

ALASKA STATE MANAGEMENT PLAN



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**Alaska Department of Transportation & Public Facilities
State Transit Office
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CONTENTS

	<u>Page</u>
I. INTRODUCTION.....	1
II. GENERAL TRANSIT PROGRAM INFORMATION	2
A. Goals & Objectives	2
B. Roles and Responsibilities	4
1. Federal Transit Administration (FTA).....	4
2. State Transit Office, Alaska Department of Transportation and Public Facilities (AkDOT&PF)	5
3. Alaska Mobility Coalition (AMC).....	5
4. Metropolitan Planning Organizations (MPO).....	6
5. Project Evaluation Committee for Human Services Grant Applications.....	6
C. Overview of Transit Programs	6
1. Section 5303/5304	6
2. Section 5310 Special Needs of Elderly Individuals and Individuals with Disabilities	6
3. Section 5316 Jobs Access and Reverse Commute (JARC)	7
4. Section 5317 New Freedom, Beyond the ADA.....	7
5. Section 5311.....	8
6. Intercity Bus Section 5311(f).....	8
7. RTAP Section 5311(b) (2).....	9
D. Eligibility.....	9
1. Section 5303/5304	9
2. Section 5310.....	9
3. Section 5316.....	9
4. Section 5317.....	10
5. Section 5311.....	10
6. RTAP	10
E. Local Share and Local Funding Requirements.....	10
1. Federal/Local Match Ratio	10
2. State Administration	13
3. Local Share and Local Funding	13
F. Program and Service Coordination	14
G. Private Sector Participation.....	14
1. Local Planning Process and Program Development.....	15
2. 17	
3. State Role	17
H. Program Complaint Procedures.....	17
I. Service	18
III. STATE PROGRAM MANAGEMENT	18
A. Financial Management	18

B. Project Review and Monitoring	19
1. Quarterly Reports	19
2. Compliance and Good Practices Reviews	19
3. On-site Reviews	20
C. FTA Reports	20
1. Section 5303/5304	20
2. Section 5310, 5316 and 5317	21
3. Section 5311	21
4. RTAP	22
5. Disadvantaged Business Enterprise (DBE) Report	22
6. Sections 5303/5304, 5310, 5311, 5316, 5317 and RTAP Project Closeout	22
D. Americans with Disabilities Act (ADA) Requirements	22
E. State Grant Application	24
1. Section 5303/5304	25
2. Human Services Grants (5310, 5316, 5317)	25
3. Section 5311	26
4. RTAP	27
F Selection and Screening Process	27
1. Section 5303/5304	27
2. Sections 5310, 5316, and 5317	28
3. Section 5311	28
4. RTAP	28
G Procurement	28
1. Procurement Policies	28
2. Vehicles and Equipment	30
H. Capital Ownership and Title	35
1. Title and Lien	35
2. Accountability	35
3. Incidental Use	35
I. Capital Inspection and Maintenance	36
1. Vehicle	36
2. Facility	36
J. Insurance	37
K. Vehicle Transfers	37
L. Vehicle Useful Life	38
M. Vehicle Rehabilitation	38
N. Disposition	39
1. Fair Market Value	39
2. Disposing of Vehicles and Equipment	40
3. State Transit Office Release Procedure	40
4. Early Lien Release	40
IV. TECHNICAL ASSISTANCE AND TRAINING	41
A. Technical Assistance	41
1. Planning and Project Development	41
2. Project Management	41
B. Training	41

C. Alaska Community Transportation Transit Conference.....	42
V. PROGRAM OF PROJECTS.....	42
A. Section 5303/5304.....	42
1. Application Process	42
2. Grant Time Line and Allocation	43
3. Minimum Requirements	43
4. Selection Criteria for Grant Application.....	43
5. Reporting.....	43
6. Monitoring	43
B. Sections 5310, 5316, 5317 (Human Services)	43
1. Application Process	44
2. Grant Time Line and Allocation	44
3. Minimum Requirements	44
4. Selection Criteria for Human Services (5310, 5316, 5317) Grant Application	45
5. Reporting.....	46
6. Monitoring	46
C. Section 5311 and 5311 (f) Intercity.....	46
1. Application Process	46
2. Grant Time Line and Allocation	48
3. Minimum Requirements	48
4. Selection Criteria for Grant Application.....	49
5. Reporting.....	49
6. Monitoring	49
7. Drug and Alcohol Testing Policy and Procedures.....	49
D. Rural Transit Assistance Program (RTAP)	50
1. Application Process	50
2. Alaska RTAP Scholarship Program.....	51
3. Grant Time Line and Allocation	52
4. Minimum Requirements	52
5. Selection Criteria for Grant Application.....	52
6. Reporting.....	52
7. Monitoring	53
VI. CERTIFICATIONS AND ASSURANCES	53
APPENDICES	54
A. Sample Agreement Between AkDOT&PF and Subrecipients.....	54
B. Section 5311 Charter Service Identification Flow Chart.....	82
C. Rolling Stock Bidding Process Checklist	84
D. Pre-Award Checklist.....	87
E. Post-Delivery Checklist	90
F. FTA Required Third Party Clauses.....	92

ALASKA STATE MANAGEMENT PLAN

I. INTRODUCTION

The Federal Transit Administration (FTA) requires each state that receives and administers Federal funding under Section 5310, *Transportation for Special Needs of Elderly Individuals and Individuals With Disabilities*, Section 5311, *Formula Grants for Other Than Urbanized Areas*, and the State-managed portions of Section 5316, *Job Access and Reverse Commute*, and Section 5317, *New Freedom* to have an approved State Management Plan (SMP) on file with the appropriate regional FTA office. Each state must update the SMP regularly to incorporate management changes that occur.

The Governor of the State of Alaska has designated the Alaska Department of Transportation and Public Facilities (AkDOT&PF) to receive and disburse FTA grant funds.

This SMP is intended to facilitate AkDOT&PF management and FTA's oversight of Alaska's transit programs by documenting the State's policies, goals, objectives and operating procedures. This SMP supersedes the 2007 State Management Plan.

The primary objective of AkDOT&PF's State Transit Office, which is located within the Program Development Division, is to assist in the establishment and maintenance of public, private and non-profit passenger transportation systems. The Transit Section provides this assistance through a cooperative effort involving FTA, and State, local, and tribal agencies

AkDOT&PF's State Management Plan documents the objectives, policies, procedures and administrative guidelines for the Section 5303/5304, 5310, 5311, 5316 and 5317 Programs and the Rural Transit Assistance Program (RTAP).

Alaska Challenge: A limitation to transit development in some of the Alaska's rapidly growing areas (Mat-Su, Kenai Peninsula) is that the systems are not government-owned. These areas are served by non-profit service providers organized around serving human service transportation needs, offering service to the general public as well. Absent the investment of local government in the service, these systems remain limited in their ability to produce needed capital for system expansion and upgrades, and operating costs - even to match available federal funding. Thus, in the fastest growing regions of the state, the existing public transportation systems lack the ability to grow in proportion to population increase and service demand. Additionally, they remain outside of local government strategies for transportation development and traffic management, including that on many state-owned roads. For these growth areas in particular, the state is served by encouraging local government ownership and investment in public transportation.

II.

GENERAL TRANSIT PROGRAM INFORMATION

A. Goals & Objectives

Mission: To provide access and mobility within the communities of Alaska, both urban and rural, through transit services that are safe, appealing, efficient, and easily-available to both the general public and transit-dependent populations.

1. Assist in the maintenance, development, and improvement of public transportation systems, including providing a mechanism for systematic replacement of existing fleets.
2. Facilitate the most efficient use of all funds and most effective delivery of services through the coordination of programs and services.
3. Encourage greater local support of transit systems, fostering a federal-state-local partnership in maintaining a stable funding base for transit.
4. Ensure that transit investment decisions consider policy directions, customer input, available resources, system performance, and funding levels.
5. Develop and maintain positive relationships with AkDOT&PF customers through communication and responsiveness.

Policies

- a. Maximize revenue streams and explore innovative funding options to sustain and develop transit services.
- b. Supplement rather than supplant local resources in achieving the maximum benefit from available subsidies.
- c. Effect a fair and equitable distribution of funds across the State assuring that urban areas, Indian reservations and rural areas are all given an opportunity to participate.
- d. Recognize that the transportation dependency of individuals isolated from essential services should be a determinant in the distribution of funds.
- e. Educate Alaskans on the benefits of public transportation and requirements for coordination.
- f. Encourage training programs for children through schools for safe use of public transportation.

- g. Promote mobility management and demand-driven transit system planning.

Program Objectives

- a. Section 5303/5304
 - (1) Encourage the development of innovative approaches to planning, design and evaluation of transit services and facilities.
 - (2) Utilize Section 5303/5304 Program funding for planning and technical projects which serve Alaska and local needs, including local operation of public transportation while considering FTA priorities.
- b. Human Services Grants - Sections 5310, 5316 and 5317
 - (1) Ensure that elderly persons and persons with disabilities gain access and mobility similar to the general population from the use of transit facilities and services.
 - (2) Make special efforts in the planning and design of transportation facilities and services to assure elderly persons, persons with disabilities, and persons at low incomes seeking work the availability of transportation which they can effectively use.
 - (3) Continue to meet the special needs of elderly persons, persons with disabilities, and persons at low incomes seeking work for whom public transportation services are unavailable, insufficient or inappropriate.
 - (4) Use incentives to encourage coordination within communities of existing public transportation services and human service transportation.
 - (5) Provide transportation programs for special populations in small and geographically-isolated communities of Alaska where limited resources offer little opportunity for coordination benefits.
- c. Public Transportation Grants - Section 5311

- (1) Enhance access of people in nonurbanized areas to health care, shopping, education, employment, public services and recreation.
- (2) Assist in the maintenance, development, improvement, and use of public transportation systems in rural and small urban areas.
- (3) Maintain and expand intercity public transportation services through assistance to intercity transit operators that serve residents of nonurbanized areas.

d. RTAP

- (1) Promote safe and effective delivery of public transportation in nonurbanized areas and make the most efficient use of public and private resources.
- (2) Monitor, evaluate and address the transportation-related training and technical assistance needs of rural areas.
- (3) Improve the familiarity, accessibility and quality of training information and technical assistance resource materials available to transit providers.
- (4) Perpetuate and facilitate transit provider self-help through training sessions and personal contact with local transit professionals.
- (5) Support the coordination of public, private, specialized, and human service transportation services.

B. Roles and Responsibilities

1. Federal Transit Administration (FTA)

The FTA headquarters office is responsible for providing overall policy and program guidance; apportioning funds annually to the state; developing and implementing financial management procedures; initiating and managing program support activities; and conducting national program review and evaluation.

FTA regional offices have the day-to-day responsibility for administration of programs. Regional office activities include: reviewing and approving state grant applications; obligating funds; managing grants; overseeing the state's implementation of the annual program of projects; receiving state certifications;

reviewing and approving State Management Plans; providing technical assistance and advice as needed; and performing state management reviews every three years, or as circumstances warrant.

2. State Transit Office, Alaska Department of Transportation and Public Facilities (AkDOT&PF)

The State Transit Office within AkDOT&PF 's Program Development Division has the primary responsibility for the administration of the FTA Sections 5310, 5311, 5316 and 5317 programs in accordance with Federal and State laws, regulations, and guidance. There is one large (over 200,000 population) Metropolitan Planning Organization (MPO), the Anchorage Metropolitan Area Transportation Solutions (AMATS), that has been designated by the Governor as a direct recipient of 5316 and 5317 funds. The Fairbanks Metropolitan Area Transportation Study (FMATS) receives an allocation for 5316 and 5317 with State oversight as a small urban area MPO (over 50,000 population).

State Transit Office responsibilities include:

- Documentation of procedures in the State Management Plan
- Planning for future transportation needs and ensuring integration and coordination among diverse transportation modes
- Developing program criteria and project eligibility
- Announcing the availability of funds
- Soliciting and reviewing applications
- Verifying the eligibility of project applicants and project activities
- Selecting projects
- Monitoring projects
- Ensuring timely implementation, program audit and closeout
- Ensuring adherence to Federal and State requirements by recipients

3. Alaska Mobility Coalition (AMC)

AMC is a nonprofit corporation whose membership is made up of transit operators and advocates representing urban, rural, general public and human service organizations. The primary responsibilities of the organization are:

- Encouraging cooperation among membership in dealing with transit issues
- Representing to the people of Alaska the importance of public transportation,
- Advising local, state, federal and tribal governments on transit issues

AMC assists AkDOT&PF in the establishment of State transit goals and objectives; assists in addressing complaints; provides support for transit legislation; and promotes the education and training of Alaska transit operators.

4. Metropolitan Planning Organizations (MPO)

Anchorage and Fairbanks are urbanized areas with designated MPOs. Each of the metropolitan planning organizations are recipients of Section 5303 planning assistance and 5316 and 5317 programs and are responsible for coordination of FTA programs within their planning areas.

Requests for FTA funding from within an urbanized area are submitted to the MPO for inclusion in the MPOs Transportation Improvement Program (TIP). The MPO staff reviews each application for coordination, conformity and fiscal constraint in relation to TIP goals and objectives.

5. Project Evaluation Committee for Human Services Grant Applications

The Proposal Evaluation Committee (PEC) advises AkDOT&PF in the review and ranking of FTA 5310, 5316, and 5317 program applications for assistance. The members may represent State agencies who coordinate social, rehabilitation, aging and Native American services as well as providers and consumers.

C. Overview of Transit Programs

1. Section 5303/5304

The Alaska Section 5303/5303/5304 Metropolitan Planning and State Planning and Research Program provides for contracts and grants for the planning, engineering, designing, and evaluating of transit projects; for development of regional transportation plans (5303 only); and for various other technical studies.

AkDOT&PF's State Transit Office administers both the Section 5303 and 5303/5304 Grant Programs. Section 5303 funding is only available to the MPO's.

The Section 5303/5304 funding provides for rural planning and technical studies on a statewide level, as well as planning and technical assistance to agencies in rural and small urban areas. It does not allow for regional transportation plans.

2. Section 5310 Special Needs of Elderly Individuals and Individuals with Disabilities

The Section 5310 Program provides grants to nonprofit organizations and associations, public bodies approved by the state to coordinate services for elderly persons and persons with disabilities, or public bodies which certify to the Governor that no nonprofit organization or association is readily available in an area to provide the service. The purpose of Section 5310 is to provide transportation services which meet the special needs of elderly persons and

persons with disabilities for whom mass transportation services are unavailable, insufficient or inappropriate.

The goal of the Section 5310 Program is to enhance coordination of federally assisted programs and services in order to encourage the most efficient use of federal resources and achieve the national goal of improved mobility of elderly persons and persons with disabilities.

Funds can be used for the purchase of vehicles, the purchase of services (trips), mobility managers, and related capital equipment. The Section 5310 Program of Projects is included in the State Transportation Improvement Program (STIP) that ADOTPF updates annually. Where applicable, projects are also included in a Metropolitan Transportation Improvement Program (TIP).

3. Section 5316 Jobs Access and Reverse Commute (JARC)

JARC program funding supports transportation services designed to provide job-related transportation to welfare recipients and low income populations.

Besides financing capital projects and operating costs, this fund may be used by employers or human/social service organizations to purchase transportation services from transportation providers. States, local governments, operators of public transportation services (including for-profit) and private non-profit organizations are eligible to apply for program grants for planning, service coordination, operating and capital expenses for service start-up, promotion of employer-provided transportation, developing financing strategies, and administrative expenses.

The Section 5316 Program of Projects is included in the State Transportation Improvement Program (STIP) that ADOTPF updates annually. Where applicable, projects are also included in a Metropolitan Transportation Improvement Program (TIP).

4. Section 5317 New Freedom, Beyond the ADA

New Freedom funds encourage new services and facility improvements to address the transportation needs of persons with disabilities that go beyond those required by the Americans with Disabilities Act.

States, local governments (including federally-recognized tribal governments), operators of public transportation services (including for-profit) and private non-profit organizations are eligible for program grants for planning, service coordination, operating and capital expenses for service start-up, promotion of employer-provided transportation, developing financing strategies, and administrative expenses.

New Freedom program funds are available for capital and operating expenses that support new public transportation services beyond those required by the ADA and new public transportation alternatives beyond those required by the ADA designed to assist individuals with disabilities with accessing transportation services, including transportation to and from jobs and employment support services.

For the purpose of the New Freedom program, “new” service is any service or activity that was not operational before August 10, 2005 and did not have an identified funding source as of August 10, 2005, as evidenced by inclusion in the Transportation Improvement Plan (TIP) or the State Transportation Improvement Plan (STIP). In other words, if not for the New Freedom program, these projects would not have consideration for funding and proposed service enhancements would not be available for individuals with disabilities.

5. Section 5311

Through the Section 5311 Program, the State Transit Office provides capital, project administration and operating assistance to public transportation projects in rural areas. The program is designed to help meet the transportation needs of transit-dependent people and to enhance the access of people to health care, shopping, education, and employment. The goals of the program are to encourage the maintenance, development, improvement and use of public transportation systems; encourage and facilitate the most efficient use of all federal funds used to provide passenger transportation in nonurbanized areas through the coordination and consolidation of programs and services; assist in the development and support of intercity bus transportation; and provide for the participation of private transportation to the maximum extent feasible.

6. Intercity Bus Section 5311(f)

Under this program, each state is required to spend fifteen per cent of its annual Section 5311 apportionment “to carry out a program to develop and support intercity bus transportation,” unless the Governor certifies that the intercity bus service needs of the state are being met adequately.

