



OKLAHOMA
Transportation

SECTION 5310
STATE MANAGEMENT PLAN
Enhanced Mobility of Seniors and Individuals with
Disabilities

Oklahoma Department of Transportation
Office of Mobility and Public Transit

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INTRODUCTION

The Federal Transit Administration (FTA) is one of ten operation administrations within the U.S. Department of Transportation (USDOT). USDOT through FTA provides financial assistance to states and local government entities to develop new transit systems, and improve, maintain, and operate existing systems. Funding is also made available to Regional Transportation and Metropolitan Planning Organizations (MPO), local and tribal governments and Transit Providers for eligible transit activities. FTA oversees, and ensures regulatory compliance of transit funds awarded to States and requires each state to have an approved State Management Plan (SMP) in place. The SMP outlines the state's policies for the administration of FTA's 49 U.S.C. Section 5310 Program. FTA mandates amendment/revisions to the SMP with changing legislation and state statutes/policies. A significant change to the SMP requires FTA review and approval.

The Oklahoma Department of Transportation (ODOT) was designated by Oklahoma's Governor for the administration of federal public transportation financial assistance programs for the State. The intent of this document is to outline the state's policies, procedures, and administrative guidelines for FTA's 49 U.S.C. Section § 5310 Grant Program.

Prior to submitting the State Management Plan to FTA, a draft of the document was circulated and comments were solicited among stakeholders and the public. Emailed, verbal, and written comments were accepted. All public comments were recorded in a Public Comment Inventory spreadsheet along with information about the disposition of each. The Public Comment Inventory is available upon request.

PROGRAM GOALS AND OBJECTIVES

The goal of the Section 5310 program is to improve mobility for seniors and individuals with disabilities throughout the country by removing barriers to transportation services and expanding the transportation mobility options available. The program provides financial assistance for transportation services including:

- 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;
- Public transportation projects that exceed the requirements of the Americans with Disabilities Act (ADA);
- Public transportation projects that improve access to fixed-route service and decrease reliance on complementary paratransit; and
- Alternatives to public transportation projects that assist seniors and individuals with disabilities with transportation.

ROLES, RESPONSIBILITIES AND COORDINATION

Grantees of federal and state funding are required to comply with all federal and state program requirements, including the submission of requested information and regular reports to document compliance and measure project performance. Compliance reviews, including on-site visits to monitor project performance, are conducted by ODOT.

The Federal Transit Administration:

The Federal Transit Administration (FTA) is the federal oversight agency headquartered in Washington, D.C. FTA's responsibilities include, but are not limited to: providing policy and program guidance,

funding allocation to the States; developing and implementing financial management procedures; providing program support; and conducting state management reviews, an evaluation/audit that occurs every three years or as warranted; reviewing and approving grant applications; reviewing and approving SMPs. The day to day administrations of Oklahoma's programs are managed by FTA's Region VI office located in Fort Worth, Texas. FTA headquarters contact information is as follows:

Federal Transit Administration
Office of Communications and Congressional Affairs
1200 New Jersey Avenue SE, East Building
Washington, DC 20590
Phone: 202-366-4043

Oklahoma Department of Transportation – Office of Mobility and Public Transit (OMPT):

ODOT is the Governor's designee responsible for the administration of FTA's Formula Grants, State Safety Oversight Program and related state funded public transit activities as promulgated under Title 730, Chapter 45 of the Oklahoma Administrative Rules and Title 69 of the Oklahoma Statue (as amended), and has assigned ODOT's Office of Mobility and Public Transit (OMPT) with the administration of these activities. ODOT may additionally enter into agreements with qualified entities and/or contractors to carry out these activities as deemed necessary. OMPT will fulfill ODOT's obligation by:

- As allowed by FTA C 9070.1G ODOT will allocate up to 10% of the 5310 program apportionment at 100% federal match for program administration
- Developing a fair and equitable application process for the distribution of available FTA funding to eligible large urban, small urban, rural, and tribal transit agencies
- Notifying eligible subrecipients, soliciting applications annually and submitting an annual program of projects and grants to FTA
- Certify eligibility of applicants and project activities
- Entering into agreement with FTA funded subrecipients and applicable contractors
- Monitoring subrecipients programs to ensure compliance with FTA rules and regulations
- Providing technical support and assistance for subrecipients
- Overseeing subrecipient project audits and closeout
- Auditing submitted subrecipient reimbursement claims for FTA funding eligibility
- Submitting all FTA reports for ODOT and its subrecipients as required by FTA
- Provide coordination of public transportation services funded by FTA with transportation services aided by other federal programs
- Ensuring coordination of public transit at the state and local levels. Oklahoma does not have a state process for intergovernmental review of federal programs, therefore FTA Grant Programs are not submitted to a state clearinghouse for review. However, all FTA funded projects are included as an element of ODOT's Statewide Transportation Improvement Program (STIP) and thereby will go through the STIP review process
- Compiling and updating the Statewide Transportation Improvement Program (STIP) for Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) approval. The STIP includes the Transportation Improvement Program (TIP) from the Metropolitan Planning Organizations (MPOs)
- Assigning project numbers for all OMPT projects
- Requiring that applicants for FTA funded programs, when applicable, provide documentation to support their efforts to coordinate proposed transportation services with both private for profit and nonprofit service operators. Acceptable documentation will include, but not limited to: An

executed coordination agreement, written and published invitations, public announcements, sign-in sheets and notes of public forums, etc.

ODOT General Counsel Division:

The General Counsel Division’s responsibility includes but is not limited to providing legal counsel, reviewing and approving the OMPT’s subrecipient agreements and contracts.

ODOT Comptroller Division:

The Comptroller Division is responsible for the following:

- Review and approval of OMPT’s annual budgets.
- Processing OMPT approved claims of subrecipients.
- Reconciling submitted claims with OMPT before and after each Electronic Clearing House Operation (ECHO).
- Review and approve FTA reports and grant closeouts prior to submission by OMPT.
- Review and submit OMPT related reports in compliance with the Federal Funding Accountability Transparency Act (FFATA) reporting requirements.

ODOT Operations Review and Evaluation Division (OR&E):

The OR&E Division is responsible for the review of subrecipient’s single audits for compliance with Office of Management and Budget (OMB) and examines annual audit reports from the Oklahoma State Auditor and Inspector’s Office.

ODOT Civil Rights Division:

The Civil Rights Division is responsible for the following:

- Conducting/developing required Disadvantaged Business Enterprise (DBE) goal methodology process and the establishment of subsequent goals
- Conducting disparity studies
- ADA compliance and oversight of complaint process
- Providing DBE training, outreach and partnerships
- Conducting DBE certification process and maintaining certified DBE directory
- Review FTA civil right reports for accuracy before submission by OMPT to FTA
- Review of OMPT associated civil right plan templates for subrecipients
- ODOT’s Title VI compliance procedures
- Policy for which ODOT’s Title VI certification is based

ODOT Procurement Division:

The Procurement Division is tasked with the administration/oversight of the Departments procurement demands, including but not limited to the procurement of professional goods and services to ensure compliance with state and federal regulations.

- Review OMPT capital procurement bid documents and submit to the Office of Management and Enterprise Service’s (OMES) Central Purchasing Division for solicitation.
- Provide subrecipient claim account information for reimbursements.

ODOT Human Resources Division:

The Human Resources Division is responsible for the oversight of ODOT staffing to include, but not limited to:

- Ensuring that required State and Federal hiring standards/practices are followed when staffing OMPT

- ODOT Drug and Alcohol awareness programs
- ODOT required State and Federal employee training programs

ODOT Environmental Division:

The Environmental Division is responsible for the following:

- To integrate environmental considerations and regulatory requirements into ODOT’s transportation programs and operations;
- To provide a broad range of technical expertise in the natural and human environment;
- To provide environmental (NEPA) documents and permits for ODOT projects and activities; and
- To liaise with regulatory agencies to streamline the environmental review and permit processes.

ODOT Office of Research and Implementation (ORI):

The ORI is responsible for the following:

- Establishes and facilitates the process to identify, select, program, manage, and deploy research.
- Meets all federal-aid program requirements.
- Establishes the research agenda based on the involvement and participation of ODOT.
- Develops and performs applied transportation research for all modes of transportation.
- Provides technical assistance to ODOT to implement transportation research products.
- Engages in both short-term and long-term research.
- Allocates funding for the research that includes leveraging national research funding from other transportation organizations and pooled funding opportunities.

ODOT Strategic Asset and Performance Management:

It is the responsibility of Strategic Asset and Performance Management to coordinate the Statewide Transportation Improvement Program (STIP) and the Transportation Improvement Program (TIP) for the state of Oklahoma.

ODOT Subrecipients:

Subrecipients receiving State and FTA funds must possess the technical capacity necessary to manage all aspects of the associated transit grant program(s) and comply with established program requirements to include, but not limited to:

- The ability to maintain financial, technical, managerial and legal capacity to oversee a transit service
- Organizational planning
- Compliance with and monitoring of all civil rights requirements
- The ability to enter into contractual agreement(s) with ODOT
- Attending program trainings and participating in meetings as appropriate
- Maintaining transit assets in a state of good repair
- Staying current with FTA program circulars, the ODOT State Management Plan, and 5310 program requirements

Subrecipients of program funding must provide documentation to support their efforts to locally coordinate their proposed transportation services with other public and tribal transportation providers. This includes both private for profit and nonprofit operators. Efforts to accomplish this would include, but not be limited to, written invitations, published invitations, public announcements, sign-in sheets, and notes of public forums. Detailed responsibilities for associated grant programs are outlined in associated application documents.

Coordination - In order to receive funding through this program, projects must be included in a locally developed, *coordinated public transit-human services transportation plan*. ODOT OMPT provides technical assistance to lead agencies, including but not limited to metropolitan planning organizations (MPOs), boards of county commissioners, transit agencies, and community action agencies, in developing and updating these coordination plans.

Maintenance - Proper maintenance of assets is key to protecting the FTA investment and prolonging the useful life of the asset. All subrecipients must have a written maintenance plan(s) for FTA-funded assets. These plans must describe a system of periodic inspections and preventive maintenance to be performed at certain defined intervals. Plans should be updated with the purchase of new rolling stock to account for new technology and/or new manufacturer's recommended maintenance intervals and programs, and incorporate actions to maintain each vehicle type and model on a specific cycle. These actions will help ensure proper care and maximize vehicle longevity.

A model program for FTA-funded vehicles and associated accessories would include, but not be limited to:

- An organization and assignment of responsibility for vehicle, facilities and associated accessory maintenance
- A system of periodic inspections and preventive maintenance to be performed at certain defined intervals (required in regulation). Such a system may be part of a subrecipient's maintenance management information system. Maintenance intervals might be measured in terms of time (daily, monthly, or annually) or in terms of use (hours)
- A record-keeping system that maintains adequate permanent records of maintenance and inspection activity for vehicles and associated accessories

Oklahoma State Office of Management and Enterprise Service's (OMES) Central Purchasing Division:

The Central Purchasing Division is responsible for oversight of the solicitation/procurement process for capital assets to include, but not limited to:

- Registering and reviewing past performances of vendors
- Ensuring a competitive process for proposals to solicit bids for statewide contract for transit vehicles and equipment
- Ensuring that specifications and bid packets meet federal and state requirements
- Ensuring that bid awards meet all federal and state regulations
- Maintenance of the statewide procurement website

Metropolitan Planning Organizations:

ODOT currently coordinates planning efforts with four Metropolitan Planning Organizations (MPOs) as follows:

- Association of Central Oklahoma Governments (ACOG)
<http://www.acogok.org/>
Address: 4205 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105
Phone: 405.234.2264
Email: acog@acogok.org
- Indian Nations Council of Governments (INCOG)
<http://www.incog.org/>
Address: 2 West Second St., Suite 800, Tulsa, OK 74103
Phone: 918.584.7526

Fax: 918.583.1024

Email: incog@incog.org

- Lawton Metropolitan Planning Organizations (LMPO)
<http://www.lawtonmpo.org/>
Address: 212 Southwest 9th St., Lawton, OK 73501
Phone: 580-581-3375
- Frontier Metropolitan Planning Organization (Frontier)
<http://www.frontiermpo.org/>
Address: 1109 N. 16 St., Fort Smith, AR 72901
Phone: (479) 785-2651

Coordination must occur between the MPOs and local transit providers with respect to service areas. Subrecipient coordination efforts are reviewed by ODOT as part of the program application process. Proposed FTA funded projects within the MPO regional transportation planning boundaries must be included in the MPO's Transportation Improvement Program (TIP) and subsequently in ODOT's Statewide Transportation Improvement Program (STIP).

