

Rhode Island New Freedom Program Notice of Funding Availability

RIPTA is announcing the availability of federal funding and soliciting grant applications under the Federal Transit Administration (FTA) Section 5317 New Freedom Program. This program is open to private non-profit organizations, state or local governmental authorities, and public or private operators of public transportation services.

OVERVIEW

Funding Opportunity Announcement Title: New Freedom Program

Key Dates and Time:

Application Start Date:	12/14/2012
Application Submission Deadline Date:	01/15/2013 at 12:00 PM
Anticipated Project Selection Date:	01/31/2013
Anticipated Award Date (date funds available):	07/01/2013

Eligible Applicants:

State or local governmental authority; private non-profit organizations; and private or public operators of public transportation services.

Priorities for Funding:

Environmental modifications (e.g. curb-cuts, sidewalk improvements) to facilitate access to transportation services

Type of Funding Instrument:

Reimbursement grant with a cost match requirement.

Contact Information for Questions, Application, or Additional Information:

RIPTA Planning Department
705 Elmwood Avenue
Providence, RI 02907
(401) 784-9500 x135
planning@ripta.com

Authorizing Program:

See FTA Circular 9045.1, *New Freedom Initiative Program Guidance and Application Instructions*, (May 1, 2007). Full program guidance can be found on FTA's website:
http://www.fta.dot.gov/laws/circulars/leg_reg_6624.html

INSTRUCTIONS AND NOTIFICATIONS TO APPLICANTS

- Potential applicants are advised to review all sections of this NOFA carefully and to follow instructions completely, as failure to make a complete submission as described elsewhere herein may result in rejection of the application.
- All costs associated with developing or submitting a proposal in response to this NOFA, or to provide oral or written clarification of its content shall be borne by the applicant. RIPTA assumes no responsibility for these costs, and they cannot be incorporated into the project budget.
- The proposed value of local match must be firm and fixed.
- Applications misdirected to other locations or which are otherwise not present at the RIPTA Procurement Department, 705 Elmwood Ave, Providence, RI by the application deadline will be determined to be late and may not be considered. The “Official” time clock is in the reception area of the Procurement Department.
- Projects selected for award must meet all applicable FTA program development guidelines and provide local matching funds (20% to 50%). Further detail on program eligibility and local match requirements is provided below, with complete guidance available on FTA’s website: http://www.fta.dot.gov/laws/leg_reg_circulars_guidance.html.
- Projects selected for award will receive funding on a **reimbursement** basis, as subrecipients under RIPTA’s Master Grant Agreement with FTA. A copy of the FTA Master Grant Agreement may be found at http://www.fta.dot.gov/12305_14034.html.
- Subrecipients will also be responsible for all FTA reporting requirements, including annual certifications and assurances (http://www.fta.dot.gov/grants/12825_93.html) and subject to FTA program review. RIPTA will oversee and help administer the federal program requirements via a subrecipient Operating Agreement. This Operating Agreement will incorporate, by reference, RIPTA’s Master Agreement with FTA. See Appendix A for an overview of the federal requirements.
- Agencies should be aware that funding will not be available immediately after project selection. Projects that are selected through this process will be submitted to FTA for approval. See Grant Award and Administration Guidelines below. Funding is anticipated to be available beginning in July 2013.
- Project awardees will be fully responsible for project design, implementation, management, and operation.

FUNDING OPPORTUNITY DESCRIPTION

Program Overview and Priorities

The Rhode Island Public Transit Authority (RIPTA) is accepting applications for funding for the Federal Transit Administration (FTA) Section 5317 New Freedom Program.

The purpose of the New Freedom program is to provide new public transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act that assist individuals with disabilities with transportation, including transportation to and from jobs and employment support services.

RIPTA seeks proposals for the selected project priorities. Proposals may be submitted for other projects, but these must be derived from the 2008 Rhode Island Coordinated Plan for Public Transit and Human Services Transportation and must explain why the applicant believes the project should be considered over the identified funding priorities. Proposals for projects that are not derived from the Coordinated Plan will not be considered.

The New Freedom project priority for this round is the remediation of environmental barriers that prevent the use of public transit services.

Additional information is provided below under Eligible Activities.

Funding Availability and Important Dates

Available Funding: \$582,022
Projected Award Start Date: 07/01/2013
Projected Award End Date: 06/30/2016
Period of Performance: Up to 36 months.

December 11, 2012 Publication of Notice of Availability of New Freedom funding

January 15, 2013 Proposals to be submitted by **12:00PM** to:
Rhode Island Public Transit Authority
Attn-Procurement-NF Grant
705 Elmwood Avenue
Providence, RI 02907

January 31, 2013 Project Selection

July 1, 2013 Final Award / Funding Availability

AVAILABLE FUNDING AND MATCH REQUIREMENTS

Available Funding

The following federal funding is available for New Freedom projects: \$582,022.

RIPTA reserves the right to retain up to 10% of grant apportionments to support program administrative costs including administration, planning, and technical assistance.

