

# FTA REGION IV



# NEW RECIPIENT APPLICATION HANDBOOK

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# **New Recipient Handbook**

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## New Recipient Official Request Letter

To initiate the New Recipient Process, all potential new recipients should send a letter to FTA Region IV outlining their intentions with regard to their FTA funding requests. Each letter should contain the following elements:

1. Identify what types of activities FTA funds will be used to complete.
2. Identify the type of FTA funds the potential new recipient will seek for these activities.
3. Cite the planning basis for the activities being funded [i.e. feasibility study, transit service analysis, long-range transportation plan, state or metropolitan transportation improvement program (STIP/TIP), etc.]
4. Identify a point of contact at the potential new recipient's agency to work with FTA through the review process.

There must be a planning basis for every project or for every group of projects. As such, the official new recipient request letter will outline for FTA Region IV the types of projects the potential new recipient will seek as well as the planning basis for these types of project. Further, FTA requires recipients to include the planning justification in the electronic award management system. Feasibility studies can occur at varying levels of detail as appropriate and proportionate to the complexity of the project or projects in question. For facility-related projects, the letter should also address the status of the project in regards to the National Environmental Policy Act (NEPA).

### [The System for Award Management \(SAM\)](#)

Non-federal entities must have an active registration with [SAM](#) to do business with the Federal Government. All applicants must be registered with SAM prior to initiating the process in order to avoid delays in the review process.

### *Planning Guidance Documents and Links*

[FTA Office of Planning & Environment/NEPA](#)

[FTA Office Environmental Analysis & Review](#)

[FTA Region IV Environment/NEPA Resources](#)

### **Regional Expert**

Varies by Geographic Area

See [Region 4 Organization Chart](#) for FTA Region IV for the Planner and Program Manager assigned to your area.

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## Capacity/Requirements Review

### Demonstrate Legal Capacity

Before FTA may award a grant, FTA must make a finding that the grant applicant has or will have the legal capacity to carry out the project. In making this finding, FTA generally relies on the grant applicant's certification that it has or will have the legal capacity to carry out the project.

Specifically, the grant applicant must be eligible and authorized under State or local law to request, receive, and spend FTA funds to administer FTA-assisted projects. Officials acting on behalf of the applicant must have appropriate authority designated by State or local law or by the governing body of the applicant. FTA requires first-time applicants to submit an Opinion of Counsel and Authorizing Resolution as described below. FTA also retains the discretion to require any recipient to submit a legal opinion and other supporting documentation throughout the period of FTA funding assistance.

#### (a) Opinion of Counsel

An Opinion of Counsel identifies the legal authority of the grant applicant, citing, for example, State and local statutes, and states whether any significant legislation or litigation is pending that may affect the legal status of the applicant. It is not uncommon for legislation or litigation to be pending; its significance in terms of legal capacity and in terms of ability to complete the project determines whether or not it should be noted in the Opinion of Counsel. A sample format of an Opinion of Counsel is provided in Appendix A of this handbook. While the first Opinion of Counsel sets forth the basis that gives the grant applicant the authority to apply for FTA funding, the recipient will certify its authority to apply for subsequent grants in the annual certification process. That affirmation appears on FTA's website on the [Annual Certifications & Assurances](#) page, which lists the current year Certifications and Assurances.

FTA expects the recipient to notify FTA of any change in local law, litigation, conditions, or any other event that may significantly affect the recipient's ability to carry out the project. Any significant change in status will require a new Opinion of Counsel.

#### (b) Authorizing Resolution

The authority of those officials acting on behalf of a public body grant applicant generally must be demonstrated by a resolution from the governing body of the grant applicant, a statute, or an ordinance showing the grant applicant has authority to file an official grant application, showing who has the authority to act on behalf of the applicant, and supporting the application. A certified copy of the Authorizing Resolution is required for all FTA recipients. A sample format of an Authorizing Resolution is provided in Appendix A of this handbook. The Authorizing Resolution only has to be submitted prior to the grant applicant's first

application. For subsequent grant applications, FTA will rely on the annual certifications and assurances.

Potential new recipients should also be familiar with the FTA Master Agreement and Annual Certifications and Assurances.

(a) *FTA Master Agreement*

The [FTA Master Agreement](#) is the FTA official document containing FTA and other cross-cutting Federal requirements applicable to the FTA recipient and its project(s). The Master Agreement is generally revised annually in October. The Master Agreement is incorporated by reference and made part of each FTA grant, cooperative agreement, and amendment thereto.