Statewide Transportation Improvement Program (STIP):

The STIP is a financially constrained program which identifies priority and regionally significant transportation projects based on extensive planning. These are projects in which full funding is reasonably anticipated to be available in order to implement during the next four (4) years. This is not a final schedule of projects but is a "best estimate" at the time of STIP development. The STIP serves as a short range planning tool which educates the public on future transportation needs and assures that federal funds are spent on projects consistent with approved long range plans. The State's procedures for developing the Program of Projects are outlined in the STIP and it includes four (4) program years.

All federal funds programmed for highway or transit projects must be included in a STIP. For the purpose of the STIP, the state may aggregate its planned expenditures of FTA funded programs into statewide projects. These funds may then be used for items such as vehicle acquisition for rural and small urban transportation services, statewide planning, state administration, and training and technical assistance. MPOs are responsible for transportation planning and programming in metropolitan areas. If a subrecipient is proposing services within an MPO's planning/study urbanized boundaries, or if the area is expected to become urbanized within twenty years, these services must be included in the MPO's Transportation Improvement Program (TIP) and the STIP.

The Section 5310 program (49 U.S.C. 5310) provides formula funding to states for the purpose of assisting private nonprofit groups in meeting the transportation needs of seniors and people with disabilities when the transportation service provided is unavailable, insufficient, or inappropriate to meeting these needs. Funds are apportioned based on each state's share of the population for these two groups. Formula funds are apportioned to direct recipients; for rural and small urban areas, this is the state Department of Transportation, while in large urban areas, a designated recipient is chosen by the governor. For Oklahoma, the governor's designee for large urban areas is also the Department of Transportation.

The program aims to improve mobility for seniors and individuals with disabilities by removing barriers to transportation service and expanding transportation mobility options. This program supports transportation services planned, designed, and carried out to meet the special transportation needs of seniors and individuals with disabilities in all areas – large urbanized areas (over 200,000 general

population), small urbanized areas (50,000-200,000 general population), and rural areas (under 50,000 general population). Eligible projects include both “traditional” capital investment and “nontraditional” capital investment beyond the Americans with Disabilities Act (ADA). FTA’s guidance and instructions for this program can be found in FTA C 9070.1G, Chapter III.

ELIGIBLE PROJECTS

The 5310 Program funds capital assistant projects only, with the goal in mind of providing transportation services for all 77 counties in Oklahoma. Applications are accepted during the annual application cycle as announced by ODOT.

Pursuant to federal law, a minimum of 55 percent of each Section 5310 apportionment (large urban apportionment, small urban apportionment, and rural apportionment) must be used to support *traditional projects* that are planned and designed to meet the special needs of seniors and individuals with disabilities, and are carried out by eligible entities. Traditional projects are limited to include transit ADA vehicles, associated options/start-ups (such as vehicle, wheelchair lifts, ramps, signs, tags, tax and titles etc.), and capital mobility management projects.

Capital mobility management projects consist of short-range planning and management activities and projects for improving coordination among public transportation and other transportation service providers carried out by an eligible entity through an agreement entered into with other FTA program subrecipients, including a government entity, under [49 U.S.C. Chapter 53](#) (other than Section 5309). Mobility management does not include operating public transportation services.

Mobility management projects must be for services provided across entities in a coordinated manner and not perform a function solely for one agency/organization. Mobility management projects are not for operating transportation services.

Capital items such as computer software, call center equipment, and dispatch equipment, intended to support mobility management, are categorized as a mobility management project type. Successful applicants are responsible for:

- The entire project cost up-front and request reimbursement of the federal share monthly for eligible expenses;
- Complying with applicable federal, state, and local rules and regulations as well as applicable and reporting requirements.
- When applicable, to perform as a Lead Agency for a 5310 coordinated plan for a proposed project service area. A lead agency coordinate transportation services funded by multiple federal or state human service programs.

Up to 45 percent of the remaining program funds may be used to support *enhanced transportation projects*. Enhanced transportation projects are those that exceed the requirements of the ADA, improve access to fixed-route service, decrease reliance by individuals with disabilities on complementary paratransit or provide alternatives to public transportation that assist seniors and individuals with disabilities. Enhanced transportation projects may include improving signage and improving access to sidewalks and crosswalks.

Example Project Types and Category

Notes: Procurement for eligible activities shall be purchased from State Contract SW-000(as amended) or by a procurement method approved in writing by ODOT’s OMPT to be eligible for reimbursement.

Project Type(s)	Category	Eligible Activities
Vehicle Purchase/activities Other Capital Purchases/activities	Traditional or Enhanced	Purchase transit vehicles from state contract
		Benches, Shelters & Passenger Amenities
		Intelligent Transportation System (ITS) planning and technology such as an Automatic Vehicle Locator System (AVL); Mobile Data Terminals (MDT); and /or a Dispatch System
		Radio Equipment
	Traditional	Vehicle Rehabilitation or Overhaul
		Computer Hardware and Software, Preventative Maintenance
Mobility Management	Traditional or Enhanced	Enhanced Vehicles or equipment designed to accommodate oversized mobility aids beyond ADA requirements
		Traditional Coordination of services for 5310 target populations
		ITS planning and technology directly supporting a Mobility Management Project, such as a call center; or a coordination and dispatch computer system.
		Support to plan and implement coordinated services

LOCALLY DEVELOPED COORDINATED PLAN / LOCAL COORDINATED PLAN

To be considered for funding award, proposed projects must be included in a locally developed, coordinated public transit-human service transportation plan. Applicants are required to commit to coordinate their transportation services as outlined in their locally developed, coordinated public transit-human service transportation plan covering their area of existing/proposed service.

Updated or amended Local Coordinated Plans must be submitted to ODOT no less than every four (4) years. Plans older than four (4) years, or those that have not been updated within the last four (4) years are considered outdated. An example of entity lead plan development includes but are not limited to:

- Urbanized areas (over 50,000 in population), the Metropolitan Planning Organization (MPO)
- Rural areas, the county planning office

Members of the public, including but not limited to, seniors, individuals with disabilities, representatives of the public, private, not-for-profit transportation and human service providers must participate in the development and approval of the locally developed coordinated plan.

Project Usage Exclusions

- School Usage Exclusion - School bus purchases are not available through the 5310 program. The use of FTA funds for school bus transportation operations (exclusively for the transportation of students and school personnel) is prohibited under [Title 49 USC 5323](#) unless the subrecipient has been granted an exemption by FTA (See [49 CFR 605.11](#)). Exempted organizations applying for funding must provide a copy of the exemption with the application.

Regardless of the applicant's exemption status, vehicles purchased through this program *may not* provide exclusive school bus service in competition with private school bus companies.

An organization may use vehicles purchased through this program for the transportation of students and school personnel in incidental charter-bus operations.

- Sectarian Organizations/Religious Purpose use - Private not-for-profit organizations affiliated with religious organizations may be eligible for this program, however vehicles purchased through this program cannot be used for religious purposes. For example, vehicles cannot be used to transport members of a church or its congregation to the church facility *exclusively* for religious purposes/services.

ELIGIBLE APPLICANTS

Eligible applicants include:

- Private not-for-profit corporations (can apply for traditional and enhanced projects);
- Public agencies able to certify to the Governor that no private not-for-profits are readily available to provide the proposed service (are eligible to apply for traditional projects);
- All public agencies and operators of public transportation services (are eligible to apply for enhanced projects);
- Federally recognized Indian entities (are eligible to apply for traditional and enhanced projects); and
- Private companies providing shared-ride services to the general public on a regular basis (are eligible to apply for enhanced projects).

Applicants must participate in local public transit/human services transportation coordination efforts to be eligible for 5310 program awards.

LOCAL SHARE REQUIREMENTS

At least one-half of net capital expenses must be provided in cash or cash equivalent. Examples of local share funds are local appropriations, dedicated tax revenue, income generated from purchase of service contracts and the profit generated from incidental charter services. The remainder of the local share may include unrestricted federal funds other than FTA sources of funding, such as Community Service Block Grants and Community Development Block Grants. The applicant must identify and substantiate sources of local funding. Letters of commitment from these funding sources must be incorporated into the application. If the applicant plans to use unrestricted funds from other federal or state programs as part of the local match, it will be the responsibility of the applicant to contact the funding agency and obtain, in writing, authorization to apply their funds as local match to the Section 5310 Program.

The local match must be cash or services provided from sources other than United States Department of Transportation (USDOT) funds, except where permitted to be used as match for other USDOT funds. Other federal funds can be used as match if allowed by that program. Donations are considered local match.

ADA or CAA Vehicles. The federal share is 85 percent for the acquisition of vehicles for purposes of complying with or maintaining compliance with ADA (42 U.S.C. 12101 *et seq.*) or the CAA. A revenue vehicle that complies with 49 CFR part 38 may be funded at 85 percent federal share.

ADA or CAA Vehicle-Related Equipment. The federal share is 90 percent for project costs for acquiring vehicle-related equipment (including clean fuel or alternative fuel vehicle-related equipment) for purposes of complying or maintaining compliance with the CAA (42 U.S.C. 7401 *et seq.*), or required by the ADA. FTA considers vehicle-related equipment to be equipment on and attached to the vehicle.

The federal share is 80 percent for any other project related expenses such as mobility management and construction projects, non-ADA or CAA equipment and vehicle related equipment or start-up costs.

PROJECT SELECTION PROCESS AND METHOD FOR FUNDING DISTRIBUTION

Due to limited funding, the project selection process is competitive and based on need. The method of award will be by total point value, with final scores ranked highest to lowest. In either case, a minimum of 55 percent of the available funding must be awarded to traditional 5310 project types.

ODOT will screen each application to ensure all contents are submitted in accordance with the minimum application responsiveness requirements. Review of agency's application material and responses, financial management and capacity, current award utilization and compliance history, fleet size, age, and other service performance data will assist in selecting project awards. During the selection review process, applicants may be required to provide additional agency and/or project information. Applications submitted/received after the deadline will not be considered further in the evaluation process and will not receive a score. Agencies/Organizations not funded during an open application cycle, must reapply during a subsequent open application period for consideration.

APPLICATION PROCESS AND TIMELINE

The 5310 program's fiscal year is October 1 through September 30. To be eligible for consideration of funding for the succeeding fiscal year, an applicant must submit the following to ODOT by the applicable deadline:

- A notice of intent letter indicating an applicant's interest in applying for available Section 5310 program funds along with a resolution from the governing board pledging financial support of the project.
- A draft application
- Final application due

Documents are reviewed in the order in which they are received. Applicants should submit their draft in a timely manner. This allows for the review, possible rewrite and submission of the completed document by the given deadline. A completed application is defined as a document that clearly outlines the applicant's proposed capital purchases, as well as its intended use, and does not require further revisions or editing. Failure to submit a completed application will result in the applicant being considered ineligible for Section 5310 Program financial assistance for that respective application cycle fiscal year.

