

## **Background and Overview**

In accordance with the Federal Transit Administration's Circular 9050.1, this Program Management Plan (PMP) documents and describes the methods or processes used by the City of Winston-Salem; the designated recipient of the Job Access Reverse Commute (JARC) and New Freedom (NF) funds to solicit, select, award and administer both JARC and NF funds. The funds come from the Federal Transit Administration and are awarded through the City of Winston-Salem to qualified public and private transportation service providers in the Winston-Salem Urban Area Metropolitan Planning Organization's (MPO) urbanized area for the purpose of meeting unmet public transportation and human service needs of residents. This plan serves as a guide to the annual project selection and monitoring process. A copy of this plan will be filed with FTA (Region 4) office and the North Carolina Public Transportation Division.

The Winston-Salem Urban Area MPO currently heads the development and coordination of the region's public and human service transportation initiatives, as required by the SAFETEA-LU, to improve or enhance transportation services for residents who may be low income dwellers, handicapped, seniors, children or transit-dependent through a better coordinated transportation plan. The MPO began a public involvement process including elected and appointed officials, human services agencies and transportation users and providers to develop the Winston-Salem Urban Area Public Transportation-Human Services Coordinated Plan (PT-HSCP) during the summer of 2007. A technical subcommittee guided the plan through a public workshop on November 1, 2007, where stakeholders and citizens used the United We Ride community assessment tool and developed community goals, priorities and strategies for coordinating human services and public transportation. The MPO adopted the PT-HSCP on March 20, 2008, after a thirty day public comment period. The PT-HSCP is available on the City's website at [www.cityofws.org/Home/Departments/Transportation/Planning/Articles/TransitPlanning](http://www.cityofws.org/Home/Departments/Transportation/Planning/Articles/TransitPlanning). The MPO is the planning and administrative entity that will be responsible for the overall administration of the JARC and NF program.

## **Program Purpose and Goals**

The primary goal of the Program Management Plan is to increase personal mobility and transportation options for those with special needs and to enhance access to transit service through the coordination of existing and future services.

FTA has defined the goal of the 5316 Job Access Reverse Commute (JARC) program, in the Circular FTA C 9050.1 JARC, "to improve access to transportation services, to employment, and employment related activities for welfare recipients and eligible low income individuals throughout the country." Toward this goal, FTA provides financial assistance for transportation services planned, designed, and carried out to meet the transportation needs of welfare recipients, and other low-income populations. A Job Access Reverse Commute project is one that transports welfare recipients and eligible low-income individuals to and from jobs and activities related to employment. A reverse commute project is one that takes individuals from urbanized (cities/downtown) and other than urbanized areas to suburban employers.

FTA has defined the goal of the 5317 New Freedom program, in the Circular FTA C 9045.1 New Freedom; “to provide additional tools to overcome existing barriers facing Americans with disabilities seeking integration into the workforce and full participation in society. The New Freedom formula grant program seeks to expand the transportation mobility options available to persons with disabilities beyond the requirement of the Americans with Disabilities Act of 1990.” Toward this goal, FTA provides financial assistance for transportation services planned, designed, and carried out to meet the transportation needs of individuals with disabilities.

The 5316 and 5317 program(s) will be administered to implement the goals and strategic objectives found in the Winston-Salem Urban Area MPO Public Transportation-Human Services Coordinated Plan.

### **Roles and Responsibilities**

The designated recipient of JARC and New Freedom funds in urbanized areas over 200,000 in population has the principal authority and responsibility for administering these programs. The designated recipient must be officially designated through a process consistent with 49 U.S.C. 5307(a) (2): The City of Winston-Salem is the designated recipient of both the JARC and New Freedom grants on behalf of the Winston-Salem Urban Area Metropolitan Planning Organization (MPO). On annual bases, the MPO will solicit, receive and select proposals for funding in Winston-Salem Urban Area from private and public transportation providers.

