

FTA

FEDERAL TRANSIT ADMINISTRATION

Fiscal Year 2020 Contractors' Manual Public Health Emergency Supplement

For Discussion Only



U.S. Department of Transportation
Federal Transit Administration

FOREWORD

The COVID-19 public health emergency presented the Federal Transit Administration (FTA) and its recipients with extraordinary challenges that necessitated an unprecedented Federal response.

- On March 13, 2020, the President of the United States declared a National Emergency due to the COVID-19 outbreak. On the same day, the FTA Acting Administrator issued a concurrence notice with all emergency declarations issued by Governors related to COVID-19. This allowed FTA recipients to use their urbanized area and rural formula funds to respond to COVID-19 through significantly expanded eligibilities and flexibilities afforded under the Emergency Relief (ER) Program. FTA also opened an Emergency Relief docket for recipients to request temporary relief from Federal requirements under 49 U.S.C. Chapter 53 as well as any non-statutory FTA requirements.
- On March 16, 2020, FTA paused all remaining site visits until June 2020. By April 2020, it became clear that the impacts of COVID-19 would last longer than anticipated and FTA postponed all Triennial and State Management Review site visits until Federal fiscal year (FFY) 2021. FTA did this to protect the health and safety of all parties involved in the review process and to allow FTA recipients to focus time and resources on COVID-19 response. In addition, to abide by the Centers for Disease Control and Prevention (CDC) and Occupational Safety and Health Administration (OSHA) guidelines, FTA began updating review materials and developing a plan to complete site visits virtually.
- On March 27, 2020, the President signed into law the Coronavirus Aid, Relief, and Economic Security (CARES) Act. CARES Act granted \$25 billion to FTA recipients receiving urbanized and rural area formula funds to support capital, operating, and other expenses generally eligible under those programs to prevent, prepare for, and respond to COVID-19. Recipients were allowed to use both ER and CARES Act funds for eligible expenses incurred from January 20, 2020, forward.
- On January 21, 2021, the President issued Executive Order 13998, imposing a Federal mask requirement on public transportation.

Given the delay in completing reviews and the significant amount of additional Federal financial support provided through CARES Act, it is imperative that FTA evaluate how recipients have used CARES Act and ER funding, while remaining sensitive to the continued COVID-19-related impact on recipient operations. This document is to be used as a supplement to the FFY 2020 Contractors' Manual and details the specific flexibilities and administrative relief provided by FTA for the use of these funds. In addition, it provides direction on how to address the possible impact the public health emergency may have had on the recipients' ability to implement FTA requirements, including the Federal mask requirement.

This document presents the 21 areas reviewed in the FFY 2020 Contractors' Manual. For 12 of the 21 areas, FTA granted flexibilities and administrative relief due to the public health emergency. Each of these areas details the flexibility and administrative relief to begin the section, then provides supplemental explanation and instruction to reviewers regarding the impact on the affected review questions, including any required modification to the various components: the detailed explanation for reviewer, indicators of compliance, and instructions for reviewers. Those areas include:

Significant Section Updates

• Financial	• SCC	• Title VI	• Drug and Alcohol Program
• Technical (awards)	• Procurement	• ADA-General	• Section 5307
• Technical (states)	• DBE	• ADA-CPT	• Section 5311

SCC: Satisfactory Continuing Control
 DBE: Disadvantaged Business Enterprise
 ADA: Americans with Disabilities Act
 CPT: Complementary Paratransit

Of the remaining ten areas in which FTA granted no flexibility or administrative relief, four areas (Technical-Project Management, Transit Asset Management, Maintenance, and Charter Bus) include supplemental information and instruction to reviewers that highlights:

- (1) Existing requirements that allow recipients to remain compliant when faced with an emergency, or
- (2) Instances where a recipient’s ability to remain compliant may have been impacted by the public health emergency.

For the other five areas, Legal, Equal Employment Opportunity, School Bus, Drug-Free Workplace Act, and Section 5310, each question is listed with a note that no changes were made to the section in this supplement due to the public health emergency.

Documentation

With the exception of the Financial Management and Capacity and Procurement areas where records will be requested, FTA expects the Comprehensive Oversight Review and Technical Assistance Program (CORTAP) contractors to obtain the answers to the questions included in this supplement through conversations with recipients leading up to the date of the virtual site visit. Following each question and/or sub-question, a space is provided for the CORTAP contractors to record the results of the conversations with recipients and their observations.

