

Subrecipient Compliance Workshop 2019

Presented by:

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(MoDOT) - Multimodal Operations

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Welcome

- Introduce MoDOT's subrecipient compliance program
- Explain the process
- Highlight key requirements/areas of potential deficiencies
- Answer your questions



MoDOT Introduction

- MoDOT Staff & Contact Information
MoTransit@modot.mo.gov
 - Joni Roeseler – Administrator of Transit
 - Bryan Heckman – 5311 Program Manager / State Operating Assistance
 - Enjoli Dixon – 5310 Program Manager / MEHTAP
 - Janette Vomund – 5304, 5309 Program Manager / State Operating Assistance
- Changes to MoDOT's Program
 - FTA Transit Asset Management (TAM) Plan Reporting (5311 Program)
 - Facility Condition Assessment
- MoDOT Disadvantaged Business Enterprise (DBE) Program



Federal Transit Administration (FTA) & MoDOT Reporting Requirements

- Title VI Plan – Update every 3 years, submit to MoDOT for review
- Title VI Survey – Annual Report to MoDOT
- Vehicle Inventory/Mileage – Annual Report to MoDOT
- Vehicle Insurance Certification – Annual Report to MoDOT



FTA & MoDOT Reporting Requirements – 5311 Program

- Americans with Disabilities Act (ADA) – Annual Certification of Equivalent Service
 - Systems with non-accessible vehicles
- DBE Program – Semi-annual Report to MoDOT due by May 15 and November 15.
 - June 1 and December 1 reporting
- National Transit Database – Annual Report to MoDOT due by September 30.
- November 30 – MoDOT submits Report due to FTA
 - Proper reporting of Revenue Service Hours
 - Proper reporting of Revenue Service Miles
 - Proper reporting of Unlinked Passenger Trips



FTA & MoDOT Reporting Requirements – 5311 Program

- Section 5311 subrecipients are included in the State sponsored TAM Plan approved by FTA in 2018.
- Section 5311 subrecipients must submit their Annual Vehicle Inventory annually as requested by MODOT Transit staff.
- Section 5311 subrecipients must complete a Facility Condition Assessment for MoDOT by upon request.



FTA & MoDOT Reporting Requirements – 5310 Program

- Annual Performance Measure Reporting – Report to MoDOT based on State Fiscal Year ending June 30.
 - Report due to MoDOT by October 31 each year.



Reporting Requirements – Subrecipients under USDOT Drug & Alcohol Requirements

- 5309 & 5311 Programs – Annual Drug and Alcohol Management Information System (DAMIS) Report
 - February 15 report to MoDOT for prior calendar year.
- 5310 Program Subrecipients with 16+ passenger vehicles - Annual DAMIS Report
 - March 15 report to Federal Motor Carrier Safety Administration (FMCSA) for prior calendar year (Do not submit DAMIS to MoDOT).
- January 1, 2018 Drug & Alcohol update
 - USDOT Amendment should have already been adopted into your agency's Drug and Alcohol Policy.



Purpose of the Compliance Review

- Visit you
- Ensure compliance with FTA and MoDOT requirements (MoDOT “stands in FTA’s shoes”)
- Promote good practices
- Provide technical assistance



Process

- Receive a review package via email (5 to 6 weeks ahead of site visit)
- Answer questions in review package
- Assemble requested documents
- Email completed review package and requested documents to reviewer (2 weeks prior to site visit)
- Receive annotated review package via email prior to site visit (approximately 1 week prior to site visit)

Review Package

- Instructions
- Tentative schedule
- Document request list
- Background information
- Questions by review area
- SWOT analysis (5311 only)
- Attendance sheet