The following is ODOT's process and timetable for soliciting, reviewing, and application approval for projects to be included in the annual Program of Projects for Section 5310:

- A public announcement of the opening of an application cycle at a date to be determined by ODOT as funding becomes available.
- Applicant Letter of intent due at a date to be determined by ODOT
- Applicants will submit draft applications at a date to be determined by ODOT
- Applicants will submit additional documents (if needed) to complete their final application
- ODOT will review and approve/select applications for award based on pre-determined criterion

- Grant award announcement/notifications sent
- Initiate FTA grant program of projects in TrAMS
- Began agreements process
- Issue a notice to proceed to begin the implementation of Agency awarded projects

Technical assistance in preparing an application is provided by ODOT OMPT. However, the development, preparation and timely submittal of the document is the sole responsibility of the applicant. Application instructions may be obtained by writing to:

Oklahoma Department of Transportation
 Office of Mobility and Public Transit
 200 N. E. 21st Street, Room D1
 Oklahoma City, Oklahoma 73105-3204
transit@odot.org

Minimum Application Response Requirements

To receive a rating of “Pass” and continue on through the evaluation process, applications received by the deadline must have completed all questions/areas of the Application and be in compliance with the requirements of the program as noted below in order to be considered responsive:

Minimum 5310 Application Responsiveness Requirements	
Application Section	Section Name
A	Applicant Information
C	Project Funding Request
E	Performance Measures
F	Civil Rights, Equal Employment Opportunity and Title VI Requirement
G	Public Participation and Coordination Requirements
H	Locally Developed, Coordinated Public Transit Human Services Transportation Plan
I	Applicant Affirmations
	Executed FY20 Certifications and Assurances
	Resolution from the Agency’s Governing Board

Evaluation Criteria

Applications with a passing score on the minimum application responsiveness requirements noted above are evaluated using the criteria and point values identified in the table below.

Each project type is scored separately, with a maximum score of 100 points. Each individual project score is comprised of up to 50 points for the primary* application submission plus up to 50 points for the respective project type submission.

Application Components	Part Name	Maximum Point Value
B	Primary Purpose/System Description*	15
E	Performance Measures*	15
G	Public Participation and Coordination Requirements*	15
	Past Performance in the Section 5310 Program*	5

Application Part	Part Name	Maximum Point Value
D1	Project - Capital – Vehicle and Other Capital	50

D2	Project – Mobility Management	50
Maximum Allowable Points Total Per Project Type		100

If available funding meets or exceeds the amount of funding needed to fund all proposed projects, ODOT reserves the right to waive the numerical scoring phase of the evaluation process and award all projects proposed that successfully pass the pre-screening process.

Public Hearing and Notice for Disadvantaged Business Enterprises (DBE) Notice

An opportunity for a public hearing is required for capital grants under Section 5310. Section 5310 applications must submit a copy of the notice of public hearing, notices for DBE opportunities, and an affidavit of publication.

TRANSFER OF FUNDS

Annually, FTA makes available the fiscal year apportionments. Oklahoma's 5310 program is a funding program for capital assistance only. Applicants must indicate which geographic area they are applying for (rural, small urban, large urban) during the application process. Funds cannot be transferred from the 5310 "Enhanced Mobility for Seniors and Individuals with Disabilities" program to another program, nor transferred from the large urban area to another geographically designated area (small urban or rural). However, the State may use funds apportioned for small urbanized area projects in rural areas and rural funding in small urban areas if the Governor of the state certifies all of the objectives of the 5310 program are being met in the specific area from which funds are transferred. Funds apportioned to small urbanized and rural areas may also be transferred for use anywhere in the State including large urbanized areas if the state has established a statewide program for meeting the objectives of the Section 5310 Program. ODOT may transfer apportioned funds only after consulting with responsible local officials, publicly owned operators of public transportation and non-profit providers in the area from which the funds to be transferred were originally apportioned.

Using these apportionments, and any prior years' unused funding, ODOT determines the total amount of funding available for the annual application cycle. ODOT announces the opening of an application cycle, solicits application proposals for projects, reviews and scores applications, and determines the amount of funding each applicant is eligible to receive.

Subsequently, ODOT prepares a Program of Projects (POP) and application for submission to FTA via FTA's Transit Award Management System (TrAMS) and executes agreements with successful applicants as follows:

- ODOT enters and submits applications for federal assistance to FTA for its approval
- FTA reviews and approves the POP/grant
- ODOT executes the grant
- ODOT develops agreements outlining the terms of program and associated funding for successful grant applicant to execute
- ODOT issues a notice to proceed for successful applicant to begin project.

OVERSIGHT OF SUBRECIPIENTS

FTA gives ODOT, to the extent permitted by law, maximum discretion in designing and managing the Section 5310 Program. FTA staff provides oversight; apportions the funds annually to the State; develops and implements financial management procedures; and conducts national program reviews and

evaluations. FTA defers to ODOT, where possible, the development of specific program standards, criteria, procedures and policies in order to provide Oklahoma the flexibility to standardize its management of these federal programs and related state programs.

ODOT may use up to 10 percent of the apportionment to support program administrative costs including planning, and subrecipient technical assistance, which may be funded at 100 percent federal share.

All participants in the formula grant programs in Oklahoma are required to complete and submit periodic forms designed to capture data that reflects key performance and utilization aspects of their efforts in rendering transportation services.

ODOT monitors projects through on-site reviews, equipment inspections, implementation of reporting requirements and other activities as necessary. Subrecipients are required to monitor and report on a variety of items, including ridership, revenues, expenses, vehicle and equipment management, drug and alcohol testing, DBE reports, and service coordination efforts as applicable.

ODOT collects operational data from each of its subrecipients on a monthly, quarterly, or annual basis. Data collection includes the number of miles, hours, and trips provided during the reporting period, as well as financial information such as expenses and revenues during the reporting period as applicable. These reports identify productivity and cost-effectiveness.

A continuous system of checks and balances is built into project monitoring through various means such as subrecipient reports, invoice processing, the generation of supplemental agreements and operating performance data review and data collection processes. These methods are enhanced through regular communication between the subrecipients and ODOT staff, site visits, and a compliance review process. When an issue surfaces, ODOT staff will address the issue in a timely manner and will strive to benefit both the subrecipient's and ODOT's needs as much as possible.

Subrecipient Monitoring

ODOT is authorized to monitor all project activities, services, capital assets, project administration and management practices supported with federal funds, to ensure compliance with federal regulations. To that regard, ODOT has monitoring procedures in place that uses visual inspection of the subrecipients' site(s), equipment, advertised scheduled routes, websites etc. This verifies information about the subrecipients, such as contact name, address and location of the site(s); records the number, types and condition of vehicles being used in the program; and asks questions about the subrecipients' compliance with Federal and State regulations and procedures.

Periodic random reviews will also be conducted throughout the year as deemed necessary. During these reviews, OMPT staff will randomly select subrecipients to evaluate ongoing compliance. The analysis will include, but not limited to; field assessments of actual route taken by drivers to evaluate time allowed at stops, location and condition of stops, whether deviated fixed-routes allow enough time between stops to permit adherence to advertised route timelines, civil rights compliance etc.

At the time of the reviews, any subrecipients found to be out of compliance with Federal and State regulations and procedures will be notified of such non-compliance and given time to remedy the situation. If the violation is not corrected in the time provided, FTA funding may be jeopardized, and/or federally funded vehicle(s) may have to be returned.

Subrecipient Management Reviews

At a minimum of every three years, or as circumstances warrant, ODOT will conduct on-site project evaluations and compliance reviews of each subrecipient's management and operations to ensure

compliance with federal regulations. ODOT will send a packet containing material which will be covered during the monitoring process. The Subrecipient Oversight Checklist will be sent to the subrecipient to be completed and returned to ODOT for a desk audit prior to the on-site monitoring visit.

During the on-site monitoring visit, an entrance conference will be conducted at the discretion of the ODOT Project Manager. ODOT will review areas that include program and financial components through observations, discussions and samples for the period(s) under review. Discussions with appropriate subrecipient staff will take place to provide more meaningful reporting. The exit conference will identify findings, provide corrective actions, guidance and recommendations based on ODOT and subrecipient observations and responses.

A written report of the monitor's findings will be prepared and presented to the subrecipient. This report denotes any administrative or operating services that are excellent and/or program weaknesses. On-site evaluations include but not limited to:

- Project Application Review – Review how the subrecipient is addressing key points of FTA's administrative and operational rules and regulations. The application review is typically conducted by one person during a one day visit.
- Subrecipient Oversight Checklist – The tool used to conduct in-depth review of the subrecipient's compliance in the areas: Program Management, Grant Administration, Financial Management, Procurement, Disadvantaged Business Enterprise, Asset Management, Charter Bus (if applicable), School Bus, Americans with Disabilities Act, Title IV, Equal Employment Opportunity, and Drug Free Work Place/ Drug and Alcohol Programs. The reviews are typically conducted by two to three persons over two to three days, four days for large multi-county projects.

Subrecipient Reporting

A quarterly report must be completed for organizations receiving Section 5310 funds being approved and submitted by the organization's staff member or the individual responsible for the vehicle(s), whether the vehicle is in operation or not. The quarterly report is approved and submitted via MYLEOnet, an online database reporting system provided by ODOT, which can be found at ODOTMYLEOnet.net. OMPT also has the right to require additional reporting forms from the organization to help determine if compliance is being met. Organizations are to collect and maintain the proper information needed to provide accurate, correct, and up-to-date records needed for reviews and to prepare annual reports for the National Transit Database and the FTA Regional Office. ODOT compiles the data and submits this report to the National Transit Service Center.

For each vehicle, the grantee will maintain the quarterly reports and corresponding data. Such data should consist of the total number of passenger trips, senior trips, disabled trips and senior disabled trips, as well as using classification for the trip type category (recreation, education, medical, shopping/personal, employment, nutrition and other). The vehicle condition rating, beginning and ending odometer, days in service, and miles are also reported. These reports are reviewed for any documentation omissions, for proper use of vehicles and to identify any issues or barriers to equitable and efficient service provision within the individual project.

A monitoring report identifying findings to be addressed is provided to the subrecipient in person, by e-mail or by mail depending on the severity and urgency of the deficiency noted and the immediacy of any correction required. A follow up is conducted by desk audit or site visit to ensure that corrections are made in a timely manner depending on the finding noted.

After useful life and when the vehicle is still meeting the contractual obligation of providing transportation services to seniors and persons with disabilities, the project will continue to submit the quarterly vehicle trip report. After the vehicle is no longer used for the original contractual purpose, the agency can begin the lien release process, and until it is complete the agency will continue to send in statistical reports to OMPT. The subrecipient (when appropriate) will request this change in status of the vehicle utilizing ODOT's "Request for Equipment Disposal or Removal from Inventory" document to OMPT.

The subrecipient must maintain proper records four (4) years after the vehicle is disposed, including application and executed agreement documents, drivers' daily records, passenger trip records, inventory control and maintenance records. Chronic failure to complete quarterly reports accurately and promptly may result in termination of the contract and/or repossession of project equipment. Subrecipients must submit quarterly reports throughout the "useful life" of the vehicle and beyond, until the vehicle has been released by ODOT.

ODOT will submit the following Section 5310 reports to FTA as follows:

- *Annual Program of Projects (POP)* - By October 31 each year, ODOT will submit to FTA the annual program of projects with the current Section 5310 award programming.
- *Federal Financial Reports (FFR) and Milestone Progress Reports (MPR)* - ODOT will submit quarterly, monthly and annual financial report as required by FTA for each active grant, as appropriate.
- *Federal Funding Accountability & Transparency Act of 2006 (FFATA)* - ODOT is required to report all sub-award information exceeding \$25,000 to the Federal Funding Accountability & Transparency Act Sub-award Reporting System (FSRS). ODOT Comptroller Division will submit the required reports no later than 30 days after the obligation of funds.
- *Disadvantaged Business Enterprise (DBE) Reports* - ODOT will submit its DBE program goal to FTA by August 1 every three years. Subsequent uniform report of DBE awards or commitment of payments will be submitted semi-annually due by June 1st and December 1st.
- *National Transit Database (NTD)* - The National Transit Database is the FTA's primary national database for statistics on the transit industry. Section 5311(b)(4) specifies that each recipient of Section 5311 Program funds shall submit an annual report containing information regarding capital investment, operations and service provided under Section 5311. Items to be reported include total annual revenue, sources of revenue, total annual operating costs, total annual capital costs, fleet size, type and related facilities, revenue vehicle miles and ridership.
- ODOT is responsible for ensuring that the data is collected by each Section 5310 subrecipient and that the data complies with the NTD requirements. The OMPT collects the data for the NTD Program through the monthly submission of uniform financial reports from each subrecipient. The information is accumulated and compiled into the format required by the NTD Program. The deadline for submitting the annual report to the National Transit Database is January 31.
- ODOT will set a date every year that each subrecipient will need to submit the RR-20 Reduced Reporting report, A-10 Stations and Maintenance Facilities report, A-30 Revenue Vehicle report, and any other report as applicable, as well as all required backup documentation. Reporting requirements are included in the NTD reporting instructions manual issued each year. Visit the NTD website at www.ntdprogram.gov for the most recent rural reporting manual.

