

Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program Management and Coordination Plan

Appleton Metropolitan Planning Organization

2019



5310 Program Management and Coordination Plan for the Appleton Urbanized Area

2019

Prepared by the
East Central Wisconsin Regional Planning Commission

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ABSTRACT

TITLE: SECTION 5310 PROGRAM MANAGEMENT AND
COORDINATION PLAN FOR THE APPLETON URBANIZED
AREA - 2014

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Enhanced Mobility of Seniors and Individuals with Disabilities
Program Management and Coordination Plan

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Table of Contents

| | |
|--|----|
| INTRODUCTION | 1 |
| HISTORY | 1 |
| ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES - SECTION 5310 PROGRAM OVERVIEW | 3 |
| PURPOSE OF THE SECTION 5310 ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM MANAGEMENT AND COORDINATION PLAN..... | 3 |
| ELIGIBLE RECIPIENTS | 3 |
| ELIGIBLE ACTIVITIES | 3 |
| FUNDING PROJECTS | 4 |
| ONGOING PROVISIONS | 4 |
| APPLETON TMA MANAGEMENT PLAN SECTION 5310 PROGRAM | 5 |
| PROGRAM GOAL | 5 |
| DESIGNATED RECIPIENT | 5 |
| FUNDING CYCLE | 6 |
| ROLES AND RESPONSIBILITIES | 7 |
| PROJECT SELECTION AND METHOD OF DISTRIBUTING FUNDS | 8 |
| Vehicle Purchase | 9 |
| New Freedom Type Projects | 9 |
| PROTEST PROCEDURES | 10 |
| Applicability | 10 |
| Guidelines for Protests..... | 11 |
| Resolution | 12 |
| General Manager Response..... | 12 |
| Decision on Protest | 12 |
| Local Appeal Procedure..... | 12 |
| FTA Funded Projects..... | 12 |
| PRIVATE SECTOR PARTICIPATION | 12 |
| PROJECT APPLICATION PROCESS AND SCHEDULE – ODD YEARS..... | 13 |
| CIVIL RIGHTS | 15 |
| TITLE VI | 15 |
| Assurances..... | 15 |
| Valley Transit’s Title VI Program | 15 |
| Appleton Urbanized Area | 15 |
| Public Notice..... | 16 |
| How to File a Title VI Complaint..... | 16 |

| | |
|---|----|
| LIMITED ENGLISH PROFICIENCY (LEP) PLAN | 17 |
| Program Administration | 17 |
| SUBRECIPIENT RESPONSIBILITIES..... | 18 |
| Valley Transit Oversight | 18 |
| Contractors..... | 19 |
| Disadvantaged Business Enterprise (DBE) | 19 |
| Equal Employment Opportunity | 21 |
| MAINTENANCE..... | 24 |
| SECTION 504 AND ADA REPORTING | 26 |
| SECTION 5310 ENHANCED MOBILITY PROGRAM MANAGEMENT | 28 |
| PROCUREMENT | 28 |
| Buy America and Pre-Award and Post-Delivery Reviews | 28 |
| FINANCIAL MANAGEMENT | 29 |
| ASSET MANAGEMENT | 29 |
| CONTINUING CONTROL | 29 |
| DISPOSITION OF ASSETS | 29 |
| ACCOUNTING SYSTEMS | 30 |
| PROJECT MONITORING AND REPORTING REQUIREMENTS | 32 |
| REPORTING REQUIREMENTS FOR VEHICLE PROJECTS | 32 |
| Quarterly Reports..... | 32 |
| Semi-Annual Reports..... | 32 |
| Annual Reports | 32 |
| Reporting Requirements for Non-Vehicle Capital and Operating Projects | 33 |
| OTHER PROVISIONS | 34 |
| ENVIRONMENTAL PROTECTION | 34 |
| SCHOOL TRANSPORTATION..... | 34 |
| DRUG AND ALCOHOL TESTING | 35 |

APPENDICES

| | |
|--|----|
| Appendix A: Resolution 12-13 Supporting Valley Transit as 5310 Administrator | 36 |
| Appendix B: 5310 Designated Recipient Letter | 38 |
| Appendix C: City of Appleton Memorandum of Understanding..... | 40 |
| Appendix D: ECWRPC Transportation Committee Resolution | 42 |

TABLES

| | |
|--|---|
| Table 1: Appleton TMA 5310 Program Roles and Responsibilities..... | 7 |
| Table 2: Eligible Sub recipient Roles and Responsibilities | 8 |

INTRODUCTION

HISTORY

The Section 5310 program was established in 1975 as a discretionary capital assistance program. In cases where public transit was inadequate or inappropriate, the program awarded grants to private non-profit organizations to serve the transportation needs of elderly persons and persons with disabilities. The Federal Transit Administration (FTA) (then the Urban Mass Transportation Administration [UMTA]) apportioned the funds among the states by formula for distribution to local agencies, a practice made a statutory requirement by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). In the early years of the program, many of the sub recipient non-profit agencies used the vehicles primarily for transportation of their own clients. Funding for the Section 16(b) (2) program, as it was then known, ranged between \$20–35 million annually until the passage of ISTEA, when it increased to the \$50–60 million range. ISTEA also introduced the eligibility of public agencies under limited circumstances to facilitate and encourage the coordination of human service transportation. Increasingly, FTA guidance encouraged and required coordination of the program with other federal human service transportation programs. In lieu of purchasing vehicles, acquisition of service in order to promote use of private sector providers and coordination with other human service agencies and public transit providers was made an eligible expense under ISTEA. Other provisions of ISTEA introduced the ability to transfer flexible funds to the program from certain highway programs and the flexibility to transfer funds from the Section 5310 program to the rural and urban formula programs.

The Transportation Equity Act for the 21st Century (TEA–21) enacted in 1998 reauthorized the Section 5310 program. TEA–21 increased the funding levels for the Section 5310 program but made no significant program changes. In 2005, Congress enacted SAFETEA–LU. SAFETEA–LU introduced the requirement that projects funded with 5310 funds be derived from a locally developed, coordinated public transit-human services transportation plan; removed the flexibility that funds can be transferred to Section 5311 for Section 5311 program purposes during the fiscal year apportioned, if funds were not needed for Section 5310 program purposes; introduced a seven state pilot program that allows selected states to use up to one-third of the funds apportioned to them for operating assistance; and allowed transfers to Section 5307 or 5311, but only to fund projects selected for Section 5310 program purposes.

Title 49 U.S.C. 5310 authorizes the formula assistance program for the special needs of elderly individuals and individuals with disabilities. FTA refers to this formula program as “the Section 5310 program.” FTA, on behalf of the Secretary of Transportation, apportions the funds appropriated annually to the states based on an administrative formula that considers the number of elderly individuals and individuals with disabilities in each state. These funds are subject to annual appropriations.

Title 49 U.S.C. 5310(a)(1) authorizes funding for public transportation capital projects planned, designed and carried out to meet the special needs of elderly individuals and individuals with disabilities.