(b) *Annual Certifications and Assurances*

Before FTA may award Federal funding, the applicant must provide to FTA all [certifications and assurances](#) required by Federal laws and regulations. Near the beginning of each Federal fiscal year, FTA publishes the certifications in the *Federal Register*, highlighting any changes or additions from the previous year. FTA sometimes publishes the certifications and assurances on the same date the formula apportionments are published. The authorized representative of the recipient and the recipient's attorney must make the requisite certifications by attesting to the certifications and assurances electronically with a personal identification number (PIN) in the electronic award management system. New recipients will be required to complete this PIN process immediately upon receiving access to the electronic award management system.

***FTA Legal Capacity Guidance Documents and Links***

[Annual Certifications & Assurances](#)

[FTA Master Agreement](#)

Example Opinion of Counsel (Appendix A)

Example Authorizing Resolution (Appendix A)

**Regional Expert**

Micah Miller, Regional Counsel

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**Summary of Required Submittals**

1. Opinion of Counsel
2. Authorizing Resolution

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## Demonstrate Financial Management and Capacity

The [Comprehensive Review Guide](#) states a recipient must have financial policies and procedures; an organizational structure that defines, assigns and delegates authority; and financial management systems in place to match, manage, and charge only allowable cost to the award. The recipient must conduct required single audits and provide financial oversight of subrecipients.

The recipient's financial management system must meet the requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200).

The seven standards (2 CFR Part 200.302 (b)(1-7) for financial management systems include:

- Financial Reporting
- Accounting Records
- Internal Control
- Budget Control
- Allowable Costs
- Source Documentation
- Cash Management
- FMO contractors will also review Project Change-Grants Management as part of 2 CFR Part 200.308

As part of the financial section, FTA Region IV requires the submittal of the following documentation:

1. **FTA Region IV Financial Capacity Questionnaire**  
This questionnaire (Appendix B) provides FTA Region IV a current and past snapshot of the potential new recipient's financial standing
2. **Current Year Operating and Capital Budgets**
3. **Two Most Recent Years of Single Audit Reports.**  
The Single Audit Act, as amended (31 U.S.C. 7501 *et seq.*), implemented by Title 2 U.S. Code of Federal Regulations Part 200, requires recipients of Federal awards resulting in expenditures of \$750,000 or more to have independent audits conducted annually. FTA will review the results of these independent audits for potential material weaknesses in the potential new recipient's financial systems.
4. **Policies / Procedures for the following:**
  - a. Grants Financial Management
  - b. Cash Management
  - c. Budget

- d. Accounts Payable
- e. Payroll Processing
- f. Period-End Procedures
- g. Preventive Maintenance
- h. Project Management
- i. Maintaining an Infrastructure for the Development of Cost Allocation Plans (CAPS) and or Indirect Cost Rate Proposals (ICRPs)
- j. Accounting for Fuel Utilizations
- k. Accounting Operations and Finance Operations
- l. Fixed Assets

## 5. 3-5 Year Financial Plan

Multi-year financial plans should indicate adequate revenues to maintain and operate the existing systems and to complete programs of projects. Revenue sources must be stable and reliable enough to meet future capital and operating costs. Any sign of major decreases in service levels or operations must be explained.

### *FTA Financial Management and Capacity Guidance Documents and Links*

[Financial Capacity Questionnaire \(Appendix B\)](#)  
[FTA Circular - Award Management Requirements](#)  
[FTA State Management Oversight & Review](#)  
[FTA Comprehensive Review Guide](#)  
[FTA Financial Management Oversight \(FMO\) Review](#)

### **Regional Expert**

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### **Summary of Required Submittals:**

1. Financial Capacity Questionnaire
2. Current Year Operating and Capital Budgets
3. Two Years of Single Reports
4. Policies / Procedures
5. 3-5 Year Financial Plan

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## Demonstrate Technical Capacity

Technical capacity involves the capability of the grant applicant to properly carry out and manage Federal grants. A first-time grant applicant must demonstrate that it can carry out the project described in the grant application in accordance with the requirements of the grant agreement, and with all applicable laws and regulations, using sound management practices. Thus, a certification that the recipient will comply with all requirements applicable to its grant application and to the grant agreement, when awarded, is required. Guidelines for management practices can be found in [FTA Circular 5010.1E](#), “Award Management Requirements.” In order to review and confirm the potential new recipient has the requisite technical capacity to manage FTA-funded projects, the following documentation should be submitted:

### (a) FTA Region IV Technical Capacity Questionnaire

This questionnaire provides FTA Region IV an overview the current type of service being provided, as well as the policies and procedures the potential new recipient has in place to ensure its ability to comply with FTA award management requirements. An example is provided in Appendix C.