Findings

Prior to recommending any deficiency resulting from the conversations with and review of recipient documentation related to the use of CARES Act or ER funds, discuss and explain each issue with the FTA regional office and, if necessary, determine the appropriate deficiency and corrective action.

Oversight Tracking System (OTrak)

This supplement can be incorporated into and/or combined with the FFY 2020 Reviewer Response worksheet for the overall review. Reviewers are to upload the combined document to OTrak at the conclusion of the review. If this supplement is used as a standalone document, it must be uploaded separately.

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0. MASK ORDER

BACKGROUND

On January 29, 2021, the Centers for Disease Control and Prevention (CDC) issued an [order](#) requiring all persons traveling into and within the United States on conveyances, as well as persons at transportation hubs, to wear masks covering their nose and mouth. The CDC Order requires that, effective February 1, 2021, transit operators may transport only persons wearing masks and must use best efforts to ensure that masks are worn when embarking, disembarking, and throughout the duration of travel. Recipients who are operators of transportation hubs must use best efforts to ensure that any person entering in or on the premises wears a mask. Recipients must ensure that direct employees and contractor employees wear a mask at all times when in vehicles or in or around transportation facilities controlled by the recipient. On February 9, 2021, FTA amended its Master Agreement to incorporate a special provision requiring recipients and third party participants to comply with the CDC Order.

The requirement to wear a mask exempts the following categories of persons:

- A child under the age of 2 years
- A person with a disability who cannot wear a mask, or cannot safely wear a mask, because of the disability as defined by the Americans with Disabilities Act (42 U.S.C. 12101 et seq.)
- A person for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by the relevant workplace safety guidelines or federal regulations

The requirement to wear a mask does not apply in the following circumstances:

- While eating, drinking, or taking medication, for brief periods
- While communicating with a person who is hearing impaired when the ability to see the mouth is essential for communication
- If unconscious (for reasons other than sleeping), incapacitated, unable to be awakened, or otherwise unable to remove the mask without assistance
- When necessary to temporarily remove the mask to verify one's identity

SUPPLEMENTAL QUESTIONS FOR REVIEWERS

1. **Has the recipient implemented a mask requirement for patrons, employees, and contractors? If no, explain why.**

Click or tap here to enter text.

2. **How has the recipient notified patrons of the requirement?**

Click or tap here to enter text.

3. **How does the recipient enforce the requirement?**

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4. **How does the recipient ensure that employees comply with the requirement?**

Click or tap here to enter text.

PUBLIC HEALTH EMERGENCY SUPPLEMENT

- 5. For contracted service or service provided by subrecipients, how does the recipient ensure adherence to the requirement?**

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1. LEGAL

NO CHANGES TO THIS SECTION

- L1. **Since the last Comprehensive Review, did the recipient promptly notify the FTA of any legal matters that may affect the FTA?**
- L2. **Since the last Comprehensive Review, did the recipient promptly notify the FTA and U.S. DOT OIG of any instances relating to false claims under the False Claims Act or fraud, waste or abuse?**
- L3. **Since the last Comprehensive Review, did the recipient and any subrecipients use only non-appropriated funds for any lobbying activities and did each file the required disclosure form?**
- L4. **Does the recipient include clauses in its third party and subrecipient agreements that require notification of any legal matter that may affect the Federal government?**

2. FINANCIAL MANAGEMENT AND CAPACITY

FLEXIBILITIES AND ADMINISTRATIVE RELIEF

Eligible Costs

CARES Act provides funds to prevent, prepare for, and respond to COVID-19. Although the priority for the funding is operational expenses, FTA will generally consider all expenses normally eligible under the Section 5307 and 5311 programs that are incurred on or after January 20, 2020, to be in response to economic or other conditions caused by the COVID-19 public health emergency and thus eligible.

In general, operating expenses are those costs necessary to operate, maintain, and manage a public transportation system. Operating expenses usually include such costs as driver salaries, fuel, and items having a useful life of less than one year, including personal protective equipment and cleaning supplies. See Chapter IV of the Urbanized Area Formula Program circular (9030.1E) or Chapter III of the Formula Grants for Rural Areas circular (9040.1G) for more information on eligible operating expenses.

CARES Act funding can be used for administrative leave, such as leave for employees due to reductions in service or leave required for a quarantined worker.

