Program Guide for State-Administered Federal Transit Administration (FTA) Programs

FTA Section 5303
Metropolitan Planning Program

FTA Section 5304
Statewide Planning Program

FTA Section 5310
Elderly and Disabled Program

FTA Section 5311
Rural and Small Urbanized Program

FTA Section 5316
Job Access & Reverse Commute (JARC) Program

FTA Section 5317
New Freedom Program

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
Policy and Planning Division
Office of Integrated Modal Services
Public Transportation Bureau
April 2012
This document provides the New York State Department of Transportation (NYSDOT) with a manual to assure continuity in implementation and quality of oversight of the State-Administered Federal Transit programs in the State of New York. As part of the requirements for managing Federal Transit Administration (FTA) funds, NYSDOT must produce a State Management Plan (SMP) for each program to guide the implementation of the program (NYSDOT Official Procedure Code: 1.0-1). This Program Guide document references those plans within the appendix and concentrates on how these plans are actually accomplished within the NYSDOT Public Transportation Bureau & Statewide Planning Bureau. This document also recognizes the internal (NYSDOT) and external (other State Agencies) participants in the delivery of the FTA State-Administered programs.

This document serves as a reference for new employees, as staffing changes take place. It will be updated and revised as regulations are amended and as processes within the State (NYSDOT and other State Agencies) change over time.

The document is laid out to inform the reader on the major topics covered in the FTA State Management Review (SMR) process that currently is conducted every three years. The Department is graded on each of the topics listed in this document. Some have been joined together as they pertain to similar topics. Some are only referenced as a chapter heading in this part of the document because they are specific to particular programs within the State-Administered Federal Transit programs and are found in the State Management Plans (SMPs), which can be found as a reference in the appendix of this document.

As posted on the NYSDOT website:

“It is the mission of the New York State Department of Transportation to ensure our customers - those who live, work and travel in New York State - have a safe, efficient, balanced and environmentally sound transportation system.”

Thomas M. Vaughan, Acting Director
NYSDOT Public Transportation Bureau
April 2012
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Title VI Program (November 30, 2011): June 2011 – June 2014 period of approval (IN TEAM)

DBE Goal (IN TEAM)
1 Program Management

1.1 Overview

It is the mission of the Public Transportation Bureau (PTB) and the Statewide Planning Bureau (SPB) within the NYSDOT Policy and Planning Division to contribute to the overall New York State Department of Transportation (NYSDOT) mission. The Program for the provision of Statewide Planning, Public Transportation and other shared ride services is critical to New York State’s economy. Since at least 1974, NYS has recognized that the provision of shared ride services and in particular mass transit moves people more efficiently and reduces congestion, air pollution and time lost from incidents and traffic congestion. The Statewide Mass Transportation Assistance program (STOA) currently pays out over $4 Billion dollars (SFY 2011-12) in operating assistance to the over 130 operators in the State. This varies from New York City Transit (NYCT) as the largest operator in the world to one and two bus systems in rural areas of the State. Statewide planning provides support and oversight for transit and transportation related activities carried out by the State and its Metropolitan Planning Organizations (MPOs).

NYSDOT uses a variety of staff and non-personnel services to deliver both the State assistance and the Federal Transit programs outlined in this document. In addition to the Public Transportation Bureau and Statewide Planning Bureau, this document will outline those areas within NYSDOT and indeed in the State that assist in the delivery of the State-administered Federal Transit programs. In addition to the support and the internal control process this affords the Federal funds, the Program also benefits from the controls that are in place to address the oversight necessary to ensure that sub-recipients of the funds are acting in accordance to the Master Agreement with the FTA and the annual Certifications and Assurances.


1.2 Program Development

The policy factors that form the basis for how individual FTA programs are developed are a combination of the Federal Circulars as the base eligibility for the Federal programs and what programs and goals are part of the overall NYSDOT master plan. NYSDOT updated several documents over the last three years to align with the changes in SAFETEA-LU that drive these decisions. The NYSDOT Master Plan (https://www.dot.ny.gov/main/transportation-plan/transportation-plan) released in 2006 emphasizes the need for transit services and the importance of multi-modal planning to fuel the economy of the state. NYSDOT Public Participation documents that guide how public transit and other projects are developed with input from the public. There are public participation plans for Rural Consultation: (https://www.dot.ny.gov/divisions/policy-and-strategy/planning-bureau) released in Feb 2011 and Transportation Planning (https://www.dot.ny.gov/divisions/policy-and-strategy/planning-bureau/public-involvement) released in Aug. 2010

Budget Initiatives

The Policy and Planning Division is responsible for establishing statewide policy, procedures and standards and providing statewide quality assurance of the development, construction, reconstruction, integration, operation, program evaluation, regulation and safety for public transportation systems and ferries, including mass transportation demonstration projects in consultation with other Divisions as appropriate. The Division is also the representative to the Most Integrated Setting Coordinating Council (MISCC) which is the state group utilized for United We Ride efforts. As the Division responsible for these functions, it provides all policy/budget initiatives to the Commissioner for consideration in the State Budget process.
1.3 Internal Controls

The Department currently has seven major Divisions within its structure (2012) that report to the Commissioner. These are the Engineering Division, the Operations Division, the Policy and Planning Division, the Administrative Services Division, the Audit and Civil Rights Division, the Legal Affairs Division, and the Information Technology Division. Four of the FTA programs are developed and implemented by the Public Transportation Bureau, under the Office of Integrated Modal Services. The FTA metropolitan Planning Program (5303) is developed and implemented by the Statewide Planning Bureau in the Office of Policy, Planning & Performance. Additional controls and execution is necessary by the Administrative Services Division. The Administrative Services Division is responsible for the Contracting, Accounting and Expenditures. The Audit and Civil Rights Division is responsible for risk management, audits, investigations and Title VI/Civil Rights matters. (see DOT Organization chart under Appendix__).

1.3.1 The Transportation Budgeting Bureau

The Office of Finance prepares the State Budget document that creates the programs within NYSDOT. The New York State budget is the financial control document for how NYSDOT implements the FTA programs. The Transportation Budgeting Bureau (TBB) in the Office of Finance plays an integral role in the development of the State-administered Federal Transit programs. The State-Administered Federal Transit programs are based on a first instance funding where the appropriations in State funds are created to “first instance” the costs of projects so the State can reimburse the local sub-recipient and NYSDOT in turn can seek reimbursement from the FTA through the Electronic Clearing House Operations (ECHO) System. The TBB manages the four main funds that provide the first instance appropriation: The L2 account which covers the Section 5311, 5316 and 5317 programs, the L34 account for Section 5310, the L4 account for the MPP (5303) grants, and the 290FT account for the administration of all the FTA programs and Section 5304 funds.

1.3.2 Contract Management Bureau

The Contract Management Bureau is responsible for all contracting done by NYSDOT either through the Main Office or Regional contracting offices. PTB is affiliated with the Construction Section of the Bureau that manages miscellaneous contracts including the Transit Contracts. The contracting process is explained under the section on Project Management. The Contract Bureau handles all/most communication with the Attorney General's Office (AG) and the Office of State Comptroller (OSC). The AG and OSC approve all NYSDOT contracts and are separate State offices independent of the Legislative and Executive branches of State government.

1.3.3 Accounting Bureau

The Accounting Bureau is responsible for all Obligations/Expenditures and Federal Drawdowns for PTB. The Obligations Unit works with the Transportation Budget Bureau and the Office of State Comptroller to ensure that funds identified in the State Budget are appropriately placed into the Comptroller's system and reflected in NYSDOT's accounting system. This process of matching the first instance State appropriations to the Federal Grant and the matching funds is a critical piece in making the appropriate expenditure against the correct fund source. The Expenditures Unit in Accounting manages all of PTB payment requests against the First instance funding. PTB sends payment requests to the Expenditures Unit who ensures the documentation is correct and accurate; they check the contract against which the payment is requested, and they work with the Contract Audit Bureau to ensure that projects are reviewed before final payment is made.
1.3.4 Contract Audit Bureau

The Division of Audit and Civil Rights, which reports directly to the Commissioner, has several groups that work with PTB/SPB to ensure that the financial controls are in place and that federally funded projects are delivered in the appropriate manner. The Contract Audit Bureau performs financial and related audits of external parties in accordance with professional standards and provides associated services so that management has reasonable assurance that NYSDOT funds are safeguarded. It also certifies Disadvantaged Business Enterprises in accordance with NYSDOT’s responsibility as a recipient of Federal aid highway, transit and aviation funds. Contract Audit provides audit coverage for all contracts with sub-recipients before final payment. Coverage may take the form of audits for direct contracts/grants and sub-recipient monitoring in the case of pass through monies. This group works with a variety of reports and findings concerning the sub-recipients and reviews Federal Single Audits from each sub-recipient as it pertains to the FTA programs. All Federal Single Audits received by PTB from sub-recipients in the course of the year are sent to Contract Audit for use in their analysis. The Contract Audit Bureau also maintains a sanctioning policy for Federal Single Audit non-compliance (NYSDOT Official Procedure Code: 7.1-11), for sub-recipients of federal funds, in compliance with OMB Circular A-133.

1.3.5 Internal Audit Bureau

The Audit and Civil Rights Division has several groups that work with PTB to ensure that the Financial controls are in place and that Federally funded projects are delivered in the appropriate manner. Internal Audit Bureau conducts objective reviews in accordance with professional standards and recommends actions to assist NYSDOT management in improving operations. The Internal Audit Bureau is responsible for initiating and updating procedures that guide NYSDOT’s activities to ensure proper internal controls and proper reporting is the norm.

1.4 Staffing Requirements

NYSDOT uses a combination of staff and contractual services to accomplish the delivery of the State-Administered Federal Transit programs and other state initiatives. The determination of those resources are through a combination of available targets for staffing within NYSDOT as directed by the Division of the Budget (DOB) and NYSDOT Transportation Budgeting Bureau, and the type of work and expertise needed to carry out the task.