#### **The designated recipient’s responsibilities:**

- Notify eligible local entities of funding availability
- Develop selection criteria and evaluation process
- Determine applicant eligibility
- Select projects for funding
- Ensure that all subrecipients comply with Federal requirements
- Amend the Metropolitan Transportation Improvement Program (MTIP) and the State Transportation Improvement Program (STIP) to include selected projects

#### **The eligible subrecipient’s responsibilities:**

- Ensure that the proposed project meets the needs of the locally developed, coordinated public transit-human service transportation plan.
- Apply directly to the designated recipient for assistance under these programs through the competitive selection process
- Provide required documentation related to federal rules and details of local match funds
- Implement a Disadvantage Business Enterprise Program in accordance with 49 CFR part 26

### **Technical Subcommittee**

The Winston-Salem Urban Area MPO draws upon a technical subcommittee and community stakeholders task force to assist in the development of a variety of materials, including the development and update of the *Public Transportation- Human Services Coordinated Plan* (PT-HSCP) 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 staff
- County departments of community services
- Transit agencies
- Department of Social and Health Services

### **Coordination**

JARC and New Freedom funding must be implemented effectively and efficiently. One way to provide quality service under these constraints is to coordinate agencies and projects. To exhibit coordination of services, potential applicants should identify any inter-agency and/or service coordination efforts or financial partnerships as part of the application and competitive selection process. The MPO Lead Planning Agency will coordinate the planning and implementation of the grant program with the Technical Coordinating Committee (TCC) and the Transportation Advisory Committee (TAC) on all transportation planning and service within the Winston-Salem Urban Area MPO. Likewise, services related to this program will be coordinated with both public and private providers including taxicabs, retirement communities, Meals-on-Wheels, and other community transportation services; public providers such as Winston-Salem Transit Authority (WSTA), Piedmont Authority for Regional Transportation (PART), human service agencies.

### **Eligible Subrecipients**

JARC and NF are formula grant programs for member jurisdictions in the Winston-Salem Urban Area MPO. Only transportation-related programs that fall within the MPO Planning Area qualify for funding. There are four categories of eligible sub-recipients of JARC and New Freedom funds:

- 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;
- Private for profit organizations;
- State or local governmental authority; and
- Operators of public transportation services, including private operators of public transportation services

### **Local Share and Local Funding Requirements**

According to the FTA, JARC and NF funds may be used to finance capital and operating expenses and JARC funds also may be used to finance planning expenses. The Federal share of eligible capital and planning costs may not exceed 80 percent (80/20 match) of the net capital cost of the activity. The Federal share of the eligible operating costs may not exceed 50 percent (50/50 match) of the net operating costs of the activity. Also, the FTA stipulates that fare revenues generated from the service provided may not be used as matching funds for operating grants. **For both JARC and New Freedom funds, all of**

**the local share must be provided from sources other than Federal Department of Transportation funds.** Matching share requirements are flexible to encourage coordination with other federal programs that may provide transportation, such as Health and Human Service or Medicaid. Some examples of sources of local match which may be used for any or the entire 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.
- Non-cash share such as donations, volunteered services, or in-kind contributions is eligible toward the local match as long as the value of each is documented and supported, AND is a cost that would otherwise be eligible under the program.
- Income from contracts to provide human service transportation.

Examples of types of programs that are potential sources of local match for JARC and New Freedom include:

- employment training
- aging
- medical
- community services
- vocational/rehabilitation services
- Temporary Assistance for Needy Families (TANF)

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. Specific program information for other types of Federal funding is available at [www.unitedweride.gov](http://www.unitedweride.gov).

### **Exceptions to Local Match Requirements for JARC and New Freedom**

The Federal share is 90 percent for vehicle-related equipment and facilities required by the Clean Air Act Amendments (CAAA) or the Americans with Disabilities Act (ADA). It is only the incremental cost of the equipment or facility required by the CAAA or ADA that may be funded at 90 percent, not the entire cost of the vehicle or facility, even if the vehicle or facility is purchased for use in service required by the ADA or CAAA. Recipients wishing to apply for assistance at the higher match ratio should consult the FTA Region 4 offices for guidance regarding methods of computing the incremental cost before submitting an application for a grant.

