COMPLIANCE SITE REVIEW (CSR) REFERENCE GUIDE

Wisconsin Department of Transportation (WisDOT)
Bureau of Transit, Local Roads, Rails and Harbors

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***This document is a working draft. Changes to this document will be made following the completion of pilot Compliance Site Reviews and when revisions are suggested or found to be necessary.**

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EXECUTIVE SUMMARY

The Compliance Site Review (CSR) is designed to assist WisDOT and its subrecipients in assessing the administration and implementation of transit programs and services in Wisconsin. All subrecipients with operating and capital grants and/or active assets that were purchased with funds distributed by WisDOT will be monitored through on-site visits. At times, WisDOT will be conducting Compliance Site Reviews in cooperation with a private contractor. Subrecipients will be notified when a private contractor is being utilized.

WisDOT views these on-site compliance reviews as an opportunity to provide one-on-one technical assistance, specifically tailored to the needs of each transit system, with the goal of reaching compliance in all federal oversight areas. Onsite reviews are conducted to identify strengths, areas that need improvement and areas where subrecipients may need additional training and/or technical assistance from WisDOT staff and/or its consultant.

Pre-Review Activities

Prepare the Site Review Package

Prior to the site visit, WisDOT and/or its consultant will prepare a review package for the subrecipient. The review package will include a cover letter, the subrecipient profile, a preliminary site visit schedule, a list of documents to submit and prepare prior to the review, and the Compliance Site Review (CSR) Reference Guide. The WisDOT Compliance Oversight Manager and/or consultant overseeing the review will sign the cover letter. The review package will be sent in advanced of the site visit to allow time for the subrecipient to gather requested documentation and prepare answers to questions in the CSR Reference Guide.

Desk Review

Subrecipients will be asked to submit documents prior to the review as part of an off-site desk review. The desk review will allow WisDOT and/or its consultant to become familiar with the subrecipient and identify any areas needing further attention prior to traveling. Subrecipients will be notified of specific documents that must be submitted prior to the review. The following are examples of documents that might be requested:

- ◻ Approved budget
- ◻ Financial management policy and procedures
- ◻ Financial documentation (e.g. receipt books, tickets/passes, spreadsheets)
- ◻ IRS Form 990 or 990-N
- ◻ Annual financial audit
- ◻ Approved Cost Allocation Plan
- ◻ Procurement policy and procedures
- ◻ Procurement records, including copies of agreements
- ◻ Pre & post trip inspection records
- ◻ Asset inventory
- ◻ Vehicle, equipment and facility maintenance plans, procedures, and records
- ◻ Vehicle accident records
- ◻ Vehicle manifests
- ◻ Service request logs
- ◻ Dispatch logs
- ◻ System safety and security policy and procedures
- ◻ State and Federal Motor Carrier compliance information
- ◻ Seat belt and child seat procedures
- ◻ Operator on-board procedures
- ◻ Marketing materials
- ◻ ADA policies and procedures
- ◻ ADA compliance records/files
- ◻ Title VI policy and complaint records/files
- ◻ Lobbying records and reports
- ◻ FTA Section 5333(b) Special Warranty policy
- ◻ Charter Bus documentation
- ◻ Drug and Alcohol program records/files
- ◻ Quarterly reports
- ◻ Asset inventory – funded capital items
- ◻ Contracts with provider
- ◻ Volunteer records
- ◻ Training records

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Schedule the Site Visit
During the desk review, the subrecipient, WisDOT and/or its consultant will schedule a site visit that is convenient for all participants. The subrecipient will be asked to ensure that key staff is available for interview during the site visit. The timing of the interviews is flexible to limit impact on daily operations.

The Review

Entrance Conference
The CSR begins with an entrance conference with subrecipient staff, WisDOT and/or its consultant. The entrance conference is an orientation and introduction to the site visit. The site visit schedule will be confirmed at this time.

The Review
The CSR generally takes about eight hours and may be divided into two days. For larger or more complex subrecipients, the review schedule could take longer.

This CSR Reference Guide will focus discussion during the site review, outlining key topic areas and questions that will be asked. Also, each site review will include vehicle and facilities inspection to verify that assets are in good condition and in transit use. Physical areas that may be accessed by reviewers include:

- Administration offices and employee areas
- Maintenance and/or vehicle storage areas
- Vehicles used to provide passenger services regardless of funding source
- Facilities funded or maintained with grants
- Off site locations such as accountant offices

Exit Conference
An exit conference with subrecipient representatives will be conducted to discuss draft recommendations or findings. A finding simply represents an area of Federal compliance that is currently not addressed appropriately. Some of the initial findings discussed at the exit interview could change after additional information is provided, or with further analysis. It is also possible that a finding will require a follow-up visit for additional review.

Post Review

WisDOT's goal is to send a Subrecipient Assessment Report (SAR) with the initial findings and recommendations to the subrecipient within 2 weeks (14 days) of the review. The timeframe may be shorter or longer, depending on the complexity of the review and the follow-up activities associated with the review. The SAR will identify a timeline for correcting each of the individual findings. Timelines will vary in association with the severity and complexity of the finding.

The subrecipient will have a period of one week (7 days) after the receipt of the initial SAR to contest a finding. To contest a finding, the subrecipient will identify the finding and submit documentation substantiating why the finding is in error. After the subrecipient has an opportunity to comment on the findings, the SAR is finalized.

The subrecipient will then have two weeks (14 days) to prepare and submit a Corrective Action Plan (CAP). The CAP will include a timeline and description of activities designed to correct the area(s) needing work. WisDOT and its consultant will review and approve the CAP. After WisDOT's acceptance of the CAP, WisDOT and/or its consultant will maintain regular contact with the subrecipient and provide the technical assistance necessary to ensure the CAP is completed and all findings closed.

WisDOT will strive to close all CSRs within 90 days of the initial site visit.

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1.1 | General Eligibility

Eligible recipients of FTA funds from WisDOT include units of government (counties, cities, and towns), Regional Planning Commissions (RPCs) and private nonprofit organizations authorized under state law to provide and carry out a local public transportation project. Private for-profit operators of transit services may participate in the program as third party (lower tier) contractors for grantees or eligible recipients.

In some cases, FTA permits WisDOT to use an eligible subrecipient as a pass-through in order to provide money to another eligible applicant. When the lower tier recipient would also be an eligible recipient, the arrangement is not a third party contract, but a pass through arrangement (e.g., WisDOT awards funds to a public agency that in turns gives the funds to an otherwise eligible recipient). It is important for the reviewer to ascertain the relationship between the grantee and lower tier contractors and establish whether the arrangement is a legitimate "pass-through" or a third party contract.

1. **What entity is a party to the subrecipient grant agreement with WisDOT?**

   _____

2. **What is the organizational status of the entity that is party to the subrecipient grant agreement with WisDOT?**
   ☐ County
   ☐ City or Town
   ☐ Public Transportation Commission
   ☐ Regional Transportation Authority

3. **What Federal/State funds has the subrecipient received during the past 3 years?**

4. **Has the subrecipient published a public notice in local newspapers serving the proposed service area, describing its project and soliciting interest from private parties to provide similar service?**

5. **Who is the operator and/or provider of public transit services?**

   _____

6. **Are grant programs included in the local Transportation Improvement Program (TIP) and State Transportation Improvement Plan (STIP)?**

If a pass through arrangement is in place, has the subrecipient met the Federal and state requirements for such relationships?

Yes	No	Requirement
☐	☐	The pass-through operator is an eligible recipient of Federal funds as defined by FTA.
☐	☐	The pass-through recipient is an incorporated nonprofit corporation in the State of Wisconsin.
☐	☐	The pass-through recipient was specifically named as the operator of services in the project application.
☐	☐	The governing board of WisDOT subrecipient has passed a resolution designating the nonprofit as the operator of public transit services.

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1.2 | Legal Authority

Subrecipients must have the legal capacity to receive federal and state grants. Subrecipients must be eligible under the specific requirements of the FTA programs. The authority to take necessary actions and responsibility on behalf of the subrecipients must be properly delegated and executed. This means that:

- ✓ Subrecipients must have designated a body legally responsible for the overall organization, management, and operation of the transportation system.
- ✓ The officials acting on behalf of subrecipients must have the appropriate authority. This is usually documented in an authorizing resolution passed by the governing body.

7. **Identify which individual has:**
   - ☐ Designated Authority (highest ranking official): _____
   - ☐ Authorized Official (person delegated to execute agreements, sign legally binding documents, etc.): _____
   - ☐ Responsible for the financial management of the transit program: _____
   - ☐ Signs the Certifications and Assurances: _____
   - ☐ Is responsible for the day-to-day management of transit related responsibilities: _____
   - ☐ Maintains oversight of the third party contractor or lessee: _____

8. **What role does the governing body have in regards to transit service?**
   _____

9. **Do you contract with any third party vendor(s) or lessee(s) for transit service?**
   ☐Yes ☐No

   If yes, name: _____

10. **How do you maintain oversight of your third party contractor or lessee (e.g., operational reports, financial reports, communications, meeting schedule, etc.)?**

1.3 | Certifications and Assurances

To receive a grant under any FTA-administered programs, WisDOT must annually assure FTA that WisDOT and subrecipients meet certain requirements. WisDOT is responsible for maintaining adequate files documenting the basis for all assurances which it makes to FTA. Each fiscal year, FTA publishes the required certifications and assurances in the *Federal Register.* This notice indicates which certifications and assurances apply to all grantees or to certain kinds of awards, and which are required for grants under specific sections. WisDOT, as the FTA recipient, must electronically submit the appropriate certifications and assurances each fiscal year for all active grants and new grants that it expects FTA to make during that fiscal year. Subrecipients are also expected to submit appropriate certifications and assurances to WisDOT.

11. **Has the subrecipient submitted the properly completed Annual Certifications and Assurances?**
    ☐Yes ☐No

12. **Were the Annual Certifications and Assurances signed by an authorized official with proper authority?**
    ☐Yes ☐No

    If yes, name: _____

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As a primary recipient of FTA funds and as the State agency designated to administer such funds for public activities, WisDOT will manage the fiscal elements of these programs in accordance with its existing procedures, FTA guidelines, and other applicable state and Federal regulations.

