



Pikes Peak Area
Council of Governments
Communities Working Together

**Meeting Agenda of the
MOBILITY COORDINATING COMMITTEE
October 27, 2020 9:30 a.m.
ZOOM Meeting -**

<https://ppacg.zoom.us/j/97086158965?pwd=aVRVNTd0QkYvWVVzZWkrMkZCbGlUT09>

Meeting ID: 970 8615 8965 Passcode: 427046
+1 669 900 6833 US

ALL PARTICIPATION IN THIS MEETING WILL BE VIA ONLINE AND TELEPHONE CONFERENCE IN ORDER TO PRESERVE THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC IN LIGHT OF THE IMMINENT THREAT CAUSED BY THE COVID-19 PANDEMIC AND DUE TO THE STATE OF EMERGENCY DECLARED BY GOVERNOR POLIS, AS AMENDED AND EXTENDED, CORRESPONDING EXECUTIVE ORDERS AND PUBLIC HEALTH ORDERS, AS AMENDED AND EXTENDED, AND CDC RECOMMENDATIONS AGAINST GATHERING IN LARGE GROUPS IN ORDER TO MITIGATE THE SPREAD OF THE COVID-19 VIRUS.

Agenda items marked with ☒ indicate that additional materials were included in packets provided to members.

1. **Call To Order / Establish A Quorum / Introductions** (Six [6] voting members)
2. **Agenda Approval**
3. **Approval of the Minutes - September 2020** ☒
4. **Public Comments**
Items not on the Agenda
5. **Membership Appointments**
No new appointments
6. **Presentations**
A. Community Intersections
B. 211, Eric Barnett
7. **Training/Information Sharing/Coordination Opportunities**
A. Federal Transit Authority 5310 Update and Program Management Plan Input –
Laura Crews, PPACG Mobility Coordinator
8. **Action Items for Next MCC Meeting**
Next meeting date: To be determined. 11/24 coincides with Thanksgiving week.
9. **Adjournment**

**Meeting Minutes of the
MOBILITY COORDINATING COMMITTEE
September 22, 2020 9:30 a.m.
ZOOM Meeting -**

<https://ppacg.zoom.us/j/98234216034?pwd=T2dtSEh5bk9XRWVWUDFOeDjiOFVGZz09>

Meeting ID: 982 3421 6034 Passcode: 881939
+1 669 900 6833 US

All participation will be via the Zoom meeting location due to the State of Emergency declared by Governor Polis, Public Health Orders 20-23 and 20-14 (revised), Governor Polis' March 25, 2020 Stay at Home Order D2020 017, and CDC recommendations against gathering in large groups in order to mitigate the spread of the COVID-19 virus.

Agenda items marked with ☒ indicate that additional materials were included in packets provided to members.

1. **Call To Order / Establish A Quorum / Introductions** (Six [6] voting members)

1st Vice Chair Dick Hyde called the meeting to order at 9:30 a.m. A quorum was established.

2. **Agenda Approval**

Mr. Joe Vacarro moved to approve the agenda, seconded by Ms. Maile Gray. The motion carried unanimously.

3. **Minutes**

Action: Review and Approve from August 2020.

Ms. Maile Gray moved to approve the minutes, seconded by Mr. Joe Vacarro. The motion carried unanimously.

4. **Membership Appointments**

No new appointments

5. **Public Comments**

Items not on the Agenda – there were none.

6. **Presentations** – Envida – Mr. Phill Van Horn shared about Envida.

7. **Training/Information Sharing/Coordination Opportunities**

- Mobility Coordinator Report and Discussion – Laura Crews
Ms. Crews shared about the CASTA Conference and other mobility updates.
- DriveSmart will close at the end of 2020.
- Special Kids Special Families - 9th Annual Night of Comedy, Saturday night at 6 PM. Virtual event.
- Goodwill does vehicle repairs and wheelchair lift service.

8. **Action Items for Next MCC Meeting**

October 27, 2020

9. **Adjournment**

Chair Hausman adjourned the meeting at 10:34 a.m.

Present	Name	Entity/Representing
	Jody Barker	PPACG (non-voting)
x	Laura Crews	PPACG - Mobility Coordinator
x	Joe Vaccaro	Citizen-At-Large
	Rosa McCormick (Alternate)	City of Fountain
	Sharon Brown	City of Fountain
x	Dick Hyde (1 st Vice Chair)	Community Intersections Colorado Springs
	Markie Miller	Community Intersections Colorado Springs
x	Maile Gray (2 nd Vice Chair)	Drive Smart
	Karen Teel	Drive Smart
	Vacant	El Paso County
x	Jolene Hausman (Chair)	El Paso Fountain Valley Senior Citizen Program
	Gregory VanNingen (Alternate)	El Paso Fountain Valley Senior Citizen Program
	Gail Nehls	Envida
x	Phil Van Horn	Envida
	Kyle West	Envida
	Donald Watts	Falcon Senior Services
	Beverly Ordon (Alternate)	Falcon Senior Services
	Terri Cassidy	Fitness to Drive
x	Kristen Amundson	Goodwill Industries
	Jodi Liparulo	Mountain Community Transportation for Seniors
	Cindy Rush (Alternate)	Mountain Community Transportation for Seniors
	Brian Champion	Mountain Metro Transit
x	Jacob Matsen (Alternate)	Mountain Metro Transit
	Jason DeaBueno	Silver Key Senior Services
	Erica Carter	Silver Key Senior Services
	Linda Ellegard	Special Kids Special Families
x	Jon Karroll	Special Kids Special Families
	David Prudhomme	Special Kids Special Families
	Shkak Yousef	Special Kids Special Families
	Vacant	Teller County
x	Dianna Van Auken	Teller Senior Coalition
	Kathy Lowry (Alternate?)	Teller Senior Coalition
	Vacant	The Independence Center
	Matthew Morris (on Leave)	The Independence Center
	Ted Schweitzer	Cripple Creek

PPACG Section 5310 Program Management Plan

Draft
October 2020

Pikes Peak Area Council of Governments
15 South 7th Street
Colorado Springs, CO 80905
www.ppacg.org



Pikes Peak Area
Council of Governments

Communities Working Together



**PIKES PEAK
AREA AGENCY ON AGING**
Answers • Assistance • Advocacy

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A. INTRODUCTION

Purpose of This Document

The Pikes Peak Area Council of Governments (PPACG) is working towards becoming the Designated Recipient of Federal Transit Administration (FTA) Section 5310 program funds for the Colorado Springs Urbanized Area (UZA). PPACG will complete the necessary steps to become the designated recipient by the calendar year 2021. To receive this designation, PPACG must detail how it plans to administer the 5310 FTA program in a Program Management Plan (PMP). The PMP serves as a guide for PPACG's policies and procedures for administering the FTA's Section 5310: Enhanced Mobility of Seniors and Individuals with Disabilities program. The PMP is intended to facilitate both PPACG's management and FTA oversight by documenting the procedures and policies for administering these programs in a single document. This PMP details how a project is selected, incorporated into the appropriate documents for federal funding, contracted, and managed.

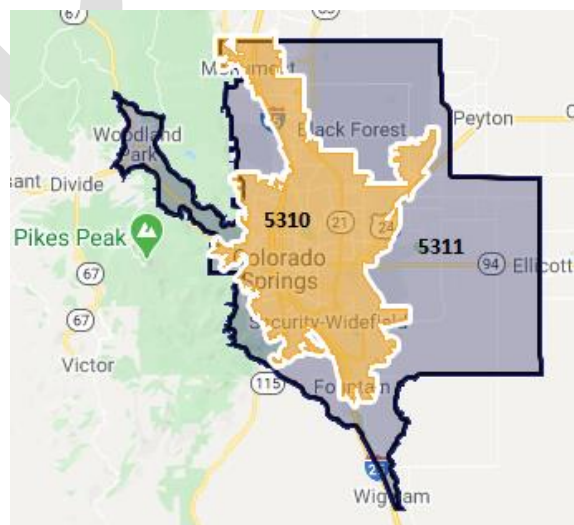
There are two basic functions for this PMP:

- It expresses strategic focus, and
- It serves as a mechanism for scheduling the use of time and resources over the life of PPACG being the Designated Recipient for the FTA Section 5310 program.