Through the Section 5311(f) Program, the State Transit Office provides capital, project administration and operating assistance to public transportation projects providing inter-city transportation connecting small urban and rural areas. The program is designed to help meet the transportation needs of transit-dependent people and to enhance the access of people to health care, shopping, education, and employment. The goals of the program are to encourage the maintenance, development, improvement and use of public transportation systems; encourage and facilitate the most efficient use of all federal funds used to provide passenger transportation in nonurbanized areas through the coordination and consolidation of programs and services; assist in the development and support of intercity bus

transportation; and provide for the participation of private transportation to the maximum extent feasible.

7. RTAP Section 5311(b) (2)

The Rural Transit Assistance Program (RTAP) is a broad and flexible program of training, technical assistance, research, and other support services for nonurbanized transit. The State Transit Office receives an annual allocation to develop and implement training and technical assistance programs in conjunction with the State's administration of the Section 5311 Program.

D. Eligibility

1. Section 5303/5304

Applicants for pass-through and contract Section 5303/5303/5304 funding are limited to local governments and nonprofit organizations.

2. Section 5310

There are three categories of eligible applicants for Section 5310 funds:

- a. Private nonprofit organizations exempt under IRS Section 501(c);
- b. Public bodies or Tribal Governments recognized by the Federal Government that certify to the Governor that there are no nonprofit agencies readily available in the area to provide the service;
- c. Public bodies or Tribal Governments recognized by the Federal Government approved by the State to coordinate services for elderly persons and persons with disabilities.

3. Section 5316

There are three categories of eligible applicants for Section 5316 funds:

- a. Private nonprofit organizations exempt under IRS Section 501(c);
- b. State or local government authority, including federally-recognized tribal government
- c. Operators of public transportation services, including private operators of public transportation services.

4. Section 5317

There are three categories of eligible applicants for Section 5317 funds:

- a. Private nonprofit organizations exempt under IRS Section 501(c);
- b. State or local government authority, including federally-recognized tribal government
- c. Operators of public transportation services, including private operators of public transportation services.

5. Section 5311

Eligible recipients for the Section 5311 Program are local public bodies and agencies, private nonprofit organizations, Indian tribal governments and groups, and operators of public transportation services, including for-profit.

6. RTAP

AkDOT&PF is the only eligible grant applicant for RTAP funds for Alaska. AkDOT&PF's State Transit Office funds local agency activities relating to training, technical assistance, research and related support services. There is an annual call for funding applications.

E. Local Share and Local Funding Requirements

1. Federal/Local Match Ratio

- a. Section 5303/5304

Federal Share – 80 per cent of the project or study cost.

Local Match – The remaining 20 per cent must be provided locally.

- b. Section 5310 Elderly and Disabled

Capital Federal Share – Up to 80 per cent of the cost of the project.

Local Match – A local share of at least 20 per cent of the cost of the project is required. All of the local share must be cash or services provided from sources other than

Federal funds except where specific Federal program requirements permits its funds to be used to match other Federal funds. For vehicle capital purchases, the local match must be cash only.

Special 5310 Pilot

Operating Federal Share-Up to 56.86% of the cost of the project

Local Match- At least 43.14%

All of the local share must be cash or services provided from sources other than Federal funds except where specific Federal program requirements permits its funds to be used to match other Federal funds.

c. Section 5316 Job Access and Reverse Commute

Capital Federal Share - Up to 80%

Local Match - At least 20%

All of the local share must be cash or services provided from sources other than Federal funds except where specific Federal program requirements permits its funds to be used to match other Federal funds. For vehicle capital purchases, the local match must be cash only.

Operating Federal Share - Up to 50%

Local Match - At least 50%

All of the local share must be cash or services provided from sources other than Federal funds except where specific Federal program requirements permits its funds to be used to match other Federal funds. For vehicle capital purchases, the local match must be cash only.

d. Section 5317 New Freedom Beyond the ADA

Capital Federal Share - Up to 80%

Local Match - At least 20%

All of the local share must be cash or services provided from sources other than Federal funds except where specific Federal program requirements permits its funds to be used to match other Federal funds. For vehicle capital purchases, the local match must be cash only.

Operating Federal Share - Up to 50%

Local Match - At least 50%

All of the local share must be cash or services provided from sources other than Federal funds except where specific Federal program requirements permits its funds to be used to match other Federal funds. For vehicle capital purchases, the local match must be cash only.

e. Section 5311 Rural Public Transit

The Section 5311 Program requires matching funds for capital, project administration, and operating projects.

Capital Expenses:

Federal Share – Eligible facilities and equipment shall not exceed 90.97 per cent of the net capital cost.

Local Match – A minimum of 9.03 per cent is required of the net capital cost for eligible facilities, vehicles and equipment.

Operating Expenses:

Federal Share – May not exceed 56.86 per cent of the system's net operating cost.

Local Match – At least 43.14 per cent of the net operating costs must be matched from local sources. The program allows funds received from service agreements with state or local public or private agencies to be used as match, even though the original source of such funds may have been from another Federal program.

f. Section 5311(f) – Intercity

The Section 5311(f) Program requires matching funds for capital, project administration and operating projects.

Capital and Project Administration Expenses:

Federal Share – 90.97 per cent for eligible capital and project administration expenses.

Local Match - 9.03 per cent for eligible capital and project administration expenses.

Operating Expenses:

Federal Share – 56.86 per cent of eligible net operating expenses.

Local Match – 43.14 per cent of eligible net operating expenses.

g. RTAP

Match for RTAP funding is determined by the AkDOT&PF State Transit Office.

2. State Administration

- a. Section 5303/5304 – Section 5303: No state administrative costs may be incurred for this program. Section 5303/5304: The state may charge eligible grant administrative expenses
- b. Section 5310 – Ten percent of the state's total fiscal year apportionment is used by the state as the Federal share of program administrative costs.
- c. Section 5316– Ten percent of the state's total fiscal year apportionment is used by the state as the Federal share of program administrative costs.
- d. Section 5317– Ten percent of the state's total fiscal year apportionment is used by the state as the Federal share of program administrative costs.
- e. Section 5311 – The state may use an amount not to exceed 15 percent of its apportioned funds to administer the program and to provide technical assistance to local recipients.
- f. Intercity – The state may take 15 percent of its apportioned funds for state administration.
- g. RTAP – No state administrative costs may be incurred for this program.

3. Local Share and Local Funding

The local share may come from public or private sources including local taxes and Federal funds other than the Department of Transportation, if these funds are made available for the purposes of this project. The exception to this is the Federal Lands Highway Program established by Section 204 of Title 23 (Indian Rural Roads, IRR), which is an eligible match. The match may come from documented and AkDOT&PF approved in-kind contributions.

AkDOT&PF uses the sliding scale rates for Section 5310 and 5311 projects which is permitted in 23 U.S.C. #120(b)(1).

F. Program and Service Coordination

Alaska's Coordination Policy states that recipients of Federal Transit Administration grants will coordinate and cooperate with other programs operating or planning to establish transportation systems in their service areas.

Coordination is required and continues at the local project level. In order to reduce expenditures, increase service, use resources more efficiently and improve service, applicants for FTA funding must coordinate their proposed service plans.

State transportation programs require local agencies, particularly those submitting applications, to provide reasonable notice to transportation providers (includes private for profit, private nonprofit, and public agencies) regarding proposed and/or changes in transit services. Private transportation providers are encouraged, to participate in order that they may present their views concerning the development of local plans and programs. This coordination effort is examined during the Section 5311 and Human Services application review process.

With respect to Section 5303 and Section 5303/5304, the State Transit Office, in its role as coordinator with the non-urbanized areas and MPOs, develops a single state grant application and work program each year.

Public Transit-Human Services Community Coordination Plans: SAFETEA-LU requires that projects selected for funding be derived from a coordinated public transit-human services transportation plan or "coordinated plan". This requirement took effect in FY 2006 for JARC and FY 2007 for Section 5310 and New Freedom. Projects funded through these three federal programs are required to be derived from a locally developed, coordinated plan. The purpose of this document is to act as a resource for communities in Alaska that will be able to satisfy Federal Transit Administration planning requirements (49 U.S.C. 5310, 5316, 5317) in connection with human service transportation programs and funding.

G. Private Sector Participation

It is the policy of the State Transit Office to encourage the use of the capabilities and resources of the private sector to meet the demand for transportation service in Alaska; and to provide the opportunity for the private sector to participate in the planning process. The following describes the private sector participation process.

1. Local Planning Process and Program Development

a. Large Communities with a Formalized Planning Process

Metropolitan Planning Organizations (MPOs) encourage private sector participation in the planning process to coordinate public and private transit services. The following outlines MPO procedures:

- (1) Establishment of a mailing list of private transportation providers within the service area and those outside the service area that have indicated an interest.
- (2) Involvement in the Unified Planning Work Program (UPWP) process requires that reasonable notice be given to private transportation providers regarding dates, times, and agendas for meetings of the technical advisory committees and policy committee. This provides them an opportunity to review the UPWP for studies of particular interest and/or impact to the private operators.
- (3) Participation in the development of the Annual Element of the TIP is encouraged through correspondence with private operators regarding the planning and preparation process of the TIP. Private enterprise is advised of meetings of the TAC and PCC involving the TIP process.
- (4) Provision of notice of public hearings, forums, and meetings inviting participation by the general public as well as public, private non-profit and private for-profit transportation providers concerning the development of local plans and programs.
- (5) Monitoring of activities of their transit districts to ensure that the transit districts are providing reasonable notification to private enterprise through correspondence, newsletters, newspapers, etc. of meetings and/or hearings regarding transit.

- (6) Monitoring of methods used by their transit districts certifying periodic review of existing services to determine whether they can be provided more efficiently by the private sector.
- (7) Reviewing any comments and/or proposals received by a respective transit district from the private sector to assure responses were provided in a timely manner.

b. Small Communities and Rural Areas

- (1) Private operators are given an opportunity to participate through membership on local Community Coordination committees.
- (2) Private operators are given an opportunity to participate in the development of transportation plans. Private operators are informed of the planning and preparation of Transit Development Plans and notified of scheduled public meetings.
- (3) During the planning process Sections 5303, 5310, 5311, 5316, and 5317 potential recipients are encouraged to coordinate with public, private for-profit, and private nonprofit local entities in the provision of coordinated transportation services, in order to enhance opportunities for private sector participation.
- (4) Public notification for Public Transit-Human Services Community Coordination Plans must include the invitation to all public, private non-profit and private for-profit transportation providers.
- (5) Sections 5310, 5311, 5316, and 5317 operators are encouraged to consider contracting service where it is determined that private transportation operators can provide efficient transit service. Comparison of transit service proposals include an evaluation of all fully allocated costs of public and private transit services and proposals, including any operating subsidies, capital grants and the use of public facilities.
- (6) Public and private nonprofit agencies are required to maintain documentation of the participatory

planning process and rationale used in making public/private service decisions.

Agencies are responsible for identifying and documenting impediments to private sector participation. If the impediments are local, the agency is encouraged to resolve the problems at the local level. In the event the impediment is at the State or Federal level, the agency reports the impediment to the State Transit Office.

- (7) Private sector representatives wishing to express a grievance should do so through an established complaint procedure process at the local level. In the absence of established procedures at the local level, state complaint procedures shall apply as described in the following Program Complaint Procedure Section.

2. State Role

The State Transit Office encourages, reviews and oversees local policies and procedures for achieving compliance with private sector participation requirements.

The State Transit Office provides technical assistance to local agencies in the development of their private sector participation process.

State Transit Office staff researches impediments to private participation at the state and federal level to assure maximum private participation opportunity.

State Transit Office provides technical assistance to local agencies in the development of their minority participation process.

State Transit Office staff researches impediments to minority participation at the state and federal level to assure maximum minority participation opportunity.

State Transit Office staff provides special assistance to minority applicants and subrecipients in meeting federal and state requirements for applying for and managing funded projects

H. Program Complaint Procedures

The state requires all local transportation providers to have complaint procedures for resolving local disputes. Complaints that cannot be resolved at the local level should be resolved at the State level.

A complaint that cannot be resolved at the local level may be appealed to the Alaska Transit Coordinator, who will review the case and contact all the involved parties. After due consideration, the Alaska Transit Coordinator will make a final recommendation to the Director of Program Development. After reviewing the information provided, the Director will make a final determination.

I. Service

The AkDOT&PF does not allow charter service by providers receiving FTA funding through the state. Exceptions may be considered on rare occasions. Contact the Alaska Transit Coordinator for assistance with this process.

See Appendix B for the Section 5311 Charter Service Identification Flow Chart.

III. STATE PROGRAM MANAGEMENT

A. Financial Management

The State Transit Office, in conjunction with the Financial Management Division of the AkDOT&PF, maintains a system of accounting and internal controls to assure an accurate and timely cash flow to local projects.

Uniform reporting is required of all Sections 5303/5304, 5310, 5316, 5317 and 5311 projects with a separate project code established for each grant. The project codes are established, per State of Alaska standard accounting and record keeping procedures, immediately upon notification of grant approval. Reconciliation is performed regularly by the State Transit Office with a comparison of expenditures made between the Alaska Statewide Accounting System (AKSAS) and AkDOT&PF State Transit Office records and spreadsheets to assure all invoices and reimbursement requests have been processed. AkDOT&PF's Financial Management Division uses the AKSAS Detail Ledgers to compile the ECHO billing submitted to FTA on a monthly basis.

Each project is responsible for accurate and complete disclosure of its expenditures and revenues. Appropriate reimbursement of eligible expenses is made by the AkDOT&PF within thirty days of receipt of requisition. Invoices for goods and services are reimbursed within thirty days of receipt.

Projects receive reimbursement for no more than the amount of the grant total specified in their contract. A credit balance in a project at the end of the contract period represents unearned funds. These funds are recalculated for redistribution. Amending the ending date of a grant is dependent on the discretion of the grant manager.

A financial audit is required each year an agency receives over \$500,000 from all federal sources combined in accordance with OMB Circular A-133.

B. Project Review and Monitoring

1. Quarterly Reports

Section 5303, 5310, 5311, 5316, and 5317 projects are required to submit quarterly reports to AkDOT&PF's State Transit Office.

The following describes program reporting requirements:

The MPO's submit a quarterly Section 5303 planning status report describing work performed and a unified work program expenditure summary. In addition, each MPO, based on its quarterly report, submits a request for reimbursement.

Section 5310, 5311, 5316, and 5317 projects are required to submit quarterly reports relative to operations, ridership, performance, and financial costs.

2. Compliance and Good Practices Reviews

The purpose of the Compliance and Good Practices Review is to identify the strengths and weaknesses of a transit system and to ensure compliance with state and federal rules and regulations.

The review is designed to be used as one part of a technical assistance effort. That is, after completion of a review, technical assistance should be provided to the service to improve deficient areas and to document exemplary performance to share with other transit systems.

Three primary functional areas of a transit system are investigated during a review. These include: administration and management, operations and service provision, and service planning and marketing.

Construction Management and Environmental Protection

Construction management is the responsibility of the recipient agency. AkDOT&PF participates in the project by assisting with and reviewing the recipients application to FTA, reviewing requests for proposal and invitations for bid, and reviewing contract language between recipient and A&E. AkDOT&PF also receives periodic progress reports from recipients, and participates in the final inspection of facilities.

The recipient agency is responsible for environmental analysis activities. The contract between AkDOT&PF, FTA and the recipient agency addresses environmental analysis requirements. All projects must address environmental requirements in the application to FTA. AkDOT&PF reviews public involvement processes for each project. FTA reviews all applications.

Facility Construction Procedures are scheduled for development in SFY2011.

Inspections

AkDOT&PF inspects all facilities whose construction was funded with FTA funds that flowed through AkDOT&PF bi-annually.

Civil Rights

All agencies receiving FTA funds through AkDOT&PF must sign an agreement indicating that they understand and will abide by the requirements of the Equal Employment Opportunity (EEO), Disadvantage Business Enterprise (DBE) and Title VI, including the following:

- a. Title VI of the Civil Rights Act of 1964 (42 USC 2000e),
- b. Nondiscrimination in Federally-Assisted Programs (49 CFR part 21
- c. Federal Transit Law (49 USC 5332(c)
- d. Nondiscrimination Guidelines for FTA Sub Recipients (FTA Circular 4702.A)

AkDOT&PF further ensures compliance with Title VI requirements during the compliance reviews.

All transit systems funded through AkDOT&PF are required to be members of the Alaska Unified Certification Program and must submit semi-annual reports to the AkDOT&PF. If the sub-recipient currently has an active DBE plan submitted to the FTA, a copy must be forwarded to the AkDOT&PF Civil Rights Office. This requirement extends to Human Service sub-recipients of funding for non-TVM capital and purchase of services.

3. On-site Reviews

The State Transit Office strives to conduct on-site reviews of sub-recipient agencies on a triennial basis.

C. FTA Reports

Report of Significant Events

AkDOT&PF immediately reports unforeseen events that impact the schedule, cost, capacity, usefulness or purpose of the project to FTA and includes the events in the next Annual Program of Projects Status Report.

1. Section 5303/5304

Annual Program of Projects Status Report

The State Transit Office submits an Annual Program of Projects Status Report for each active grant electronically via TEAM to FTA. These reports cover the

twelve-month period ending September 30th. The State Transit Office sends the reports to the FTA Regional Office within 30 days after the end of the reporting period.

Financial Status Report

The State Transit Office provides an annual Financial Status Report for each active grant via TEAM to FTA.