CIVIL RIGHTS

The OMPT will coordinate all civil rights issues with ODOT's Civil Rights Division. The Civil Rights Division has agency-wide responsibility for ensuring the compliance of Title VI, Equal Employment Opportunity (EEO), Americans with Disabilities Act (ADA) and Disadvantaged Business Enterprises (DBE). ODOT and its subrecipients will comply with all applicable civil rights regulations and the implementation of regulations.

As a condition for funding, ODOT will require subrecipients to provide Title VI, ADA and EEO plans (those meeting the threshold requirements) to ODOT every three years, at minimum. ODOT has developed Title VI, ADA and EEO plan templates which are available to subrecipients upon request.

FTA's guidance and instructions for Title VI, EEO, ADA, and DBE can be located with the following link.

<https://cms.fta.dot.gov/regulations-and-guidance/fta-circulars/final-circulars>

Title VI

The Title VI Act of 1964, as amended, helps to ensure anti-discrimination is enforced throughout the work undertaken by all recipients of federal funding. ODOT's Title VI/Environmental Justice program serves to create, implement and regulate 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 Proficiency; the Civil Rights Restoration Act of 1987; and Title 49 CFR Part 21, as well as related statutes and regulations.

Title VI 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. It prohibits exclusion from participation, denial of benefits to, or others subject to discrimination under any program or activity administered by ODOT. Subrecipients must comply with federal civil rights requirements under Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.).

Title VI provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

To ensure compliance with FTA C 4702.1B (as amended), subrecipient's Title VI Programs shall include the following at a minimum and must be provided every three years:

- (1) A copy of the subrecipient's Title VI notice to the public that indicates the subrecipient complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI. Include a list of locations where the notice is posted. If the subrecipient has a website, it must be listed on the website. The notices should include:
 - (a) A statement that the agency operates programs without regard to race, color, or national origin.
 - (b) A description of the procedures that members of the public should follow in order to request additional information on the subrecipient's Title VI obligations.
 - (c) A description of the procedures that members of the public shall follow in order to file a Title VI discrimination complaint against the subrecipient.

***NOTE:** In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI Notice developed by ODOT; however, subrecipients shall notify passengers and other interested persons that they may file discrimination complaints directly with the subrecipient.*

- (2) A copy of the subrecipient's instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form.
- (3) A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the subrecipient since the time of the last submission. This list should include only those investigations, complaints, or lawsuits that pertain to allegations of discrimination on the basis of race, color, and/or national origin in transit-related activities and programs and that pertain to the subrecipient submitting the report, not necessarily the larger agency or department of which the subrecipient is a part. If no investigations, complaints, or lawsuits have been filed in the previous three year period, then a document stating so is required.
- (4) A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission. A subrecipient's targeted public participation plan for minority populations may be part of efforts that extend more broadly to include other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.
- (5) A copy of the subrecipient's plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance.
- (6) Subrecipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the subrecipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils.

FTA Circular 4702.1B (as amended) requires ODOT to submit reports to FTA in order for FTA to ascertain compliance with the DOT Title VI regulations, and ODOT must have available "racial and ethnic data indicating the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance." Title VI plans are due to FTA every three (3) years. ODOT shall collect Title VI assurances and Title VI plans from subrecipients prior to passing through federal funds.

Subrecipients may choose to adopt ODOT's notice to beneficiaries, complaint procedures and complaint form, public participation plan, and language assistance plan where appropriate. ODOT's Title VI Program with these components can be found at <https://www.ok.gov/odot/>. Operational differences between ODOT and subrecipients may require, in some instances, that the subrecipient tailor its language assistance plan. OMPT personnel will provide the Title VI Plan Adoption Certification upon request.

Equal Employment Opportunity (EEO)

Section 19 of the Federal Transit Act states that "No person in the United States shall on the grounds of race, color, creed, national origin, gender or age be excluded from participation in, or denied the benefits of, or be subject to discrimination under any project, program or activity funded in whole or in part through financial assistance under this Act. The provisions of this section shall apply to employment and business opportunities, and shall be considered to be in addition to and not in lieu of the provisions of Title VI of the Civil Rights Act of 1964."

EEO Requirements for ODOT and Subrecipients

In accordance with FTA Circular 4704.1A Ch. 1.4, applicability requirements for EEO Program Plans are based on the number of transit related employees subrecipients have and on the amounts of Capital and/or Operating Assistance or Planning assistance funding requested or received in the previous Federal fiscal

year. Use the EEO Plan Requirements chart below to determine what type of EEO plan is required: All EEO Program plans must be prepared and contain the required elements.

EEO Program Plan Requirements

Funding requested/ received in previous Federal FY			Type of Plan Required		
Number of Employees*	Capital/Operating Funding	Planning Funding	Full EEO Plan	Abbreviated EEO Plan	EEO Plan Not Required
100 or more	Excess of \$1 million	Excess of \$250,000	x		
50 to 99	Excess of \$1 million	Excess of \$250,000		x	
Less than 50	NA	NA			x

* To determine the transit-related employees include temporary, full-time, or part-time employees.

Full EEO Program Plan Elements

As addressed in [FTA Circular 4704](#), a subrecipient’s EEO Program must contain the following seven elements:

- Statement of Policy
- Plan for dissemination both internally and externally
- Designation of appropriate personnel responsible for carrying out the EEO Program, including the designation of an EEO Officer
- Utilization analysis
- Goals and timetables to correct identified areas of underutilization or concentration
- Assessment employment practices
- Plan for monitoring and reporting on the EEO Program

Formal communication mechanisms should be established to publicize and disseminate appropriate elements of the program, such as the EEO policy statement. The policy statement should be posted, for example, on bulletin boards, near time clocks, or in the employee’s cafeteria. Program updates are required every four years, and must be submitted to ODOT OMPT.

Abbreviated EEO Program Plan Elements

Subrecipients required to prepare an abbreviated program are not required to conduct a utilization analysis (4) with goals and timetables (5). All other elements are required. Program updates are required every four years, and must be submitted to ODOT OMPT.

Disadvantaged Business Enterprise (DBE)

FTA and ODOT have a policy of helping small businesses owned and controlled by socially and economically disadvantaged individuals, including minorities and women, to participate in contracting

opportunities created by DOT financial assistance programs, as required by 49 CFR Part 26. FTA's DBE regulations require ODOT to establish goals for the participation of disadvantaged entrepreneurs and certify the eligibility of DBE firms to participate in their DOT-assisted contracts. It is the policy of ODOT to implement the provisions of 49 CFR Part 26 with the following objectives:

- (1) To ensure nondiscrimination in the award and administration of federally assisted contracts;
- (2) to create a level playing field on which DBEs can fairly compete for federally assisted contracts;
- (3) to ensure that only firms that fully meet the eligibility standards specified in 49 CFR Part 26 are permitted to participate as DBEs;
- (4) to help remove barriers to the participation of DBEs in federally assisted contracts;
- (5) to assist the development of firms that can compete successfully in the marketplace outside the DBE Program;

DBE Requirements for ODOT

ODOT and its subrecipients will comply and assure that it shall not discriminate on the basis of race, color, sex, or national origin, in the award and performance of any third party contract, or sub-agreement supported with Federal assistance derived from DOT, or in the administration of its DBE Program, and will comply with the requirements of 49 CFR part 26. ODOT agrees to take all necessary and reasonable steps to ensure nondiscrimination in the award and administration of all third party contracts and sub-agreements supported with Federal assistance derived from DOT. As required by 49 CFR part 26, ODOT's DBE Program is incorporated by reference and made part of the Grant Agreement or Cooperative Agreement. ODOT agrees that implementation of this DBE Program is a legal obligation, and that failure to carry out its terms shall be treated as a violation of the Grant Agreement or Cooperative Agreement.

Outreach

ODOT's Civil Rights Division will provide events to disseminate DBE information, conduct training, and discuss contracting opportunities. The OMPT will assist the Civil Rights Division with outreach to minority and Tribal organizations to provide awareness and encourage participation. Civil Rights Division conducts various outreach efforts, listed on ODOT's website at <https://ok.gov/odot/>, to train, inform and provide networking opportunities which are available to all disadvantaged businesses. Newsletters and other materials are also made available to the public to support ODOT's outreach efforts. ODOT's website also contains instructions and information on how to become DBE certified through the State of Oklahoma.

Additionally, ODOT attends Tribal Transit meetings and conferences to inform the community of the opportunities available through various federal programs. For all correspondence with tribes, ODOT provides the necessary information to the Director of Tribal Coordination, Rhonda S. Fair, Ph.D. Her contact information is as follows:

Rhonda S. Fair, Ph.D.
Director – Tribal Coordination
Oklahoma Department of Transportation
200 N.E. 21st Street
Oklahoma City, Oklahoma 73105
Office: (405) 521-3632
Cell: (405) 517-5670

DBE Requirements for Subrecipients

ODOT's OMPT requires subrecipients to publish DBE notices of opportunity in local media outlets for

outreach as a required part of the application process for federal funding. Additionally, subrecipients must enter quarterly claim/financial data for the OMPT's review, which includes a vendor database. This helps ensure that ODOT tracks federal activity to DBE's which helps ODOT fulfill its semi-annual DBE reporting requirements, as well as helps ODOT's Civil Rights Division develop its three (3) year DBE goal methodology.

Subrecipients who intend to receive Section 5310 Program funds must have an approved DBE Program as directed by 49 CFR Part 26, as amended. The OMPT will assist all subrecipients who are seeking Section 5310 Program financial assistance in obtaining technical assistance from the Civil Rights Division in establishing DBE plans, as necessary.

Subrecipients are required to submit quarterly claims which must include vendor data. The OMPT will then review vendor data for DBE activity to assist the Civil Rights Division with DBE monitoring and data collection. Compliance of subrecipients will be evaluated during periodic on-site monitoring visits, desk audits, and on-going as necessary by OMPT staff.

Nondiscrimination on the Basis of Sex

ODOT and its subrecipients will comply with all applicable requirements of Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. 1681 et seq.), with DOT implementing regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 CFR part 25.

Nondiscrimination on the Basis of Age

ODOT and its subrecipients will comply with all applicable requirements of the Age Discrimination Act of 1975, as amended, (42 U.S.C. 6101 et seq.), and Department of Health and Human Services' (DHHS') implementing regulations, "Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance," (45 CFR part 90), which prohibit discrimination against individuals on the basis of age. In addition, ODOT agrees to comply with all applicable requirements of the Age Discrimination in Employment Act (ADEA), 29 U.S.C. 621 through 634, and Equal Employment Opportunity Commission (EEOC) implementing regulations, "Age Discrimination in Employment Act" (29 CFR part 1625), which prohibit employment discrimination against individuals on the basis of age.

Drug-Free Workplace

In accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.), and 49 CFR part 32, ODOT is required to maintain a Drug-Free Workplace for all employees and to have an anti-drug policy and awareness program. ODOT must agree that it will provide a Drug-Free Workplace and comply with all requirements of 49 CFR part 32. These provisions apply only to FTA's direct recipients (ODOT) and do not extend to subrecipients.

ODOT is required to provide a written Drug-Free Workplace policy statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and stating specific actions that will be taken for violations. The Department of Labor provides a Drug-free Workplace Advisor to assist users in developing tailored policy statements at the following link: <http://www.dol.elaws/drugfree.htm>. The ongoing Drug-Free Awareness Program must inform employees about the dangers of drug abuse; about any available drug counseling, rehabilitation, and employee assistance programs; about penalties that may be imposed; and that employees are to be aware that ODOT operates a Drug-Free Workplace.