This Plan helps PPACG, as a Designated Recipient and pass-through entity, achieve the following by being a guide for managing the FTA Section 5310 program in governing the following activities:

- Staffing the program appropriately;
- Managing program resources efficiently;
- Ensuring compliance with both federal and internal requirements;
- Establishing measurable program outcomes and fund sub-awards that will contribute to achieving those outcomes;
- Selecting subrecipients;
- Monitoring sub-awards;
- Providing effective technical assistance;
- Evaluating program results; and
- Laying the groundwork for improving the management of subsequent award cycles.

Section 5310 projects for the Colorado Springs Urbanized Area must be within the area in orange as shown below.



PPACG 2045 Regional Transportation Plan - Specialized Transportation Coordination

Beginning in the summer of 2019, the Pikes Peak Area Council of Governments (PPACG) led the development of the 2045 Regional Transportation Plan—Specialized Coordination (Specialized Plan). The Specialized Plan is one of several mobility elements included in the 2045 Moving Forward Regional Transportation Plan (Moving Forward Plan), the region’s long-range transportation plan (LRTP). This plan aims to enhance mobility for seniors and people with disabilities while maintaining compliance with the Federal Transit Administration’s (FTA) requirements for federal funding programs. The Specialized Plan was completed in partnership with Mountain Metropolitan Transit (MMT). MMT was simultaneously leading the creation of the 2045 Regional Transportation Plan—Transit (Transit Plan).

This Specialized Plan identifies multiple strategies for local specialized transportation providers to coordinate together, support one another, and to be as effective as possible. The Specialized Plan focuses on coordination, partnerships, and resource sharing (materials, services, and knowledge). Many people are aware of the extensive paratransit services provided by MMT through the Americans with Disabilities Act (ADA). However, this plan focuses those smaller transportation providers delivering specific services beyond MMT’s ADA paratransit. Various organizations provide additional transportation options for seniors, people with disabilities (physical, intellectual, and developmental disabilities), and those with limited mobility in the Pikes Peak region. These organizations provide mobility opportunities for residents to connect and contribute to our society regardless of their age, disability, or income. The ability to get to and from work, home, health care, school, shopping, or social interactions is essential to residents’ physical and mental health. This plan is a guide for coordination efforts among specialized providers in the region. This plan does not dictate exactly what organizations must do, but rather provides a framework, tools, and program concepts for stronger coordination.

This plan assumes the specialized, paratransit, and fixed-route transit providers will work in partnership to advance the improvements and coordination programs that work best for their unique circumstances. Successful coordination requires a shared vision and commitment to best serve as many seniors and persons with disabilities as possible within the community.

The Specialized Plan was developed with input from an advisory committee comprised of a range of those involved in delivering mobility within the region. The advisory committee includes mobility advocacy groups, the chair of the Mobility Coordinating Committee, and representation from specialized providers and support agencies. The advisory committee served as a key sounding board for ideas and helped guide the content of the Specialized Plan. Technical analysis was completed examining the current specialized coordination efforts (both successes and challenges). Future projections of population, congestion, and growth within the region set the backdrop for the development of the Specialized Plan. The population of the Pikes Peak region is expected to be just over one million people in 2045 – approximately 50% more than in 2015. With growth comes a greater demand for mobility services to meet the needs of a wide range of users with varying abilities and ages. The planning process considered how the needs of specialized transportation users may differ over the next 25 years. New technologies, changing development patterns, and new coordination processes

may create opportunities to provide more and improved mobility services. The Specialized Plan identified a series of potential ‘themes’ based on feedback from stakeholders. These themes were used to organize the ultimate plan recommendations into program packages for consideration and implementation by the specialized providers. The themes and recommendations were built from the plan’s overall goals, objectives, and significant input from the advisory committee and public stakeholders. A summary of the themes and underlying recommendations are noted below.

Theme: Focus on the customer.

Coordination in customer service to enhance the user experience—to make it easier for customers across the region to access information, understand the system, and to get a ride to where they want to go.

Example Recommendations

- Mobility management – Strengthen and advance the role of a regional “mobility manager” to coordinate, advocate, and support the local specialized providers.
- Customer focused technology – Explore and enhance new methods for customers to access mobility services information, scheduling, booking, and fare payment.

Theme: Maximize shared resources.

Agencies working together to support a variety of day to day needs can create economies of scale and efficiencies in their organizations. Lower cost results in overall savings or increased capacity at a similar cost.

Example Recommendations

- Operator training – Joint operator training for specialized transportation can be the basis for a shared training curriculum, development plans, and even shared or common training delivery.
- Joint fueling/maintenance – Many specialized providers may be too small to command bulk discounts for fuel or maintenance. However, as a group, the providers may be able to negotiate lower costs.

Theme: Align service goals and delivery.

This theme focuses on aligning and streamlining service to maximize the benefit to customers.

Example Recommendations

Trip coordination – Joint scheduling and dispatch services can be an effective means to simplify operations and maximize the efficiency of the system. This means providing more trips with similar resources. The recommendations in the plan are presented as a continuum of coordination. Coordination efforts can mature and grow over time as relationships between the various providers continue to strengthen. The mobility manager role is one of the most significant recommendations presented in the plan. Having an independent representative to coordinate and facilitate among providers regionally is critical to improving and growing specialized mobility. The critical first steps will be to identify the appropriate organizational structure for this mobility management function, initiate the process to secure funding, and identify the necessary agency support. The defined role of the mobility manager must include strengthening and advancing the Mobility Coordinating Committee as a mechanism to align and

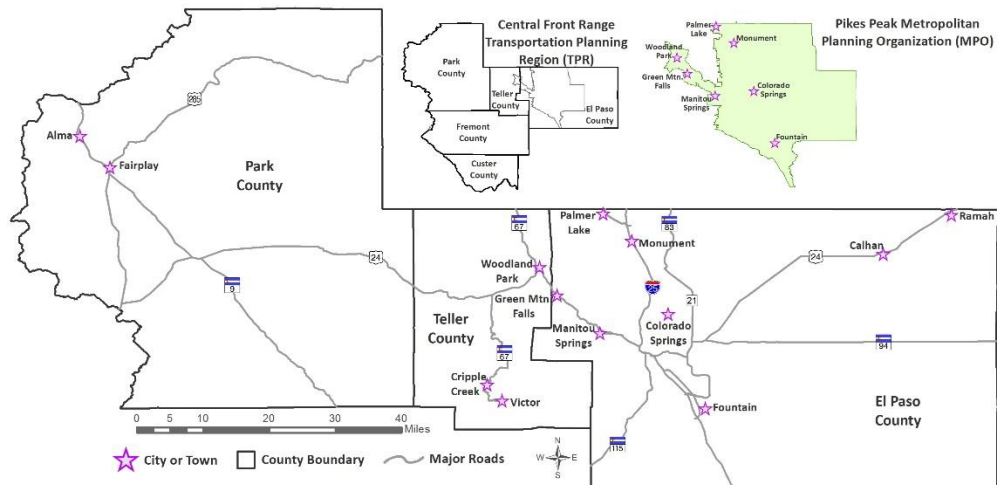
support the providers. The remainder of the recommendation will benefit from the overall role of the mobility manager as champion, along with the support and initiative of partner agencies.

B. BACKGROUND

PPACG is a voluntary organization of local governments serving the Pikes Peak region’s cities, towns, and counties. We are a council of governments that serves El Paso, Teller, and Park counties. The governing body of PPACG, the Board of Directors, is composed of elected officials appointed by the member governments.

Current membership includes:

Counties	Cities	Towns
El Paso	Colorado Springs	Alma
Park	Cripple Creek	Calhan
Teller	Fountain	Fairplay
Manitou Springs	Green Mountain Falls	
Victor	Monument	
Woodland Park	Palmer Lake	
Ramah		



PPACG provides a forum for local officials to identify regional problems and opportunities, develop solutions, and make recommendations to local governments on area-wide strategies to deal with those issues. PPACG can be a vehicle to ensure cooperative action in matters that cross local political boundaries. Such bodies have the advantage of being able to cover a wider range of area-wide issues and coordinate programs to avoid duplication and conflict. This regional approach serves to facilitate state and federal funding for local programs and projects.

PPACG leverages member dues to bring hundreds of millions of dollars in federal, state, and local programs to our region. Our role is to assist local elected officials in making coordinated decisions affecting regional development in transportation, aging, air and water quality, military support, and regional concerns.

PPACG has the following designations:

- State-designated Metropolitan Planning Organization for the Colorado Springs Urbanized Area
- Older Americans Act Area Agency on Aging for the Pikes Peak region
- Lead air-quality planning agency for the Pikes Peak region
- Lead water-quality planning agency for the Pikes Peak region

Other Transportation Funding:

Pikes Peak Rural Transit Authority (PPRTA):

In 2004, voters of the Pikes Peak region enacted a cent excise tax where a portion is dedicated to providing transit service for the region. Historically, a portion of those transit revenues has been dedicated to providing human service transportation beyond the required ADA service. It is envisioned that these PPRTA funds will continue and help provide a match for the regional coordination of the 5310 program.