As authorized by 49 U.S.C. Section 5324 Emergency Relief Program, capital and operating activities undertaken in response to COVID-19 are eligible for reimbursement under the Section 5307 and 5311 programs. FTA permits reimbursement of Section 5307 and 5311 program funding at a 100-percent Federal share, regardless of whether operating expenses generally are an eligible expense for a recipient. Eligible activities include emergency protective measures to eliminate or lessen threats to public health and safety, such as performing enhanced cleaning/sanitizing of rolling stock, stations, bus shelters, etc.; placing hand sanitizer dispensers in high-traffic areas; and providing personal protective equipment. The flexibility will remain in place for eligible expenses incurred for the duration of the relevant state of emergency through January 20, 2022.

FTA COVID-19 FAQs related to this requirement/flexibility include, but are not limited to the following: CA1, CA2, CA5, CA6, CA13, CA17, CA20, CA26, CA27, ER1, ER2, ER3, ER4, ER5, ER7, ER12, CE1, CE2, CE4, CE5, CE6, CE13, CE14, and CE16.

The relief applies to Questions F4 and F8 in the Contractors' Manual.

Indirect Cost Rates

Recipients for whom FTA is the cognizant agency may request an extension of a current indirect cost rate for one additional year without submission of an indirect cost rate proposal by submitting documentation with a revised date for the indirect cost rate to their FTA Regional Office for approval. The one-year extension was only available for recipients whose indirect cost rate proposals were due by June 16, 2020. For additional information, see Office of Management and Budget (OMB) Memorandum M-20-17, Appendix A at 12 (expired June 16, 2020 and rescinded per OMB Memorandum M-20-26).

FTA COVID-19 FAQ related to this requirement/flexibility include, but is not limited to, AD6.

This relief applies to Question F5 in the Contractors' Manual.

Single Audit Deadlines

Per OMB Memorandum M-20-26, FTA recipients with normal single audit due dates from March 30, 2020, through June 30, 2020, and for which FTA is the cognizant agency may delay single audit submission by up to six months beyond the normal due date. Single audits with a normal due date from July 31, 2020, through September 30, 2020, may delay single audit submission by up to three months. Recipients are

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not required to seek approval for the extension, but should maintain documentation of the reason for the delayed filing.

FTA COVID-19 FAQ related to this requirement/flexibility include, but is not limited to, AD19.

This relief applies to Question F6 in the Contractors' Manual.

SUPPLEMENTAL EXPLANATIONS AND INSTRUCTION FOR REVIEWERS

F1. Does the recipient have policies and procedures in place for managing federal awards, establishing internal controls, ensuring timely distribution of funds, and determining allowability of costs?

No changes for this question

F2. Does the recipient's organizational structure clearly define, assign, and delegate appropriate authority for all financial duties and require that those duties are 1) carried out by properly qualified personnel 2) segregated within the organization and 3) subject to review to ensure that adequate internal checks and balances exist?

No changes for this question

F3. Does the recipient's financial management system allow it to prepare reports and trace funds adequately to establish compliance with award terms and conditions?

No changes for this question

F4. Does the recipient correctly draw down and track the use of Federal funds for eligible expenses and disburse advance payment funds within three business days?

See instructions below for sampling and reviewing Electronic Clearinghouse (ECHO) draws that include CARES Act and ER funds

F5. Has the recipient complied with requirements for charging indirect costs to FTA awards?

See instructions below for sampling and reviewing ECHO draws that include CARES Act and ER funds

F6. Has the recipient conducted the required Single Audits, submitted the required documentation to the Federal Audit Clearinghouse (FAC) and FTA, and resolved any identified issues?

For Single Audit reports due prior to March 30, 2020:

Follow normal assessment procedures provided in the Contractor's Manual.

For Single Audit reports due after March 30, 2020:

For recipients where FTA is the cognizant agency for audit, FTA has allowed recipients and subrecipients with normal single audit due dates from March 30, 2020, through June 30, 2020, to delay single audit submissions by up to six months beyond the normal due date. Recipients with single audits with a normal due date from July 31, 2020, through September 30, 2020, may delay single audit submissions by up to three months. This extension does not require individual recipients and subrecipients to seek approval for the extension from FTA; however, recipients and subrecipients should maintain documentation of the reason for the delayed filing.