**Annual Program of Projects Development and Selection Process** The federal transportation law, SAFETEA-LU, requires that projects receiving funding under the Job Access/Reverse Commute program or the New Freedom program must be “derived from a locally developed, coordinated public transit - human services transportation plan.” Rather than developing specific strategies, services, or projects for funding, the Winston-Salem Urban Area MPO PT-HSC Plan identifies six top priority needs to be addressed. This allows applicants the flexibility to propose strategies for addressing these needs, and puts the MPO in the position of evaluating competing proposals, as required under the federal guidance.

The Project Selection process will be conducted annually, as long as JARC and New Freedom 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 will follow the Transportation Advisory Committee approval of the Public Transportation-Human Services Coordinated Plan document. In subsequent years, the solicitation announcement should occur earlier.

All applicants will be required to submit a completed application (See Appendix 9 of the PT-HSCP). The criteria recommended for use in evaluation of competing applications are listed in the box at right. The intent is that the selected projects each year will enable all the stakeholders to cooperatively move toward a coordinated system. This will better serve the needs of customers, particularly those who have traditionally been transportation-disadvantaged. The MPO will review and make updates to the PT-HSCP as it deems necessary.

**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 proposed project must be a new or expanded service or program.
4. The primary focus of the proposed service or program must serve the target populations (i.e., persons with low-income for the JARC funds, or persons with disabilities or elders for the New Freedom funds).
5. The project must benefit the Winston-Salem urbanized area.

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

1. *Project Need/Goals & Objectives (25%)*
  - Fit with high-priority needs identified in the Coordinated Plan
2. *Quality of the implementation plan (25%)*
3. *Program Effectiveness and Performance Indicators (20%)*
  - Quality of the indicators and evaluation of matching delivery of service to need
  - Efficiency (estimated cost per new customer)
4. *Project Budget (15%)*
  - Financial sustainability beyond grant period
5. *Coordination and Outreach (10%)*
  - Effectiveness of proposed partnerships
  - Strength of stakeholder support
  - Quality of marketing/outreach plan
  - Geographic range of project benefits
6. *Innovation (5%)*
  - Applicability of innovative ideas

**Project Selection Process and Method of Distributing Funds**

Project funds will be awarded through a competitive selection process. The process will begin each year with a call for projects and receipt of applications by the Winston-Salem Urban Area MPO staff. Applications will then be forwarded to the Transit Subcommittee

of the Greensboro MPO's Technical Coordinating Committee (TCC). The Greensboro MPO Transit Subcommittee will review and score all applications and make recommendations based on the responsiveness of individual applications. Representatives of this subcommittee are familiar with local human service agencies, the target population documented in the PT-HSC Plan, and the transportation issues affecting this population. After scoring the proposals, the Greensboro Transit Subcommittee will recommend projects for funding to the Winston-Salem Urban Area MPO TCC. The Winston-Salem Urban Area MPO TCC will review the projects and recommend funding to the Winston-Salem Urban Area MPO Transportation Advisory Committee (TAC). The TAC will have the final vote on the selection and funding of the recommended projects. The list of approved projects will then be submitted to the FTA for funding. The recommended top tier transportation priority needs currently identified by the MPO in the PT-HSC Plan are listed below:

- Establish more accessible vehicles
- Expand public transportation services
- Improve access to jobs
- Provide volunteer assistance
- Enhance communication and advocacy
- Marketing

#### **Project Selection Criteria /Application and Scoring**

Pursuant to the Section 5316 and 5317 programs, the MPO Lead Planning Agency shall conduct a competitive selection process for projects seeking FTA- JARC or New Freedom funds apportioned to the Winston-Salem Urban Area MPO. This competition will occur annually, beginning with the distribution of Federal Fiscal Year 2006 funds. Projects will compete based on scoring of the application based on the following criteria:

**1. Project Needs/Goals and Objectives (25 points):** The project should directly address priority transportation needs identified through the Winston-Salem MPO's locally developed Public Transportation - Human Services Coordination Plan. The project application should clearly state the overall program goals and objectives, and demonstrate how the project is consistent with the objectives of the JARC and NF grant programs. 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 (25 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. Program Effectiveness and Performance Indicators (20 points):** The application must demonstrate that the proposed project is the most appropriate match of service delivery to the need, and is a cost-effective approach. The application 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. The project should describe the methodology to measure the effectiveness and magnitude of

the impact that the project will have on target markets (i.e., persons with low-income for the JARC funds, or persons with disabilities or the elderly for the New Freedom funds).