Review Areas

	5311	MPOs	5310	5309/5339	MM operating
Legal and Governance	X				
Control Environment	X	X			
Project Management/Grant Administration	X				
Financial Management	X	X			X
Procurement	X	X		X	X
DBE	X	X			X
Personnel	X				
EEO	X	X	X	X	X
Technical Assistance	X		X	X	X
Asset Management	X		X	X	
Service Provision	X		X	X	X
ADA	X		X	X	X
Safety and Security	X				
D&A	X		X	X	
Charter/School	X		X	X	X
Intercity Bus	X				
Service Eligibility	X				
Marketing	X				
Title VI	X	X	X	X	X
Planning and Coordination	X		X	X	X



Site Visit

- Lasts ½ to 1 ½ days
- Open with an entrance conference
- Discuss commented answers
- Review
 - Back-up documentation for monthly reimbursement requests
 - Procurement files
 - Maintenance records
 - Training records
 - Drug and alcohol testing records

Site Visit

- Inspect a vehicle or two
- Tour/inspect facility
- Close with an exit conference/SWOT analysis (5311 only)
- Receive MoDOT's report
- Implement corrective actions
- Consider recommendations
- Receive close-out letter/notification

Reviews Conducted by Year & Program

<u>Program</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
5309	4	3	2	1
5310/5317	58	58	55	66
5311	<u>13</u>	<u>15</u>	<u>10</u>	<u>11</u>
Total	75	76	67	78

Review Results to Date

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
No deficiencies	15	12	14	40
1-3 deficiencies	39	48	43	24
4-6 deficiencies	13	13	7	10
7+ deficiencies	<u>8</u> 75	<u>3</u> 76	<u>3</u> 67	<u>4</u> 78

Review Results to Date (Percentage)

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
No deficiencies	20%	16%	21%	51%
1-3 deficiencies	52%	63%	65%	31%
4-6 deficiencies	17%	17%	10%	13%
7+ deficiencies	<u>11%</u>	<u>4%</u>	<u>4%</u>	<u>5%</u>
	100%	100%	100%	100%

Service Provision

- Subrecipients should have effective procedures for ensuring that quality service is delivered to the public.
- A comprehensive training program is a key component of a quality assurance program.

Service Provision

- Subrecipients that provide public transit services should collect and use financial and operating data to monitor the effectiveness and efficiency of their transit operations. Key financial and operating data should be reported to the Board.

Service Provision

Topic	5309/5311	5310
Transportation management	Q. 1	Q. 1
Annual reports	Prog. Mgmt.	Q. 2
Transportation policies	Q. 2	Qs. 3-4
Driver qualifications	Safety	Qs. 5-7
Driver training	Qs. 3-7	Qs. 8-11
Service Policy/Driver Handbook	Q.8	
Scheduling/Fares	Qs. 9-15	
Operational information	Qs. 16-19	
Passenger Behavior policy/Complaints	Qs. 20-25	
Cell phone/texting policy	Safety	Q. 12
Lobbying	Legal	Qs. 13-14



Service Provision

Document request

- Organization chart
- Service/transportation policy
- Operator manual/driver training materials
- Rider's Guide (non-5310s)
- Passenger Behavior policy (non-5310s)
- No-show policy (non-5310s)
- Suspension/appeals policy (non-5310s)
- Complaint resolution procedures (non-5310s)

Asset Management

Subrecipients must use FTA-funded equipment and facilities to provide public transportation.



Asset Management

- Subrecipients must obtain written permission for the incidental use of FTA-funded equipment and facilities.
- Subrecipients must maintain FTA-funded equipment and facilities at a high level of cleanliness, safety, and mechanical soundness in accordance with the manufacturers' minimum requirements.

Asset Management

- Section 5311 subrecipients must develop a Transit Asset Management Plan (TAM) or be included in the State sponsored group TAM.
- Section 5311 subrecipients must complete a Facility Condition Assessment for MoDOT.