Local Funding Match Requirements

New Freedom funds may be used to pay for a portion of capital, planning, and operating expenses of project activities. The portion depends on the type of project. Applicants will be responsible for meeting individual local match requirements. Local matching funds will not be provided by RIPTA.

- Capital purchases are funded by 80% federal funding and 20% of local funding. If fees or fares are charged for services, the fees or fares are deducted from the total project cost and the federal share is applied to the net cost of the project.
- The provision of transportation service is funded by 50% federal and 50% local funding. Total project costs are calculated by summing costs of operation, such as contract costs of transportation operations or driver salaries and other costs, such as fuel and vehicle maintenance. The grant eligible cost of transportation is the total project cost minus fares or fees that are paid for the transportation.

Table 1: Guidelines for FTA Grant Matching Funds

Expense	Federal	Local Match	Notes
Capital	80%	20% plus taxes	FTA funds cannot be used to pay taxes
Mobility Management	80%	20%	
Operating	50%	50%	Net cost after fares or program fees
Program Administration	50%	50%	Costs must be documented

ELIGIBLE LOCAL MATCH

The local share of eligible transportation operating costs is 50% of the net cost of the activity after deduction of fares or fees generated by the project. Fares cannot be used as match. The local share for all other eligible activities is 20% of the net cost of the activity.

No U.S. Department of Transportation funds may be used as local match. Examples of eligible sources of local match include:

- State or local appropriations
- Revenue from human service contracts
- Net income generated from advertising
- Private donations

Some federal programs can be used as local match so long as these funds are eligible to be expended for transportation; this does not include US DOT funds. Examples of types of programs that might be used as a match include employment training, aging, community development, vocational rehabilitation, and Temporary Assistance for Needy Families (TANF). To qualify as local match, these funds must be used for activities included in the project scope.

Non-cash match of donations, volunteered services, or in-kind contributions can be used as long as the value is documented and supported, represents a cost which would otherwise be eligible for the grant activity, and is included and identified in the proposed project budget. Non-cash match is not allowed for capital purchases.

Period of Performance

The funds must be expended within three years of final award.

ELIGIBILITY INFORMATION

Agencies Eligible to Apply For Projects

There are three categories of agencies that are eligible to compete for these funds:

- Private non-profit organizations;
- State or local governmental authority; and
- Private or public operators of public transportation services.

Eligible Activities

All projects must be consistent with the 2008 Coordinated Public Transit Human Services Transportation Plan, which is available at the Statewide Planning website, www.planning.ri.gov/transportation/fcp.pdf, and must support the project priorities identified in this notice. **Eligibility does not guarantee grant funding.**

The priority for this funding cycle is the remediation of environmental barriers. The following is the definition of eligible activities related to this eligible activity from the New Freedom Program Guidance Circular (FTA C 9045.1):

11.a.(3) Making accessibility improvements to transit and intermodal stations not designated as key stations. Improvements for accessibility at existing transportation facilities, so long as the projects are clearly intended to remove barriers that would otherwise have remained. New Freedom funds are eligible to be used for new accessibility enhancements that remove barriers to individuals with disabilities so they may access greater portions of public transportation systems, such as fixed-route bus service, commuter rail, light rail and rapid rail. This may include:

(a) Building an accessible path to a bus stop that is currently inaccessible, including curbscuts, sidewalks, accessible pedestrian signals or other accessible features,

- (b) Adding an elevator or ramps, detectable warnings, or other accessibility improvements that are not otherwise required under the ADA,*
- (c) Improving signage, or wayfinding technology, or*
- (d) Implementation of other technology improvements that enhance accessibility for people with disabilities including Intelligent Transportation Systems (ITS).*

Depending on the proposer's capacity to manage federal funds and comply with federal requirements, RIPTA may choose to manage the procurement of capital equipment.

Restrictions on Use of Award Funds

Grant funds may only be used for the purpose set forth in the grant, and must be consistent with the statutory authority for the award. Grant funds may not be used for matching funds for other Federal grants/cooperative agreements, lobbying, or intervention in Federal regulatory or adjudicatory proceedings. In addition, Federal funds may not be used to sue the Federal government or any other government entity. Pre-award costs are not allowable. A grantee may not obligate or expend funds until a final contract and budget have been approved.

Unallowable Costs

Specific unallowable costs include:

- Expenditures for items such as general-use software (word processing, spreadsheet, graphics, etc.), general-use computers and related equipment, general-use vehicles, and licensing fees
- Personnel costs
- Activities unrelated to the completion and implementation of the approved proposal activities.

Any costs that are not in the approved project plan are also not allowable. New or additional activities must be approved and amended into the project plan and budget before they can be funded.

APPLICATION REVIEW INFORMATION AND SELECTION PROCESS

The Rhode Island Public Transit Authority is the designated recipient of FTA New Freedom Program funding. As designated recipient, RIPTA is responsible for administering the FTA grant funding, which includes managing a competitive selection process. RIPTA is also responsible for certifying that the distribution of funds is "fair and equitable" as required by federal law. RIPTA will conduct the competitive selection review in cooperation with the Statewide Planning Program, which provides staff support for the State Planning Council, Rhode Island's Metropolitan Planning Organization.