*NOTE: Adequately answering some of the questions may necessitate the submittal of additional support documentation. These materials will be required in order to begin the FTA Region IV Regional Review Process.*

### (b) Potential New Recipient Organizational Chart

The organizational chart should illustrate which positions and offices will carry out grant-related activities such as procurements, reporting, equipment maintenance, and operations. If this information cannot be discerned from the generic organizational chart, the chart should be accompanied by a narrative explaining how these various activities will be handled.

Potential new recipients should also be familiar with the [Comprehensive Review Guide](#), updated annually by FTA, and Performance Management.

### *Comprehensive Review Guide*

The Triennial Review is the process by which FTA is required to review and evaluate completely every three years the performance of a recipient of Urbanized Area Formula (Section 5307) Program funds and how it meets statutory and administrative requirements, especially those requirements included in the Annual Certifications and Assurances. In addition to evaluating compliance with Federal law, the review gives FTA an opportunity to provide technical assistance on the latest FTA requirements. Triennial reviews also aid FTA in reporting to the Secretary, Congress, other oversight agencies, and the public transportation community on the Urbanized Area Formula Program.

While the potential new recipient might not be subject to these reviews, depending upon the type of funding is being requested, the workbook provides a strong assessment and abundant guidance on FTA requirements for any recipient.

### ***FTA Technical Capacity Guidance Documents and Links***

[FTA Circular - Award Management Requirements](#)

[FTA State Management Oversight & Review](#)

[Comprehensive Review Guide](#)

[2 CFR Part 200](#)

Technical Capacity Questionnaire - (Appendix C)

### **Regional Expert**

Varies by Geographic Area

See [Region 4 Organization Chart](#) for FTA Region IV for the Engineer/Program Manager assigned to your area.

### **Summary of Required Submittals:**

1. Technical Capacity Questionnaire
2. Technical Capacity Questionnaire Supporting Documentation
3. Organizational Chart

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## Demonstrate Procurement Capacity

- a. FTA does not substitute its judgment for that of its recipients by making third party contract decisions for its recipients. FTA will rely primarily on the recipient's annual "self-certification" that its procurement system complies with FTA requirements and that the recipient has the technical capacity to comply with Federal procurement requirements. FTA requests each recipient to "self-certify" its procurement system as part of its Annual Certifications and Assurances. FTA relies on the validity of the recipient's self-certification rather than on pre-award review of third party contracts as a whole (except for certain reviews of portions of rolling stock procurements).
- b. Recipients are required to conduct their federally assisted procurements in a manner that promotes "full & open" competition, allowing all responsible sources the opportunity to compete, to the greatest extent possible.
- c. A "State recipient" may use the same procurement policies and procedures that it uses for acquisitions not financed with Federal assistance. At a minimum, the State must comply with the federally mandated requirements on contract term limitations for revenue vehicle purchases, competition, prohibitions against geographic preferences, procurement of architectural engineering (A&E) services, and awards to responsible contractors. The State must also ensure that each purchase order and contract financed with FTA assistance includes all provisions required by Federal statutes and their implementing regulations. However, it should be noted, technically, there is no substantive difference between state procurements & non-state procurements.

Region IV recipients must have procurement procedures that conform to applicable Federal law, including: 2 CFR Part 1201, incorporating [2 CFR Part 200](#), specifically Sections 200.317-200.326), "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," (which repealed 49 CFR Part 18, Common Grant Rule, effective **December 26, 2014**); FTA C. 4220.1F, "Third Party Contracting Guidance"; and the FTA Master Agreement. The procedures should include checklists or other tools (Appendix K) that ensure FTA requirements are met.

### Procurement Policy/Procedures

FTA requires written procurement policies and procedures. FTA does not prescribe the organizational level (e.g., General Manager, Board of Directors, etc.) within the grantee's organization that must approve the policies and procedures, but the procedures must be approved by the individual in the organization that has responsibility to approve them.

The 'Procurement System Self-Assessment Guide for Grantees' (<https://www.transit.dot.gov/funding/procurement-system-self-assessment-guide>) & the attached 'Procurement System Elements/Reference Guide (Appendix G/H) will help the recipient identify the specific procurement policy requirements that you **must** address in your procurement policies and procedures.

Recipients are required to develop and require the use of, as part of procurement policy, a ‘checklist’ for their contracting/procurement staff (similar to Appendix I) to ensure a clear understanding of respective roles and responsibilities and that all required steps in a solicitation process are conducted.