Title 49 U.S.C. 5310(a) (2) provides that a state may allocate the funds apportioned to it to:

- a. a private non-profit organization, if public transportation service provided by state and local governmental authorities under Section 5310(a)(1) is unavailable, insufficient, or inappropriate; or
- b. a governmental authority that:
 1. is approved by the state to coordinate services for elderly individuals and individuals with disabilities; or
 2. certifies that there are not any non-profit organizations readily available in the area to provide the special services.

The code assigned to the Section 5310 program in the Catalogue of Federal Domestic Assistance is 20.513.¹

SAFETEA–LU was scheduled to sunset on September 30, 2009, but Congress renewed its funding formulas ten times after its expiration date, until July 6, 2012, when President Obama signed the Moving Ahead for Progress in the 21st Century (MAP-21). MAP-21 continues the 5310 program, but made the following changes:

- The New Freedom program and Elderly and Disabled program are now consolidated.
- Operating assistance is now available under the 5310 Program.

Note: *The New Freedom program provided tools to overcome barriers that Americans with disabilities faced in seeking integration into the workforce and full participation in society. Past projects include the following:*

- *mobility management;*
- *operating assistance;*
- *volunteer driver/voucher program; and*
- *capital assistance – vehicles and software.*

¹ Federal Transit Administration - Section 5310 Program Overview - http://www.fta.dot.gov/13094_8348.html - 10-12-13

ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES - SECTION 5310 PROGRAM OVERVIEW

This program is intended to enhance mobility for seniors and persons with disabilities by providing funds for programs to serve the special needs of transit-dependent populations beyond traditional public transportation services and Americans with Disabilities Act (ADA) complementary paratransit services. Statutory Reference - 49 U.S.C. Section 5310 / MAP-21 Section 20009

PURPOSE OF THE SECTION 5310 ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM MANAGEMENT AND COORDINATION PLAN

The purpose of the *Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program Management and Coordination Plan* is to detail the procedures for administering the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program for the Appleton Transportation Management Area (TMA). The procedures are based on the FTA and Wisconsin Department of Transportation's (WisDOT) 2008 State Management Plan for the Section 5310 program elderly and disabled capital assistance.

ELIGIBLE RECIPIENTS

- For areas under 200,000 in population the state is the direct recipient.
- For areas over 200,000 in population the TMA is the direct recipient.
- Sub-recipients include the following:
 - states or local government authorities;
 - private non-profit organizations; and
 - operators of public transportation that receive the grant indirectly through a recipient.

ELIGIBLE ACTIVITIES

- At least 55% of program funds must be used on capital projects that 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.
- The remaining 45% may be used for operating or capital expenses associated with:
 - Public transportation projects that exceed the requirements of the ADA.
 - Public transportation projects that improve access to fixed-route service and decrease reliance by individuals with disabilities on complementary paratransit.
 - Alternatives to public transportation that assist seniors and individuals with disabilities.

FUNDING PROJECTS

- Funds are apportioned for urbanized and rural areas based on the number of seniors and individuals with disabilities.
- Federal share for capital projects (including acquisition of public transportation services) is 80%.
- Federal share for operating assistance is 50%.
- Adopts New Freedom funding allocations:
 - 60% to designated recipients in urbanized areas with a population over 200,000.
 - 20% to states for small urbanized areas.
 - 20% to states for rural areas.

ONGOING PROVISIONS

- Local share may be derived from other federal (non-DOT) transportation sources or the Federal Lands Highways program under 23 U.S.C. 204 (as in former Section 5310 program).
- Permits designated recipients and states to carry out competitive process to select sub recipients.
- Recipients must certify that projects selected are included in a locally developed, coordinated public transit-human services transportation plan. The plan must undergo a development and approval process that includes seniors and people with disabilities, transportation providers, among others, and is coordinated to the maximum extent possible with transportation services assisted by other federal departments and agencies.
- Permits acquisition of public transportation services as a capital expense.
- Up to 10% of program funds can be used to administer the program, to plan, and to provide technical assistance².

² Federal Transit Administration – Fact Sheet - http://www.fta.dot.gov/documents/MAP-21_Fact_Sheet_-_Enhanced_Mobility_of_Seniors_and_Individuals_with_Disabilities.pdf - 10-12-13

APPLETON TMA MANAGEMENT PLAN SECTION 5310 PROGRAM

The Appleton TMA encompasses the cities of Appleton, Neenah, Menasha, Kaukauna; the villages of Fox Crossing, Kimberly, Combined Locks and Sherwood; the towns of Buchanan, Grand Chute, Greenville, Harrison, Kaukauna, Neenah, Vandebroek; and Calumet, Outagamie and Winnebago Counties. The Appleton TMA's population according to the 2010 U.S. Census is around 216,000 thus qualifying them to be a direct recipient of the 5310 Program - Enhanced Mobility of Seniors and Individuals with Disabilities. As a direct recipient of 5310 program funding, it is required by the FTA for the Appleton TMA to develop a program management and coordination plan which details the programs goals, roles and responsibilities, eligible sub-recipients, local share and local funding, project selection criteria, method of distributing funds and the annual program of projects (development and approval process).

PROGRAM GOAL

The goal of the 5310 program and the Appleton TMA is to enhance mobility for seniors and persons with disabilities through financial assistance and to provide tools to overcome barriers that Americans with disabilities face in seeking integration into the workforce and full participation in society and to work together to administer a seamless and efficient program that is clear and transparent.

DESIGNATED RECIPIENT

East Central Wisconsin Regional Planning Commission (ECWRPC) is the designated governing body for the TMA and Valley Transit is the public transportation provider for the Fox Cities. On April 26, 2013, ECWRPC, through a resolution, supported Valley Transit as the administrator for the Section 5310 Elderly and Persons with Disabilities Transportation Assistance program for the Appleton Urbanized Area (**Appendix A**, Resolution No. 12-13). On December 9, 2013, Governor Walker officially appointed Valley Transit as the designated recipient of the Section 5310 Elderly and Persons with Disabilities Transportation Assistance program (**Appendix B**). ECWRPC through a Memorandum of Understanding (MOU) agreed to assist Valley Transit through the administration of the 5310 Program - Enhanced Mobility of Seniors and Individuals with Disabilities. The MOU is located in **Appendix C**.

The designated recipient is responsible for selection of projects, and may, but is not required to, include a competitive selection process. If the designated recipient decides to hold a competitive selection, they may conduct the competitive selection themselves or establish alternative arrangements to administer and conduct the competitive selection.

Ten percent of the recipient's total fiscal year apportionment will be used to fund program administration costs including administration, planning, and technical assistance for projects funded under this program. The designated recipient has pre-award authority to incur administrative costs for Section 5310. Program administration costs are funded at 100 percent federal share.