**4. Project Budget (15 points):** Applicants must submit a clearly defined project budget, indicating anticipated project expenditures and revenues, including documentation of matching funds. Proposals should address long-term efforts to identify potential funding sources for sustaining the service beyond the grant period.

**5. Coordination and Program Outreach (10 points):** Proposed projects will be evaluated based on their ability to coordinate with other public transportation, community transportation and/or social service resources. An application should clearly identify project stakeholders, and how stakeholders will be kept involved and informed throughout the project. An application should also describe how public awareness of the project will be promoted. Letters of support from key stakeholders and/or customers should be attached to the grant application.

**6. Innovation (5 points):** The project will be examined to see if it contains new or innovative service concepts or facilities that have the potential for improving access and mobility for the target populations and for future application elsewhere in the region.

#### **Administration, Planning and Technical Assistance**

The City of Winston-Salem as the designated recipient of JARC and NF 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. Although currently not using program administration funds, in the future the City may make use of the remaining funds from the 10% cap to offset costs related to the ongoing administration of the JARC and New Freedom programs in the region including overhead and staff salaries associated with support of the competitive selection and application process, project approval and grant management activities, and updates to the Public Transportation-Human Services Coordination Plan.

The City of Winston-Salem will provide or arrange for any technical assistance a subrecipient may need. City staff is available by telephone, e-mail or personal consultation to provide technical assistance throughout the program process including project solicitation, group workshops to assist prospective applicants with the grant application, and working with the selected subrecipients through the necessary steps in order to obtain the grant award. City staff has developed the Public Transportation-Human Services Coordination Plan, managed logistical activities associated with public involvement, database development and grant administration and administered the competitive selection process. City staff will manage the Program of Projects and provide oversight to the selected projects, per FTA guidelines.

In addition, City staff provides ongoing technical assistance to agencies which provide transportation to the target populations. This assistance includes, but is not limited to: the sharing of best practices, facilitation of and participation in meetings among agencies, and assistance in grant applications to secure additional local, state, federal and private funds. The City also provides assistance with GIS and mapping available to transit agencies and human services transportation providers on an as requested basis. The City

of Winston-Salem Department of Transportation website is a repository for information and documents related to the JARC and New Freedom programs and to the coordinated planning process and will continue to be used to disseminate information about the programs and local coordination activities. The MPO will work to promote implementation of the coordinated plan.

### **Transfer of Funds**

There is no authority to transfer JARC or New Freedom funds awarded to the grant recipient or subrecipients. Upon successful program selection and funds approval by the Winston-Salem Urban Area MPO, the designated recipient applies for grants and pass-through funds to subrecipients under the guideline outlined in this PMP and consistent with pass-through agreements.

### **Private Sector Participation**

To the extent possible, the Winston-Salem Urban Area MPO would provide equal and adequate access for all public and private transportation and human service providers in the Winston-Salem Urban Area to enable them apply for the grant, and if qualified, receive funding from the program.

### **Civil Rights**

The City of Winston-Salem and its subrecipients will certify compliance with the requirement of Title VI, Equal Employment Opportunity, (EEO), and Disadvantaged Business Enterprise (DBE) laws and regulations. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color and national origin for programs and activities receiving Federal financial assistance. Six Federal laws enacted between 1964 and 1991 comprise the Federal Equal Employment Opportunity (EEO) program, which prohibit job discrimination based on race, color, religion, sex, national origin, age, disabilities and provide for monetary damages in cases of intentional employment discrimination.