Asset Management

Topic	5311	5310/5309
Authorized use	Q. 1	
Equipment	Qs. 2-3	Qs. 1-2
Insurance	Q. 4	Q.3
Spare ratio	Qs. 5-10	
Vehicle mix	Q. 11	
Leased vehicles	Q. 12	Q. 4

Asset Management

Topic	5311	5310/5309
Vehicle maintenance plan/procedure	Qs. 13-14	Qs. 5-8
Vehicle maintenance scheduling/timeliness	Qs. 15-21	Qs. 9-11
Pre-trip inspections	Qs. 22-28	Qs. 12-17
Inoperative equipment/Lifts & ramps/Emergency exits	Qs. 29-30	Qs. 18-20
Vehicle cleanliness	Q. 31	Qs. 21-22
Warranty program & recalls	Qs. 32-35	Qs. 23-26
TAM Plan - Accountable Executive	Q. 36	
Facility Management & Maintenance	Qs.37-51	

Asset Management

Document request

- Approval of incidental use (if applicable)
- Proof of insurance
- Vehicle maintenance plan (recommended by MoDOT)
- Pre-trip inspection checklist
- Facility maintenance plan (required by FTA & MoDOT)
- Facility Condition Assessment (State TAM Plan – required for 5311 subrecipients)



Asset Management

Records review

- Maintenance records for MoDOT-funded vehicles & facilities.

Americans with Disabilities Act

Titles II and III of the Americans with Disabilities Act of 1990 (ADA) provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service.



Americans with Disabilities Act

Topic	5309/5311	5310
Type of service	Q. 1	
Complaints	Q. 2	Q. 1
Facilities	Qs. 3-4	
Equivalent service	Q. 5	Q. 2
Accessible communications	Q. 6	
Reasonable modification	Q. 7	
Wheelchair, lift & ramp policies	Qs. 8-16	Qs. 3-5
Service animals	Q. 17	
Portable respirators/oxygen	Q. 18	
Boarding and alighting time	Q. 19	
Driver policies, training, and oversight	Qs. 20-23	
Route Deviation/Fixed Route Services	Qs. 24-28	



Charter Service

Subrecipients are prohibited from using FTA-equipment and facilities to provide charter service except in accordance with allowable exemptions or exceptions.



Charter Service

Questions

- Program purposes *[Question 1]*
- Charter service provided *[Questions 2-4]*
 - Special community events?
- Reporting *[Questions 5-6]*
- Complaints *[Question 7]*

Records review

- Charter records

School Bus

Subrecipients are prohibited from providing exclusive school bus service unless the service qualifies under an allowable exemption and is approved by the FTA Administrator. In no case can FTA-funded equipment or facilities be used to provide exclusive school bus service.



School Bus

Questions

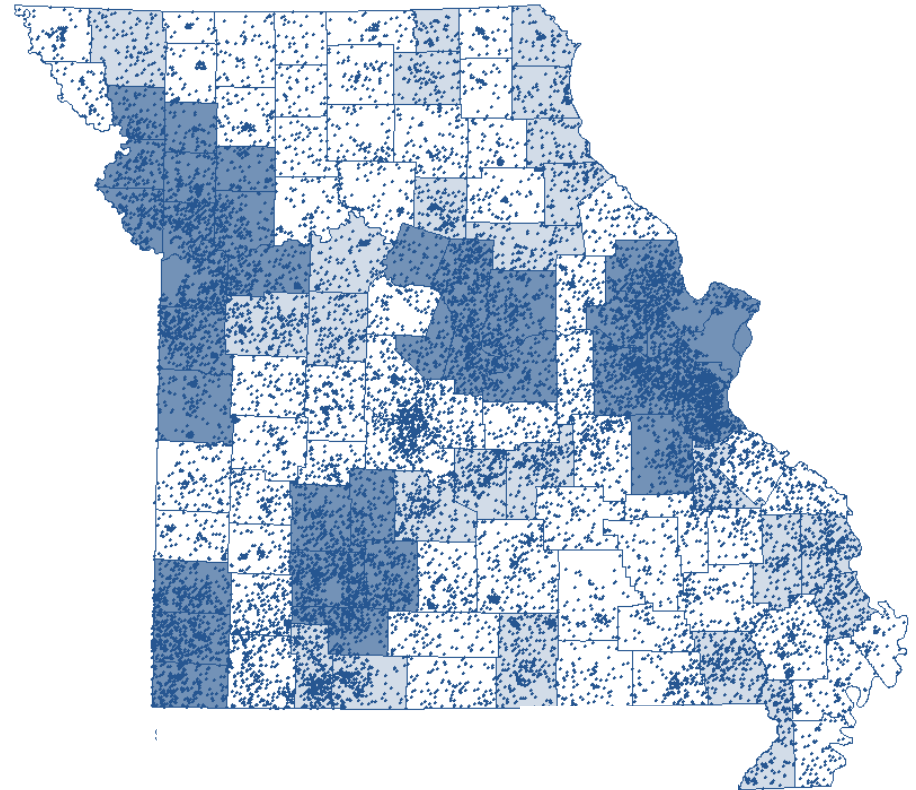
- Exclusive school bus service *[Question 1]*
- Tripper service *[Question 2]*