All subrecipients are required to establish and maintain an accounting system to which all transportation-related costs, revenues, and operating costs are recorded so that they may be clearly identified, easily traced and substantially documented. The fully allocated cost of the public transit program must be clearly identified regardless of the operational nature of the agency.

2.1 | Accounting Practices

Receipts of FTA funds obligate the grantee to use the funds it receives as specified in the project application and grant agreement. Execution of the grant agreement establishes a partnership between WisDOT and the grantee wherein WisDOT assumes an oversight role in the use of grant funds and retains a vested interest in the unused grant balances, improperly applied funds, and property and facilities purchased or otherwise acquired under the grant. Grantees and third party contractors are responsible for establishing and maintaining adequate internal control over all their functions that relate to project administration and execution.

CFR Super Circular Part 200 (OMB A-87) indicates that reports reflecting the distribution of activity for each employee must be maintained for all staff members whose compensation is charged, in whole or in part, directly to a grant award. Additionally, the report must reflect an after-the-fact determination of actual activity of each employee. Budget estimates (i.e., estimates determined before the services are performed) do not qualify as support for charges to (grant) awards. The use of percentage time allocations of staff in their charges of time is not permissible under the cost principles of either local government or nonprofit organizations.

Time charged to FTA funded programs must:

- ✓ Reflect after-the-fact determination of actual activity;
- ✓ Account for the total activity of the employee;
- ✓ Be signed by the individual employee; and
- ✓ Be prepared at least monthly and coincide with one or more pay periods.

Financial records, supporting documentation, and all other records pertinent to a grant must be retained by the subrecipient and must be made readily available to authorized representatives of the U.S.DOT and the Comptroller General of the United States for a period of three (3) years.

If any litigation, claim, or audit is started before the expiration of the three-year period, the records must be retained beyond three (3) years, until all litigation, claims, or audit findings involving the records have been resolved.

13. **Does the subrecipient have written financial management and cash control procedures (e.g., employee handbook)?**
    ☐Yes ☐No

14. **Does the subrecipient maintain separate accounts within its accounting system for each program and grant for which it receives WisDOT or federal funds?**
    ☐Yes ☐No

15. **Is the accounting system capable of generating reports to ensure timely collection of revenues and grant receipts?**
    ☐Yes ☐No

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16. **Does the subrecipient have a defined method for distributing administration expenses between programs?**
    ☐Yes ☐No

17. **Does the subrecipient have a method for allocating specific expenses to individual grant agreements?**
    ☐Yes ☐No

18. **The subrecipients accounting is:**
    ☐Cash
    ☐Accrual
    ☐Modified
    ☐Other (explain): _____

2.2 | Indirect Costs

Indirect costs are those: (a) incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. The term "indirect costs," applies to costs of this type originating in the grantee department, as well as those incurred by other departments in supplying goods, services, and facilities.

There is no universal rule for classifying certain costs as either direct or indirect under every accounting system. A cost may be direct with respect to some specific service or function, but indirect with respect to the Federal award or other final cost objective. Therefore, it is essential that each item of cost be treated consistently in like circumstances either as a direct or an indirect cost.

Where an accumulation of indirect costs will ultimately result in charges to a Federal award, a cost allocation plan is required.

Amounts not recoverable as indirect costs or administrative costs under one Federal award may not be shifted to another Federal award, unless specifically authorized by Federal legislation or regulation. Indirect cost rate proposals are prepared annually and submitted to the cognizant Federal agency, an agency designated by OMB as responsible for reviewing, negotiating, and approving indirect cost rate. In the absence of a designated cognizant agency, the Federal funding source providing the most significant amount of funding will typically serve as the cognizant agency. In cases where funds first flow to a primary recipient to a subrecipient, the primary recipient may review, negotiate, and approve indirect cost rate proposals.

19. **Does the subrecipient seek reimbursement of indirect costs in its claims under its various Federal grant awards?**
    ☐Yes ☐No

20. **If yes, has the subrecipient submitted the plan for approval to a cognizant Federal agency?**
    ☐Yes ☐No

21. **If yes, which agency approved the Cost Allocation Plan (CAP) and is the CAP updated annually?**
    ☐Yes ☐No

2.3 | Internal Controls

Subrecipients are responsible for establishing and maintaining adequate internal controls over all of their functions that affect implementation of a grant. For proper management of grants, these controls must be used by each grantee in all of its operating, accounting, financial, and administrative systems. To ensure proper

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accountability for grant funds, internal controls must be integrated with the management systems used by the grantee to regulate and guide its operations.

22. **Does the subrecipient have procedures, policies and protocols in place to demonstrate that the subrecipient has sufficient internal controls over financial management, such as reducing the opportunity for mishandling cash and other revenues?**
    ☐Yes ☐No

23. **Does the subrecipient's formal organizational structure clearly define, assign and delegate appropriate authority for all financial management duties? For example, how is the security of financial data maintained? Who has access to records? How often is the financial system backed-up?**
    ☐Yes ☐No

24. **Given the size of the organization, is there sufficient segregation of duties in financial management functions to ensure that adequate internal checks and balances exist?**
    ☐Yes ☐No

2.4 | Budget

Subrecipients are responsible for monitoring expenditures or outlays and must compare these outlays to budgeted amounts for each grant or subgrant. Financial information must be related to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the grant or subgrant agreement. If the unit cost data are required, estimates based on available documentation will be accepted whenever possible.

Applicable Office of Management and Budget (OMB) cost principles, as stated in CFR Super Circular Part 200 (OMB A-87), agency program regulations, and the terms of grant and subgrant agreements will be followed in determining what costs can be charged to the grant program.

Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contracts, and subgrant award documents.

25. **How is the budget developed?**
    Explain: _____

26. **Who is responsible for developing the budget?**
    Name(s): _____

27. **Who is responsible for approving the budget?**
    Name(s): _____

28. **Who is responsible for ensuring the costs are consistent with the project budget and the limitations set forth in the grant agreement?**
    Name(s): _____

29. **Who is responsible for determining eligible expenses (i.e., costs that can be charged to the account)?**
    Name(s): _____

30. **Are budget officials knowledgeable about Federal cost principles governing eligible expenses?**
    ☐Yes ☐No

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31. **How is the budget managed throughout the year?**
    Explain: _____

32. **Does the subrecipients' accounting system generate periodic reports regarding revenues, expenses, budget variances, etc.?**
    ☐Yes ☐No

33. **If yes, who receives these reports (e.g., the Mayor, City Administrator, City Clerk, WisDOT, etc.)?**
    Name(s): _____

34. **How are the reports used by management?**
    Explain: _____

35. **What are the subrecipients' policies on seeking contract amendments?**
    Explain: _____

2.5 | Documentation of Costs

Keeping detailed documentation of costs, including employee time charged to federally funded grants, is especially important if working on multiple activities. Normally, supporting documentation consists of employee timesheets and the accounts from which they were paid, receipts, invoices, vouchers, contracts, leases, etc.

There are special requirements for the documentation of personnel expenses, particularly those employees whose time is split between (a) more than one Federal award; (b) a Federal award and a non-Federal award;(c) an indirect cost activity and a direct cost activity; (d) two or more indirect activities which are allocated using different allocation bases; or (e) an unallowable activity and a direct or indirect cost activity.

36. **Does the subrecipient maintain proper supporting documentation for routine purchases?**
    ☐Yes ☐No

37. **How does the subrecipient support personnel charges made to Federal grants?**
    Explain: _____

38. **Do any FTA-funded positions that charge time to the WisDOT grant meet any of the conditions noted in the introduction to this section?**
    ☐Yes ☐No

39. **If yes, do the affected employees maintain timesheet reports consistent with federal requirements below?**
    ☐Yes ☐No

    - Reflect an after-the-fact distribution of the actual activity of each employee: ☐Yes ☐No
    - Account for the total activity for which each employee is compensated: ☐Yes ☐No
    - Prepared at least monthly and must coincide with one or more pay periods: ☐Yes ☐No
    - Must be signed by the employee: ☐Yes ☐No

40. **Did the subrecipient use any FTA funds to finance the lease of any transit equipment or facilities?**
    ☐Yes ☐No

41. **If yes, did the subrecipient conduct a cost comparison of the cost leasing the asset compared with the cost of purchasing or constructing the asset?**

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☐Yes ☐No

42. **If yes, were the costs used in the comparison reasonable, based on realistic current market conditions and based on the expected useful service life of the asset?**
☐Yes ☐No

2.6 | Cash Management

As a subrecipient, the agency must periodically reconcile grant accounts, reconcile bank records with financial system records, ensure the timely deposit of cash receipts to prevent fraud or loss, and ensure sufficient separation of function to provide adequate checks and balances in the cash handling process.

43. **Are there written procedures governing fare collection?**
☐Yes ☐No

44. **Do the subrecipient procedures require at least two people to count cash and checks?**
☐Yes ☐No

45. **Do subrecipient procedures include at least two approvals prior to paying invoices?**
☐Yes ☐No

46. **Is petty cash limited in amount with staff access closely monitored?**
☐Yes ☐No

47. **Does the subrecipient use a credit card?**
☐Yes ☐No

48. **If yes, is credit card use limited to authorized personnel?**
☐Yes ☐No

49. **If yes, are written policies in place governing such cards?**
☐Yes ☐No

50. **Do these policies provide sufficient protection against fraud and abuse?**
☐Yes ☐No

51. **Does the subrecipient use receipts for accounting for all funds received (except cash put into a fare box)?**
☐Yes ☐No

52. **Are cash, checks, tickets and passes stored in a locked and secure location?**
☐Yes ☐No

53. **Are deposit slips and receipts compared to ensure that all money received was deposited?**
☐Yes ☐No

54. **Do subrecipient procedures match the fare box to passenger manifests on a regular basis?**
☐Yes ☐No
Frequency: _____

55. **Do subrecipient procedures limit or prohibit drivers from handling cash?**
☐Yes ☐No

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56. **Does a supervisor check driver procedures (e.g., fare box and on-board reporting procedures) on a regular basis?**
    ☐Yes ☐No

2.7 | Financial Reporting

Subrecipients that contract service through competitive procurement are required to maintain and report their own administrative expenses plus amounts paid to the contract operator. Contract operators may continue to use their own accounting system, so long as that system reports financial information in accordance with WisDOT's standardized account code structure.