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Recipients and subrecipients taking advantage of this extension would still qualify as a "low-risk auditee" under the criteria of 2 CFR § 200.520 (a) - *Criteria for a low-risk auditee*.

If the recipient delayed submission of its single audit reporting package normally due March 30, 2020, through September 30, 2020:

- *Did the recipient maintain documentation of the reason for the delay?*

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- *Was the single audit reporting package submitted?*

- *Within six months beyond the normal due date for reports due March through June 2020?*

Click or tap here to enter text.

- *Within three months beyond the normal due date for reports due July through September 2020?*

Click or tap here to enter text.

F7. Does the recipient have financial resources to provide local share for active awards and to adequately maintain and operate FTA-funded assets?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss with the recipient how the public health emergency has impacted the recipient's financial position. Specifically, current and anticipated:

- *Amounts and sources of local funds*

Click or tap here to enter text.

- *Deficits*

Click or tap here to enter text.

- *Layoffs*

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- *Service cuts*

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- *Deferred or late maintenance*

Click or tap here to enter text.

F8. For recipients receiving operating assistance, is the amount eligible for operating assistance calculated in compliance with FTA guidance?

See instructions below for sampling and reviewing ECHO draws that include CARES Act and ER funds

F9. Does the recipient adequately ensure financial oversight of its subrecipients?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered its process for providing financial oversight of its subrecipients due to the public health emergency.

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ADDITIONAL SAMPLING PROCEDURES FOR ECHO DRAWS

In addition to seven ECHO draws selected for review in accordance with the “ECHO Transaction Sampling Procedures,” use the following procedures for selecting CARES Act and ER funds drawdowns.

1. The minimum sample size for CARES and ER awards is two
2. Select from more than one award, if available
3. Select from different financial purpose codes (00, 02, or 04), if available
4. Select at least one draw for operating expenses, if available
5. Select large draws
6. Select flat dollar amounts such as \$1,000,000
7. Select any credits that appear to be systemic

ASSESSMENT PROCEDURES FOR ECHO DRAWS WITH CARES ACT OR ER FUNDS

Follow normal assessment procedures for ECHO draws with modifications noted below for ECHO draws involving CARES Act or ER funds

Eligibility of Costs

Ensure that costs were incurred the earlier of (a) January 20, 2020 and after, or (b) after the recipient’s state declared a State of Emergency or major disaster. For ER funds, ensure costs are related to responding to the COVID-19 public health emergency.

CARES Act – These funds provide for 100 percent reimbursement for operating, planning, and capital expenses incurred beginning on January 20, 2020, that are normally eligible under the Sections 5307 and 5311 programs. There is no expiration date for the use of these funds.

FTA generally will consider all expenses normally eligible under the Section 5307 and 5311 programs that are incurred on or after January 20, 2020, to be in response to economic or other conditions caused by COVID-19 and thus eligible under CARES Act, as applicable.

In addition, all operating expenses (after subtracting fare revenues) are eligible under the Sections 5307 and 5311 programs for all recipients, including the following:

- Provision of transit service, such as driver and other operations worker salaries, fuel, and supplies (including personal protective equipment and cleaning supplies).
- Administrative leave for operations employees (including employees performing maintenance). Administrative leave is an administratively authorized absence from duty without loss of pay or reduction in an employee’s available leave. In the context of the COVID-19 public health emergency, administrative leave could include, but is not limited to, leave for an employee who is not required to work due to a reduction in service or leave for a worker who is quarantined after potential exposure to an individual infected with COVID-19.

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- Services provided under existing operations and maintenance service contracts awarded prior to January 20, 2020, even if the contract was not procured following Federal requirements.
- Operating costs of essential delivery services, including meal delivery, through January 20, 2022.
- Non-refundable costs incurred for events, travel, or other activities approved in an FTA award that were cancelled due to COVID-19.

ER Program – Under the authority of U.S.C. Section 5324 Emergency Relief Program, FTA announced that all recipients in large urban, small urban, and rural areas that operate in states that have declared a State of Emergency related to COVID-19 may use their Section 5307 and 5311 funding for both capital and operating expenses related to COVID-19 response at a 100 percent Federal share. Examples of such expenses include, but are not limited to:

- Removal of health and safety hazards, such as cleaning of vehicles and facilities
- Costs associated with shutting down and/or restarting service
- Materials like hand sanitizer, gloves, soap, and cleaners
- Emergency protective gear relevant to the emergency
- Temporary service, that is not part of regular service, provided in response to the emergency
- Administrative leave
- Essential delivery services, such as meal delivery, through January 20, 2022
- Charter service allowance for up to 45 days from the beginning of each state of emergency incident period

Ineligible expenses under the ER program would include operating expenses not related to COVID-19 (e.g., routes that existed prior to January 20, 2020, or new routes not specific to COVID-19).