2. Section 5310, 5316 and 5317

Annual Program of Projects Status Report

The State Transit Office electronically submits an annual program status report for the program of projects of each active grant via TEAM to FTA. These reports cover the twelve-month period ending September 30th. The State Transit Office sends the reports to the FTA Regional Office within 30 days after the end of the reporting period

Financial Status Report

The State Transit Office provides an annual Financial Status Report for each active grant via TEAM to FTA.

Milestone Update

The State Transit Office provides an annual Milestones Report for each active grant to FTA via TEAM.

3. Section 5311

Annual Program of Projects Status Report

The State Transit Office submits an Annual Program of Projects Status Report for each active grant electronically via TEAM to FTA. These reports cover the twelve-month period ending September 30th. The State Transit Office sends the reports to the FTA Regional Office within 30 days after the end of the reporting period

Financial Status Report

The State Transit Office provides an annual Financial Status Report for each active grant to FTA via TEAM.

Milestone Update

The State Transit Office provides an annual Financial Status Report for each active grant to FTA via TEAM.

National Transit Database (NTD) Report

The State Transit Office staff prepare and submit an annual NTD report based on information provided by subrecipients through the NTD report found on the AkDOT&PF eGrant system.

Subrecipient Quarterly Report

Subrecipients submit monthly information on a quarterly basis. This information is based on the requirements of the annual NTD report.

4. RTAP

RTAP Program of Projects

The State Transit Office sends an RTAP Program of Projects to FTA annually. This is reported on the same schedule with the Section 5311 Annual Program of Projects Status Report.

Financial Report

The State Transit Office submits an annual Financial Status Report, including RTAP funding activity, to FTA via TEAM.

Milestone Update

The State Transit Office provides an annual Milestone Update for each active grant to FTA via TEAM.

5. Disadvantaged Business Enterprise (DBE) Report

Annually, States meeting or exceeding a \$250,000 threshold of contracting opportunities with FTA funds must submit their overall goal for the utilization of DBEs. These goals are submitted by the AkDOT&PF Civil Rights Office.

Sub-recipients of FTA funds are asked to submit semi-annual DBE reports to the STO. These reports are reviewed, approved and forwarded to the AkDOT&PF Civil Rights Office to be used in preparation of the AkDOT&PF reports to FTA.

6. Sections 5303/5304, 5310, 5311, 5316, 5317 and RTAP Project Closeout

When grant funds are expended by 90 per cent, the STO will prepare for project closeout by reconciling all expenditures, revising the program of projects, and, if necessary, submit a budget revision via TEAM.

When 100 per cent of the grant funds are expended, the State Transit Office and the Financial Division will initiate project closeout by verifying a zero balance, submitting final milestones, submitting the final financial status report, and requesting close out via TEAM to FTA.

D. Americans with Disabilities Act (ADA) Requirements

Sections 5310, 5311, 5316, and 5317 recipients must comply with all aspects of the Americans with Disabilities Act. All systems that operate fixed routes must have a Paratransit Plan in place. The AkDOT&PF requires that, before they begin

service, all new fixed route operators must submit a plan for review by the State Transit Office to ensure compliance with complementary paratransit requirements. The State Transit Office ensures that all vehicles acquired are equipped, maintained and operated in accordance with ADA and that service does not discriminate against individuals with disabilities. Newly constructed facilities must comply with ADA accessibility standards.

At a minimum, Paratransit Plans must address the following:

- a. Stop announcements will be provided for fixed route service at transfer points, major intersections, destination points, and intervals along the route to orient passengers and upon request.
- b. When more than one route serves a stop, a means by which an individual with a visual or other disability can identify the route on which he or she wants to travel will be provided.
- c. Service animals may accompany individuals with disabilities in vehicles and facilities. The DOT ADA regulations define a service animal as any animal individually trained to work or perform tasks for an individual with a disability, including but not limited to guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. It is discriminatory to require a person with a disability to certify or register a service animal. Policies or practices that have the effect of limiting service animal use are prohibited.
- d. Common wheelchairs will be transported. A common wheelchair is a three or four wheeled mobility device that does not exceed 30 inches in width and 48 inches in length as measured two inches above the ground and does not weigh more than 600 pounds when occupied. Every effort will be made to transport wheelchairs that do not meet the definition of a common wheelchair.
- e. Where necessary and upon request, personnel will assist individuals with disabilities in the use of securement systems, ramps and lift. Personnel must leave their seats if it is necessary to provide the assistance.
- f. Passengers may be required to allow their mobility devices to be secured and may be denied service if they refuse.
- g. Passengers will be transported when the securement system cannot accommodate the rider's "common wheelchair." Requirements concerning wheelchair equipment or specifications, such as brakes or wheel locks will not be established.

- h. Passenger may be asked, but not required, to transfer from a wheelchair to a seat.
- i. The lifts or ramp will be deployed upon request for persons who do not use wheelchairs, including standees.
- j. Vehicles used in fixed route service shall have signs designating priority seating for elderly persons and persons with disabilities.
- k. When an individual with a disability needs to sit in a seat or occupy a wheelchair securement location, the driver shall ask the following persons to move in order to allow the individual with a disability to occupy the seat or securement location: (i) individuals, except other individuals with a disability or elderly persons, sitting in a location designated as priority seating for elderly and handicapped persons (or other seat as necessary); and ii) individuals sitting in a fold-down or other movable seat in a wheelchair securement location. The driver is not required to enforce the request.
- l. Vehicle operators and other personnel will make use of accessibility related equipment and features.
- m. Public information and communications must be made available in accessible formats.
- n. Staff must not refuse to permit a passenger who uses a lift to board or disembark from a vehicle at any designated stop, unless the lift cannot be deployed, the lift will be damaged if it is deployed or temporary conditions preclude the safe use of the stop by all passengers (i.e., the stop is “closed” for the duration of such conditions).
- o. Service will not be denied individuals using respirators or portable oxygen.
- p. Staff must ensure adequate time for individuals with disabilities to board or disembark a vehicle.

The State Transit Office ensures that Section 5310, 5311, 5316, and 5317 subrecipients comply with ADA-required service provisions by discussing these issues at the time of the site reviews.

E. State Grant Application

Once FTA notifies ADOTPF of the forthcoming year’s program allocation, ADOTPF commences the annual grant application process. After each year’s grant application process, State grant applications are prepared and submitted electronically via TEAM for Sections 5303/5303/5304, 5310, 5311, 5316, and 5317.

The following describes Alaska's grant application process as it relates to each of the transit assistance programs. Specific application procedures are presented in the Program of Projects chapter.

1. Section 5303/5304

Upon FTA allocation notification, the State Transit Office will informally determine program needs and local agency needs.

Based on the approved UPWP, the MPO requests are added to the Section 5303 program of projects.

The Section 5303/5303/5304 grant application process is executed through the TEAM as follows:

- AkDOT&PF applies for electronic grant.
- FTA assigns a grant number.
- AkDOT&PF enters and submits the Application for Federal Assistance to FTA for their approval.
- FTA approves the grant.
- AkDOT&PF executes grant.

Certifications and assurances for all FTA grants are attested to on a one-time, once-a-year basis via TEAM.

2. Human Services Grants (5310, 5316, 5317)

The Human Services grant applications are processed through an electronic database or "e-grant" system. When the application period opens, a Notice of Available Funds or Call for Applications is posted on the State On-line Public Notices board and the State Transit Website. Using an accumulated contact list, State Transit Office also sends out email messages directing people to the transit website. At the transit website, applicants are directed to log in or register (first time) and provide an up-to-date Agency Profile and Capital Inventory, as well as complete the application. The website also contains information on coordination plans, funding available, grant programs, the scoring criteria used to evaluate the competitive process, and a timeline.

AkDOT&PF maintains a file for each grant year that contains a list of approved and rejected applicants.

With the recommended applicant projects, the State Transit Office staff prepares Section 5310, 5316, 5317 programs of projects and grant application packages to be submitted electronically via TEAM to FTA. The grant application process is executed through TEAM as follows:

- AkDOT&PF requests to apply for an electronic grant

- FTA assigns grant number
- AkDOT&PF enters and submits the Application for Federal Assistance, Proposed Project Budget (by scope), Program of Projects including vehicle transfers, Environmental Findings and the Fleet Status to FTA for their approval.
- AkDOT&PF executes grant

Certifications and assurances for all FTA grants are attested to on a one-time, once-a-year basis via TEAM.

The program of projects should be implemented within three years. Purchase of Services programs should be implemented in one year.

- Category A This category contains projects certified by the State as having met all the statutory and administrative requirements for project approval.
- Category B This category contains those projects the State intends to provide funding for, but which have not met all of the statutory or administrative requirements for project approval at the time the state grant application is submitted to FTA. The State Transit Office will advance these projects to Category A when the necessary requirements are satisfied and at the same time notify FTA and provide the necessary certifications.
- Category C This optional category represents a “program reserve” and is designed to accommodate unanticipated project and program needs. This program reserve will include no more than 10 percent of the total amount of the State’s Section 5310 apportionment. Any Category C funds not allocated within the 3-year period are subject to being de-obligated by FTA.

3. Section 5311

Once the State Transit Office receives the State annual Section 5311 program allocation from FTA, the State Transit Office determines the total amount of the Section 5311 allocation that will be available for administration, intercity bus, and grantee distribution.

The State Transit Office uses up to 15 percent of the Alaska annual allocation to administer the program and provide technical assistance.

Fifteen per cent of the allocation is dedicated for intercity bus projects. The balance of the Section 5311 allocation is distributed to Alaska’s Section 5311

grantees. Grantees may apply for capital, project administration and/or operating monies under the Section 5311 Program.

Section 5311 application packages for capital, project administration and/or operating assistance are sent to each current grantee, and are listed on the State of Alaska Online Public Notice website and the State Transit Office website.

Based on staff review and evaluation of the applications, a program of projects is developed. The State Transit Office then prepares a state Section 5311 application and submits it to FTA via TEAM. AkDOT&PF maintains a file for each grant year that contains a list of approved and rejected applicants. This list also identifies which applicants are minorities or provide service to minority populations.

The State Transit Office executes the Section 5311 grant application process through TEAM as follows:

- AkDOT&PF requests to apply for an electronic grant.
- FTA assigns a grant number
- AkDOT&PF enters and submits the Application for Federal Assistance to FTA for their approval.
- FTA approves the grant
- AkDOT&PF executes grant

Certifications and assurances for all FTA grants are attested to on a one-time, once-a-year basis via TEAM. The Section 5311 contract for subrecipients includes language indicating that the subrecipients will comply with statutory or third party contracting requirements when making purchases with Federal funds including non-equipment purchases.

The program of projects may include projects in Category A, B, or C as described in Section III.F.2. of this document.

4. RTAP

Upon notification by FTA of Alaska's RTAP allocation, the State Transit Office develops an annual program of projects.

The State Transit Office submits the RTAP program of projects in conjunction with the Section 5311 program application.

F Selection and Screening Process

1. Section 5303/5304

The State Transit Office screens and selects Section 5303/5303/5304 projects each year from eligible small and large urban areas.

2. Sections 5310, 5316, and 5317

The Human Services (5310, 5316, and 5317) grant applications are scored electronically on-line automatically and by the Project Evaluation Committee and staff. Staff reserves the final decision on award amount and funding source. Awards are announced at the website and by email. The Program of Projects is submitted to FTA for approval, and with approval, Agreements and Certifications and Assurances are sent for signature to the subrecipients.

3. Section 5311

Section 5311 capital, project administration and operating assistance allocation is based on evaluations which include service area population, projected ridership and miles. A more precise description of this allocation process is presented in the Program of Projects section of this document.

AkDOT&PF will compile a record of approved and rejected funding requests that identifies the applicants that are minority organizations or provide assistance to minority communities and submit it to FTA with the Program of Projects. Historically, all eligible applicants have been approved for funding.

4. RTAP

Projects and requests for technical assistance and training are considered by State Transit Office staff.

G Procurement

Procurement procedures used by the State Transit Office and its subrecipients complies with applicable State law and Federal requirements contained in FTA Circular 4220.1D. AkDOT&PF's State Transit Office obtains the most recent federal clauses and certifications from FTA and includes them in the grant agreement packets. See Appendix F.

Purchasing activities are monitored by staff through the reimbursement process and site reviews.

1. Procurement Policies

All recipients of FTA funds through AkDOT&PF must have Procurement Policies in place. At a minimum, the policies must include:

- a. Conduct all procurements in a manner providing full and open competition

- b. Exclude the use of statutorily or administratively imposed in-state or local geographical preferences in the evaluation of bids or proposals except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference
- c. Use competitive proposal procedures based on the Brooks Act when contracting for architectural and engineering services, if the state has not adopted a statute governing the procurement of such services before August 10, 2005
- d. Award to only responsible contractors possessing the ability, willingness and integrity to perform successfully under the terms and conditions of the contract
- e. Ensure that every purchase order and contract executed using Federal funds includes all clauses required by Federal statutes and executive orders and their implementing regulations
- f. Do not enter into any contract for rolling stock with a period of performance exceeding five years inclusive of options without prior FTA approval

In addition to the above requirements that apply to all recipients, including governmental entities and contractors, private nonprofit and for-profit entities must include the following in their policies:

- g. Maintain a written code of standards of conduct governing the performance of employees engaged in the award and administration of Contracts
- h. Have written selection procedures
- i. Use the appropriate method of procurement
- j. Ensure the most efficient and economic purchase
- k. Develop an independent cost estimate before receiving bids or proposals
- l. Conduct a contract cost or price analysis for every procurement
- m. Evaluate options at the time of bid award, exercise the options at the agreed upon terms, and determine that the option price is better than current market prices before exercising the options
- n. Have written protest procedures to handle and resolve disputes relating to the award of contracts
- o. Include sufficient contract provisions to define a sound and complete agreement
- p. Maintain a contract administration system that ensures that contractors perform in accordance with the terms, conditions and specifications of their contracts or purchase orders
- q. Have procedures for settlement of contract issues/disputes
- r. Maintain a written record of procurement history

A copy of the recipient's Procurement Policies must be filed with the AkDOT&PF.

2. Vehicles and Equipment

This Section presents applicant and AkDOT&PF staff procedural responsibilities as they pertain to the vehicle and equipment procurement process.

State of Alaska Procurement Process For Vehicles To Be Purchased By Sub-recipients Through a State Contract

This process is divided into three stages which include the pre-bid opening phase, bid opening phase, and post bid opening phase.

Pre-bid Phase

a. Specifications

(1) The Americans with Disabilities Act (ADA):

The State Transit Office has implemented the following policy: "All vehicles purchased through Alaska's capital assistance program will be either ramp or lift equipped."

An exception may be granted should the following occur: An agency has accessible vehicles providing transportation in the same service area where the new vehicle is scheduled to operate. An exception will **NOT** be made to an agency which claims none of its clients need accessible transportation. Requests for exemptions will be reviewed on a case-by-case basis.

During the development of the grant application, the applicant should make sure equipment needs are specified as closely as possible. This is to insure sufficient local and federal funds will be made available for the project.

b. Purchasing Procedures

Most procurement through state vendors under the Sections 5310, 5311, 5316 and 5317 programs are made through the sealed bid (formal advertising) method. All procurements must be conducted in accordance with AkDOT&PF's Procurement Policy and Federal requirements contained in

FTA Circular 4220.1D. The following bid procedures apply:

- (1) A requisition form is filled out by State Transit Office staff, after verifying that the funds are present.
- (2) The requisition form and vehicle specifications are sent to Equipment Fleet Division via e-mail and signed “hard copy”.
- (3) Equipment Fleet Division inserts the vehicle specifications in the bid packet and sets a date for the bid opening. All documents are placed on the Internet.
- (4) Notice of request for bids is posted on the State of Alaska Public Notice web site and on the State Equipment Fleet website.
- (5) Sealed bids are mailed to the Equipment Fleet Division and opened on the bid-opening day by their staff.

The Invitation for Bid will contain:

- *Overview and Instructions To Bidders
- *Standard Terms and Conditions
- *Special Terms and Conditions
- *Offer and Contract Award
- *Bid Price Schedule
- *Specifications
- * Federal clauses

State Equipment Fleet Required Bid Documents

- *Section 1 – Offer and Contract Award
- *Section 2 – Bid Price Schedule
- *Section 3 – Specifications and Clarifications
- *Section 4 – Alaska Business License/Motor Vehicle Dealer License
- *Section 5 – ISO 9001 and FMVSS Required Certifications
- *Section 6 – Ford Certification
- *Section 7 – Altoona Report
- *Section 8 – Manufacturer Brochures
- *Section 9 – Diagram of stanchions, handrails, and modesty panels

Required Certification to include:

- *Bus Testing Certificate of Compliance (for buses only)
- *Buy America Certification
- *Component and subcomponent breakdown showing proposed domestic content, location of final assembly, and description of final assembly activities (does not apply to unmodified mass produced vans)
- *FMVSS Certificate
- *Certificate of Nondebarment/Suspension
- *Lobbying certification
- *TVM DBE Certification (does not apply to unmodified mass produced vans)
- *Pre-Award and Post Delivery Audit Certification
- *Cargo Preference Certification

The Equipment Fleet Division bidders' list consists of in-state and out-of-state vehicle and equipment dealers including DBE firms.

Bid Opening Phase

- (1) The Purchasing Services Bureau opens the bid on the established bid opening date. The State Transit Office staff will review all bids received and consult with Equipment Fleet Division on the awarding of the bid.
- (2) The Equipment Fleet Division and the State Transit Office are responsible for the final bid selection. The bid is awarded to lowest responsible vendor who meets all terms, conditions and specifications of the bid. All vendors submitting a bid are notified of bid selection.
- (3) Once a bid has been awarded, a purchase order will be issued by the Equipment Fleet Division and sent to the award-winning vendor.