57. **Does the subrecipient submit its Quarterly Operating Financial Status Reimbursement Reports on time?**
    ☐Yes ☐No

58. **Does the subrecipient submit its Quarterly Operating Date Reports on time?**
    ☐Yes ☐No

59. **Does the subrecipient utilize monthly financial reports and/or variance reports to monitor budget adherence?**
    ☐Yes ☐No

2.8 | Local Match

States and their subrecipients must provide sufficient funds or approved in-kind resources to serve as local match for all FTA assisted projects. When submitting its grant application to FTA, the grantee certifies that it has or will have available and proportionate amount of local share promptly as project costs are incurred or become due, except to the extent that the federal government determines in writing that the local share may be deferred. The grantee may not use an amount as match for more than one grant.

State assistance may provide some or the entire non-federal match. The sources of state funding may differ for capital and operating assistance programs. Operating assistance may be funded through general revenues. Capital assistance may be funded through bond revenues. FTA does not require a dedicated funding source.

All of the local share must come from non-U.S. DOT sources, except for Federal Lands Highway Program funds. FTA permits the use of the following as local share: cash (or in-kind contribution); non-farebox revenues from transit operations (e.g., advertising and concession revenues); amounts received under a service contract with a state, local or private social service agency or organization; undistributed cash surpluses; replacement or depreciation cash funds; reserves available in cash or new capital; in-kind contributions; revenue bond proceeds (capital only); transportation development (toll) credits; program income generated from an earlier grant; Temporary Assistance for Needy Families (TANF) funds; and other non-DOT federal funds, such as Community Development Block Grant funds, if authorized by the originating program to be used for transportation.

Under S. 5310 and 5311, non-cash share such as donations, volunteered services, or in-kind contributions can be counted toward the local match as long as the value of each is documented and supported, represents a capital cost which would otherwise be eligible under the program, and is included in the net project costs in the project budget.

The state must ensure each subrecipient has or will have the required local match for the project and has or will have sufficient funds to operate and maintain the vehicles and equipment purchased under the project. Revenue sources should be stable and reliable enough to meet future annual operating and routine capital

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costs. The states must obtain and maintain sufficient documentation from each subrecipient to support its certification to FTA. The state must ensure that subrecipients use only eligible funds as local match and that volunteer or in-kind services are fully documented.

60. **Explain how the subrecipient ensures sufficient funds are set aside to cover program expenses and local match dollars until federal funds become available:**

    _____

61. **What are the sources of funds being used to generate the local match? Are these sources non-federal as defined above? Do these sources meet FTA requirement for local match? (check all that apply)**

    Statutorily Defined Sources
    - ☐Undistributed agency cash surplus
    - ☐Replacement or depreciation cash fund or reserve
    - ☐State or local appropriations
    - ☐Dedicated tax revenue
    - ☐Private donations
    - ☐Net income derived from advertising and/or concessions
    - ☐Other: _____

    Other Federal funds that are unrestricted in their use as match:
    - ☐Funds received pursuant to a service agreement with a state or local social services agency or private social service organization
    - ☐Other: _____

    In-Kind Contributed Services:
    - ☐In-Kind
    - ☐Volunteer

62. **Does the subrecipient have grants that require matching funds?**
    ☐Yes ☐No

63. **Does the subrecipient have a method to track matching funds contributed to grants?**
    ☐Yes ☐No
    Explain: _____

64. **Is the match from non-DOT sources, including contract service revenues supported by FTA source funds?**
    ☐Yes ☐No

65. **Does the subrecipient use non-cash/donated contributions as match?**
    ☐Yes ☐No

66. **Are the contributions integral to the project supported by the grant?**
    ☐Yes ☐No

67. **Does the subrecipient document the source and amount of in-kind/non-cash contributions, including volunteer time?**
    ☐Yes ☐No
    Explain: _____

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2.9 | In Kind or Contributed Services

Non-cash shares such as donations, volunteered services, or in-kind contributions are eligible to be counted toward the local match only if the value of each is formally documented and supported. Additionally, any donation or volunteer service must represent a cost which would otherwise be eligible under the project.

OMB guidance in CFR Super Circular Part 200 (OMB A-87) states that contributions and donations, including cash, property, and services, by governmental units to others, regardless of the recipient, are unallowable. Donations, volunteered services, and other in-kind contributions provided by other non-governmental organizations may be eligible with approval of INDOT.

OMB guidance in CFR Super Circular Part 200 (OMB A-87) allows for donated or volunteer services to be furnished to an organization by professional and technical personnel, consultants, and other skilled and unskilled labor. The value of the donations may be used to meet the local match requirements under the conditions described in paragraph CFR Super Circular Part 200 (OMB A-87), "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations."

These conditions require that the donations are: (a) verifiable from the recipient's records; (b) not included as contributions for any other Federally-assisted project or program; (c) necessary and reasonable for proper and efficient accomplishment of project or program objectives; (d) allowable under the applicable cost principles; (e) not paid by the Federal Government under another award, except where authorized by Federal statute to be used for cost sharing or matching; and (f) provided for in the approved budget when required by the Federal awarding agency; and (g) conform to other provisions of OMB Circular A-110, as applicable.

Fair market value of contributed or volunteer labor must be computed based on the regular rates paid for similar work in other activities of the organization or, in cases where the kinds of skills involved are not found in other activities of the organization, the rates used must be consistent with those paid for similar work in the labor market in which the organization competes for such skills.

Under any circumstance, the value of these services is not reimbursable either as a direct or indirect cost under Federal grant awards; rather this value may only be used as local match.

68. **Does the subrecipient utilize contributions or donations to meet part of the match share of FTA grants?**
    ☐Yes ☐No

69. **How did the subrecipient assign fair market value to the donated or contributed service? Explain: _____**

70. **Are the services or items donated necessary and reasonable for proper and efficient accomplishment of project or program objectives?**
    ☐Yes ☐No

71. **If the subrecipient is a public entity, did the donation or contributed service come from the public entity itself?**
    ☐Yes ☐No

72. **Did the subrecipient use the value of the donation only as local match (e.g. the subrecipient does not seek reimbursement from grant funds for the donation)?**
    ☐Yes ☐No

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2.10 | Program Income

Program Income is gross income received by a subrecipient that is directly generated by a grant supported activity, or earned only as a result of the Grant Agreement during the grant period (the time between the effective date of the grant and the ending date of the grant reflected in the final financial report).

Program income includes income: (a) from fees for services performed; (b) from the use or rental of real or personal property acquired with grant funds; (c) from the sale of commodities or items fabricated under a Grant Agreement; and (d) from payments of principal and interest on loans made with grant funds. Except as otherwise provided in regulations of the Federal agency, program income does not include interest on grant funds, rebates, credits, discounts, refunds, etc., and interest earned on any of them.

FTA and WisDOT allow its grantees and subrecipients to keep program income and use it for capital and operating expenses. Program income may not be used to reduce the local share of the grant from which it was earned, but may be used in future grants. If grantees choose not to use program income for public transportation purposes, then it must be deducted from total allowable costs to determine the net allowable costs.

73. Does the subrecipient generate program income?
☐Yes ☐No

74. If yes, has the subrecipient retained the revenue for use in the transit programs?
☐Yes ☐No

75. If yes, has the subrecipient used the program income for the local share in the year other than the year in which the income was earned?
☐Yes ☐No

76. If the subrecipient earns program income but does not use it for local match, has the subrecipient used the income to reduce total project expenses prior to applying for reimbursement from WisDOT?
☐Yes ☐No

2.11 | A-133 Audit

Subrecipients expending $500,000 or more in Federal financial assistance from all sources in the subrecipient's fiscal year must prepare a single audit pursuant to OMB Circular A-133.

The legally authorized auditing body for all primary recipients is the State Board of Accounts. Primary recipients that contract with nonprofit organizations via "pass-through" arrangements to operate the transit service must require that these organizations provide WisDOT with their own A-133 audit, if applicable. The grantee is responsible for reviewing all subcontractors' audit reports and appropriately resolving any findings. The subcontractors' audits must be available for review by WisDOT, upon request.

Subrecipients are responsible for prompt resolution of all audit findings and recommendations. This responsibility requires that the grantee:

- ✓ Promptly evaluate the report;
- ✓ Determine the appropriate follow-up actions and establish a date for their completion; and
- ✓ Complete all required actions within the established period of time.

Deficiencies or opportunities for improvement identified in an audit must be resolved by the subrecipient. The

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audit is not resolved until WisDOT concurs in the documentation of steps taken to implement any needed corrective actions. The status of outstanding audit findings and recommendations should be monitored and reported by the grantee in quarterly progress reports and, where appropriate, significant events reported.

Comments: _____

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When procuring property, supplies, equipment, or services under an FTA grant, WisDOT will follow the same policies and procedures it uses for procurements from its non-Federal funds, to the extent permitted by Federal statutes and regulations. While the Federal threshold for small purchases is currently less than $100,000, WisDOT may set a lower threshold of $50,000 for itself and its subrecipients. All governmental subrecipients follow State of Wisconsin procurement procedures. However, because of differences between 49 CFR part 18 and 49 CFR part 19 (the Common Rule), FTA third party contracting requirements are fewer for States and subrecipients that are local or tribal governments than for subrecipients that are private nonprofit organizations. For the sake of consistency, WisDOT may choose to use the more detailed FTA requirements included in the current version of FTA circular 4220 for all subrecipients as part of its procurement procedures.

Each recipient of FTA funding seeking Federal assistance to acquire property or services in support of its proposed project shall certify to FTA, in accordance with 49 CFR 18.36 that its procurements and procurement system will comply with all applicable third party procurement provisions of Federal laws, regulations, and directives, except to the extent FTA has expressly approved otherwise in writing. Any applicant that fails to provide this certification may be determined ineligible for award of Federal assistance if FTA determines that its procurement practices and procurement system are incapable of compliance with Federal laws, regulations, and directives governing procurements financed with FTA assistance.

Subrecipients that are governmental authorities such as local or Indian tribal governments must comply with the same Federal requirements governing WisDOT procurements. WisDOT is responsible for ensuring that subrecipients are aware of and comply with Federal requirements. WisDOT is responsible for ensuring that private non-profit subrecipients are aware of and comply with these additional requirements.