The Section 5310 program provides that of the amounts apportioned to the designated recipients, not less than 55 percent shall be available for 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, unavailable, or inappropriate. Valley Transit at their discretion with the certification that there are no other eligible recipients can use the 55 percent capital available.

The remaining funds after the 10 percent administration cost and the minimum 55 percent capital are available for transportation operation projects that:

- a. exceed the ADA minimum requirements;
- b. improve access to fixed-route service and decrease reliance by individuals with disabilities on ADA-complementary paratransit service, or
- c. provide alternatives to public transportation that assist seniors and individuals with disabilities with transportation.

Such projects must be targeted toward meeting the transportation needs of seniors and individuals with disabilities, although they may 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.

Valley Transit as the designated recipient can use operating funds toward services for elderly and disabled individuals.

FUNDING CYCLE

The Appleton TMA receives funding for the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities program annually, but solicits applications on a biennial basis. Every odd year the Appleton TMA will solicit projects for the following two program years. Project recipients are selected based on project rankings.

Disclaimer: projects select for the second year of the biennial solicitation will be selected based on the previous year funding levels and are subject to change when final funding numbers are received.

ROLES AND RESPONSIBILITIES

The following tables (**Table 1** and **Table 2**) detail the roles and responsibilities for the Appleton TMA Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities program.

Table 1: Appleton TMA 5310 Program Roles and Responsibilities

| Task | Responsible Party |
|--|--------------------------|
| Developing and maintaining the 5310 program management and coordination plan for the Appleton Urbanized Area. | ECWRPC |
| Developing and managing Outagamie, Calumet and Winnebago County's coordinated public transit-human services transportation plan. | ECWRPC |
| Include 5310 in annual budget. | Valley Transit |
| Notifying eligible sub recipients of the program and the program's requirements. | ECWRPC |
| Providing technical assistance to eligible sub recipients. | ECWRPC/Valley Transit |
| Providing demographic data to help sub recipients comply with Title VI requirements. | ECWRPC |
| Utilizing ECWRPC's application form and evaluation criteria to ensure consistency among sub recipients who have to apply to multiple agencies for the same project. | ECWRPC/Valley Transit |
| Determining applicant eligibility. | ECWRPC/Valley Transit |
| Conducting the competitive selection process. | ECWRPC/Valley Transit |
| Forwarding an annual program of projects (POP) and grant application to the FTA through TRAMS. | Valley Transit |
| Ensuring that all sub-recipients comply with federal requirements. | ECWRPC/Valley Transit |
| Creating a selection subcommittee of ECWRPC, Valley Transit staff and a transit advocate or community representative to review project applications and rank them according to established criteria. | ECWRPC/Valley Transit |
| Ensuring sub-recipient meets procedures documented in the program management and coordination plan. | ECWRPC/Valley Transit |
| Present project funding recommendations to Fox Cities Transit Commission for approval. | ECWRPC/Valley Transit |
| Collecting all approved projects for inclusion in the Transportation Improvement Program (TIP). | ECWRPC |
| Certifying that allocations of grants to sub-recipients are distributed on a fair and equitable basis. | ECWRPC/Valley Transit |
| Certifying that all projects are derived from a locally developed, coordinated public transit-human services transportation plan developed through a process that consists of representatives of public, private, and non-profit transportation and human services providers with participation by the public. | ECWRPC |
| Protest Procedures. | Valley Transit/ECWRPC |
| Developing, executing, managing, and amending grant agreements with sub recipients. | Valley Transit |

Table 1: Appleton TMA 5310 Program Roles and Responsibilities

| Task | Responsible Party |
|--|--------------------------|
| Applying for federal funds and managing the program's federal grants. This includes developing the program of projects, grant reporting, and grant closeouts. | Valley Transit |
| Working with sub recipients to procure capital items. | Valley Transit |
| Processing payments, drawing down federal funds, and completing financial audits. | Valley Transit |
| Collecting and maintaining financial reports, operating statistics, and vehicle data from sub recipients. | Valley Transit |
| Ensuring program measures and reporting are properly tracked, collected and submitted as required. | Valley Transit |
| Monitoring sub recipient compliance with federal requirements. | Valley Transit |
| Conducting on-site inspections of sub recipient projects. | Valley Transit |
| Amending Valley Transit's Title VI plan, Equal Employment Opportunity (EEO) plan, and Disadvantaged Business Enterprise (DBE) goals to include the Section 5310 Enhanced Mobility program. | Valley Transit |
| Reviewing sub recipients' Title VI, EEO, and DBE programs. | Valley Transit/ECWRPC |
| Investigating and addressing Title VI, EEO, and DBE complaints. | Valley Transit/ECWRPC |
| Monitoring sub recipients' adherence to maintenance plans and safety standards. | Valley Transit |

Table 2: Eligible Sub recipient Roles and Responsibilities

| |
|--|
| Paying the local share of the project costs. |
| Working with Valley Transit to procure capital items. |
| Inspecting, insuring, and maintaining all vehicles funded through the program. |
| Completing and submitting acceptance certifications to Valley Transit upon vehicle delivery. |
| Using the funds obtained through the program for the purpose(s) identified in the project application. |
| Submitting financial reports, operating statistics, and vehicle data to Valley Transit. |
| Submitting to on-site inspections as requested by Valley Transit. |
| Complying with all applicable state and federal requirements. |

PROJECT SELECTION AND METHOD OF DISTRIBUTING FUNDS

Projects selected to receive funds under the Appleton TMA Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities program are based on the project evaluation criteria. The criteria are different depending if the applicant is applying for a vehicle versus a New Freedom type project.

New projects will be considered for award if funds are available after prior year/existing projects, which meet or exceed stated goals, are funded.

The criteria for the project evaluation are listed below.

Vehicle Purchase

Demonstration of Need and Service Benefits

- Clearly describes the service using 5310 vehicles and how it meets the eligibility requirements.
- For current recipients with services using 5310 vehicles, outlines how their current service using 5310 vehicles meets or exceeds their organization's expectations and /or goals.
- For new recipients with services using 5310 vehicles, outlines goals and expectations for their proposed service using the requested 5310 vehicles.

Promotes the Development of a Coordinated Network

- Describes how the service using 5310 vehicles contribute to the capacity of the community/region to develop and implement coordinated services.
- Shows what steps will be taken to ensure a coordinated effort with other local agencies/providers serving the disabled population.
- For current recipients with services using 5310 vehicles, describes how the service using 5310 vehicles currently contributes towards coordinated services.
- For new recipients with services using 5310 vehicles, describes how the service using requested 5310 vehicles will coordinate services.

Financial and Technical Capacity

- Describes organization's capacity to manage the project and funds.
- Outlines organization's history of successfully managed state and/or federal transportation funds.
- Describes how current project outcomes demonstrate an effective use of federal funds.

Budget

- Itemized budget clearly and correctly designates expenses.
- Additional funding sources are clearly identified.

