This document provides transit staff with information needed to evaluate 5310 agency’s adherence to requirements of the Federal Transit Administration.

The agency may choose to perform a self-assessment by marking each checklist item with an “X” if a statement does not reflect a condition in the agency and with an “n/a” if the item does not apply.

Staff from the City of Phoenix Public Transit Department (Oversight Programs Section) is available to discuss the results of the assessment, at the agency’s discretion.

### Review area LEGAL

**BASIC REQUIREMENT**
The grantee/subgrantee must demonstrate the ability to match and manage FTA grant funds, cover cost increases and operating deficits, financially maintain and operate FTA funded facilities and equipment, and conduct and respond to applicable audits.

- □ Does a written document contain the definition and source of the authority of officials acting on the agency's behalf? [FTA Circular 9030.1C, Ch. VI and Appendix F]

### Review area FINANCIAL

**BASIC REQUIREMENT**
The grantee/subgrantee must demonstrate the ability to match and manage FTA grant funds, cover cost increases and operating deficits, financially maintain and operate FTA funded facilities and equipment, and conduct and respond to applicable audits.

Does documentation verify

- □ The agency has or will have the required local match for FTA funded projects?
- □ The agency has or will have sufficient funds to operate and maintain vehicles and equipment purchased with FTA funds?

[FTA Triennial Review Workbook, pp. 2-2 and 2-3]

Does the agency avoid

- □ Using operating assistance to support ineligible activities?
- □ Detracting from public transportation service through the use of incidental service?
- □ Giving preferential treatment to classes of people not required by regulations?

[FTA Triennial Review Workbook, pp. 2-2 and 2-3]
□ Could recent or pending legislation affect local funding sources negatively? If so, will the agency be able to continue to provide local match for Federal funding and maintain FTA funded assets? [FTA Triennial Review Workbook, pp. 2-3 and 2-4]

□ Does the agency use FTA-funded equipment and facilities to support incidental activities? If so, does the use of such assets avoid detracting from the provision of public transportation? [FTA Triennial Review Workbook, pp. 2-3 and 2-4]

□ Does staff only request funds for expenses that are eligible under a given grant? [FTA Triennial Review Workbook, p. 2-9]

□ Does staff ensure that grant costs do not include those for amusement, diversions, social activities, and any directly associated costs such as tickets to shows or sports events, alcoholic beverages, meals, lodging, rentals, transportation, and gratuities? [FAR 31-205.14]

□ Are the agency’s accounting records supported by such source documentation as canceled checks, paid bills, payrolls, time and attendance records, contract and subgrant award documentation, etc.? [49 CFR 18.20(b)(6) and 49 CFR 18.21(d)]

□ Does the agency avoid using legal expenses for prosecution of claims against the federal government? (Such expenses are unallowable.) [OMB Circular A-87, Attachment B, Section 10. (2) b]

**Review area TECHNICAL**

**BASIC REQUIREMENT**
The grantee/subgrantee must be able to implement the Urbanized Area Formula Grant Program of Projects in accordance with the grant application, Master Agreement, and all applicable laws and regulations, using sound management practices.

□ Does the agency’s retention policy for FTA-funded activities adhere to FTA requirements pertaining to records of multi-year projects, equipment, and contracts? [FTA C 5010.1D, Pages III-18 and III-19]

□ Does the agency have a contract administration system to ensure third party contractors comply with the terms, conditions, and specifications of their contracts or purchase orders and applicable Federal, State and local requirements? [FTA Circular 4220.1F, Page III-1]

□ Has staff documented its contract monitoring to assure compliance with applicable Federal requirements and that performance goals are being achieved? [49 CFR 18 (a)]
Review area SATISFACTORY CONTINUING CONTROL

BASIC REQUIREMENT
The grantee/subgrantee must maintain control over real property, facilities, and equipment and ensure that they are used in transit service.

☐ Does staff maintain effective control and accountability for all grants or subgrants, cash, real and personal property, and other assets? [49 CFR 18.20 (b) (3) and FTA Circular 5010.1D, Page VI-1]

☐ Does the agency’s asset control system include procedures to provide reasonable assurance for safeguards to prevent / detect unauthorized acquisition, use, and disposition of the property? Does the system also have maintenance procedures? [49 CFR 18.32]

Do the agency’s records of FTA funded equipment include the following required information:

☐ Description?
☐ I.D. number?
☐ Acquisition date?
☐ Cost?
☐ Federal percentage?
☐ Grant number?
☐ Location?
☐ Use and condition?
☐ Disposition action?
☐ Vested title?
☐ Useful life (for equipment placed in service on or after November 1, 2008)?

[FTA Triennial Review Workbook, p. 4-4]

☐ Do records verify that staff began the life of rolling stock on the date each vehicle is placed in revenue service, and ended each vehicle’s life when it was removed from revenue service? [FTA Circular 5010.1D, Page I-10]

☐ Does the agency have documentation that indicates staff has conducted annual physical inventories of FTA funded assets, and that staff has reconciled the results with equipment records? [FTA C 5010.1D, Pages IV-23, 24]

☐ Does the agency have documentation that indicates it complies with insurance requirements imposed by the State of Arizona, local laws, regulations, and ordinances?
This includes flood insurance provisions for any project activity involving construction or (for) an acquisition having an insurable cost of $10,000 or more.

[FTA Circular 5010.1D, pp. IV-31 and 32]

If the agency made incidental use of real property (and equipment) acquired with FTA funds, then

□ Did staff first obtain written FTA approval to do so?
□ Do lease agreements assure that the agency will maintain continuing control of the property?
□ Do budgets or financial reports verify that any obtained proceeds are used to support the transit program?