77. **Does the subrecipient receive 5310 funding and/or does the subrecipient make purchases exclusively off of the State Vehicle Contract list?**
    ☐Yes ☐No

If yes, answer questions in Subsection 3.1 and 3.2 only

3.1 | Standards of Conduct

The Common Grant Rules found in 49 CFR part 18 and 49 CFR part 19 require each subrecipient to maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts.

78. **Does the subrecipient have written procurement policies (i.e. procurement manual)?**
    ☐Yes ☐No

79. **Does the subrecipient limit purchasing to specific individuals?**
    ☐Yes ☐No

80. **Does the subrecipient maintain written standards of conduct governing the performance of its employees that are engaged in the award and administration of contracts?**
    ☐Yes ☐No

81. **Are contracts signed by the governing board or designated delegate?**
    ☐Yes ☐No ☐Not Applicable
    If yes, list here: _____

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82. **Does the written policy cover employees, officers, agents, or board members, or their immediate family members, partners, or organizations that employ or are about to employ any of the foregoing individuals?**
☐Yes ☐No

83. **Does the standard of conduct preclude such persons from participating in the selection, award, or administration of a contract supported with FTA financial assistance if there is a conflict of interest, real or apparent?**
☐Yes ☐No

84. **Does the written policy deal with the acceptance of gifts?**
☐Yes ☐No

85. **Does the written policy address penalties, sanctions, or other disciplinary action for violation of such standards by the recipient's officers, employees, agents, board members, or by contractors or subrecipients or their agents?**
☐Yes ☐No

3.2 | Pre-Award and Post Delivery Audit

Procurements for vehicles, other than sedans or unmodified vans, must be audited in accordance with 49 CFR part 663, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases." The regulation requires any recipient or subrecipient that purchases rolling stock for use in revenue service with funds obligated after October 24, 1991, to conduct a pre-award and post delivery review to assure compliance with its bid specifications, Buy America requirements, and Federal motor vehicle safety requirements, and to complete specific certifications.

For more information, visit: http://www.fta.dot.gov/legislation_law/12921_5423.html

86. **Does the subrecipient have the proper certifications to ensure that vehicles delivered have met the contract specifications (i.e. Vehicle Diagnostic Report, Post-Delivery Purchaser Requirements Certification, Alignment Certification, Certification of Buy America, Certification of Compliance with Federal Motor Vehicle Safety Standards, Certificate of Insurance, etc.)?**

☐Yes ☐No Buy America Certification
☐Yes ☐No Purchasers Requirement Certification
☐Yes ☐No Federal Motor Vehicle Safety Standards Certification
☐Yes ☐No Vehicle Diagnostic Report
☐Yes ☐No Alignment Certification
☐Yes ☐No Inspection Report
☐Yes ☐No Insurance Certification

87. **Explain what a typical visual vehicle inspection and road test includes.**

_____

3.3 | Third Party Contracting Capacity

As part of the subrecipient's obligation to maintain adequate technical capacity to carry out its project and comply with the Common Grant Rules, the subrecipient's third party contracting capability must be adequate to undertake its procurements effectively and efficiently in compliance with applicable Federal, State, and local requirements. The Common Grant Rules require the recipient to maintain a contract administration system to

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ensure that it and its third party contractors comply with the terms, conditions, and specifications of their contracts or purchase orders and applicable Federal, state, and local requirements.

88. **Does the subrecipient have written procedures to ensure that equipment, goods and services are acquired and received as contracted?**
    ☐Yes ☐No

89. **Does the subrecipient include lobbying certifications in solicitations and obtain signed certifications from all contractors awarded contracts in excess of $100,000?**
    ☐Yes ☐No

90. **Does the subrecipient have documentation of their sign off for Buy America on all purchases over $100,000?**
    ☐Yes ☐No

91. **Does the subrecipient review the "System for Award Management" at https://www.sam.gov/ to ensure that none of their contractors are debarred, suspended, ineligible or voluntarily excluded from participating in federally funded transactions?**
    ☐Yes ☐No

92. **Does the subrecipient exclude geographical preference in solicitations when using federal funds?**
    ☐Yes ☐No

93. **Does the subrecipient ensure 3rd party contractors of shared ride taxi service provide adequate documentation of service provided, including the collection of:**
    ☐**Driver's Logs**
    ☐**Dispatch Records**
    ☐**Monthly Reports**
    ☐**Quarterly and Annual Reports**
    ☐**Invoices**

3.4 | Purchase Methods

Most purchases under FTA state-administered programs will be micro purchases, or purchases under $3,000. Micro-purchases are relatively simple in terms of required procedures and may be made without obtaining competitive quotes. These purchases are exempt from FTA's Buy America requirements. Davis-Bacon prevailing wage requirements, however, will apply to construction contracts exceeding $2,000, even though the recipient uses micro-purchase procurement procedures. FTA does not intend to imply that the recipient must treat any purchase under $3,000 as a micro-purchase. The transit operator's governing board may set lower thresholds for micro-purchases in compliance with State and local law, or otherwise as it considers appropriate.

FTA anticipates that subrecipients will distribute micro-purchases equitably among qualified suppliers. Subrecipients, however, are not permitted to divide or reduce the size of its procurement merely to come within the micro-purchase limit.

Above $3,000, transit systems may use "small purchases." Small purchase procedures may be used to acquire services, supplies, or other property valued at more than the micro-purchase threshold but less than the Federal simplified acquisition threshold. Again, the governing board may set a lower threshold.

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When using small purchase procedures, the transit operator must obtain price or rate quotations from an adequate number of qualified sources and like micro-purchases, may not divide or reduce the size of its procurement to avoid the additional procurement requirements applicable to larger acquisitions.

Presently, Wisconsin state law sets the small purchasing threshold at less than $50,000, lower than the current Federal threshold of $100,000.

Purchasing by Invitation for Bid (IFB), or Sealed Bids, for purchases and leases are required for purchases over $50,000 unless other methods are approved by law. Bids are publicly solicited and a firm-fixed price contract (lump sum or unit price) is awarded to the lowest responsible, responsive bidder.

The subrecipient and/or operator of the transit service is responsible for preparing the bid contract and specification, advertising and soliciting bids, receiving and reviewing bids, and awarding the contract to the lowest responsible and responsive bidder. Bids will be opened only at a time and place listed in the solicitation, and at least one (1) witness must be present. A Request for Proposals (RFP) is the method generally used when conditions are not appropriate for the use of sealed bids.

94. Do purchases exceeding a defined threshold (such as $2,500) require pre-approval by a general manager and/or a governing board?
☐Yes ☐No

95. Are purchases over $3,000 procured through an open solicitation and negotiated process? (examples: fleet, fuel, maintenance, insurance, and personal services contracts)
☐Yes ☐No

96. Does the subrecipient include the required federal clauses in its procurements and contracts (except for micro-purchases)?
☐Yes ☐No

97. Does the written history of procurement include the following elements?

- Documentation for basis of the procurement method used	☐Yes	☐No
- Documentation for the contract type used	☐Yes	☐No
- Documentation of the basis for vendor selection	☐Yes	☐No
- Justification for the contract cost or price	☐Yes	☐No
- Other documents as necessary, commensurate with the size and complexity of the procurement itself, so that compliance with applicable standards can be documented	☐Yes	☐No

3.5 | Other Than Full and Open Competition

Normally, the subrecipient must provide for full and open competition when soliciting bids or proposals. The Common Grant Rule for governmental recipients, however, acknowledges that under certain circumstances, a recipient may conduct procurements without providing for full and open competition.

98. Has the subrecipient undertaken any “sole source” procurements during the last three (3) years?
☐Yes ☐No

99. If yes, did the subrecipient evaluate the procurement prior to making a sole source purchase to determine unique capability or availability?
☐Yes ☐No

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100. Has the subrecipient undertaken any procurement (bid or proposal) where there was only a single offer?
☐Yes ☐No

101. If yes, did the subrecipient undertake a post procurement investigation that revealed:
- **The single bid was caused by conditions beyond the subrecipient's control**
  ☐Yes ☐No
- **The single bid was caused by conditions within the subrecipient's control**
  ☐Yes ☐No
- **Explain: _____**

3.6 | Contract and Price Analysis

The Common Grant Rules require the subrecipient to perform a cost or price analysis in connection with every procurement action, **including contract modifications**. The method and degree of analysis depends on the facts and circumstances surrounding **each procurement**, but as a starting point, the subrecipient must make independent estimates before receiving bids or proposals.

The method and degree of analysis depends on the facts and circumstances surrounding each procurement, but as a starting point, the recipient must make independent estimates before receiving bids or proposals.

The recipient must obtain a cost analysis when a price analysis will not provide sufficient information to determine the reasonableness of the contract cost.

102. Is there evidence in the procurement files of purchases that the subrecipient developed a preliminary cost estimate for every procurement?
☐Yes ☐No

103. In procurement of goods and services where competition was deemed adequate, has the subrecipient conducted a price analysis wherein the entity checks catalog or market prices for the good or service?
☐Yes ☐No

104. If yes, is the level of effort and documentation commensurate with the scale of the procurement (e.g., micro-purchases and small purchases require only simple or abbreviated analysis)?
☐Yes ☐No

105. In the procurement of professional services (A/E firms, etc.) where the offeror submits cost elements that included labor hours, overhead, materials, and related costs, the subrecipient is expected to conduct a cost analysis. Has the subrecipient conducted any type of procurement where a cost analysis would be required?
☐Yes ☐No

106. If yes, has the subrecipient analyzed the following elements in its cost analysis?
- Federal cost principles that define the allowability or allocability of costs ☐Yes ☐No
- The wage rates and fringe benefits paid to the respective job classifications offered in the bid or proposal ☐Yes ☐No
- The proposed indirect cost rate to be charged by the firm ☐Yes ☐No
- The proposed profit rate ☐Yes ☐No

107. Does the subrecipient conduct a cost analysis in the following additional situations where a

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cost analysis is required?

- Competition was inadequate during a procurement (e.g., single bid) ☐Yes ☐No
- All sole source procurements ☐Yes ☐No
- For all major change orders on existing contract ☐Yes ☐No

3.7 | Protests and Disputes

The Common Grant Rules charge subrecipients with the initial responsibility to resolve protests of third party contract awards.