Under SAFETEA-LU, the U.S. Department of Transportation's Disadvantaged Business Enterprise (DBE) program is intended to ensure nondiscrimination in the award and administration of DOT-assisted contracts and subagreements. The City of Winston-Salem, as a recipient of FTA funds, has implemented and will require its subrecipients to have implemented a DBE Program in accordance with 49 C.F.R part 26. As such, The City of Winston-Salem and its subrecipients shall never exclude any person from participating in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by the City of Winston-Salem's DBE program on the basis of race, color, sex or national origin.

### **Section 504 and ADA Reporting**

The City of Winston-Salem and its subrecipients will certify compliance with applicable laws and regulations, discussed below, for nondiscrimination on the basis of disability.

- (1) Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended (29 U.S.C. 794), prohibits discrimination on the basis of disability by recipients of Federal financial assistance.

- (2) The Americans with Disabilities Act of 1990 (ADA), as amended (42 U.S.C. 12101 et seq.), prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities, as well as imposes specific requirements on public and private providers of transportation.
- (3) U.S. DOT regulations implementing Section 504 and the ADA include 49 CFR parts 27, 37, and 38. Among other provisions, the regulations specify accessibility requirements for the design and construction of new transportation facilities; require that vehicles acquired (with limited exceptions) be accessible to and usable by individuals with disabilities, including individuals using wheelchairs; require public entities, including a private non-profit entity “standing in the shoes” of the State as a subrecipient providing fixed-route service, to provide complementary paratransit service to individuals with disabilities who cannot use the fixed-route service; and include service requirements intended to ensure that individuals with disabilities are afforded equal opportunity to use transportation systems. In addition, recipients of any FTA funds should be aware that they also have responsibilities under Titles I, II, III, IV and V of the ADA in the areas of employment, public services, public accommodations, telecommunications, and other provisions, many of which are subject to regulations issued by other Federal agencies.

The City of Winston Salem notifies each subrecipient at the time of the grant award that the City of Winston-Salem Human Relations Department may be contacted by anyone alleging discrimination in service or employment, including Section 504 and ADA. The City will require demographic information, including disability status of riders, in the required quarterly project reports. A process will be developed to solicit any complaints based on perceived discrimination based on disability status. Subrecipients will be asked to report all project implementation measures with both a disability and an ethnic breakdown of the population served.

### **Subrecipient Financial Management**

The City of Winston-Salem will develop and execute grant pass-through agreements for any subrecipients selected for funding under the programs. The City will execute the agreements after the FTA funds are secured.

All grant agreements for capital projects detail the equipment approved for purchase and its intended use. Agreements for operations assistance outline the type of service provided by the subrecipient, the time period covered by the agreement, and the service area. All funding for expenses incurred under both programs is provided on a reimbursement basis. The City will reimburse the subrecipient with the federal funds based on the proportions identified in the grant agreement. Subrecipients must invoice/bill or request reimbursement and will retain the original receipts for all eligible project expenditures. In the case of capital projects, subrecipients must attach copies of vendor invoices to reimbursement requests. Subrecipients receiving operations assistance are not required to submit copies of vendor invoices unless otherwise requested. However, they must retain copies in their offices for verification of expenses during site

visits from the City. Also, grant funding and expenditures shall be identified by federal grant number, grant program and subrecipient grant number.

“In-kind” contributions cannot be used towards the local share of capital project costs, however, “in-kind” contributions under an operating assistance project is allowed. Subrecipients who wish to use in-kind for matching purposes must submit a request to the City that details the type of service received and how the value of the service was determined. Vehicle licensing and insurance are not eligible for reimbursement under a capital project. Sales and use taxes (excluding the local transit portion of sales tax) charged to the subrecipient for vehicles are eligible for reimbursement. The City shall also maintain spreadsheets for each subrecipient. These spreadsheets will 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**

The City of Winston-Salem shall conduct a single audit consistent with the City’s audit policies and procedures. Subrecipients 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 \$50,000 in the Federal fiscal year. The audit firm is instructed by the subrecipient to send a copy of the report to the City of Winston-Salem 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 subrecipient and the audit firm preparing the audit report. In cases of gross mismanagement, fraud or non-performance of the project, the City of Winston-Salem would cut off funds and pursue legal remedies when possible. In some cases assets acquired with funds from the grant may be taken away or transferred to other agencies to ensure that public funds are not wasted but put to proper use.