[FTA Triennial Review Workbook, p. 4-2]

□ Has the agency notified Phoenix whenever real property was put to additional or substitute uses? [FTA Triennial Review Workbook, p. 4-3]

□ Has staff notified Phoenix whenever withdrawing equipment from project use or applying it to a different use? [FTA Triennial Review Workbook, p. 4-6]

□ If the agency intended to dispose of any FTA funded property (valued greater than $5,000) before the end of service life, did staff first receive prior concurrence from FTA in the method of disposition? [FTA Triennial Review Workbook, p. 4-6]

□ Has the agency reimbursed FTA proportionately for the depreciated value of items that had not yet reached the end of their service life, or for items valued greater than $5,000 that had reached the end of their service life?

□ If not, did the agency obtain FTA approval for retaining the proceeds?

[FTA C 5010.1D, Pages IV-12, IV-15-18, IV-24, 25, IV-28, IV-36, Appendix D]

□ Has agency staff investigated and documented any loss, damage, or theft of FTA funded property? [FTA Triennial Review Workbook, p. 4-5]

□ Has staff applied insurance proceeds for replacing any lost, damaged, or destroyed project property?

□ If not, did the agency return to FTA an amount equal to its remaining interest?

[FTA Triennial Review Workbook, p. 4-6]
Review area MAINTENANCE

BASIC REQUIREMENT
The grantee/subgrantee must keep federally funded equipment and facilities in good operating order and maintain ADA accessibility features.

☐ Does the agency have a written vehicle maintenance plan that:

☐ Addresses the current mix of rolling stock, defines maintenance goals and objectives, and defines the intervals (in miles, hours, or both) between preventive maintenance inspections?

☐ Includes copies of the type of checklists technicians use for scheduled, preventive maintenance?

☐ Includes intervals for engine oil and filter changes, as well as checklists that are consistent with the maximum intervals specified in the engine manufacturer’s maintenance manual?

☐ Addresses maintenance procedures for wheelchair lifts and other accessibility features? [FTA Triennial Review Workbook, p. 5-3]

[FTA C 5010.1D, Pages II-7, IV-24, IV-31; FTA C 9030.1C, Ch. V, Section 5.e]

☐ Does documentation indicate technicians adequately address defects noted on driver vehicle inspection reports? [FMCSR Part 396.11]

☐ Do maintenance records indicate technicians regularly inspect lifts and ramps? [FTA Triennial Review Workbook, p. 5-3]

☐ Do technicians repair any safety items before vehicles returning those vehicles to service? [FMCSR Part 396.11]

☐ Do reports for a preceding 12-month period indicate that at least 80 percent of preventive vehicle inspections have been performed on time (i.e., no more than 20 percent were late)? [FTA Triennial Review Workbook, Page 5-3]

☐ Does the agency ensure that qualified staff or contracted persons inspect maintenance performed on FTA funded vehicles? [FTA C 5010.1D, Page II-6]

☐ Does the agency have a Warranty Recovery Program for FTA funded vehicles and equipment? Does the program ensure that all eligible work is identified for claim, that all identified claims are processed, and that the amount of each claim processed is accurate? [FTA C 5010.1D, Page IV-24]
Are warranty claims for FTA-funded property/assets calculated using an accurate or supported number of labor hours? [FTA C 5010.1D, Page IV-24]

Review area PROCUREMENT
BASIC REQUIREMENT
FTA grantees/subgrantees use their own procurement procedures that reflect applicable state and local laws and regulations, provided that the process ensures competitive procurement and that the procedures conform to applicable Federal law including 49 CFR Part 18 (specifically Section 18.36) and FTA C 4220.1F, “Third Party Contracting Guidance.”

Does the agency use its own procurement procedures that reflect applicable state and local laws and regulations, provided that the process ensures competitive procurement and that the procedures conform to applicable Federal law? [49 CFR Part 18.36 and FTA C 4220.1F, “Third Party Contracting Guidance”]

Does the agency’s “Procurement Code” or policy/procedures adequately address minimum procurement standards, including:

- Contract administration system?
- Standards of conduct?
- Record of procurement history?
- Protest procedures?

[49 CFR 18 and FTA Circular 4220.1F]

Does the agency have a method for conducting technical evaluations of the proposals received and for selecting awardees? [49 CFR 18.36, (d) (3) (iii)]

Has the agency conducted all procurement transactions in a manner providing full and open competition? [49 CFR Part 18.36 (c) (1)]

Are applicable FTA clauses in federally funded capital and/or operating procurements exceeding the micro-purchase limit as follows:

- No federal government obligations to 3rd parties by use of a disclaimer?
- Program fraud and false or fraudulent statements and related acts?
- Access to Records?
- Federal Changes?
- Civil Rights (EEO, Title VI, and ADA)?
- Termination Provisions (> $10,000)?
☐ Disadvantaged Business Enterprises? [See Review Area #7]
☐ Incorporation of FTA Terms?

☐ Buy America [Rolling Stock, Construction, Materials & Supplies (> $100,000)]? [See Review Area #8]

☐ Debarment and Suspension (> $100,000)? [See Review Area #9]

☐ Provisions for resolution of disputes, breaches, or other litigation (> $100,000)?

☐ Lobbying (> $100,000)? [See Review Area #10]

☐ Clean Air (> $100,000)?

☐ Clean Water (> $100,000)?

☐ Cargo Preference (Rolling Stock, Construction, Materials & Supplies involving property that may be transported by ocean vessel)?

☐ Fly America (Involving foreign transport or travel by air)?

☐ Davis-Bacon Act (only Construction > $2,000)?

☐ Contract Work Hours & Safety Standards Act (Operations/Management or Rolling Stock > $100,000 and Construction > $100,000)?

☐ Bonding (only Construction > $100,000)?

☐ Seismic Safety (A & E and Construction for new buildings and additions)?

☐ Transit Employee Protective Arrangements (only Transit Operations)?

☐ Charter Service Operations (only Operations/Management)?

☐ School Bus Operations (only Operations/Management)?

☐ Drug Use, Alcohol Misuse, and Testing (only Transit Operations)?

☐ Patent Rights (Professional Services/A & E, Research and Development)?

☐ Rights in Data and Copyrights requirements (Professional Services/A & E, R&D)?