Apart from other methods, when the subrecipient may have to resolve third party contract issues, such as mediation or arbitration, the Common Grant Rules for governmental recipients requires the recipient to have protest procedures. While the Common Grant Rules for non-governmental recipients does not impose a similar requirement on a nonprofit subrecipient or operator, FTA expects each subrecipient to have appropriate written protest procedures, as part of its requirement to maintain or acquire adequate technical capacity, to implement the project.

108. **Does the subrecipient have written protest procedures?**
☐Yes ☐No

109. **Has the subrecipient had any protests during the last three (3) years?**
☐Yes ☐No

110. **If yes, did the subrecipient notify WisDOT immediately upon notification of a vendor protest?**
☐Yes ☐No

111. **Does the subrecipient have procedures to resolve disputes that arise in the administration of third party contracts?**
☐Yes ☐No

112. **Has the subrecipient engaged in any formal contract disputes with third party contractors during the last three (3) years?**
☐Yes ☐No

113. **If yes, was the dispute resolved without further intervention by WisDOT?**
☐Yes ☐No

3.8 | New Model Bus Testing

All new modified bus models must be tested at the FTA sponsored test facility in Altoona, PA, before FTA funds can be expended for their purchase (49 CFR part 665). This requirement applies to all buses and modified vans procured with FTA funds. It does not apply to unmodified vans, including vans with raised roofs or lifts installed in strict conformance with the original equipment manufacturer modification guidelines. A “new bus model” is defined as a model that has not been used in public transportation service in the United States before October 1, 1988, or a model that has been used in such service but which, after September 30, 1988, is being produced with a major change in configuration or components.

114. **Has the subrecipient certified that for any vehicle purchased using its own procurement**

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procedures (other than unmodified vans) that it has obtained a copy of the official bus testing reports from the Altoona, PA bus testing facility?
☐Yes ☐No

115. If yes, did the subrecipient submit all documentation and certifications to WisDOT?
☐Yes ☐No

3.9 | Purchase of Service Contracts

Subrecipients may purchase service from private sector transportation providers as well as public providers. Under such arrangements, certain special conditions apply to the purchase of service agreement.

The purchase of service contracts must be either a cost reimbursement or fixed price contract.

- ✓ Fixed price contracts should have the cost calculated on a service or route specific basis, either vehicle or passenger miles, or a combination of both. It is not subject to any adjustment on the basis of a contractor's cost experience in performing the contract.
- ✓ Cost reimbursement contracts should allow for a periodic evaluation of the fixed rate in order to accommodate changes in transportation costs. These contracts establish an estimate of total cost for obligating funds and establishing a ceiling that the contractor may not exceed (except at its own risk) without approval.

Profit is an eligible cost in the contract. The amount of profit must be established as a fixed fee, not as a percentage figure.

Depreciation of vehicles is an eligible expense in private sector purchase of service agreements and must be based on acquisition, not replacement costs, and is not eligible if the vehicles were originally purchased with Federal funds.

Management or administrative costs incurred by the contract provider should be prorated for only that portion of the operator's service being purchased.

116. Has the subrecipient entered into any purchase of service contracts?
☐Yes ☐No

117. If yes, what type of contract did the subrecipient use with the service provider?
☐Fixed price contract ☐Cost reimbursement contract

118. Has the subrecipient used "capital cost of contracting" in any service contract entered into with a private sector provider?
☐Yes ☐No

119. If yes, has the subrecipient correctly classified the type of contract and corresponding capital participation rate in the contract?
☐Yes ☐No

3.10 | Disadvantaged Business Enterprise (DBE)

Disadvantaged Business Enterprise (DBE) provisions apply to USDOT assisted contracts for airports, highways, and transit. This includes the use of Federal Transit Administration (FTA) planning, capital, and/or

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operating funds spent on contracts. The FTA requires that organizations receiving these federal funds must make efforts to purchase from or use DBE firms. A DBE is a for-profit small business that is:

- ✓ At least 51 percent owned by one or more individuals who are socially or economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals.
- ✓ Controlled (management and daily business operations) by one or more of the socially and economically disadvantaged individuals who own it.

As a recipient of these FTA funds, the Wisconsin Department of Transportation (WisDOT) has a DBE program that addresses FTA funded contracting activities conducted by WisDOT as well as those of its grant subrecipients.

The objectives of the DBE program are, in part, to:

- ✓ Ensure nondiscrimination in the award and administration of DOT-assisted contracts
- ✓ Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts
- ✓ Help remove barriers to the participation of DBEs in DOT-assisted contracts

When entering into grant agreements for FTA assistance, WisDOT and its subrecipients agree to adhere to the DBE requirements (49 CFR Part 26). This is a condition of receiving the federal financial assistance and is assured to in writing. In addition, the requirements apply at the contract level. This means that each contract signed with a contractor and each subcontract a prime contractor signs with a subcontractor must include DBE language.

The establishment of a DBE participation goal is another requirement of the DBE regulation. A three-year goal for transit has been established for 2014-2016 based on WisDOT's own anticipated contracting opportunities and those of its grant subrecipients. The goal is developed, in part, by using the information provided in the DBE reports submitted to WisDOT by grant subrecipients.

WisDOT has established an overall goal of 2.78% for DBE participation in FTA assisted contracts and will strive to achieve the goal through race neutral means. Progress toward achievement of the goal will be monitored throughout the year with quarterly reporting required of subrecipients. In some instances, a separate contract goal may be established to assist in attaining the overall goal. This may include a contract specific goal for a subrecipient project. If a contract specific goal is set, additional monitoring and reporting on the performance of the contract will apply.

The DBE requirements include provisions that must be addressed in the procurement process. These provisions include required contract clauses, contract goal-setting, and required information from bidders. The required contract clauses address non-discrimination, Transit Vehicle Manufacturer (TVM) certification, termination, and remedies for prime contractors that do not comply. Prompt payment by prime contractors to their subcontractors is also required, including the return of retainage. While separate contract goals are not required on each contract, if a contract specific goal is established, additional information must be collected from bidders prior to contract award.

On a quarterly basis, subrecipients of federal transit funding must report to WisDOT contracting activities (items/services purchased) that use FTA funding. Examples include materials, supplies, services (transportation, repair, consulting, etc.), and construction. For the purposes of this report, contracts do not include grants and cooperative agreements. Quarterly reports are due on the 15th of the month following the end of the reporting quarter.

120. Are you familiar with DBE provisions?

☐Yes ☐No

121. Do you know WisDOT has a DBE goal of 2.78% and how it may or may not apply to your program and services?
☐Yes ☐No

122. On federally funded contracts, do you have a subcontractor(s)?
☐Yes ☐No

123. If yes,

- **Explain how you monitor the subcontractor(s)?**
  _____

- **Are payment logs maintained for contracts with subcontractors?**
  ☐Yes ☐No

124. Have you purchased any vehicles that have not been part of the state contract?
☐Yes ☐No

125. If yes, did you include the TVM certificate in the procurement?
☐Yes ☐No

126. Has the subrecipient submitted quarterly DBE reports to the appropriate WisDOT Program Manager?
☐Yes ☐No

Comments:
_____

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Under the Common Grant Rule, WisDOT may use, manage, and dispose of equipment acquired under a Section 5311 grant according to State of Wisconsin law and procedures. The State of Wisconsin is free to adopt the procedures established in 49 CFR part 18 for other public body recipients or use them as a guide in developing WisDOT procedures for equipment use, management, and disposition, but they are not required to do so. WisDOT may use the same procedures for private and non-profit subrecipients as for public body subrecipients, so long as those procedures are consistent with 49 CFR part 19.

All property acquired using Federal funds shall be utilized and disposed of in accordance with the applicable FTA program circular, FTA Circular 5010.1D (as amended), and 49 CFR part 18. Title to all property purchased with Federal funds shall be vested in the name of the grantee/subrecipient.

The subrecipient and/or designated operator shall have the requisite fiscal and technical capacity to carry out the project and be responsible for maintaining required insurance coverage, property records, conducting physical inventories, implementing adequate property control systems, and maintaining the equipment in proper working condition. Documentation must be available upon request.

Federally-funded equipment and facilities must be kept in good operating order. Meal delivery or other incidental services provided by the grantee cannot conflict with the provision of public transit service or result in a reduction of service to transit passengers.

Any property (equipment, furniture and fixtures, vehicles, buildings, and land) purchased with Federal funds valued at $5,000 or more must be accounted for in the agency's fixed asset listing. The asset listing is to contain the Federally required information outlined in the Common Rule and generally accepted accounting principles, as appropriate.

Subrecipients are required to certify that any property purchased under the project shall be used for the provision of public transportation services within the subrecipient service area or other areas as described in the grant application, and for the life of the equipment or facility in compliance with the property management standards of 49 CFR part 18.31 through 18.34.