1.4.1 Personal Services

The Department takes advantage of the Federal Administrative set-asides for three of the programs (5311, 5310 and 5304) that it administers. NYSDOT does not set aside any funds from the 5316 and 5317 programs at this time. These Program Administration funds provide the eligible reimbursement for Payroll, fringe and indirect charges at the reimbursement rate for each program to form the core base to run the Public Transportation Bureau. In addition to the Federal reimbursement, NYSDOT uses a portion of the Administrative set aside for the STOA program to meet the matching requirement of the 5304 program and the remaining personal service expenditures. Eligible activities are categorized by the different grants and each staff item number is assigned to a program. This administration process is further explained in Section 5.2.2.2.

1.4.2 Non-Personal Services

It is often the case that the current or planned staff cannot provide all the oversight and guidance necessary to deliver the full FTA program to sub-recipients in the state. Some form of contracting of services for the programs is necessary and appropriate.
The decisions on the appropriate level, specific tasks, and duration and type of contract are a program specific decision that is discussed as each new FTA grant is developed for NYSDOT. Decisions on the method for procurement of services depend on the type of service and the expected size of the contracting opportunity. A review of existing delivery methods within the Department are the first level of analysis. If it is determined by the program manager that a) staff cannot perform this task, and b) there is no function within the Department or other State agencies that could perform this service, then a decision may be made to include the service in the grant as an administrative NPS charge.

Since this is a contracting opportunity, it is the program manager’s responsibility to:

a) Seek guidance from the Purchasing Unit as to the methodology based on cost and range of services. This effort will ensure that the correct contracting mechanism is used and either a purchase order is used or a contract for the services.

b) Determine the appropriate FTA clauses and certifications from reviewing the NYSDOT FTA procurement Policy & Procedure document.

c) Meet with the DBE group in the Office of Civil Rights (OCR) to ensure that the proper outreach is provided to ensure that the use of these funds will contribute to the DBE goal set by the Department for FTA-funded activities.

Once these items are in place and the Federal grant is approved, the program area may go forward and offer the contracting opportunity. The program manager must ensure that there is an oversight and reporting based on the milestones in TEAM and the scope of services. At a minimum, a project manager is assigned to the project, an advisory committee of subject matter experts (SME) and other stakeholders may be engaged to guide the contract.

### 1.4.3 Travel Expenditures

In the same proportions as Personal Services, Administration funds provide the eligible reimbursement for travel charges at the appropriate reimbursement rate for each program area. Travel charges are entered into NYSDOT’s Expense Anywhere application using Project Identification Numbers and cost centers that draw funds directly from each program area’s oldest available grant and, if applicable, matching state funds. Then, as described in Section 5 Financial Management, Accounting’s Revenue Unit Grant Section reviews the expenditures accumulated in each PIN and processes a drawdown request from FTA.

### 2 Grant Administration

#### 2.1 Overview

Federal Transit Administration (FTA) funds are awarded to the State through the Transit Electronic Award Management (TEAM) System. The web-enabled process allows the staff of the Public Transportation Bureau and Statewide Planning Bureau to develop grant applications based on the Program Management processes outlined in Section 1 and submit them to FTA for review and approval. The system also provides feedback from FTA and allows the Accounting Bureau to report on drawdown of eligible reimbursement requests that are made through the Electronic Clearinghouse Operations (ECHO) System. This is a general process that Bureau staff can refer to for steps to ensure that Federal requirements and State controls are completed in a timely manner. For reference, NYSDOT Recipient ID and DUNS No. for FTA purposes are as follows:

<table>
<thead>
<tr>
<th>Recipient ID</th>
<th>DUNS No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1791</td>
<td>835422064</td>
</tr>
</tbody>
</table>
2.2 Process Controls

This Section of the document outlines the actual steps that the Public Transportation Bureau and Statewide Planning Bureau will complete to take a grant from development to audit and closure (see Appendix). Until such time as FTA moves to a Grants.gov process, this will be the process to address actions necessary for the TEAM grant system.

2.2.1 Grant Production

As the Selection and Eligibility process begins, preliminary work for grant production begins as well. The maximum state administration amount is determined and set-aside at 10 percent or 15 percent of the total federal allocation/apportionment according to each grant program. The program award data is used to decide funding levels for each Activity Line Item (ALI) applicable in the grant application. This data is maintained in a spreadsheet or database depending upon the grant program. Projects that are funded in multiple grants are identified and the total project cost calculated for each grant. Starting in 2009, these projects will have separate PINs to further identify the revision and the grouping of the funds for Federal Drawdown and reconciliation.

Although FTA makes Metropolitan Planning Program (MPP) grants directly to States, the State is required by law to distribute these funds to each MPO within the State according to a formula developed by the State in cooperation with the MPO and approved by FTA. Under the MPP program, only an MPO is eligible to receive MPP assistance directly from the State. A more detailed description of grant production process can be found under each FTA Program’s State Management Plan.

2.2.2 Grant Submission

In most cases grant applications made using TEAM are entered by Statewide Transit Program Section (STPS) staff or Transit Contract & Payment Unit (TCPU) staff making a copy of a previously awarded grant which is then revised using new project data. Detailed budget descriptions name each sub-recipient and give quantities and award amounts under each ALI. Each ALI project in excess of $100,000 has its own set of milestones. The FTA Metropolitan and Statewide Planning Programs are combined into one grant application. Budget descriptions name each sub-recipient and give award amounts under each ALI based on annual Unified Planning Work Programs.

2.2.3 Grant Execution

Once a grant has been submitted in TEAM for preliminary review by FTA, the program area is responsible for developing the materials necessary to ensure Executive Management approval. While each program is slightly different in their assembly of information, necessary materials may include:

a) Description of the program
b) A high level listing of projects with Congressional Districts of each project
c) A copy of the pending grant (if one has already been created in TEAM)
d) A description of the award process – competitive or non-competitive
e) A draft press release
f) A memo for executive management to officially sign-off for the grant file

2.2.3.1 Executive Management Approval

Management Review

The information contained in the above package is sent to Executive Management through the Director of the Office of Integrated Modal Services and on to the Director of the Policy and Planning Division. In the case of the 5303/5304 grant application, it is sent directly to the Director
of the Policy and Planning Division. Currently, the main considerations for announcing program awards is at what level press releases will be issued (Commissioner/Governor) and at what level approval letters will be signed.

The current practice is:

<table>
<thead>
<tr>
<th>FTA Program</th>
<th>Approval Letter Signature</th>
<th>Press Release Issued By</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 5303</td>
<td>Statewide Planning Bureau Director</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Section 5304</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Section 5310</td>
<td>Public Transportation Bureau Director</td>
<td>Commissioner Press Release</td>
</tr>
<tr>
<td>Section 5311</td>
<td>Public Transportation Bureau Director</td>
<td>Commissioner Press Release</td>
</tr>
<tr>
<td>Section 5316</td>
<td>Public Transportation Bureau Director</td>
<td>Commissioner Press Release</td>
</tr>
<tr>
<td>Section 5317</td>
<td>Public Transportation Bureau Director</td>
<td>Commissioner Press Release</td>
</tr>
</tbody>
</table>

**Executive Sign-off**

The actual execution of the FTA grants is through a PIN (conducted through TEAM) each of the program managers has been provided, approved by the Department's Division of Legal Affairs and the Commissioner's office. Depending on the timing of the FTA award notification for execution, program managers are required to sign-off promptly on the award to avoid lapsing funds. The Department has issued the delegation of authority under Official Order Number 1675 (dated 7/29/09). This Official Order delegates authority from the Commissioner to “execute contracts, leases, grants, agreements, purchase orders, Memorandum of Understanding, spending requests and certifications.” In order to execute or approve an FTA grant recommendation for approval is required by the Executive Deputy Commissioner, Director of the Policy and Planning Division or Director of the Administrative Services Division, as an official validation that the request is within the Department’s fiscal constraints and meets the programmatic requirements of the Division.

Also stated within this Official Order is the requirement that “the Division of Legal Affairs must review, prior to their execution, all other contracts, grants, agreements or purchase orders which do not use a standard form that has been previously approved by the Division of Legal Affairs.” Since the FTA grants are in a long standing format and the FTA Certifications and Assurances are applied each year and are reviewed and signed off on by the Division of Legal Affairs, there is no additional requirement for Legal to review each grant for content or form.

To accomplish the two above objectives and move the grants along through this internal process, the Public Transportation or Statewide Planning Bureau prepares an executive approval review sheet (“pink sheet”) or memorandum that the Division director and/or the appropriate executive level official can authorize the execution of each grant. If a federal grant exceeds $5.0 million in Total Project costs, only the Commissioner, Executive Deputy Commissioner or Administrative Services Division Director can authorize execution.

### 2.2.4 Grant Milestone Reporting

#### 2.2.4.1 SECTION 5310/5211/53/16/5317 REPORTING

The Public Transportation Bureau program managers are responsible for all grant milestone reporting to the FTA. This is accomplished through the TEAM system, and includes the use of attachments as necessary.

PTB is currently in the process of developing a distributed milestone recording system to enable the specialists who work on the projects the ability to manage the milestones and the narrative of the project from a screen in the Bureau Tracking software to ensure timely and accurate reporting to the TEAM system. The software will produce reports that are easily...
copied into TEAM for the Milestone and Progress Reports. This system will provide easy quality control and exception reporting.

Milestone /Progress Reports will include the following data:

**Project Budget**
- NYSDOT Requests Certificate of Availability of Funds
- DOB certifies availability of funds
- FTA approval of grant
- NYSDOT contracts/supplements to sub recipients
- First Contract to OSC
- First Executed contract to sub recipient
- Last Contract to OSC
- Last Executed contract to sub recipient
- First Contract closed
- Last Contract closed

**ALI’s related to Capital**
- Every capital project over $100,000 shall have separate milestones for:
  - RFP/IFB out for bid
  - RFP/IFB opening
  - Contract Awarded
  - First unit delivered
  - First unit in service
  - All units delivered
  - All units in service
- Every ALI will have listed under “Contract complete”
  - Sub recipient name
  - NYSDOT PIN
  - Federal Funds allocated
  - Total project cost
  - Federal funds expended to date
  - Remaining federal funds
  - Additional comments

**ALI’s related to Operating Assistance**
- Sub recipient name
- NYSDOT PIN
- Federal Funds allocated
- Total project cost
- Federal funds expended to date
- Remaining federal funds
- Additional comments

### 2.2.4.2 SECTION 5303/5304 REPORTING
Milestones are accomplished through the submittal of semi-annual progress reports submitted directly to FTA by the grant sub-recipients.