An employee of an FTA recipient (ODOT) is required to report in writing any conviction for a violation of a criminal drug statute occurring in the workplace, and ODOT is required to provide written notice to

FTA within 10 days of having received the notice. Within 30 days of receiving the notice of a conviction, ODOT must have taken appropriate action against the employee or have required participation in a drug abuse assistance or rehabilitation program.

Technical assistance materials and training information to help ODOT implement the Drug-Free Workplace and Drug and Alcohol Testing rules are available on FTA's website <http://www.fta.dot.gov> or by contacting FTA's Office of Safety and Oversight, FTA Headquarters, 1200 New Jersey Ave. SE. Washington, DC 20590.

Employee Political Activity

To the extent applicable, ODOT agrees to comply with the provisions of the Hatch Act, 5 U.S.C. Sections 1501–1508, and Sections 7324–7326, and U.S. Office of Personnel Management regulations, “Political Activity of State or Local Officers or Employees,” 5 CFR part 151. The Hatch Act limits the political activities of State and local agencies and their officers and employees, whose principal employment activities are financed in whole or part with Federal funds including a Federal grant, cooperative agreement, or loan. Nevertheless, in accordance with 49 U.S.C. 5323(1) (2) and 23 U.S.C. 142(g), the Hatch Act does not apply to a nonsupervisory employee of a public transportation system (or of other agencies or entities performing related functions) receiving FTA assistance to whom the Hatch Act would otherwise apply.

Environmental Justice

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, requires the U.S. DOT and FTA, to make environmental justice (EJ) part of our mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects on our programs, policies, and activities on minority populations and/or low-income populations. Environmental justice at FTA includes incorporating environmental justice and non-discrimination principles into transportation planning and decision-making processes as well as project-specific environmental reviews. FTA Circular 4703.1 “Environmental Justice Policy Guidance for Federal Transit Administration Recipients” provides FTA recipients (ODOT) and subrecipients with guidance and instructions necessary to carry out the executive order.

Labor Protections

Davis-Bacon Act: For FTA programs, 49 U.S.C. 5333(a) imposes Davis-Bacon Act prevailing wage requirements. This provision applies only to construction projects. In the event that a project involves construction, Section 5333(a) requires the Secretary to ensure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of loans or grants under Chapter 53 be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor and in accordance with the Davis-Bacon Act, as amended. The Secretary may not approve any such loan or grant without first obtaining assurance that required labor standards would be maintained upon the construction work. This assurance is obtained when ODOT accepts grant funds and signs the Master Agreement.

Transit Employee Protection: Before FTA may award a grant for capital or operating assistance, fair and equitable arrangements must be made to protect the interests of transit employees affected by the proposed FTA assistance (49 U.S.C. 5333(b), formerly Section 13(c) of the Federal Transit Act as amended). Those arrangements must be certified by the Secretary of Labor as meeting the requirements of the law.

Questions concerning employee protective arrangements and related matters pertaining to transit employees should be addressed to the

Division of Statutory Programs,
Employment Standards Administration,
U.S. Department of Labor,
Room N-1519, 200 Constitution Avenue NW,
Washington, DC 20210;
Telephone (202)-693-1193;
Fax (202)-693-1344.

Section 504 and ADA Reporting

Pursuant to 49 CFR Part 37, the Americans with Disabilities Act of 1990 provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law and regulations set forth specific requirements for vehicle and facility accessibility and the provision of service (including reasonable modifications as defined by 49 CFR Part 37) to providers' transportation service procedures. This service must include employment (applicants, hiring, advancement, or discharge of employees, compensation, job training, and other terms conditions, and privileges of employment), providing accessibility to public facilities (constructing or acquiring accessible facilities), and providing accessible vehicles to potential riders regardless of their impairment.

Each public entity operating a fixed route system shall provide a paratransit or other special service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route system. To be deemed comparable to fixed route service, a complementary paratransit system shall meet the requirements beginning at 49 CFR 37.121. Requirements for a fixed route with complementary paratransit service include (but are not limited to):

- (1) The complementary paratransit component of the fixed route must provide accessible service to any origin or destination point within a fixed route corridor up to $\frac{3}{4}$ of a mile of the route,
- (2) Subrecipient must develop a paratransit plan,
- (3) Subrecipient must develop a paratransit eligibility application for individuals seeking to use the service, and
- (4) Subrecipient must advertise to the public instructions on how to apply for and access the Service.

Subrecipients operating a route deviation service (a.k.a. deviated-fixed route) must ensure that the route deviation service has the characteristics of demand-responsive service for the general public, including those with disabilities, including:

- (1) Response time;
- (2) Fares;
- (3) Geographic area of service;
- (4) Hours and days of service;
- (5) Restrictions or priorities based on trip purpose;
- (6) Availability of information and reservations capability; and
- (7) Any constraints on capacity or service availability.

To be considered demand responsive, the service must deviate up to $\frac{3}{4}$ of a mile within the routes corridor (for deviated fixed routes) for the general public, not just persons with disabilities. The vehicle should be able to deviate to pick up a passenger and return to its originally scheduled route. If demand response

services, including route deviations, are restricted to a particular group, the service ceases to be a form of demand-responsive service for the general public.

USDOT Section 504 Requirements

Prior to the passage of the ADA in 1990, the Rehabilitation Act of 1973 — and Section 504 of that act — were implemented to prohibit discrimination against individuals with disabilities by entities that receive federal funds. The purpose of the Rehabilitation Act is to ensure that individuals with disabilities are not excluded from, denied the benefits of, or subject to discrimination in any programs or activities receiving federal financial assistance. The DOT regulations implementing Section 504 are found at 49 CFR Part 27. In order to receive federal financial assistance, grantees must comply with Section 504; in order to comply with DOT's Section 504 regulations, grantees must comply with the DOT ADA regulations. Subrecipients agree to Section 504 regulations as part of annual certifications and assurances during the application process for federal funds.

ODOT will collect Section 504/ADA assurances from subrecipients prior to passing through FTA funds. These Section 504/ADA assurances will be submitted as part of a standard list of assurances provided by subrecipients to ODOT.

Monitoring ADA Compliance

Subrecipients will report all ADA complaints to ODOT outlining nature of complaint and proposed corrective action plan within five business days of the complaint. ODOT will monitor subrecipient's complaint process until compliant process is closed.

ODOT will review all subrecipient's services for ADA requirements during its triennial assessment as well as during on-going route monitoring through ODOT's online database management system MYLEOnet. The assessments will include evaluations of complementary paratransit and route deviation services, as appropriate. Subrecipients must agree to the ADA certifications and assurances during any application for federal funding through ODOT.

As part of the triennial assessment, ODOT will review (at a minimum) items such as the following Section 504/ADA requirements:

- (1) Agency's ADA policy
- (2) Agency's maintenance preventative maintenance schedule for wheelchair lifts/ramps and related equipment.
- (3) A list of any Section 504/ADA investigations, complaints, or lawsuits filed with the agency since the time of the last submission.
- (4) If the agency continue to provide equivalent services to persons with disabilities
- (5) Does the grantee have procedures for investigating and tracking ADA complaints filed against them and making their procedures for filing a complaint available to members of the public upon request?
- (6) Policies regarding transporting of service animals, personal care attendants, and portable oxygen.
- (7) How does the agency advertise ADA services?
- (8) ADA training for staff

ADA Vehicles and Other Provisions

Department of Transportation (DOT) regulations implementing Section 504 and the ADA include 49 CFR parts 27, 37 and 38. All vehicles acquired will be accessible to and usable by individuals with disabilities, including individuals using wheelchairs; require public entities (including private entities "standing in the shoes" of a public entity as a subrecipient or under a contract or other arrangement) providing fixed-route service to provide complementary paratransit service to individuals with disabilities

who cannot use the fixed-route service; and include service requirements intended to ensure that individuals with disabilities are afforded equal opportunity to use transportation systems.

Providers of fixed route service must generally utilize accessible vehicles. Private entities may utilize non-accessible vehicles if they can provide equivalent service in terms of schedules and headways, in addition to the equivalent service requirements described above for demand responsive service.

Providers of demand responsive service must utilize accessible vehicles, as defined at 49 CFR 37.7 or meet the applicable equivalent service standard.

In addition, recipients (ODOT) of any FTA funds should be aware that they also have responsibilities under Titles I, II, III, IV, and V of the ADA in the areas of employment, public services, public accommodations, telecommunications, and other provisions, many of which are subject to regulations issued by other Federal agencies.

PROGRAM MEASURES

Each subrecipient is required to submit quarterly reports to ODOT. Metropolitan Planning Organizations (MPOs) may require copies of the report(s), and in these instances, the subrecipient will provide a copy to the MPOs. Subrecipients are required to submit operating reports to ODOT for as long as they operate the vehicle or until a Request for Disposal form is submitted and a disposition is granted. Reported data is compared to estimates included in the program applications. The comparison is performed to monitor and assess an agency's compliance with reporting requirements and program goals and purpose. Maintenance information is tracked to ensure grantees are maintaining the vehicles as required and to provide additional documentation for repair disputes and warranty claims. Information for small urban systems is compiled and supplied to small urban MPOs directly for monitoring and application assessments.

Pertinent reported data includes the following fields:

- Project status update
- Ridership Data including: Number of days in service, vehicle mileage, passenger trips, breakdown of passenger trips (via. medical, employment, education, nutrition, shopping, recreation and other trips) and demographics (elderly, disabled, elderly and disabled trips)
- Civil rights compliance issues
- Financial status update
- Number of people afforded mobility they would not have without program support:
 - Older adults without disabilities
 - Older adults with disabilities
 - Other individuals with disabilities
- Planned and/or implemented increases or enhancements related to:
 - Geographic coverage
 - Service quality
 - Service times
- Progress towards completion of expected annual tasks

FINANCIAL MANAGEMENT:

Audits (A-133)

Each subrecipient who expends a cumulative amount of \$750,000 or more in Federal funds must conduct an annual agency-wide audit as outlined in 2 CFR Part 200. This annual audit must be submitted to ODOT's OMPT in duplicate, for review and approval within thirty days after receipt of the auditor's report(s), or nine months after the close of the fiscal year.

A subrecipient that expends less than \$750,000 during a given fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in 2 CFR Part 200 §200.503 Relation to other audit requirements, but records must be available for review or audit by ODOT.

If the audit is not received by ODOT or the Federal Audit Clearinghouse by the deadline, the subrecipient may be required to submit supporting documentation for each of the line item expenses of quarterly claims until such time as the audit is received by ODOT, reviewed by the ODOT Operations and Review Division and found to contain no errors or areas of concern or compliance issues.

Audits of third party contractors are addressed in FTA Circular 4220.1, as amended, Chapter III. It may be desirable to perform an audit of one or more specific third party contracts as part of the management process.

Accounting System

Personnel from ODOT's Operations Review and Evaluation Division will conduct pre-award audits on all new start subrecipients for the 5310 grant to determine if an applicant's accounting system conforms to generally accepted accounting procedures. The pre-award audit will also be used to help determine the subrecipient's ability to conform to the requirements of the State Auditor and Inspector's Office and with ODOT and Federal requirements.

Reimbursement of Eligible Expenses

Reimbursement for allowable expenses, in accordance with 2 CFR Part 200.420 (previously Office of Management and Budget [OMB] Circular A-87), is submitted by the subrecipient and reviewed by ODOT to ensure compliance with project scope and the terms and conditions of the standard agreement. All claims for the entire fiscal year (including the 13th month claims, special claims, etc.) must be submitted by November 1st of every year. This is critical for end of year reporting. No late submissions will be accepted.

ODOT cannot advance Section 5310 Program funds to subrecipients. All payments are made on a cost reimbursement basis. Subrecipients must be able to finance their projects for a thirty to sixty day period and wait for reimbursement from ODOT. The estimated time for receiving payment is four to six weeks from the date a claim is received and accepted by ODOT. Subrecipients must be willing and able to make the necessary financial arrangements to avoid jeopardizing the fiscal stability of their project.