Ineligible expenses under both the CARES Act and ER program also include those expenses that are funded/reimbursed through another Federal source, such as the Federal Emergency Management Agency (FEMA).

Obtain from FTA (Office of Program Management) the listing of recipients that have received/requested FEMA funds. If the recipient is on the list, obtain a copy of the FEMA award document to identify what the funds were to be used for. Compare the FEMA and FTA award documents to identify any duplication of cost. Include a drawdown from any ER award that seems duplicative in nature with the FEMA funds in your sample of ECHO draws. Request and review a reimbursement request submitted to FEMA for the same period of activity as covered by the ECHO draw. Compare the costs included in both requests to determine if they appear to be the same. Discuss any similarities with the recipient and with the regional office, as necessary.

For any expenses that were reimbursed by more than one Federal program, discuss with the regional office how to address the issue.

Indirect Costs

For recipients whose indirect cost rate expired before June 16, 2020, FTA granted additional flexibilities for awards assisting with the response to COVID-19 regarding the extension of currently approved indirect cost rates as follows:

- a. Recipients may continue to use the currently approved indirect cost rates (i.e., predetermined, fixed, or provisional rates) to recover their indirect costs on Federal awards.

PUBLIC HEALTH EMERGENCY SUPPLEMENT

- b. FTA may approve recipient's requests for an extension on the use of the current rates for one additional year without submission of an indirect cost rate proposal.
- c. FTA may approve recipient's requests for an extension of the indirect cost rate proposal submission to finalize the current rates and establish future rates.

If the recipient is charging indirect costs, but the approved rate has expired, contact the FTA regional office to determine if a one-year extension of the use of the currently approved indirect cost rate was granted. Contact the FTA regional office to determine if extensions were provided to the annual Cost Allocation Plan (CAP) and/or Indirect Cost Rate Proposal (ICRP) annual submission. If the CAP and/or ICRP is expired, obtain from the recipient its approved extension request from FTA to continue to use its current plan.

Operating Expenses

Follow normal review procedures for evaluating operating expenses incorporating the following additional guidance:

Discuss the recipient's process for calculating net operating costs. For recipients not normally eligible for reimbursement of operating expenses, ensure that costs were incurred the earlier of (a) January 20, 2020, and after, or (b) after the recipient's state declared a State of Emergency or major disaster. Review ECHO draws to verify net operating costs were calculated in accordance with FTA Circular 9030.1E, Appendix C and ineligible costs - (a) costs under an ER award that have been reimbursed by insurance or another federal agency, and (b) "normal" operating expenses (e.g., routes that existed prior to January 20, 2020, or new routes not specific to COVID-19) - were correctly omitted.

CARES Act – These funds provide for 100 percent reimbursement to all FTA recipients for operating, planning, and capital expenses incurred beginning on January 20, 2020, that are normally eligible under the Sections 5307 and 5311 programs. There is no expiration date for the use of these funds. All operating expenses (after subtracting fare revenues) are eligible under the Sections 5307 and 5311 programs.

ER Program – All Section 5307 and 5311 recipients in large urban, small urban, and rural areas that operate in states that have declared a State of Emergency may seek reimbursement for 100 percent of operating and capital expenses related to COVID-19 response.

3. TECHNICAL CAPACITY – AWARD MANAGEMENT

FLEXIBILITIES AND ADMINISTRATIVE RELIEF

MPR and FFR Due Dates

Per OMB Memorandum M20-17, a recipient may delay submission of financial, performance, and other reports up to three (3) months beyond the normal due date. Recipients may continue to draw down Federal funds without the timely submission of these reports. However, these reports must be submitted at the end of the postponed period. Therefore, due dates for quarterly MPRs and FFRs for the period ended March 31, 2020, would be extended from April 30, 2020, to July 30, 2020. Reports selected for review that were not submitted within 90 days of the original due date would be considered late.

FTA COVID-19 FAQ related to this requirement/flexibility include, but is not limited to, AD2.