Older American's Act:

The PPACG Area Agency on Aging (PPACG AAA) administers Older Americans Act/Older Coloradans Act funds for projects in a three-county portion of the PPACG region: El Paso, Teller, and Park counties. As required by the Older Americans Act (OAA), the Pike's Peak Region's Area Plan on Aging is carried out through programs provided directly by the AAA and through contracts with community-based agencies to provide a continuum of services. The AAA has many options to help older adults 60+, their families, and caregivers remain independent in the community, including information and referral services, case management, transportation, home-delivered meals, senior centers, legal services, and more through its network of funded providers. Approximately, \$1 million annually is appropriated to transportation for older adults. This includes providing operating assistance to non-profit and local government partners and subsidizing bus passes and ride-shares for clients.

Human Service Transportation

The Pikes Peak Rural Transportation Authority (PPRTA) provides a dedicated funding source to improve mobility for vulnerable populations, including older adults, low-income individuals, veterans, and individuals with disabilities. This funding is intended to complement FTA 5310 and Older American Act/Older Coloradan Act dollars by funding identified needs that are underfunded or underserved by those sources.

PPACG staff anticipates incorporating all three pots of money (Section 5310, PPRTA, and OAA funds) into one call for projects soon. This would enable funding decisions to be made more holistically. It would also allow for uniform contract terms making project administration more streamlined for both subrecipients and PPACG.

C. FTA REQUIREMENTS

FTA requires Designated Recipients to follow a Coordinated Human Service Transit Plan and this document: the 5310 Program Management Plan (PMP). The Coordinated Human Services Transit Plan is a locally developed plan that identifies transportation needs in the PPACG region, provides strategies for meeting those needs, and prioritizes transportation services and projects for funding and

implementation. PPACG produces and maintains the Coordinated Human Service Transit Plan. The PMP states the policies and procedures for administering the Section 5310 program.

FTA also requires federally funded projects to be included in the PPACG Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP). PPACG includes all selected 5310 projects in the PPACG TIP and coordinates with the Colorado Department of Transportation (CDOT) to have them included in the STIP.

Transfer of Funds

Per the requirements of the FAST Act, 5310 funds apportioned to large UZAs may not be transferred to other areas. Transfer of 5310 funds to other programs is also not permitted (C 9070.1G, p.III-6). However, States can transfer funds from rural areas to UZAs of less than 200,000 in population, if the Governor certifies that all objectives of the Section 5310 program are being met in rural areas. PPACG will ensure that all Section 5310 funds are expended on projects for eligible activities within the boundaries they were intended.

Coordination

Transportation planning for the Pikes Peak region is a continuing, cooperative, and comprehensive process. The Pikes Peak Area Council of Governments (PPACG), MMT, and Colorado Department of Transportation (CDOT) are the primary partners in this process. A Metropolitan Planning Agreement (MPA) forms and directs this partnership.

As the MPO for transportation planning in the Pikes Peak region, PPACG is federally mandated and funded to plan, program, and coordinate federal transportation funds. To do this PPACG not only coordinates and collaborates with CDOT and MMT, but also with each of its member jurisdictions, other stakeholders, and the public.

Public and stakeholder participation is essential in preparing the Coordinated Transit Plan. Older adults; individuals with disabilities; representatives of public, private and nonprofit transportation, and human service providers; and other members of the public actively participate in developing this plan. Staff receives valuable input from key partners, including the Mobility Coordinating Committee (MCC), MMT, and CDOT. A variety of techniques are used to provide information and solicit public comment, including public forums and meetings, surveys, and community planning sessions. Please refer to the Coordinated Human Service Transit Plan for more information about transit coordination.

Section 5310 Program Management

The Section 5310 program management will be conducted by multiple programs within PPACG, including the Area Agency on Aging (AAA), Transportation, and Administration. AAA will provide the program management and general review of projects with support from Transportation. The administration will provide overall program financial compliance and contract management.

Procurement

PPACG will collect documentation that the required steps of the procurement process are completed based on Section G. This documentation will be collected in PPACG's contracts and reimbursement system.

Financial Management

PPACG maintains financial reporting and accounting records based on all applicable guidelines. All systems and procedures for financial management shall comply with 49 CFR 18.20, the “Common Rule.”

PPACG develops contracts with approved subrecipients. These contracts include a detailed scope of work and budget. For projects including capital elements, the type of equipment, its intended use, and the useful life must be included. For operational assistance scopes of work, the clients, service area, time-period for operating expenses (e.g., January 1, 2021 – December 31, 2021), and other pertinent information must be included. These contracts are not to be signed by PPACG and the subrecipient until the grant has been executed and FTA funds are secured. PPACG does not allow pre-award authority to spend funds from contracts yet to be executed.

Accounting Systems

The PPACG Accounting system shall establish and maintain accounts in a manner consistent with 2 CFR 200 and accordance with applicable provisions of 23 CFR 172. Expenditures shall be in conformance with the standards for allowability of costs outlined in OMB Circular A-87 and the contract cost principles and procedures outlined in 48 CFR Part 1.31.6 of the Federal Acquisition Regulation system.

PPACG maintains a system of controls over subrecipient monitoring. As a part of subrecipient monitoring, PPACG requires sufficient documentation to be provided as support for pass-through expenditures. PPACG shall also monitor the matching effort and project budgets.

Property Management

PPACG will coordinate with HSPs for the procurement of vehicles, facilities, and other capital items for PPACG’s 5310 program. These items are governed by PPACG’s Asset Management Plan. Recipients of vehicles are required to follow all pertinent management procedures and restrictions of the program management plan of the procuring agency.

PPACG will maintain an inventory of capital assets in PPACG’s contracts and reimbursement system. This will be updated annually. PPACG will maintain and update the Asset Management Plan as it relates to PPACG subrecipient assets.

Audits and Management or Financial Reviews

PPACG will maintain an accurate cost-keeping system for all costs incurred in connection with any FTA-funded project and shall produce for examination books of account, bills, invoices, and other vouchers, or certified copies thereof if originals are lost, at such reasonable time and place as may be designated by PPACG, FTA or a designated Federal representative and shall permit extracts and copies thereof to be made during the contract period and for three years after the final FTA-PPACG audit is completed, resolved and closed.

PPACG affords a representative of PPACG, FTA, or any authorized representative of the Federal government, reasonable facilities for examination and audits of the cost account records, shall make such returns and reports to a representative as may be required, shall produce and exhibit such books, accounts, documents and property as the representative may desire to inspect, and shall in all things aid them in the performance of audit duties.

PPACG shall be responsible for meeting the audit requirements of OMB Circular A-133, or any revision or supplement thereof. OMB Circular A-133 states that when expenditures of total federal awards, whether pass-through or direct, exceed \$750,000 in a fiscal year, an A-133 Audit is required. Pass-through monies from PPACG shall be separately identified on the Subrecipients' Schedule of Expenditures of Federal Awards as reported in their financial audit.

PPACG will contract with a third-party auditing firm with expertise on FTA regulations to perform an annual audit of the program. PPACG staff will participate in the audits and review findings. These audits will be streamlined by incorporating other funding sources, when applicable.

Program Management Plan Updates

All 5310 Program Management Plan revisions, other than minor updates, must be approved by the PPACG Board of Directors. PPACG may concurrently ask FTA for input or review.

Goals and Strategies

Program Goal: PPACG's goal is to lead a network of partners in establishing regional solutions to complex mobility issues for seniors and individuals with disabilities.

Strategy 1: Develop short-range and long-range strategic operational plans that address inefficiencies and service gaps identified by human service organizations, community leaders, and residents who depend on specialized transit programs.

Strategy 2: Support projects that not only encourage coordination among services supported by the Section 5310 Program but also coordination among the broad array of community transportation services in the Colorado Springs UZA.

Strategy 3: Remove barriers that challenge progress in mobility efforts that directly affect customers and service providers throughout our community.

5310 Operational Goal: PPACG's goal is to meet the federal requirements of being the Designated Recipient of 5310 funding and ensure all projects align with PPACG's Coordinated Human Service Transit Plan, the region's Transportation Improvement Plan, and the State's Transportation Improvement Plan.