Records review

- Website
- Tripper service materials

Title VI

Subrecipients must not discriminate on the grounds of race, color or national origin in the delivery of services to the public.



Title VI

Topic	5309/5311	5310
Services and amenities	Q. 1	
Public notice	Q. 2	Q. 1
Complaints	Q. 3	Q. 2
Language assistance	Qs. 4-5	Qs. 3-4

Title VI Notice to the Public

- **Notice to the Public** must include:
 - Notifying the Public of Rights under Title VI
 - How to obtain additional information on your rights under Title VI
 - How to file a complaint
 - Information on Title VI obligations and complaint procedures will be translated as needed
- Display the **Notice to the Public** in public areas of the facility, post on website



Equal Employment Opportunity

Subrecipients may not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, age, or physical or mental disability. Subrecipients must post in conspicuous and accessible places and make available to employees and applicants for employment notices setting forth an equal employment opportunity (EEO) policy.



Equal Employment Opportunity

Topic	5311	Others
EEO plans	Q. 1	
EEO officer	Q. 2	Q. 1
EEO statement/policy	Qs. 3-6	Qs. 2-5
Reasonable accommodation	Q. 7	Q. 6
Complaints	Q. 8	Q. 7

Equal Employment Opportunity

Document request

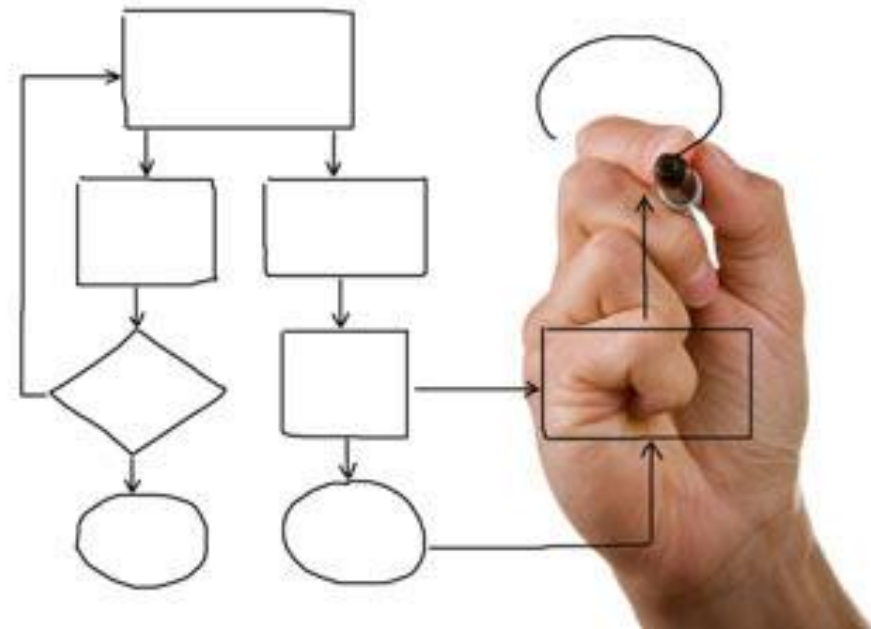
- EEO policy statement
- Sample job application
- Sample job posting
- Sample job advertisement