Sealed applications will be submitted to RIPTA's Procurement Department at 705 Elmwood Avenue, Providence RI 02907 and will then be turned over to the review committee.

RIPTA will also be responsible for oversight and approval of projects funded with New Freedom funds, including project activities, expenses, and reporting. Grantees must comply with all administrative requirements described herein, including the submission of proposals, budgets, and other application materials as required. Having met all administrative requirements, the application will be scored based on a methodology that will ensure consistent and accurate evaluations of projects and proposals. The information and scoring criteria below will be used to score and rate project proposals.

SCORING CRITERIA

1. **Service Needs/Goals and Objectives (20 points)**: The project should directly address transportation needs, gaps, and/or barriers identified in the Coordinated Public Transit-Human Services Transportation Plan. The proposal should clearly state the overall program goals and objectives, and demonstrate how the project is consistent with the objectives of the New Freedom Program. The project should be consistent with Rhode Island's long-range transportation plan. Due to the importance of maintaining successful projects and providing reliable service to passengers, continuation of successful previously approved projects is encouraged.
2. **Implementation Plan (15 points)**: For projects seeking funds to support provision of transportation service, applicants must provide a well-defined service operation plan, and describe implementation steps and timelines for carrying out the plan. The proposal should indicate the number of persons expected to be served, and the number of trips (or other units of service) expected to be provided. The service operation plan should identify key personnel assigned to this project and their qualifications. Proposers should demonstrate their institutional capability to carry out the service delivery aspect of the project as described. For projects seeking funds for capital purposes, the applicant must provide a solid rationale for use of FTA funding for this purpose. Proposers should provide an implementation plan and timeline for completing the project. The implementation plan should describe the sponsor's ability to comply with state and FTA laws and requirements.
3. **Project Budget (20 points)**: Proposals must include a clearly defined project budget, indicating anticipated project expenditures and revenues, including documentation of matching funds. Proposals should address long-term efforts and identify potential funding sources for sustaining the service beyond the grant period.
4. **Coordination/Program Outreach (10 points)**: Proposed projects will be evaluated based on their ability to coordinate with other community resources. Proposers should clearly identify project stakeholders, and how they will keep stakeholders involved and informed throughout the project. Projects that serve multiple client populations are encouraged. Project sponsors should also describe how they would promote public awareness of the project.

5. **Program Effectiveness and Performance Indicators (35 points):** The project will be scored based on the Proposer's ability to demonstrate that the proposed project is the most appropriate match of service delivery to the need, and is designed to be cost-effective. Proposers should identify clear, measurable outcome-based performance measures to track the effectiveness of the service in meeting identified goals. The Proposer should include FTA's identified program measures in the project measures, as listed in this NOFA. A plan should be provided for ongoing monitoring and evaluation of the service or project, and steps to be taken if original goals are not achieved. The Proposer should describe steps to measure the effectiveness and magnitude of the impact that the project will have.

Selection and Award

The scoring committee will score the proposals. Scores fall into the categories of "Recommended" and "Not Recommended". If there is not enough funding to fully fund all projects, RIPTA will either provide some funding to all projects that scored in the recommended range, or begin fully funding projects from the highest scoring and continue until all funds are allocated, or a combination of full and partial awards depending on the scalability of the projects, the scoring committee's comments, and its own discretion.

RIPTA staff will notify successful applicants of the awards and review the federal requirements with them. Awards are tentative until all certifications and assurances for the federal requirements are provided. If a potential grantee cannot meet these requirements, the award will be withdrawn and the funds re-allocated to another project. If there are no other projects that meet the scoring criteria to be recommended, the funds may remain unallocated until the next funding cycle, or another round of proposals may be requested.

GRANT AWARD AND ADMINISTRATION GUIDELINES

Post-Selection Federal Grant Authorization Process

Grant funds are not immediately available to subrecipients once the State selection and award process is complete. The award is not final until the request for federal funds is approved by FTA. There are several steps to this process.

RIPTA coordinates with the MPO to ensure the project is amended into the Transportation Improvement Program (TIP), if it isn't already included. Depending on the TIP cycle and meeting schedule, this can take nearly four months to complete. Following federal approval of the TIP, staff will enter the projects into the FTA TEAM grant management system. FTA staff review the projects for compliance with federal grant regulations and refer them to the Department of Labor for approval of the labor requirements. Funds are typically available within two months of submission to FTA.

Upon approval of a proposal, the project will be submitted to FTA for final approval and award. Awards will then be made to the grantees, and the formal contract or Memorandum of

Understanding can be signed. All successful applicants are required to sign the certifications and assurances that they will comply with FTA requirements, which are outlined in Appendix A.

Table 2: Federal Grant Approval and Authorization Process

Steps in the Federal Approval Process	Timeline
Development of Program of Projects/TIP amendment	up to 4 months
FTA Grant Approval / Notice of Award	60 days
Signed Contract between RIPTA and Awardee	concurrent

Reimbursement of Costs for Project Activities

Grants are awarded on a reimbursement basis. Grantees will be required to submit invoices for reimbursement after costs have been incurred and activities have been completed.