New Freedom Type Projects

Demonstration of Need and Project Benefits

- Clearly describes the project and how it meets the eligibility requirements.
- Clearly describes the demographics in the project area and what percentage of that population will be served by this project.
- Describes how and why the project is important to seniors and individuals with disabilities and will help them overcome transportation barriers.
- Describes how the project supports an unmet need and provides access to important destinations.
- Describes how the project builds capacity and provides access to important destinations.
- Includes specific outcomes and benefits supported by data.

- If communication or marketing is fundamental to the success of the project, then provide plan outline.
- For current New Freedom-funded projects, outlines how current project meets or exceeds goals.
- For current New Freedom-funded projects, describes what progress has been made and how continued funding will benefit seniors and individuals with disabilities.

Promotes the Development of a Coordinated Network

- Identifies existing transportation services available and how the proposed project will complement rather than duplicate those services.
- Describes how the project contributes to the capacity of the community/region to develop and implement coordinated services.
- Identifies steps that will be taken to ensure a coordinated effort with other local agencies/providers serving the disabled population.
- Identifies project partners and stakeholders and their role in the project.
- For current New Freedom-funded projects, describe how project contributes towards coordinated services.
- For current New Freedom-funded projects, describe how project contributes to expanded capacity.

Budget/Financial and Technical Capacity

- Project shows a cost effective use of funds.
- Projects have reasonable administration costs when compared to total project cost.
- Itemized budget clearly and correctly designates expenses.
- Local match sources are clearly demonstrated in the itemized budget and are from secure sources as evidenced by support letters.
- Describes experience providing transportation or related services to seniors and individuals with disabilities.
- Describes the organization's capacity to manage the project and funds.
- Describes the organization's history of successfully managed state and/or federal transportation funds.
- For current New Freedom-funded projects, describes how current outcomes demonstrate an effective use of federal funds.

The applications received for the Appleton TMA Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities program are reviewed and scored based on the criteria above by the selection subcommittee. Following the review, the selection subcommittee will take their recommendations to Fox Cities Transit Commission and ECWRPC for approval.

PROTEST PROCEDURES

Applicability

These protest procedures apply to all Valley Transit formal competitive solicitations, unless different procedures are included in the documents. Solicitations that intend to utilize the protest procedures set forth herein should include a reference to these procedures. As used in this

section, an “interested party” is any person or entity that has timely submitted a bid or proposal in response to a formal solicitation. Protests may only be filed by an interested party.

Guidelines for Protests

- **Strict compliance.** Strict compliance with the protest procedures is required. No statement by Valley Transit employees, officers, or agents will modify or otherwise alter the protest procedures. Only Valley Transit’s governing boards are authorized to modify these procedures, or the protest procedures set forth in the applicable procurement documents.
- **Exhaustion of Remedies Required Prior to Pursuing Protest with Federal Funding Agency or Any Legal Action in Any Court or Tribunal.** The protest procedures are intended to constitute administrative remedies that must be exhausted prior to an interested party commencing any legal action or requesting review by any applicable federal funding agency.
- **Deadline.** Protests must be filed promptly after the basis for the protest is known, but no later than:
 - Protests relating to the solicitation must be submitted in writing no later than five (5) working days from the date of the first published advertisement.
 - Protests relating to the evaluation process must be submitted in writing no later than five (5) working days from the postmarked date of written evaluation correspondence sent by the General Manager to the Provider.
 - Protest relating to the award must be submitted in writing no later than five (5) working days from the date of the award.
 - Protests relating to post-award issues must be submitted in writing no later than five (5) working days from the date that the protestor verbalizes the concern to the General Manager.
 - Requests for reconsideration (if data becomes available that was not previously known, or there has been an error of law or regulation) or appeal to a higher level must be submitted in writing no later than seven (7) working days from the date of the initial determination.
- **Contents of Protest.** Protests must clearly identify the interested party and the solicitation involved in the protest. Protests must completely and succinctly state each and every ground for protest in detail, its legal authority for each protest allegation, and the factual basis for such protest. The protest must include all factual and legal documentation in sufficient detail to establish the merits of the protest. Items that are not included in a protest shall be deemed waived and uncontested.
- **Filing of Protest.** Protests must be delivered to the Valley Transit offices at 801 S. Whitman Ave., Appleton WI 54914 during normal business hours (but in no event later than 5:00 p.m.) on or before the applicable deadline. Protests must be directed to the attention of the General Manager of Valley Transit.

Resolution

Protests will be decided on the basis of written submissions and any other fact finding determined necessary or appropriate by Valley Transit. Valley Transit may establish a protest evaluation team and may consult with its legal counsel.

General Manager Response

Upon receipt of a written protest, the General Manager will meet with the protestor within five (5) working days and attempt to resolve the matter informally. If information provided at the conference is to be considered in the protest decision it must be submitted in writing within three (3) days of the conference. The General Manager will respond in writing within five (5) working days of the meeting to each substantive issue raised in the written protest.

If the protestor is not satisfied and indicates an intention to appeal to the next step, the General Manager will temporarily suspend the solicitation process, provided that the protest has been timely filed before award, unless it is determined that:

- delivery or performance will be unduly delayed by failure to make the award promptly; or
- failure to make prompt award will otherwise cause harm to Valley Transit.

Each prospective Provider/Requestor will be advised of the pending protest if the protest is filed before the award.

Decision on Protest

The General Manager will issue a written decision regarding the protest within thirty (30) days after the filing of the detailed statement of protest.

Local Appeal Procedure

If the protestor makes a timely appeal of the General Manager's decision the matter will be forwarded to the Fox Cities Transit Commission (FCTC) for their review. The protestor will be notified in writing of the date that the appeal will be heard. The recommendation of the FCTC will then be forwarded to the Appleton Common Council for ultimate local disposition of the protest.

FTA Funded Projects

When the protest involves an FTA funded project, the contract administrator will disclose information regarding the protest to FTA, and will keep the FTA informed about the status of the protest. If the protest alleges that Valley Transit has failed to follow its written bid protest procedures, the protestor may ask that FTA review the protest in accordance with FTA C4220.1E.

PRIVATE SECTOR PARTICIPATION

Federal law requires the public to be involved in the transportation planning process, and specifically requires that private providers be provided an opportunity to be consulted in

developing transportation plans and programs in the urbanized areas. As result of federal law, each applicant applying for Appleton TMA Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities program funds must comply.

Public involvement processes must be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement throughout the transportation planning and programming process. Applicants must publish a public notice in the proposed project area’s newspaper of record that allows 30 days for responses, and the applicant must submit the publisher’s affidavit with the project application.