Records review

- EEO posting

Planning and Coordination

Subrecipients must incorporate planning activities in the administration of their grants. Subrecipients must coordinate to the maximum extent feasible with other federally-assisted transportation programs.



Planning and Coordination

Topic	5311s	Other Providers
Future service plans	Qs. 1-2	
Ridership trends, NTD reporting	Qs. 3-4	
Coordination	Qs. 5-7	Qs. 1-2

Planning and Coordination

Document request

- Transit planning studies (5311s)

Drug and Alcohol Program (5310)

Section 5310 subrecipients with vehicles large enough to require a CDL driver must have a drug and alcohol-testing program in place for all safety-sensitive employees.

The program must meet the requirements of the USDOT's Federal Motor Carrier Safety Administration (FMCSA), 49 CFR Part 382.



Drug and Alcohol Program (Others)

Section 5309/5339 and 5311 subrecipients and their contractors must have a drug and alcohol-testing program in place for all safety-sensitive employees. The program must meet the requirements of the USDOT's Federal Transit Administration (FTA), 49 CFR Part 655.



Drug and Alcohol Program (Others)

Maintenance contractors for providers in nonurbanized and small urbanized areas are not required to have a drug and alcohol-testing program.



Drug and Alcohol Program

- Drug and Alcohol Program Manager (DAPM) *[Question 1]*
- Program vendors/Third Party Administrator (TPA) *[Questions 2-8]*
- Policy contents *[Question 9]*

Drug and Alcohol Program

- Program implementation *[Questions 10-13]*
 - Proper procedures – 49 CFR Part 40 *[Question 10]*
 - Testing circumstances *[Question 11]*
 - Substances tested for *[Question 12]*
 - Previous USDOT-regulated employers' records *[Question 13]*

Drug and Alcohol Program

- Program implementation [*Questions 14-19*]
 - Random testing [*Questions 14-15*]
 - Collection site [*Question 16*]
 - MIS Reports [*Question 17*]
 - Post-accident testing [*Question 18*]
 - Custody and control [*Question 19*]

Drug and Alcohol Program

- Records *[Questions 20-25]*
- SAP referrals *[Question 26]*
- Training *[Questions 27-28]*

Drug and Alcohol Program

Document request

- Contract with TPA
- Certificates/qualifications of D&A professionals
- Drug and Alcohol Policy, including 1/1/2018 Updates
- Applicant prior employer release form
- Prior employer information request form
- MIS reports for past three years
- Post-accident form

Drug and Alcohol Program

Records review

- Testing records (Custody & Control Forms) for past year
- Training records
- Mock collection (if applicable)

Legal and Governance

Subrecipients must have the legal capacity to receive FTA and State grants. They must have a designated body legally responsible for the organization. The Board should meet regularly, conduct business in an open and transparent manner, set policy and goals and objectives, advise transit management, and not involve itself in day-to-day operations.



Legal and Governance

- Designated legal body *[Questions 1-2]*
- Non-profits/transit authorities *[Questions 3-10]*
- Legal matters *[Question 11-12]*
- Board reports *[Questions 13-14]*
- Narrative history *[Question 15]*
- Transit advisory committees *[Question 16]*
- Lobbying *[Questions 17-18]*

Legal and Governance

Document request

- Organization chart
- Articles of incorporation (*non-profits only*)
- Bylaws (*non-profits only*)
- Sample Board minutes (*non-profits only*)
- Board policy manual (*non-profits only*)
- Sample Board financial report
- Narrative history

Control Environment

Office of Management and Budget 2 CFR Part 200 states, “consideration should be given to the control environment over Federal programs and such factors as the expectation of management’s adherence to Federal statutes, regulations, and the terms and conditions of Federal awards and the competence and experience of personnel who administer the Federal programs.”