Appropriate backup documentation for all costs will be required. All reporting must be up-to-date for a reimbursement to be made.

Administrative and Federal Financial Report Requirements

Grantees are obligated to submit various financial and programmatic reports as a condition of their award acceptance. Please see below for a summary of financial and/or programmatic reports as required. Future awards and reimbursements may be withheld if these reports are delinquent.

FINANCIAL REPORT

Obligations and expenditures must be reported on a quarterly basis. A report must be submitted for every quarter of the period of performance, including partial calendar quarters, as well as for periods where no grant activity occurs. Future awards and reimbursements may be withheld if these reports are delinquent. The final report is due 30 days after the end date of the performance period.

Table 3: FTA Program Measures for the New Freedom Program

FTA Program Measures
1. Increases or enhancements to geographic coverage, service quality and/or service times that impact availability of transportation services for individuals with disabilities as a result of the New Freedom project
2. Additions or changes to environmental infrastructure (e.g. transportation facilities, sidewalks, etc), technology, and vehicles that impact availability of transportation services as a result of New Freedom projects.
3. Actual or estimated number of rides (as measured by one-way trips) provided for individuals with disabilities as a result of the New Freedom project.

PROGRAMMATIC REPORTING REQUIREMENTS

Quarterly reports on project activities will be required. Specific reporting measures will be detailed in the project award, based on the specific project goals and the FTA Program Measures listed in Table 3. Reimbursements will only be processed if all required reporting is up to date.

Monitoring

Grant recipients may be monitored periodically, both programmatically and financially, to ensure that the project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria are being met.

Monitoring may be accomplished through either a desk-based review or on-site monitoring visits, or both.

Grant Close-Out Process

RIPTA closes out grants within ninety days when the grantee has received the last of its eligible expenditures. If extra funds remain in the grant, RIPTA will contact the grantee to ascertain if there will be more claims submitted. If the grantee has submitted all claims, the remaining funds can be transferred to other open grants in that grant year to expend the monies and the original grant will be closed.

RIPTA has a goal of having no more than three years of open grants. RIPTA will actively work with grantees to utilize the funds in a timely fashion so grants can be closed within the three-year period. Records must be retained after the grant has been closed in compliance with FTA requirements.

APPLICATION INFORMATION

Application Instructions

Applicants must develop a formal proposal that addresses how proposed projects address gaps and deficiencies in current programs. The proposal must demonstrate the ability to provide enhancements consistent with the purpose of the program. Applicants must ensure that the proposal is consistent with all applicable program requirements.

The following application form must be used and all sections must be completed. Written responses may not exceed 5 pages, excluding the summary page and the budget narrative.

Detailed Budget Narrative

The proposal must include a detailed budget for the funds requested. The detailed budget must be submitted with the grant application. The budget must be complete, reasonable, and cost-effective in relation to the proposed project. The budget should provide the basis of computation of all project-related costs, and an appropriate narrative.



CONTACT INFORMATION

Agency Name: _____

Contact Person: _____

Street Address: _____

City, State, Zip Code: _____

Telephone _____ Fax _____ Email _____

Project Type: ☐ Environmental Barriers ☐ Other _____

Project Title:

Provide and abstract for the project:

PROPOSED PROJECT BUDGET (total taken from detailed Budget Worksheet)

Net Project Cost \$ _____

Federal Share \$ _____ Local Share \$ _____

PROJECT PROPOSAL- Response is limited to 5 pages

- 1. Describe the purpose, project goals and activities, and intended beneficiaries of the project.**

- 2. Describe the area and populations served by the project, including the towns or regions that will benefit from the project.**

3. Describe how this project specifically addresses the funding priority identified in the current NOFA. If this project does not meet the selected priority for funding, reference the Coordinated Plan priority it does meet, describe how the project addresses this priority, and explain why this project should be funded over the NOFA priority.

4. Describe how you will manage outreach and coordination with the local transportation systems. Describe how the project fits with other transportation activities and/or coordinates with existing programs.

5. Describe the agency's technical, legal, and financial capacity to successfully implement the project, including compliance with federal requirements, e.g. civil rights, financial management, and project oversight.

6. Describe how the project will be implemented, by staff or contract, and how the role of each funded expense will contribute to improved services.

7. Describe the cost effectiveness of the project budget.

8. Describe your plan for sustaining the project after completion of grant funded activities.

9. Provide a high-level timeline, milestones, and dates for the implementation of this project. Up to 10 milestones may be provided.

Milestone	Start Date	Completion Date

10. Describe how the project achieves FTA program measures (found in Table 3 on page 9).

11. Tell us why this project should be selected.

PROJECT BUDGET WORKSHEET

Provide a budget narrative for each activity. List and/or provide details for the component project elements.