### 2.2.5 Grant Close-Out
It is the goal of the Department for all State-administered Federal Transit programs to close out grants within four years. Each grant that is developed will have a stipulation to include milestones so that by the end of the first quarter after the end of the fourth year, the grant will be audited and closed. To expedite grant closeouts, completed projects from later grants can be switched with incomplete projects from earlier grants using a budget revision.
2.3 Technology updates

The current technology package for the Federal programs is a variety of spreadsheets and MS Access tables developed for the storage, analysis and presentation of information adhering to the Federal requirements. PTB has completed the first phase of the transition to an ORACLE-based system that would enable web-reporting and data collection but currently the project is on-hold pending a statewide grant management system project. Until such time as we are able to move forward again with implementation of the ORACLE-based system, NYSDOT will continue to support the MS Access programs which support the obligation, contracts and expenditures for the Bureau.

3 Project Management Oversight

3.1 Overview

While a Federal grant is being executed, the process to manage the projects under the grant should have already started. This Section will discuss the processes that are required to ensure that the goal of closing a grant in a timely manner is realized. Project Management Oversight (PMO) includes but is not limited to the monitoring of a project in order to determine if the project is on schedule, within budget, proceeding in conformance with the sub-recipient's approved application and plans, specifications and contract agreements, and is being implemented efficiently and effectively. Monitoring activities include, but are not limited to, interviews, review of documents, observations, examination of records and analysis of data and information.

3.2 Contract/Agreement Development

The mechanism for the program side of the majority of Federal grants in the Department is through a Contract with the local sub-recipient. The process is basically the same for all programs with the slight variation depending on the structure of the contract/agreement agency. We use the term “contract/agreement” here because several of the contracting mechanisms within the Department have a master/supplemental nature to their execution. An agreement can be a supplemental agreement to an existing master contract. With the exception of the type of document used to execute the supplemental agreements the process is the same for both contracts and supplemental agreements.

3.3 NYS Contract Execution process

This section details the process by which these contracts/agreements are processed. Please see Attachment A for a graphic representation of the process. Once a TEAM grant has worked its way through the initial FTA review, the program area should be making sure that the contract/agreement that will be used for the program is up-to-date and contains all required clauses and attachments. Currently, this process is managed through an internal webpage where the latest contract template is stored. Users are required to start with this document to develop a new one and if there are changes to the documents, to notify appropriate staff to change the template file. All changes to contract language must be reviewed by the Office of Legal Affairs. The current process is to send an email to asklegal@dot.state.ny.us to get a legal staff person assigned to the task.

3.3.1 Procurement Record

Once a grant has been approved by FTA, if there is no Procurement Record already established for that fund source and grant period, a Procurement Record request must be submitted to the Office of the State Comptroller. This record documents the grant source, application procedure, selection procedure, approved projects and sponsors, and maximum contract/agreement period. This record must be reviewed and approved by OSC before any contracts/agreements related to it may be fully executed.
3.3.2 Certification of Approval of Availability

Once a grant has been approved by FTA a Certificate of Approval of Availability of Funds is required from the NYSDOT Transportation Budget Bureau (TBB). TBB requests that monies be allocated to appropriate NYSDOT fund sources by the state Division of the Budget (DOB). A certificate is issued by DOB to the TBB. TBB then assigns cost centers that uniquely identify the funds as associated with the approved federal grant for use by NYSDOT and works with the Accounting Office to make sure the funds are on the Office of State Comptroller (OSC) system.

3.3.3 Local Execution

Upon approval of a contract/agreement by NYSDOT’s legal staff to go out to the system/agency and the procurement record process has been started, the contract/agreement is sent to the local sponsor for execution. Currently the Department sends 5 copies of the contract/agreement with a Schedule A/and or B depending on the type of program.

3.3.4 Contract Management

The locally executed contracts/agreements, accompanied by an authorizing resolution (if required), are returned to NYSDOT for review and processing. An Agency Spending Control B1184 form is submitted for approval from the state Division of the Budget using a web-based application. A request is sent to Accounting to encumber the applicable state and federal funds and also to establish Project Identification Numbers (PINs) on the Accounting data system. The PTB or SPB then sends a package of documents containing the requisite number of contract/agreements, signature pages and authorizing resolutions to the Contract Management Bureau for processing. The Contract Management Bureau records the receipt of the contracts/agreements package, verifies the presence of all required documents and forwards them to the Office of the State Attorney General.

3.3.5 Attorney General Review

The Attorney General’s staff review contracts/agreements and approve them as to form. If the Contract is with a non-profit institution, the Attorney General will check for a NYS charities registration number to validate the non-profit status of the organization and verify the registration is up to date. Contracts/agreements are then forwarded to the Office of the State Comptroller.

3.3.6 Office of State Comptroller Review

The Office of the State Comptroller’s (OSC) staff review contracts/agreements for completeness, compliance with appropriate procurement record, availability of funds, contract period dates, and any other applicable details necessary for contract execution. Approved and executed contracts/agreements are then returned to the NYSDOT Contract Management Bureau, excluding one contract agreement that is retained by OSC for the Comptroller’s files.

3.3.7 Contract Management II

The Contract Management Bureau receives contracts/agreements from OSC, logs their return, retains one executed contract for NYSDOT’s legal files, and returns the remaining contracts/agreements to the appropriate Bureau (PTB or SPB) NYSDOT grant manager.

3.3.8 Public Transportation Bureau

The TCPU receives contracts/agreements from Contract Management Bureau, logs their return, retains one executed contract for the Public Transportation Bureau’s files, and returns the remaining contract/agreement to the sponsor. Upon receipt of a final payment request, the TCPU request a final contract audit from the Contract Audit Bureau or an audit waiver for contracts
under $300,000. Once the audit or audit waiver is approved, the sub-recipient is paid. After the payment is made, the TCPU requests a contract and project closeout from Accounting.

### 3.3.9 Statewide Planning Bureau

The Statewide Planning Bureau receives the executed contracts/agreements for the pass through of MPP grant funds from the Contract Management Bureau. One copy is retained for Statewide Planning Bureau files; any remaining contract/agreements are sent to the sponsoring host agency. The contract will be closed at the end of its established contract period (currently through 2022).

### 3.4 Voucher and Purchase Order Process

A smaller portion of the projects funded with FTA funds are processed through a unique contracting mechanism that utilizes purchase orders or vouchers. The largest of these is the 5310 vehicle purchases, which the Department is purchasing directly from contract awards established through centralized Office of General Services (OGS) vehicle contracts. The other program that uses vouchers is the Rural Transportation Assistance Program (RTAP).

#### 3.4.1 Payments, Vouchers and Purchase Order Process

As stated in Section 1.2 (Program Development), FTA program area activities are guided by a series of federal regulations, circulars, best practices and Dear Colleague letters. Each program area serves a specific transit/transportation-related need so guidance varies slightly in each. As stated in Section 2.2.1, Grant production for each of the funding sources develops a program of projects based on these guidance documents for eligible projects that FTA will approve. Currently, in all cases except Section 5310, payment requests are reviewed by a System Specialist for completeness and eligibility prior to submission to the Transit Contract & Payment Unit (TCPU) staff. TCPU conducts a further review to ensure that the funds and contract agreements are in order and the payment is within the terms of the contract and then forwards the payment request to Accounting.

FTA Planning Grants - Section 5304

The Public Transportation Bureau's (PTB) portion of FTA statewide planning and research grant typically consists of reimbursement for DOT personnel services, fringe and indirect costs and a small amount of non-personnel services. The personnel service expenses are determined using project identification numbers on timesheets. Non-personal services are identified as eligible in the process to approve the grant with FTA. Procurements for contract services are done with assistance from the Non-engineering Contract Management group or the purchasing unit depending on the threshold of the contract. Work tasks are outlined in the contract. Any procurements that are reimbursed are approved beforehand by the Bureau to ensure that purchases are eligible activities. These services involve contracts with various consultants or municipalities for transit-related planning or data-collection efforts. Invoices usually are task or project-based with hours and other expenses detailed.

FTA Rural and Small Urban Grants - Section 5311

Capital Projects - NYSDOT selects eligible projects to include in FTA grant application based on a needs review and a capital application from the eligible sub-recipients. Sub-recipients (municipalities & authorities) must submit Single federal audits and FTA related certifications and assurances prior to payment. All procurements are approved prior to expenditure to ensure that purchases are for eligible activities. Furthermore, sub-recipients submit copies of invoices and canceled checks for reimbursement.
Operating Assistance - NYSDOT determines funding amounts by sub-recipient to include in FTA grant application. This is based on information in the application budget, annual reports and through site visits and meetings on future planned activities. Sub-recipients must submit annual reports, Single federal audits and FTA related certifications and assurances prior to payment.

FTA Job Access Reverse Commute (JARC) and New Freedom Grants - Section 5316 & 5317

Capital and Operating Projects - NYSDOT selects eligible projects to include in FTA grant application based on a competitive solicitation whether in the rural areas of the state or in the NY metro area. Sub-recipients (municipalities, authorities, not-for-profits and private entities) must submit applications that are incorporated into the contract for services that lays out eligible activities and processes to ensure adherence to the task list. They also must sign off on FTA related certifications and assurances prior to execution of the contract. All procurements are pre-approved for eligible activities. Furthermore, sub-recipients submit detailed reports of expenditures for reimbursement. Payment requests are reviewed by a System Specialist for completeness and eligibility prior to submission to Accounting.