Post Delivery Phase

- A. Once the Agreement between AkDOT&PF and the subrecipient is fully-signed by both parties, and a signed Certifications and Assurances is in the file, expenses may be incurred for reimbursement. In the case of a vehicle purchase, the source of the cash match must be certified by the subrecipient before the vehicles are ordered through the Contract Vendor or separately through bids from dealers.

- B. When the vehicle ordered under the Vendor Contract arrives, there are 3 options for reimbursement:

Option 1, Sub-grantee pays 100% of vehicle costs upfront
DOT needs the following in order to make reimbursement payment

1. Request in writing, stating the amount requested and what was paid for with the money
2. Copy of check to vendor(s)
3. Copy of invoice (sometimes this comes directly to DOT)
4. Post-Delivery Audit
5. Vehicle Title with DOT as the lien-holder
6. Proof of Vehicle Insurance
7. Update to Vehicle Inventory in Agency Profile in AkDOT&PF E-Grant System (adding new vehicle information)

Option 2, Sub-grantee requests partial payment from DOT in advance of paying vendor

DOT can pay up to 95% of the state portion in advance. In order to do this, we need the following:

1. Request in writing, stating the amount requested
2. Copy of vendor invoice(s)

The remaining 5% will be issued after AkDOT&PF receives the following

1. Request in writing
2. Copy of check(s) to vendor(s)
3. Vehicle Title with AkDOT&PF as the lien-holder
4. Post-Delivery Audit
5. Proof of Vehicle Insurance
6. Update to Vehicle Inventory in Agency Profile in AKDOT&PF E-Grant System (adding new vehicle information)

Option 3, Sub-grantee can request that AkDOT&PF make payment directly to the vehicle vendor

AkDOT&PF needs the following in order to make payment:

1. Request in writing
2. Copy of vehicle vendor invoice
3. Vehicle Title with AkDOT&PF as the lien-holder
4. Post-Delivery Audit
5. Proof of Vehicle Insurance
6. Update to Vehicle Inventory in Agency Profile in AkDOT&PF E-Grant System (adding new vehicle information)

Sub-Recipient Procurement Process For Vehicles To Be
Purchased Outside The State Contract

Pre-bid Phase

- a. AkDOT&PF needs to approve the following before the subrecipient can go out for bid:
 - 1. Requests for Proposals to be reviewed for FTA required clauses and requests for necessary certifications. (See Appendix C).
 - 2. Specifications to verify that brand names are not requested.

Pre-Award Phase

- a. AkDOT&PF needs to approve the following before the subrecipient can award the contract (see Appendix D):
 - 1. Verify that the chosen vendor is the lowest bidder or get documented explanation as to why the lowest bidder wasn't chosen
 - 2. Verify appropriate certifications are received. (See Appendix D).
 - 3. Verify appropriate FTA Third Party Clauses are included in the proposed contract with the vendor. (See Appendix F).
 - 4. Verify vendor is on the FTA Approved TVM list (does not apply to unmodified mass produced vans) and not on the Excluded Parties List

Post Delivery Phase

- a. AkDOT&PF needs to approve the following before the subrecipient can receive reimbursement:
 - 1. Verify that the appropriate certification and reports have been received. (See Appendix E)
- b. Reimbursement
When a vehicle is purchased separate from the State Vehicle Vendor contract (other dealers), AkDOT&PF needs the following in order to make reimbursement payment.
 - 1. Request in writing, indicating which bid was favored, and why (must be lowest bid unless you

- can show that the other bids cannot meet the needs of your program)
2. Minimum of three independent bids or quotes you solicit from dealers, using the same vehicle specifications for all of them
 3. Copy of vehicle specifications used
 4. Approval by us of the purchase
 5. Vehicle Title with DOT as the lien-holder
 6. Proof of Insurance
 7. Update to Vehicle Inventory in Agency Profile in AkDOT&PF E-Grant System (adding new vehicle information)

Payment Options 1, 2, and 3 above are available; Options 1 and 2 require a proof of payment.

H. Capital Ownership and Title

1. Title and Lien

The dealer provides a Certificate of Origin for a vehicle (MSO), Dealer bill of sale, and Odometer Mileage Statement at the time of delivery.

The subrecipient is responsible for applying for the Certificate of Vehicle Title. Each title must be in the name of the subrecipient agency with the AkDOT&PF as the lien holder. AkDOT&PF represents the Federal Government on the lien for administrative purposes and will maintain the title until the vehicle has reached the end of its useful life, as defined in the agreement between AkDOT&PF and the subrecipient.

2. Accountability

All vehicles and facilities will be accounted for until they reach the end of their useful life, are no longer used, or are incapable of being used for transit service. Under any of these conditions, the State Transit Office will be contacted for disposition of the vehicle or facility.

The operator of each Section 5310, Section 5311, Section 5316 and Section 5317 program vehicle and facility is subject to State Transit Office reporting requirements. The reporting requirements of all programs include information relative to: project administration, operations, ridership, performance, and operational cost data.

3. Incidental Use

Vehicles – Incidental use of a vehicle for non-passenger transportation, such as for delivery of meals, is allowable as long as it does not result in a reduction of

service quality or availability of public transportation service. FTA funds may not be used to cover the operating costs associated with these incidental uses.

Facilities and Facility Related Equipment – Incidental use of a facility or facility related equipment purchased wholly or partially with FTA funds for the purpose of transit, is only allowable if the incidental use is compatible with the approved purpose of the project, and only with AkDOT&PF and FTA approval. Examples of incidental use are the leasing of space for a newspaper stand or coffee shop. The incidental use may not compromise safety or continuing control over the property. The income from incidental use must be applied to transit operating costs.

I. Capital Inspection and Maintenance

1. Vehicle

The State Transit Office will inspect each project vehicle during the monitoring visit at the grantee agency location. At this time, an On-Site Vehicle Inspection Report will be prepared for each project vehicle. The main purpose of the inspection is to determine if the vehicle has been properly maintained and is in a safe operating condition.

Each recipient of FTA funds for the purchase or lease of vehicles must have a written Vehicle Maintenance Plan, which should identify the goals and objectives of their maintenance program, including how these will be achieved. At a minimum, this plan must include the manufacturers' suggested maintenance activities and schedules. The Vehicle Maintenance Plan must be filed with the AkDOT&PF.

All vehicles must be entered and/or certified in the AkDOT&PF eGrant system by July 30 of each year. New vehicles must be entered prior to AkDOT&PF reimbursement.

2. Facility

After a facility has been constructed and the final punch list is complete, the State Transit Office will inspect each facility biannually.

At this time, an On-Site Facility Inspection Report will be prepared. The inspection covers all facility moving parts (room doors, garage doors, lifts), restrooms, ADA feature compliance, carpeting, paint, walls, flooring, and wash bays.

The main purpose of the inspection is to determine if the facility has been properly maintained and is in a safe operating condition.

Each recipient of FTA funds for the construction or lease of a facility must have a written Facility and Facility Related Equipment Maintenance Plan, which should identify the goals and objectives of their maintenance program, including how these will be achieved. At a minimum, this plan must include the manufacturers' suggested maintenance activities and schedules. The Facility and Facility Related Equipment Maintenance Plan must be filed with the AkDOT&PF.

All facilities and facility related equipment must be entered and/or certified in the AkDOT&PF eGrant system by July 30 of each year. New facility related equipment must be entered prior to AkDOT&PF reimbursement.

J. Insurance

The State Transit Office requires each sub-recipient agency to have sufficient property damage and liability insurance to cover the vehicle, equipment and passengers at the time the agency takes possession of the vehicle and thereafter until vehicle disposition. The State Transit Office requires that a Certificate of Insurance be submitted annually until the lien is removed from the vehicle.

K. Vehicle Transfers

The following procedures are to be followed for the transfer of vehicles when the AkDOT&PF is still the lien holder, should a local agency wish to discontinue service or cease operation of a vehicle:

1. The local agency notifies the State Transit Office in writing of its intention to request a transfer of a vehicle funded by FTA.
2. The State Transit Office will attempt to find a qualified agency needing a vehicle. (This may be the next unfunded applicant on a Section 5310 or Section 5311 program priority list.)
3. The agency requesting the vehicle will view the vehicle to be transferred noting rehabilitation and/or replacement needs.
4. State Transit Office staff will determine the fair market value of the vehicle/equipment and obtain quotes for any required rehabilitation.
5. The new vehicle recipient is required to pay the local match share of the vehicle/equipment fair market value.
6. The original vehicle owner receives the local match share of the vehicle/equipment fair market value minus any costs involved to bring the vehicle up to a sufficient maintenance level and any required replacement costs. If these costs result in a total amount higher than the local match share

through vehicle/equipment maintenance neglect, the original vehicle owner is liable for these additional costs.

7. If necessary, the State Transit Office will have the transfer vehicle rehabilitated and initiate a title transfer.
8. Upon completion of vehicle rehabilitation, the State Transit Office and the new vehicle recipient will inspect the vehicle and obtain proof of vehicle insurance. The new agency then takes possession of the vehicle.
9. When the new title/lien is received, the State Transit Office staff will: add the transfer to the program of projects under the current year's grant, make necessary changes to the vehicle project file, instruct the new agency in preparation of required reports, and transfer project reporting requirements to the new agency.

L. Vehicle Useful Life

The State Transit Office has developed the following vehicle useful life policy for the purpose of evaluating vehicle disposition requests and capital replacement applications.

The vehicle useful life policy is as follows:

<u>Vehicle Classification</u>	<u>Useful Life Miles</u>	<u>Years</u>
Vans		
-Mini Van	100,000	4
-Mini-Van Conversion	100,000	4
Buses		
-Poptop Bus	100,000	5
-Cutaway Bus	100,000	7
Transit Buses:		
-Light Duty (Under 29')	200,000	10
-Medium Duty (30' to 34')	300,000	10
-Heavy Duty (35' to 40')	400,000	12

M. Vehicle Rehabilitation

The FTA provides funds annually to the State of Alaska to purchase vehicles. A portion of these funds may be used for vehicle rehabilitation, including replacement of engines, transmissions and other major components.

In order to maximize the useful life of purchased vehicles while conserving available funds, the State of Alaska is using the following emergency vehicle rehabilitation program.

Emergency Rehabilitation – Policy:

1. Emergency funding for unforeseen needs, such as major vehicle component wear or failure, or making a vehicle wheelchair accessible will be considered by the State Transit Office on a case-by-case basis.
2. Authorization for emergency rehabilitation must be given by the State Transit Office **prior** to the start of any work.
3. The State Transit Office will not consider rehabilitation projects of less than \$1,000.
4. Emergency rehabilitation may include the following: total engine rebuild or replacement; total transmission rebuild or replacement; total rear axle rebuild or replacement; structural body failure; replacement of seats or other major components; addition or replacement of wheelchair lift and tie downs; and retrofit equipment to meet ADA requirements (i.e. wheelchair securements, wheelchair lift door opening).
5. The State Transit Office will not approve preventive maintenance and expendable items such as tires, batteries, windshields, brake replacement and alignment, and repainting for emergency rehabilitation.

N. Disposition

When vehicles, equipment, and/or real property that are still within their useful life are no longer needed for the original project or program, agencies must submit disposition actions to the State Transit Office. The preferred method of disposition is the transfer of vehicles to another applicant/grantee. Under a transfer arrangement, the grantee disposing of the vehicle(s) shall receive payment for their pro-rata share of their local investment based on the fair market value of the vehicle(s).

In the event of loss due to casualty, fire, or theft the insurance settlement will go toward the replacement of lost items.

1. Fair Market Value

Procedures for determining the fair market value of a vehicle are as follows:

- * Vehicle Actual Total Cost times (X) Annual Depreciation Factor = Annual Depreciation
- * Vehicle Actual Total Cost minus (-) Annual Depreciation = Fair Market Value

Annual Depreciation Factor

Year	1 – 25%
	2 – 10%
	3 – 10%
	4 – 10%
	5 – 10%
	6 – 10%
	7 – 10%
	8 – 10%
	9 – 5%

Added value is calculated for low mileage.

2. Disposing of Vehicles and Equipment

All vehicles will be disposed of and removed from the State Transit Office's inventory and jurisdiction at the end of their useful life.

3. State Transit Office Release Procedure

- a. Annually, the State Transit Office will pull the Certificates of Vehicle Titles for all vehicles that have reached the end of their useful life. AkDOT&PF will have their name removed as the lienholder from the Certificate of Vehicle Title and the title will be forwarded to the subrecipient.
- b. The State Transit Office will note the change on the Capital Inventory.

4. Early Lien Release

If an agency requests the release of a vehicle that has not met the useful life policy, the following must take place.

The grantee must make a formal request in writing to the State Transit Office requesting the release of the equipment. The request must include:

- a. The Alaska vehicle grant/project number and vehicle identification number
- b. An explanation of what has happened to the equipment (i.e. Engine, Transmission, A/C-Heater system) to justify an early release. The agency must also provide an estimated cost of the repair.
- c. The agency must provide its current maintenance plan and preventative maintenance file for the equipment that is being requested for release.
- d. The warranty of the equipment must have expired for a minimum of three years.

Once the State Transit Office receives all documentation it will evaluate the information for disposition of the vehicle.

IV. TECHNICAL ASSISTANCE AND TRAINING

The State Transit Office provides technical assistance and training to rural private and public transit operators. This assistance is geared toward developing competent transit management and improving the effectiveness of transit operations.

A variety of technical assistance services such as planning, vehicle and equipment procurement, project management, and management evaluation are provided. The State Transit Office also maintains a library for technical reference by operators and offers driver and passenger assistance training. Following is more information about these services:

A. Technical Assistance

1. Planning and Project Development

The process for the development of community transit/transportation plans should start with the AkDOT&PF regional offices, where a study can be prepared to present to the Division of Program Development. This is the entry into the process of determining need, matching that need with appropriate funds available through the AkDOT&PF and determining whether the project must go through the STIP process.

The State Transit Office provides planning and project development assistance on request from a community or local agency, as available funding and time allows.

In smaller communities and rural areas, the State Transit Office provides technical assistance. The use of a consultant may be necessary in larger communities. In these cases, the State Transit Office will provide assistance to applicants in developing a Request for Proposal (RFP) and recommending consulting firms.

2. Project Management

The State Transit Office provides information and technical assistance to agencies that receive Sections 5310, 5311, 5316 and 5317 funding.

In addition to support provided through telephone conversations, email communication, and on-site meetings, the State Transit Office has developed several publications and forms that help grantees with transportation project management.

The State Transit Office also maintains a library for use by grantees.

B. Training

The State Transit Office conducts training for drivers, dispatchers and management. This training is performed by state staff, vendors supplying vehicles, transit peers or contracted with an outside individual or organization and is conducted statewide, regionally or individually.

The training consists of seminars and workshops on rural transit management operations topics. The State Transit Office works directly with grantees to identify training needs and develop a yearly training program. The State Transit Office encourages grantees to attend these training sessions and are financially assisted through the Alaska RTAP Scholarship Program.

The State Transit Office provides the following training programs for grantees:

1. Passenger Assistance Service and Safety Certification Training
2. Smith Systems Defensive Driving
3. Principles of Transit Management
4. Other trainings as they become available

In addition to the above training, the Transit Section has an audio/visual library of training materials. These materials are available on a loan basis.

C. Alaska Community Transportation Transit Conference

The AkDOT&PF State Transit Office sponsors a fall conference each year which includes transit related topics and training sessions for rural and urban operators.

V. PROGRAM OF PROJECTS

A. Section 5303/5304

1. Application Process

Upon FTA allocation notification, the State Transit Office sends a letter to the two MPO's formally requesting a draft of their Unified Planning Work Program (UPWP) by October 1 of each year.

The AkDOT&PF Program Development Division reviews the MPOs' draft UPWPs, provides written comments, and requests any changes, additions or deletions if needed. Depending on the action taken, the Program Development Division transmits an approval letter to each MPO. The final UPWP is sent to FHWA and FTA for approval.

Upon FTA approval of the UPWP, the MPO requests are added to the Section 5303 Program of Projects along with the State Transit Office requests for the Section 5303/5304 portion of the grant.

2. Grant Time Line and Allocation

The timeline is revised each year to fit the funding and staffing level available, and is published on the website when the application period opens.

3. Minimum Requirements

- a. Section 5303/5304 funds must be used for planning, engineering, designing, evaluation of urban public mass transportation projects, a development of transportation plans or other approved studies.
- b. Applicants must be metropolitan planning organizations (MPO).

4. Selection Criteria for Grant Application

- a. There is no selection criteria for MPO proposed Section 5303 projects.
- b. Proposed local, MPO and State projects shall give consideration to FTA national emphasis areas.

5. Reporting

The two MPO's are required to submit a quarterly planning status report to the Program Development Division and to the State Transit Office describing Section 5303 work performed relative to their UPWP as well as a unified work program expenditure summary.

The State Transit Office submits an Annual Progress Report and Financial Report to FTA via TEAM including a summary of MPO activities.

6. Monitoring

The Program Development Division and State Transit Office perform a review of all quarterly status and expenditure reports.

If the staff has reason to question any submitted reports, they will investigate the projects before processing any further claims.