Recipients are responsible for assuring that each of its sub-recipients complies with the applicable requirements and standards of this circular, and that each of its sub-recipients is aware of the Federal statutory and regulatory requirements that apply to its actions as a sub-recipient.

#### *Region IV Digital Procurement Training*

New recipient’s procurement personnel (and/or whomever is responsible for the procurement process) are required to schedule and participate in region IV ‘digital’ procurement training, to gain an understanding of federal requirements as well as inquire as to ‘how’ the FTA expects the recipient to meet federal requirements.

Coordinate procurement training through the Regional expert to schedule procurement training. Training is web-based and does not require travel.

#### ***FTA Procurement Capacity Guidance Documents and Links***

##### 2 CFR Part 200

FTA Procurement Page: <https://www.transit.dot.gov/funding/procurement/procurement>

[FTA Circular - Third Party Contracting Guidance](#)

[Best Practices Procurement Manual](#)

Procurement System Self-Assessment Guide: <https://www.transit.dot.gov/funding/procurement-system-self-assessment-guide>

Third Party Procurement FAQs: <https://www.transit.dot.gov/funding/procurement/third-party-procurement/third-party-procurement-faqs>

Buy America Handbook: <https://www.transit.dot.gov/regulations-and-guidance/buy-america/conducting-pre-award-and-post-delivery-audits-rolling-stock>

Procurement System Elements (Appendix G)

Procurement System Elements Reference (Appendix H)

Example Procurement File Checklist (Appendix I)

Example Procurement File History Checklist (Appendix J)

Forms (Appendix K)

#### **Regional Expert**

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## **Summary of Required Submittals**

1. Procurement policy/procedures that address FTA requirements
2. Procurement File Checklist

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## Comply with Civil Rights

Potential new recipients must agree to comply with all applicable civil rights statutes and implementing regulations as a condition of receiving any FTA funding, regardless of type.

The three major Civil Rights Programs that require a submittal to FTA as part of the New Recipient Process are:

- 1. Title VI Plan**
- 2. Equal Employment Opportunity (EEO) Plan**
- 3. Disadvantaged Business Enterprise (DBE) Plan and Triennial Goals**

Two other Civil Rights areas should also be reviewed and considered as part of the New Recipient Process:

- 4. American with Disabilities Act (ADA)**
- 5. Environmental Justice**

While these areas do not require specific submittals for the purposes of the Regional Capacity/Requirements Review, all FTA recipients are subject to their requirements.

### *FTA Civil Rights Guidance Documents and Links*

[FTA Title VI Website](#)

[FTA EEO Website](#)

[Title VI Circular](#)

[EEO Circular](#)

Title VI Program Checklist - (Appendix D)  
(Note: This is also Appendix A of C 4702.1B)

[FTA DBE Website](#)

[FTA Transit Vehicle Manufacturing \(TVM\) Listing](#)

EEO Program Checklist - (Appendix E)

DBE Program Checklist - (Appendix F)

[FTA ADA Website](#)

[Environmental Justice Circular](#)

[USDOT Office of Small and Disadvantaged Business Utilization](#)

### **Regional Civil Rights Experts:**

Sarah Majdiak, Civil Rights Officer- Civil Rights Program Reviews (Title VI, EEO, DBE Program, DBE Goals)

Technical Assistance and Questions (Title VI, EEO)

Phone: 404-865-5639

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Michele Foster, Civil Rights Officer- Triennial Review Corrective Actions (Title VI, DBE, TVM, EEO, ADA)  
Technical Assistance and Questions (DBE, TVM, ADA)  
Phone: 404-865-5633  
E-mail: [Doretha.foster@dot.gov](mailto:Doretha.foster@dot.gov)

### **Summary of Required Submittals:**

1. Title VI Plan and Required Elements
2. EEO Plan (Based on Employee Thresholds and Funding or Exemption justification letter)
3. DBE Plan (or Exemption justification letter)

## **1. Title VI of the Civil Rights Act of 1964**

Section 601 of Title VI of the Civil Rights Act of 1964 states the following:

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.

The Civil Rights Restoration Act of 1987 clarified the broad, institution-wide application of Title VI. Title VI covers all of the operations of covered entities without regard to whether specific portions of the covered program or activity are federally funded. The term “program or activity” means all of the operations of a department, agency, special purpose district, or government; or the entity of such State or local government that distributes such assistance and each such department or agency to which the assistance is extended, in the case of assistance to a State or local government.