FTA Elderly and Disabled Transportation - Section 5310

NYSDOT oversees the selection of eligible projects and the solicitation to be included in an FTA grant application. NYSDOT directly procures buses through an OGS contract for delivery to sub-recipients. Sub-recipients are required to acknowledge receipt of buses before payment is processed by the program area. This process is further explained in the Procedures for FTA Assistance Program Related Procurements (see appendix).

Rural Transportation Assistance Program (RTAP) Payments

The RTAP program reimburses the eligible expenses for NYS transportation systems staff for training, conferences and other technical assistance programs. RTAP also procures services from time to time and supports the RTAP conference/workshop. All RTAP activities are tracked through an access database and approved for payment by the program manager via voucher.

### 3.5 Sub-recipient Controls – Public Transportation Bureau

The provision of shared ride services and, indeed, public transportation in New York State is a locally owned and operated endeavor. The State does not provide transit services. In order to be eligible for the Statewide Mass Transportation Operating Assistance Program (STOA) program; an entity must be a City, County, Public Transportation Authority, Indian Tribe or a private operator directly sponsored by the State. In addition to Public Transportation entities, Not-for-profit agencies are encouraged to apply for Section 5310, 5316 & 5317 funding to improve transportation services to populations with limited mobility. Non-profits must be registered as a 501(c)(3)organization and maintain current registration with the Office of the Attorney General through their Charity Registration System.

The following steps are the controls that exist once a contract for services is in place.

#### 3.5.1 Requirements for Participation in Public Transportation

Potential operators should be aware that all state and federal program funds for public transportation services are granted to a municipal sponsor (county, city or authority) or Indian reservation. The municipal sponsor then may provide service under its own authority or search out, through a competitive process, a third party operator, who then contracts with the sponsor to provide the service.

Program requirements are as follows:
Statewide Mass Transportation Operating Assistance (STOA)

In order to be eligible for STOA, the service must be open and marketed to the general public, charge an appropriate fare, and be provided with a vehicle capable of carrying 15 or more passengers. An exception to use 8-14 passenger vehicles may be granted on a case by case basis. Municipalities, Transportation Authorities, Tribal Indian Nations and private operators contracting directly with NYSDOT are eligible to receive STOA funds.

To initiate STOA, a letter of intent from the municipality to the New York State Department of Transportation (NYSDOT) Public Transportation Bureau (PTB) indicating sponsorship of public transportation services for STOA would be required followed by a signed 119r agreement between the municipality and the third-party operator.

Revenue vehicle miles and individual passenger counts must be kept for STOA reporting purposes. Quarterly statistics must be reported to NYSDOT via the municipality by the 17th of January, April, July & October following the end of a quarter.

Operators receiving STOA must also maintain accounting books and records in accordance with NYSDOT PTB’s prescribed Uniform System of Accounts and file annual and supplemental reports with the Department.

Part 975 of the New York State Code of Rules and Regulations (NYCRR) details all STOA program requirements. The rules and regulations are located on our web site at: https://www.dot.ny.gov/divisions/policy-and-strategy/public-transportation/state-transit-operating-assistance

The STOA program has an annual set aside for administration from both the Upstate and Downstate dedicated sources. These funds provide numerous functions within the Department: bus inspection; match to FTA programs for administration of the program, and a set aside for an audit program. This audit program is developed and administered by the Contract Audit Bureau. They work with the Public Transportation Bureau to identify risk pools of high, medium and low risk agencies. Traditionally, the Audit program has focused on only the formula program and mostly on the collection of passengers and miles, as these are the two factors that drive the formula.

Federal Transit Administration (FTA) Section 5311 Program

In order to be eligible for federal 5311 operating and/or capital assistance, a public transportation system must operate in a rural area and be eligible for STOA. Grants are made to eligible sub-recipients (municipalities, transportation authorities, Indian reservations, and private carriers serving the intercity market) through a contract/agreement between NYSDOT and the sub-recipient. If a third-party contractor is the transit operator, a separate Third-Party Agreement between the contractor and the sub-recipient is required to pass federal funds to a third-party contractor.

Federal regulations also require a recipient and contractor to sign applicable Federal Certifications and Assurances, Third-Party Lease and Service Agreement for capital equipment, Section 5333(b) Labor Documentation & Warranty, and Title VI/Disadvantaged Business Enterprise Assurance. It should be noted that NYSDOT does periodic outreach to eligible sub-recipients that are not in the 5311 program and they contract NYSDOT if interested in exploring participation in the program further. Program sub-recipients are responsible for filing and certifying all applications, agreements and reports; even if the sub-recipient contracts with a third-party operator for service. All applications, agreements, reports and related materials flow from the program recipient to the third-party operator and back.

The Certifications & Assurances also require operators to have a drug and alcohol testing program in place as required by the Code of Federal Regulations, 49 CFR Parts 40, & 655. The drug and alcohol regulations are also available on FTA’s web site at www.fta.dot.gov.
Federal Transit Administration (FTA) Section 5316 & 5317 Programs

Since the recipients of the 5316 and 5317 programs have mainly been either sponsored by 5311 and 5310 sub-recipients or are recipients themselves, the oversight of these programs often overlap with the Section 5311 and 5310 programs. A difference with these mobility programs is that if a sub-recipient only receives New Freedom and no other FTA funds, they are not required to use the FTA Drug and Alcohol program. The Section 5316 (Job Access Reverse Commute) Program also requires the Department to identify all transit unions affected by the JARC projects and enter into a labor protection 5333(b) agreement with the sub-recipients and the unions. These agreements become an attachment to the contract with the sub-recipient.

3.5.2 Operating Authority

Generally, the Transportation Law requires a carrier to obtain "Operating Authority" from the New York State Department of Transportation (NYSDOT) when passengers are carried for compensation within New York State. Instances when operating authority is not required can be found in the at https://www.dot.ny.gov/divisions/operating/osss/bus/passenger#exemptions.

Before operating authority can be granted, NYSDOT must make specific findings that the applicant carrier is fit, willing and able to provide the service. These findings are based on the evidence submitted by an applicant and include such factors as the applicant’s general background (business and personal references), background and experience in passenger transportation and sufficient financial resources to provide a responsive and quality service to the public. Applicants are also required to establish that there is a public need for the service or that a grant of authority would be in the public interest. An applicant can best establish public need and public interest by submitting statements from members of the public who have a need for the service offered and from clients of one or more organizations the carrier has signed a contract with.

The Transportation Law requires that NYSDOT base its determination of whether to grant or deny an application for operating authority on the evidence submitted by an applicant and on the evidence submitted by anyone that may oppose or protest an application. The Office of Modal Safety and Security manages how a carrier applies for and obtains common and/or contract authority only within New York State.

Types of Passenger Operating Authority include:

1. COMMON CARRIER: A Common Carrier certificate may be issued to carriers that serve the general public and charge individual fares. Some examples are:
   - Bus Lines
   - Ambulette or Transit Disabled Services
   - Airport Services

2. CONTRACT CARRIER: A Contract Carrier permit may be issued to carriers who have an agreement (contract) with a person or organization that allows for the transportation of an individual or group at a fixed price. (i.e., contract with health care facility to transport clients at a fixed rate, private operator providing Public transportation for a Municipality)

3. CHARTER OR SPECIAL PARTY CARRIER: A Charter or Special Party Carrier permit may be issued to carriers who contract with individuals or organizations to transport for a fixed charge and under a single contract, passengers who are travelling together as a group within New York State.

Authority & Permit Requirements  
Common & Contract Carriers  
Contact: Marie Bisio (518) 457-7602, mbisio@dot.state.ny.us
Requirements of Operating Authority (for those non-exempt providers) include:
> Insurance certificate (form E)
> DOT Inspection (for all vehicles operating under NYSDOT authority)
> Proof of Compliance with Workers Compensation Insurance requirements
> Cab Cards @ $10 per vehicle
> File a tariff (if a coordinating agency, may be able to do this for all)

Exemptions from NYSDOT Operating Authority:
Sedans & Station wagons (also stretch sedans and stretch SUV's that seat fewer than 15 passengers). Additionally, when service is conducted wholly within such municipality and when such service is available to the general public. There are also exemptions for agencies that only provide service for their client where the transportation is considered “incidental” to the mission of the agency. These determinations are made when the agency applies to the NYS Department of Health for a Medicaid provider number in order to be reimbursed by Medicaid. In order to get this number, a determination has to be made by NYSDOT to see if they require Operating Authority. Exemption from Operating Authority does not relieve a provider from meeting general traffic law requirements, or additional local requirements imposed.

Bus Inspection. Buses operated by a third-party must be inspected by NYSDOT. Inspections are scheduled and conducted through NYSDOT's regional offices. General information on bus inspection may be obtained by calling Rusty Seastrum at (518) 485-2448 or rseastrum@dot.state.ny.us.

System Safety Plan. NYSDOT rules and regulations require operators receiving STOA to submit a system safety plan for approval within 180 days of service commencement. Contact John Fabian of the NYSDOT Motor Carrier Safety Bureau at (518) 485-2448 or jfabian@dot.state.ny.us for further information.

Insurance Requirements (minimum requirements for those agencies requiring operating Authority)
Contact: Marie Bisio (518) 457-7602, mbisio@dot.state.ny.us

- **Personal Injury**
  - Under 12 Passengers $100,000 (one), $300,000/$100,000 (all)
  - Over 12 Passengers $100,000 (one), $500,000/$100,000 (all)

- **Property Damage**
  - $50,000

The above minimums are based on those requiring “Operating Authority”. Please consult your insurance carrier for suggested levels of coverage. Those exempt from the requirements of Operating Authority still need to comply with NYS insurance requirements when operating a motor vehicle, and additional requirements that may be imposed locally.

**Driver Requirements - 19A (DMV)**
Drivers: Public Transportation providers must employ qualified drivers that meet NYS Department of Motor Vehicle requirements. Also, under FTA drug and alcohol testing requirements, a driver cannot be hired until a pre-employment drug test is passed.

Inquiries to DMV should be directed to:
Eileen Wolck (Driver Program Regulation Unit) 518-473-9455 or busdriverunit@dmv.ny.gov

19A Certification is required if the organization answers yes to all three questions below.
1) Are you a motor carrier as defined in Article 19A of the VTL?
2) Do you operate vehicles defined as buses in Article 19A?
3) Do you have a driver as defined in Article 19A?