Important note: for accurately reporting true cost expenses for federally required reports, each expense shall be claimed in the federal fiscal year (October 1st to September 30th) in which the expense is incurred, not when the expense is paid. Examples are as follows:

- Sidewalk project was completed September 15, 2019 and invoiced on September 20, 2019. The subrecipient then pays the invoice on October 2, 2019. This expense must be claimed in federal fiscal year 2019.
- Vehicle was in the shop for repairs from August 25, 2019 to September 28, 2019 however, it was not invoiced until October 12, 2019. The subrecipient pays the invoice on December

3, 2019. This expense must be claimed in federal fiscal year 2019.

ODOT OMPT requires each subrecipient to use a web-based program called MYLEOnet (odotmyleonet.net) for the reimbursement of claims and various data collections. In order to approve reimbursement for each subrecipient's monthly claim, the following process must be followed at a minimum:

- Each subrecipient will set a true cost budget of which ODOT's Project Manager will approve.
- Each subrecipient will enter each line item expense into MYLEOnet.
- Each subrecipient will upload a file containing information for applicable monthly expense line items. It is mandatory that this file be in csv format. The file must contain a minimum of the following data:
 - Can only have one header.
 - Line item category (ex: "Vehicle Maintenance", "Utilities", etc.).
 - Check numbers (if applicable).
 - Date the item was paid.
 - Line item description (ex: "Drug Screening", "Roof Repair", etc.).
 - Name of company or payee the check was paid to.
 - Amount of expense or credit.
- The file cannot have the following:
 - Any employee information (Employee Names, Salary, Insurance, Workers Comp, any Fringe items).
 - Totals or sub totals.
 - Any blank fields.
- MYLEOnet will then generate ten random line items in addition to any line items that exceed the minimum threshold of \$30,000. The minimum threshold can increase or decrease at ODOT's discretion of which the Project Managers will approve. New Start agencies and any agency on probation will have all claim items reviewed by a Project Manager.
- Once the random selection is approved, each subrecipient will then upload into MYLEOnet the invoices for the ten random selections and any invoice that meets the minimum threshold. It is mandatory that the invoices uploaded are in pdf format.
- The subrecipients must highlight the claim amount, service date, and invoice date in green and late fees and non-reimbursable amounts in red on the invoices.
- The Project Managers will review the invoices and approve or reject the supporting documentation.
- Once the supporting documentation is reviewed and approved, the Project Managers will then evaluate and approve or reject line items as appropriate, and proceed with submitting the claim for reimbursement.

Reasonableness of each line item, such as miscellaneous items/services, etc. is evaluated by ODOT.

Should an expense against any line item be deemed inappropriate, Office of Mobility and Public Transit personnel will correspond with the subrecipient to discuss and determine an “amount not to exceed” based on past performance and the other subrecipient’s data and costs of specific expenses of units of service delivered. ODOT personnel will work with the subrecipient to determine what steps might be taken to either cut costs or increase service. The Project Managers may, at any point, require the subrecipients to provide full supporting documentation for all expenses if deemed necessary.

Assignment of a Claim

ODOT does recognize that a financial hardship could be placed on some subrecipients when they must pay for expenses such as the purchase of vehicles or payment for vehicle insurance. In these instances, the subrecipients may file an assignment of the claim. This process allows the subrecipient to pay to the vendor their required local share only and assign payment of the Federal balance directly to vendor.

ODOT has established the following procedure for the Assignment Claim:

- The assignment of a claim is limited to major single purchases with a minimum cost of \$5,000.00.
- Upon delivery and acceptance of the goods or services, the subrecipient pays directly to the vendor the required local share.
- The subrecipient will file an assigned claim for the federal share, which ODOT will pay directly to the vendor. The assigned claim must include:
 - An executed and notarized claim form.
 - The subrecipient’s original invoice to ODOT.
 - A copy of the notification of award of bid and amount of award or a copy of the purchase order.
 - A copy of the vendor's invoice to the subrecipient.

ODOT will pay only the federal portion of the total claim (not to exceed the allocated federal amount). The subrecipient must pay the local match to the vendor prior to submitting an assigned claim to ODOT

Grant Closeout

ODOT will begin grant closeout procedures within ninety days of having a zero balance on an FTA grant. All closeout documents will be reviewed in office by a second reviewer before being forwarded to the Office of the Comptroller for their review. Following the review and acceptance by Comptroller, Office of Mobility and Public Transit will submit the grant closeout to FTA within the required ninety days following initiation of a grant closeout. If the final audit is not available at the end of closeout procedures, it will be forwarded to FTA as soon as it is available.

FTA expects grants awarded for a specific program of projects to be completed within a reasonable, specified time frame, generally two to three years. If small amounts of funds remain in an inactive grant, the state should request that the funds be de-obligated and the project closed out. If the de-obligated funds are still within their period of availability, FTA can re-obligate the funds in a new grant to the state along with other currently available funds. Otherwise, the de-obligated funds lapse and are reapportioned by FTA among all the states in a subsequent year.

Procurement

Except as permitted by Federal law or regulations, the Common Grant Rules require a subrecipient of Federal assistance to use third party procurement procedures that provide full and open competition. The procedures used must comply with State and local law as well as with Federal requirements. Federal restrictions vary with the type of procurement method used.

FTA Required clauses (as amended) must be included in the procurement process, specifically at the time of bid to ensure compliance with federal regulations. See below, Federal Clauses Table for applicable clauses required.

Federal Transit Administration Required Clauses

It is the responsibility of the subrecipient to ensure that all clauses applicable to the Work of the Agreement resultant from this Purchase Order are adhered to by the Contractor and its Sub-contractors when applicable.

Sec.	Contract Clause	Applicability to Type of Contract
2	Buy America Requirements	Value > 100K for Construction, Goods, Rolling Stock
3	Charter Bus Requirements	Operational Service
4	School Bus Requirements	Operational Service
8	Energy Conservation Requirements	All
9	Clean Water Requirements	Value > 100K
10	Bus Testing	Rolling Stock Acquisition
11	Pre-Award and Post Delivery Audit Requirements	Rolling Stock Acquisition
12	Lobbying	All
13	Access to Records and Reports	All
14	Federal Changes	All
16	Clean Air	Value > 100K
17	Recycled Products	Value > 10K In Fiscal Year
19	Contract Work Hours and Safety Standards Act	Construction > \$2000, Rolling Stock, Operational > \$2,500
20	No Government Obligation to Third Parties	All
21	Program Fraud and False or Fraudulent Statements and Related Acts	All
22	Termination	Value > 10K
23	Government-Wide Debarment and Suspension (Non-procurement)	Value > 25K
24	Privacy Act	All
25	Civil Rights Requirements	All
26	ADA Access Requirements	All
27	Breaches and Dispute Resolution	Value > 100K
29	Transit Employee Protective Agreements	Transit Operations
30	Disadvantaged Business Enterprise (DBE)	All
31	Incorporation of FTA Terms	All
32	Drug and Alcohol Testing	Operational Service/Safety Sensitive
33	Transit Vehicle Manufacturer (TVM) Certifications	Rolling Stock, All Vehicle Procurements
34	Metric Requirements	Sealed Bid Procurements, Rolling Stock, Construction
37	Veterans Employment	Capital Projects

All procurements and third party contracts shall meet FTA Circular 4220.1 (as amended) and other Federal and State laws pertaining to the expenditure of public funds. Prior to execution, subrecipients

must submit to ODOT for approval all third party contracts for the procurement of goods or services which involve the use of Section 5310 Program funds. Methods used to procure goods and services in excess of exceeding five thousand dollars (\$5,000) must be approved by ODOT. Failure to do so shall exclude the use of federal funds in the procurement of the goods and or services.

Procurement of Capital and Associated Accessories

The following procedures apply to the procurement of all capital and associated accessories (including start-up costs such as tag, title and lien (TT&L)). It should be noted that all federal and state regulations, regardless of the amount of the purchase, apply to all procurements. This includes, but is not limited to, Pre-award and Post-delivery Audit of Rolling Stock Purchases, Bus Testing Program, Buy America Act, Equal Employment Opportunity Requirements, Disadvantaged Business Enterprise Program Requirements and Title VI Program Requirements. FTA C 9070.1 (as amended) applies to any purchase of associated accessories.

Buy America. Section 165 of the Surface Transportation Assistance Act of 1982 provides that, with exceptions, Federal funds may not be obligated for mass transportation projects unless the steel, iron and manufactured goods used in projects are produced in the United States. Section 5310 Program recipients (ODOT) must conform to FTA regulations CFR part 661 and any amendments thereto. Buy America requirements apply to all purchases over \$150,000, including materials or supplies funded as operating costs. Requests for Buy America waivers must be submitted to FTA for approval.

There are four exceptions to this basic requirement as follows:

- 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.
- 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 set forth in 49 U.S.C. § 5323(m) and 49 CFR part 663.

Each bid solicitation should include a Buy America Certificate for execution, and a properly executed Buy America Certificate must be obtained from each vendor that involves Federal funds. This certificate should be retained in the subrecipient's procurement files. If a vendor's product does not meet Buy America requirements, a waiver must be obtained from FTA prior to completing the purchase.

In general, capital eligibility is the same as for other FTA capital programs, where FTA allows certain costs to be capitalized. Capital expenses include the acquisition, and associated accessories needed for a safe, efficient and coordinated public transportation system. For clarification regarding a purchase that may be of question, refer to Section 5310 FTA Circular 9070.1 (as amended), or contact the Office of Mobility and Public Transit. An associated accessories purchase, which includes items with a per-unit cost of \$1,000 or greater, is programmed as a capital line item. Associated accessories with a cost of \$999.99 or less will be programmed. All purchases of capital and associated accessories with a useful life of over one year, and a unit cost of \$1,000 or greater, must be reported to the Office of Mobility and Public Transit

office using the inventory management data form, which Office of Mobility and Public Transit staff will provide.

Capital Equipment

Prior to issuing a purchase order, the subrecipient must coordinate the procurement of capital items by notifying ODOT, in writing, of their intent to make a capital purchase. The notice of intent will include:

- A statement affirming that the item(s) are programmed under the subrecipient's currently approved application for capital equipment.
- A description, quantity and estimated purchase price of the equipment to be purchased.
- A certification that the necessary local match has been deposited in the subrecipient's regular banking account and that these monies will be used exclusively to purchase the requested equipment.
- If the request is for transit rolling stock and the vehicle(s) will not be equipped with a wheelchair lift, the subrecipient's notice of intent must also include a certification to ODOT that:
 - The transportation services provided by the subrecipient is meeting the transportation needs of persons with disabilities within its service area and that the subrecipient is in compliance with all requirements of the Americans with Disabilities Act of 1990; and
 - The vehicle(s) requested will not be used in a fixed route mode.

After OMPT has determined that the required documentation has been submitted and an appropriate amount of funds has been programmed, a notice to proceed will be sent to the subrecipient.

The following steps should be used to complete the procurement:

Equipment on state contract:

- A copy of the state contract pertaining to the equipment requested will be forwarded to the subrecipient.
- The subrecipient will deal directly with the vendor and all purchases will be shipped directly to the subrecipient.
- The subrecipient will issue its purchase order directly to the designated vendor. When issuing the purchase order, extra care should be taken to ensure that the equipment requested is clearly specified and that all related contract numbers are included.
- The subrecipient should also take extra care to ensure that FTA's Pre-award audit requirements and all the special provisions and assurances have been properly executed before finalizing the purchase.
- When the equipment is delivered, the subrecipient must initiate a general delivery inspection immediately followed with a notice to ODOT of the vehicle(s) delivery, with a copy of the purchase order. ODOT will then conduct a post-delivery audit to confirm that the items are delivered as specified.