4.1| Continuing Control of Assets (Equipment)

127. Does the subrecipient have equipment (e.g. software, bus wash, radios, tablets, vehicle lifts) purchased with state or federal grant funds? ☐Yes ☐No

- Item 1: _____
- Item 2: _____
- Item 3: _____
- Item 4: _____
- Item 5: _____

128. Is the primary use of the equipment consistent with the original purpose?
☐Yes ☐No

129. For items over $5,000, is the equipment tagged or otherwise identified as property purchased with state or federal funds?
☐Yes ☐No

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130. Indicate if equipment records include (check all that apply):

☐Description	☐ID Number	☐Title Information	☐Procurement Source
☐Acquisition Date	☐Cost	☐Percentage of state or federal grant share	☐Grant number/contract number from with it was procured
☐Location of Use	☐Condition	☐Disposition data including: date of disposal, sale price and method of determining fair market value	

131. Does the subrecipient have procedures that protect the equipment from misuse, misappropriation waste and unwarranted deterioration or destruction?
☐Yes ☐No

132. Does the subrecipient conduct a physical inventory of equipment on a regular basis?
☐Yes ☐No
Frequency: _____

133. Does a visual inspection match the asset inventory report?
☐Yes ☐No

134. Is there any "incidental use" of any piece of equipment?
☐Yes ☐No
Explain: _____

135. How does the subrecipient seek warranty claims?
Explain: _____

136. What is your process for disposing equipment past its useful life?
Explain: _____

4.2 | Continuing Control of Assets (Facilities)

137. Does the subrecipient have real property/facilities purchased or built by 5310 or 5311, grants?
☐Yes ☐No
**If no, skip the remaining questions in subsection 4.2 Continuing Control of Assets (Facilities)*

138. Is the facility being used for the original authorized purpose?
☐Yes ☐No

139. Is there any "incidental use" of the facility?
☐Yes ☐No

140. Is the facility needed?
☐Yes ☐No

141. Is there excess available capacity?
☐Yes ☐No

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142. How does the subrecipient seek warranty claims on facility assets?
Explain: _____

143. Do you have a maintenance plan for the facility?
☐Yes ☐No

144. Check for evidence of the following:

- **Facility shows signs of excessive wear or lack of care?** ☐Yes ☐No
  Explain: _____
- **Is the exterior clean and free of damage or excessive decay?** ☐Yes ☐No
  Explain: _____
- **Is the interior clean and tidy?** ☐Yes ☐No
  Explain: _____
- **Are there signs of major safety hazards (standing water, chemical spills, etc)?** ☐Yes ☐No
  Explain: _____
- **Other:** ☐Yes ☐No
- Explain: _____

4.3 | Continuing Control of Assets (Vehicles)

Vehicle Maintenance Records

Note: The reviewer will inspect vehicle maintenance records and conduct a visual inspection of 10% of the vehicle fleet or a minimum of one vehicle.

145. Does the subrecipient have a written vehicle maintenance plan?
☐Yes ☐No
Date written or last updated: _____
Maintenance Manager's Name and Title: _____

146. Is there any incidental use on any of the vehicles?
☐Yes ☐No
Explain: _____

147. Are the vehicles leased?
☐Yes ☐No
If yes, explain lease arrangement and how vehicle condition and maintenance is monitored: _____

148. How does the subrecipient seek warranty claims on vehicle assets?
Explain: _____

Vehicle Records Review

149. List vehicle identification numbers (VIN) for records selected to sample:

- _____
- _____
- _____
- _____

150. Are maintenance records easily retrieved and well-organized?
☐Yes ☐No

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151. How do you schedule the maintenance of your vehicles?
☐Mileage ☐ Time ☐Both

152. Is the maintenance interval adhered to?
☐Yes ☐No

153. Check for evidence of the following:

☐regular break inspections

☐regular lift inspection and maintenance

☐steering and suspension inspections

☐regular lube, oil & filter service

☐pre-trip inspections standard and daily

☐pre-trip lift deployment

☐standard and daily post trip inspections

154. What is your process for disposing vehicles?
Explain: _____

155. Do you have a vehicle replacement schedule?
☐Yes ☐No

Comments:
_____

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VEHICLE VISUAL INSPECTION FORM

Vehicle Review #:	**Reviewed by:**	**Date:**
Vehicle Model/Make:	**Year:**	**VIN:**
Mileage:	**License Plate #:**	

1. **Is the vehicle branded and/or properly marked with the subrecipient name?** ☐Yes ☐No
   Name:
2. **Does the vehicle show signs of excessive wear or lack of care?** ☐Yes ☐No
3. **Is the exterior clean and free of damage and rust?** ☐Yes ☐No
4. **Are doors, mirror, lights, wipers and horn working in good condition?** ☐Yes ☐No
5. **Does the emergency door and safety interlock system work?** ☐Yes ☐No
6. **Does the interlock system prevent vehicle movement when the lift is deployed?** ☐Yes ☐No
7. **Is the ground free of excessive fluid leakage where vehicles are parked?** ☐Yes ☐No
8. **Is the interior clean, and is upholstery, floor covering, securement areas and railings in good condition?**
   ☐Yes ☐No
9. **Are tires unevenly worn, or show Lincoln's head on a penny?** ☐Yes ☐No
10. **Does the vehicle start easily and run smoothly, without excessive exhaust?** ☐Yes ☐No
11. **Does the vehicle have a Title VI public notice?** ☐Yes ☐No

Comments:

Photos:

DRAFT

5.1 | Transit Operations

156. Are transit operations open to the general public?
☐Yes ☐No
Identify eligible passengers: _____

5.2 | Service Records

157. What method does the subrecipient use to count rides?

☐actual counts ☐estimated counts ☐other
Explain: _____

158. Do you or your subcontractor and/or lessee have a method for tracking Limited English Proficient (LEP) persons?
☐Yes ☐No
Describe who keeps the information and the method of tracking LEP:
_____

159. Is LEP tracking information shared with the Title VI plan coordinator?
☐Yes ☐No

160. Who is responsible for maintaining service and ridership records?
Name/Title: _____

161. Is the schedule/dispatch log compared to passenger and/or operational reports on a regular basis?
☐Yes ☐No

162. Do subrecipient procedures account for all requests for service, including ride refusals?
☐Yes ☐No

5.3 | Marketing Services

163. Does the subrecipient market its transportation services?
☐Yes ☐No

164. If yes, where and/or how are marketing materials distributed?

☐Website ☐Newspaper ☐Brochures ☐On Vehicles
☐Other: _____

165. For 5311 recipients only, is the marketing effort directed to the general public?
☐Yes ☐No

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5.4 | Operational Efficiencies, Goals and Data Collection

166. Does the subrecipient keep records sufficient to ensure that the revenue service hours, passenger trips and other required data reported to WisDOT and National Transit Database are accurate?
☐Yes ☐No

167. How does the subrecipient attempt to meet service delivery goals established by WisDOT in the management plan? (e.g. cost per ride, cost per mile, rides per mile and per hour)
☐Yes ☐No

168. Does the subrecipient use data collected to monitor operations and to develop efficiencies in providing transit services?
☐Yes ☐No

5.5 | Operational Employees

169. Does the subrecipient have a defined employee/volunteer training program?
☐Yes ☐No

170. Are there sufficient staff resources to safely and efficiently operate transit services?
☐Yes ☐No

171. Does the subrecipient maintain current training records on all employees?
☐Yes ☐No

172. Does the training include the following? Check all that apply:

☐defensive driving
☐passenger assistance
☐ADA requirements
☐passenger relations
☐evacuation and emergency procedures
☐behind the wheel orientation
☐drug and alcohol program and policy prevention
☐customer service
☐other: _____

173. Does the subrecipient have a written job description for every employee and volunteer positions?
☐Yes ☐No

174. Are employees and volunteers provided with some form of a Standard of Conduct and/or training?
☐Yes ☐No

175. Does the subrecipient pre-qualify employees and volunteers prior to employment?
☐Yes ☐No

If yes, check all that apply:
☐Criminal background check
☐Driver's license
☐Physical
☐Reference check
☐Prior employer check
☐Other: _____

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176. Does the subrecipient have "hours of service" standards for their drivers?
☐Yes ☐No

177. Has the subrecipient sent appropriate staff to WisDOT, FTA or any other transit related training within the past two years?
☐Yes ☐No
Describe**:** _____

Comments:
_____

DRAFT

The Federal Transit Administration was established by the Federal Transit Act, as amended. The Act provided funds for ‘‘mass transportation’’ purposes, defined as, ‘‘transportation by bus or rail or other conveyance, either publicly or privately owned, serving the general public (but not including school buses or charter or sightseeing service) and moving over prescribed routes.’’ **This provision illustrates the balance Congress sought to strike between the public and private sectors of the economy.** Congress acted to provide Federal funding for the continued existence of urban fixed route providers by enacting a capital program to acquire private transit companies and establish new public transportation agencies.

The charter services provided by private companies were still profitable; accordingly, Congress excluded charter service from the definition of ‘‘mass transportation.’’

"Charter service" means, but does not include demand response service to individuals:

1. Transportation provided by a recipient at the request of a third party for the exclusive use of a bus or van for a negotiated price. The following features may be characteristic of charter service:
    a. Third party pays the transit provider a negotiated price for the group;
    b. Any fares charged to individual members of the group are collected by a third party;
    c. The service is not part of the transit provider’s regularly scheduled service, or is offered for a limited period of time; or (d) A third party determines the origin and destination of the trip as well as scheduling; or

2. Transportation provided by a recipient to the public for events or functions that occur on an irregular basis or for a limited duration and:
    a. A premium fare is charged that is greater than the usual or customary fixed route fare; or
    b. The service is paid for in whole or in part by a third party.

New regulations provide for both **exemptions** and **exceptions** to the regulations. FTA excludes recipients of Section 5310 and Section 5311 funding from charter regulation coverage if the service is for “program purposes.” FTA defines this term as: "…transportation that serves the needs of either human service agencies or targeted populations (elderly, individuals with disabilities, and or low income individuals).”

Recipients of 5311 funding may engage in charter service so long as the appropriate protocols are met. Subrecipients should notify their program manager in advance of engaging in charter service to ensure the appropriate actions are taken.

6.1 | School Bus

178. Does the subrecipient and/or its transit system have an agreement with local schools for transportation services?
☐Yes ☐No

179. Does the subrecipient use federally funded equipment, facilities or operating funds to offer exclusive school bus services to students? Are vehicles specifically used to transport students only to and from school and not open to the general public?
☐Yes ☐No

180. If yes, does the agreement it satisfy any of the three exemptions?
☐Yes ☐No The grantee operates a school system in the area and operates a separate and exclusive school bus service for that school system.
☐Yes ☐No Existing private school bus operators are unable to provide adequate, safe

transportation.

☐Yes ☐No The grantee, a public entity, has operated the service prior to August 12th, 1973 or has received a grant for facilities before November 26th, 1974

181. Does the subrecipient provide tripper service defined as "regularly schedules service open to the public, designed to accommodate the needs of school students and personnel using various fare collections or subsidy systems?"
☐Yes ☐No

If yes, please describe and provide schedules/routes as verification of tripper service: _____

182. Was notice of service provided to private school bus operators and published in a local newspaper?
☐Yes ☐No

6.2 | Charter Bus

183. Does the subrecipient use federally funded equipment, facilities or operating funds to support charter operations, defined as:

☐ Transportation provided at the request of a third-party for the exclusive use of a bus or van for a negotiated price? ☐Yes ☐No
Name of the Third-Parties: _____

☐ Transportation provided on a irregular basis or limited duration with a premium fare or paid for by a third party? ☐Yes ☐No
Name of the Third-Parties: _____

184. If yes to either question above, describe the service arrangement including passengers, frequency, fees and trip purpose for any charter bus service: _____

185. Does the service fall into one or more of the allowed exemptions, including a recipient transporting its employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors and official guest, to and from transit facilities, or for the purpose of conducting oversight functions?
☐Yes ☐No

186. Does the service fall into one of the limited exceptions under which subrecipients may provide community based charter services?