Potential New Recipients must submit a Title VI Program that is compliant with reference [FTA Circular 4702.1B](#): “Title VI Requirements and Guidelines for FTA Recipients”, and submit an assurance that it will comply with Title VI.

All potential new recipients are required to submit a Title VI plan with the following elements:

1. Title VI Notice to the Public, including a list of locations where the notice is posted
2. Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)
3. Title VI Complaint Form
4. List of transit-related Title VI investigations, complaints, and lawsuits
5. Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission
6. Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance. Additional guidance on LEP can be found in the LEP Handbook provided in Appendix D.
7. A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description

of the process the agency uses to encourage the participation of minorities on such committees

8. Primary recipients shall include a description of how the agency monitors its subrecipients for compliance with Title VI, and a schedule of subrecipient Title VI Program submissions
9. A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.
10. A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. For State DOT's, the appropriate governing entity is the State's Secretary of Transportation or equivalent. The approval must occur prior to submission to FTA.

Further information is also required depending on the type of potential new recipient and the service they will provide. Refer to chapters IV, V, and VI of the Title VI Circular for additional submittal requirements. A checklist of the Title VI Plan requirements is also available in Appendix D.

In addition, consistent with 28 CFR § 50.3, entities applying for FTA funding for the first time must provide a summary of any past Title VI compliance activities stemming from the receipt of funding from any other Federal agencies.

**(a) *Summary of Title VI Compliance History***

Specifically, this summary should include any Title VI compliance review activities conducted in the previous three years, including the purpose or reason for the review, the name of the agency or organization that performed the review, a summary of the findings and recommendations of the review, and a report on the status and/or disposition of such findings and recommendations. In addition, first-time applicants shall submit a brief description of any pending applications to other Federal agencies for assistance, and whether any Federal agency has found the applicant to be in noncompliance with any civil rights requirement.

## **2. Equal Employment Opportunity (EEO)**

The Federal Transit Laws, 49 U.S.C. 5332(b), provide that "no person in the United States shall on the grounds of race, color, religion, national origin, sex, or age be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any project, program or activity funded in whole or in part through financial assistance under this Act." This applies to employment and business opportunities and is considered to be in addition to the provisions of Title VI of the Civil Rights Act of 1964.

To achieve the Equal Employment Opportunity described in the Federal Transit Laws, FTA requires all recipients of FTA funding, which meet certain thresholds, to develop and submit for approval an EEO Plan every three years. Those thresholds are:

1. One Hundred or more (100) transit-related employees AND
2. Receives capital or operating assistance in excess of \$1 million, OR planning assistance in excess of \$250,000.

Agencies with 50–99 transit-related employees who meet the monetary threshold are required to prepare and maintain an abbreviated EEO Program as noted in Circular Section 1.4, but are not required to submit to FTA unless requested. Agencies with between 50–99 transit-related employees that do not meet the monetary threshold are not required to prepare and maintain an abbreviated EEO Program. However, FTA applicants, recipients, subrecipients, and contractors who do not meet the EEO Program threshold are still required to comply with all EEO statutes and regulations.

The purpose of the EEO plans is to establish a strong company policy and commitment to equal employment opportunity. Within these plans, top officials should be assigned responsibility and authority for the program. In addition, the plan should analyze the present workforce to identify jobs and departments where minorities and females are underrepresented. From there the plan should outline a detailed, results-oriented set of procedures designed to achieve prompt and full utilization of minorities and women at all levels and in all parts of the recipients' workforce.

Each EEO Plan should have the following components:

1. Statement of Policy
2. Dissemination
3. Designation of Personnel Responsibility
4. Utilization Analysis
5. Goals and Timetables
6. Assessment of Employment Practices
7. Monitoring and Reporting

An EEO Program Checklist is provided in Appendix E for reference in the development of these plans.

### **3. Disadvantaged Business Enterprise (DBE) Plan and Triennial Goal**

All FTA Recipients must comply with DOT regulation, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs," 49 CFR part 26. Among other provisions, this regulation requires certain recipients of DOT Federal financial assistance, namely State and local transportation agencies, to establish goals for the participation of disadvantaged entrepreneurs and certify the eligibility of DBE firms to participate in their DOT-assisted contracts.

There are two main components of an FTA-approved DBE Program:

**(a) Written DBE Program**

Written DBE programs are required of FTA recipients of planning, capital, and/or operating assistance that will have contracting opportunities (excluding transit vehicle purchases) exceeding \$250,000 with those funds in a Federal fiscal year. Contracting opportunities are counted in the aggregate, and include FTA funded purchase orders, capital projects, professional services, Transportation Infrastructure Finance and Innovation Act (TIFIA) loan funded projects, and contracting activities of subrecipients.