Project Activity	Quantity	Total Cost
Contract/Consultant Services:		
Staff salaries:		
Fringe Benefits:		
Materials and Supplies:		
Equipment:		
Travel and mileage:		
Other:		
TOTAL PROJECT COST		
Less Revenues Received from Fares and User Fees		
NET PROJECT COST		
Requested New Freedom Funding (Federal portion only)		
Local Matching Funds Total		
List specific sources and amounts:		

APPENDIX A - FEDERAL REQUIREMENTS

All grantees are required to meet the following federal provisions. Awards of funding for project proposals are tentative until all certifications and assurances for the requirements outlined below are provided. If a potential grantee cannot meet these requirements, the award will be rescinded and the funds re-allocated to another project. If there are no other projects that meet the scoring criteria to be recommended, the funds may remain unallocated until the next funding cycle, or another round of proposals may be requested.

Certifications and Assurances

Prior to the award of any grant, the State must provide to FTA all Certifications and Assurances required by Federal laws and regulations for the applicant or project. RIPTA electronically submits, through TEAM Web, the FTA Assistance Programs Certifications and Assurances within 90 days of the time they are published in the Federal Register. RIPTA receives and maintains certifications and documentation sufficient to support the assurances to FTA. RIPTA lists the Certifications and Assurances in the grant notices and requires applicants to sign acknowledging the requirements and that FTA may make changes. All necessary Certifications and Assurances are included in each grant agreement that the subrecipient is required to sign. Staff reviews each section of the grant and discusses the requirements. Subrecipients also sign acknowledging that they understand these requirements.

Labor Protection

RIPTA certifies that it will comply with federal requirements of Section 5333(b), formerly known as 13(c), annually for FTA assisted operating projects. When subrecipients or contractors are selected to operate transit service, the operating agreements will require adherence to applicable 13(c) labor protections.

Civil Rights

RIPTA must comply and ensure compliance by all subrecipients with standard federal civil rights requirements including:

- Title VI of the Civil Rights Act of 1964, as amended,
- The Equal Employment Opportunity (EEO) requirements of Executive Order 11375, and
- FTA's Disadvantaged Business Enterprise (DBE) program requirements.

RIPTA monitors its Title VI, EEO, and DBE programs, and oversees compliance by subrecipients. Reports are prepared and submitted to the Federal Transit Administration.

All subrecipients are required to make assurances of compliance with Title VI, EEO, and DBE regulations to FTA as part of its grant submissions. The appropriate civil rights clauses are included in grantee agreements. The checklist used during grantee reviews includes a section that verifies compliance with Civil Rights issues such as discrimination, employment, complaints, and accessibility of services.

Grant application guidelines list Assurances and requires the applicant to sign a statement acknowledging that the Assurances may be modified and that the applicant complies and reasonable expects to comply with any modifications. Grant applicants are made aware they will be required to sign an Assurance of Compliance with Civil Rights Requirements at the time the written agreement to receive funds is executed.

Should RIPTA receive a Civil Rights lawsuit or complaint it will maintain a file documenting the date received, a summary of the action, and the status of the action. Staff will work with the RIPTA Civil Rights Officer, Legal Counsel, and FTA to make sure all legal requirements have been met in resolving the issue.

Section 504 and ADA

It is RIPTA policy that all FTA-funded vehicles be equipped with wheelchair lifts or ramps and that these vehicles are maintained to ensure that lifts/ramps are in working order. The contracts for providers of RIde service include the requirement that wheelchair lifts be checked daily. Drivers for the 5311 service are trained in operation of the lifts. The RIde brokerage administrative staff performs daily review of manifests for compliance with ADA service requirements and reports to RIPTA on compliance levels. RIPTA also monitors the compliance through its program of vehicle maintenance. The authority's overall maintenance program is operated to provide absolute priority attention to greater service reliability, including wheelchair lifts.

RIPTA must comply and ensure compliance by all subrecipients with federal civil rights requirements including the federal protections for persons with disabilities:

- Section 504 of the Rehabilitation Act of 1973 as amended,
- The Americans with Disabilities Act of 1990, as amended, and
- Code of Federal Regulations Title 49 Parts 37 and 38.

RIPTA submits an Assurance of Nondiscrimination each year to FTA as part of the annual Certifications and Assurances.

Each applicant must include as part of the grant application a description of the services offered. RIPTA requires any provider operating a fixed route system to provide complementary paratransit or other special service that is comparable to the level of service provided to individuals without disabilities using the fixed route system. If the applicant is proposing primarily a fixed route service, the application must explain how the complementary ADA service will be provided and demonstrate the ability to fund the ADA service.

Providers must make provisions for maintaining accessibility features, service animals, service to persons with respirators or portable oxygen, announcements of stops on fixed route service, and any other requirements in 49 CFR Part 37, Subpart G. The plan for the complementary service is reviewed by RIPTA and information will be included in the Annual Program of Projects submitted to FTA.

Each grant agreement contains a section requiring the subrecipient to certify that its demand responsive service offered to individuals who use wheelchairs is, at a minimum, equivalent to the level and quality of service offered to individuals without disabilities. Staff reviews and documents the requirement as part of the site-visit.