B. Sections 5310, 5316, 5317 (Human Services)

1. Application Process

When the funding allocations are published in the Federal Register, The Human Services grant applications are processed through an electronic database or “e-grant” system. When the application period opens, a Notice of Available Funds or Call for Applications is posted on the State On-line Public Notices board. Using an accumulated contact list, State Transit Office staff also send out email messages directing people to the transit website. At the transit website, applicants are directed to log in or register (first time) and provide an up-to-date Agency Profile and Capital Inventory, as well as complete the application.

The website also contains information on coordination plans, funding available, grant programs, the scoring criteria used to evaluate the competitive process, and a timeline.

State Transit Office staff provide training sessions for the application process during the annual State Transit Conference.

The Human Services (5310, 5316, and 5317) grant applications are scored electronically on-line automatically and by the Proposal Evaluation Committee and staff. Staff reserves the final decision on award amount and funding source. Awards are announced at the website and by email. AkDOT&PF maintains a file for each grant year that contains a list of approved and rejected applicants.

With the recommended applicant projects, the State Transit Office staff prepares Section 5310, 5316, 5317 programs of projects and grant application packages to be submitted electronically via TEAM to FTA. The grant application process is executed through TEAM as follows:

AkDOT&PF requests to apply for an electronic grant

- FTA assigns grant number
- AkDOT&PF enters and submits the Application for Federal Assistance, Proposed Project Budget (by scope), Program of Projects including vehicle transfers, Environmental Findings and the Fleet Status to FTA for their approval.
- AkDOT&PF executes grant

Certifications and Assurances for all FTA grants are attested to on a one-time, once-a-year basis via TEAM.

2. Grant Time Line and Allocation

The timeline is revised each year to fit the funding and staffing level available, and is published on the website when the application period opens.

3. Minimum Requirements

- a. Applicants for Section 5310 funds must be:

- Private nonprofit organizations that verify status by including IRS Form 501(c) or the State Certificate of Incorporation as a non-profit, or
- Public bodies that certify to the Governor that there are no nonprofit associations in the service area; or
- Public bodies approved by the Transit Section to coordinate services for elderly persons and persons with disabilities.

b. Applicants for Sections 5316 and 5317 must be:

- Private nonprofit organizations that verify status by including IRS Form 501(c) or the State Certificate of Incorporation as a non-profit, or
- State or local government authority, including federally-recognized tribal government, or
- Operators of public transportation services, including private operators of public transportation services.

4. Selection Criteria for Human Services (5310, 5316, 5317) Grant Application

Applicants that satisfy program minimum qualifications are considered as potential grant candidates.

The criteria for evaluating awards for all human services grants (5310, 5316, 5317) are published on the website when an application period opens. The criteria assess such factors as need, ridership, consistency with the coordinated plan, coordination potential, increased mobility or access to services for target populations, efficiency measures, level of local funding contributions, vehicle utilization, vehicle replacement value, ADA compliance, role in emergency preparedness, role in retaining people in their own communities, role in serving regional medical services access, and maintenance and storage capability.

The criteria are subject to revision and improvement each year before publishing. All criteria are weighted by the Proposal Evaluation Committee (PEC) and both State Transit Office and Regional staff. Certain criteria are scored automatically (electronically), and other more qualitative criteria are scored by the Committee. Staff reserves the right to reject or override criteria for which inadequate information is received from applications to evaluate. The PEC advises the State Transit Office in awarding decisions; final authority is with the Governor's delegate and FTA. Projects may be rejected if applications are incomplete or if in the judgment of the PEC or staff the applicant lacks the necessary capacity to carry out essential program requirements.

An appeals process for award decisions is published on the website when an application period opens.

5. Reporting

Subrecipients must keep daily passenger reports which record the number of people who are elderly, who have disabilities and other passengers who ride the vehicles as well as operational costs.

Performance Measures: The State Transit Office staff prepares and submits an annual performance measures report based on information provided by subrecipients through the quarterly report submitted to our office.

Quarterly reports will be required effective July 1, 2010. The intent of these reports is to gather information for future planning, develop a cost per service, and to determine the gaps in service. These reports will require data pertaining to the ridership, performance, and the number of rides provided.

Proof of insurance and proper use of vehicles is collected annually, unless needed more frequently.

The State Transit Office submits an Annual Program Status Report and Financial Status Report to FTA via TEAM within 30 days after the end of the reporting period.

6. Monitoring

A monitoring program drawn from reporting and rotating site inspections is being developed.

C. Section 5311 and 5311 (f) Intercity

1. Application Process

After the State Transit Office receives the State annual Section 5311 program allocation level from FTA, the staff determines the total amount of Section 5311 allocation that will be available for intercity bus and Section 5311 grantees. Fifteen per cent of the appropriation is dedicated to the intercity bus program.

The State Transit Office may reserve a portion of the annual apportionment to assist grantees in complying with federal and state regulations and requirements. The balance is allocated to qualifying public transportation systems. A grantee's allocation amount may be used for capital, project administration and/or operating assistance grants.

The State Transit Office determines a base allocation amount calculated on the following formula. Fifty per cent of the funding is allocated on service area population, 25 percent on projected annual passenger trips, and 25 percent on projected annual service miles.

Formula Calculation

- * 50% of funding is distributed based on Service Area Population:

$$\frac{\text{Grantee's Service Area Population}}{\text{All Grantee's Service Area Population}}$$

- * 25% of funding is distributed based on projected Annual Passenger Trips

$$\frac{\text{Grantee's projected Annual Passenger Trips}}{\text{All Grantee's Annual Passenger Trips}}$$

- * 25% of funding is distributed based on projected Annual Service Miles:

$$\frac{\text{Grantee's Estimated Annual Service Miles}}{\text{All Grantee's Estimated Derived Income}}$$

The State Transit Office then adjusts the base allocation upward or downward depending on the following factors:

- a. Previous years' unused Section 5311 funds;
- b. Quarterly Report records showing number of vehicles, days of service, miles, passengers, and expenses;
- c. General knowledge of the grantee's system and application criteria.

All current Section 5311 grantees will receive funding that will equal one of the following:

- their request;
- the formula amount; or
- 90% of their prior year's formula based eligible funding

Upon receiving the applications, the State Transit Office reviews each project's capital, project administration and/or operating assistance requests. After

application review, the State Transit Office prepares and electronically submits a program of projects and the Section 5311 grant application to FTA.

2. Grant Time Line and Allocation

The timeline is revised each year to fit the funding and staffing level available, and is published on the website when the application period opens.

3. Minimum Requirements

- a. The applicant must be a State or local governmental authority, an Indian tribe, a non-profit organization, or a private for-profit operator of transit service or intercity bus service.
- b. The proposed system must provide transportation service to the general public and must be full-time fixed route or a demand response dispatch system. The system must be equipped and available to serve the needs of the elderly, semi-ambulatory, wheelchair-confined and other disabled and transit-dependent public. The applicant is subject to the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, both of which address what the system must do to provide transportation to persons with disabilities.
- c. A first-time applicant must show that there will be an increase in the ridership or quality of service as a result of the requested Section 5311 grant.
- d. The applicant must have the legal, fiscal and managerial capabilities to receive and disburse Section 5311 funds. All recipients must meet OMB Circular A-133 requirements:
 - Non-federal entities that expend \$500,000 a year in Federal financial assistance shall have a single or program-specific audit conducted for that year.
 - Non-federal entities that expend less than \$500,000 a year in federal awards are exempt from Federal audit requirements for that year.
- e. The applicant must insure that adequate funds are available to match Section 5311 funds and to provide for ongoing operations.

- f. The applicant must be willing to sign a warrant assuring the State of Alaska that labor protection standards issued by the Department of Labor (DOL) will be followed

4. Selection Criteria for Grant Application

The Transit Section evaluates Section 5311 applications based on the following criteria:

- a. The documentation of need for a public transportation system in a community;
- b. The demonstrated effort of a community to support and use a public transportation system;
- c. The extent of commitment from local organizations and existing transportation providers to coordinate services;
- d. The innovative nature of the project;
- e. The efficient and practical justification of project revenues and expenses; and
- f. The extent to which the project will comply with federal regulations concerning EEO, Title VI, DBE, Section 13(c) and Section 504/ADA.

5. Reporting

Section 5311 recipients must submit quarterly reports relative to operations, ridership, performance, and financial costs. The State Transit Office sends an Annual Program of Projects Status Report, Financial Status Report and Milestone Update to FTA via TEAM within 30 days after the FFY 4th quarter reporting period.

6. Monitoring

State Transit Office staff review the agency quarterly reports upon submittal. Subject to State Transit Office approval, the State Transit Office reimburses grantees for services performed. All four quarterly reports must be submitted even though project service reimbursement may take place in a shorter period of time.

State Transit Office staff inspects vehicles and/or equipment procured under the Section 5311 Program during on-site monitoring visits.

7. Drug and Alcohol Testing Policy and Procedures

Recipients of FTA Section 5311 funds must have a drug and alcohol testing program with a written policy that is in accordance with the FTA Implementation Guidelines issued February 15, 1994 and revised August 2002.

The State Transit Office assists public operators with drug and alcohol program policy development, reasonable suspicion supervisor training, and other support as requested.

Section 5311 grantees must submit the necessary information and forms as outlined in the final rules to the State Transit Office. The State Transit Office certifies their compliance and forwards the information to FTA.

The State Transit Office has implemented the following procedures to ensure Section 5311 subrecipients comply with FTA's drug and alcohol testing program requirements:

- a. Section 5311 agreements include language reflecting that the subrecipients must be in compliance with the FTA drug and alcohol rules.
- b. The State Transit Office monitors the drug and alcohol programs of Section 5311 subrecipients in the following manner:
 - Section 5311 subrecipients must submit a drug and alcohol report on random testing to the State Transit Office annually.
 - (2) State Transit Office staff review Section 5311 drug and alcohol programs during on-site reviews.
 - The State Transit Office provides training as needed and necessary to ensure that Section 5311 subrecipients have creditable drug and alcohol programs in place,

D. Rural Transit Assistance Program (RTAP)

1. Application Process

The State Transit Office prepares a program of projects listing the types of activities to be accomplished under the RTAP categories of training and technical assistance. The State Transit Office submits an annual RTAP funding request to FTA which is included as an element of the annual Section 5311 grant application.

2. Alaska RTAP Scholarship Program

a. Program Description

The Alaska Rural Transit Assistance Program (RTAP) provides financial assistance to any RTAP eligible transit system wishing to attend a training program, professional development program, or educational conference. A portion of the RTAP funds are set aside for the annual transit conference and unexpected training needs. The remaining funding is made available for the RTAP Scholarship Program.

The purpose of the RTAP Scholarship Program is to help offset some of the costs associated with attending the training programs in order to encourage and further the development of the skills and abilities of those persons involved in transit in rural and small urban areas. Eligible training includes courses, seminars, workshops and conferences with subject matter specifically related to the transit industry. Training can be in-house, in-state, or out-of-state.

b. Eligibility

All Alaska transit providers receiving Section 5310 or Section 5311 Federal grants and Tribes are eligible, as long as the activities are primarily designed and delivered to benefit nonurbanized transit providers.

c. Eligible Expenses

Scholarships for eligible recipients, and costs for accommodations and/or mileage and registration fees may be reimbursed up to 100%. Scholarship reimbursement amounts may change due to budget adjustments at the discretion of the State Transit Office.

d. Reimbursement

The State Transit Office reimburses after proof of successful completion of the program and the following information:

- (1) detailed expense information;
- (2) receipts of all eligible expenses;

- (3) copy of the course agenda (if not included with the application form);
- (4) program summary/evaluation report.

e. Application Process

Applicants must use an Alaska RTAP Scholarship Application Form. A brochure or other descriptive material should accompany the application.

f. Selection Process

State Transit Office staff reviews applications. Applicants must receive prior approval from the State Transit Office before attending the event.

The State Transit Office will evaluate applications based on:

- (1) The balance of funds remaining in the Scholarship Program;
- (2) Applicant eligibility;
- (3) Program applicability;
- (4) Previous Alaska RTAP scholarship awards;
- (5) The number of Alaska rural transit providers already participating in the requested program;
- (6) Thoroughness and completeness of application.

3. Grant Time Line and Allocation

The timeline is revised each year to fit the funding and staffing level available, and is published on the website when the application period opens.

4. Minimum Requirements

Requirements as stated in the Alaska RTAP Scholarship Program apply.

5. Selection Criteria for Grant Application

The only selection criteria associated with the RTAP program is for scholarships.

6. Reporting

Persons awarded scholarships must submit a narrative summary report of the training session attended as a condition of reimbursement.

The State Transit Office sends an annual RTAP Program of Projects update and financial report to FTA. These reports are incorporated with Section 5311 Annual

Program of Projects Status Report and the Financial Report. The State Transit Office must submit these reports via TEAM within 30 days after the end of FFY 4th quarter reporting period.

7. Monitoring

The Transit Section provides evaluation forms for each training session.

VI. CERTIFICATIONS AND ASSURANCES

All local and State subrecipients of these funds must comply with various Federal requirements. These certifications and assurances, which must be signed by an authorized representative of the subrecipient, as well as their legal counsel, must be submitted with the signed agreement between AkDOT&PF and the subrecipient. The State Transit Office, when submitting State grant applications to FTA, is also required to execute certifications and assurances both on behalf of the State and with respect to local applicants.

- A. AkDOT&PF annually agrees to comply with all requirements of the Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements.
- B. An opinion of counsel indicates the statutory authority, with citation, which created the applicant as a public body and establishes the legal eligibility of the applicant to apply for and receive a Federal grant, to execute the project, and to expend its own monies in connection with the proposed work program.

APPENDICES

- A. Sample Agreement Between AkDOT&PF and Subrecipients
- B. Section 5311 Charter Service Identification Flow Chart
- C. Rolling Stock Bidding Process Checklist
- D. Pre-Award Checklist
- E. Post-Delivery Checklist
- F. FTA Required Third Party Clauses

APPENDIX A

Sample Agreement Between AkDOT&PF and Subrecipients

APPROVAL PAGE

Grant Number:

Grant Title: Rural Public Transit **CFDA:**

Sub-Recipient:

Grant Funding Levels:

Beginning Date:

Ending Date:

Scope of Work:

Intra-city Operating, Project Administration

Inter-city Operating, Project Administration

APPROVALS:

Signature by State Project Manager:

The project manager has reviewed the agreement for compliance with the terms of the grant award by the Federal Transit Administration and assures that the necessary funds have been obligated.

Debbi Howard, State Transit Coordinator
Division of Program Development
Alaska Department of Transportation and Public Facilities

Date

Authorized Signature for SUB-RECIPIENT:

Name

Date

Print Name and Title

Authorized Signature for State:

Authorized Signature for State
Jeff Ottesen, Director, Division of Program Development
Alaska Department of Transportation and Public Facilities

Date

The following items are attached to this Approval Page:

- Grant Agreement
- FTA Master Agreement
- FTA 2010 Certifications & Assurances
- AUCP Agreement
- DBE Semi-Annual Reporting Form and Instructions
- Vehicle Certification

**FTA, SECTION 5311 NON URBANIZED
AREA FORMULA PROGRAM
GRANT AGREEMENT BETWEEN THE STATE OF ALASKA DEPARTMENT
OF TRANSPORTATION AND PUBLIC FACILITIES
AND
SUB-RECIPIENT**

This Agreement is between the **State of Alaska, Department of Transportation and Public Facilities** (hereinafter called the STATE) and **Sub-Recipient** (hereinafter called the Sub-recipient). The STATE and the Sub-recipient are entering into this Agreement pursuant to Alaska Statute (AS) 19.05.040 and any regulations promulgated thereunder. This agreement is effective when signed by both parties.

WHEREAS Public Law 103-429, Section 5311, Chapter 53 of Title 49, United States Code (Federal Transit Act), provides grants for public transportation services; and

WHEREAS the Governor of the State of Alaska has designated the STATE to evaluate and select projects proposed by the public transit providers and to administer the grants; and

WHEREAS the authority to receive and expend funds has been approved by the State Legislature,

The parties mutually agree as follows:

- 1. SCOPE OF WORK:** Transfer funding from the Federal Transit Administration to Sub-recipient for the activities listed in Appendix A.

Assumption of Responsibility: The Sub-recipient agrees to assume all responsibility for this Project as described in Appendix A, which is hereby incorporated and made a part of this Agreement. The Sub-recipient further agrees to abide by the appropriate mutual covenants, promises, and representations included in the attached Master Agreement, with special emphasis on the sections pertaining to the particular funding source, included and incorporated into this agreement as Appendix B.

- 2. COMPLIANCE WITH LAWS AND REGULATIONS, FEDERAL CHANGES:**

The Sub-recipient agrees to comply with all applicable laws, regulations, and codes of the State of Alaska, the United States Government, and local governments. The Sub-recipient shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the Master Agreement between Purchaser and FTA, as they may be amended or promulgated from time to time during the term of this contract. Contractor's failure to so comply shall constitute a material breach of this contract.