The DBE program plan is not an annual submission and recipients do not submit regular updates of their DBE programs. However, significant changes to the programs must be submitted for approval. Recipients (particularly new recipients) that do not meet the threshold are not required to develop a written DBE program.

**(b) Triennial DBE Goals**

Overall three-year goals must be submitted to FTA for review by August 1 preceding the Federal fiscal year in which the goal submission is due. The submittal must include a description of the methodology used to establish the goal and other items detailed in 49 CFR 26.45.

These goals must be based on demonstrable evidence of the availability of ready, willing, and able DBEs relative to all businesses ready, willing, and able to participate on FTA-assisted contracts. The goal must reflect the recipient's determination of the level of DBE participation the recipient would expect absent the effects of discrimination. Recipients cannot rely on either the 10 percent aspirational goal at the national level, or the previous goal, or past DBE participation rates without reference to the relative availability of DBEs in the market.

As required by 49 CFR part 26 and approved by DOT, the recipient's DBE Program is incorporated by reference and made part of the Grant Agreement or Cooperative Agreement. The recipient 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.

It is also important to note that FTA recipients that meet the DBE thresholds are also required to submit Semi-Annual DBE Reports. These reports are to be filed in our electronic award management system on June and December 1 of each year.

Regardless of whether a DBE program and goal submittal is required for a potential new recipient, for FTA-assisted transit vehicle procurements, all FTA recipients must ensure that each transit vehicle manufacturer (TVM) certifies that it has complied with the USDOT DBE requirements. This can be achieved by checking the [TVM listing](#) on FTA's website or by

checking with FTA's Office of Civil Rights at the time of bid-opening that the manufacturer, which is the apparent contract recipient, is in fact in compliance.

#### ***4. Americans with Disabilities Act of 1990 (ADA)***

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

Recipients must ensure that each transit vehicle meets the accessibility requirements for that vehicle type specified in 49 CFR Part 38, as incorporated by 49 CFR 37.7 and implemented under Subpart D to 49 CFR Part 37. Where a vehicle or component departs from the particular technical and scoping requirements of 49 CFR Part 38, as described in 49 CFR 38.2, the recipient must obtain a determination of equivalent facilitation from the FTA Administrator as described in 49 CFR 37.7(b), subject to the provisions found in 37.7(b)(2)-(6). Where a specific vehicle type is not addressed by 49 CFR Part 38, accessibility requirements must be determined by the US Department of Transportation in consultation with the US Architectural and Transportation Barriers Compliance Board (Access Board) as specified in 49 CFR 38.171(c).

Recipients must ensure that transit facilities meet the accessibility requirements specified in 49 CFR Part 38, as incorporated by 49 CFR 37.7 and implemented under Subpart C to 49 CFR Part 37. Where any departures from the specific requirements are contemplated, as permitted under 36 CFR part 1191, the recipient must obtain a determination of equivalent facilitation from the FTA Administrator as described in 49 CFR 37.9(d), subject to the provisions found in 37.7(d)(2)-(6).

Potential New Recipients must also agree to comply, and assures the compliance of each third-party contractor and each subrecipient at any tier of the project, with Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended (29 U.S.C. 794), which prohibits discrimination on the basis of disability by recipients of Federal financial assistance.

While no specific submittal is required during the New Recipient Process, these requirements are incorporated into the FTA Master Agreement and Annual Certifications and Assurances. Failure to adhere to these requirements could result in FTA funding restrictions or repayments.

#### ***5. Environmental Justice***

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," required the USDOT and the 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 of our programs, policies, and activities on minority populations and/or low-income populations (collectively "EJ populations"). Environmental justice at FTA includes planning and decision-making processes as well as project-specific environmental reviews.



FTA recipients and subrecipients are required to consider the EJ guiding principles followed by DOT and FTA:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or a significantly delay in the receipt of benefits by minority and low-income populations.

While no specific submittal is required during the New Recipient Process, these requirements are incorporated into the FTA Master Agreement and Annual Certifications and Assurances. Failure to adhere to these requirements could result in FTA funding restrictions or repayments.

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## New Recipient Review Process

Once all materials discussed in the preceding sections have been compiled/developed, they should be submitted via emailed to the FTA Region IV New Recipient Coordinator:

Rhonda King  
Phone: 404-865-5620  
E-mail: rhonda.king@dot.gov

The Region IV New Recipient Coordinator can be contacted for any New Recipient process questions. A Regional Expert has been identified in each of the preceding sections for any questions relating to the development of those materials. Any award(s) or program related questions should be directed to the grants manager for your [geographic location](#).