### **Close Out**

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

- Verification by the City of Winston-Salem with the subrecipient’s representative that all project expenditures have been incurred and reimbursed, or
- All funding available in the subrecipient agreement has been reimbursed, or
- The project has come to the end of its 2-year term (operating projects).

Capital assistance have a term equivalent to the useful life of the equipment purchased, which may be up to twelve years after acceptance of the equipment. The Winston-Salem Urban Area MPO may amend or terminate capital assistance agreements when project equipment is transferred between subrecipients before its useful life has been reached. Operating assistance agreements have a term of 24 months and are not extended or closed prior to the end date of the agreement.

### **Program Management**

The City of Winston-Salem will enter into a written agreement with each subrecipient funded under the two programs stating the terms and conditions of assistance by which the project will be undertaken and completed. The City of Winston-Salem will monitor all local projects to ensure that subrecipients have met or will meet all Federal requirements consistent with U.S. DOT regulations, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” 49 CFR part 18 (the “common rule” or “common grant rule”), and “Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-profit Organizations,” 49 CFR part 19. The City of Winston-Salem will ensure compliance with requirements of the State of North Carolina consistent with those that apply to the Section 5307 Urbanized Area Formula Program.

In the case that a subrecipient is unable to enter into a written agreement with the City of Winston-Salem to provide the transportation services approved during the competitive selection process, the City of Winston Salem will confer with the JARC and New Freedom subrecipients that have entered into written agreements to determine their capacity to provide additional services. Reallocation of the grant funds will be distributed proportionally based on the percentage of the original awarded grant amount to the total available grant funds to the current subrecipients who demonstrate the ability to provide additional transportation services.

The City of Winston-Salem will monitor subrecipient compliance with Federal requirements through a number of methods, including review of quarterly and annual reports and review of invoices remitted for payment of operating and/or capital costs. The City of Winston-Salem shall require that subrecipients recommended for federal funding submit all project appropriate FTA certifications and assurances prior to contract execution and annually thereafter. These include, but are not limited to:

- Standard Assurances
- Nondiscrimination Assurances
- Private Mass Transportation Companies
- Assurance of Nondiscrimination on the Basis of Disability

Additionally the Winston-Salem Urban Area MPO would 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.

**Procurement:** Procedures used by subrecipients to purchase eligible items with JARC and NFP grant funds must ensure competitive procurement and conformity to applicable federal law, including 49 CFR Part 18, specifically Section 18.36 and FTA Guidance Circular: FTA C 4229.1E, “Third Party Contracting Requirements.” Subrecipients must perform in accordance with terms, conditions, and specifications of their contracts or purchase orders. The City of Winston-Salem will ensure that every subgrant includes any clauses required by Federal or state statute and executive orders and their implementing regulations.

**Pre-award and Post-delivery Reviews:** Subrecipients that purchase rolling stock for use in revenue service must conduct a pre-award and post-delivery review to assure compliance with bid specifications, Buy America requirements, and Federal motor vehicle safety requirements. Only purchases of more than 10 vehicles, other than unmodified vans or sedans, require in-plant inspection. The City of Winston-Salem will obtain the certifications from subrecipients through the subrecipient agreement. The City of Winston-Salem will prepare a checklist for its subrecipients to use in complying with FTA’s pre-award audit requirements. The checklist will address “Buy America;” Federal Motor Vehicle Safety Standards; Bus Testing, and the subrecipient’s own specifications. Subrecipients are required to verify certified information by use of the checklist during the visit at the manufacturer’s factory. The City of Winston-Salem will prepare a checklist (Visual Inspection Form and Road Test Form) for the subrecipient’s use in the post-delivery inspection of the vehicle(s). A copy of the completed checklist is required when the subrecipient submits their request for reimbursement.