☐ Energy Conservation?

☐ Recycled Products (Operations/Management, Construction, and Materials & Supplies: Contracts for items designated by EPA, when procuring $10,000 or more per year)?

☐ ADA Access (for A & E and Construction)?
□ Requirement for TVM Certification (only Rolling Stock) [See Review Area #7]  
□ Federal Motor Vehicle Safety Standards (only Rolling Stock)?

□ Changes clause?

□ Does staff analyze, as early in each process as possible, each planned FTA-funded acquisition to identify and evaluate potential organizational conflicts of interest? [FTA Circular 4220.1F, Page III-1 and Page VI-4 and VI-5]

□ Does staff ensure that all lists of pre-qualified persons, firms, or products that are used in acquiring goods and services are current and include enough sources to ensure full and open competition? Does the agency permit potential bidders or offerors to qualify during the solicitation period (from the issuance of the solicitation to its closing date)? [FTA Triennial Review Workbook, Page 6-5]

□ Does the agency justify the quantities of items it has procured using FTA funds? Do staff always plan to procure enough items – and only enough items – to meet foreseeable requirements? [FTA C 4220.1F, Page V-5 and V-6]

Do procurement files show that agency has documentation on the following items:

□ Evidence of adequate review to avoid unnecessary or duplicative purchases?

□ Rationale for method of procurement?

□ Independent estimate or engineer’s estimate?

□ Statement of work / scope of services?

□ Cost or price analysis (in connection with every procurement action, including contract modification)?

□ Copy of the solicitation and all amendments?

□ Abstract of each offer or quote?

□ Copy of published notices of proposed contract action?

□ Documentation on responsibility determination, that prospective contractor has a satisfactory performance record (per FTA C 4220.1F, Page VI-23 thru Page VI-25)?

□ Factors used to evaluate RFP and resulting documentation by proposal selection committee?

□ Basis / justification for contract price?

□ Reasons for contractor selection or rejection (RFPs only)?
☐ Documents on protests or disputes, and notification to FTA regional office?

☐ Required internal approvals for award; e.g., City Council?

☐ Bid, Performance, Payment, or other bond documents, and notices to sureties?

☐ Notice of award and to proceed to successful offeror?

☐ Notices to unsuccessful quoters of offerors, record of any debriefing (RFPs only)

☐ Contract signed by grantee and offeror?

☐ Documentation of contract monitoring: e.g., discrepancies, meetings, corrective action?

☐ Documentation on stop work, suspension of work, or termination of contract?

☐ Closeout documentation?

☐ Before “piggybacking” another agency’s contract, does the agency have indications that the originating agency had inadvertently acquired contract rights in excess of its needs? [FTA Circular 4220.1F, Page V-6]

☐ Before “piggybacking” another agency’s contract, does the agency receive assigned contract rights, in writing, from an original contract that contains an assignability provision (that permits the assignment of all or a portion of the specified deliverables under the terms originally advertised, competed, evaluated, and awarded, or contains other appropriate assignment provisions)? [FTA Circular 4220.1F, Page V-6]

Does each procurement history file on “piggybacking” contain all appropriate documentation per the following “worksheet”: [FTA BPPM]

☐ Were copies of the contract and the solicitation document on file, including the specifications and any Buy America Pre-award or Post delivery audits?

☐ Did the solicitation and contract contain an express "assignability" clause that provided for the assignment of all or part of the specified deliverables?

☐ Did the contractor submit the "certifications" required by Federal regulations?

☐ Did the contract contain the clauses required by Federal regulations (See BPPM Appendix A1.)?

☐ Were piggybacking quantities included in the original solicitation; i.e., in the original bid and they evaluated as part of the contract award decision?
☐ If any contract was of an indefinite quantity, did the original solicitation and resultant contract contain both a minimum and maximum quantity, and did these represent the reasonably foreseeable needs of the parties to the contract?

☐ If the piggybacking action represented the exercise of an option in the contract, was the option provision still valid at that time?

☐ Did State law allow for procedures used by the original contracting agency: e.g., negotiations vs. sealed bids?

☐ Was a cost or price analysis performed by the original contracting agency documenting the reasonableness of the price, and a copy was in files?

☐ Did the contract term comply with the FTA’s five-year term limit for rolling stock?

☐ Was a proper evaluation in the bids or proposals; was a copy of the analysis in files?

☐ If the agency required changes to the vehicles (deliverables), were they "within the scope" of the contract (See BPPM Section 9.2.1)?

Does documentation indicate that staff conducts a written responsibility determination for each successful contractor [FTA C 4220.1F, Page III-4]; considering such matters as

☐ Contractor integrity?
☐ Compliance with public policy?
☐ Record of past performance?
☐ Financial and technical resources?

[FTA C 4220.1F, Page IV-4]

☐ Does documentation indicate each third party contract exceeding $100,000 includes administrative, contractual, or legal remedies for violations or breach of the contract by the third party contractor? [FTA C 4220.1F, Page IV-12]

☐ Does documentation indicate staff included a copy of the current prevailing wage determination (issued by the US Department of Labor) in each applicable contract solicitation, and conditioned contract award upon the acceptance of that wage determination? [FTA C 4220.1F, VI, Page IV-27]

☐ Does documentation for each micro-purchase indicate a determination the price was fair and reasonable? Does each include a description of how staff made each determination? [FTA C 4220.1F, Page VI-8]

☐ Does staff adhere to FTA requirements for small purchases when the cost of goods or services is valued at more than the micro-purchase threshold of over $3,000? [FTA C 4220.1F, Page VI-7]
If the agency had any FTA-funded sole-source, single bid, or brand name or equal awards during the past three years, do files contain the appropriate justification and/or documentation for such awards? [FTA C 4220.1F, VI, Sec. 3.i (3)]

Upon receiving a single bid or proposal in response to a solicitation, does staff document whether competition was adequate?