PROJECT APPLICATION PROCESS AND SCHEDULE – ODD YEARS

| Task | Month Completed |
|--|---|
| ECWRPC informs sub recipients of upcoming application cycle. | <i>June 1st</i> |
| ECWRPC distributes application materials. | <i>June 15th</i> |
| Sub recipient applicants publish public notice to other transportation providers in local newspaper. | <i>June 15th – August 15th (two month period)</i> |
| Sub recipient applicants’ mail letter to other transportation providers of intent to apply. | <i>June 15th – August 15th (two month period)</i> |
| Completed applications are submitted to ECWRPC. | <i>August 15th</i> |
| Applications are ranked based on criteria. | <i>August 15th to October 1st (six weeks)</i> |
| Recommendations are presented to Fox Cities Transit Commission. | <i>Mid-November</i> |
| ECWRPC notifies applicants on project selection outcome. | <i>End of November (no later than December 1st)</i> |

*Contingent on WisDOT’s release of application materials

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CIVIL RIGHTS

The Appleton Urbanized Area's Section 5310 Enhanced Mobility program application packet contains exhibits and certifications that address the civil rights requirements under Title VI. The packet also addresses EEO and DBE regulations.

TITLE VI

Assurances

Valley Transit annually signs the FTA Annual List of Certifications and Assurances for Federal Transit Administration grants and cooperative agreements, which binds Valley Transit to all civil rights requirements.

Valley Transit's Title VI Program

Valley Transit prepares an annual report of Title VI accomplishments and changes to the program in the preceding federal fiscal year, and identifies goals and objectives for the upcoming year as required.

Appleton Urbanized Area

The following sets forth the procedure that will be followed in monitoring the level and quality of transit service provided to minorities in the Appleton area in compliance with Title VI regulations. For monitoring purposes, minority areas will be defined at the census tract level since more disaggregate data is not available. All minority tracts will be monitored.

A. LEVEL OF SERVICE

To assess level of transit service to minority areas, headways, vehicle loads, vehicle assignment, service access, and distribution of amenities will be compared with service policies and standards for the entire system. The standards will be as defined in the most recent TDP and management plan.

B. QUALITY OF SERVICE

Quality of service is currently monitored through passenger surveys designed to provide information about passenger demographics, trip purposes, and service ratings. For purposes of monitoring the quality of transit service in minority tracts, future passenger surveys will be coded in order to identify responses from minority routes for comparison with responses from non-minority routes. The passenger surveys will also be designed to identify the three most-traveled-to destinations in order to compare travel time, transfers, and trip costs to these destinations from minority and non-minority tracts.

C. CORRECTIVE ACTION

Where inequities in service are identified or perceived by transit users in minority areas, a review of corrective action will be undertaken. Actions involving service level changes will be addressed through the existing decision-making structure.

D. MONITORING FREQUENCY

An assessment of service level, vehicle assignment, load factors, distribution of facilities, and service access in minority areas was done in the original Title VI documentation for the Appleton Area in 1978 and updated in subsequent submissions. Future monitoring reviews will be undertaken when major service changes occur and upon publication of new census information.

Public Notice

Valley Transit/City of Appleton, as recipients of Federal Funding, assures that no person shall on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Valley Transit sponsored program or activity. Valley Transit further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. Any individual, group of individuals, or entity that believes they have been subjected to discrimination relating to the provision of transportation services or transit related benefits may file a complaint with Valley Transit, the Federal Transit Administration, and/or the Department of Transportation.

Contact Information:
Valley Transit
Attn: Title VI Officer
801 S. Whitman Ave.
Appleton, WI 54914
Telephone: 920-832-5800
Fax: 920-832-1631
Email: valley.transit@appleton.org

Additional information and complaint forms are available on our website - www.myvalleytransit.com.

How to File a Title VI Complaint

All of the services that Valley Transit provides are offered without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act of 1964. If you feel that you have been denied the benefits of, excluded from participation in, or subject to discrimination on the basis of race, color, or national origin by Valley Transit, you have the right to file a complaint to Valley Transit management and/or the Federal Transit Administration. The easiest method to file a complaint with Valley Transit is to fill-out a complaint form. Complaint forms are available at the Transit Center, Valley Transit's Administrative Offices, or on our website at www.myvalleytransit.com. Complaints may be submitted by any of the options previously mentioned. Title VI complaints may also be filed with the Federal Transit Administration:

Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor – TCR
1200 New Jersey Ave., SE
Washington, DC 20590

LIMITED ENGLISH PROFICIENCY (LEP) PLAN

Valley Transit's Limited English Proficiency Plan has been prepared to address its responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies that receive federal funding including Valley Transit which receives federal assistance through the Federal Transit Administration (FTA).

Valley Transit has developed this Limited English Proficiency Plan to help identify reasonable steps for providing language assistance to persons with limited English Proficiency (LEP) who wish to access services provided by the transit authority. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English.

This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, Valley Transit is using the United States Department of Transportation (U.S. DOT) outline of a four-factor LEP analysis, which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a Valley Transit program, activity or service.
2. The frequency with which LEP persons come in contact with Valley Transit programs, activities or services.
3. The nature and importance of programs, activities or services provided by Valley Transit to the LEP population.
4. The resources available to Valley Transit and overall cost to provide LEP assistance.

Program Administration

Valley Transit maintains the following:

- A record of funding requests received from private non-profit organizations, state or local governmental authorities, and Native American tribes. The record shall identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The record shall also indicate which applications were rejected and accepted for funding.

- Description of the criteria for selecting entities to receive funding from the Appleton Urbanized Area's Section 5310 Enhanced Mobility program, which are found in current grant applications and in this management and coordination plan. This description shall emphasize the method used to ensure the equitable distribution of funds to sub recipients that serve predominantly minority populations, including Native American tribes, where present.

SUBRECIPIENT RESPONSIBILITIES

Through annual grant agreements, sub recipients agree to comply with all applicable civil rights statutes and regulations. These include Title VI of the Civil Rights Act, Equal Employment Opportunity, and Americans with Disabilities Act. Section 5310 Enhanced Mobility program sub recipients annually sign FTA's certifications and assurances in their grant agreements with Valley Transit.

Section 5310 Enhanced Mobility program sub recipients must submit their Title VI programs to Valley Transit. Valley Transit will develop a schedule that outlines the frequency with which sub recipients must submit their Title VI programs. A sub recipient's Title VI program must be approved by the sub recipient's appropriate governing entity or official(s) responsible for policy decisions (e.g., board of directors, mayor, tribal executive, city administrator, etc.). Sub recipients must submit a copy of the board resolution, meeting minutes, or similar documentation as evidence of approval. The contents of the sub recipient's Title VI program are also determined by FTA Circular 4702.1B. It includes all of the following elements:

- A copy of the Title VI notice to the public that indicates the sub recipient complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI as well as a list of the locations where the notice is posted.
- A copy of instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form.
- A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the sub recipient since the time of the last Title VI program submission.
- A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI program submission.
- A copy of the plan for providing language assistance to persons with limited English proficiency (LEP), based on the U.S. Department of Transportation's LEP guidance.
- Sub recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils.
- Additional information is required depending on whether or not the sub recipient is a fixed route transit provider or has received funding to construct a facility.