3. SUB-RECIPIENT CAPACITY:

- A. Sub-recipient Legal, Financial, and Managerial Capacity:** The Sub-recipient assures that it has the necessary legal, financial, and managerial capability to apply for, receive, and disburse Federal Transit Administration funds awarded in this grant agreement. The Sub-recipient also assures that it will implement and manage this project and project funds in keeping with the intent and provisions of the Request for Proposals under which it is funded, as further described in the Sub-recipient's grant application and the grant agreement.
- B. Sub-recipient Legal Authority to Accept This Sub-Grant:** The Sub-recipient certifies that it has the legal authority to accept grant funds for this project, either as an IRS 501(c)(3) private nonprofit corporation in good standing with the State of Alaska Department of Community and Economic Development, as a local or tribal government entity qualified to receive these funds, or a private for-profit operator of transit services.
- C. Sub-recipient Debarment/Suspension Certification:** If this grant award exceeds \$25,000, the Sub-recipient entity certifies, to the best of its knowledge and belief, that it and its principals:
- are not currently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency, per the U.S. General Services Administration (GSA) monthly "Lists of Parties Excluded from Federal Procurement or Non--procurement Programs," available on the GSA web site <http://www.epls.gov>.
 - have not, within the past three years, been convicted of or had a civil judgment against them for: a criminal offense or fraud in connection with obtaining, attempting to obtain, or performing a Federal, state, or local public transaction; a violation of Federal or state antitrust statutes; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records; making false statements; or receiving stolen property;
 - are not presently indicted for or otherwise criminally or civilly charged by any governmental entity with commission of any of the offenses listed in the paragraph above; and
 - have not within the last three years had any Federal, state, or local public transaction terminated for cause or default.

If the Sub-recipient later becomes aware of any information contradicting these Suspension/Debarment statements, it will promptly provide that to the State who will forward it to FTA.

If the Sub-recipient cannot certify for all the Suspension/Debarment statements above, the Sub-recipient shall so indicate in a transmittal letter or message of explanation, to be returned with the signed grant agreement (Per 49 CFR Part 29).

http://www.access.gpo.gov/nara/cfr/waisidx_06/49cfr29_06.html

D. Administrative and Accounting Systems: The Sub-recipient certifies it has or will establish a proper accounting system, per generally accepted accounting principals (GAAP) and any Federal or State directives. It further agrees to administer the project, retain all project records, and grant access to project records and personnel as specified in the applicable Federal "Common Rule," either

- 49 CFR Part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments

http://www.access.gpo.gov/nara/cfr/waisidx_06/49cfr18_06.html

- 49 CFR Part 19 - Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations

http://www.access.gpo.gov/nara/cfr/waisidx_06/49cfr19_06.html

4. FEDERAL REQUIREMENTS:

A. Intelligent Transportation System (ITS) Architecture: If this grant will be used to fully or partially fund acquisition of individual or systems of technologies that support ITS user services as defined in the "National ITS Architecture," the Sub-recipient assures it will comply and require its contractors and sub recipients to comply with all applicable requirements imposed by Section V Regional ITS Architecture and Section VI Project Implementation of the FTA National ITS Architecture Policy on Transit Projects to the extent required by FTA and the State.

http://www.ops.fhwa.dot.gov/its_arch_imp/policy.htm

B. Charter Service Operations - The Sub-recipient agrees to comply with 49 U.S.C. 5323(d) and 49 CFR Part 604, which provides that recipients and subrecipients of FTA assistance are prohibited from providing charter service using federally funded equipment or facilities if there is at least one private charter operator willing and able to provide the service, except under one of the exceptions at 49 CFR 604.9. Any charter service provided under one of the exceptions must be "incidental," i.e., it must not interfere with or detract from the provision of mass transportation.

http://www.access.gpo.gov/nara/cfr/waisidx_05/49cfr604_05.html

C. School and Head Start Transportation:

- The Sub-recipient assures that it will not engage in school bus operations exclusively for the transportation of students and school personnel, in competition with private school bus operators, per provisions of 49 CFR Part 605.

- If the Sub-recipient is a public transportation system, it may provide "School Tripper Service' that is regularly scheduled mass transportation service open to the public but designed or modified to accommodate the needs of school students and personnel (must be open to the public, must serve regular transit stops, and must be shown on transit route schedules and maps) and schools signs may NOT be displayed on the vehicle.
- The Sub-recipient assures that any transportation of Head Start children will be provided only as legally allowable under current federal Head Start Bureau rules.
- If the Sub-recipient is a Head Start agency or a Head Start transportation contractor, it will only transport Head Start children in the project vehicle if the Bureau's phased in safety standards are met and the vehicle is legally classified as a "school bus" or "allowable alternate vehicle" at the time this requirement takes effect.
- The Sub-recipient may provide transportation to Head Start children otherwise, such as when the Head Start Program helps its participants secure their own transportation (including through purchase of bus passes, vouchers, etc.) This is not regulated by Bureau rules.

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

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

http://www.nhtsa.dot.gov/nhtsa/whatsup/tea21/GrantMan/HTML/03_DOTComRul_49CFR18.html

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

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

http://www.nhtsa.dot.gov/nhtsa/whatsup/tea21/GrantMan/HTML/03_DOTComRul_49CFR18.html

F. Energy Conservation - The Sub-recipient agrees to comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

http://www.nhtsa.dot.gov/nhtsa/whatsup/tea21/GrantMan/HTML/03_DOTComRul_49C FR18.html

G. Lobbying Prohibition: None of the funds paid under this agreement shall be used for the purpose of lobbying activities before the Alaska State Legislature or the U.S. Congress.

If this grant is \$100,000 or more:

- the Sub-recipient *certifies* that it has not and will not use Federal appropriated funds to pay for influencing or attempting to influence an officer or employee of any Federal department or agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal grant, cooperative agreement, or any other Federal award.
- the Sub-recipient assures that it will require its contractors and subcontractors each to report use of non-Federal funds for any of the lobbying activities for which use of Federal funds is prohibited, at the end of each calendar quarter on Federal Standard Form LLL (49 CFR Part 20), and that the Sub-recipient will forward all these forms to the State.

http://www.access.gpo.gov/nara/cfr/waisidx_06/49cfr20_06.html

H. Nondiscrimination Requirements: The Sub-recipient assures that no person in the United States will, on the basis of race, color, national origin, creed, sex, or age be excluded from participating in, denied the benefits of, or otherwise be subject to discrimination in any program or activity (particularly in the level and quality of transportation services and transportation-related benefits) for which the Sub-recipient receives Federal assistance from FTA or USDOT. The Sub-recipient agrees to comply with all requirements of US DOT Civil Rights Act implementing regulations (49 CFR 21 http://www.access.gpo.gov/nara/cfr/waisidx_06/49cfr21_06.html), and the Title VI Program Guidelines for Federal Transit Administration Recipients (FTA Circular 4702.1 http://www.fta.dot.gov/laws/circulars/leg_reg_5956.html), and other applicable nondiscrimination directives.

[per 49 USC 5332 (prohibits discrimination on the basis of race, color, creed, national origin, sex, or age, and in employment or business opportunity), Title VI of the Civil Rights Act of 1964 as amended, USDOT implementing regulations (49 CFR 21), 42 USC 2000d (prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color, or national origin)]

The Sub-recipient assures that project and project facility operations, as well as property acquisitions, will be in accordance with the civil rights requirements and understands that this assurance extends to its entire facility, to all facilities operated in connection with this project, and to property acquisitions. The Sub-recipient assures:

- Its FTA-assisted benefits and related services are made available and are equitably distributed without regard to race, color, creed, national origin, sex, age, or disability;
- The level and quality of its FTA-assisted transit services are sufficient to provide equal access and mobility for any person without regard to race, color, creed, national origin, sex, or age;
- Opportunities to participate in the transit planning and decision making processes are provided to persons without regard to race, color, creed, national origin, sex, or age;
- Decisions on the location of transit services and facilities are made without regard to race, color, creed, national origin, sex, or age;
- Corrective and remedial action is taken to prevent discriminatory treatment of any user of services based on race, color, creed, national origin, sex, or age;
- Any contracts or sub agreements fully or partly funded through this project will contain language to extend civil rights assurances to contractors and subcontractors; and the Sub-recipient will also include such language in any deeds and documents which record the transfer of real property, structures, and improvements.

I. Nondiscrimination on the Basis of Disability: The Sub-recipient assures that no person with a disability shall be, by reason of that disability, excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any program or activity receiving or benefiting from Federal assistance. The Sub-recipient assures it will comply with 49 CFR Parts 27, 37, and 38, which implement the Americans with Disabilities Act (ADA) and amend Section 504 of Rehabilitation Act of 1973. The Sub-recipient understands that it also has responsibilities under ADA in the areas of employment, public accommodations, and telecommunications.

http://www.access.gpo.gov/nara/cfr/waisidx_06/49cfrv1_06.html#1000

The Sub-recipient assures that any vehicle purchased or acquired through this project will be ADA accessible, except as exempted in Appendix A. If the Sub-recipient is a public entity awarded funds to purchase a non-ADA vehicle for use in demand responsive service for the general public, the Sub-recipient assures that

this demand responsive service provides or will provide equivalent service to disabled persons that meet ADA requirements in keeping with 49 CFR 37. 77.

The Sub-recipient assures that *all* new or renovated facilities to be used for the provision of public transportation services will be ADA accessible, including facilities such as maintenance facilities, garages, building access facilities (sidewalks need curb cuts), etc. [Public entities must comply with 49 CFR Part 37, Subpart C and Appendix A. Private entities must comply with 28 CFR Part 36.

http://www.access.gpo.gov/nara/cfr/waisidx_07/28cfr36_07.html

The Sub-recipient assures that any construction contract funded through this project will include ADA requirements.

J. Equal Employment Opportunities (EEO): The Sub-recipient assures Equal Employment Opportunity; it will:

- treat employees or job applicants fairly, without regard to race, color, creed, national origin, sex, age, or disability;
- take affirmative action to ensure job applicants are employed and employees are treated without regard to race, color, creed, national origin, sex, or age (such action includes but is not limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship);
- post notices setting forth agency EEO policy in conspicuous places and make these available to employees and job applicants;
- assure that any contracts or sub-agreements fully or partly funded through this project will contain language to extend EEO assurances to contractors and subcontractors.

If the Sub-recipient received \$1,000,000 or more of Federal assistance in the previous Federal fiscal year and had 50 or more mass-transit-related employees, it agrees to submit to the State an EEO program, which meets Federal requirements.

K. Discrimination Complaints: The Sub-recipient assures that it will notify the public that complaints of discrimination in the provision of transportation or transportation-related services or benefits may be filed with the State, FTA, or USDOT. The Sub-recipient assures it will promptly report to the State any civil rights complaints it receives.

L. Disadvantaged Business Enterprises (DBE): The Sub-recipient assures Disadvantaged Business Enterprises will have the maximum opportunity to compete for and perform contracts and subcontracts financed under this project, as specified in 49 CFR 26 and per the following:

- If the Sub-recipient will purchase one or more transit vehicles (excluding unmodified mass-produced vans or unmodified pop-top vans), it assures that it will obtain from each transit vehicle manufacturer a TVM certification, to show that the manufacturer complies with DBE requirements (This will be included under the State's vehicle procurement contract, if the grantee is purchasing through that mechanism.).
- If the Sub-recipient does not receive grant funds directly from FTA, they are required to participate in the Alaska Unified Certification Program (AUCP). If the Sub-recipient receives grant funds directly from the FTA, they must submit a current copy of the DBE program to the State Transit Office. The Sub-recipient assures it will submit its DBE program, proposed DBE contract language and DBE contract goals to the State Transit Office. Additionally, the Sub-recipient will report its DBE activity and results to the State on December 1 and June 1 every year of the Sub-recipient agreement.

<http://www.dot.state.ak.us/cvlrts/forms/aucp-agreement.pdf>

- The Sub-recipient assures it will not discriminate on the basis of race, color, nation origin, or sex in implementation of the project, in award or performance of any third-party contract or sub-agreement supported with this grant, or in administration of its DBE program and 49 CFR 26. If the State receives a complaint regarding discrimination by the Sub-recipient, the Sub-recipient will cooperate fully in the investigation of the complaint by the State.

http://www.access.gpo.gov/nara/cfr/waisidx_06/49cfr26_06.html

M. Audits: The Sub-recipient certifies that it will be audited annually as required by the Federal Single Audit Act Amendments of 1996 (per Federal OMB Circular A-133 - 'Audits of States, Local Governments, and Non-Profit Organizations' and the US DOT provisions of the OMB A-133 Compliance Supplement dated March 2000) and by the regulations implementing the State of Alaska Single Audit Act. The Sub-recipient recognizes FTA's, USDOT's, and the State's authority to monitor project activities, to conduct reviews and inspections, and to conduct additional audits in keeping with OMB Circular A-133, to verify compliance with grant requirements and assurances. The Sub-recipient agrees to make the necessary records available to any of the above parties upon request.

<http://www.whitehouse.gov/omb/circulars/a133/a133.html>

N. Commercial Driver's License Requirement: The Sub-recipient assures that it will require anyone (including mechanics) who operates a vehicle capable of transporting 16 or more persons (including the driver) to have a valid Commercial Driver's License (CDL) and understands that CDL holders are subject to USDOT FHW A alcohol and drug testing requirements (different from FTA drug testing requirements).

- O. Drug and Alcohol Testing:** The Sub-recipient agrees to establish and implement a drug and alcohol testing program that complies with 49 CFR Parts 653 and 654, produce any documentation necessary to establish its compliance with Parts 653 and 654, and permit any authorized representative of the United States Department of Transportation or its operating administrations, the State Oversight Agency of the State of Alaska or the sub-recipient, to inspect the facilities and records associated with the implementation of the drug and alcohol testing program as required under 49 CFR Parts 653 and 654 and review the testing process. The Sub-recipient agrees further to certify annually its compliance with Parts 653 and 654 before August 1, 2009 and to submit the Management Information System (MIS) reports to the State before February 15, 2010.

http://edocket.access.gpo.gov/cfr_2005/octqtr/pdf/49cfr655.1.pdf

P. Employee Protections, Public Transportation Employee Protective

Arrangements: The Sub-recipient agrees to comply with the applicable transit employee protective requirements as follows:

- **Standard Public Transportation Employee Protective Arrangements** - To the extent that the Project involves public transportation operations and to the extent required by Federal law, the Sub-recipient agrees to implement the Project in accordance with the terms and conditions that the U.S. Secretary of Labor has determined to be fair and equitable to protect the interests of any employees affected by the Project and that comply with the requirements of 49 U.S.C. § 5333(b), in accordance with U.S. DOL guidelines, “Section 5333(b), Federal Transit Law,” 29 C.F.R. Part 215, and any amendments thereto. The Sub-recipient agrees to implement the Project in accordance with the conditions stated in that U.S. DOL certification. That certification and any documents cited therein are incorporated by reference and made part of the Grant Agreement for the Project. The requirements of this Subsection do not apply to Projects for elderly individuals or individuals with disabilities authorized by 49 U.S.C. § 5310(a)(2) or subsection 3012(b) of SAFETEA-LU, Projects for nonurbanized areas authorized by 49 U.S.C. § 5311; or Projects for the over-the-road bus accessibility program authorized by section 3038 of TEA-21, as amended by section 3039 of SAFETEA-LU, 49 U.S.C. § 5310 note.
 - **Public Transportation Employee Protective Arrangements for Projects in Nonurbanized Areas Authorized by 49 U.S.C. § 5311** - The Sub-recipient agrees to comply with the terms and conditions of the Special Warranty for the Nonurbanized Area Program that is most current as of the date of execution of the Grant Agreement for the Project, and any alternative comparable arrangements specified by U.S. DOL for application to the Recipient’s project, in accordance with U.S. DOL guidelines, “Section 5333(b), Federal Transit Law,” 29 C.F.R. Part 215, and any revisions thereto.
- Q. Employee Protections, Contract Work Hours and Safety Standards Act:** The Sub-recipient agrees to comply, and assures the compliance of each third party contractor and other participant at any tier of the Project, with the employee protection requirements for nonconstruction employees of the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. §§ 3701 *et seq.*, in particular with

the wage and hour requirements of section 102 of that Act at 40 U.S.C. § 3702, and with implementing U.S. DOL regulations, “Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act),” 29 C.F.R. Part 5.

http://www.access.gpo.gov/nara/cfr/waisidx_06/29cfr5_06.html

- R. U.S. Flag Vessel Shipping** The Sub-recipient will insert the substance of the following clauses in all contracts under which equipment, materials, and/or commodities may be transported by ocean vessel in carrying out this Agreement (46 CFR Chapter II Part 381):

http://www.access.gpo.gov/nara/cfr/waisidx_00/46cfr381_00.html

The contractor agrees:

1. To utilize privately owned United States-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, materials, and/or commodities pursuant to this section, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels
2. To furnish within 30 days following the date of loading for shipments originating within the United States, or within 30 working days following the date of loading for shipment originating outside the United States, a legible copy of a rated, "on board" commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (1) above to the Recipient (through the prime contractor in the case of sub-contractor bills-of-lading) and to the Division of National Cargo Office of Market Development, Maritime Administration, 400 Seventh Street, S.W., Washington, D.C. 20090, marked with the appropriate identification of the Project.
3. To insert the substance of the provisions of these clauses in all sub-contracts issued pursuant to this contract.

- S. Incorporation of Federal Transit Administration (FTA) Terms** - The preceding provisions include, in part, certain Standard Terms and Conditions required by DOT, whether or not expressly set forth in the preceding contract provisions. All contractual provisions required by DOT, as set forth in [FTA Circular 4220.1E](#) are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. The Sub-recipient shall not perform any act, fail to perform any act, or refuse to comply with any requests which would cause the State to be in violation of the FTA terms and conditions.

- T. Conflicts of Interest Prohibited:** The Sub-recipient certifies that it will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of personal or organizational conflict of interest or of being motivated by desires for personal gain for themselves or others, particularly those with whom they have family, business, or other ties. No member or delegate

to the Congress of the United States shall be admitted to any share or part of this Agreement or to any benefit arising there from.

5. STATE REQUIREMENTS:

A. Indemnification and Insurance: In this section, "Sub-recipient" includes the Sub-recipient's employees, agents, and contractors.