This includes a review of the specifications for undue restrictiveness, and might include a survey of potential sources that chose not to submit a bid or proposal.

[FTA Triennial Review Workbook, p. 6-14]

Does documentation indicate staff ensured a cost analysis was performed in each case where no more than a single source was available? [FTA C 4220.1F, Page VI-20]

Do procurement files indicate authorized officials approved each contract change order / modification? [FTA C 4220.1F, VII, Sec. 2.a (1)]

If FTA-funded contracts received any change orders / modifications, does documentation indicate that staff assessed whether each change / modification was within the scope of the contract? [FTA C 4220.1F, IV, Sec. 4]

Has the agency (rightfully) avoided modifying its own contracts after award to include Federal clauses to make them eligible for procuring goods and services with Federal funds? [FTA Frequently Asked Questions, “Modifying Contracts to Include FTA Clauses”]

Does documentation indicate staff exercised options within contractual limits and that staff included cost or price analyses? [FTA C 4220.1F, VI, Sec. 7.b]

Does staff not exercise an option unless it has determined that the option price is better than prices available in the market, or that when it intends to exercise the option, the option is more advantageous? [FTA C 4220.1F, V-4, Sec. 7]

Can staff verify that it reviews contractors' invoices to make sure funds spent on labor and materials for projects was allowable? [Federal audit: reported December 2010]

If the agency used progress payments, did the agency first obtain title of the property or take other measures to protect FTA’s interest? [FTA C 4220.1F, IV, Sec. 2.b (5) (c)]

Does staff have evidence of remedial actions taken against contractors that have not performed per the terms and conditions of their contracts? [FTA Triennial Review Workbook, p. 6-9]
Review area DISADVANTAGED BUSINESS ENTERPRISE (DBE)

**BASIC REQUIREMENT**
The grantee/subgrantee must comply with 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. Grantees/subgrantees also must create a level playing field on which DBEs can compete fairly for DOT-assisted contracts.

- Does staff notify Public Transit’s DBE Liaison Officer about each upcoming FTA-funded project far enough in advance to facilitate DBE participation, as well as consideration for DBE goal? [49 CFR 26.1]

- Does staff document checks of prime contracts and each subcontract the prime contractor signs with to verify inclusion of the Non-Discrimination Assurance? [49 CFR 26.13]

- For each procurement of transit vehicles (e.g., buses, railcars, vans) during the past 3 years, does staff have copies of DBE certifications from each transit vehicle manufacturer that submitted a bid or proposals? [49 CFR 26.49]

- For each procurement where the DBE amount awarded was less than the goal stated in the solicitation, does staff have documentation on contractor’s “good faith” efforts to meet the DBE goal? [49 CFR 26.29]

- For each contract that has an assigned DBE goal, does the agency have a clause in each contract that requires prime contractors to pay subcontractors for satisfactory performance of their contract work within 30 days from receipt of payment for such work? [49 CFR 26.29]

- Does documentation indicate that staff conducted site visits to observe whether DBEs are actually performing the work on contracts? [49 CFR 26.37]

Does staff have written certification of

- Checking payroll records to learn whether employees working on the job were actually employees of the DBE and not the prime contractor?

- Verifying that heavy equipment used on projects was owned or leased by the DBE?


- Does the agency require contractors to obtain prior written consent from authorized staff prior to terminating or substituting a DBE firm after contract award? [FTA Triennial Review Workbook, p. 7-8]
Does staff ensure prompt and full payment of retainage from the prime contractor to subcontractors after the subcontractors’ work is satisfactorily complete? [49 CFR 26.29]

Does staff review prime contractors’ documentation to verify that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation? [49 CFR 26.109]

Does staff keep an updated listing of DBE-related complaints or protests during the past three years and the disposition of such complaints? [FTA Triennial Review Workbook, p. 7-11]

Review area BUY AMERICA
BASIC REQUIREMENT
Federal funds may not be obligated unless steel, iron, and manufactured products used in FTA-funded projects are produced in the United States. Grantees/subgrantees must conduct pre-award and post-delivery audits of purchases of revenue rolling stock to verify that Buy America provisions, Federal Motor Vehicle Safety Standards, and purchaser’s requirements are met.

Do contract documents include a Buy America provision for each procurement of steel, iron, and manufactured products (except products with a waiver or small purchases of $100,000 or less)? [49 CFR 661.6 and 49 CFR 661.13]

Do the agency’s procurement files contain copies of all pre-award audits for each of its purchases of rolling stock over $100,000? [49 CFR 661.11, Appendices B and C, 49 CFR 663.21 and 663.31]

PRE-AWARD BUY AMERICA COMPLIANCE CERTIFICATION
As required by Title 49 of the CFR, Part 663 – Subpart B,
________________________(the recipient) is satisfied that the buses to be purchased, _____________________(number and description of buses) from ______________________(the manufacturer), meet the requirements of Section 165(b)(3) of the Surface Transportation Assistance Act of 1982, as amended. The recipient □ , or its appointed analyst □ ________________
________________________________________

________________________(the analyst – not the manufacturer or its agent), has reviewed documentation provided by the manufacturer, which lists (1) the proposed component and subcomponent parts of the buses identified by manufacturer, country of origin, and cost; and (2) the proposed location of the final assembly point for the buses, including a description of the activities that will take place at the final assembly point and the cost of final assembly.
Date: _____________________

Signature: _____________________ Title: _____________________

PRE-AWARD PURCHASER’S REQUIREMENTS CERTIFICATION

As required by Title 49 of the CFR, Part 663 – Subpart B,

__________ (the recipient) certifies that the buses to be purchased, __________ (number and description of buses) from __________ (the manufacturer), are the same product described in the recipient’s solicitation specification and that the proposed manufacturer is a responsible manufacturer with the capability to produce a bus that meets the specifications.