This relief applies to Question TC-AM1 in the Contractors' Manual.

Closeout Reports

For awards that closed prior to June 16, 2020, recipients may delay submission of any pending financial, performance, or other report required by the terms of the award. The recipient should submit a written notice to FTA regarding the reporting delay. This delay in submitting closeout reports may not exceed one year after the award period of performance ~~expires~~. OMB Memorandum M-20-17, Appendix A (expired June 16, 2020, and rescinded per OMB Memorandum M-20-26).

FTA COVID-19 FAQ related to this requirement/flexibility include, but is not limited to, AD7.

This relief applies to Question TC-AM5 in the Contractors' Manual.

SUPPLEMENTAL EXPLANATIONS AND INSTRUCTION FOR REVIEWERS

TC-AM1. Has the recipient submitted milestone progress reports (MPRs) and Federal Financial Reports (FFRs) to FTA on time?

Follow normal review procedures for evaluating the timeliness of MPR and FFR submission with the following exception:

Per OMB Memorandum M20-17, a recipient may delay submission of financial, performance and other reports up to three (3) months beyond the normal due date. Recipients may continue to draw down Federal funds without the timely submission of these reports. However, these reports must be submitted at the end of the postponed period. Therefore, due dates for quarterly MPRs and FFRs for the period ended March 31, 2020 would be extended from April 30, 2020 to July 30, 2020. Reports selected for review that were not submitted within 90 days of the original due date would be considered late.

TC-AM2. Are the recipient's FFRs complete and accurate?

No changes for this question

TC-AM3. Are the recipient's MPRs complete and accurate?

No changes for this question

TC-AM4. Has the recipient submitted complete Program of Projects (POP) Status Reports on time?

No changes for this question

TC-AM5. Does the recipient ensure timely expenditure of funds and close out of awards?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how COVID-19 and CARES Act awards have impacted the recipient's timely expenditure of funds and close out of awards. Specifically:

- *Closeout of delayed or inactive awards*

Click or tap here to enter text.

- *Timely closeout of subrecipient awards*

Click or tap here to enter text.

Closeout Reports

For awards that closed between January 20 and June 16, 2020, a recipient should submit a written notice to FTA regarding any necessary delay in submitting closeout reports. This delay may not exceed one year after the end of the award's period of performance. OMB Memorandum M-20-17, Appendix A (expired June 16, 2020, and rescinded per OMB Memorandum M-20-26).

For any awards closed between January 20 and June 16, 2020, discuss with the FTA regional office if the recipient experienced any delays in submitting closeout reports. If so, review TrAMS for or obtain documentation that the recipient submitted written notice to the FTA regarding the reporting delay. Confirm that the reporting delay did not exceed one year after the period of performance for the award.

- *Did the recipient experience any delay in submitting closeout reports for awards closed between January 20 and June 16, 2020 due to the COVID-19 public health emergency?*

Click or tap here to enter text.

- *If yes, did the recipient submit a written notice to FTA regarding the reporting delay?*

Click or tap here to enter text.

- *If yes, did the recipient submit closeout reports within one year after the period of performance for the award?*

Click or tap here to enter text.

4. TECHNICAL CAPACITY – PROGRAM MANAGEMENT AND SUBRECIPIENT OVERSIGHT

FLEXIBILITIES AND ADMINISTRATIVE RELIEF

State Transportation Improvement Program

The Federal Highway Administration (FHWA) and FTA are aware that some states and MPOs have used virtual public involvement technologies and techniques for public participation activities related to metropolitan and statewide transportation planning under the applicable statutes (23 U.S.C. 134-135) as a way to satisfy the public meetings provisions. States and MPOs may revise their public involvement plans to employ virtual public involvement techniques.

FTA COVID-19 FAQ related to this requirement/flexibility include, but is not limited to AD4.

This relief applies to Question TC-PgM1 in the Contractors' Manual.

State Management Plan

States and designated recipients have flexibility to allocate CARES Act funding through a different process than the one described in a previously approved State Management Plan, without prior FTA approval. States should document any deviations in an attachment to the CARES Act funding application. Requirements for fair and equitable distribution and intercity bus consultation under 49 U.S.C. 5311(f) apply to CARES Act funds.

States may develop a program of projects consistent with its documented State Management Plan that has been updated to accommodate CARES Act funds.