Strategy 2: Facilitate the flow and appropriate level of Section 5310 program funding to the region by ensuring that the coordinated plan fully complies with the MAP-21 regulations and with the spirit and intent of the Section 5310 program.

Strategy 3: Establish a framework by which proposed projects requesting Section 5310 program funding can be solicited and selected through a fair and equitable process.

Strategy 4: Ensure that all components of the Plan/Program have benefited from a comprehensive public involvement effort that has effectively reached out to public, private, and nonprofit transportation providers, human service providers, and other stakeholders representing persons with disabilities, seniors, and the general public.

Strategy 5: Provide program oversight and monitoring to ensure sub-recipients and contractors are following applicable FTA regulations associated with their projects or services provided through 5310 funding.

Performance-Based Planning

Performance-based planning and applying performance management principles to transportation system policy and investment decisions, providing a link between management and long-range decisions about policies and investments that an agency makes in its transportation system.

Performance-based planning and programming is a system-level, data-driven process to identify strategies and investments. Long-range planning helps to define key goals and objectives and to analyze and evaluate strategies and scenarios for meeting goals. Connecting performance measures to goals and objectives through target setting provides a basis for understanding and sharing information with stakeholders and the public.

The objectives-driven, performance-based approach to planning for operations is an example of performance-based planning focused on one area: operations. The same processes and principles are used in planning for operations and performance-based planning. Operations planning falls under the larger planning activity of performance-based planning. By expanding the objectives-driven, performance-based approach for operations to other areas such as safety, asset management, freight, and others, a region or State can build a comprehensive performance-based planning process.

With the 2012 passage of the Federal surface transportation legislation, "Moving Ahead for Progress in the 21st Century Act" (MAP-21), performance-based planning has taken on even greater significance. MAP-21 calls for statewide and metropolitan planning processes to incorporate a more comprehensive performance-based approach to decision making. The Fixing America's Surface Transportation Act (FAST Act) of 2015 continued the performance management and performance-based planning and programming requirements of MAP-21 with minor changes.

PPACG will soon be developing the 2050 Long Range Transportation Plan (LRTP) which will include the Coordinated Transit Plan. The next iteration of the Coordinated Transit Plan will include targets and measures developed through performance-based planning. These targets and measures will be used to evaluate the success of the FTA Section 5310-funded projects.

D. AUTHORITY AND RESPONSIBILITY

FAST Act Statutory Authority and Program History

On December 4, 2015, President Obama signed the Fixing America's Surface Transportation (FAST) Act (Pub. L. No. 114-94) into law. The FAST Act authorizes \$305 billion over fiscal years 2016 through 2020 for highway, highway and motor vehicle safety, public transportation, motor carrier safety, hazardous materials safety, rail, and research, technology, and statistics programs.

The FAST Act requires projects selected for funding under Section 5310 to be "derived from a locally developed, coordinated public transit-human services transportation plan" and that the plan be "developed through a process that includes representation of public, private, and nonprofit transportation and human services providers."

FTA requires projects funded in the FTA 5310 program come from in the Coordinated Transit Plan. However, FTA maintains flexibility in how projects appear in the Coordinated Plan. Programs and projects may be identified as strategies, activities, or specific projects addressing an identified service gap or transportation coordination objective articulated and prioritized in this plan. For example, a proposed 5310 project to expand transportation services for individuals with disabilities is consistent with the section of the Coordinated Transit Plan defining the needs for expanded services for that population.

Funding for Program Administration, Planning, and Technical Assistance

PPACG, when it becomes the designated recipient of 5310 funding, may apply up to 10% of each yearly apportionment to support program administration, planning, and technical assistance. PPACG will make use of these administrative funds to offset administrative program oversight costs related to the development and maintenance of a coordinated transit plan, technical assistance to potential applicants, and maintenance of the management plan, processing of grant applications, and administration of the grants.

E. Pre-Award Activities and Programming Process

This section discusses the programming process including eligible activities, subrecipients, the local match requirements, project selection, and the implementation mechanism.

Project Funding Evaluation and Selection Process

Applications for the 5310 funds will be completed based on the criteria and eligibility requirements stated for the program. Applications will be reviewed once a year, currently in the Spring. All applications must be submitted on or before the determined due date. Applications received after the deadline will be reviewed and may be considered for the current call time permitting or considered in the next funding cycle.

Plan for Solicitation: Notice of Funding Availability

PPACG will disseminate information regarding potential Section 5310 funds and how to apply. Application information will be listed on the PPACG website. Additionally, PPACG will send notices to stakeholders and current and previous grantees providing similar information. All public notices, access to information, and dissemination of materials will be in accordance with guidelines stated in PPACG's Public Participation Plan.

Application Form

Application forms for Section 5310 funding will be updated to optimize the selection process. The application forms (Traditional-Capital and Other/New Freedom-Capital & Operations) will be posted on the PPACG website.

The application process follows a predetermined set of requirements developed by PPACG staff and approved by the Transportation Advisory Committee (TAC), Community Advisory Committee (CAC), and PPACG Board of Directors. These requirements delineate the competitive project selection timeline and are determined before the call for projects. During this process, a draft Notice of Funding Availability (NOFA) will be shared with the committees.

An application for the Section 5310 funding is made available to potential candidates on request and is on the PPACG website. TAC, CAC, and the PPACG Board of Directors all review project funding recommendations from a panel consisting of staff from local, regional, and state agencies and other stakeholders plus PPACG staff. This panel will be tasked with evaluating project applications for FTA 5310 and other human service transportation related funding that PPACG administers. Recommendations from both the TAC and CAC will be presented to the Board of Directors. Approval from the Board of Directors is required for funding to be awarded.

Eligibility

Eligible Subrecipients

The FAST Act designates two separate project types within the 5310 program. These have differing eligible subrecipients: “Traditional” and “Other”. Table 2 provides a summary of the eligible activities and subrecipients by 55% “Traditional” and 45% “Other”. Under the federal guidelines, the following entities are eligible to apply for 5310 funding:

Traditional Section 5310 Projects:

- Private non-profit organizations
- State or local governmental authority where no private non-profits are readily available to provide the proposed service

Other/New Freedom Act Section 5310 Projects:

- Private non-profit organizations
- State or local governmental authority where no private non-profits are readily available to provide the proposed service
- Operator of public transportation
- Private taxi companies that provide shared-ride taxi service to the general public regularly are eligible subrecipients

Specific criteria must be met for subrecipients to be eligible for 5310 funding:

- Projects must be submitted by eligible organizations within the PPACG region and the boundaries of the Colorado Springs UZA.
- Projects must meet the intent of PPACG’s 2050 Long Range Transportation Plan as required by federal law and USDOT regulations.
- Projects must demonstrate consistency with the goals of the Coordinated Transit Plan at the time of application.
- Projects must have a minimum match of 20 percent for capital (15 percent for Americans with Disabilities Act (ADA) compliant vehicles and facilities) and 50 percent for operations of local (non-federal) funding as required by the FAST Act.

Following selection, projects will be incorporated into the Transportation Improvement Program (TIP) and the Program of Projects (POP) will be attached to the Coordinated Transit Plan. PPACG will ensure the 55/45 split for each year is achieved as applications are reviewed, approved, and programmed during the development of the Program of Projects (POP).

Eligible Projects and Activities

Defining Eligible Projects

Eligible projects for 5310 funding are defined as “Traditional” and “Other”. The 5310 Circular, FTA C 9070.1G (6/6/14), provides very specific guidance on eligible activities and subrecipients. At least **55%** of the apportionment must be spent on “Traditional” capital projects, such as those public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable. And up to **45%** of the apportionment may be utilized for “Other/New Freedom” types of projects that are:

- Public transportation projects that exceed the requirements of the ADA,
- Public transportation projects that improve access to fixed-route service and decrease reliance by individuals with disabilities on complementary paratransit, and/or
- Alternatives to public transportation that assist seniors and individuals with disabilities.

* Note- Operating assistance for required ADA complementary paratransit service is not an eligible expense for the 45% “Other/New Freedom” category (C 9070.1G, p. III-15).

This prescribed eligibility list is partly due to the merging of New Freedom activities into the traditional Section 5310 program. But this adds a level of complexity to determining eligible activities, especially considering the 55% threshold is a floor, meaning a **minimum of at least 55%** must be spent on the “Traditional” capital projects. A detailed summary of eligible activities by category type is shown in **Tables 1 and 2**.