Control Environment

Questions

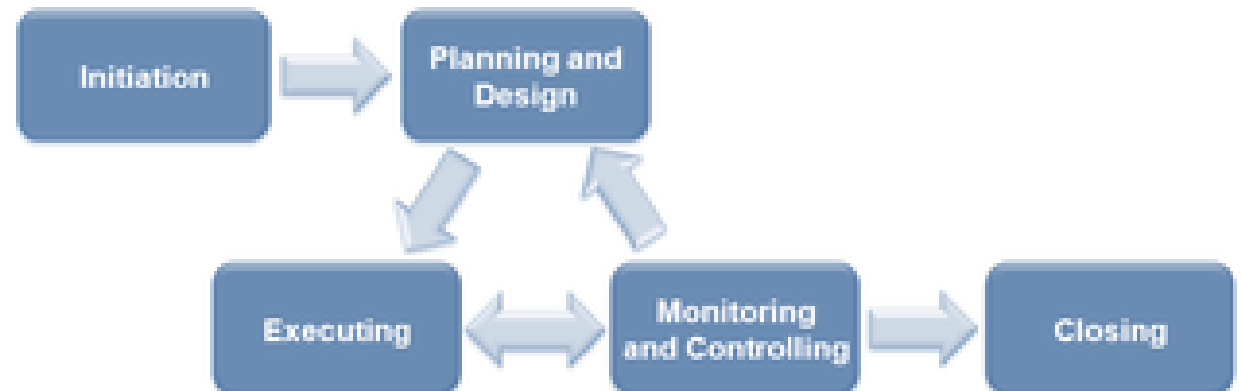
- Integrity, Internal Controls [*Questions 1-2*]
- Legal requirements [*Question 3*]
- Conflict of Interest Policy [*Question 4*]
- Protection of Assets [*Questions 5-10*]

Document request

- Conflict of interest policy/code of conduct

Project Management/Grant Administration

Subrecipients must have the technical capacity to implement projects, manage grants, and comply with FTA and State requirements. To demonstrate technical capacity, subrecipients must have an adequate number of staff; maintain adequate documentation of key policies; and submit timely, accurate, and complete quarterly reports.



Project Management/Grant Administration

- Staffing *[Questions 1-3]*
- Training *[Questions 4-5]*
- Data *[Question 6]*
- Procedures *[Question 7]*
- Progress reporting *[Questions 8-9]*
- Management steps *[Question 10]*

Project Management/Grant Administration

- Business continuity plan *[Question 11]*
- Document control and retention *[Question 12]*
- Labor warranty complaints *[Question 13]*
- Construction management *[Question 14]*

Project Management/Grant Administration

Document request

- Business continuity plan
- Document control and retention procedures

Financial Management

Subrecipients must have sufficient local resources to provide the required match and carry out the proposed project. Subrecipients must also have the financial management systems to account for and report on FTA and State assistance. Subrecipients must practice sound financial management practices.



Financial Management

- Financial capacity/in-kind match [*Questions 1-5*]
- Accounting systems & policies [*Questions 6-10*]
- Grant accounting [*Questions 11-14*]
- Audits [*Questions 15-17*]
- Overhead/cost allocation [*Questions 18-19*]
- Budget controls [*Questions 20-26*]

Financial Management

- Cash management *[Questions 27-34]*
- Fares & passes *[Questions 35-39]*
- Accounts payable *[Questions 40-55]*
- Credit/debit cards *[Question 56]*
- Payroll *[Questions 57-64]*
- Insurance *[Questions 65-67]*

Financial Management

Document request

- Accounting policies and procedures manual
- Single audit
- Cost allocation plan
- Fare collection procedures
- Credit card policy

Records review

- Back-up documentation for a monthly reimbursement request

Procurement

All subrecipients must comply with the relevant provisions of 2 CFR 200 and FTA Circular 4220.1F. Subrecipients are prohibited from contracting for goods and services from individuals or organizations that have been suspended or debarred from receiving federally assisted contracts.