Equipment not on state contract:

(1) Small purchasing procurements are \$3,500 - \$150,000

Competitive bid process through the Oklahoma Office of Management and Enterprise Services (OMES) must be used, unless otherwise authorized by ODOT in writing. This procedure will also apply to the procurement of any item(s) that vary from those available on state contract and is as follows:

- The subrecipient will make a request for bids through Central Purchasing.
- The subrecipient will develop specifications that clearly and precisely define the equipment that is being requested. This effort should be coordinated with OMPT.

- The subrecipient will prepare and submit a purchase requisition and equipment specifications to Central Purchasing.
- Central Purchasing will solicit and receive bids for the equipment requested and will advise the subrecipient as to the lowest and best bid.
- If the subrecipient is in agreement with the outcome of the bid solicitation, it will advise Central Purchasing to award the bid.
- If the subrecipient is not in agreement with the outcome of the bid solicitation, it should advise Central Purchasing to cancel the bid and start the process over.
- Authorized local bid process by ODOT, requires the subrecipient to develop specifications that clearly and precisely define the equipment that is being requested. This effort should be coordinated with OMPT as follows:
 - Advertise its request for bids using local newspaper and industry periodicals, as applicable. The subrecipient will purposely include publications directed to minorities.
 - Allow prospective bidders thirty calendar days to submit their bid; analyze each bid received by conducting a pre-award audit.
 - The subrecipient will award the bid to the lowest and best responsive bid based on a fair and comparative analysis of the bid proposals submitted.
 - The subrecipient must have, at a minimum, two responsive bids before it can make a decision to award the bid.
 - The subrecipient must follow all Federal, FTA, and State requirements and include all clauses and certifications.

(2) Micro-Purchasing procurements do not exceed \$3,500

- Coordinate the procurement with the Office of Mobility and Public Transit.
- Develop specifications or standard requirements that clearly and precisely define the equipment or service that is being requested and submit to OMPT for review.
- Solicit written price quotes from at least three vendors via email or mail.
- Maintain a record of all bid solicitation activities.
- In a letter/email to OMPT, recommend award of the contract to the lowest and best bid based on a fair and comparative analysis of the bid proposals. The subrecipient must have, at a minimum, two responsive bids before it can make a decision to award the bid.
- Upon approval by OMPT, issue a purchase order to the successful vendor using the subrecipient's procurement procedures.

FTA considers micro-purchases to be those purchases of \$3,500 or less.

This value is set by the Federal Acquisition Regulation (FAR) at 48 C.F.R. part 2, subpart 2.1 (Definitions) and is periodically adjusted for inflation. These purchases may be made without obtaining competitive quotes if ODOT determines the price to be paid is fair and reasonable. These purchases should be distributed equitably among qualified suppliers in the local area and purchases should not be split to avoid the requirements for competition above the \$3,500 micro-purchase threshold.

Davis-Bacon prevailing wage requirements will apply to construction contracts exceeding \$2,000, even if ODOT uses micro-purchase procurement procedures.

The following procedures apply to micro-purchases:

- Competition. ODOT should distribute micro-purchases equitably among qualified suppliers.
- Prohibited Divisions. ODOT may not divide or reduce the size of its procurement merely to come within the micro-purchase limit.

- **Documentation.** FTA’s only documentation requirement for micro-purchases is a determination that the price is fair and reasonable and a description of how ODOT made its determination. FTA does not require ODOT to provide its rationale for the procurement method used, selection of contract type, or reasons for contractor selection or rejection.

Property Management and Disposition

Maintenance

Both ODOT and the subrecipient are responsible for managing and maintaining various types of property purchased with FTA funds. It is important that vehicles and equipment be maintained in good working order. Subrecipients at a minimum should follow the manufacturer’s recommended maintenance schedule for Section 5310 (or any other federal grant) capital funded assets which include but are not limited to: associated accessories, vehicles, wheelchair lifts and other accessibility equipment. Subrecipients should have a documented maintenance policy and plan with specific goals and objectives which meets FTA requirements.

Vehicle maintenance involves two major components: preventive maintenance and the repair function, both of these should be monitored through a maintenance management system, which could range from a paper file on each vehicle to a computerized program utilizing specialized vehicle maintenance software. Preventive maintenance activities should include daily pre-trip inspections by the vehicle operators, including daily checks of wheelchair lifts and associated accessibility equipment to ensure proper and safe working conditions.

Subrecipients must submit a maintenance policy for approval during the application process. Developed policy templates are available upon request; it is however the responsibility of each Transit Agency to make modifications as deemed necessary for their specific operations. OMPT representatives will conduct assessments of the Transit Agency’s approved policy during site visits for compliance.

Warranty Recovery

Subrecipients are required to have a process in place to track warranty repairs as well as ensure that a person or contractor, certified by the applicable manufacturer, completes the repairs. If the repairs are made by a contractor/dealer that party will usually bill the manufacturer directly. However, if a subrecipient’s employees make the repairs; approval from the manufacturer is required.

Title and Lien

Vehicle(s) acquired with Section 5310 Program funds shall be titled in the name of the subrecipient. The subrecipient will, at the time of registering the vehicle, name the Oklahoma Department of Transportation as first lien holder. A scanned copy of the title showing ODOT is the lien holder shall be submitted to the Office of Mobility and Public Transit within 5 business days of receiving the title.

When registering a new vehicle, the “Date of Security Agreement” section of the lien will be the date ODOT executes the current contract. When registering a vehicle which has been transferred from another subrecipient, the “Date of Security Agreement” section of the lien will be the date of the “Receipt of Transfer.”

Inventory Management and Useful Life

ODOT OMPT maintains an inventory of equipment purchased using FTA funds. If a subrecipient requests reimbursement for a non-expendable item greater than or equal to \$1,000, the agency must enter the item into MYLEO.net with all required information. The project manager will then review and approve the item was entered correctly in MYLEO.net.

Useful Life of Vehicles

To ensure that vehicles are adequately maintained and remain in service for their normal service life, ODOT OMPT has established minimum useful-life standards for vehicles funded with state or federal funds, identified below. These standards apply to all vehicles purchased with any federal or state funds and to all vehicles that will be replaced with federal or state funded vehicles, regardless of the initial funding source.

Useful life of rolling stock begins on the date the vehicle is placed into revenue service and continues as long as it is in service. If a vehicle is out of service more than 30 days, ODOT must be notified. The period of time that the vehicle is out of service does not count toward the minimum useful life. Incidental service mileage does not count toward the minimum useful life.

NOTE: Mileage for charter services must be deducted when determining useful life.

CLASSIFICATION	LENGTH	USEFUL LIFE
Small Vehicles (6,000 - 14,000 GVWR):		
Minivans, Accessible & Standard	< 20 ft.	4 years and/or 100,000 miles
Vans, Accessible & Standard	< 20 ft.	
Light-Duty Bus	20 ft. - 22 ft.	
Medium-Size Vehicles (10,000 – 16,000 GVWR):		
Light-Duty Bus & Van Body on Chassis/Cutaway	20 ft. – 25 ft.	5 years and/or 150,000 miles
Medium Size Vehicles (15,000 – 26,000 GVWR):		
Medium-Duty Transit Bus Chassis/Cutaway	25 ft. – 30 ft.	7 years and/or 200,000 miles
Medium Size Vehicles (26,000 – 33,000 GVWR):		
Heavy-Duty Transit Bus	30 ft. – 35 ft.	10 years and/or 350,000 miles
Large Vehicles (33,000 – 40,000 GVWR):		
Heavy-Duty Transit Bus	35 ft. or greater	12 years and/or 500,000 miles

Once a vehicle has reached the useful life threshold, it may be considered a backup or spare vehicle upon review and approval by ODOT. The vehicle is still subject to the lien and inventory requirements. The recommended minimum spare ratio for a subrecipient fleet is not to exceed 20%. If a vehicle is sold and the amount is greater than \$5,000, the subrecipient must use the funds to pay down the gross cost of the next approved eligible capital project. ODOT will track all sale proceeds and the subrecipient will have to use these funds once they have been programmed and approved, before receiving additional capital funding.

Useful Life of Associated Accessories

Associated accessories shall follow the manufacturer’s useful life. The subrecipient may request, in writing, permission to dispose of vehicles and equipment, using the Request for Disposal of Equipment Form along with justification for its sale. Upon review and approval of the completed Request for Disposal of Equipment, ODOT may, at its discretion, permit the subrecipient to sell the vehicle or equipment using the Department of Central Services Surplus Auction process, or through the auspice of a public auction. All proceeds shall be retained by the subrecipient for the purpose of continuing and/or enhancing the program. Such funds may be used as local match for project expenses. If the subrecipient would like to maintain possession of the item after the useful life has been reached, the subrecipient will include a justification for continued possession on the Request for Disposal of Equipment Form. This process will be more often utilized for office furnishings and other equipment and only in special circumstances for rolling stock and real property items.

Insurance Coverage

Subrecipients are required to secure liability, collision and comprehensive vehicle insurance upon receipt of the vehicle. Minimum amounts of coverage shall be:

Liability	Bodily injury	\$175,000 each person
	Property damage	\$25,000 each occurrence
	Single occurring accident	\$1,000,000 each occurrence

Comprehensive - Deductible to be determined by local operator

Collision - Deductible to be determined by local operator

Insurance Proceeds

If a vehicle is withdrawn from service due to damage from an accident, theft, or vandalism, the agency must immediately notify ODOT. The following actions will be taken:

- If the damaged vehicle can be repaired, the agency is responsible to make necessary repairs to restore the vehicle to its original working condition. The cost of such repairs shall be borne by the agency, from local funds, and/or insurance proceeds.
- If the vehicle cannot be adequately repaired, is stolen, or otherwise unrecoverable, the following steps must be taken:
 - The insurance adjuster does not determine the Fair Market Value (FMV) of the vehicle at the time it was removed from service. The transit agency will need to acquire a FMV from a vendor or the NADA Guides if the vehicle has met its useful life. If the vehicle has not met its useful life the FMV will be determined by straight line depreciation by years or mileage whichever is more advantageous to the transit agency. The transit agency will need to provide the last mileage reading and condition.
 - The transit agency will promptly file an insurance claim for damage or loss of vehicle. ODOT will be provided a copy of the insurance claim, and subsequent correspondence with the insurance carrier or agent.
 - The preferred action is for the agency to use insurance proceeds, plus any additional local funds required, to replace the vehicle.
 - ODOT will notify FTA for approval before the lien is released from the vehicle.
 - Transit agency would request ODOT to release the vehicle title. The agency will request and submit the funds to be used for an eligible capital cost. Once programmed and approved the agency will spend the proceeds before receiving additional capital funding. If a new vehicle is purchased, ODOT must be the first security interest holder (lien holder) on the title of the new vehicle.
 - If for some reason the agency determines that it can meet existing service levels without replacing the vehicle, or for some other reason does not plan to replace the vehicle, contact ODOT. The agency will be required to use the insurance proceeds to pay ODOT the grant share at the current FMV of the vehicle.
 - ODOT will track all insurance proceeds and the subrecipient will have to use these funds to reduce the cost of their next capital project before receiving additional capital funds.

Intrastate Transporters

The Oklahoma Corporation Commission has jurisdiction, via 47 O.S. 230.22 and 230.23, over for-hire motor carriers of passengers not operating exclusively within the limits of an incorporated city or town.

However, cabs and bus companies are exempt from OCC's jurisdiction unless operating between 2 or more cities or towns and duly licensed by a municipal corporation in which they might be doing business. Also

exempt from this jurisdiction are transports paid for by government contracts.

Intrastate transporters of persons or property not subject to authority requirements of the OCC are not required to file liability insurance certificates as set forth in OAC 165:30-3-11.

Protection of the Environment

FTA's procedures allow the flexibility to categorically exclude most of the projects typically funded under the Section 5310 Program. ODOT will screen potential projects to make an initial determination as to which projects clearly meet FTA criteria for categorical exclusions and which projects may require additional documentation. The latter projects will be coordinated with the FTA Regional Office early in the project development so that any necessary environmental analysis and review will not delay implementation. Those projects or activities with no environmental impact or minimal impact require no individual review by FTA.