Those exempt from the requirements of NYS 19A requirements still have to adhere to additional requirements that may be imposed locally.

**Third Party Contracting Requirements**
Contractual arrangements between sponsor and operator for pass through of federal dollars for both operating and capital projects is required through local certification assuring program compliance.

Third Party Agreements are the contractual document used for assurance of proper use and pass through of operating assistance funding.

Third Party Lease and Service Agreements are the contractual document used for assurance of proper use and maintenance of capital assistance funding and equipment.

### 3.5.3 General Oversight

The Public Transportation Bureau (PTB) is responsible for the oversight of sub-recipients’ compliance with federal regulations. The PTB employs a number of methods to ensure that oversight. Each program area utilizes on-site meetings and reviews, various quarterly, semi-annual and annual reports, applications and on-going interactions as oversight instruments. Technical and Financial capacities are also scrutinized as described below. Project development and application help often serve as a both assistance and an immediate oversight or a prophylactic to violations and the need for corrections in the future. The PTB process to review applications, procurements, and associated reports gives insight into possible violations. These reports can act as the means for additional investigation. For instance, a discrepancy in miles reported on capital inventories, STOA and the Operating application may point to a misuse of equipment procured with state and/or federal funds. The submission of schedules with an operating assistance application may point out a violation or misapplication of ADA regulations. The review of a Human Services Coordination Plan may indicate a disregard for Title VI mandates and public involvement processes. An analysis of the operating application may expose federal transit dollars over funding a particular project from multi-FTA sources, beyond 50% of the net operating deficit. This list is meant to be illustrative and not exhaustive as there are many more points of oversight opportunities each day. PTB staff take every opportunity to continue their oversight efforts as they interact routinely with sub-recipients. The on-going interaction with grantees has taken on greater importance in the last few years as electronic communication has become the norm. Comments, questions and documents can be exchanged virtually instantly which provides for a more proactive and expedited oversight and compliance environment.

#### 3.5.3.1 Site Visit and Compliance Reviews

New York State conducts periodic site visit reviews for the State Administered FTA programs. The purpose of these site visits is to assess sub-recipient management practices and program implementation and to evaluate compliance with Federal and State requirements. The site visit consists of examining FTA and State funded facilities and equipment, FTA funded operations, and to review necessary documentation.

#### 3.5.3.2 Reports
Each program area has specific reporting requirements. The information from the reports is used to identify possible areas of non-compliance so PTB staff can investigate further.

**Section 5310** - In order to receive and continue to receive capital assistance, sub-recipients must agree to and regularly report eligible passenger transportation and equipment utilization on a semi-annual basis to NYSDOT. Applications for capital assistance include financial information and agreement to comply with the federal certifications and assurances associated with the program. Applicable information is updated as part of these regular sub-recipient reports submitted to the Department.

**Section 5311** - In order to receive state operating assistance, sub-recipients must report passengers and revenue and non-revenue mileage on a quarterly basis. Biennial applications for capital and operating assistance include financial reports and agreements to comply with the federal certifications and assurances associated with the program. PTB staff review the documentation and can compare and contrast with prior submissions to identify and address possible areas of non-compliance.

**Section 5316 & 5317** - In order to receive assistance, sub-recipients must report on a variety data on an annual basis via FTA’s website. PTB has the opportunity to review the data to indentify and address possible areas of non-compliance. Additionally, quarterly narrative reports provide project statistics that can be compared with project goals. Backup financial data provided by sub-recipients is used by system specialists for trend analysis. Applications for mobility management, capital and operating assistance include financial reports and agreements to comply with the federal certifications and assurances associated with the program.

### 3.5.3.3 Technical and Financial Capacity

All FTA sub-recipients are examined for technical capacity each time they provide an application to a program and each time they report to the specific program area. At a minimum, if sub-recipients receive federal funds in excess of $500,000 they are required to comply with OMB circular A-133 and perform a Federal single Audit each year. This is a major determining factor for financial capacity. Audits are performed in accordance with OMB Circular A-133. NYSDOT requires that the Federal single Audit be forwarded to the Department when completed. This document provides a basis for STOA audits, contract audits and analysis of financial capacity. If the sub-recipient does not participate in the Federal Single Audit, copies of their financial statements can be obtained as part of the application process to ascertain if there are any financial red flags that NYSDOT should be aware of.

As part of each application for funds, the applicant is required to identify resources to manage each project and as part of the payment process, the sub-recipient must identify any project delays and impacts on the project. This allows the Bureau to analyze the technical capacity of any sub-recipient and ensure that the technical assistance described below is provided to those agencies in most need.

### 3.5.4 Technical Assistance

Technical assistance is provided in an array of areas such as: program compliance, procurement procedures, financial stability, maintenance best practices, and multi-agency coordination.

- Program compliance – NYSDOT staff provides assistance in areas like: obtaining operating authority, use of state operating assistance, development of system safety Plans, Drug and Alcohol policy compliance, 19A certification requirements, properly executed contractual agreements, grant administration, and permits and insurance requirements.
Procurement Procedures – Procurement guidelines have been developed to assist with and assure open and competitive purchased of capital equipment. Guidelines, checklist, and step by step procedures for Bid, State contract purchases, and piggyback procurements requirements have been developed. NYSDOT staff provides technical and oversight assistance in areas regarding procurement to assure compliance with federal purchasing guidelines.

Financial Stability and Multi-Agency Coordination – These two areas go hand in hand as the burdens of local governments financial constraints on Local Departments can cause decreases or elimination of vitally needed mobility services. NYSDOT staff provides assistance in areas of coordination, revenue and subsidy discovery, networking common mobility needs, and understanding and eliminating barriers that can prevent progress. These efforts lead to better use of multi-program resources through coordination efforts. These efforts can increase service areas while decreasing fleet sizes and expenses. They can provide streamlined mobility programs that offer better regional opportunities through decreased funding stovepipes.

Maintenance Best Practices – NYSDOT staff assists with maintenance practices for equipment and facility purchases through model programs. Assistance with the development of Preventative Maintenance and Facility maintenance plans is offered. Pre and Post trip inspections, regular checks and balances, frequencies, and safety checks are required to assure not only compliance, but also prudent use of resources.

4 Sub-recipient Controls – Statewide Planning Bureau

The Statewide Planning Bureau (SPB) is responsible for the oversight of sub-recipients’ compliance with federal regulations. The SPB employs a number of methods to ensure oversight. Meetings and reviews, various quarterly, semi-annual and annual reports, applications and on-going interactions are key oversight instruments. Regional Office planning staff takes every opportunity to continue their oversight efforts as they, as the primary NYSDOT contacts on day to day activities, interact routinely with sub-recipients. The on-going interaction with grantees has taken on greater importance in the last few years as electronic communication has become the norm. Comments, questions and documents can be exchanged virtually instantly which provides for a more proactive and expedited oversight and compliance environment.

Procurement Procedures – Procurement guidelines have been developed to assist with and assure adherence to FTA guidelines. NYSDOT staff provides technical and oversight assistance in areas regarding procurement to assure compliance with federal purchasing guidelines.

5 Selection and Eligibility

Addressed in each FTA Program’s State Management Plan, as applicable.

6 Financial Management

6.1 Overview

The Accounting Bureau within the Administrative Services Division, the Public Transportation Bureau (PTB), the Statewide Planning Bureau (STB), and the Transportation Budgeting Bureau (TBB) of the Policy and Planning Division are the units responsible for oversight of the financial management. As all Transit grant funds are provided in advance of the receipt of Federal funds, the TBB is responsible for
The Accounting Bureau Grant Administration Section maintains two ACCESS databases for tracking and reporting all grant activities. The first database is the Grants Database that contains budgets and cash drawdown by PINS. It is updated with each monthly drawdown and verified that it matches FTA records prior to the next round of monthly drawdowns.

The second database is the PIN Database that contains total expenditures and budgets by PINS for each of the grants. This database is updated with life-to-date expenditures from the Department’s Integrated Accounting System at the end of each month. Information from the PIN database is used to calculate the amount of the monthly drawdown.

The Accounting Bureau’s detailed process for both databases is as follows:

**Grants Database** – When a grant is received from the Public Transportation Bureau the following information is setup in the grant database:

1. Grant Number
2. ECHO control number – 69082018
3. PINs and Grantee Name
4. PIN Budgets
   • The federal share of cost of reimbursement for the current grants are as follows:
     1. Section 5303/5304 – 80% Federal - MPO costs & Administration
     2. Section 5310 – 80% - Capital & Administration grants prior to 2010; 80% Capital & 100% Administration grants starting 2010 grant – NY-16-X004
     3. Section 5311 – 80% Capital, 100% RTAP and Admin, 50% Operating
     4. Section 5316 – Job Access Reverse Commute Program-varies by grant
     5. Section 5317 – New Freedom Program-varies by grant
     6. Section 5314(a) – State Coordination Grant-varies by grant

When setting up a new grant in the database, the grant application is reviewed to determine the rates of participation.

PIN Database – When a grant is received the following information is entered:
   o Grant #
   o PINs
   o PIN Budgets

In the past, for the Small Urban and Rural Transit Program (Section 5311), the same PIN had been used in both databases to accumulate expenditures for more than one grant. In such instances, the PIN and budgets were entered for each grant in order to be reflected on the draw down report appropriately. However, this practice created complications in the past when closing out a grant. It also would not be compatible with the new Statewide Financial System. The practice has been revised accordingly and each grant now has distinct PINs.

6.2.2 Drawdown Process

The two databases described above allow the Accounting Grants section to track expenditures and draw downs by PIN to ensure that the proper draw downs are completed each month. There are two different processes used to determine the proper amount for each drawdown: 1) Non-Administration draw downs; and 2) Administration draws. The Non-Administration draw down is based on the costs within PINS. The Administration draw down is a calculated amount based on the total payroll cost of staff working on the Federal Transit Administration programs. Both processes are outlined below.