Date: _____________________

Signature: _____________________ Title: _____________________

PRE-AWARD FMVSS COMPLIANCE CERTIFICATION

As required by Title 49 of the CFR, Part 663 – Subpart D,

__________ (the recipient) certifies that it received, at the pre-award stage, a copy of __________’s (the manufacturer) self-certification information stating that the buses, __________ (number and description of buses), will comply with the relevant Federal Motor Vehicle Safety Standards issued by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Part 571.

Date: _____________________

Signature: _____________________ Title: _____________________

☐ Did staff use an acceptable process to verify the 60 percent domestic content of vehicles, components, and subcomponents prior to awarding the contract? [49 CFR 661.11, Appendices B and C, 49 CFR 663.9, and 663.25]

☐ For orders of over 10 vehicles, was an on-site inspector present throughout the vehicle manufacturing period and did he/she produce a written report on construction activities? [49 CFR 663.37 (a) and (c)]
□ Do procurement files contain copies of all post-delivery audits for each purchase of rolling stock over $100,000? [49 CFR 661.11, Appendices B and C, 49 CFR 663.21 and 663.31]

POST-DELIVERY BUY AMERICA COMPLIANCE CERTIFICATION

As required by Title 49 of the CFR, Part 663 – Subpart C,

__________________________ (the recipient) certifies that it is satisfied that the buses received, ______________________ (number and description of buses) from

__________________________ (the manufacturer), meet the requirements of Section 165(b)(3) of the Surface Transportation Assistance Act of 1982, as amended. The recipient □ , or its appointed analyst □ ____________

______________________________________________________________

(the analyst – not the manufacturer or its agent), has reviewed documentation provided by the manufacturer, which lists (1) the actual component and subcomponent parts of the buses identified by the manufacturer, country of origin, and cost; and (2) the actual location of the final assembly point for the buses, including a description of the activities that took place at the final assembly point and the cost of final assembly.

Date: _____________________
Signature: _____________________Title: _____________________

POST-DELIVERY PURCHASER’S REQUIREMENTS CERTIFICATION

As required by Title 49 of the CFR, Part 663 – Subpart C,

__________________________ (the recipient) certifies that a resident inspector, ____________ (the resident inspector – not an agent or employee of the manufacturer), was at _____________________’s (the manufacturer) manufacturing site during the period of manufacture of the buses, ______________________ (number and description of buses). The inspector monitored manufacturing and completed a report on the manufacture of the buses providing accurate records of all bus construction activities. The report addresses how the construction and operation of the buses fulfill the contract specifications. After reviewing the report, visually inspecting the buses, and road testing the buses, the recipient certifies that the buses meet the contract specifications.

Date: _____________________
Signature: _____________________Title: _____________________
POST-DELIVERY PURCHASER’S REQUIREMENTS CERTIFICATION

As required by Title 49 of the CFR, Part 663 – Subpart C, after visually inspecting and road testing the contract buses, (the recipient) certifies that the buses,

___________________________________________________________
________________________________________________________________
________________________
(number and description of buses) from

__________________________________________________________
_____________________(the manufacturer), meet the contract specifications.

Date: _____________________
Signature: _____________________ Title: _____________________

POST-DELIVERY FMVSS COMPLIANCE CERTIFICATION

As required by Title 49 of the CFR, Part 663 – Subpart D,

__________________________________ (the recipient) certifies that it received, at the post-delivery stage, a copy of _______________'s (the manufacturer) self-certification information stating that the buses, ____________________________________________________________,


Date: _____________________
Signature: _____________________ Title: _____________________

☐ If the agency purchased rolling stock with multiple delivery dates using either options or multi-year procurements, did staff perform and certify a pre-award and post-delivery audit for each group of vehicles before placing the vehicles into service? [49 CFR 663.21 and 663.31]
Review area DEBARMENT AND SUSPENSION

BASIC REQUIREMENT
Debarment and suspension are tools used to protect the public from fraud, waste, and abuse in federal transactions. Grantees/subgrantees must not make any award or permit any award (subgrant or contract) at any tier to any party that is debarred or suspended, or is otherwise excluded from participation in Federal assistance programs.

☐ Does documentation indicate staff checked the GSA's “Excluded Parties Listing System” before entering into any FTA-funded, third-party contracts worth over $25,000? [49 CFR Part 29]

☐ Does documentation show that staff included a contract clause requiring compliance with the Debarment and Suspension requirement in each solicitation that exceeded $25,000? [49 CFR Part 29]

Review area LOBBYING

BASIC REQUIREMENT
Recipients of federal grants and contracts exceeding $100,000 must certify compliance with Restrictions on Lobbying, before they can receive funds.

☐ Has the agency made any payment or agreed to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action? [INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES]

☐ Has staff included the lobbying clause in all FTA funded procurement solicitations exceeding $100,000? [49 CFR Part 20, Appendix A]

☐ Has each contractor and subcontractor in receipt of a federally funded contract exceeding $100,000 signed a lobbying disclosure using a Standard Form LLL? [49 CFR Part 20.110]
Review area TITLE VI
BASIC REQUIREMENT
The grantee/subgrantee must ensure that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participating in, or denied the benefits of, or be subject to discrimination under any program, or activity receiving federal financial assistance. The grantee/subgrantee must ensure that federally supported transit services and related benefits are distributed in an equitable manner.

Does the subrecipient have a Title VI Program with?

- System-wide service standards and system-wide service policies, whether existing or new (i.e., adopted by the subrecipient since the last submission), for each specific fixed-route mode provided?

- A copy of the subrecipient’s Title VI notice to the public (and its location) that indicates the subrecipient complies with Title VI, and informs members of the public of the protections against discrimination afforded by Title VI?

- A copy of the subrecipient’s instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form?

- A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the subrecipient since the time of the last submission?

- A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission?

- A copy of the subrecipient’s plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance?

- For subrecipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the subrecipient, a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils?

- If the subrecipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc., a copy of the Title VI
equity analysis conducted during the planning stage with regard to the location of the facility?

[FTA C 4702.1B, Chap. III-2 and 3]

Has the transit provider developed quantitative standards for all fixed route modes of operation for the indicators listed below?