Procurement

FTA Circular 4220.1F will be updated to incorporate the provisions of 2 CFR 200 (the “Super Circular”). Until the update is issued, when there is a conflict between FTA Circular 4220.1F and 2 CFR 200, 2 CFR 200 controls.



Procurement

- Procurement officer *[Question 1]*
- Written procedures *[Questions 2-3]*
- Code of conduct *[Questions 4-5]*
- Methods and approvals *[Questions 6-7]*
- Responsibility determination *[Question 8]*
- Protests/disputes *[Question 9]*
- Non-competitive awards *[Question 10]*
- Procurement history *[Question 11]*
- Revenue contracts *[Question 12]*

Procurement

- Records retention [*Question 13*]
- Recent purchases [*Questions 14-16*]
- FTA clauses [*Question 17*]
- Suspended/debarred bidders [*Questions 18-19*]
- Transportation services contracts [*Question 20*]

Procurement Checklist

Item	Yes	No	NA
Does the file contain an index or checklist of items that it should contain?			
Are materials filed in chronological order?			
Does the file contain an independent cost estimate (ICE)?			
Does the file contain the rationale for the method of procurement and contract type?			
Does the file contain the invitation for bids or the request for proposals?			
Does the file contain the notices and advertisements?			
Does the file include all bids received?			
Does the file document the evaluation and the results of the evaluation?			
If a pre-bidders' conference was held, does the file document the bidders notified of the conference, the date and time of the conference, and the list of the attendees?			
If the procurement was a sole source, single bid, brand name, or award to other than low bidder, does the procurement file contain a justification for the award?			
Do the files contain a cost or price analysis?			
Does the file contain a signed contract?			
Do the files indicate that the subrecipient ensured that goods and services were received?			
Does the file include all contract modifications and amendments?			
Does the file contain copies of all correspondence with the vendor?			
Were there were changes orders, or contract amendments? If yes: <ul style="list-style-type: none"> • Cost justification? Within scope? • Approved by an authorized official? • All documentation with most current amended contract in file? 			

Procurement

Document request

- Procurement policy
- Code of ethics/conduct governing procurements

Records review

- Procurement files

Disadvantaged Business Enterprise

Subrecipients must ensure nondiscrimination in the award and administration of FTA-assisted contracts.

Subrecipients also must create a level playing field on which disadvantaged business enterprises (DBEs) can compete fairly for FTA-assisted contracts. MoDOT provides a searchable database of DBE firms.



Disadvantaged Business Enterprise

- Semi-annual Reports *[Questions 1-2]*
- Good faith efforts *[Question 3]*
- Complaints *[Question 4]*

Semi-annual DBE Reports must be submitted to MoDOT by May 15 and November 15 each year!



Personnel

Subrecipients should have Board-approved, comprehensive personnel policies. Current job descriptions should be on file for every position.



Personnel

- Personnel officer *[Question 1]*
- Personnel policies *[Questions 2-3]*
- Job descriptions *[Questions 4-5]*
- Employee evaluation *[Question 6]*
- Computer/Internet policy *[Question 7]*
- Personal identifying information *[Question 8]*

Personnel

Document request

- Personnel manual
- Job descriptions
- Computer/Internet policy

Safety and Security

FTA and MoDOT endorse the development of effective safety and security programs by subrecipients and their participation in local and regional emergency preparedness planning.