RIPTA notifies each grant recipient that RIPTA may be contacted by anyone alleging discrimination in service or employment, including Section 504 and ADA. Any written complaints alleging discrimination will be referred to the RIPTA Civil Rights Officer for investigation.

RIPTA reviews all specifications associated with vehicle purchases to ensure ADA compliance. RIPTA requires all vehicles purchased with FTA funding to be accessible and comply with ADA requirements. Exceptions will be made only when the applicant owns and operates other ADA accessible vehicles with which to provide equivalent services, and can demonstrate that the number of accessible vehicles is sufficient. All facilities should be accessible and any construction or remodeling should meet these standards.

Debarment and Suspension

RIPTA complies with the federal requirements for disclosure for Debarment and Suspension. Each subrecipient is required to certify in the grant agreement that the organization and its principals meet the standards for debarment, suspension, ineligibility, and voluntary exclusions. RIPTA also requires subrecipients to include language in any bids requiring any bidder to disclose whether they have been Debarred or Suspended from doing business with the federal government.

RIPTA will not enter into any third-party contracts or grant agreements with any party included in the US General Services Administration's list of parties excluded from federal procurement or non-procurement programs. Subrecipients that receive more than \$25,000 from RIPTA must certify that they are not debarred or suspended from any Federal Agency

Restrictions on Lobbying

Recipients of federal grants and contracts exceeding \$100,000 must certify compliance with the restriction on lobbying before they can receive funds. Subrecipients are required to submit the appropriate federal forms acknowledging the activity. Subrecipients are required to certify that no federal funds have been or will be paid to any person influencing or attempting to influence any member of Congress, congressional staff or officers, federal agency officers or employees pertaining to federal assistance agreements. All bids for equipment prepared by these subrecipients are required to contain this certification as well.

Subrecipients are responsible for:

1. Signing a certification of compliance pertaining to lobbying activities.
2. Where third party contractors are involved, subrecipients must obtain a certification of compliance from the contractor.

3. If the subrecipient receives more than \$100,000 in federal grants, the subrecipient must complete and submit a Form LLL to RIPTA.
4. If the subrecipient contracts with an outside agency and that contractor received more than \$100,000 in federal funds and used non-federal funds to support lobbying, the subrecipient must obtain a completed Form-LLL from the contractor and submit it to RIPTA.

Charter Rule

RIPTA does not provide charter service. RIPTA includes information about the restrictions on charters in all grant agreements. RIPTA requires all subrecipients to abide by the conditions prohibiting the use of FTA-funded equipment or facilities to provide charter services except under special limited exemptions as outlined in 49 CFR Part 604, available from the electronic Code of Federal Regulations at ecfr.gpoaccess.gov. RIPTA reviews subrecipient records to verify no noncompliant charter activity has occurred and submits the charter bus agreement and assurance on behalf of subrecipients as part of the annual FTA Certifications and Assurances.

School Transportation Prohibition

Section 5323(f) of the Federal Transit Act places limits on school bus services that may be provided by federally funded transportation operators. Subrecipients are restricted from using FTA funds or equipment to provide exclusive school busing operations. Subrecipients agree to abide by the conditions prohibiting use of FTA funded buses, facilities, or equipment to engage in school bus operations for the exclusive transportation of school students, personnel, and equipment. The only exception to this general prohibition is if the service being provided is considered to be tripper service, which is defined as regularly scheduled mass transportation service which is open to the public and which is designed or modified to accommodate the needs of school students and personnel, using various fare collection or subsidy systems. For service to qualify as tripper service:

- Buses must be clearly marked as open to the public;
- Buses may stop only at regularly scheduled stops; and
- Trips must be listed as part of regular route service as indicated in published route schedules.

Drug And Alcohol Program/Drug Free Workplace

RIPTA has adopted a Drug-Free Work Place Policy and training program. Subrecipients and subcontractors are also required to comply with federal drug and alcohol requirements. RIPTA annually certifies compliance with the Federal Drug-Free Work Place Requirements to FTA. Notices have been published and posted notifying employees of the requirements of the Drug-Free Workplace Act. All subrecipients are required to adopt and enforce a board-approved Drug Free Work Place Policy. RIPTA's Drug and Alcohol Coordinator, in the Employee Relations Department, monitors compliance of its subrecipients per the FTA Drug and Alcohol Testing regulations in 49 CFR Parts 40 and 655.

DRUG AND ALCOHOL MISUSE TESTING

All FTA funding subrecipients are required to adopt compliant drug and alcohol testing program policies and process that are approved by its board. RIPTA will maintain current copies of each subrecipient's board approved Drug and Alcohol Policies and Procedures and will review each provider annually to monitor for changes to policies or practices. Testing is required in the following situations:

- Pre-employment (for drugs only);
- Reasonable suspicion;
- Post-accident; Random;
- Return to duty; and
- Follow-up.