**New Model Bus Testing:** New and modified bus models must be tested at the FTA-sponsored test facility in Altoona, Pennsylvania. Purchasers of new model buses should ensure that the manufacturer has complied with the testing requirement by requesting a copy of the bus testing report from the Altoona Bus Research and Testing Center, 2237 Old Route 220 North, Duncansville, PA 16635. The center’s phone number is 814-695-3404, and bus testing reports may also be downloaded from the Bus Testing Database at [www.altoonabustest.com](http://www.altoonabustest.com). The City of Winston-Salem will obtain certifications from subrecipients that purchase new model buses that the subrecipient has obtained a copy of the official bus testing report.

**Buy America:** FTA may not obligate funds for a grantee project unless all steel, iron, and manufactured products are produced in the United States, unless the product is subject to a general waiver, or a waiver has been granted. Buy America requirements apply only if the purchase exceeds the threshold for small purchases, currently \$100,000. For purchases over this threshold, The City of Winston-Salem will review during site visits invitations for bids to determine if Buy America provisions are included, and examine bid responses and executed contracts to determine if properly executed Buy America certifications have been obtained.

**Disadvantaged Business Enterprise:** The City of Winston-Salem must ensure that each transit vehicle manufacturer, as a condition of being authorized to bid or propose on

FTA-assisted transit vehicle procurements, do not discriminate against DBEs and has complied with the requirements of 49 CFR part 26.

**Debarment and Suspension:** To prevent fraud, waste, and abuse in Federal transactions, The City of Winston-Salem is responsible for ensuring that Federal funds are not provided to anyone who has been debarred, suspended, ineligible, or voluntarily excluded from participation in Federally-assisted transactions. The U.S. General Services Administration (GSA) maintains a website at [www.epls.gov](http://www.epls.gov), which is updated in real-time as changes to data occur. The City of Winston-Salem will review during site visits a subrecipient's transactions, particularly for vehicles and equipment, to verify that checks have been made.

**Restrictions on Lobbying:** Recipients of Federal grants and contracts exceeding \$100,000 must certify that they have not and will not use Federal appropriated funds to pay for influencing or attempting to influence an officer or employee of any Federal department or agency, a member of Congress, or an officer or employee of Congress in connection with obtaining any Federal grant, cooperative agreement or any other Federal award. The City of Winston-Salem requires each subrecipient receiving more than \$100,000 to complete FTA's Certification on Lobbying prior to contract execution. All bids for equipment prepared by these subrecipients are required to contain this certification as well.

**Vehicle Use:** Vehicles must remain in use for the purposes intended by the Federal program under which they are purchased. Maximum use of vehicles is encouraged, first for program related purposes, then for other federal program and project purposes, and finally for other community needs. The City of Winston-Salem is responsible for ensuring satisfactory continuing control over all vehicles purchased under JARC and NFP and must ensure that vehicles are insured and used for eligible public transit purposes. If subrecipients intend to take vehicles out of service for program purposes, they must notify the City of Winston-Salem before doing so. Subrecipients must remit the federal percentage share of the equipment's current fair market value to the Federal Transit Administration. The fair market value is determined by obtaining an independent appraisal of the equipment. The terms and conditions of vehicle use, disposition, and insurance requirements will be included in the subrecipient agreements prior to awarding funds for vehicles. The City of Winston-Salem will maintain an inventory of all vehicles purchased under each program, and will require subrecipients to submit annual vehicle use reports (miles, hours, passengers, trip purpose) to ensure that vehicles are used in accordance with program requirements and are not underused.

**Vehicle Maintenance:** The City of Winston-Salem is responsible for ensuring that federally funded equipment and facilities are kept in good operating order. As part of their standard subrecipient agreements, the City of Winston-Salem will require subrecipients to follow manufacturer's suggested maintenance activities and schedules to ensure they maintain equipment in good operating order and perform pre-trip inspections of vehicles. The City of Winston-Salem will check subrecipient maintenance records and may inspect vehicles during site visits.