Valley Transit Oversight

Valley Transit oversees sub recipient compliance with Title VI as follows:

- Grant Agreements - Through annual grant agreements, the sub recipient agrees to comply with applicable civil rights statutes and regulations, including Title VI of the Civil

Rights Act, Equal Employment Opportunity (EEO), and Disadvantaged Business Enterprise (DBE). The annual Federal Certifications and Assurances for Federal Transit Administration Assistance, signed by all sub recipients, contain the Title VI, EEO and DBE certification.

- Review of Sub recipient's Title VI program – Valley Transit reviews the contents of Title VI program materials as submitted by sub recipients, including public notification language, LEP, complaint procedures and complaint form, and public participation and outreach. Valley Transit provides sample materials and technical assistance to sub recipients in developing a compliant Title VI program.
- Investigation/Monitoring of Title VI complaints (or potential complaints and/or lawsuits) - As part of its annual application, Valley Transit requires sub recipients to report any Title VI complaints or lawsuits. Sub recipients may contact Valley Transit at any time during the year to report Title VI complaints, potential complaints, and/or lawsuits. Valley Transit may also receive complaints regarding sub recipients or their contractors directly from the public. When a complaint is deemed a civil rights issue, Valley Transit staff will consult with the Appleton TMA as appropriate.
- Annual Applications/On-site Visits – During on-site visits or the annual application review, Valley Transit staff will verify the physical location of the public notification language (and/or on website, in promotional materials, etc.) as stated in the sub recipient's Title VI program. During this time, Valley Transit also discusses with the sub recipient any new or potential opportunities for public participation and public outreach that may present themselves since the previous submission of the sub recipient's Title VI program.

Valley Transit, the ECWRPC, and WisDOT assist sub recipients with compliance as follows:

- Valley Transit provides sample notification language, sample Title VI complaint form and sample Title VI complaint procedures to sub recipients.
- ECWRPC provides demographic data to assist sub recipients in conducting their four-factor analysis and subsequently developing their LEP plan.
- WisDOT maintains a list of departmental staff that together speaks over 20 foreign languages and are available as needed to assist in the translation of vital documents.

Contractors

Contractors and subcontractors are not required to submit a Title VI report. However, they are responsible for complying with the Title VI program of the recipient with whom they are contracting. Recipients and sub recipients are responsible for ensuring that their contractors are complying with their Title VI program and Title VI regulations.

Disadvantaged Business Enterprise (DBE)

The objectives of the U.S. Department of Transportation's (DOT) DBE regulations, as specified in 49 CFR Part 26, are to:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts in the DOT's highway, transit, and airport financial assistance programs.
2. To create a level playing field upon which DBEs can compete fairly for DOT-assisted contracts.

3. To ensure that the DOT's DBE program is narrowly tailored in accordance with applicable law.
4. To ensure that only firms that fully meet the DBE eligibility standards are permitted to participate as DBEs.
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts.
6. To assist with the development of firms that can compete successfully in the marketplace outside the DBE program.

Valley Transit has developed and administers its DBE program plan. The plan outlines policies and procedures established to satisfy the DBE requirements.

Valley Transit staff works closely with sub recipients to address DBE requirements. In goal setting, three-year goals are established based on anticipated FTA-funded contracting opportunities by both sub recipients and Valley Transit. Contract-specific goals may also be established and these goals may require a greater amount of sub recipient technical assistance from Valley Transit and/or the ECWRPC. Work with sub recipients also includes the ongoing collection of data for contract monitoring and reporting on FTA-funded contracts.

Valley Transit's DBE program plan has been submitted to and approved by FTA. Any plan updates with significant changes are also submitted to FTA. Key provisions of the plan address the following:

- general requirements;
- administrative requirements;
- goals, good faith efforts, and counting;
- certification standards; and
- compliance and enforcement.

All DBE submissions to FTA are completed by Valley Transit staff using the FTA TEAM system. This includes the DBE program plan and all required reporting.

Valley Transit completes a non-discrimination assurance for DBE with each FTA grant applicant. As with other civil rights areas, sub recipients agree to comply with all applicable civil rights statutes and regulations in annual grant agreements. Section 5310 Enhanced Mobility program sub recipients annually sign FTA's certifications and assurances in their grant agreements with Valley Transit. In addition, each contract signed with a contractor (and each subcontract the prime contractor signs with a subcontractor) includes a similar assurance of non-discrimination.

During the application process, sub recipients are asked to identify potential contracting/procurement opportunities. Valley Transit and WisDOT staffs work with sub recipients to identify potential DBE participation for contracting and procurement opportunities. Valley Transit and WisDOT staffs also ensure that sub recipients use appropriate DBE contract language in their solicitations. WisDOT's Office of Business Opportunity and Equity Compliance (OBOEC) provides assistance to potential DBEs to become certified and maintains the Unified Certification Program Directory. Sub recipients must report to Valley Transit as required on DBE goal achievement on all FTA-funded contracting.

Equal Employment Opportunity

Valley Transit must ensure that no person in the United States shall on the grounds of race, color, religion, national origin, sex, age, or disability be excluded from participating in, or denied the benefits of, or be subject to, discrimination in employment under any project, program, or activity receiving federal financial assistance under the federal transit laws.

Valley Transit's EEO Policy

It is the official policy of the City of Appleton to provide equal employment opportunities for all qualified and qualifiable persons without regard to race, color, creed, religion, national origin, ancestry, age, sex/gender, handicap or disability, arrest/conviction record, marital status, sexual orientation, political affiliation, results of genetic testing, honesty testing, pregnancy or childbirth, military service, disabled veteran or covered veteran status, service in the U.S. Armed Forces, the State Defense force, National Guard of any state, or any other reserve component of the United States or State military forces, use or nonuse of lawful products off the employer's premises during non-working hours, or any other non-merit factors, except where such factors constitute a bona fide occupational qualification or substantially relate to the circumstances of a particular job or licensed activity, and with proper regard for privacy and constitutional rights as citizens. This equal employment opportunity is applicable to all phases of employment including job assignment, job restructuring, reasonable accommodation for disabled individuals, recruitment, selection, promotion, transfer, compensation, lay-off, re-call, training and development, corrective action, demotion, termination, leave or benefits, licensing or union membership, and all other components of the City of Appleton Human Resources system.

Currently, none of the Appleton Urbanized Area Section 5310 Enhanced Mobility program's sub recipients receive capital or operating assistance in excess of \$1 million or planning assistance greater than \$250,000 and also employ 50 or more transit related employees.

EEO Assurances

Valley Transit annually signs the FTA list of certifications and assurances for FTA grants and cooperative agreements, which binds Valley Transit to EEO regulations.

Sub recipient Oversight

Assurance of Nondiscrimination: Sub recipients sign and return, as part of their application for federal funding, the current nondiscrimination assurance form(s) provided as part of their application or contracting materials. If the form is not currently on file at Valley Transit, the sub recipient shall, upon request, sign and return such a form on a timely basis. Sub recipients shall also maintain a copy of this form in their civil rights file kept at their place of business that will be available for inspection upon request.