☐Yes ☐No Government officials on official government business
☐Yes ☐No Qualified Human Service Organizations (QHSO)
☐Yes ☐No Leasing FTA Funded Equipment and Drivers
☐Yes ☐No When no registered charter provider responds to notice from a recipient
☐Yes ☐No Agreement with registered charter providers
☐Yes ☐No A petition has been made to the administrator for an exception to charter service regulations

187. If the service is defined as a community based charter service, are all appropriate notifications, recordkeeping and reporting requirements met?
☐Yes ☐No

Comments:

_____

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7.1 | Title VI

Title VI is a federal statute and provides that no person in the United States, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Any programs or activities that receive federal transit funding must comply with Title VI. Any agency receiving federal dollars either directly from FTA (Federal Transit Administration), indirectly through WisDOT or both, must:

- ✓ Promote full and fair participation in transportation decision-making without regard to race, color or national origin
- ✓ Ensure meaningful access to transit-related programs and activities by persons with limited English proficiency
- ✓ Ensure the level and quality of transportation service is provided in a nondiscriminatory manner
- ✓ Prepare and submit a Title VI Plan to WisDOT

Information on Title VI requirements is available on the WisDOT website:
http://www.dot.wisconsin.gov/localgov/transit/title6.htm

Questions in this section are designed to ensure that subrecipients are compliant with new FTA Title VI regulations.

188. Does the subrecipient have a Title VI Plan?
☐Yes ☐No

189. Does the plan include:
☐Yes ☐No Policy approval
☐Yes ☐No Notice to beneficiaries
Where is it posted? _____
☐Yes ☐No Complaint procedure
☐Yes ☐No Complaint form
☐Yes ☐No List of investigations, complaints and lawsuits (required to be reported annually)
☐Yes ☐No Public Participation Plan (required to be reported annually)
☐Yes ☐No Language Assistance Plan
☐Yes ☐No Minority Representation Information on its non-elected transit boards/advisories/councils

190. If the subrecipient operates a fixed route transit system, does the Title VI plan include:
☐Yes ☐No Fixed Route Service Standard
☐Yes ☐No Fixed Route Service Policy

191. Is the subrecipient constructing a facility?
☐Yes ☐No

192. If yes, did the subrecipient conduct a Title VI Facility Location Equity Analysis?
☐Yes ☐No

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193. Are employees informed and/or trained on Title VI and LEP requirements?
☐Yes ☐No

Comments:

_____

7.2 | Equal Employment Opportunity (EEO)

WisDOT must ensure that their subrecipients do not discriminate against any employees or applicants for employment because of race, color, religion, national origin, sex, or age. In addition, recipients and subrecipients must take affirmative actions to employ minorities and women.

An EEO program is required of all subrecipients that both:

1. Employ 50 or transit-related employees (including temporary, full, and part-time), and
2. Received capital or operating assistance in excess of $1 million or planning assistance in excess of $250,000 in the previous federal fiscal year.

194. Does the subrecipient receive federal operating or capital funds in excess of $1 million or planning assistance funds in excess of $250,000 and employ 50 or more transit-related employees?
☐Yes ☐No
**If yes to both, the subrecipient should have an EEO program. Please contact WisDOT for further information.*

Comments:

_____

7.3 | Americans with Disabilities Act (ADA)

Under the Federal Department of Transportation (DOT) Americans with Disabilities Act of 1990 (ADA) regulations, public and private transportation providers are required to operate services in a way that does not discriminate against persons with disabilities. The regulations include general nondiscrimination provisions that apply to all types of agencies and services. This civil rights law sets forth specific requirements for public transportation services, vehicle and facility accessibility, and the provision of complementary paratransit service, as well as overall requirements for a complaint process, codified by U.S. DOT in 49 CFR Part 37.

Federal DOT ADA regulations (49 CFR 37.161-167) detail specific general service requirements that apply across modes. WisDOT must monitor subrecipients for compliance with applicable ADA service provision and training requirements. All public and private transportation providers must:

- Allow service animals to accompany individuals with disabilities in vehicles and facilities
- Deploy the lift or ramp upon request, for standees as well as wheelchair-users
- Accommodate people who use a wide variety of mobility devices
- Not deny an individual transportation because a vehicle's securement system is unable to secure the mobility device
- Make public information and communications available in accessible formats
- Accommodate persons using respirators or portable oxygen
- Train operators in the use of accessibility equipment as well as sensitivity to people with disabilities

Compliance responsibilities will also vary depending on the type of transportation service provided by the subrecipient.

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195. Does the subrecipient provide information to the public regarding the availability of accessible services?
☐Yes ☐No
Via: _____

196. Is the subrecipient's staff knowledgeable regarding ADA service requirements appropriate to the specific services offered by the subrecipient to the public?
☐Yes ☐No

197. Have the vehicle operators and other relevant staff been trained to interact with disabled individuals?
☐Yes ☐No

198. Do you have a mechanism to capture, investigate and track ADA complaints?
☐Yes ☐No

199. Have there been any complaints or lawsuits alleging discrimination on the basis of disability?
☐Yes ☐No

200. If yes, what is the status or resolution of these complaints or lawsuits?
Describe: _____

201. Is there a fare schedule for riders with disabilities? (review operations schedule)
☐Yes ☐No

202. Have you encountered any circumstances where your insurance provider would not cover a potential rider?
☐Yes ☐No

203. If yes, how did you address this issue?
Describe: _____

204. Does the subrecipient require the driver to assist passengers with disabilities, if they need assistance, to board and de-board the vehicle?
☐Yes ☐No

205. Does the subrecipient allow service animals to travel with persons with disabilities?
☐Yes ☐No

206. Do the subrecipient's policies ensure adequate time for boarding and de-boarding for persons with disabilities?
☐Yes ☐No

207. Does the subrecipient <u>require</u> individuals with disabilities to use designated priority seats?
☐Yes ☐No

208. Does the subrecipient have a policy for dealing with individuals who engage in violent, seriously disruptive, or illegal conduct?
☐Yes ☐No

209. If yes, are supervisors, dispatchers, and vehicle operators trained on this policy?
☐Yes ☐No

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210. Is there an appropriate appeal process for any service refusals?
☐Yes ☐No

Vehicles – General

211. Does the subrecipient pre-trip checklist include cycling the lift to ensure that it is in working order and checking for the presence and condition of the tie-downs in the securement area?
☐Yes ☐No

212. Does the subrecipient require use of securements?
☐Yes ☐No

213. Does the subrecipient have a written policy requiring use of securements?
☐Yes ☐No

214. Does the subreceipients allow the lift to be used by standees to board/de-board the vehicle?
☐Yes ☐No

215. Are there any restrictions on the type of mobility devices allowed on the vehicles?
☐Yes ☐No

216. How do you respond to mechanical issues (failures) to the lift or ramp while the vehicle is in service?
- What is the response time to actually providing the service? _____
- How many days out of service is the vehicle on average? _____
- Are there other accessible vehicles to fill in?
  ☐Yes ☐No

Fixed Route Only

217. Does the subrecipient require that the driver announce stops (or does the vehicle have an audible announcement in lieu of driver announcements)?
☐Yes ☐No

218. Do vehicles have priority seating?
☐Yes ☐No

219. Does the subrecipient allow persons with disabilities using respirators or portable oxygen?
☐Yes ☐No

220. Are fares charged to accompanying individuals?
☐Yes ☐No

221. Who can accompany ADA paratransit eligible passengers? _____

Paratransit Only

222. Does the subrecipient allow Personal Care Attendants (PCA) to travel with persons with disabilities and at no cost?
☐Yes ☐No

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223. Does the subrecipient allow persons with disabilities using respirators or portable oxygen?
☐Yes ☐No

224. Are fares charged to accompany individuals?
☐Yes ☐No

225. Who can accompany ADA paratransit eligible passengers? _____

226. Does the subrecipient have any non-accessible vehicles in their fleet?
☐Yes ☐No

227. How are eligibility standards established for ADA paratransit passengers?
Explain: _____

228. How quickly are decisions on eligibility made? _____

229. Do individuals have the ability to appeal a decision?
☐Yes ☐No

230. How is the appeal process handled?
Describe: _____

<u>Public Fixed-Route: Complementary Paratransit</u>

231. Does the subrecipient have a complementary paratransit service that provides service to persons with disabilities who are unable to use or access the fixed route?
☐Yes ☐No

232. If yes, indicate service strategy:

☐route deviation ☐separate paratransit operated by subrecipient ☐contracted out to other service provider ☐other: _____

233. Does the subrecipient have a written policy which defines a process to determine eligibility for paratransit services?
☐Yes ☐No

234. What is the fare schedule for ADA paratransit trips? _____

235. Are equivalency standards defined using the following service criteria:
☐Yes ☐No Origin-to-Destination Service
☐Yes ☐No Service Area
☐Yes ☐No Service Time
☐Yes ☐No Response Time
☐Yes ☐No Trip Purpose
☐Yes ☐No Fares
☐Yes ☐No Who May Ride with the Eligible Individual

236. How are ADA paratransit trips tracked?
Describe: _____

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Demand-Response Services: Equivalent Service Standards

If entities operating demand response services plan to purchase vehicles that are not accessible, they must first make a determination that the services they will be providing (after the purchase of the inaccessible vehicle or vehicles) are "equivalent." Therefore, if entities have inaccessible vehicles as part of their fleet that were purchased since the issuance of the regulations, the services they provide must be "equivalent." If inaccessible vehicles are purchased, certification of equivalency must also be provided to WisDOT.