- Vehicle load expressed, for example, as the ratio of passengers to the total number of seats on a vehicle expressed in terms of peak and off-peak times?
- Vehicle headway expressed, for example, for peak and off-peak service as an increment of time?
- An on-time performance standard with a defined level of performance, expressed as a percentage?
- Service availability as a general measure of the distribution of routes within the transit provider’s service area?

[FTA C 4702.1B, Chap. IV-6]

Has the transit provider developed a policy for each of the following service indicators?

- How amenities (e.g., benches, seats, shelters, signs) are distributed and sited, and the manner transit users have equal access to those amenities?
- The process by which transit vehicles are placed into service in depots and on routes throughout the transit provider’s system?

[FTA C 4702.1B, Chap. IV-6 and 7]

□ Does the subrecipient have a copy of public information on its Title VI obligations, including protections against discrimination? Has staff posted such information on the subrecipient’s Web site; on posters, comment cards, or flyers placed at stations, bus shelters, and in transit vehicles; and in public areas of the subrecipient’s office(s), including the reception desk, meeting rooms, etc.? [FTA C 4702.1B, Chap. III-4]

Do the subrecipient’s public notices include?

□ A statement that the subrecipient operates programs without regard to race, color, and national origin?
□ A description of the procedures that members of the public should follow to request additional information on the subrecipient’s nondiscrimination obligations?

□ A description of the procedures that members of the public should follow to file a discrimination complaint against the subrecipient?

[FTA C 4702.1B, Chap. III-4]

□ Has the subrecipient integrated the content and considerations of Title VI, the Executive Order on LEP, and the DOT LEP Guidance into the established public participation plan or process (i.e., the document that explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the provider’s public participation activities)? [FTA C 4702.1B, Chap. III-5]

□ Has the subrecipient taken reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited-English proficient (LEP)? [FTA C 4702.1B, Chap. III-6]

□ Does the subrecipient use the information obtained in the Four Factor Analysis to determine the specific language services that are appropriate? [FTA C 4702.1B, Chap. III-7]

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the provider?

2. The frequency with which LEP persons come in contact with the program?

3. The nature and importance of the program, activity, or service provided by the provider to people’s lives?

4. Resources available to the provider and costs?

In addition to the number or proportion of LEP persons served, does the subrecipient’s analysis identify, at a minimum?

□ How LEP persons interact with the provider?

□ Identification of LEP communities, and assessing the number or proportion of LEP persons from each language group to determine the appropriate language services for each language group?

□ The literacy skills of LEP populations in their native languages, in order to determine whether translation of documents will be an effective practice?
□ Whether LEP persons are underserved by the provider due to language barriers?

Does the subrecipient’s LEP Plan, at a minimum?

□ Include the results of the Four Factor Analysis, including a description of the LEP population(s) served?

□ Describe how the subrecipient offers assistance services by language?

□ Describe how the subrecipient offers notices to LEP persons about the availability of language assistance?

□ Describe how the subrecipient monitors, evaluates, and updates the language access plan?

□ Describe how the subrecipient trains employees to provide timely and reasonable language assistance to LEP populations?

□ Does the subrecipient have a Title VI complaint form? Are the form and procedure for filing a complaint available on the subrecipient’s website? [FTA C 4702.1B, Chap. III-5]

□ Does the subrecipient notify the public that they may file discrimination complaints directly with the provider? [FTA C 4702.1B, Chap. III-5]

□ Are the subrecipient’s notices detailing a recipient’s Title VI obligations and complaint procedures translated into languages other than English, as needed, and consistent with the DOT LEP Guidance and the recipient’s language assistance plan? [FTA C 4702.1B, Chap. III-4]

□ Has the subrecipient prepared and maintained a list of alleged discrimination on the basis of race, color, or national origin? [FTA C 4702.1B, Chap. III-5]

Does the list include?

□ Active investigations conducted by entities other than FTA?

□ Lawsuits and complaints naming the subrecipient?

□ The date that the investigation, lawsuit, or complaint was filed?

□ A summary of the allegation(s)?

□ The status of the investigation, lawsuit, or complaint?
Actions taken by the subrecipient in response, or final findings related to, the investigation, lawsuit, or complaint?

[FTA C 4702.1B, Chap. III-5]

**Review area AMERICANS WITH DISABILITIES ACT**

**BASIC REQUIREMENT**

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, including complementary paratransit service.

**Service Policy and Provisions**

- Is the policy that requires a child under a certain age to be accompanied by a “responsible person” identical to the policy for a child to be accompanied on fixed route service? [FTA ADA compliance review reports]

Has the agency implemented each of following service provisions per the ADA:

- Are service animals permitted in vehicles and facilities?
- Are animals other than dogs recognized as service animals in the agency’s procedures?
- Are persons with disabilities other than visual impairments allowed to use service animals?
- May a passenger board a fixed route vehicle at any time, with no prior arrangements, with a service animal?
- May persons with mobility devices use lifts/ramps and securement systems?
- May ambulatory persons with disabilities use lifts/ramps?
- Are public information and communications available in accessible formats?
- Are lifts/ramps deployed at all stops as required?
- Is adequate time allowed for persons with disabilities to board/dismount vehicles?
- Do fixed-route providers announce stops at least at transfer points with other fixed routes, other major intersections and destination points, and intervals along a route?

[49 CFR 37.161-167]:

Does ADA service meet each of the following ADA regulatory requirements? [49 CFR 37.123-133]
☐ Is service provided to an ADA eligible individual?

☐ May a Personal Care Attendant (PCA) always ride?

☐ May companion(s) ride (space-available) to same origin and destination?

☐ Is a visitors’ policy established and adhered to properly? (That is, policy states, and the agency’s practices indicate, that the agency will grant visitor eligibility to individuals who are determined ADA paratransit eligible by other public transit systems. Section 37.127(d) of the DOT ADA regulations also requires that visitor eligibility be granted to individuals with disabilities not certified by other public transit systems who claim a qualifying functional limitation.)