5.2.2.1 Preparation of Non-Administration Drawdown

The process for preparing drawdown is as follows:

1. On a monthly basis, the Grants database is accessed in order to print a grant report for each grant. The report confirms for each grant PIN the amount budgeted, the expenditures drawn down to date, and the balance available for future draw downs.

2. Soon after the end of a calendar month, all project costs are updated in the IAS. A program is then run to update the PIN database with any new charges for the past month. The PIN database then generates a report for each grant showing the new life-to-date expenditures by PIN within the grant.
This data captures actual expenditures but the nature of the available data differs between grant programs. For example, the data for the 5310 program displays only the 80% Federal share of costs for the capital projects that were paid by the State as the accounting system cannot capture data on the recipient share.

3. The expenditure data is then used to update Drawdown Analysis Spreadsheets to do complete analysis of each grant. Expenditure data is first analyzed by PIN to set aside invalid costs such as interest payments. In instances where the expenditures exceed the PIN budget, the over budget amounts for those PINs are withheld from the draw down calculations and the TPB is notified to determine what course of action needs to be taken to rectify the situation (budget revision or moving expenditures).

4. The data that passes this initial analysis then leads to a draw down amount per grant based on (a) the difference between the new life-to-date expenditures and the previously drawn down expenditures on the Grant Report, (b) any other adjustments of PIN charges to account for valid costs to the specific project, and (c) a final check of staying within the budget for each PIN.

5. The Grant Database is then updated with the calculated amount of the draw via the “Routine Activity” screen. The specific data elements that need to be entered are outlined below:

   a. Grant # is entered and can be selected from the drop down box.
   b. Contract Identification – Selection depends on the grant # selected:
      i. For 5303 Grants, select the MPO name for the draw
      ii. For 5310 Grants, select the appropriate budget description (i.e. Capital or Admin)
      iii. For 5311, 5314(a), 5316, 5317, select the appropriate locality name.
   c. Budget Description represents the PIN and should be selected from the dropdown menu.
   d. Amount of new PIN charges representing the amount of the draw for the PIN is entered.
   e. Drawdown date defaults to the current date.
   f. Drawdown number. The drawdown numbers begin with 1 at the beginning of the Federal Fiscal Year and are assigned consecutively as drawdowns are processed during the course of the FFY.
   g. Press enter to save and go to the next entry.

6. After all of the new drawdowns are entered, two reports are printed: a “Drawdown Log” and a new Grant Report, which shows the updated life-to-date drawdowns as well as the new PIN budget balances.

7. The necessary forms are then completed to direct the resulting reimbursements from the FTA to the appropriate State funds and accounts. These steps are being redefined to meet the design of the new SFS.

8. All Draw Downs are signed off by two staff members of the Grants Unit. The preparer ensures that Grant Report “before” the draw down matches the disbursements in TEAM system, the “after” Grant Report documents that the proposed draw downs do not exceed the PIN budgets, the DD Log is accurate, and the Drawdown Analysis Spreadsheet accurately reflects the PIN based analysis of expenditures to determine the draw down amounts.
The Grants Section supervisor reviews and certifies the drawdown by initialing the “after” Grant Report, the DD Log and the Drawdown Analysis Spreadsheet. The supervisor also signs the forms as necessary for the State Comptroller and Treasury.

9. Entering the request for reimbursements into the FTA ECHO System is to be done by someone other than the preparer or certifier of the request. The Grants Section can have two people authorized to access the ECHO system so the non-preparer staff enters the draw down into ECHO.

The ECHO-Web system is an official U.S. Federal Government web-based application that allows NYSDOT to request reimbursement for the Federal Transit Administration grants. Draw downs are entered into ECHO by the type of reimbursement for each grant denoted by the Financial Purpose Code (FPC).

When doing a drawdown for a grant, it is critical to refer to the copy of the grant in order to obtain the Financial Purpose Code (FPC) that is to be used to drawdown the funds. This code/number will be the 5th digit in the ECHO control number and represents the type of costs (i.e. FPC = 6 is Admin, FPC = 4 is usually operating, FPC = 0 is capital, FPC = 7 is RTAP, and recently FPC = 9 has appeared and represents both operating and capital on some grants). If the proper FPC is not used when entering into ECHO, the reimbursement will not process.

Detailed instructions and screen prints for entering into ECHO can be found at the following FTA website:

To enter a draw down into ECHO, first access the system using your password.

a. On left side of the screen, click on “Request Payment”.

b. An entry screen displaying the drawdown number will appear. The user enters the total amount being requested from the drawdown log at the top of the screen.

c. The grant # from the draw down log is entered in the Project # field on the ECHO system. Each grant is entered individually and, at times, there will be multiple grant numbers representing different types of reimbursement for that grant. (i.e. NY-18-X023 represents a grant number denoting the total grant for a section 5311 grant #23. However, entry to ECHO will be by “grant #” NY-18-0023 for capital charges for grant #23 or NY-18-4023 for operating charges for grant #23). Continue entering information by grant # from the draw down log until the total amount requested for reimbursement is reached.

d. After entering, each of the individual grant amounts, if the amount agrees with the total amount in steps 11(d), click “OK” in the upper right hand of the screen.

e. A pop up screen comes up indicating a chance to print the report. Click “Print Report” to get a printout for filing.

After ECHO draw down is requested, the Grants Administration Section informs the NYS Treasury Department and the Office of State Comptroller (OSC) about the incoming cash transfer and provides the proper coding to assure the appropriate accounting of those receipts. The Grants Section also monitors Comptroller reports to confirm the receipt of the funds and that the appropriate accounts are credited. Once the receipt is confirmed, a copy of all paperwork and backup is filed in the Grant file.
5.2.2.2 Preparation of Administration Drawdown

**Background**

The share of an approved 5304, 5310 or 5311 grant to be used for Administration activities is capped at these maximums:

<table>
<thead>
<tr>
<th>FTA Program</th>
<th>Maximum Administration Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 5304</td>
<td>10%</td>
</tr>
<tr>
<td>Section 5310</td>
<td>10%</td>
</tr>
<tr>
<td>Section 5311</td>
<td>15%</td>
</tr>
</tbody>
</table>

The actual amount of Administration costs charged to each grant is decided by the PTB and is identified in the budget for each of the individual grants. The State account associated with the Federal share of costs for administering these FTA grants is 290-FT.

Various other accounts pick up the associated state match for the employees direct and fringe/indirect costs. The Department has provided a 20% non-federal match for Section 5304 and 5310 grants prior to 2010. The Department provides a 15% match to 5303 grants via in-kind service charges by NYSDOT employees. The remaining 5% match for 5303 is provided by the MPO through its local planning agreement with NYSDOT.

All NYSDOT employees working directly on the Federal Transit Administration 5304, 5310, and 5311 Programs are identified by the PTB and SPB. The salaries and FB/Indirect charges for these staff are paid directly from the 290-FT account. These payroll costs are differentiated on the State system between Section 5304, 5310 and 5311 charges through the use of Pool Codes. The staff also code their timesheets to collection PINs set up to match the same programs.

Every month, the personal service charges to be applied to the 5304, 5310, and 5311 grant programs, and included in the draw downs, are reconciled with the pool codes. The corresponding amounts are transferred from the collection PINs to PINs of specific grants. The selection of which grants receive these PIN charges is determined by utilizing the available administration PIN balance of the oldest grants first.

Every quarter, the Fringe Benefits and Indirect costs for the prior three months of personal service costs are calculated. The 290-FT account is charged for these costs, then the reimbursements of these costs are sought through corresponding draw downs against the specific grants that have shared the PS charges. The Department historically has not chosen to draw down funds for the Department’s overhead costs and therefore the process outlined below uses the direct labor payroll charges and the NYS leave and fringe benefits charged to the 290-FT fund from the State’s Central Accounting System.

For 5303 grants, NYSDOT staff use PINs specific to grants, MPOs, and tasks to charge directly to FTA grants and also accumulate IKS on collection PINs unique to each MPO and program year. The time charged to these collection PINS include direct labor, NYS leave and fringe benefits, and the Department’s overhead costs applied as a percent of direct labor using the indirect cost rate approved by the Federal Highway Administration (FHWA).

5.2.2.3 Drawdown process

1. Payroll cost by Pool Code is summarized for the month. Fringe benefits are billed and paid on a quarterly basis.
2. After identifying the amount that applies to each FTA program, the Grants Section determines the gross amount of the charges applicable to each grant.

   a. For Section 5311 program, since it is reimbursed at 100% of the costs, no calculation is necessary.

   b. For 5303/5304 and the 5310, the costs are reimbursed at 80%, so the amount calculated in step 1 above is divided by .80 to get the total cost.

      For example, if you need to recover cash of $400,000 for the Section 5310 share of program cost, you will have to drawdown charges of $500,000 since the program reimburses at 80%.

3. At this point, the gross amount of the administration costs by FTA program has been determined. The Accounting Bureau Grants section must then determine which individual grants within each program have available budgets from which to draw administration costs. A review of the remaining balances for the Admin PINs for each of the grant types is completed. Using the oldest grant first, the administration costs are assigned to each grant limited by the budget amount for the Admin PIN.

   a. In our example from 2.b. above, we need to assign $500,000 in charges from Section 5310 grants. Open admin PINs by grants follow:

      i. Grant NY-16-0032, PIN P070-32-801 has a balance of $154,168

      ii. Grant NY-16-X001, PIN P070-33-801 has a balance of $936,459

   b. The admin charges would be allocated as follows:

      \[
      \begin{align*}
      \text{Total charges needed} & = \$500,000 \\
      \text{NY-16-0032 Charges} & = (154,168) \\
      \text{NY-16-X001 Charges} & = \$345,832
      \end{align*}
      \]

      This will leave a balance $0 in Grant NY-16-0032 and $590,627 ($936,459-$345,832) in Grant NY-16-X001.

4. Once individual PINs are identified, a journal entry must be prepared to move charges from the Integrated Accounting System FTA grant collection PINs to the individual Grant PINs identified in step 3 above.