The Sub-recipient agrees to indemnify, hold harmless, and defend the State of Alaska, its officers, agents, and employees from and against any claim of or liability for error, omission, or negligent act of the grantee arising out of the grantee's assumption of the responsibilities for the Project set forth in this agreement.

The Sub-recipient is not required to indemnify the State of Alaska for a claim of or liability for the independent negligence of the State. If there is a claim or liability for joint negligent error or omission of the Sub-recipient and the independent negligence of the State, the indemnification and hold harmless obligation shall be apportioned on a comparative fault basis. The term "independent negligence" is negligence other than in the State's selection, administration, monitoring, or controlling of the Sub-recipient.

The Sub-recipient shall maintain the policies of insurance listed below, to cover losses that may be incurred as a result of the operation and maintenance of project vehicles and/or equipment throughout their period of required use or as a result of other activities under this agreement.

Where specific limits are shown, they shall be the minimum acceptable limits. If the Sub-recipient's policy contains higher limits, the State shall be entitled to coverage to the extent of such higher limits. All insurance policies shall comply with and be issued by insurers licensed to transact the business of insurance in the State Alaska, under AS 21.

http://www.legis.state.ak.us/cgi-bin/folioisa.dll/stattx06/query=*/doc/%7Bt9186%7D?

B. Workers' Compensation Insurance: for all employees engaged in work, under the grant, with coverage as required by AS 23.30.045. The policy must waive subrogation against the State.

<http://www.legis.state.ak.us/cgi-bin/folioisa.dll/stattx06/query=23!2E30!2E045/doc/%7B@10941%7D?>

C. Automobile Liability: a minimum coverage of \$500,000 combined single limit per occurrence.

The Sub-recipient shall provide *certificate of insurance to the State, annually* and at other times if requested. Each certificate must provide for a 30-day prior notice of cancellation, non-renewal, or material change of conditions.

The Sub-recipient shall use any insurance proceeds relating to items purchased under this grant to repair or replace the covered item(s) that has been damaged, destroyed or stolen or; where specific items are not involved, to cover other liability related to this grant project. The title to any replacement vehicle must show the State of Alaska as lien holder, and any replacement vehicle must meet the State-approved vehicle specifications.

D. Performance Requirement: The failure of the State to insist upon strict performance by the Sub-recipient of any provision or covenant in this Agreement, in any one or more instances, may not be considered as a waiver or relinquishment of the provision or covenant for the future. The waiver by the State of any provision or covenant in this Agreement cannot be enforced or relied upon by the Sub-recipient unless the waiver is in writing and signed on behalf of the State.

6. TERMINATION PROVISIONS:

A. Failure to Perform: If, through any cause, the Sub-recipient shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or if the Sub-recipient shall violate any of the covenants, agreements or stipulations of this Agreement, and if after notification by the State of such failure or violation, the Sub-recipient fails to take proper corrective action within a reasonable time, the State shall have the right to terminate this Agreement by giving written notice to the Sub-recipient of such termination and specifying the effective date thereof. Such notice shall be given at least 15 days before the effective date of such termination. In that event, all finished and unfinished documents, data, studies, surveys, drawings, maps, models, photographs, reports, construction materials, and any construction completed by the Sub-recipient under this Agreement shall, at the option of the State, become the State's property and the Sub-recipient shall be entitled to receive just and equitable compensation for any satisfactory work completed. Failure to adhere to Project Schedule and any reporting requirements may be deemed by the State to be a "failure to perform" and may result in the loss of the award, at the option of the State.

B. Convenience Termination: If, due to changed circumstances, the State or the Sub-recipient wishes to terminate this Agreement prior to its completion, the initiating party shall notify the other party in writing of its reasons for requesting the early termination. This request must be made at least 15 days prior to the proposed termination date. If both parties agree that it is in their mutual best interests to terminate this Agreement early, all finished or unfinished documents and other materials as described in the Failure to Perform paragraph above shall, at the option of the State, become the State's property. If the Agreement is terminated as provided herein, the Sub-recipient shall be reimbursed for actual expenses not otherwise reimbursed under this Agreement which were incurred by the Sub-recipient during the contract period and which are directly attributable to the Sub-recipient's performance of this Agreement. The State shall also reimburse the Sub-recipient for any costs properly incurred by the Sub-recipient in honoring

convenience termination clauses in its Agreements with its contractors as long as these clauses conform to the standard convenience termination clause used by the State for similar types of contracts.

7. NONCOMPLIANCE; DISPUTES; REMEDIES

A. Recovery of Funds: In the event of a default or violation of the terms of this Agreement, the State is entitled to recover all or part of the project funds paid to the Sub-Recipient. If Sub-Recipient does not promptly remit the funds in response to a demand, the State may collect the debt by:

- Making an administrative offset against payments that would be due under other grant awards or appropriations,
- Withholding advance payments that would otherwise be due,
- Instituting civil action, or
- Taking any other action permitted by law.

All remedies conferred on the State by this Agreement or any other instrument or agreement are cumulative, not exclusive, and may be exercised concurrently or consecutively at the State's option.

B. Enforcement: The State may take one or more actions in the event Sub-Recipient fails to comply with the terms of the award. Upon written notification explaining the basis of the action, the State may suspend the grant pending corrective action or terminate the grant. The State may impose conditions requiring correction of noncompliance or deficiency. If conditions are imposed, the State will inform Sub-Recipient of the conditions and corrective action sought, the reason for imposition, and the time allowed for completing corrective actions.

Sub-Recipient may contest enforcement action implemented by the State through the protest procedure identified below.

C. Protest: A Sub-Recipient contesting an enforcement action may file a protest with the Project Manager within 15 days of receipt of written notice of the action. The protest must include the name, address, and telephone number of the protester, the signature of the protester or the protester's representative, a detailed statement of the legal and factual grounds of the protest, including copies of relevant documents, and the form of relief requested.

Within 15 days of receipt of the protest, the Project Manager will issue a decision. The Project Manager may extend this deadline for up to 30 days, in which case he/she will notify the protester in writing of date of the extended deadline.

If the Project Manager sustains a Sub-Recipient's objection to an enforcement action, he/she may rescind or modify the enforcement measure, or implement another appropriate remedy. In no case, however, is a Sub-Recipient entitled to recover more than its reasonable protest preparation costs, which do not include attorney cost or fees.

In determining an appropriate remedy, the Project Manager will consider the circumstances surrounding the enforcement measures including the seriousness of the deficiencies, the degree of prejudice to the integrity of the grant program, the good faith of the parties, the extent to which the terms of the grant agreement have been accomplished, costs to or impacts on the program or department regarding a proposed remedy.

- D. Appeal:** Within 15 days of receipt of the Project Manager's decision, the protester may file an appeal with the Commissioner of the Department of Transportation & Public Facilities, in which case it must also file a duplicate copy with the Project Manager. The commissioner shall dismiss an appeal if it is untimely. The appeal must include the information required under subparagraph C above, a copy of the decision from which appeal is taken, and identification of the factual or legal errors in the decision forming the basis for the appeal.

The Project Manager will file a complete report on the protest and decision with the commissioner within 15 days of receipt of the protest appeal. The Project Manager will furnish a copy of the report to the protester.

The protester may file comments on the protest report with the commissioner within 7 days of receipt of the report. At the same time, the protester will provide copies of the comments to the Project Manager.

The Project Manager and the protester may make written request to the commissioner for an extension of time to submit their respective filings. The commissioner will respond any such request in writing. If an extension is granted, the commissioner will notify both parties of the new filing deadline.

The commissioner may issue a decision on an appeal without a hearing if the appeal involves no genuine issues of material fact. If a hearing on a protest appeal is required, it will be conducted in accordance with AS 36.30.670.

- E. Other Disputes:** The procedures identified in AS 36.30.670-.685 and any applicable regulations will govern all other disputes between the State and Sub-Recipient arising in connection with this Agreement.

- F. Rights and Remedies:** The duties and obligations imposed by the Agreement and accompanying documents and the rights and remedies available thereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law. No action or failure to act by the State or Sub-Recipient shall constitute a waiver of any right or duty afforded any of them under the Contract, nor shall any such action or failure to act constitute an approval of or acquiescence in any breach thereunder, except as may be specifically agreed in writing.

http://www.nhtsa.dot.gov/nhtsa/whatsup/tea21/GrantMan/HTML/03_DOTComRul_49C_FR18.html

8. GRANT REQUIREMENTS:

A. **Signage** – The Sub-recipient agrees to use Alaska Community Transportation signs on appropriate capital purchase items to identify its Project(s) was partially or fully funded with funding that is provided by AkDOT&PF. Signage will be provided by the State. If the vehicle is purchased through the AkDOT&PF Vehicle Vendor contract, the dealer will apply.

B. **Billing Procedure and Reimbursements:** The Sub-recipient agrees to formally request reimbursement by submitting to the State an itemized invoice(s) for allowable project costs. Each invoice shall clearly identify each cost being billed and shall be in a format acceptable to or specified by the State, with supporting documentation of cost as required below and other documentation as may be required by the State.

- Invoices for vehicles, equipment, or facilities shall be accompanied by documentation of the formal obligations or expenses incurred, as well as the source of the match. Supporting documentation shall be copies of vendor invoices, unless alternate documentation accompanied by a viable written explanation is acceptable to the State. Supporting documentation must clearly tie to the itemized costs on the invoice (annotations to facilitate easy review are encouraged). For vehicles, other documents related to the vehicle purchase are also required prior to payments. Further detail of these billing and reimbursement procedures is established in Appendix A to this Agreement.

▪ The State reserves the right to mandate alternate or specialized billing procedures in any of the following instances:

- when the State will pay a vendor directly for the State's portion of vehicle cost;
- when a particular project is split-funded (includes grant funds from more than one source), or;
- when irregular documentation or special timing is needed by the State for some other reason. Such alternate procedures may be included in Appendix A of this agreement or may be issued separately, but will be provided to the Sub-recipient in writing.

The State shall reimburse funds to meet formal obligations or expenses only with satisfactory documentation. If required documentation is determined to be incomplete, incorrect, and/or in conflict with the scope of the project, the Grantee will be notified that payment of project funds is being withheld until the incomplete, incorrect, and/or conflicting items are resolved to the State's satisfaction.

C. **Local Match Available:** If this grant is for a vehicle(s) and/or equipment, the Sub-recipient has or will have the required 9.03% local cash match for the project

by the time of delivery. If this grant is for other items, the local match will be met as grant funds are spent, except as modified in Appendix A of this agreement.

- D. Operating and Maintenance Funds Available:** The Sub-recipient, by the time of vehicle and/or equipment delivery, will have or have guarantee of funds necessary to operate and maintain the project vehicle and/or equipment in safe, clean, and mechanically sound condition through the required period of performance (useful life). The State reserves the right to require transfer of the vehicle and/or equipment to another entity if the Sub-recipient fails to meet this requirement.
- E. Vehicle and Equipment Maintenance Requirements:** The Sub-recipient assures that it assumes responsibility to maintain and operate the vehicles and/or equipment obtained under this project at a high level of cleanliness, safety, and mechanical soundness, following original equipment manufacturer's (OEM) recommended maintenance and inspection procedures and schedules, for at least the useful life of each item per Appendix A to this agreement, to retain warranties and meet life expectancy of the items. The Sub-recipient further assures that it will maintain ADA accessibility features in good working order, removing vehicles with nonworking accessibility features from service and repairing them within 5 days. The Sub-recipient agrees to document all maintenance completed and all maintenance expenditures. The State and FTA shall have the right to conduct periodic inspections for the purpose of confirming proper maintenance.
- F. Vehicle and Equipment Use and Disposition:** Use and disposition of project vehicles and equipment shall be subject to restrictions set forth by the State.
- The Sub-recipient assures that it will not lease or contract the operation of project vehicles without prior written approval from the State.
 - The Sub-recipient shall *annually certify to the State* whether each vehicle and/or equipment item is still in use for its intended purpose under this agreement, via letter (or State form if one is available).
 - If a vehicle or equipment purchased with these funds can no longer meet project needs, the Sub-recipient agrees to notify the State, indicate its condition, and follow the State's instructions, to comply with the property disposition requirements set forth in "The Common Rule", but as modified by FTA regulations.
- G. Reports:** The Sub-recipient may be required by the State to submit quarterly reports and/or a final report, in a format specified or provided by the State, per instructions provided by the State. The Director or his designee will certify the accuracy of each report.
- H. Alaska Public Transportation Management System (APTMS) and Agency Profile:** The Sub-recipient agrees to participate fully in the APTMS inventory of

publicly funded vehicles, transportation equipment, and transportation-related facilities and other transportation related data.

http://www.dot.state.ak.us/stwdplng/transit/Alaska_Transit/index.cfm

- I. Changes and Amendments:** The Sub-recipient shall not execute any amendment or change order to this Agreement without the prior written concurrence of the State. This Agreement may only be modified or amended by a written agreement signed by both parties.
- J. Unspent Grant Funds:** Within sixty (60) days of issuance of a final audit report to the State or, if no audit is required, then within sixty days after acceptance by the State that the Sub-recipient has met the requirements of this grant agreement, the Sub-recipient will return to the State of Alaska any unspent grant funds.
- K. Program Fraud and False or Fraudulent Statements and Related Acts:** The Sub-recipient certifies that any statement it has made, it makes, it may make, or causes to be made about this grant project is or will be true and accurate. Provision of untrue or inaccurate information may constitute fraud.

9. ASSIGNMENT OF WORK TO THIRD PARTIES:

- A. State Consent Required:** No portion of work to be performed under this agreement shall be assigned by the Sub-recipient to any third party without written consent of the State.
- B. Alaska Business License Requirement:** The Sub-recipient shall require any contractor or subcontractor under this agreement to comply with Alaska business license requirements as they apply per AS 43.70.

<http://www.legis.state.ak.us/cgi-bin/folioisa.dll/stattx06/query=business+!22and!22+license/doc/%7B@17337%7D?>

- C. No Federal or State of Alaska Government Obligation to Third Parties:** The Sub-recipient agrees that the Federal and State governments have no liability under this agreement. The Sub-recipient assures that it will include language in any contract under this agreement that states the Federal and State governments have no liability under the contract and require the contractor to include language to this effect in any subcontract, except if the Sub-recipient has specific written consent from the Federal and/or State governments that it/they will accept liability.
- D. Subcontracting Rules:** In the event the Sub-recipient subcontracts any work covered by this Agreement, the Sub-recipient shall require compliance by its subcontractors with applicable provisions of AS 36 and related sections of the Alaska Administrative Code and any other applicable statutes or regulations governing their legal responsibilities in public contracts. In addition, the Sub-recipient shall require compliance with all Federal, State, and local laws and regulations relating to civil rights and appropriate Federal clauses as listed in Appendix B of this agreement. A chart of required Federal clauses is available at

the Alaska Department of Transportation and Public Facilities. See contact information on the last page of this agreement.

http://www.legis.state.ak.us/cgi-bin/folioisa.dll/stattx06/query=*/doc/%7Bt14429%7D?

10. PROCUREMENT REQUIREMENTS:

A. Procurement System:

- **If the Sub-recipient is a local or tribal government**, it assures it has or will establish a procurement system that implements State procurement law and procedures,
<http://www.state.ak.us/local/akpages/ADMIN/dgs/purchasing/home.htm>,
when awarding and administering transit-related purchase orders and contracts involving FTA funds, as well as any other implementing requirements FTA or the State may issue, including:
 - a five-year limitation on contract performance
 - requirement for full and open competition
 - a prohibition against geographic preferences
 - the use of Brooks Act procedures for procurement of architectural engineering services if the state has not adopted a statute governing procurement of such services
 - inclusion in its contracts all Federal clauses required by Federal laws, executive orders, or their implementing regulations, as required by FTA Circular 4220.1E.

http://www.fta.dot.gov/documents/C4220_1E_Annotated.doc

(See AS 36, the implementing regulations in the Alaska Administrative Code, any other State laws or regulations governing Sub-recipient legal responsibility in public contracts.)

- **If the Sub-recipient is a private nonprofit organization**, it assures it has or will establish and implement a procurement system in compliance with FTA procurement requirements in FTA Circular 4220.1E Third Party Contracting Requirements as well as any other implementing requirements of Federal, State, or local government, including:
 - a five-year limitation on contract performance
 - a requirement for full and open competition
 - a prohibition against geographic preferences
 - the use of Brooks Act procedures for procurement of architectural engineering services if the state has not adopted a statute governing procurement of such services
 - inclusion in its subcontracts and sub agreements all Federal clauses required by Federal laws, executive orders, or their implementing regulations, as required in FTA Circular 4220.1E
http://www.fta.dot.gov/laws/circulars/leg_reg_4063.html
 - written procurement procedures
 - written protest procedures
 - ethical standards of conduct
- use of appropriate procurement method

B. Large Contracts: If any contract or subcontract for this project is expected to be above the Federal small purchase threshold (\$25,000 or more), the Sub-recipient assures it will:

- include in its request for proposals Government-wide Debarment and Suspension "Instructions for Certification" and certification language *exactly* as required in Appendix A to FTA's "Best Practices Procurement Manual," to extend the debarment/suspension requirements to contractors and subcontractors

The burden of disclosure is on those debarred or suspended. If at any time the Sub-recipient or other covered entity learns that a certification it made or received was erroneous when submitted or if circumstances have changed, the Sub-recipient assures it will disclose this to the State.

http://www.fta.dot.gov/publications/reports/other_reports/publications_4571.html

- include in its request for proposals Lobbying language and certification language *exactly* as required in Appendix A to FTA's "Best Practices Procurement Manual" to extend the Federal lobbying prohibition to contractors and subcontractors
- *If rolling stock (vehicles) not subject to a general waiver will be purchased under this grant and exceeds the Federal small purchase threshold of \$100,000, the Sub-recipient assures that it will be manufactured in the United States and have a 60% domestic content, per 49 CFR Part 661, , and will provide the appropriate documentation as a component of their Pre-Award Review*

http://www.access.gpo.gov/nara/cfr/waisidx_05/49cfr661_05.html

C. Required Provision in Procurement Notices: The following required provision shall be included in any advertisement or invitation to bid for any procurement under this Agreement:

Statement of Financial Assistance: "Statement of Financial Assistance: This Procurement is subject to a financial assistance grant agreement between the State of Alaska and the U.S. Department of Transportation."