☐ Is the type of service (door-to-door, curb-to-curb, other) described?

☐ Does public information indicate that service is available during the same hours and days as fixed-route service (which includes light rail)?

☐ Is the service area within ¼ mile corridors of fixed bus routes and the core area, and consists of a circle with a radius of ¼ a mile around each light rail station?

☐ Is next-day service provided?

☐ Are requests for reservations accepted on a “next day” basis (not 24 hours in advance)?

☐ Are requests for reservations accepted during normal business hours on all days prior to days of service (e.g. weekends, holidays, even if the administrative office is closed)?

☐ Are fares no more than twice the fixed route fare?

☐ Are PCAs not charged for fares?

☐ Are no priorities based on trip purposes? [When a user reserves a trip, the entity will need to know the origin, destination, time of travel, and how many people are traveling. The entity does not need to know why the person is traveling, and should not even ask.]

☐ Is ADA Complementary Paratransit available during the same hours and days as fixed transit routes (including light rail)?

☐ Is subscription service 50 percent or less unless non-subscription capacity is in excess?

Training

☐ Has the agency, or contractor(s) that “stand in the shoes” of the agency, trained employees to appropriate proficiency so that they operate vehicles and equipment safely and properly – that they assist and treat individuals with disabilities in a respectful and courteous way, with appropriate attention to the differences among individuals with disabilities? [49 CFR 37.173]
Maintainance

□ Does documentation indicate supervisors monitor operators to ensure regular and periodic maintenance checks for ramps, as well as for other accessibility features (e.g., kneelers, lifts, public address systems, voice annunciation systems, station elevators, etc.)? [49 CFR 37.161-163]

□ Does the agency have a written policy to provide alternative service to persons with disabilities who are stranded due to service failures? [FTA Triennial Review Workbook, p. 15-8]

□ Does documentation indicate supervisors monitor operators to ensure they report inoperative ramps and lifts? Does the agency take the vehicle out of service before the beginning of the vehicle’s next service day? Does staff ensure that the vehicle returns to service only after the ramp/lift is repaired? [49 CFR 37.163]

If no spare vehicle was available to take the place of a vehicle with an inoperable lift, such that taking the vehicle out of service would reduce the transit service the agency was able to provide…

Then, did the agency keep a vehicle with an inoperable ramp/lift in service for no more than 3 days? [49 CFR 37.163]

Review area NATIONAL TRANSIT DATABASE

BASIC REQUIREMENT
Grantees/subgrantees that receive Section 5307 and 5311 grant funds must collect, record, and report financial and non-financial data in accordance with the Uniform System of Accounts (USOA) and updated with the National Transit Database (NTD) Reporting Manual as required by 49 USC 5335(a).

□ If the agency operated more than 30 vehicles in peak service at any time during a given year, and if it received no waiver from filing a complete NTD report in that year, did staff submit an NTD report? [FTA Triennial Review Workbook, p. 18-2]

□ If the agency staff submitted NTD reports for any of the past three years, has staff resolved all issues from closeout letters? [49 CFR Part 630, NTD Reporting Manual]

□ Does documentation verify that agency staff submitted safety data to the NTD within 30 days of any major incident? [NTD Reporting Manual]
Does documentation verify that agency staff submitted “Safety and Security Monthly Summary Incident” safety data and/or security data to the NTD no later than 30 days after the end of each month (or each quarter, if applicable)? [NTD Reporting Manual]

Review area SAFETY AND SECURITY

BASIC REQUIREMENT
Under the safety authority provisions of the Federal transit laws, the Secretary has the authority to investigate the operations of the grantee/subgrantee for any conditions that appear to create a serious hazard of death or injury, especially to patrons of the transit service.

Any recipients of Urbanized Area Formula Grant Program funds, grantees must annually certify that they are spending at least one percent of such funds for transit security projects or that such expenditures for security systems are not necessary.

FTA and the Department of Homeland Security's (DHS) Transportation Security Administration (TSA) have developed a list of 17 Security and Emergency Management Action Items for Transit Agencies. The action items aim to elevate security readiness throughout the public transportation industry by establishing baseline measures that transit agencies should employ.

The goal of FTA's Safety and Security Program is to achieve the highest practical level of safety and security in all modes of transit. To this end, FTA continuously promotes the awareness of safety and security throughout the transit community by establishing programs to collect and disseminate information on safety/security concepts and practices. In addition, FTA develops guidelines that transit systems can apply in the design of their procedures and by which to compare local actions. Many of the questions in this review area are designed to determine what efforts grantees have made to develop and implement safety, security, and emergency management plans. While there may not be specific requirements associated with all of the questions, grantees are encouraged to implement the plans, procedures, and programs referenced in these questions. For this reason, findings in this area will most often result in advisory comments rather than deficiencies.

Do the agency’s policies address the use of cell phones and other personal electronic devices by safety critical personnel? [FTA Triennial Review Workbook, p. 19-3]

Review area EQUAL EMPLOYMENT OPPORTUNITY

BASIC REQUIREMENT
The grantee/subgrantee must ensure that no person in the United States shall on the grounds of race, color, religion, national origin, sex, age, or disability be excluded from participating in, or denied the benefits of, or be subject to discrimination in employment under any project, program, or activity receiving Federal financial assistance under the Federal transit laws. (Note: EEOC's regulation only identifies/recognizes religion and not creed as one of the protected groups.)