5. The most recent Detail Ledger for the Administration Collection PINs charged by all the employees who are working on these grants is printed. The amount reflected in this PIN is both the federal and state share of the costs for all employees working on the FTA grants. After the journal entry is completed, the amount of charges remaining in the collector PIN represents the 20% state match. Historically, this amount is well over the 20% match needed since it also includes the Department’s indirect cost rate that we choose not to recover from FTA.

6. The journal entry moving the appropriate charges from Collection PINs to Grant Pins is entered into the IAS system.

7. From this point on, the drawdown process is completed in the same manner as the Non-Administration drawdown’s (see steps 3 through 10).
6.2.3 Preparation of Federal Financial Reports (FFRs) and Reconciliation

The FFR reports are required to be submitted to FTA twice a year for all open grants; except ARRA grants require a quarterly FFR submission. These reports are due 30 days after the end of the 2nd quarter of the Federal Fiscal Year (FFY), March 30th and 30 days after the end of the FFY on September 30th. The reports recap the expenditures incurred during the six month period covered. When a grant is closed out, a FFR is also prepared as part of the closeout process regardless of when the grant is closed.

5.2.3.1 The FFR and reconciliation process is consistent across all grants and is as follows:

1. Each PTB program area will provide to the Grants Unit in the Accounting Bureau a report by grant of encumbrances for each PIN. Other data on the list will include contract, Purchase Order or voucher number as applicable. This data will be provided on a semi-annual basis at the end of the 2nd and 4th quarters of the FFY. Information related to American Recovery and Reinvestment Act FTA grants is provided at the end of each calendar quarter.

2. Print a copy of the previous FFR from TEAM.
   a. Log on to the TEAM system.
   b. On the left side of the screen, click "Project Management". The first time you click on Project Management, it will expand the listing of options under project management. However, you can not select any of those options until you query a grant. So click on "Project Management" again.
   c. Enter the NYSDOT recipient ID # of 1791 and click on "Submit Query". All of the grants for NYSDOT will appear. You can then select the individual grant you are looking for. You also have the option of entering the grant # at the same time as the recipient ID and then just one grant will appear in the listing.
   d. A summary page of the grant will appear. By clicking on the "Federal Financial Report" on the left side under the Project Management option, a pop up box with 3 tabs will appear. Click on the "Financial Status" tab. This will give you the financial status information previously submitted.

3. Print PIN reports from the PIN database for each of the grants for the month end for which you are preparing the FFR.

4. Print a grant report for each grant from the Grants database showing the amounts drawdown by PIN.

5. Reconcile the amounts drawn down for the period by comparing the draw downs shown in the Grants database to those shown in the TEAM system.

6. Compare the total amount of expenditures previously reported on the FFR to the total expenditures shown on the PIN report, keeping in mind that you only want to identify the Federal expenditures on the PIN report which may also show part or the entire recipient share.

7. Determine the amount of unliquidated obligations for the federal, matching, and total shares of the projects by comparing the total amounts budget to the amounts of expenditures shown for each of the PINs. The difference is the unliquidated obligations.
8. Follow the instructions in step 1 to access the FFR screen in TEAM. Enter the amounts from your worksheet in the “Recipient” and “Total” rows. The Federal shares are calculated. The “Unobligated Balance of Federal Funds” should always be “0”. Print out a copy for our files.

9. If the figures are correct, click “OK” in the upper right hand corner. A message will come up asking if you want to submit the report. Click cancel and save as a ‘Work in Progress’.

10. Notify the program area that the FFRs are ready for review.

11. Program area staff reviews the FFRs and notifies the Grants Unit of any possible errors or omissions.

12. The Grants Unit addresses any errors or submissions and submits the FFRs.

### 6.2.4 Grant Closeout Process

The grant closeout process is similar to the process followed for the preparation of the FFRs. The closeout process requires coordination between the program area and the Accounting Bureau. The request for closing out a grant comes directly from the program area. The Accounting Bureau does one final check to ensure that all the budgets and expenditures are in line and that the final FFR closeout can be prepared.

1. Update the PIN database and print a report that shows all the charges to the PINs for the grant.

2. For any new charges, update the charges in the Grants database and print the resulting grant report.

3. Notify the program that all the funds for the grant have been expended.

4. Process the final drawdown using the steps shown in Section 5.2.2 above.

5. Reconcile the amounts drawn down for the grant with what is shown in the TEAM system.

6. Process the final FFR according to the steps shown in Section 5.2.3 and provide the program area with copies of all documentation.

### 7 InterCity Bus

This Section is specifically addressed in the FTA Section 5311 State Management Plan.

### 8 RTAP

This Section is specifically addressed in the FTA Section 5311 State Management Plan.

### 9 Satisfactory Continuing Control

Addressed in each FTA Program’s State Management Plan, as applicable.
10 Maintenance
Addressed in each FTA Program's State Management Plan, as applicable.

11 Procurement

11.1 Overview
Specific procedures for procurement administration and oversight are addressed under each FTA Assistance Program's State Management Plan. The Public Transportation Bureau and Statewide Planning Bureau, in cooperation with the Purchase Unit within the Administrative Services Division, is responsible for oversight and management of FTA federally funded procurements for the Department. See the Department's "Procedures for Federal Transit Administration (FTA) Assistance Program Related Procurements" for specific guidance regarding Procurement development.

11.2 Process Controls

11.2.1 FTA Clauses & Certifications/OGS Centralized Procurements
FTA federally mandated clauses and certifications are updated regularly (or if federal regulations change) by the Public Transportation Bureau. The Public Transportation Bureau transmits to OGS (for centralized purchasing contracts used by the Department) the required FTA clauses and certifications necessary for federally funded purchases with FTA funds. The Public Transportation Bureau also notifies electronically all sub-recipients (for which the Department does not conduct the procurement on the sub-recipient’s behalf), of the availability of the updated version of the FTA clauses and certifications necessary for federally funded purchases with FTA funds.

11.2.2 Sub Recipient Procurement Oversight
The Public Transportation Bureau administers the specification development of all rolling stock equipment through an OGS centralized contract for FTA federal funding programs (specifically the Section 5310 Program, as no procurement or purchasing is conducted at the sub-recipient level for this program). Specifications are developed jointly between the Public Transportation Bureau and OGS Procurement Services Group. The Public Transportation Bureau provides the required FTA federally mandated clauses and certifications necessary to ensure OGS vehicle procurements, designed for the procurement needs of the Section 5310 and Section 5311 Programs, are eligible for FTA federally funded purchases. Specific procedures for procurement administration and oversight are addressed under the FTA Program State Management Plans.

The Public Transportation Bureau provides direct oversight of all procurements for equipment, commodities and services conducted at the sub-recipient level for all other FTA Program funds. All procurements must be submitted for review and approval by the Public Transportation Bureau prior to federal reimbursement for FTA funds. Specific procedures for procurement administration and oversight are addressed under each of the FTA Program State Management Plans.

(a) Federal law requires the formula distribution of all 5303 grant funding to the designated Metropolitan Planning Organizations (MPOs) in NYS (currently there are 13). NYSDOT has established contracts for each MPO with a funding agent, commonly known as a Host Agency to reimburse MPO costs incurred as per the MPO’s annual Unified Planning Work Program (UPWP). Additionally there may be additional third party contracts established with other MPO members as needed to implement the UPWP. The Statewide Planning Bureau notifies all sub-recipients (for which the Department does not conduct the procurement on the
sub-recipient’s behalf), of the availability of the updated version of the FTA clauses and certifications necessary for federally funded purchases with FTA funds. In the case of the MPP program, the State is the DR, and the MPO is the State’s sub-recipient. A contractor engaged to perform project work directly for either the State or sub-recipient is a third party contractor. A contractor engaged by the third party contractor is referred to as a third party subcontractor. In the case of the MPP, the procurement, execution, audit, and closing of third party contracts are basic MPO responsibilities, for which the State, as well as the MPO, is responsible.

11.2.3 Procurement data oversight – Technology Update

The Public Transportation Bureau will develop a database mechanism to record the procurements using FTA funds as part of the Bureau Tracking Version 3.0 currently being updated. The current milestone reporting system that is being built will track the methodology used for procurement (OGS, direct Procurement or Piggyback) and report out on each contract opportunity and the results from the federal Excluded Parties List System (EPLS) search.

11.3 Buy America

The Public Transportation Bureau maintains oversight over the enforcement of the requirements of Buy America for the purchase of Rolling stock, which must be assembled in the United States and have a 60 percent domestic content. The Public Transportation Bureau requires that a bidder must submit an appropriate Buy America certification with all bids or offers on FTA federally funded contracts (Pre-Award Buy America). Bids or offers that are not accompanied by a completed and verifiable Buy America certification are rejected as nonresponsive. The Public Transportation Bureau transmits to OGS (for centralized purchasing contracts used by the Department) the required FTA Buy America clauses and certifications necessary for federally funded purchases with FTA funds. The Public Transportation Bureau also requires for all rolling stock purchases made using FTA federal funds, that certification be provided applicable to the specific equipment being purchased that it complies with Buy America (Post-Delivery Buy America).

11.4 Suspension and Debarment

The Public Transportation Bureau requires that, before awarding to any contractor, the system specialist reviewing the proposed award will search the federal Excluded Parties List System (EPLS) at www.epls.gov for the proposed contractor and produce a screen print as proof of this search for the contract file. In addition, the Public Transportation Bureau ensures that clauses are attached that require that the bidder, by signing and submitting its bid or proposal, certifies that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in the transaction by any Federal department or agency. The Public Transportation Bureau transmits to OGS (for centralized purchasing contracts used by the Department) the required FTA Debarment/Suspension clauses and certifications necessary for federally funded purchases with FTA funds.

11.5 Lobbying

The Public Transportation Bureau requires that, before awarding to any contractor for an award amount of $100,000 or more, that the contractor must complete a certification as required by 49 CFR part 20, "New Restrictions on Lobbying," attesting that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. The Public Transportation Bureau transmits to OGS (for centralized purchasing contracts
12 Disadvantaged Business Enterprise (DBE) / Title VI / Equal Employment Opportunity

12.1 Overview

It is the mission of the Office of Civil Rights (OCR) to implement programs and develop policies that ensure compliance with federal civil rights laws and regulations. The Office of Civil Rights is responsible for ensuring that no person on the grounds of race, color, sex, age, national origin, religion, disabling condition, or being included within minority populations and/or low-income populations will be discriminated against under any program administered or funded by the Department.