Contract Documents: Each Section 5310 Enhanced Mobility program contract between Valley Transit and sub recipients for the provision of FTA funding shall contain language that requires the sub recipient to comply with FTA regulations related to EEO. In addition, private providers under contract with sub recipients are required to comply with these regulations.

Sub recipient EEO Plans: If a sub recipient's transit-related staff reaches 50 or more and/or the dollar threshold for capital, operating, or planning assistance is met, Valley Transit will require the sub recipient to submit a formal EEO program to Valley Transit for review and

approval. Valley Transit will withhold the approval of future grants until it receives the required EEO plan from the sub recipient. Note that the Equal Employment Opportunity Act by definition explicitly exempts Native American tribes from its provisions.

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MAINTENANCE

Consistent with federal requirements and Valley Transit sub recipient agreements, each sub recipient must maintain its facilities (and substantial facility components), vehicles, and other substantial assets.

Sub recipients are required to develop maintenance plans covering their federally-funded vehicles and facilities and to provide Valley Transit with a copy of their plan(s). Sub recipients must maintain all federally-funded property in good operating order and maintain ADA accessibility features.

Sub recipients are expected to develop their own maintenance plans, although WisDOT provides extensive written guidance on developing maintenance plans as well as sample plans upon request. Once adopted, sub recipients are monitored for adherence to the plans by Valley Transit staff for compliance during on-site visits.

Per the maintenance plan guidance document, WisDOT requires sub recipients to design and operate maintenance programs that include:

- Preventative maintenance practices and schedules for vehicles.
- Preventative maintenance practices for accessibility equipment.
- Preventative maintenance practices for facilities.
- A system for recording maintenance and repair activities.
- A process for authorizing and controlling maintenance activities and costs.
- Quality control for outsourced maintenance.
- A procedure for pursuing warranty recoveries.

Valley Transit solicits updated maintenance plans from its Section 5310 Enhanced Mobility program sub recipients in conjunction with their requests for funding. Valley Transit does not require Section 5310 sub recipients to resubmit maintenance plans that are already on file, but does require them to submit updated plans upon request whenever they have acquired new vehicles or other substantial assets not addressed in previously submitted plans.

Valley Transit requires all transit vehicles to meet safety standards and undergo inspections based on program and/or vehicle capacity. Valley Transit requires that all vehicles purchased with Section 5310 funds be registered as human service vehicles (HSVs) or municipal vehicles, and be plated accordingly. Regardless of how they are plated, all such vehicles are considered HSVs and as such are subject to annual HSV inspections conducted by the Wisconsin State Patrol per s. 110.05, Wis. Stats., and Wis. Admin. Code Trans 301. (Upon request, State Patrol also will conduct initial inspections right after vehicle delivery.) These inspections cover the integrity of vehicle safety and mechanical features.

Wisconsin Administrative Code Trans 301 addresses equipment and safety standards for HSVs. It adopts all federal regulations from 49 CFR 393 (Parts and Accessories Necessary for Safe Operation), 49 CFR 571 (Federal Motor Vehicle Safety Standards), and 36 CFR 1192 (Americans with Disabilities Act [ADA] Accessibility Guidelines for Transportation Vehicles). Trans 301 also provides additional equipment standards and requirements and provides inspection and enforcement standards.

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SECTION 504 AND ADA REPORTING

The annual Federal certifications and assurances for FTA Assistance, which is signed by all sub recipients, contains the ADA certification. Valley Transit staff verify compliance with Section 504 and ADA requirements while reviewing annual grant applications and during on-site visits.

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SECTION 5310 ENHANCED MOBILITY PROGRAM MANAGEMENT

PROCUREMENT

Valley Transit is the DR for the Appleton Urbanized Area's Section 5310 Enhanced Mobility program, thus all procurement activities are handled by Valley Transit with assistance from WisDOT Transit as needed.

All grant agreements require sub recipients to:

- Comply with all relevant federal procurement laws and regulations.
- Submit all third party contracts to Valley Transit for review and approval.

Valley Transit procedures require staff to review all federally-funded third party contracts to ensure federal contract clauses are included. Valley Transit, with assistance from WisDOT, will provide toolkits for assisting sub recipients with common procurements. Technical assistance for federal procurements is available from the Valley Transit project manager. Sub recipients may use the WisDOT sub recipient procurement assistance web page, <http://www.dot.wisconsin.gov/localgov/transit/procurement.htm>, which contains links to:

- The WisDOT procurement manual.
- FTA-compliant toolkits for micro and small purchases.
- FTA-compliant toolkit for shared-ride taxi requests for proposals (RFPs).
- System for Award Management (SAM).

WisDOT also has a toolkit for procuring architecture and engineering services according to Brooks Act requirements, and WisDOT Transit provides opportunities for training on federal procurement regulations.

Buy America and Pre-Award and Post-Delivery Reviews

Procurement solicitations for rolling stock must include the federal Buy America requirements and Buy America pre-award certification requirements on all vendors submitting bids. For each vehicle type a vendor bids on, it must submit a Certification of Compliance with 49 U.S.C. 5323(j). If a vendor is unsure whether an offered vehicle is compliant with Buy America requirements, it may submit a Certification of Non-Compliance with 49 U.S.C. 5323(j) with its bid; however, it must provide documentation of an FTA-approved exception before the bid will be considered.

For each delivered FTA-funded vehicle, Valley Transit requires the vehicle recipient to complete a post-delivery Buy America compliance certification that declares it has received and reviewed appropriate Buy America documentation. Valley Transit will not pay the vendor until it receives this certification.

WisDOT's procurement manual details Buy America requirements and provides instructions for completing pre-award and post-delivery certifications for FTA sub recipients conducting their own procurements. Valley Transit (with WisDOT's assistance) provides technical support to sub recipients needing assistance with this or other aspects of their procurements.

FINANCIAL MANAGEMENT

Valley Transit is responsible for managing grants, contracts, and interagency agreements to ensure that expenditures comply with federal rules and regulations for all FTA grant programs. Financial management responsibilities include:

- Investigating and resolving accounting problems to ensure compliance with state and federal rules.
- Managing the documentation associated with individual grants, contracts, and interagency agreements.
- Submitting federal financial reports in TEAM.
- Rectifying and closing out FTA grants when projects are completed.

ASSET MANAGEMENT

Valley Transit maintains records for vehicles, facilities, and other substantial assets purchased with Section 5310 Enhanced Mobility program funds. These records are updated through the following:

- **Self-certification.** Using forms provided by Valley Transit, sub recipients verify the presence and status of vehicles, facilities, and other substantial assets.
- **On-site reviews.**
- **Transit Asset Management Plan (TAM).** Transit assets are collected and documented in the TAM and under continual review.