Early coordination with FTA is also necessary to identify those projects for which an Environmental Assessment (EA) will have to be prepared. If an EA is required, further steps to develop the project (e.g., property acquisition, final design, and construction) will not be authorized until FTA makes a final environmental finding for the project. Any project listed in Category B of a Program of Projects that does not qualify as a categorical exclusion will receive environmental clearance from FTA before being advanced to Category A.

Facility Construction and Renovation

ODOT personnel or its representatives/consultants will monitor all phases of the construction and/or renovation of transit amenities that involve the use of FTA funds.

- Design Phase.
- ODOT must review and approve the process for solicitation of bids for project design, including award of bid and award of design contract.
- ODOT will participate in all pre-bid, pre-award and pre-design meetings.
- ODOT must review and approve all plans and documents related to the project.
- Construction Phase.
- ODOT must review and approve the process for solicitation of bids for a project, contractor, including award of contracts.
- ODOT will participate in all pre-bid, pre-award and pre-construction meetings.
- ODOT must review and approve expenses claimed by the subrecipient before reimbursement will be made.
- Inspections will be made by ODOT personnel at prescribed stages of the project.

This policy statement may be supplemented as necessary to respond to changed conditions or additional regulations which may be forthcoming.

TRANSIT ASSET MANAGEMENT (TAM)

Program Overview

Transit Asset Management (TAM) is a model that uses asset condition to help prioritize funding to achieve or maintain transit networks in a state of good repair. FTA has established a National Transit Asset Management (TAM) System in accordance with section 20019 of the Moving Ahead for Progress in the 21st Century Act (MAP-21; Pub. L. 112-141 (2012), codified at 49 U.S.C. 5326). *Note: The FAST*

Act supersedes MAP-21; however, no amendment was made to the TAM statute 49 U.S.C. 5326. A transit asset management system is “a strategic and systematic process of operating, maintaining, and improving public transportation capital assets effectively through the life cycle of such assets.”

Critical to the safety and performance of a public transportation system is the condition of its capital assets—most notably, its equipment, rolling stock, and infrastructure. When transit assets are not in a state of good repair, the consequences include increased safety risks, decreased system reliability, higher maintenance costs, and lower system performance.

FTA has structured the TAM system using five pillars:

- (1) The definition of “state of good repair,”
- (2) A requirement that recipients (ODOT) and subrecipients develop TAM plans
- (3) SGR performance measures, and a requirement that recipients (ODOT) and subrecipients set performance targets based on the measures
- (4) Annual reporting requirements for recipients (ODOT) and subrecipients
- (5) Technical assistance from FTA

Together, these requirements allow transit providers to better assess their SGR needs, and in turn make more informed investment decisions. The coordination amongst transit providers, States and MPOs should influence MPO and State transportation funding investment decisions and is intended to increase the likelihood that transit SGR needs are programmed, committed to, and funded as part of the planning process.

OTHER PROVISIONS:

The U.S. Department of Transportation imposes certain compliance provisions on recipients of Section 5310 Program funds (ODOT). FTA does not review assurances made by individual applicants but requires ODOT to assure that certain requirements have been met. In order to make these assurances, ODOT requires that all subrecipients sign assurances relating to compliance with Civil Rights, Disadvantaged Business Enterprises, Disabled Accessibility, Labor Protection, Drug and Alcohol Testing Program and other assurances.

Annual Certifications and Assurances

Subrecipients must submit the applicable certification and assurances with all applications for federal funds. Office of Mobility and Public Transit staff will provide the appropriate fiscal year’s certifications and assurances with each application. For specific information regarding these requirements, the applicant should refer to FTA Circular C 9070.1G (as amended). The circular contains, in general, which certifications and assurances are required of the applicant for assistance from the Section 5310 program. Note, however, that this will be superseded by the most current version of FTA’s certifications and assurances, which are published annually. The applicant should check the FTA website <http://www.fta.dot.gov> to confirm that they have the most recent documentation.

Drug and Alcohol Testing Program

Subrecipients that receive only Section 5310 program assistance are not subject to FTA’s drug and alcohol testing rules, but must comply with the Federal Motor Carrier Safety Administration (FMCSA) rule for all employees who hold commercial driver’s licenses (49 CFR part 382). Section 5310 recipients (ODOT) 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.

An FTA compliant testing program, as required by the receipt of FTA operating or capital funding (5307, 5309, 5311), may be used for Section 5310 employees; there is no need to have separate testing programs. Employees of a subrecipient of Section 5310 funds from ODOT should also be included in ODOT's testing program.

Charter Rule

Title 49 U.S.C. 5323(d) (as amended) limits charter service provided by federally assisted public transportation operators. FTA regulations specify these limitations in 49 CFR part 604, as amended. Subrecipients are allowed to operate community based charter services exempted under the regulations; some irregular or limited duration services; and those that are covered by the exceptions. Before an agency conducts any form of charter, a written request must be provided to ODOT 45 days prior outlining the purpose of providing charter. Each request will be evaluated on a case by case basis. If the request is approved, OMPT will work with the agency to ensure all FTA requirements are met.

Exemptions: The charter service regulations provide for the following six exemptions:

- (1) **Transportation of Employees, Contractors and Government Officials:** Grantees are allowed to transport its employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors and official guests, to or from transit facilities or projects within its geographic service area or proposed geographic service area for the purpose of conducting oversight functions such as inspection, evaluation, or review,
- (2) **Private Charter Operators:** Private charter operators that receive, directly or indirectly, Federal financial assistance under section 3038 of TEA 21, as amended, or to non-FTA funded activities of private charter operators that receive, directly or indirectly, FTA financial assistance under any of the programs: Sections 5307, 5309, 5310, 5311, etc.
- (3) **Emergency Preparedness Planning and Operation:** Grantees are allowed to transport its employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors and official guests, for emergency preparedness planning and operations.
- (4) **Recipients (ODOT) of Funds under Sections 5310, 5311, 5316 and 5317:** Grantees that use Federal financial assistance from FTA, for program purposes only, under Section 5310, 5311, etc.
- (5) **Emergency Response:** Grantees are allowed to provide service, up to 45 days, for actions directly responding to an emergency declared by the President, governor, or mayor or in an emergency requiring immediate action prior to a formal declaration.
- (6) **Recipients in Non-Urbanized Areas:** Grantees in non-urbanized areas for transporting its employees, other transit system employees, transit management officials, and transit contractors and bidders to or from transit training outside its geographic service area.

School Bus Operations

Subrecipients may not engage in school bus operations exclusively for the transportation of students and school personnel in competition with private school bus operations, as stated in Title 49 U.S.C. 5323(f). This does not preclude providing normal public transit services to school children. Each application must include a signed assurance concerning charter and school bus operations. The implementing regulation (49 CFR part 605) does permit regular service to be modified to accommodate school students along with the general public ("tripper service"). For the purpose of FTA's school bus regulation, Head Start is considered a social service, not a school program. Rules for the Head Start Program limit the types of vehicles which may be used to transport children participating in a Head Start Program. FTA recipients (ODOT) may operate multifunctional school activity vehicles that meet the safety requirements for school

transportation, but may not provide exclusive school service.

Private Sector Participation

Private providers will be afforded the opportunity to participate in the planning and development of the proposed Section 5310 Program services, as well as an opportunity to provide the proposed transportation services. Applicants are required to provide documentation of their efforts to include private providers. If there are any private providers in the area, ODOT requires the applicant to invite them to participate in planning the system.

Grievance Procedures

Questions concerning the fairness of local procedures and decisions must first be addressed at the local level. Each subrecipient must develop a mechanism, preferably independent of the sponsoring agency, to address disputes from private providers or the general public arising from its public transportation service. This procedure must be addressed in the grant application as outlined in the Section 5310 Application Handbook.

Complaints which cannot be resolved at the local level shall be forwarded, in writing, to the Office of Mobility and Public Transit. A meeting will be scheduled (not more than ten working days after receipt of complaint) between the subrecipient and the complainant, at which, the Office of Mobility and Public Transit will work with the parties in an attempt to resolve the conflict. If the conflict cannot be resolved at this level, the matter will be forwarded to the Deputy Director of ODOT who will review the proceedings and make a final decision.

The FTA Region VI Administrator will review complaints and only become involved if they are procedural in nature.

Additional Provisions

The following policies have been adopted by ODOT:

Transit Driver's License Requirements:

- Knowledge of and compliance with all applicable laws and regulations governing the transportation of passengers is a critical part of an agency's ability to manage a transportation program. The grant application requires a description of how the agency's drivers and staff will be utilized and a description of the applicant's training programs.
- If a transit vehicle requires a Commercial Driver License (CDL), all drivers of the vehicle will be regulated by the requirements of Oklahoma and those of any other state wherein the vehicle is operated.
- Commercial Driver's License (CDL): All drivers of motor vehicles designed or used to transport more than fifteen passengers (including the driver) or of vehicles which have a gross combination weight rating of 26,001 pounds or more must have a CDL. Mechanics that drive the vehicles must also have a CDL.

Communications Equipment

Installation charges for mobile communications and data devices will be considered as part of the procurement cost.

Real Property

- Real Property acquisition standards are included in the FTA Circular 5010.1E, as amended. Any

agency wishing to use office, warehouse or garage space as a program cost or local match must request, in writing, an appraisal of the space from ODOT. The request must indicate the exact location(s) and describe the Section 5310 Program activities for which the space will be utilized. Requests for appraisal must include a drawing with dimensions of each office area the subrecipient would like appraised. ODOT appraisers will prepare a market analysis and determine a fair market value for the space. If the area(s) are shared by other agency programs, a methodology showing the division of the space cost and how much will be charged to the subrecipient must be provided. If the subrecipient will occupy real property acquired from a third party, either by donation (in-kind) or actual rental, ODOT's appraised value will set the maximum amount eligible as an expense to the project.

- Real property owned by the contracting agency is not considered donated (in-kind) space. The contracting agency may claim actual cost for real property that is used by the subrecipient. The method for determining actual cost must be submitted to ODOT for approval. Depreciation is not allowable for calculating actual cost for properties acquired with federal funds. If the structure occupied by the subrecipient was originally built with federal funds, the cost to occupy the space is not an eligible expense the Section 5310 Program.

Lobbying Restrictions

- Lobbying is defined as influencing or attempting to influence an officer or employee of any Federal department or agency, a member of the U.S. Congress, an officer or employee of the U.S. Congress, or an employee of a member of the U.S. Congress in connection with obtaining a federal grant, cooperative agreement, or any other federal award. Contracts, grants and cooperative agreements using federally appropriated funds are actions covered by restrictions on lobbying. ***For example, activities such as submitting grant applications, status inquiries, and professional and technical services are not lobbying and do not need to be disclosed. Efforts to influence Federal officials about specific grants and contracts or to ask Congressional representatives for support of a particular application must be disclosed.*** Lobbying restrictions do not apply to activities that might influence policy issues.
- ODOT must certify annually that they have not and will not use federally appropriated funds for lobbying.
- Subrecipients certify annually to ODOT that they have not and will not use federal grant funds for lobbying.
- Subrecipients who document on the annual Certifications and Assurances that they are participating in lobbying activities will provide updated information on a quarterly basis, either by informing their Public Transportation Coordinator via email that no changes have been made to the original submitted OMB Standard Form LLL or providing an updated form.
- ODOT and subrecipients must impose lobbying restrictions on their third-party contractors and must obtain certifications. The regulations are found in 49 CFR Part 20. Subrecipient responsibilities include:
 - Sign an annual certificate of compliance pertaining to lobbying activities;
 - Where third party contractors are involved, subrecipients must obtain a signed certification of compliance from the contractor;
 - If non-federal funds have been used to support lobbying activities in connection with a grant and the subrecipient receives federal grants exceeding \$100,000, the subrecipient must fill out Standard Form-LLL and submit it to the ODOT's OMPT Office;
 - If contractors received more than \$100,000 in federal funds and used non-federal funds to support lobbying, subrecipients must obtain the completed Standard Form-LLL from the contractor and submit it to the ODOT's OMPT Office.