Unless stated otherwise, the following items are required if the agency employs 50 or more transit-related employees, and if the agency received over $1 million in capital or operating assistance or over $250,000 in planning assistance in the previous federal fiscal year.
Has the agency’s “chief executive officer” included a statement in the EEO program indicating that EEO policy affects all employment practices, including selection, promotions, terminations, transfers, layoffs, compensation, training, benefits, and other terms and conditions of employment? [FTA C 4704.1, Chapter III, Section 2a]

Has Public Transit’s Equal Opportunity Specialist indicated the agency’s EEO program / update is acceptable? [FTA C 4704.1, Chapter II, Section 2 and 5; Chapter III]

Has Public Transit’s Equal Opportunity Specialist indicated each EEO program of the agency’s contracted service providers is acceptable? [FTA C 4704.1, Chapter II, Section 2 and 5; Chapter III]

Are copies of the agency’s EEO policy statement in conspicuous locations so that employees, applicants, and the general public are cognizant of the agency’s EEO commitment? [FTA C 4704.1, Chapter III, Section 2a]

Does documentation verify the agency has established formal communication mechanisms to publicize and disseminate the agency's EEO policy, as well as appropriate elements of the EEO program, to its employees, applicants, and the general public? [FTA C 4704.1, Chapter III, Section 2b]

Is an executive appointed as EEO manager and does he/she have staff commensurate with the importance of this program? [FTA C 4704.1, Chapter III, Section 2c]

Has the agency identified its EEO program manager by name in all internal and external communications regarding the agency’s EEO program? [FTA C 4704.1, Chapter III, Section 2c]

Does the agency’s EEO program manager have the following attributes?

- Sensitivity to, and an awareness of, the varied ways in which discrimination occurs?
- Total commitment to EEO program goals and objectives?
- Sufficient knowledge of civil rights precepts, policies, rules, regulations, and guidelines?
- Sufficient authority and ability to work and communicate with others (e.g., department heads) to achieve EEO goals and objectives?

[FTA C 4704.1, Chapter III, Section 2c]:

□
Is it evident that the EEO program manager carries out these responsibilities:

- ☐ Develops and recommends EEO policy, a written EEO program, and internal and external communication procedures?
- ☐ Assists in collecting and analyzing employment data, identifying problem areas, setting goals and timetables, and developing programs to achieve goals?
- ☐ Designs, implements, and monitors internal audit and reporting systems to measure program effectiveness and to determine where progress has been made and where further action is needed?
- ☐ Reports to the CEO on progress of each unit in relation to the agency’s goals?
- ☐ Serves as liaison between the agency, Federal, State, and local governments, regulatory agencies, minority, the disability community, women’s organizations, and other community groups?
- ☐ Assures that current legal information affecting affirmative action is disseminated to responsible officials?
- ☐ Processes employment discrimination complaints?

[FTA C 4704.1, Chapter III, Section 2c]

- ☐ Does documentation indicate that the agency’s EEO program manager concurs on all hires and promotions? [FTA C 4704.1, Chapter III, Section 2c]

What are indications that the agency’s managers carry out the following responsibilities [FTA C 4704.1, Chapter III, Section 2c]:

- ☐ Assist in identifying problem areas, and establishing agency goals and objectives?
- ☐ Interact with local minority organizations, women’s and handicapped groups, community action organizations, and community service programs designed to promote EEO?
- ☐ Participate in periodic audits of all aspects of employment to identify and to remove barriers obstructing the achievement of specified goals and objectives?
Hold regular discussions with other managers, supervisors, and employees to assure the agency’s policies and procedures are being followed?

Review qualifications of all employees to assure that minorities, persons with disabilities, and women receive full opportunities for transfers, promotions, training, salary increases, and other forms of compensation?

Conduct and support career counseling for all employees?

Participate in periodic audits to ensure that each agency unit is in compliance (e.g., EEO posters are properly displayed on all employee bulletin boards)?

Does the agency’s EEO program update contain current information on EEO goals and areas of underutilization? [FTA C 4704.1, Chapter III, Sections 2.d; e; f; and g, Federal Register: December 14, 2005 (Volume 70, Number 239, pp. 74087-74100)]

Does documentation verify the agency has set specific and detailed percentage and numerical goals with timetables for correcting any underutilization of specific affected classes of persons identified in the utilization analysis? [FTA C 4704.1, Chapter III, Section 2e]

Does documentation verify the agency has conducted a detailed assessment of present employment practices to identify those practices that operate as employment barriers and unjustifiably contribute to underutilization? [FTA C 4704.1, Chapter III, Section 2f]

Does documentation verify the agency has identified all problem areas in underutilization and has a proposed program of remedial, affirmative actions enumerated in the agency’s submitted EEO program? [FTA C 4704.1, Chapter III, Section 2f]

Does documentation verify that agency has “an effective and workable internal monitoring and reporting system” that serves the following basic purposes [FTA C 4704.1, Chapter III, Section 2f]:

Assesses EEO accomplishments?

Enables evaluation of the EEO program during the year and to take any necessary corrective action regarding the development and execution of programs or goals and timetables?

Identifies those units that have failed to achieve a goal or to implement affirmative action?

Provides a precise and factual data base for future projections?
Does documentation verify that the agency’s monitoring and reporting system?

- Is utilized to prescribe and revise short-term goals?
- Allows for revision of long-term goals to reflect availability of traditionally underutilized persons?
- Can analyze, in detail, employment practices relating to recruitment, selection, salaries, promotions, termination, standards of discipline, seniority, maternity/paternity leave, height and weight requirements, etc?

[FTA C 4704.1, Chapter III, Section 2e]

- Does the agency have employment material, examples of actions taken to accommodate persons with LEP, and a copy of the most recent workforce utilization analysis to show progress toward meeting EEO program goals?
  [FTA C 4704.1, Chapter III, Sections 2.d; e; f; and g, Federal Register: December 14, 2005 (Volume 70, Number 239, pp. 74087-74100)]

- Does documentation verify that the agency has a program for efforts to employ persons with disabilities, as well as policy and procedures for making reasonable accommodations for persons with disabilities (applies to all transit agencies/functions)? [49 CFR Parts 27.7 and 27.19]

- Is a listing available of all complaints during the past three years and the disposition of such complaints (applies to all transit agencies/functions)?  
  [FTA C 4704.1, Chapter III, Section 2; Chapter VI]