CONTINUING CONTROL

Valley Transit ensures that all equipment used by sub recipients that is purchased with federal funds through the Section 5310 Enhanced Mobility program is used for the program or project for which it was acquired as follows:

- Valley Transit staff visits facilities and inspects vehicles to confirm usage during on-site visits.
- Valley Transit staff reviews operations and ridership reports to look for changing patterns.

DISPOSITION OF ASSETS

In the event that a sub recipient no longer needs equipment purchased with federal funds through the Section 5310 Enhanced Mobility program and useful life remains, the equipment is transferred in accordance with FTA.

In the event a vehicle or other substantial asset has reached the end of its useful life, the sub recipient must receive approval from Valley Transit to dispose of the asset and appropriate use of revenue received for the asset.

If a sub recipient would like to dispose of a facility, the sub recipient must work with Valley Transit to follow federal disposition requirements.

ACCOUNTING SYSTEMS

Sub recipients establish a set of accounts in which all transit-related costs, revenues, and operating sources are recorded and clearly identified, easily traced, and substantially documented. Accounting practices and records must be in accordance with generally accepted accounting principles.

Valley Transit uses the same accounting system for the Section 5310 Enhanced Mobility program that it uses for its other state and federal grant programs.

Valley Transit uses the information contained in the quarterly reports to monitor sub recipients' fiscal and operational activities. Requests for reimbursement are approved by Valley Transit before being processed for payment.

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PROJECT MONITORING AND REPORTING REQUIREMENTS

REPORTING REQUIREMENTS FOR VEHICLE PROJECTS

Quarterly Reports

The following data must be submitted to Valley Transit on a quarterly basis for each vehicle purchased through the Appleton Urbanized Area's Section 5310 Enhanced Mobility program:

- expenses;
- revenues;
- number of one-way trips;
- purpose of each one-way trip (medical, employment, social/recreational, education, etc.);
- number of service miles;
- number of service hours; and
- fuel consumption.

Semi-Annual Reports

The following data must be submitted to Valley Transit on a semi-annual basis for each vehicle purchased through the Appleton Urbanized Area's Section 5310 Enhanced Mobility program:

- one-way trips provided by passenger type;
- rider-awardee relationship (e.g. client or non-client);
- purpose of each one-way trip (medical, employment, social/recreational, education, etc.);
- trip expenses;
- trip miles; and
- service times.

Annual Reports

The following data must be submitted to Valley Transit on a fleet-aggregated basis for the vehicles purchased through the Appleton Urbanized Area's Section 5310 Enhanced Mobility program:

- number of one-way trips;
- purpose of each one-way trip (medical, employment, social/recreational, education, etc.);
- number of eligible riders in the awardee's service area; and
- county (ies) served.

Valley Transit uses these reports to monitor awardee fiscal and operational management and to satisfy federal reporting requirements.

Valley Transit also schedules on-site visits with awardees on a triennial cycle to review operations and maintenance records. Valley Transit staff may request and review other records and documentation if the initial review uncovers any concerns or unresolved questions.

Reporting Requirements for Non-Vehicle Capital and Operating Projects

Valley Transit uses the sub recipient's application, budget, and milestones to monitor and evaluate performance of non-vehicle capital and operating projects. Sub recipients are required to report the following information on a quarterly basis:

- expenses;
- revenues; and
- progress toward attaining the goals and milestones identified in the project application.

Valley Transit uses these reports to monitor the sub recipient's fiscal and operational management. Any proposed deviation from what is identified in the project application must be approved by Valley Transit prior to implementation. If the proposed deviation is deemed to be substantial by Valley Transit and ECWRPC staff, the application must be modified and presented to the Fox Cities Transit Commission for approval.

The reporting form tracks (as applicable):

- Financial information (expenses, reimbursement request, etc.).
- Number of information-based contacts through call centers, websites, mobility managers, and/or training.
- Capital investments added as part of the grant.
- Milestone progress including current quarter activities, outcomes, and accomplishments.

Valley Transit will schedule on-site visits with sub recipients on a triennial cycle. In addition, to improve sub recipient monitoring procedures, Valley Transit staff may request and review supporting documentation, including local match documentation, for one sub recipient's reimbursement request per quarter. Selection of the reimbursement request will be based on either a risk assessment or random selection.

OTHER PROVISIONS

ENVIRONMENTAL PROTECTION

Most projects and activities funded through the Section 5310 Enhanced Mobility program do not involve significant environmental impacts. Typically, projects are considered categorical exclusions because they are types of projects that have been “categorically” (i.e., previously) excluded in regulations from the requirements to conduct environmental reviews and prepare environmental documentation.

FTA classifies categorical exclusions (CE) into two groups:

- CE under 23 CFR 771.117(c) – activities and projects which have very limited or no environmental effects at all (e.g., planning studies, preliminary design work, program administration, operating assistance and the purchase of transit vehicles).
- CE under 23 CFR 771.117(d) – activities and projects involving construction and/or have a greater potential for off-site environmental impacts (e.g., construction of transit facilities, parking, etc.). These projects may be designated CE after review of documentation. In order to receive a documented CE, a sub recipient must complete a CE checklist, including an Environmental Justice (EJ) analysis. WisDOT will first review the completed checklist before sending it to FTA, which has final authority to grant the CE. For a copy of the checklist and more detail on the review process, see the *WisDOT Transit Procedures and Oversight Manual*.

Even if a project is determined to be a CE, there may be other relevant state and federal environmental protection requirements that must be satisfied (depending on the project’s type and location).

For projects with environmental impacts that are determined not to be a CE, FTA requires the preparation of an environmental assessment (EA) for public comment and FTA review. In the unlikely event that significant environmental impacts are identified with a project, an environmental impact statement (EIS) is required.

SCHOOL TRANSPORTATION

To ensure there are no sub recipients currently operating exclusive school bus service or operating school tripper service in the project area. The Federal Certifications and Assurances for FTA grants require the sub recipient to certify compliance with each annual sub-grant agreement.

Valley Transit oversees compliance with the prohibition by monitoring route schedules submitted with application materials, on websites, and/or in promotional materials with route schedules. Valley Transit staff also looks for signs that might indicate exclusive school bus service (e.g., a school route only) during vehicle inspections.

DRUG AND ALCOHOL TESTING

Sub recipients that receive Section 5310 Enhanced Mobility program funds are not subject to FTA's drug and alcohol testing rules. However, these sub recipients must comply with the Federal Motor Carrier Safety Administration (FMCSA) rule for employees who hold commercial driver's licenses (49 CFR Part 382).

APPENDIX A.

INSERT RESOLUTION 12-13 SUPPORTING VALLEY TRANSIT AS 5310 ADMINISTRATOR

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APPENDIX B.
5310 DESIGNATED RECIPIENT LETTER

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APPENDIX C.

CITY OF APPLETON MEMORANDUM OF UNDERSTANDING

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**APPENDIX D.
ECWRPC RESOLUTION**

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Jeff Nooyen, Vice-Chair
Eric Fowle, Secretary-Treasurer

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