In addition, transit systems may perform blind sample testing for their drug-testing program as a quality assurance measure for the testing laboratory being used. Employees affected by these regulations are those who perform "safety sensitive" functions within the transit agency including operators of revenue vehicles, CDL holders operating non-revenue vehicles, and mechanics maintaining revenue vehicles or equipment used in revenue service. RIPTA will monitor drug and alcohol testing programs to verify all safety sensitive personnel are involved in the program and that contractors meet FTA requirements.

Procurement

RIPTA will ensure that all procurement complies with FTA standards in FTA Circular 4220.1F. RIPTA reviews all bid documents and specifications for compliance. Subrecipients must acknowledge FTA regulations and procedures when they sign the grant agreement. Subrecipients under FTA programs procure equipment and services with RIPTA oversight and according to state procurement standards. RIPTA's Purchasing Department also reviews the consultation agreements to ensure overall state and U.S. DOT requirements are met. RIPTA will assist and review all bid documents, providing technical assistance and oversight at each step to ensure purchases are made competitively, that the required language is included in the bid documents, and the bid process is in compliance with federal procurement policies. If a subrecipient is not equipped to handle a compliant procurement, RIPTA may elect to run the procurement itself on behalf of the subrecipient.

Subrecipients that are public entities will follow the requirements called the Common Rule (CFR Part 18), plus will comply with the following requirements:

- Provide for full and open competition
- Exclude the use of in-state or local geographic preference
- Do not enter into any contract for rolling stock with a period of performance exceeding five years, exclusive of options, without FTA approval
- Ensure that purchase orders and contracts executed using federal funds include all required clauses

- Use competitive procurement procedures when contracting for architectural and engineering services.

Circular 4220.1F applies to all subrecipients that are nonprofit agencies and that contract with outside sources under FTA assistance programs. Additional requirements for the state and all subrecipients include:

- Maintain a written code of conduct governing the employees who engage in the award and administration of contracts
- Have written selection procedures
- Use the appropriate method of procurement
- Ensure the most economic and efficient purchase
- Develop an independent cost estimate
- Make awards only to responsible contractors who will perform the project under the defined terms and conditions
- Use competitive selection processes
- Conduct and document a price analysis for each procurement
- Have written protest procedures
- Maintain contract administration
- Maintain a complete record of procurement history

Subrecipients may elect to purchase vehicles independently while staying in compliance with RIPTA oversight of the grantee capital purchase process. Subrecipients are required to include a “Buy America” provision and certification with their bidding documents for vehicles. Additional details of federal procurement requirements are in FTA’s Best Practices Procurement Manual.

RIPTA has prepared a checklist to assure compliance with FTA’s pre-award audit requirements. The checklist addresses “Buy America”, Federal Motor Vehicle Safety Standards, Bus Testing, and the grantees own specifications. Subrecipients are required to verify certified information on the checklist during the visit at the manufacturer’s factory. RIPTA has a checklist for the grantee’s use in the post-delivery inspection of all vehicles. A copy of the completed checklists must be included with the request for reimbursement.

Subrecipients can find the most current list of Disadvantaged Business Enterprises (DBEs) on the State of Rhode Island website at www.mbe.ri.gov. All procurements must be conducted to provide full and open competition to any firm choosing to register with the state.

RIPTA has an ongoing process to assure quality control. Some of the steps in the process are:

1. Specifications developed or reviewed by RIPTA’s Maintenance Department
2. Evaluation of bids by Maintenance, Operations, and Procurement sections of RIPTA
3. A pre-bid conference
4. Award of the contract to the lowest responsive bidder

5. A pre-production meeting at the assembly plant
6. On-line inspections at the assembly plant
7. Vehicle road tests at the factory
8. Inspection of the vehicles using a checklist before final acceptance, and
9. Placement of vehicles into service only after final acceptance.

DISADVANTAGED BUSINESS ENTERPRISE (DBE)

RIPTA submits goals for utilization of DBEs on a triennial basis. RIPTA monitors the use of DBE firms and submits semiannual reports to FTA. RIPTA encourages the use of DBE firms whenever possible within the restrictions of existing purchasing requirements and purchasing contracts. RIPTA encourages subrecipients to use DBE firms whenever possible. The State maintains a list of firms recognized as DBE firms, which is available to the public on the State of Rhode Island website at www.mbe.ri.gov. Subrecipients are required to semi-annually report purchases made from DBE vendors or provide a report of their Good Faith efforts to locate and purchase from DBE vendors.

BUY AMERICA

RIPTA requires subrecipients to comply with Buy America requirements when the purchase price of vehicles exceeds \$100,000. Specific language is contained in the grant agreement and in the certifications and assurances acknowledged by the subrecipient.

A checklist is provided for the applicant to follow which includes information to be included in the Request for Bids and in the Contract. RIPTA reviews each step of the procurement process and all associated documents to ensure the subrecipient complies with the Buy America provisions when required. Should the purchase of a vehicle fall below the small purchase threshold, the subrecipient is required to complete a certification stating the procurement is exempt from the requirement.