FTA COVID-19 FAQs related to this requirement/flexibility include, but are not limited to the following: CA7 and CA8.

This relief applies to Question TC-PgM2 in the Contractors' Manual.

Subrecipient Agreements

For awards in which the State DOT and/or its subrecipients will use the expanded flexibilities afforded in the Emergency Relief program, recipients must complete an award amendment or submit a new application. Award recipients will need to realign funds provided to subrecipients specifically for COVID-19 Response Activities to the "ER" Account Classification Code (ACC), which was set up by the recipient for the increased flexibility.

FTA COVID-19 FAQ related to this requirement/flexibility include, but is not limited to, ER11.

This relief applies to Question TC-PgM3 in the Contractors' Manual.

SUPPLEMENTAL EXPLANATIONS AND INSTRUCTION FOR REVIEWERS

TC-PgM1. Does the state involve transit providers and nonmetropolitan local officials in the development of the long-range transportation plan and the STIP?

Follow normal review procedures but note that states may revise their public involvement plans to employ virtual public involvement techniques.

TC-PgM2. Does the recipient have an FTA-approved state or program management plan(s) that documents the recipient's policies and procedures for administering the Sections 5310, 5311, and/or 5339 programs?

Review the recipient's CARES Act award application to determine if the recipient included an attachment documenting any deviations from its process for allocating funds in the approved state management plan. Discuss with the recipient the process used to allocate CARES Act funds. Obtain a copy of the CARES Act program of projects and discuss with the recipient, how it was developed. Confirm that the process is consistent with that documented in the most recent state management plan.

States and designated recipients have flexibility to allocate CARES Act funding through a different process than the one described in a previously approved State Management Plan, without prior FTA approval. States should document any deviations in an attachment to the CARES Act funding application. States may also develop a program of projects consistent with its documented State Management Plan that has been updated to accommodate CARES Act funds.

- *Did the state's process for allocating CARES's act funding differ from the process described in the approved State Management Plan?*

Click or tap here to enter text.

- *If yes, did the state document any deviations in an attachment to its CARES Act award application?*

Click or tap here to enter text.

- *If no, explain:*

Click or tap here to enter text.

TC-PgM3. Has the recipient entered into agreements with each subrecipient that includes all the information required by FTA and 2 CFR part 200?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, find out if the recipient passes CARES Act and/or ER funds to subrecipients and did it amend or enter into new agreements with subrecipients.

- *Did the recipient pass CARES Act and/or ER funds to subrecipients?*
 - *If yes, has the recipient amended/updated or entered into agreements with subrecipients awarded CARES Act and/or ER funds?*

Click or tap here to enter text.

- *If no, explain:*

Click or tap here to enter text.

TC-PgM4. Did the recipient obtain lobbying certifications from subrecipients before entering into agreements exceeding \$100,000?

No changes for this question

TC-PgM5. Did the recipient confirm that its subrecipients were not suspended, debarred, ineligible, or voluntarily excluded from participation in federally assisted transactions or procurements before entering into agreements exceeding \$25,000?

No changes for this question

TC-PgM6. Has the recipient reported subaward information to the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) for all subawards over \$25,000 timely?

No changes for this question

TC-PgM7. Does the recipient's oversight program ensure subrecipient compliance with Federal requirements and performance goals, and provide for evaluation of subrecipient risk of noncompliance with those requirements?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered its process to oversee and assess subrecipient risk due to the COVID-19 public health emergency.

Click or tap here to enter text.

5. TECHNICAL CAPACITY – PROJECT MANAGEMENT

SUPPLEMENTAL EXPLANATIONS AND INSTRUCTION FOR REVIEWERS

TC-PjM1. For projects undertaken since the last Comprehensive Review, did/does the recipient ensure project schedules, budgets, and performance objectives are achieved; provide technical inspection and supervision of all projects in progress; ensure conformity and compliance with all applicable Federal, state, and local regulations; and obtain all necessary approvals prior to incurring costs?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered its process to ensure project schedules, budgets, and performance objectives are achieved; provide technical inspection and supervision of all projects in progress; ensure conformity and compliance with all applicable Federal, state, and local regulations; and obtain all necessary approvals prior to incurring costs due to the COVID-19 public health emergency.

Click or tap here to enter text.

TC-PjM2. Since the last Comprehensive Review, if the recipient or a subrecipient used force account labor for an FTA-funded capital project, did it comply with FTA requirements and follow the plan?

