be provided with an explanation as to why the date has changed.

The daily monitoring as well as management of the program will be done by the designated recipient, the City of Durham. All procurement emanating from the grant must comply with the established compliance guidelines set by the program. In cases of gross mismanagement, fraud or non-performance of the project, the City would set in motion a process to cut off funds, involve the City of Durham's attorneys or do both. In some cases, assets acquired with funds from the program may be taken away or transferred to other agencies to ensure that public funds are not wasted but put to proper use. Additionally, the City of Durham will establish the following annual process for managing the program:

- Establish timeline and procedure for announcing, selecting, disbursing funds and monitoring of programs.
- Establish procedure for developing updates and maintaining local standards for compliance with the program.
- Establish internal guidelines for making determinations of compliance with the program, and contract administration.
- Conduct end-of-program assessment to assure that all goals were met and also the program complied with all requirements of the guidelines established.
- Provide avenue for further review, updates or amendments to the local program requirement.

The City of Durham will monitor sub-recipients' compliance with federal requirements and program guidance. The City of Durham will use a checklist and provide a summary of each visit, which it will keep on file and make available to FTA during any federal program management reviews

## Certifications

Certifications are required for all federal grant recipients, sub-recipients, contractors, and subcontractors. For DCHC MPO transit operators, the certification is part of the Annual List of Certifications and Assurances that they submit to the FTA. Transit operators are required to include the lobbying clause in its FTA-funded agreements, including sub-recipient agreements, third party contracts, and subcontracts exceeding \$100,000. Signed certifications must be obtained by the City of Durham from all sub-recipients. The full list of certifications and required documentation is located on the 5310 application.

## Sub-recipient Agreement

The City of Durham will develop and execute sub-recipient agreements with all sub-recipients awarded funding under the Section 5310 Grant Program. The sub-recipient agreements for capital



projects will detail the scope of work of the project. Agreements for operating assistance will outline the type of service provided by the sub-recipient, the time period covered by the agreement, and the service area. All sub-recipient agreements will include the funding amounts awarded. Any expenses incurred in excess of the budgeted amounts are the sole responsibility of the sub-recipient.

## Financial Management

The designated recipient, the City of Durham, maintains financial management systems for financial reporting, accounting records, internal controls, and budget controls subject to standards specified in state laws enforced by the State Auditor, the State Office of Financial Management, and the Legislative Transportation Committee. All systems and procedures for financial management are in compliance with 49 CFR 18.20 and the NCDOT's procedures for incurring and recording expenditures associated with state administration of the 5310 program.

### Appropriate Expenditures

1. Salaries and payroll additive costs, transportation expenses, and office and other expendable supplies for all work provided in the approved planning work program.
2. Printing, copying, keypunching, computer processing, mapping and aerial photography costs as required for carrying out the work provided in the planning program.
3. Purchases of special equipment.
4. The Employment of Consultants must be in accordance with North Carolina Department of Transportation Consultant Selection Procedures; or procedures approved by NCDOT and FTA. NCDOT must approve the employment of all consultants. All contracts or agreement with consultants or contractors must be submitted to NCDOT. Payments to minority or women owned business must be reported to NCDOT.
5. Reimbursement of other city agencies, municipalities, counties, regional and state agencies for expenses incurred in conducting work provided for in the planning work program.
6. Auditing costs associated with fulfilling the requirements of OMB Circular A-133.

### Accounting Procedures

1. A separate account should be established for the 5310 funds for each fiscal year and all transactions recorded in accordance with acceptable accounting procedures which are approved by NCDOT and FTA. OMB Circular A-102 outlines standards for grantee financial systems.
2. The account established for the planning funds will be included in the annual audit of the agency in accordance with OMB Circular A-133.
3. Time spent for staff services on work provided for in planning work program should be recorded by work task on either standard monthly, weekly, or biweekly time sheets for each individual and filed for audit purposes.
4. Cost for capital and operating (i.e., transportation, office and other expendable supplies, printing, copying work, keypunching, computer processing, mapping and aerial photography) should be supported by receipts, logs and vouchers as appropriate.

5. Reimbursement of other city agencies, municipalities, counties, regional and state agencies should be on a basis of vouchers submitted and supported by similar documents as required of the lead agencies. The vouchers should, as a minimum, specify the staff time expended and work task for which the reimbursement is requested.
6. The total amount of funds specified in the approved 5310 Grant program will be the controlling amount for which reimbursement can be claimed for a given fiscal year. It is recognized that the amount to be spent on each task will vary somewhat from that estimated in the program. Identification of expenditures by work task in a quarterly progress report will ensure that work is being accomplished in accordance with the program and provide guidance in estimating costs for work to be accomplished in succeeding fiscal years.

## Reimbursement Procedures

Sub-recipients invoices should be submitted via quarterly reports to MPO/Lead Planning Agency (LPA). The invoice should indicate/include:

1. The total amount of federal grant funds and matching funds expended during the subject period and the amount being requested for reimbursement.
2. Quarterly expenditure report by work task.
3. Year-to-date quarterly narrative.
4. Supporting Documentation (timesheets, receipts, invoices paid, etc.).