Per the requirements of the FAST Act, government agencies using Section 5310 funds for traditional projects must either:

- Be approved by the state to coordinate services for seniors and individuals with disabilities, or
- Certify to the governor that there are no nonprofit corporations readily available in the area to provide the service

Other/New Freedom projects do not carry this requirement and can be undertaken by any eligible subrecipient.

Table 1

“Traditional” Projects and Activities	
A.	Rolling stock and related activities for <u>Section 5310-funded vehicles</u> <ol style="list-style-type: none">1. Acquisition of expansion or replacement buses or vans, and related procurement, testing, inspection, and acceptance costs;2. Vehicle rehabilitation or overhaul;3. Preventative maintenance;4. Radios and communication equipment; and5. Vehicle wheelchair lifts, ramps, and securement devices.
B.	Passenger facilities <u>related to Section 5310-funded vehicles</u> <ol style="list-style-type: none">1. Purchased and installation of benches, shelters, and other passenger amenities
C.	Support facilities and equipment for <u>Section 5310 funded vehicles</u> <ol style="list-style-type: none">1. Extended warranties that do not exceed the industry standard;2. Computer hardware and software;3. Transit-related intelligent transportation systems (ITS);4. Dispatch systems; and5. Fare collection systems.
D.	Lease of equipment when a lease is more cost-effective than purchase
E.	Acquisition of transportation services under a contract, lease, or other arrangement. This may include the acquisition of ADA-complementary paratransit services when provided by an eligible recipient or subrecipient. Both capital and operating costs associated with contracted serve are eligible capital expenses. User-side subsidies are considered one form of eligible arrangement.
F.	Support for mobility management and coordination programs among public transportation providers and other human service agencies providing transportation. Mobility management is an eligible capital cost. Eligible activities include the following: <ol style="list-style-type: none">1. Operating transportation brokerages to coordinate service providers, funding sources, and customer needs;2. Coordinating transportation services for older adults, individuals with disabilities, and individuals with low incomes;3. Supporting local partnerships that coordinate transportation services;4. Staffing for the development and implementation of coordination plans.5. Providing travel training and trip planning activities for customers;6. Developing and operating traveler call centers to coordinate travel information, manage eligibility requirements, and arrange customer travel; and7. Planning and implementing the acquisition and purchase of intelligent transportation technologies to operate a coordinated system.
G.	Capital activities (e.g., acquisition of rolling stock and related activities, acquisition of services, etc.) to support ADA-complementary paratransit service so long as the service is provided by an eligible recipient/subrecipient (C 9070.1G, p. 111-10)

Table 2

“Other/New Freedom” Projects and Activities	
<ul style="list-style-type: none">• <u>Public transportation projects (capital only) planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable.</u>	
<ul style="list-style-type: none">• <u>Public transportation projects (capital and operating) that exceed the requirements of the ADA.</u><ul style="list-style-type: none">a. Enhancing paratransit beyond the minimum requirements of the ADA.<ul style="list-style-type: none">1. Expansion of paratransit service parameters beyond the ¾ mile required by the ADA;2. Expansion of current hours of operation for ADA paratransit services that are beyond those provided on the fixed-route services;3. The incremental cost of providing same day service;4. The incremental cost (if any) of making door-to-door service available to all eligible ADA paratransit riders, but not on a case-by-case basis for individual riders in an otherwise curb-to- curb system;5. Enhancement of the level of service by providing escorts or assisting riders through the door of their destination;6. Acquisition of vehicles and equipment designed to accommodate mobility aids that exceed the dimensions and weight ratings established for wheelchairs under the ADA regulations and labor costs of aids to help drivers assist passengers with oversized wheelchairs.7. Installation of additional securement locations in public buses beyond what is required by the ADA.b. <u>Feeder services.</u> Accessible “feeder” service (transit service that provides access) to other modes, for which complementary paratransit service is not required under the ADA.	
<ul style="list-style-type: none">• <u>Public transportation projects (capital and operating) that improve access to fixed-route service and decrease reliance by individuals with disabilities on ADA-complementary paratransit service.</u><ul style="list-style-type: none">1. Making accessibility improvements to transit and intermodal stations not designated as key stations.2. Travel training	
<ul style="list-style-type: none">• <u>Public transportation alternatives that assist seniors and individuals with disabilities with transportation (capital and operating).</u><ul style="list-style-type: none">1. Purchasing vehicles to support accessible taxi, ride-sharing, and/or vanpooling programs.2. Supporting the administration and expenses related to voucher programs for transportation services offered by human service providers.3. Supporting volunteer driver and aide programs.	

Local Share and Local Funding Requirements

Section 5310 funds are offered for capital purchases of vehicles with 80% of the cost provided by Federal funding. Operations funds can be offered directly to the subrecipient or through Third Party Contracts at a maximum of 50% Federal funds. Additionally, operations can be capitalized through “capitalized cost of contracting” at the 80/20 capital split; however, specific conditions must be met before this can be approved by PPACG. A breakdown of the Section 5310 matching funds requirements is displayed in Table 3.

Table 3- Section 5310 Funds Matching Requirements

Types of Funding	Federal Grant/Local Match
Capital (Including Mobility Management)	85/15 for ADA compliant vehicles and facilities 80/20 for all other capital purchases and mobility management
Operating	general operations- 50/50 capitalized cost of contracting- 80/20
Planning	80/20
Administration	100/0

All local match funds for Section 5310 must be provided from sources other than those provided by the U.S. Department of Transportation. Such sources may include:

- State or local appropriations
- Other non-transportation federal funds that are eligible to be used for transportation, i.e.:
 - Temporary Assistance for Needy Families (TANF)
 - Medicaid
 - Employment training programs
 - Rehabilitation services
 - Administration on Aging
- Tax revenues
- Private donations
- Revenues for human service contracts
- In-kind donations such as volunteered services, as long as the value of the donations are documented and supported and are a cost that would otherwise be eligible under the program. (PPACG must confirm the in-kind local match is appropriate. This will be done on a case by case basis)
- Income from contracts to provide human service transportation or other net income generated by social service agencies

Project Selection:

Application Review

Before project scoring, an initial analysis of the applications will be conducted by PPACG staff. This analysis will include reviewing the applications to make sure they address the needs, gaps, and strategies identified in the PPACG 2045 Regional Transportation Plan. It will also include an equity analysis. PPACG will maintain a project review panel to assist with scoring and evaluating projects. For a balanced perspective in project selection, this panel will include internal and external participants. Internal participants will be from multiple divisions within PPACG. External participants will be experts representing various public and non-profit agencies such as, but not limited to, CDOT, and El Pomar. This panel will provide recommendations for TAC, CAC, and the Board of Directors to consider.

Project Scoring

PPACG will use an adapted scoring process created by CDOT and distributed in their application guidance packet for both 5310 and 5311 programs. This process reviews and scores applications based on six main criteria.

1. Financial Need- Factors considered as a part of this criterion include:
 - Lack of funding sources available to the applicant
 - Good faith efforts to obtain funds for the project from non-FTA sources
 - Reasonableness of costs to operate and administer the project
 - Amount of available revenue, including earmarked funds
 - A portion of the costs covered by local funds
2. Service Justification- Factors considered as a part of this criterion include:
 - Lack of appropriate public transportation alternatives (Demonstration of need)
 - Transit dependency of population proposed project serves
 - Extent to which the applicant provides services to other organizations, the number of riders and types of trips
 - Size of the applicant's service area
3. Coordination and Effectiveness- Factors considered as a part of this criterion include:
 - Extent to which coordination reduces operating expenses, number of vehicles used, and lead time for passenger scheduling
 - Extent to which the applicant works with community organizations to promote the service
 - Lack of duplication of transit services provided by others
 - The performance measure(s) listed for each activity demonstrates their ability to improve their clientele's quality of life and can also indicate the quality of change that was produced by the activity
4. Alignment with PPACG's Strategic Plan, Pikes Peak Area Agency (PPAAA) on Agency 4 Year Plan and regional transit plans- Factors considered as a part of this criterion include:
 - Proposed projects focus on addressing service gaps identified through PPACG and PPAAA plans
5. Budget Review- A cost analysis will be should be conducted on each application, with a more thorough evaluation of the projects recommended for funding. The purpose of this analysis is to determine whether the subrecipient understands the financial aspects of the proposed project and has developed reasonable estimates of costs involved in performing the project. This review will take place during steps five, six, and eight in **Table 4** and will include a review of the proposed source of local matching funds.
6. Past performance managing PPAAA and CDOT grants.