The Regional Review process will begin once all documentation has been received by the FTA Region IV New Recipient Coordinator (Please see the New Recipient Checklist below that summarizes the required submittals for all sections). Upon receipt of all documentation, the New Recipient Coordinator will initiate a 30-day review period for the Regional Experts to review the submitted documentation and provide concurrence to the New Recipient Coordinator that the potential new recipient has demonstrated appropriate capacity and compliance with FTA requirements.

Note: Submit all documents at the same time once you have collected all the documents. For ease of identifying the document, the file name of the document should begin with “Legal”; “Financial”; “Civil Rights”, “CR”; or “Technical”, “Tech” followed by the name of the document.

A sample timeline for the New Recipient Process is below. Potential New Recipients should expect questions/comments from Regional Experts as they review the submitted documentation. Depending on the substance of the questions/comments, the review process could extend beyond 30 days.

### **New Recipient Process Timeline**

<b><u>Action</u></b>	<b><u>Agency</u></b>	<b><u>Estimated Time</u></b>
Compilation/Development of Required New Recipient Documents	New Recipient	60 Days
FTA Review Period: New Recipient Documents	FTA	30 Days
New Recipient Response to FTA Review Comments	New Recipient	30 Days
Approval of Legal/Technical/Financial/Civil Rights Requirements	FTA	14 Days
System Access Documentation Development	New Recipient	14 Days
System Access Documentation Processing	FTA	14 Days
Confirmation of New Recipient Process Completion	FTA	14 Days
<b>Total Estimated Time</b>		<b>~6 Months</b>

## **New Recipient Checklist**

### **Legal Capacity**

1. Opinion of Counsel	
2. Authorizing Resolution	

### **Financial Capacity**

3. Financial Capacity Questionnaire	<a href="https://www.transit.dot.gov/about/regional-offices/region-4/appendix-b-1-financial-capacity-questionnaire">https://www.transit.dot.gov/about/regional-offices/region-4/appendix-b-1-financial-capacity-questionnaire</a>
4. Current Year Operating and Capital Budgets	
5. Two Years of Single Audit Reports	
6. Policies/Procedures <ul style="list-style-type: none"> <li>• Grants Financial Management</li> <li>• Cash Management</li> <li>• Budget</li> <li>• Accounts Payable</li> <li>• Payroll Processing</li> <li>• Period-End Procedures</li> <li>• Preventive Maintenance</li> <li>• Project Management</li> <li>• Cost Allocation Plans (CAPS) and/or Indirect Cost Rate Proposals (ICRPs)</li> <li>• Accounting for Fuel Utilizations</li> <li>• Accounting Operations and Finance Operations</li> <li>• Fixed Assets</li> </ul>	
7. 3-5 Year Financial Plan	

### **Technical and Procurement Capacity**

8. Technical Capacity Questionnaire	<a href="https://www.transit.dot.gov/about/regional-offices/region-4/appendix-c-technical-capacity-documents-pdf">https://www.transit.dot.gov/about/regional-offices/region-4/appendix-c-technical-capacity-documents-pdf</a>
9. Technical Capacity Questionnaire Supporting Documentation	
10. Organizational Chart	
11. Procurement policy/procedures that address FTA requirements	
12. Procurement File Checklist (similar to Appendix I)	<a href="https://www.transit.dot.gov/regional-offices/region-4/appendix-i-procurement-file-checklist-sample">https://www.transit.dot.gov/regional-offices/region-4/appendix-i-procurement-file-checklist-sample</a>

### **Civil Rights Requirements**

13. Title VI Plan and Required Elements	
14. EEO Plan (or Questionnaire to justify exemption)	
15. DBE Plan (or Exemption justification letter)	

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## Next Steps

Once approved through the New Recipient Process, your next steps are to contact FTA to set up your:

1. [Electronic Clearing House Operation \(ECHO\)-Web](#) access, and
2. [TrAMS access](#)

### [Electronic Clearing House Operation \(ECHO\)-Web](#)

The [ECHO-Web application](#) allows FTA grant recipients to request payments from their grant awards. Recipients make payment requests in ECHO-Web throughout the day. Twice a day, FTA's internal financial management system (FMS) batches and collects these requests for processing and submission to the U.S. Treasury. [ECHO Web User Manual](#) provides guidelines and procedures for the program and regional offices to follow for the FTA web based ECHO-Web.