237. What is the makeup of your fleet with regard to accessibility?
Describe: _____

238. Are trip denials documented?
☐Yes ☐No

239. Are the reasons for trip denials documented?
☐Yes ☐No

240. Do the reasons for trip denials include equipment?
☐Yes ☐No

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8.1 | Transportation Coordination

Transportation coordination is a process where human service agencies, transportation providers, consumer groups, and public officials work together to develop and improve services for transportation disadvantaged individuals by ensuring that transportation resources funded by different programs are coordinated. Transportation disadvantaged individuals are unable to provide their own transportation as a result of disability, age-related condition, or income. Transportation coordination will:

- Develop and improve transportation options
- Improve access
- Minimize service duplication
- Facilitate appropriate, cost-effective transportation with available resources

Federal transit law, as amended by SAFETEA–LU (2005) and continued in MAP-21 (2012), requires that projects selected for funding under the Section 5310, Enhanced Mobility of Seniors and Individuals with Disabilities Program be "derived from a locally developed, coordinated public transit-human services transportation plan" and that the plan be "developed through a process that includes representatives of public, private, and non-profit transportation and human services providers and participation by members of the public."

In MAP-21, as in previous legislation, Section 5311 calls for "maximum feasible coordination of public transportation service assisted under this section with transportation service assisted by other Federal sources." FTA and WisDOT expect Section 5311 formula programs to participate in the local planning process for coordinated public transit-human service transportation in those areas applying for funds under S. 5310.

In response to this requirement, WisDOT collaborated with Regional Planning Commission (RPC) planners to develop a coordination planning process and toolkit.
http://www.dot.wisconsin.gov/localgov/coordination/index.htm

241. Regardless of funding source, does the subrecipient coordinate with others to reduce operating costs, reduce duplication of services, and gain service contracts financed with state and federal funds or to serve more people?
☐Yes ☐No
Explain further: _____

Questions below only apply for S. 5310 formula programs

242. Has the subrecipient participated in developing a local or regional human service/transportation coordinated plan?
☐Yes ☐No

243. Are the subrecipient's board members (or equivalent) knowledgeable of the adopted Coordinated Plan?
☐Yes ☐No

244. Does the subrecipient's board (or equivalent) use the Coordinated Plan's priorities to evaluate current transit performance and to plan for new services?
☐Yes ☐No

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245. Is the subrecipient familiar with the Transportation Coordination requirement for 5310 subrecipients?
☐Yes ☐No
http://www.dot.wisconsin.gov/localgov/coordination/plans.htm

8.2 | Transportation Safety (5311 Only)

Section 5329 of MAP-21 requires that all recipients of FTA funding develop an agency safety plan and certify that the plan meets FTA requirements. Within one year after FTA issues a final rule on this requirement, each recipient of 5307 or 5311 funds must develop, implement, and certify a public transit agency safety plan. FTA has published an Advanced Notice of Proposed Rulemaking regarding aspects of the Section 5329 safety and asset management requirements to solicit public comment prior to developing this rule.

In the interim before the FTA final rule is issued, FTA encourages transit providers to begin implementing the statutory requirements of the transit agency safety plan. As indicated in the Advanced Notice of Proposed Rule Making, these plans include at a minimum:

- ☐ A requirement that the board of directors, or equivalent entity, approve the plan and any updates;
- ☐ Methods for identifying and evaluating safety risks throughout all elements of the recipient's public transportation system;
- ☐ Strategies to minimize the exposure of the public, personnel, and property to hazards and unsafe conditions;
- ☐ A process and timeline for conducting an annual review and update of the plan;
- ☐ Performance targets based on the safety performance criteria and SGR standards set out in the yet-to-be developed national safety plan;
- ☐ Assignment of an adequately trained safety officer who reports directly to the general manager, president, or equivalent officer of the recipient; and
- ☐ A comprehensive staff training program for operations personnel and personnel directly responsible for safety.

Until new FTA safety requirements are established, states can follow the recommendations of existing FTA guidance. The April 2003 Model Bus Safety and Security Program Memorandum of Understanding (developed under a joint effort by FTA, AASHTO, APTA, and CTAA) recommended the following core elements for all community transportation providers:

- ☐ Security
- ☐ Driver/Employee Selection
- ☐ Driver/Employee Training
- ☐ Vehicle Maintenance
- ☐ Drug and Alcohol Abuse Programs
- ☐ Safety Data Acquisition and Analysis

For more information visit the FTA Bus Safety website at: http://bussafety.fta.dot.gov/

246. Does the subrecipient have a written safety policy statement?
☐Yes ☐No

247. Does the subrecipient have a written safety plan?
☐Yes ☐No

248. Have safety goals been defined?
☐Yes ☐No

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249. Does the subrecipient have a safety/security officer designated?
☐Yes ☐No
Name of person and title: _____
Describe qualifications and/or training: _____

250. Have safety roles and responsibilities been defined for all positions?
☐Yes ☐No

251. How are safety hazards identified and risks assessed?
Describe: _____

252. Has the subrecipient had an accident or incident requiring one or more of the following within the past year?

☐Yes	☐No	Vehicle crash requiring the vehicle to be towed from the scene?
☐Yes	☐No	Vehicle crash causing driver or passenger injuries, which required medical assistance?
☐Yes	☐No	If yes to either above, was the driver determined to be at fault?
☐Yes	☐No	Was a citation issued to the driver?
☐Yes	☐No	Were there any moving violations issued to drivers while driving subrecipient equipment, or in the course of subrecipient duties? Explain: _____
☐Yes	☐No	Were there any passenger or employee incidents (slip, trip, fall) requiring medical assistance? Explain: _____

253. Does the subrecipient have safety training requirements?
☐Yes ☐No

254. How is the importance of safety communicated to staff?
Explain: _____

8.3 | Training

FTA requires states to inform subrecipients of applicable federal requirements and provide technical assistance in meeting those requirements. Several FTA topic areas (including ADA and Drug & Alcohol) have specific requirements for subrecipients to train their own staff. With technical assistance from WisDOT subrecipients should ensure its employees are appropriately trained and informed.

The Rural Transportation Assistance Program (RTAP) allocates federal funds to further the development of skills and abilities for persons involved in providing transit service to the state's rural and small urban areas. More information on RTAP technical assistance can be found at the new RTAP website: www.wisconsinrtap.com

255. What training is provided to staff to ensure capacity?
☐Drug and Alcohol
☐Safety
☐ADA
☐Passenger Assistance
☐Title VI/LEP
☐Other: _____

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Explain these trainings in detail: _____

256. What training is provided to your third party contractor or lessee to ensure staff capacity?
☐Drug and Alcohol
☐ADA
☐Passenger Assistance
☐Title VI/LEP
☐Safety
☐Other: _____

Explain how this training is implemented: _____

8.4 | Drug and Alcohol (5311 Only)

Recipients of S. 5311 funds must have a drug and alcohol testing program in place for all safety-sensitive employees. WisDOT is responsible for passing through drug and alcohol testing requirements; providing technical assistance in understanding and meeting the requirements; and overseeing the drug and alcohol programs of subrecipients and their contractors, subcontractors, and lessees with safety-sensitive employees.

Applicable regulations include:

- 49 CFR Part 655 “Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations”
- 49 CFR Part 40 “Procedures for Transportation Workplace Drug Testing Programs”
- 49 CFR Part 32 “Government-wide Requirements for a Drug-Free Workplace (Financial Assistance)”
- 41 USC Section 701 “Drug Free Workplace Act (DFWA) of 1988”

257. Does the subrecipient and/or its transit provider have a policy that it disseminates to its employees?
☐Yes ☐No

258. What is the date of the Drug and Alcohol Policy? _____

259. Has the subrecipient submitted an Annual Self Certification Report?
☐Yes ☐No

260. Who is designated as the contact person to answer questions regarding the Drug and Alcohol Policy?
Name: _____

261. How does the subrecipient define safety-sensitive employees that are subject to testing?
Explain: _____

262. Explain how prohibited behavior is defined and the circumstances for drug and alcohol testing (i.e., pre-employment, random, post-accident, reasonable suspicion, return to duty and follow-up).
_____

263. Are drug and alcohol program records kept in a separate, secure location?
☐Yes ☐No

264. Who has access to the records? _____

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265. Are records easily retrieved and well-organized?
☐Yes ☐No

266. Does the subrecipient have records that indicate the following:
☐Yes ☐No 1-hour training for all safety-sensitive employees?
☐Yes ☐No Employee information regarding affects of alcohol use and abuse?
☐Yes ☐No Reasonable suspicion for supervisors – 1 hour for alcohol and 1 hour for drugs?
☐Yes ☐No Evidence of training that includes names, dates and content?

267. Are records being retained per the following schedule?
☐Yes ☐No 5-years: verified positive, documentation of test results, employee referrals to SAP, and copies of MIS
☐Yes ☐No 2-years: collection records and employee training
☐Yes ☐No 1-year: negative test results

268. Is the subrecipient and/or transit provider familiar with the online Drug and Alcohol training available?
☐Yes ☐No

8.5 | Labor Warranty (5311 Only)

All recipients (and subrecipients) of FTA funding must comply with labor standards detailed in 49 USC 5333. The labor standards involve two parts: prevailing wages and employee protective arrangements. The latter involves the bulk of the requirements.

When federal funds are used to acquire, improve, or operate a transit system, federal law requires arrangements to protect the rights of affected transit employees. The terms and conditions of the protective arrangements are included in the grantee's contract with the FTA. The requirement to protect transit employees is contained in 49 USC 53333(b) (formerly Section 13(c) of the Federal Transit Act). Projects funded under S. 5311 must satisfy the employee protection requirements of Section 5333(b), but this is accomplished through an expedited procedure administered by the Department of Labor (DOL) and based on the application of the "Special Section 13(c) Warranty".

269. Does the subrecipient maintain a copy of the US Department of Labor Special Section 5333(b) Labor Warranty, as well as the required posting on an employee bulletin board?
☐Yes ☐No

270. If yes, has the warranty been reviewed by Human Resources staff and are the provisions in the warranty understood?
☐Yes ☐No

271. Does the subrecipient have union employees?
☐Yes ☐No

If yes, list union: _____

272. Has the subrecipient executed the Special Warranty? (only applicable for Other than Urbanized or Over the Road Bus Grants)
☐Yes ☐No

273. Is the execution current?
☐Yes ☐No

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