Table 4

Phases
1. Legal advertising submitted to newspapers (Gazette and Courier)
2. RFP website opens and pre-application/LOI is available to the public at http://ppacg.oaa-sys.com/
3. Proposers' Conference, in-person, webinar, or recording. Attendance is required by one of the three methods listed to submit a request for funds.
4. Deadline for RFP submittal (no proposals will be accepted after this time)
5. Internal review/TRS prep
6. RFP packets out for review to TRS Committee (Comprised of individuals from the Mobility Coordinating Committee (MCC), RAC, TAC, and community members selected)
7. Committee Makes Funding Recommendation to TAC
8. Public Comment Period (30 days)
9. Recommendation to CAC
10. Recommendation to Board
11. Award Notification
12. Award Protest Period
13. Notice to Proceed (Contracts distributed)

Project Implementation:

Sub-award Agreement

The sub-award agreement is the legal document that binds the subrecipient and PPACG, the pass-through entity, to the conditions of the award.

The document establishes:

- What will be done,
- How it will be completed,
- Who will do it,
- When it will be done,
- How much it is estimated to cost, and
- Any special terms and conditions that apply to the award.

This agreement serves two functions:

- It lays out the terms of compliance, and
- It sets expectations for performance.

Upon accepting the award, the subrecipient must comply with any conditions imposed upon the award by the federal government and PPACG, as the pass-through entity. During this stage, PPACG and subrecipient staff shall negotiate a scope of work and budget based on the information submitted in the application. After this negotiation, both parties shall execute an agreement that includes the scope of work, budget,

and all applicable legal authorities. This agreement shall also include all administrative requirements including those related to invoicing and reimbursement.

Applicable Legal Authorities

All applicable requirements are a necessary element of any sub-award agreement. The requirements that apply to sub-awards are authorizing statute, program regulations, national policy requirements, and administrative regulations.

The applicable authorities are the following:

- The federal statute authorizing the grant program (49 U.S.C 5310) and any other federal directly affecting performance of the award (including the Federal Funding Accountability and Transparency Act (FFATA), as applicable);
- Program regulations;
- National policy requirements;
- Administrative regulations, cost principles, and audit requirements, i.e., agency implementation of the 2 Code of Federal Regulations (CFR) 200 (2 CFR 200); and
- Applicable laws and regulations.

Financial Terms and Conditions

The sub-award establishes the understanding of the financial requirements, including payment and reporting, during and after the period of performance. 2 CFR 200 contains several flow-through requirements related to payments, cost-sharing, and program income. Clauses required by federal statutes and executive orders and their implementing regulations, such as those found in 2 CFR 200. These clauses include the following:

- Which reports must be submitted and how often;
- Payment mechanism and method;
- Cost-sharing requirements; and
- Program income treatment.

Award Conditions

Funding provided to local government sponsors should not replace existing local funding for staff. Applicants should not request funding for projects, activities, or services that are currently performed by other agencies or government entities. Applicants should not request funding for projects, activities, or services that are currently performed by, or may compete with, the private sector. All project scopes of work are subject to review and approval by PPACG.

PPACG will administer contracts to applicants chosen to receive funds for 5310 projects. PPACG is the ultimate steward of these federal funds. PPACG will specify requirements for status reporting and reimbursement requests. Each awarded project sponsor will be required to attend reimbursement training that defines the documentation required for tracking expenses and requesting reimbursement. Project sponsors will work with PPACG, CDOT, and FTA to ensure that the project is being implemented in accordance with federal requirements.

F. POST-AWARD RESPONSIBILITIES

Monitoring

Monitoring is an essential task for pass-through entities. Not only is monitoring required by 2 CFR 200.331(d), but monitoring is also the process that ensures successful grant performance. PPACG will perform an evaluation annually providing program measures and other applicable information including

tracking of funding and the remaining apportionment balances.

PPACG staff will review invoices from 5310 grantees to ensure they comply with applicable regulations and are submitted for eligible expenses. If invoices do not match regulations, they will be rejected and will be investigated further. If PPACG determines a project is no longer compliant with the 5310 program, funds will be taken from the subrecipient.

Progress Reporting

2 CFR 200.328(b) requires that non-construction progress reports contain the following:

- A comparison of actual accomplishments with the goals and objectives established for the period
- Where project output can be quantified, a computation of the cost per unit of output
- Reasons why goals and objectives were not met, if appropriate
- Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs

Subrecipients will be required to prepare progress reports every quarter. These reports will begin based on the date agreements or contracts are signed with subrecipients and will continue until the project is closed out. In addition to applicable items from 2 CFR 200.328(b), progress reports will also include the following Section 5310 specific program measures (C 9070.1G, p.II-2.), as applicable:

Traditional Section 5310 Projects

1. **Gaps in Service Filled.** Provision of transportation options that would not otherwise be available for seniors and individuals with disabilities measured in numbers of seniors and people with disabilities afforded mobility they would not have without program support as a result of traditional Section 5310 projects implemented in the current reporting year.
2. **Ridership.** Actual or estimated number of rides (as measured by one-way trips) provided annually for individuals with disabilities and seniors on Section 5310– supported vehicles and services as a result of traditional Section 5310 projects implemented in the current reporting year.

Non-Traditional Section 5310 Projects

1. **Increases or enhancements** related to geographic coverage, service quality, and/or service times that impact the availability of transportation services for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.
2. **Additions or changes** to physical infrastructure (e.g., transportation facilities, sidewalks, etc.), technology, and vehicles that impact the availability of transportation services for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.
3. **Actual or estimated number of rides** (as measured by one-way trips) provided for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.

The next update will include additional performance measures. These measures shall also be reported on, as applicable, in future progress reports.

Subrecipients will also be required to report on an annual basis their efforts in purchasing from DBE vendors and a vehicle condition report. Subrecipients will also be responsible, as applicable, and appropriate, for submitting vehicle information on an annual basis. A form will be provided upon award and includes sub recipient's name, address and phone number; vehicle year, make, and model; date accepted; included equipment; location; grant number; federal percentage share; date last inspected, recorded mileage, maintenance schedule, and condition; type of funding used for the purchase; the useful life of the vehicle either based on FTA guidance or the Manufacturer and other information used by PPACG for program review and reporting. The information obtained from these reports will become part of the

inventory record along with the title and certificate of collision insurance coverage. Vehicles must be maintained in accordance with the sub recipient's vehicle maintenance plans. To ensure that the vehicles are properly maintained, PPACG randomly reviews vehicle maintenance records and physically inspects vehicles as part of the on-site visits. These visits are conducted annually.

Final Status Report

All subrecipients are required to maintain records which adequately identify the source and application of funds provided for financially assisted activities. An accurate, current, and complete disclosure of the financial results of financially assisted activities must be submitted to the PPACG. Reports will be prepared using the accrual method of accounting.

Certifications and Assurances

All applicants must comply with various Federal requirements. These certifications and assurances, which are required to be signed by an authorized agency official, are part of the solicitation documents or application package and are to be submitted with the completed application of applicants. If an application is approved, these certifications and assurances become part of the sub recipient's contract with PPACG.

PPACG, when submitting a grant application to the FTA, is also required to execute certifications and assurances both on behalf of PPACG and covering its subrecipients. PPACG agrees to comply with all requirements of the Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements and pass those requirements to subrecipients as appropriate.

Site Visits

PPACG staff will perform on-site project monitoring visits with subrecipients receiving grant assistance. Site visits will be conducted using checklists which outline account and record-keeping requirements in compliance with OMB Circulars A-122 and A-87 if the subrecipient received operating assistance; OMB 49 CFR Part 18 and Part 19 for administrative requirements; the regulatory requirements for receipt of federal funds; vehicle inventory and maintenance records if the subrecipient received capital assistance and compliance with the FTA Drug and Alcohol testing regulations.

PPACG complies with all applicable standards outlined in 2 CFR 200 and guidance in FTA circular 5310.1-Grant Management Guidelines about financial management system for financial reporting, accounting records, cost standards, internal controls, budget controls, and audit requirements.

G. ADDITIONAL SUBRECIPIENT REQUIREMENTS

Civil Rights

The Pikes Peak Area Council of Governments, as a condition of receiving Federal financial assistance under the Federal Transit Act of 1964, as amended, it will ensure that:

1. No person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
2. The Pikes Peak Area Council of Governments will compile, maintain, and submit promptly Title VI information required by FTA Circular 4702. IA and, in compliance with the Department of Transportation Title VI regulation, 49 CFR Part 21.9.
3. The Pikes Peak Area Council of Governments will make it known to the public that those person or persons alleging discrimination on the basis of race, color, or national origin as it relates to the

provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date hereof to the Pikes Peak Area Council of Governments by the Department of Transportation under the Federal-aid Highway Program/Federal Transit Grant Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in the interest, and other participants in these same Federal-aid programs.