To set up your ECHO access, submit the [ECHO-Web Registration Package](#) to FTA. The FTA Region IV ECHO point of contact is:

David Mucher  
Phone: 404-865-5623  
E-mail: [Region4.ECHO@dot.gov](mailto:Region4.ECHO@dot.gov)

### [TrAMS](#)

[TrAMS](#) is a web-based tool developed to allow people to apply for funds on behalf of their agency and for grant recipients to manage their programs and awards in accordance with federal requirements. FTA uses TrAMS to review, approve, control and oversee the distribution of funds. The [TrAMS user guide](#) helps grantees navigate through the TrAMS system.

To set up your TrAMS access, contact the FTA Region IV TrAMS point of contact:

Fredaricka Tolen  
Phone: 404-865-5613  
E-mail: [fredarika.tolen@dot.gov](mailto:fredarika.tolen@dot.gov)

## Additional FTA Guidance Documents and Links

Once approved through the New Recipient Process, there are number of resources available for familiarizing those within the New Recipient's organization about FTA programs, procedures and processes. The links below provide a snapshot of that information. The assigned planner and program manager for the New Recipient's geographic area will also be an invaluable resource for becoming familiar with FTA.

### FTA Grant Program Guidance

#### Cross-Cutting Program Circulars

<i>Topic</i>	<i>Circular</i>	<i>Link</i>
Award Management Requirements	FTA C 5010.1	<a href="https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/final-circulars">https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/final-circulars</a>
Third Party Contracting Guidance (Procurement)	FTA C 4220.1	<a href="https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/final-circulars">https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/final-circulars</a>

#### Major Program Specific Circulars

<i>Topic</i>	<i>Circular</i>	<i>Link</i>
5307 UZA Formula Program	FTA C 9030.1	<a href="https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/final-circulars">https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/final-circulars</a>
Metro and State Planning Program	FTA C 8100.1	<a href="https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/final-circulars">https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/final-circulars</a>
5309 Capital Investment Program	FTA C 9300.1	<a href="https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/final-circulars">https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/final-circulars</a>
5339 Bus and Bus Facilities Program	FTA C 5100.1	<a href="https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/final-circulars">https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/final-circulars</a>

### FTA Region IV Recipient Resource Center

FTA Region IV also provides a large amount of information and training materials online at their external website. New Recipients are encouraged to explore this resource and reach out to assigned planners and program managers with questions/comments/concerns.

- **Region IV Recipient Resource Center:** <https://www.transit.dot.gov/about/regional-offices/region-4/recipient-resources-center>

## **Performance Management**

Performance management, a key tenet of MAP-21 and the FAST Act, is a strategic approach that uses performance data to inform decision-making and outcomes. On May 27<sup>th</sup>, 2016, FTA and FHWA published a final rule establishing new requirements for Metropolitan Planning Organizations (MPOs), State DOTs, and transit agencies to coordinate on specific *performance* measures and targets. There are two FTA-related performance measures that New Grantees might need to demonstrate compliance with, as follows:

1. **Transit Asset Management (TAM)**: the TAM final rule was published by FTA on July 26, 2016, establishing minimum federal requirements for transit asset management and state of good repair. Transit agencies must develop TAM target and a TAM plan, revisiting and approving each periodically, at pre-defined frequencies. The elements of a TAM plan vary depending on the size and type of transit provider, among other details. Additional information on TAM may be found at the FTA TAM webpage: is <https://www.transit.dot.gov/TAM>
2. **Public Transportation Agency Safety Plans (PTASP)**: on July 19, 2018, FTA published the PTASP final rule, which requires certain operators of public transportation systems that receive Section 5307, to develop safety plans. The safety plans should include process and procedures to implement Safety Management Systems. Transit agencies are also required to coordinate with their MPOs and set safety targets. Additional information may be found at FTA's PTASP webpage: <https://www.transit.dot.gov/PTASP>



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## **Appendices**

Appendix A: Legal Capacity Documents

Appendix B: Financial Capacity Questionnaire

Appendix C: Technical Capacity Questionnaire

Appendix D: Civil Rights – Title VI Program Checklist (Appendix A of C 4702.1B)

Appendix E: Civil Rights –EEO Program Checklist

Appendix F: Civil Rights – DBE Program Checklist

Appendix G: Procurement System Elements

Appendix H: Reference Guide

Appendix I: Procurement File Checklist

Appendix J: Procurement File ‘History’ Checklist

Appendix K: Procurement Forms