## Sub-recipient Financial Management

The City of Durham will develop and execute grant pass-through agreements with recipients of 5310 Grant funds. All projects related to capital and operating assistance expenditures are expected to be incurred locally and reported to the MPO after the agreements have been executed. All grant agreements for capital projects shall detail the equipment approved for purchase and its intended use. Agreements for operations assistance outline the type of service provided by the sub-recipient, the time period covered by the agreement, and the service area. The City of Durham shall reimburse the sub-recipient with the federal funds based on the proportions identified on the grant agreement. Grant expenditures shall be identified in the City of Durham Accounting and financial reporting tool called MUNIS. Also, grant funding and expenditures shall be identified by federal grant number, grant program and sub-recipient grant number.

The City of Durham shall also maintain spreadsheets for each sub-recipient. These spreadsheets track project expenditures, amounts charged to each funding source, local matching sources, and project budgets. Additional spreadsheets may be prepared which summarize the total expenditures on each grant.

## Audits

Sub-recipients shall provide an audit report to the City of Durham. The City of Durham shall conduct a single audit consistent with the City's audit policies and procedures. NCDOT Auditor is legally responsible for conducting audits of state agencies and local governments, including public transit agencies. These audits comply with *OMB Circular A-133*. Auditor issues reports at the completion of the audits. Sub-recipients who are private non-profit organizations or private for-profit firms are

required to obtain audits of their expenditures and operations annually by an independent audit firm if their agency has expended in excess of \$500,000 in the Federal fiscal year. The audit firm is instructed by the sub-recipient to send a copy of the report to the City of Durham the year after they incur grant-related expenditures. NCDOT's Audit Office shall review the audit reports for compliance with *OMB Circular A-110, A-122, and A-133*. Any questions raised by the Audit Office must be resolved by the sub-recipient and the audit firm preparing the audit report.

## Close Out

For internal financial reasons, the City of Durham closes projects several months after reimbursing the sub-recipient for the last of its eligible expenditures. The process is one of the following:

- a) Verification by the City of Durham with the sub-recipient's representative that all project expenditures have been incurred and reimbursed, or
- b) All funding available in the sub-recipient agreement has been reimbursed, or
- c) The project has come to the end of its 3-year term (operating projects).

Capital assistance has a term equivalent to the useful life of the equipment purchased, which may be up to twelve years after acceptance of the equipment. The DCHC MPO may amend or terminate capital assistance agreements when project equipment is transferred between sub-recipients before its useful life has been reached. Operating assistance agreements have a term of 36 months and are not extended or closed prior to the end date of the agreement.

## Procurement

Purchasing equipment under the 5310 grant program may be conducted directly by the sub-recipients. Sub-recipients that are governmental transit entities (such as DATA or Chapel Hill Transit) will have different procurement processes. These types of entities may participate in NCDOT's coordinated bid process (with NCDOT oversight). The role of NCDOT and the City of Durham is to assure purchases are made competitively and in compliance with federal procurement policies. NCDOT requires that all bid documents and specifications prepared by the sub-recipients be submitted for review and approval prior to seeking bids for equipment, to assure compliance with Federal standards.

The DCHC MPO will provide procurement oversight for non-governmental transit entities (private non-profits or for-profit businesses). The role of DCHC MPO is to assure purchases are made competitively and in compliance with federal procurement policies. Purchases of equipment by sub-recipients are required to abide by the Buy America and Disadvantaged Business Enterprise (DBE) provisions. DCHC MPO requires that all bid documents and specifications prepared by the sub-recipients be submitted for review and approval prior to seeking bids for equipment, to assure compliance with Federal standards.

## Property Management

The DCHC MPO shall design and maintain a database that contains all equipment inventory records. The information in the database shall include, but is not limited to the sub-recipient's name, address and phone number; date accepted; equipment purchased; identification/model numbers; vehicle equipment is attached to; federal grant number and state agreement number; federal

percentage share; date last inspected, and condition; type of funding used for the purchase; and other information used by the City for program review and reporting.

## Inventory Reports, Maintenance Records and ADA Accessibility

Sub-recipients would be required to submit an annual Owned Rolling Stock Inventory. The inventory will include the following information:

- Year/Make/Model or other ID
- Vehicle Identification Number
- Agency Vehicle Number
- Condition
- Age
- Remaining Useful Life
- Replacement Cost
- ADA Accessibility

The information obtained from these inventories will become part of the inventory record.

Recipients and sub-recipients shall maintain equipment maintenance and inspection records for equipment procured with 5310 funds. In the owner's manual and the lift equipment manual that is included with each vehicle, there is a complete vehicle maintenance schedule. The schedules list the service functions and the service time intervals, in months or miles or cycles. Recipients will be required to service the vehicle(s) and equipment, at a minimum, in accordance with the maintenance schedules, and to keep records to show that service was completed. During an annual inspection, the City of Durham will ask to review the maintenance records. The City of Durham will randomly pick maintenance reports to review. In addition, each recipient will submit certification that service is completed at least as scheduled per the owner's manuals. Request for certification will be sent out annually by the City of Durham.