As a sub-recipient of the Colorado Department of Transportation (CDOT), the Federal Highway Administration (FHWA), and Federal Transit Administration, the Pikes Peak Area Council of Governments (PPACG) has adopted a Title VI Complaint Procedure as part of its Title VI Program.

The purpose of Title VI is to prevent the denial, reduction, or delay of benefits to minority populations, to ensure full and fair participation by the affected population in transportation decisions, and to ensure that policies and programs of PPACG avoid producing disproportionately negative effects on minority populations.

Filing of Complaints: Complainants, or their representative, may file a written complaint with PPACG at any time within one hundred and eighty (180) days from the date of the alleged discriminatory act. Complainants can also file a complaint directly with PPACG at 15 South 7th Street, Colorado Springs, CO 80905, by email at jliosatos@ppacg.org, or by phone at 719-471-7080.

Individuals also have the right to file a complaint with an external entity such as CDOT, a federal or state agency, or a federal or state court. Should a complaint be filed with PPACG and an external entity simultaneously, the external complaint shall supersede the PPACG complaint and PPACG's complaint procedures will be suspended pending the external entity's findings.

Complaints shall state the name and address of the person, and if applicable, the name of the representative filing on behalf of the complainant, the name and address of the entity alleged to have committed the act of discrimination and shall set forth the particulars of that action and contain such other information as shall be required by PPACG.

All complaints will include the following information:

- Name, address, phone number, and email (if available) of the Complainant
- Name, address, phone number, and the relationship of representative of Complainant, (if applicable)
- Basis of complaint (i.e., race, color, national origin)
- Date of alleged discriminatory act(s)
- Date complaint received by PPACG
- A statement of the complaint, including specific details, relevant facts, and documentation

Tracking System: PPACG's Title VI Administrator will maintain a Complaint Intake Log for PPACG of all complaints received establishing the race, color, or national origin or protected class of the complainant; the identity of the recipient; the nature of the complaint; the date of the investigation, lawsuit, or complaint; a summary of the allegations; the status of the investigation, lawsuit or complaint; and actions taken in response to the investigation, lawsuit or complaint. This log will be maintained electronically and in

hardcopy format at PPACG offices and will be available for review. Records of the Title VI related complaints and investigations will be kept for forty-eight (48) months.

Procedure of Investigation of Complaints: Within fifteen (15) days, PPACG shall confirm receipt of the complaint and inform the Complainant of the investigation process. Within sixty (60) days, should the complaint have merit, PPACG shall commence an investigation of the allegation(s). The purpose of an investigation is to determine whether there is a reason to believe that a failure to comply with Title VI of the Civil Rights Act of 1964 has occurred. In addition, PPACG will render a recommendation for action in a report of findings or resolution. The investigation may include discussion(s) of the complaint with all affected parties to determine the problem. The Complainant may be represented by an attorney or other representative of his/her own choosing and may bring witnesses and present testimony and evidence in the course of the investigation. Within ninety (90) days, PPACG will notify the Complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the Complainant of his/her right to file a formal complaint with CDOT's Title VI Coordinator if they are dissatisfied with the final decision rendered by PPACG.

Resolution of Complaints: If a probable cause of discriminatory practice based on race, color, or national origin is found to exist, PPACG shall endeavor to eliminate said practice by means of a Remedial Action Plan. The Remedial Action Plan shall include a list of corrective actions accepted by the agency; a description of how the corrective action will be implemented; and a written assurance that the agency will implement the accepted corrective action in the manner discussed in the plan. Where attempts to resolve the complaint fail, the Complainant shall be notified in writing of his or her right to submit the complaint to the FHWA or FTA as cited in FTA Circular 4702.1B.

Section 504 and ADA Reporting

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability by recipients (and also subrecipients) of federal financial assistance. The Americans with Disabilities Act of 1990 (ADA), as amended (42 U.S.C. 12101 et seq.), prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities, as well as imposes specific requirements on public and private providers of transportation.

As in other federal assistance programs, special efforts to meet the transportation needs of disabled persons are confirmed through an ongoing process.

PPACG will seek, from all approved applicants, a written certification of compliance pertaining to ADA directives. PPACG, in turn, will make all documents related to ADA reporting part of the permanent file of the project. This documentation will include information regarding the ADA accessibility of vehicles purchased through the 5310 programs and executed, contracted assurances for subrecipients. PPACG will incorporate the relevant elements Section 5310 program administration into the agency's Title VI Plan. This plan provides the overarching framework for PPACG's administration of federal funds and programs in compliance with the ADA and other Title VI requirements.

Procurement

The procurement of Capital Asset(s) will comply with subrecipient policies and procedures as long as they at least meet federal guidelines. In addition to the PPACG requirements outlined below, procedures for the purchase of this Capital Asset(s) must be followed and outlined before purchase. PPACG encourages subrecipients to purchase vehicles off the CDOT Vehicle Price Agreement.

The subrecipient agrees to follow the below process or equivalent that meets the federal ([2 CFR 1](#)) guidelines for procurement procedure:

1. The first step in the procurement process will be to obtain an Independent Cost Estimate (ICE).
2. The second step will be to obtain a Procurement Concurrence Request (PCR) approval from the PPACG.
3. Before approving purchasing agreement(s) entered into by a selected vendor, the subrecipient shall request a Purchase Authorization (PA) from the PPACG and submit a copy of the purchase order for the Capital Asset(s) in the supporting documentation submitted to PPACG.
4. Once the Purchase Authorization (PA) is approved by PPACG, and the Capital Asset(s) is/are ordered, PPACG shall be notified by the subrecipient of the agreed-upon delivery date. The delivery date will be included in the supporting documentation submitted to PPACG.
5. Upon delivery, the subrecipients shall be responsible for ensuring the Capital Asset(s) are inspected and accepted within **fifteen (15) calendar days of delivery**. If defects prevent acceptance of the Capital Asset(s), PPACG and their subrecipient shall contact the vendor to resolve any defects and notify PPACG and CDOT if the asset is purchased on the CDOT Vehicle Price Agreement.
6. PPACG and their subrecipients shall be responsible for reimbursing the selected vendor within **forty-five (45) calendar days after acceptance** of the Capital Asset(s).

Financial Management

The subrecipient must have the financial and managerial capability and capacity to manage any funds awarded, as well as demonstrate that it has the resources necessary to operate the project on an ongoing basis. Section 5310 grants will be awarded on a reimbursement basis. All project-related capital and operating expenditures must be incurred locally and reported to PPACG after the contract has been executed. The appropriate local share requirement (20% capital and 50% operational) must be met before reimbursements will be granted. Therefore, the recipient must have the financial ability and cash flow to incur and pay such costs upfront and not expect immediate reimbursement from PPACG. The applicant must also be willing and able to follow federal and PPACG guidelines in procurement, as well as other pertinent regulations and guidelines. Subrecipients must retain the original receipts for all eligible project expenditures and attach them to reimbursement requests. In the case of capital projects, subrecipients will be required to attach copies of vendor invoices to reimbursement requests.

Accounting Systems

The PPACG Accounting system shall establish and maintain accounts for the project in a manner consistent with OMB Circular A-133 and accordance with applicable provisions of 23 CFR 172. Expenditures shall be in conformance with the standards for allowability of costs outlined in OMB Circular A-87 and the contract cost principles and procedures outlined in 48 CFR Part 1.31.6 of the Federal Acquisition Regulation system.

PPACG maintains a system of controls over subrecipient monitoring. As a part of the subrecipient monitoring, PPACG requires sufficient documentation to be provided as support for pass-through expenditures. PPACG shall also monitor the matching effort and project budgets.

Property Management

PPACG will coordinate with HSPs for the procurement of vehicles, facilities, and other capital items for the 5310 program. These items are governed by the PPACG's program management plans. Recipients of these vehicles are required to follow all pertinent management procedures and restrictions of the program management plan of the procuring agency.

Audits and Management or Financial Reviews

PPACG and the subrecipients maintain an accurate cost-keeping system as to all costs incurred in connection with the subject of the FTA project and shall produce for examination books of account, bills, invoices, and other vouchers, or certified copies thereof if originals are lost, at such reasonable time and place as may be designated by PPACG, FTA or a designated Federal representative and shall permit extracts and copies thereof to be made during the contract period and for three years after the final FTA-PPACG audit is completed, resolved and closed.