**Exclusive School Bus Transportation.** Subrecipient agreements will include provisions related to compliance with 49 U.S.C. 5323(f) and FTA regulations, “School Bus Operations,” at 49 CFR 605.14. Subrecipients must agree that they will:

- (1) not engage in school transportation operations in competition with private school transportation operators only to the extent permitted by 49 U.S.C. 5323(f), and Federal regulations; and
- (2) comply with the requirements of 49 CFR part 605 before providing any school transportation using equipment or facilities acquired with federal assistance authorized by 49 U.S.C. chapter 53 or Title 23 U.S.C. for transportation projects.

**Drug and Alcohol Testing:** Upon notification of grant award to a subrecipient, The City of Winston-Salem will require that subrecipients submit their policies and procedures to the City of Winston-Salem for review and approval. The City of Winston-Salem will provide technical assistance to the subrecipient in the form of training, networking, policy development, and distribution of FTA’s publication *Implementation Guidelines for Drug and Alcohol Regulations in Mass Transit*. To monitor a subrecipient’s compliance with the drug abuse and alcohol misuse requirement, The City of Winston-Salem will develop a checklist identifying each of the required elements including: policies, procedures for distributing policies, training elements, minimum definition of supervisors subject to training, minimum frequency for training, verification of attendance at training; method of selecting participants for random testing, procedures for conducting testing, and designation of a medical review officer. The City of Winston-Salem will use the checklist during onsite visits. The City of Winston-Salem will require subrecipients to submit annual reports to verify compliance with the regulations.

#### **Program Reporting Requirements**

The City of Winston-Salem is responsible for ensuring certain reports are provided to FTA each year. In order to provide these reports, it will be necessary for the City of Winston-Salem to collect data from each subrecipient. The City of Winston-Salem will report to FTA by the end of the month after the end of each Federal fiscal year quarter, and subrecipients will be responsible for submitting to the City of Winston-Salem the following information by the 10th of January, April, July, and October. The reports that the City of Winston-Salem will provide to FTA each quarter are:

**Annual Program of Projects (POP) Status Reports:** The City of Winston-Salem will submit quarterly status reports that include an updated POP for each approved grant which 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 City of Winston-Salem or subrecipients) will be addressed in the annual status report. The City of Winston-Salem will also report notable accomplishments or problems involving JARC or NFP subrecipients. The City of Winston-Salem will develop a report form for information needed from subrecipients.

**Milestone Activity Reports:** For activity line items (ALIs) for which milestones were required at the time of recipient application (for example, for vehicle procurements, construction projects, and program reserve), the City of Winston-Salem will provide revised milestone dates as part of the annual 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. This information will be reported for the City of Winston-Salem activities and those of its subrecipients.

**Program Measures:** The City of Winston-Salem will also collect from subrecipients data to be included in its annual report to FTA. The following indicators will be used as part of the status report for the JARC and New Freedom Programs:

**JARC**

- a. Actual or estimated number of jobs that can be accessed as a result of geographic or temporal coverage of projects implemented in the current reporting year.
- b. Actual or estimated number of rides (as measured by one-way trips) provided as a result of projects implemented in the current reporting year including a breakdown of the disability and ethnicity of the population served.

**New Freedom**

- a. Services provided that impact availability of transportation services for individuals with disabilities as a result of projects implemented in the current reporting year. Examples include geographic coverage, service quality and/or service times.
- b. Additions or changes to environmental infrastructure (e.g., transportation facilities, sidewalks, etc), technology, vehicles that impact availability of transportation services as a result of projects implemented in the current reporting year.
- c. Actual or estimated number of rides (as measured by one-way trips) provided for individuals with disabilities as a result of projects implemented in the current reporting year including a breakdown of the disability and ethnicity of the population served.

**Financial Status Report:** The City of Winston-Salem submits quarterly Financial Status Reports. Each subrecipient is responsible for accurate and complete disclosure of its project related expenditures.