**Recipients and sub-recipients shall maintain ADA accessibility records and checklist. The DR shall be provided a checklist for maintenance and ADA Accessibility features such as lift, voice announcement, etc. Sub-recipients may be required to provide their daily log of their maintenance and ADA accessibility checklist to the City of Durham.**

## Other Provisions

The DCHC MPO makes appropriate certifications of compliance with Federal requirements. The designated recipient, the City of Durham will cite language regarding these Federal requirements in its contracts with sub-recipients and requires each sub-recipient to execute a certification of compliance with the relevant Federal requirements. Sub-recipient certifications are required of the sub-recipient at the time of application (if applicable). In addition to monitoring sub-recipient's adherence to Title VI requirements, all other applicable federal requirements and certifications will be monitored under the City of Durham 5310 Grant compliance program currently under development.

## Buy America

Under the Buy America provision applicable to FTA grants, FTA funds may not be obligated unless steel, iron, and manufactured products used in FTA-funded projects are produced in the United States. Rolling stock (including train control, traction power and communication equipment) must

be assembled in the United States and have a 60 percent domestic content to be considered a United States product. The DCHC MPO, in accordance with FTA regulations, requires as a condition of responsiveness, that a bidder submit with its bid a completed Buy America certificate.

## Environmental Protection

The DCHC MPO anticipates only funding projects with categorical exclusions from both the National Environmental Protection Act (NEPA) and the State Environmental Protection Act (SEPA). Therefore, there should be no further documentation necessary. However, should a project be approved that is subject to environmental regulations, the MPO will ensure that the sub-recipient meets all environmental requirements. If such a project were funded, the MPO would require the sub-recipient to submit all necessary documentation.

## Restriction on Lobbying and Code of Ethics

The MPO requires each sub-recipient to complete FTA's Certification on Lobbying prior to contract execution. All bids for equipment prepared by these sub-recipients are required to contain this certification as well. The City's contract with sub-recipients shall require the development and implementation of a written code of ethics. All staff, officers, employees, board members or agents of the sub-recipient are required to comply with the code of ethics. The City of Durham shall verify compliance with this regulation during project monitoring visits.

## Drug and Alcohol Testing

Governmental transit operators, in accordance with 49 CFR Part 655, must have a drug and alcohol testing program in place for all safety sensitive employees. Section 5310 sub-recipients that also receive funding under other FTA programs (Section 5307, 5309, or 5311) must adhere to the mandated FTA drug and alcohol testing program. Any employees funded under Section 5310 projects should be included in the established testing program.

The City of Durham will also require private and non-profit sector sub-recipients with safety sensitive employees to have a drug and alcohol testing program. The testing policies also apply to any contractor or subcontractor with safety sensitive employees. Sub-recipients without safety sensitive employees should submit their drug-free workplace policy. **Sub-recipients will be required to submit their drug and alcohol policy and/or drug-free workplace policy to DCHC MPO LPA (the Lead Planning Agency) as part of the project application process.** This procedure will be reviewed and approved by the City of Durham. The LPA will monitor the sub-recipient's drug and alcohol program proactively over the course of the sub-recipient agreement. The information that the City of Durham requires will be clearly defined in the contract documents issued by the City of Durham and a conformed copy of the contract, including the specifications, maintained by the City of Durham.

## Davis Bacon Wage Rates

The Davis-Bacon Act is applicable to all federally funded construction contracts in excess of \$2,000. This Act requires that each contract for the construction, alteration, or repair (including painting and decorating) of public buildings or public works within the United States shall contain a clause

that no laborer or mechanic employed directly upon the site of the work shall receive less than the prevailing wage rate as determined by the U.S. Secretary of Labor. The minimum wages (including fringe benefits) are those determined by the Secretary of Labor to be prevailing for the laborers and mechanics employed on projects of a similar character in the area in which the work is to be performed. Recipients and Sub-recipients will be required to include the prevailing wage rates in contracts for construction in excess of \$2000. Additional guidance can be found in 29 CFR parts 1, 3 and 5.

### Prohibition on Exclusive School Transportation

Sub-recipients may not provide school bus transportation solely. School bus transportation is defined by FTA as transportation exclusively for school students or personnel. Sub-recipients are required to certify compliance. Students with disabilities are permitted on regular service along with the general public (“tripper service”). The Applicant and sub-recipients understand that a violation of this agreement may require corrective measures and the imposition of penalties, including debarment from the receipt of further Federal assistance for transportation.

### Resources

For more information about the Section 5310 grant process and requirements, please reference FTA Circular FTA C 9070.1G, Published July 7, 2014. The circular can be accessed [via the DOT website](#).