PPACG and the subrecipients affords a representative of PPACG, FTA, or any authorized representative of the Federal government, reasonable facilities for examination and audits of the cost account records, shall make such returns and reports to a representative as he may require, shall produce and exhibit such books, accounts, documents and property as the representative may desire to inspect, and shall in all things aid them in the performance of audit duties.

PPACG and the subrecipients shall be responsible for meeting the audit requirements of OMB Circular A-133, or any revision or supplement thereof. OMB Circular A-133 states that when expenditures of total federal awards, whether pass-through or direct, exceed \$750,000 in a fiscal year, an A-133 Audit is required. Pass-through monies from PPACG shall be separately identified on the Subrecipients' Schedule of Expenditures of Federal Awards as reported in their financial audit.

Environmental Protection

The President's Executive Order on Environmental Justice expanded upon Title VI of the 1964 Civil Rights Act (42 U.S.C. 2000d-1) when it stated that "each federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."

When determining if a particular program, policy, or activity will have disproportionately high and adverse effects on minority and low-income populations, mitigation, and enhancement measures and potential offsetting benefits to the affected minority or low-income populations will be taken into account. Other factors that will also be evaluated are comparative impacts, design, and the number of similar existing system elements in nonminority and non-low-income areas. The evaluation will determine if the alternatives studied will be disadvantageous to the population considered.

However, any program, policy, or activity that has the potential for disproportionately high and adverse effects on the affected populations will only be carried out if there is a substantial need for the program, policy, or activity based on overall public interest; or alternatives that would have less adverse effects have either adverse social, economic, environmental or human health impacts that are more severe or would involve increased costs of extraordinary magnitude.

In addition, any federally funded projects must comply with the National Environmental Policy Act. PPACG will work with subrecipients proposing to use Section 5310 funds for any construction-related projects to ensure that the NEPA requirements are met in advance of approving the project for funding.

Restrictions on Lobbying

Recipients of federal grants from any source exceeding \$100,000 annually must certify that they have not and will not use federally appropriated funds for lobbying.

Prohibition of Charter and School Bus Service

As defined by the FTA, "Charter Service" means transportation provided to a group of persons who travel together under an itinerary specified in advance or modified after having left the place of origin. Title 49 USC 5323(d) places limits on the charter services that federally funded public transportation operators may provide. Title 49 USC 5323(f) places limits on school transportation that federally-funded public transportation operators may provide. 5310 grantees are prohibited from using this program's funds to provide charter service or school service.

Drug and Alcohol Testing

Recipients or subrecipients that only receive 5310 assistance are not subject to FTA Drug and Alcohol testing rules but must comply with the Federal Motor Carrier Safety Administration rule for employees to hold Commercial Drivers' Licenses (49 CFR part 382).

Section 5310 recipients and subrecipients that also receive funding under one of the covered FTA programs (Section 5307, 5309, or 5311) should include any employees funded under Section 5310 projects in their testing program (C 9070.1G, p. VIII-9).

Buy America

FTA's Buy America requirements prevent obligating an amount that may be appropriated to carry out its program for a project unless "the steel, iron, and manufactured goods used in the project are produced in the United States" (49 U.S.C. § 5323(j)(1)). FTA's Buy America requirements apply to third-party procurements by FTA grant recipients. A grantee must include in its bid or request for proposal (RFP) specification for procurement of steel, iron, or manufactured goods (including rolling stock) appropriate notice of the Buy America provision and require, as a condition of responsiveness, that the bidder or offeror submit with the bid or offer a completed Buy America certificate in accordance with 49 CFR §§661.6 or 661.12.

Under limited circumstances, FTA may waive Buy America requirements if the agency finds that:

- application of Buy America is inconsistent with the public interest;
- the steel, iron, and goods produced in the U.S. are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; or
- including domestic material will increase the cost of the overall project by more than 25 percent for rolling stock.

The process for seeking a waiver is outlined in 49 CFR part 661. Grantees are encouraged to apply for a waiver as soon as possible and to provide detailed requests to expedite FTA's review. FTA's determinations on waiver requests are published in the Federal Register for notice and comment. When procuring rolling stock, which includes train control, communication, traction power equipment, and rolling stock prototypes, the cost of the components and subcomponents produced in the U.S. must be:

- more than 60 percent for FY2016 and FY2017
- more than 65 percent for FY2018 and FY2019
- more than 70 percent for FY2020 and beyond

Final assembly for rolling stock also must occur in the U.S. Additionally, rolling stock procurements are subject to the pre-award and post-delivery Buy America audit provisions outlined in 49 U.S.C. § 5323(m) and 49 CFR part 663.

Unlike rolling stock, manufactured goods must be 100-percent produced in the U.S. A manufactured good is considered produced in the United States if: (1) All of the manufacturing processes for the product take place in the United States; and (2) All of the components of the product are of U.S. origin. A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents. 49 CFR 661.5(d). FTA has issued a number of [Buy America guidance letters](#) discussing manufactured goods.

Program Income

Program income means gross income earned by the non-Federal entity that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance except as provided in 2 CFR 200.307 paragraph (f). (See 2 CFR 200.77 Period of performance.) Program income includes but is not limited to income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations, or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts, and interest earned on any of them. See also 2 CFR 200.407 Prior written approval (prior approval). See also 35 U.S.C. 200-212 “Disposition of Rights in Educational Awards” applies to inventions made under Federal awards.

Recipients are encouraged to earn income to defray program costs where appropriate. FTA’s program income policy for the state, local governments, Indian tribes, and for institutions of higher learning and nonprofit organizations are at 2 CFR § 200.307 as modified by 2 CFR § 1201.80. The “Program Income” provisions of 2 CFR § 1201.80 supersede the “Program Income” provisions of 2 CFR § 200.80 and as further described in the latest FTA Master Agreement. FTA recognizes program income to be gross income earned by the recipient, or subrecipient, that is directly generated by a supported activity or earned only as a result of the federal Award during the period of performance, Page VI-12 FTA C 5010.1E per 2 CFR § 200.77. The Federal awarding agency (FTA) or pass-through entity (PPACG) must include start and end dates of the period of performance in its Award.

Please refer to FTA Circular FTA C 5010.1E for further details.

Asset Inventory

Subrecipients receiving funds for a vehicle or other capital purchases are required to maintain a transit asset inventory and Transit Asset Management Plan (TAM). An asset inventory is a register, repository, or comprehensive list of an agency’s assets and specific information about those assets. It is intended to provide consistent information across all asset classes to support enterprise-level business processes, including capital programming and operations and maintenance budgeting. It is the responsibility of the agency to determine what should be included in the asset inventory, how the inventory should be organized, and the critical information that is needed to manage the items in the asset inventory over their lifecycle.

Agencies that are categorized as Tier II agencies (based on the FTA final rule 49 CFR Parts 625 and 630) may elect to participate in the CDOT TAM or maintain their own. Agencies that are categorized as Tier I agencies must maintain their own inventory and TAM and satisfy additional requirements per the FTA final rule.

Closeout

After the project has been completed in accordance with the written agreement between PPACG and the subrecipient, PPACG will close out the contract. If this is the last project within a grant in FTA's grant management system, then that grant will also be closed out.

Record Retention

The subrecipient must agree to retain all data, documents, reports, records, contracts, and supporting materials relating to the project throughout the course of the grant and for a period of three years after the date of the final expenditure report submission to FTA. This information may be accessed by PPACG, U.S. Secretary of Transportation, the Comptroller General of the United States, and, to the extent appropriate, the State, or their authorized representatives.

Maintenance and Disposition

Vehicles and equipment must be maintained in good operating order and subrecipients must follow the manufacturer's suggested maintenance schedules. Subrecipients will follow all required vehicle and equipment management and disposition procedures and guidance in FTA Circular 5010.12 and CFR 200.

H. Expectations of PPACG as a Designated Recipient and Pass-Through Entity

Accountability in a Pass-Through Context

Pass-Through- Program Relationships and Accountability

Reporting and transparency requirements reflect the expectation that federal agencies must be able to account for the performance of every grant dollar. These expectations flow to non-federal entities, especially pass-through entities. As a Designated Recipient for the FTA Section 5310 program, PPACG's pass-through responsibilities will include the following:

- Complying with all requirements of federal awards, including those on executive compensation and whistleblower protections (2 Code of Federal Regulations (CFR) 200.300 (b))
- Notifying FTA, as the federal awarding agency, when a sub-award is terminated.