D. Bus and Van Testing: The Sub-recipient will comply with FTA bus testing requirements applicable to heavy-duty large and small buses; medium-duty buses; light-duty mid-size buses; and light-duty small buses, cutaways, or modified vans (does not apply to unmodified mass-produced vans). If a vehicle will be purchased through this project under the State's vehicle procurement contract, that contract will require bus and/or van testing in keeping with FTA requirements. If the Sub-recipient is exempt from purchasing a bus or van under the State's contract, the Sub-recipient assures that, prior to committing to that purchase, it will obtain from the manufacturer, a copy of the bus test report for that vehicle. If testing is not required, the Sub-recipient will instead obtain the manufacturer's certification that the vehicle is exempt from FTA bus testing requirements and also obtain a list of recent purchasers of the vehicle (with contact information), to

aid evaluation prior to vendor selection. The Sub-recipient assures it will consider the bus testing results in its determination of whether to buy any particular vehicle.

http://www.access.gpo.gov/nara/cfr/waisidx_05/49cfr665_05.html

- E. Non-accessible Vehicle Purchase for Demand Response Services to the General Public:** If the Sub Grantee provides demand response transportation to the general public, its service to persons with disabilities (including wheelchair users) must meet the standards of equivalent service in 49 CFR 37.77(c) before it can legally purchase non-ADA-accessible vehicles for use in its demand response service.

http://a257.g.akamaitech.net/7/257/2422/13nov20061500/edocket.access.gpo.gov/cfr_2006/octqtr/49cfr37.77.htm

F. State Approval of Bids/Price Quotes, and Vendor Selection:

- For Vehicle Purchases - The Sub-recipient is required to purchase the vehicle(s) under the State's paratransit vehicle procurement contract appropriate for the class of vehicle, except as exempted in Appendix A to this agreement. When alternate specifications are used, the Sub-recipient will provide the same equipment specifications to each prospective vendor and seek at least three bids or price quotes. The Sub-recipient will submit to the state for approval its invitation to bid prior to dispersing to the public and submit the price quotes or bids received, with its preferred vendor selection noted, for State approval prior to purchase.
- For Equipment Purchases - The Sub-recipient will provide the same equipment specifications to each prospective vendor and seek at least three bids or price quotes. The Sub-recipient will submit price quotes or bids received to the State with its preferred vendor selection noted, for State approval to purchase.

- G. Pre-Award and Post-Delivery Review of New Vehicles:** The Sub-recipient assures it will conduct or cause to be conducted pre-award and/or post-delivery reviews for all new vehicles purchased under this project, as specified below. The vehicle reviews are to ensure vendor compliance with Federal Motor Vehicle Safety Standards (FMVSS) and other purchaser specifications, and to ensure the vehicle is undamaged and in good working order before it is accepted. The Sub-recipient assures it will conduct these reviews per the formats and instructions provided by the State. Pre-Award Reviews must be submitted to the State for approval prior to ordering.

- For a vehicle purchased under the State's paratransit vehicle procurement contract, only a post delivery review is required.
- For a vehicle purchased outside of the State's vehicle procurement contract, both pre-award and post delivery reviews are required.
- For a vehicle purchased via a State approved "piggyback" arrangement, both

pre-award and post delivery reviews may be required, as determined by the State.

H. Vehicle Serial Numbers to State: The Sub-recipient will provide each vehicle's serial number to the State with the first payment invoice for the particular vehicle.

I. Titles to Vehicles/Equipment & Liens:

- Title to Project equipment other than vehicles shall rest with the Sub-recipient.
- The Sub-recipient hereby agrees that the State of Alaska is lien holder for each vehicle purchased under this Project. The Sub-recipient shall arrange with the Alaska Division of Motor Vehicles (DMV) to issue the certificate of title in the name of the Sub-recipient with the State of Alaska Department of Transportation of Public Facilities as lien holder. The Sub-recipient shall arrange with DMV to send the original title to the State's Project Contact for this Project. The State will not issue the final payment for any vehicle purchased under this grant until the Project Contact receives original title that shows the State of Alaska Department of Transportation and Public Facilities as lien holder.
- The State will hold a lien on the title of any vehicle purchased under this Project and return a clear title to the Sub-recipient after the vehicle reaches its useful life as set forth in Appendix A.
- The Sub-recipient gives the State Power of Attorney limited to applying for a Vehicle Title from the Alaska Division of Motor Vehicles and to requesting the Alaska Division of Motor Vehicles remove the State's lien from the vehicle title.

11. PROJECT RESOURCES: Project resources and payment schedule are as established in Appendix A to this Agreement.

Project Resources:

- A. The total project cost shall be Dollars (\$).
- B. The STATE agrees to provide Dollars (\$) for this project. This amount is comprised of federal participating funds from the Federal Transit Administration and 0% state matching funds.
- C. The Sub-recipient agrees to provide its local matching share of funds in the amount of Dollars (\$). Local matching funds may be local, state, or federal funds that do not come from the U. S. Department of Transportation.
- D. The STATE and Sub-recipient agree that any cost for this project in excess of the above amounts is the responsibility of the Sub-recipient.

11. Project Contact Persons: Each party shall designate a project contact person for the Project and agrees to notify the other party in writing of any change in its project contact. Unless changed by prior written notice, the following are the parties' project contacts and any written documents required by this Agreement must be sent to them:

STATE:

Name: Debbi Howard
Title: State Transit Coordinator
Agency: Dept. of Transportation and Public Facilities
Address: P.O. Box 112500
City, State, Zip: Juneau, AK. 99811-2500
Phone: (907) 465-2883
Fax: (907) 465-6984
Email: debbi.howard@alaska.gov

Sub-recipient:

Name:
Title
Agency
Address
City, State, Zip
Phone
Fax
Email

Appendix A

Scope:

The Sub-recipient will use these funds to provide project administration and operating to the public transit system as described in the grant application.

Reimbursement Requirements:

- **Invoices submitted for reimbursement must include an itemized list of expenses being billed and supporting invoices or statements. The sub-recipient must also include the match source. The sub-recipient must maintain receipts in it's files to verify expenses and revenues for a period of not less than three years past the fiscal year in which the grant is closed as described in the Inspection, Audit, and Records Retention section of this agreement.**
- Invoices submitted for reimbursement by the sub-recipient will be processed within thirty working days, provided requirements described in the Billing Procedures and Reimbursement section of this agreement are met. If payment is withheld pending resolution of questions or problems, it will be issued immediately upon resolution of those questions or problems.
- **Administrative expenses** may include but are not limited to general administrative expenses such as:
 - Secretary Salary Office Supplies Facility and Equip. Rental
 - Marketing Expenses Planning Activities Drug/Alcohol Testing
 - Book Keeper Salary Standard Overhead Rates Planning Activities
 - Marketing Expenses

The State allows each transit system to decide which (if any) of the categories shown above will be considered to be administrative expenses in determining the operating expenses of the system.

- Invoices submitted for reimbursement of administrative expenses will be reimbursed at 90.97% of the total cost, up to the full amount of award funding for administrative costs.

Activity	Federal	Local Match	Total
Intra-City	\$	\$	\$
Inter-City:	\$	\$	\$
TOTAL ADMINISTRATION:	\$	\$	\$

- **Operating expenses** are defined as those expenses remaining after administrative and capital expenses are removed. Operating expenses shall include, but are not limited to, expenses such as:
 - Driver's Salaries and Fringe Benefits
 - Licenses
 - Fuel
 - Oil
 - Minor maintenance and repairs for vehicles, equipment, and/or facilities
- Invoices submitted for reimbursement of operating expenses will be reimbursed at 56.86% of the total cost, up to the full amount of award funding for operating costs.

Activity	Federal	Local Match	Total
Intra-City	\$	\$	\$
Inter-City:	\$	\$	\$
TOTAL OPERATING:	\$	\$	\$

- **Capital expenses** are defined as those funds used to purchase vehicles, equipment, and/or facilities or to provide major maintenance or repair for vehicles, equipment, and/or facilities, and Third Party Agreements.
 - Invoices submitted for reimbursement of capital expenses will be reimbursed at 90.97% of the total cost, up to the full amount of award funding for capital costs.

Activity	Federal	Local Match	Total
Intra-City	\$0	\$0	\$0
Inter-City:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL CAPITAL:	\$0	\$0	\$0

Project Schedule:

- **Grant Start-Up Date:** Sub-recipient may submit billings for reimbursement of allowable expenses incurred **July 1, 2009** or later. **Sub-recipient may not bill for reimbursement of expenses incurred or reimbursed under other current or former grants.** Sub-recipient's billings will be processed only after this agreement is fully signed.
- **Grant Ending Date:** The grant ending date shall be no later than **June 30, 2011**. Costs incurred after that date shall not be reimbursed under this grant agreement.

APPENDIX B

Section 5311 Charter Service Identification Flow Chart

SECTION 5311 CHARTER SERVICE IDENTIFICATION FLOW CHART

May 2010

Is transportation service provided by grantee Demand Responsive*?	Yes	Not Charter Service by definition
No		
Is service provided by grantee fixed or deviated route and part of scheduled daily service at regular fare?	Yes	
No		Not Charter Service by definition (Charter Exemption)
Is service provided by grantee associated with transporting its employees for operational needs or training?	Yes	
No		
Is service provided by grantee associated with emergency response and preparedness.?	Yes	
No		
Is service provided by grantee transporting government officials (<80 hours/year)?	Yes	Not Charter Service by definition (Charter Exemption)
No		
Is service provided by grantee transporting QHSO** clients only? (see Charter regulations† for further guidance)	Yes	Not Charter Service by definition (Charter Exemption)
No		
Is service provided by grantee a third party request for exclusive use of the bus for a negotiated or premium price?	Yes	Yes, Charter Service
No		
Review Charter Regulations† for further guidance.		

This chart was prepared by DPIT to guide your organization with basic scenarios. Please, rely on the FTA Charter Regulations† for final determination of service if your scenario in review does not meet any of the exceptions above.

***Demand Responsive:**
Any Non-fixed route service to individuals that require advanced scheduling by the customer

****Qualifying Human Sources Organization:**
Any organization providing service to persons with disabilities, low income, or to the elderly.

† Charter Regulations:
Can be found on the FTA website at: <http://edocket.access.gpo.gov/2008/pdf/08-86.pdf>

APPENDIX C

Rolling Stock Bidding Process Checklist

ROLLING STOCK BIDDING PROCESS

Transit System:

REQUIRED IN REQUESTS FOR PROPOSALS/BIDS FOR ROLLING STOCK (proposals must be reviewed by AkDOT&PF before being distributed)

FTA REQUIRED CLAUSES		
Page	REQUIREMENT	COMMENTS
	No Federal government obligations to third-parties by use of a disclaimer	All
	Program fraud and false or fraudulent statements and related acts	All
	Access to Records	All
	Federal changes	All
	Civil Rights (EEO, Title VI & ADA)	All
	Termination Provisions	>\$10,000
	Disadvantaged Business Enterprises (DBEs)	All
	Incorporation of FTA Terms	All
	Suspension and Debarment	>\$25,000
	Buy America, Rolling Stock	>\$100,000, all ARRA purchases
	Provisions for resolution of disputes, breaches, or other litigation	>\$100,000
	Lobbying	>\$100,000
	Clean Air	>\$100,000
	Clean Water	>\$100,000
	Cargo Preference	Involving property that may be transported by ocean vessel
	Fly America	Involving foreign transport or travel by air
	Contract Work Hours & Safety Standards Act	>\$100,000
	Energy Conservation	All
	ADA Access	All

REQUEST FOR VENDOR CERTIFICATION		
	REQUIREMENT	COMMENTS
	FMVSS	

REQUEST FOR SUPPORTING DOCUMENTATION FOR SUB-RECIPIENT CERTIFICATIONS

	REQUIREMENT	COMMENTS
	Copy of the bus testing report from the Altoona Bus Research and Testing Center	Buses and modified vans procured with FTA funds, does not apply to unmodified vans, including vans with raised roofs or lifts installed in strict conformance with the original equipment manufacturer modification guidelines
	Proof of Buy America, including:	. Disclosure by the manufacturer of the final assembly location . Listing of the component and subcomponents that will be used to calculate the percent of domestic content and the actual cost or % of domestic content for each
		. Cost (actual or percent of total) of combined domestic components
		. Country of origin
		. Description of final assembly activities

REQUEST FOR SUB-RECIPIENT CERTIFICATIONS

	REQUIREMENT	COMMENTS
	Buy America Certification	
	Verify the vendor is on the FTA Approved TVM List, only required for transit manufacturers, not automobile manufacturers	http://www.fta.dot.gov/documents/TVM_2009.8.4.2009.xls.xlspostingC

APPENDIX D

Pre-Award Checklist

PRE-AWARD VEHICLE PROCUREMENT
CHECKLIST

Transit System:

MUST BE APPROVED BY AkDOT&PF PRIOR TO
ORDERING

FTA REQUIRED CLAUSES		
	REQUIREMENT	COMMENTS
	No Federal government obligations to third-parties by use of a disclaimer	All
	Program fraud and false or fraudulent statements and related acts	All
	Access to Records	All
	Federal changes	All
	Civil Rights (EEO, Title VI & ADA)	All
	Termination Provisions	>\$10,000
	Disadvantaged Business Enterprises (DBEs)	All
	Incorporation of FTA Terms	All
	Suspension and Debarment	>\$25,000
	Buy America, Rolling Stock	>\$100,000, all ARRA purchases
	Provisions for resolution of disputes, breaches, or other litigation	>\$100,000
	Lobbying	>\$100,000
	Clean Air	>\$100,000
	Clean Water	>\$100,000
	Cargo Preference	Involving property that may be transported by ocean vessel
	Fly America	Involving foreign transport or travel by air
	Contract Work Hours & Safety Standards Act	>\$100,000
	Energy Conservation	All
	ADA Access	All

VENDOR CERTIFICATION		
	REQUIREMENT	COMMENTS
	FMVSS	

SUPPORTING DOCUMENTATION FOR SUB-RECIPIENT CERTIFICATIONS

	REQUIREMENT	COMMENTS
	Copy of the bus testing report from the Altoona	Buses and modified vans procured with FTA funds, does not apply to unmodified vans, including vans with raised roofs or lifts installed in strict conformance with the original equipment manufacturer modification guidelines
	Proof of Buy America, including:	. Disclosure by the manufacturer of the final assembly location
		. Listing of the component and subcomponents that will be used to calculate the percent of domestic content and the actual cost or % of domestic content for each
		. Cost (actual or percent of total) of combined domestic components
		. Country of origin
		. Description of final assembly activities

SUB-RECIPIENT CERTIFICATIONS

	REQUIREMENT	COMMENTS
	Pre-Award Review Form	
	Pre-Award Purchaser's Requirements Certification	
	Pre-Award FMVSS Compliance Certification	
	Pre-Award Buy America Certification with supporting documentation	
	Verify the vendor is not on the Excluded Parties Listing System, before entering into contracts exceeding \$25,000	https://www.epls.gov/eplsearch.do
	Verify the vendor is on the FTA Approved TVM List, only required for transit manufacturers, not automobile manufacturers	http://www.fta.dot.gov/documents/TVM_2009.8.4.2009.xls.xlspostingC.pdf

APPENDIX E

Post-Delivery Checklist

POST-DELIVERY VEHICLE PROCUREMENT
CHECKLIST

Transit System:

MUST BE APPROVED BY AkDOT&PF PRIOR TO
PAYMENT

SUPPORTING DOCUMENTATION FOR SUB-RECIPIENT CERTIFICATIONS		
	REQUIREMENT	COMMENTS
	Post Delivery Proof of Buy America, including:	. Disclosure by the manufacturer of the final assembly location
		. Listing of the component and subcomponents that will be used to calculate the percent of domestic content and the actual cost or % of domestic content for each
		. Cost (actual or percent of total) of combined domestic components
		. Country of origin
		. Description of final assembly activities

SUB-RECIPIENT CERTIFICATIONS		
	REQUIREMENT	COMMENTS
	Post-Delivery Review Form	
	Post Delivery Purchaser's Requirements Certification	
	FMVSS Certification	
	Post-Delivery Buy America Certification with supporting documentation	

SUB-RECIPIENT REPORTS, ETC		
	REQUIREMENT	COMMENTS
	Road Test	
	New Vehicle Inspection Form	
	Proof of Vehicle Insurance, minimum coverage of \$500,000 combined single limit per occurrence	
	Update Capital Inventory in AkDOT&PF electronic grants	
	Copy of Application for Title & Registration with AkDOT&PF as lienholder	

APPENDIX F

FTA Required Third Party Clauses and Certifications Templates

Due to the size of this document, the FTA Required Third Party Clauses and Certification Templates are located in a separate electronic file.