12.2 DBE Goal Setting and Reporting

The NYS Department of Transportation's Office of Civil Rights is responsible for collecting and reporting on DBE goals, commitments and attainments. This DBE utilization data is reported semi-annually to the USDOT Federal Transit Administration (FTA) via the Uniform Report of DBE Commitment/Awards and Payments (Semi-Annual DBE Report). This report is a requirement of 49 CFR Part 26 Appendix B. The semi-annual DBE report is a spreadsheet that captures a detailed breakdown of DBE participation in the New York State Department of Transportation's (NYSDOT) DBE program. The reporting periods run from October 1st to March 31st and from April 1st to September 30th. The semi-annual DBE reports are submitted to FTA on June 1st and December 1st of each year.

In addition to the semi-annual reporting period for grants, there is a quarterly reporting period for all ARRA grants. The quarterly reports run from January 1st to March 31st, April 1st to June 30th, July 1st to September 30th and October 1st to December 31st. These quarterly ARRA DBE reports are submitted to FTA within 10 days of the end of the quarter.

We request each sponsor to submit a Prime & Sub-Prime contractor information form when submitting invoices for payment. This form requires contractor’s name and address, pin number, award amount and date awarded, whether or not the contractor is a DBE or MWBE, as well as other information needed/required.

Both semi-annual and quarterly DBE reports are based on the same criteria/data. Commitments/Awards are based on the date the commitment is awarded. Actual payments on contracts are based on the date the vendor/contractor was paid. Payments are reported to the FTA when the final payment has been made on that pin/project. This information is collected and then input into TEAM for review.

12.3 LEP Program

The Office of Civil Rights (OCR) is the lead Organization within NYSDOT for the Limited English Proficient (LEP) Program. The Public Transportation Bureau uses the LEP analysis done by the Office of Civil Rights to ensure that outreach efforts include opportunities for LEP target populations, that they can access the funding and grant opportunities administered by the Department. This is addressed in more detail in the Department’s approved FTA Title VI Program dated 11/30/2011, prepared in accordance with FTA Circular 4702.1A. In addition, each of the FTA Program’s State Management Plans address the process for inclusion of these populations.
12.4 Title VI Program

The purpose of NYSDOT’s Title VI/Environmental Justice program is to establish and implement Procedures that comply with Title VI of the Civil Rights Act of 1964, as amended, the Environmental Justice Executive Order 12898, Executive Order 13166, Limited English Proficient, the Civil Rights Restoration Act of 1987, Title 49 CFR Part 21 as well as related statutes and regulations. The provisions include, but are not limited to, prohibiting discrimination on the grounds of race, color, sex, age, national origin, religion, disabling condition, or being included within minority populations and/or low income populations, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity administered by NYSDOT.

Any person/s or entity who believes they have been subjected to unlawful discrimination based on race, color, sex, age, national origin, religion, disability in any programs, activities and services of the New York State Department of Transportation or organization funded through the Department may file a complaint. The complaint may be filed by the individual or their representative. A complaint must be filed no later than 180 days after the date of the alleged discrimination, unless extended by the Department.

Complainants can obtain a complaint form by contacting the Title VI Coordinator, Office of Civil Rights, NYSDOT, 50 Wolf Road, Albany, NY 12232 or via an e-mail request to OCR-TitleVI@dot.state.ny.us. A Complaint form can also be obtained at any of the 11 Regional Offices of the New York State Department of Transportation. After completing and submitting a complaint form, an investigation will commence and within thirty (30) days a determination rendered. The Complainant will be notified of the Department’s determination and resolution. If a Complainant is not satisfied with the determination and/or resolution, he/she has ten (10) calendar days to appeal to the Commissioner. The appeals process should be completed in ten (10) calendar days with a letter to the Complainant from the Commissioner or her Representative of the final decision.

The Title VI Coordinator and the Regional Coordinators are authorized to receive, investigate, and make determinations and recommendations to the Director of the Office of Civil Rights.

All complaints filed with the Department are categorized and reported to USDOT within sixty (60) days as part of the agency's requirement to effectively monitor Title VI complaints, as required of 23 CFR 200.9 (d)(3).

For additional information on how NYSDOT complies with FTA’s Title VI requirements, please refer to the Department’s FTA Title VI Program dated 11/30/2011, approved for the period from 6/1/2011 – 6/1/2014 (see appendix).

12.5 Equal Employment Opportunity (EEO) Program

The New York State Department of Transportation is an equal opportunity/affirmative action employer. Women, minority group members, disabled persons and veterans are encouraged to apply. Upon request, reasonable accommodations will be provided for the disabled. The Personnel Bureau in the Administrative Services Division is responsible for implementing the EEO program at NYSDOT.

13 Planning and Coordination

The Statewide Planning Bureau in the Policy and Planning Division plays an important role in the delivery to services to the New York travelers. The Bureau is the liaison to the metropolitan planning organizations in the state and work with local officials, public transportation providers and the NYSDOT regional planning and program managers to ensure that there is an open line of communication and that the program and projects are vetted and are provided the fullest opportunity for participation.
13.1 Statewide and Metropolitan Planning

(2) MPP grant assistance is based on the activities described in the metropolitan UPWP. Although the MPO generally has the primary responsibility for preparing the UPWP for its metropolitan area, developing the UPWP is the joint responsibility of the MPO, State DOTs or other State departments, public transportation operator(s) and other planning or operating agencies authorized to carry out transportation and related planning and implementation within metropolitan areas. Specifically, it is essential that all planning and implementing agencies (such as State DOTs, transit authorities, and airport operators) be an integral part of the planning process and participate in the development of the UPWP. A State’s grant application to FTA for MPP assistance must reflect the planning activities described in the UPWP’s prepared by MPOs within the State. The SPB is responsible for ensuring that each MPO within NYS’ jurisdiction complies with those Federal requirements affecting MPO operations. The State role includes:

(a) Notifying eligible local entities of the availability of MPP assistance;

(b) Determining how MPP assistance should be allocated to each MPO;

(c) Reviewing UPWP work tasks;

(d) Forwarding the State’s MPP application to FTA;

(e) Providing the necessary Certifications and Assurances;

(f) Ensuring compliance with Federal requirements by all sub-recipients;

(g) Monitoring the MPOs’ project activity; and

(h) Overseeing project audit and grant closeout.

Appendix __(Letter?)__ shows the NYSDOT Grant Approval Process for FTA 5303/5304 Programs

13.1.1 Public Transit-Human Services Coordinated Plan

The Department is responsible for implementing the SAFETEA-LU requirement for locally developed Coordinated Human Service-Public Transportation plans. While these plans are not approved by either FTA or NYSDOT, NYSDOT is responsible to ensure that projects that are awarded for Section 5310, 5316 & 5317 are identified as part of the strategy of the plans. NYSDOT sent our initial guidance in November of 2007 to outline a process to develop these plans and sought through a series of presentations, conferences, and roundtable meetings in the rural areas to engage the local communities to lay the groundwork for the planning process. NYSDOT keeps all submitted plans on the Department’s website for review and localities are encouraged to submit new plans, updates and amendments to the Bureau for posting on the website. The Section 5310, 5316 and
5317 programs have conducted multiple solicitations with these plans as a requirement for federal funding eligibility.

### 13.2 Statewide Transportation Improvement Program (STIP)

The Statewide Planning Bureau also participates in the TIP and STIP development to ensure that the Transportation plans in the state are developed in a manner that meets the Federal Final Rule on Metropolitan and Statewide planning. The STIP is managed by several groups in the Department. The Public Transportation Bureau is responsible for processing all Transit related information. Whether an action comes from a Local TIP or from a statewide program like the State-Administered programs, PTB is responsible for moving the requests along as either an administrative Modification or an amendment to the STIP. The Electronic STIP (eSTIP) application makes this relatively straightforward. In October 2009 all MPOS were given access rights to the program and will now do most of the entry work. Once an entry is created, PTB reviews and approves the action depending on the MPO operating procedures or the Statewide program.

### 14 Americans with Disabilities Act (ADA)

#### 14.1 Provision of Complimentary Paratransit in New York

As Public Transportation in New York State is provided by local municipalities or Transportation Authorities, the responsibility for providing ADA required services to meet the ADA requirements is with the local agencies. The Americans with Disabilities Act (ADA) requires fixed route public transportation systems to be accessible to individuals with disabilities, provide complementary paratransit to individuals with disabilities that are 3/4 of a mile from the fixed route and unable to reach the fixed route stops, and accommodate passenger needs through alternative schedule formats and stop announcements. The paratransit requirement can also be met by deviating 3/4 of a mile with the fixed route vehicle to pick up any passenger requesting service. This is known as route deviation service. The regulations can be found in 49 CFR Parts 27, 37, & 38 and are available at the Federal Transit Administration's (FTA) website [www.fta.dot.gov](http://www.fta.dot.gov). The FTA responds to questions by fax at (202) 366-3475 or by email at ada.assistance@fta.dot.gov.

#### 14.2 Reporting, oversight and guidance

The Public Transportation Bureau reviews the services provided in the Annual applications that sub-recipients send in for each Federal Section under which they apply. For Section 5311, the budget outlines the type of service and how the transit system will meet the ADA requirements. A review of the schedules at site visits and through the STOA reporting, the systems update any changes to that provision of service. For applicants of New Freedom Funds, the applications are reviewed in light of the May 2009 expansion of project eligibility.

### 15 Charter Bus/School Bus

Addressed in each FTA Program’s State Management Plan, as applicable.

### 16 Drug-Free Workplace/ Drug & Alcohol Program

Addressed in each FTA Program’s State Management Plan, as applicable.

### 17 National Transit Database

Addressed in each FTA Program’s State Management Plan, as applicable.