Safety and Security

- Safety/Security Officer *[Question 1]*
- Plans *[Questions 2-3]*
- Driver qualifications *[Question 4]*
- Training files *[Question 5]*
- On-board safety policies *[Questions 6-10]*

Safety and Security

- Severe weather *[Questions 11-13]*
- Accident procedures *[Questions 14-19]*
- Hazard identification *[Question 20]*
- Crime prevention *[Questions 21-23]*
- Emergency response *[Questions 24-26]*

Safety and Security

Records review

- Safety plan
- Security plan
- Emergency preparedness plan

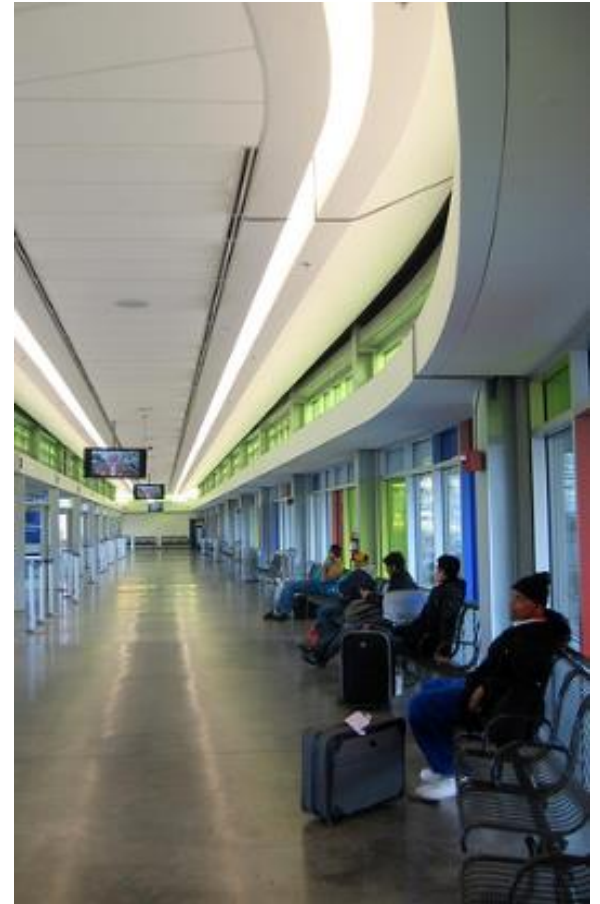
Due to the sensitive nature of these documents, MoDOT **will not** request electronic copies. The documents are to be reviewed on site.



Intercity Bus (Sec. 5311 only)

Section 5311(f) funds are used to support intercity bus service in nonurbanized areas.

Subrecipients are encouraged to provide meaningful connections to the national intercity bus network.



Service Eligibility

Section 5311 funds can be used for public transportation projects and intercity bus projects in nonurbanized areas or to connect nonurbanized areas to an urbanized area.



Service Eligibility

- Contract services *[Question 1]*
- Trip ranking *[Question 2]*
- Transit identity *[Questions 3-6]*
- Rural vs urban service *[Question 7]*
- Incidental services *[Question 8]*

Marketing

Subrecipients that provide **public transportation** should have a marketing program that attracts riders and promotes a positive image to the community. Public information should be attractive, widely distributed, and accessible in various formats.



Marketing

- Marketing plan *[Question 1]*
- Advertising/promotion *[Questions 2-3]*
- Customer awareness *[Questions 4-5]*
- Schedules *[Question 6]*
- Brand/public image *[Questions 7-9]*
- Distribution of materials *[Questions 10-12]*
- Website *[Questions 13-18]*
- Social media *[Question 19]*

Marketing

Document request

- Printed Schedules
- Brochures
- Advertisements
- Website

Technical Assistance

MoDOT administers a program of technical assistance for its subrecipients. The Rural Transportation Assistance Program (RTAP) also has information available.

<https://www.nationalrtap.org/>



SWOT Analysis (5311)

- Strengths
- Weaknesses
- Opportunities
- Threats



Questions