Satisfactory Continuing Control

Capital management is an important aspect of public transit since it affects the safety, marketability, and financial integrity of the transit system. When capital equipment or facilities are acquired, built, or improved, provisions will be made to assure satisfactory continuing control of the capital equipment and facilities. Subrecipients of federal dollars administered by RIPTA are required to certify that any property purchased with those funds is used for public transportation services as described in the grant application for the useful life of the equipment or facility.

All property acquired using federal funds shall be utilized and disposed of in accordance with the applicable FTA program circular, FTA Circular 5010.1D , Grants Management (as amended), and 49 CFR 18 Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

MANAGEMENT AND DISPOSITION OF CAPITAL PROPERTY & EQUIPMENT

RIPTA retains title to all real property and capital equipment, including vehicles, purchased with federal assistance. RIPTA ensures that all facilities and equipment are used in transit service and in accordance with state laws and procedures

RIPTA has procedures for disposing of federally funded capital property and equipment. When a federally funded property can no longer be used for transit operations, RIPTA's Maintenance Department requests a disposal form from Procurement; Procurement then checks with the Finance Department to see if the equipment has met its useful life. Procurement advertises for bids and sells to the highest bidder, usually for scrap value. The Procurement and Planning Departments coordinate to notify FTA about proposed vehicle dispositions.

Vehicle Use

Vehicles must be used primarily to provide transportation to targeted population set forth in FTA Circulars. Targeted populations are the general public under Section 5311 programs, primarily to provide transportation primarily to the elderly or persons with disabilities under the Section 5310 program, low-income individuals accessing job related service or providing a reverse commute service under Section 5316, and people with disabilities under Section 5317. Subrecipients may also use the vehicles to perform other eligible activities while serving to the general public or client populations or persons with disabilities in the community. RIPTA encourages subrecipients to coordinate with others in the area to receive the most efficient use of the vehicle within the federal rules.

RIPTA does not currently have minimum use requirements for vehicles. RIPTA does monitor the monthly use of the vehicles and discusses the use of the vehicle during the vehicle inspection. RIPTA will contact the subrecipient if the vehicle is not being used, or has been used improperly.

In order to comply with Rhode Island State Law, RIPTA requires subrecipients to furnish public liability and property damage insurance and to keep such insurance in force at all times. Such public liability insurance will provide for a minimum limit of not less than \$500,000 for damages from bodily injury or death and will name RIPTA as an additional named insured.

RIPTA requires that all drivers at a minimum meet appropriate licensure requirements, have an appropriate Driver's License or Commercial Driver's License (CDL), and successfully completed courses for defensive driving, passenger assistance, and sensitivity training (PASS). Subrecipients must maintain a driver's file and make records available to RIPTA and FTA upon request. Mechanics driving vehicles designed to carry more than 15 persons are also required to have a CDL, and subject to Drug and Alcohol testing requirements.

Maintenance

RIPTA requires all subrecipients to have written maintenance plans for all vehicles purchased that meet or exceed the manufacturer's recommended maintenance schedule. Subrecipients

must certify that the equipment or vehicles are maintained in accordance with detailed maintenance and inspection schedules as provided by the manufacturer. RIPTA Staff reviews vehicle maintenance records, and reserves the right to take possession of any vehicles for which RIPTA still holds title that is not maintained according to these standards.

Disposition

Before the end of the useful life, should a vehicle be damaged to the extent it can no longer be used, RIPTA will receive the insurance proceeds. If the subrecipient purchases a replacement vehicle, the proceeds will be forwarded to them upon receipt of evidence the replacement has been received, paid for, and legal ownership is vested in RIPTA. If the damaged vehicle is not replaced, RIPTA would retain the federal share of the equipment based on the value of the vehicle before the accident and remit the local share to the Subrecipient. Any federal share retained by RIPTA would be returned to FTA if required or used to provide transportation for FTA programs.

Construction or Renovation of Facilities

Subrecipients undertaking construction or renovation of facilities using FTA program funding are required to meet all applicable Americans with Disabilities Act and environmental requirements. Only §5317 New Freedom Program funds may be used for facilities.

RIPTA requests copies of the plans and will review them with Staff, State representatives, and impacted Local Officials to ensure compliance. The responsibility for the design of the project rests with the subrecipient and RIPTA may approve the project as long as local agreements and respective federal requirements are met. Title to the property is vested in the subrecipient. RIPTA will monitor the use of the facility to ensure it is used for the purpose originally intended and authorized. RIPTA may choose to consult the relevant RI State Departments (Transportation, Environmental Management, ADA) to review or prepare independent appraisals and associated activities.

Most projects and activities do not normally involve significant environmental impacts. Planning activities, technical studies, preliminary design work, program administration, operating assistance, and transit vehicle purchases have been determined to have minimal or no environmental impacts and require no environmental documentation.

Other Policies

When using Federal Transit Administration funding, all subrecipients must comply with FTA's operational procedures that are used for performance of its grants. The areas of coverage include, but are not limited to, Title VI, environmental review, procurement, public notification, and services for persons with disabilities. RIPTA will notify subrecipients of these requirements on a project by project basis.