No changes for this question

TC-PjM3. Since the last Comprehensive Review, if a subrecipient(s) implemented a capital or planning project, did the recipient provide technical inspection and supervision of the project(s)?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered its process to oversee subrecipients and provide technical inspection and supervision of the project(s) due to the COVID-19 public health emergency.

Click or tap here to enter text.

6. TRANSIT ASSET MANAGEMENT

SUPPLEMENTAL EXPLANATIONS AND INSTRUCTION FOR REVIEWERS

TAM1. Did the recipient develop the appropriate tier plan and does the plan have the required elements?

No changes for this question

TAM2. Have Transit Asset Management (TAM) responsibilities been assigned to an accountable executive?

No changes for this question

TAM3. Have TAM responsibilities been assigned to an accountable executive?

No changes for this question

TAM4. Has the group plan sponsor fulfilled its obligations in the development of the group TAM plan?

No changes for this question

TAM5. Have group plan participants fulfilled their obligations in the development and implementation of the group TAM plan?

No changes for this question

TAM6. Has the recipient set performance targets annually?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss with the recipient if the impact of the public health emergency on the condition of the agency's finances and assets require an update to the TAM plan sooner than the required four (4) year cycle.

Click or tap here to enter text.

TAM7. Does the recipient share its TAM plan, any supporting records or documents, performance targets, investment strategies, and annual condition assessment report with the state and/or metropolitan planning organization (MPO) that provides funding?

No changes for this question

TAM8. Does the recipient monitor subrecipients for compliance with TAM requirements?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered its process to oversee subrecipients for compliance with TAM requirements due to the COVID-19 public health emergency.

Click or tap here to enter text.

7. SATISFACTORY CONTINUING CONTROL

FLEXIBILITIES AND ADMINISTRATIVE RELIEF

Biennial Inventory

A recipient should notify its FTA Regional Office of any delays in conducting a physical inventory of its federally funded assets due to local public health emergency conditions, including stay-at-home restrictions. If the physical inventory cannot be carried out in compliance with local public health restrictions, the recipient should document the reason for the delay in its files. The recipient should conduct the physical inventory once permissible under local public health restrictions and deemed safe to do so, and notify the FTA Regional Office upon completion.

FTA COVID-19 FAQ related to this requirement/flexibility include, but is not limited to, AD20.

This relief applies to Question SCC8 in the Contractors' Manual.

SUPPLEMENTAL EXPLANATIONS AND INSTRUCTION FOR REVIEWERS

SCC1. For FTA-funded real property purchased under an award made on or after December 26, 2014, does the recipient maintain adequate records on the status of real property and submit required reports to FTA?

No changes for this question

SCC2. For FTA-funded excess real property purchased under an award made before December 26, 2014, did the recipient prepare and update an excess property inventory and utilization plan?

No changes for this question

SCC3. Did the recipient follow FTA requirements for incidental use of real property?

No changes for this question

SCC4. Has the recipient made appropriate efforts to use, lease, or dispose of idle facilities?

No changes for this question

SCC5. Is FTA-funded real property used solely for its originally authorized purpose?

No changes for this question

SCC6. If the recipient disposed of FTA-funded real property since the last Comprehensive Review, were FTA requirements followed?

No changes for this question

SCC7. Does the recipient have flood insurance for any FTA-funded buildings located in areas that have been identified as having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968?

No changes for this question

SCC8. Does the recipient maintain control over FTA-funded equipment?

A recipient should notify its FTA Regional Office of any delays in conducting a physical inventory of its federally funded assets due to local public health emergency conditions, including stay-at-home restrictions. If the physical inventory cannot be carried out in compliance with local public health restrictions, the recipient should document the reason for the delay in its files. The recipient should conduct the physical inventory once permissible under local public health restrictions and deemed safe to do so, and notify the FTA Regional Office upon completion.

- *Did the recipient delay conducting its biennial physical inventory due to the COVID-19 public health emergency?*

Click or tap here to enter text.

- *If yes, did the recipient notify FTA and document the reason for the delay in its files?*

Click or tap here to enter text.

- *If yes, did the recipient notify FTA once its biennial physical inventory was completed?*

Click or tap here to enter text.

Inquire of the FTA regional office if the recipient notified it that it will not be able to meet the biennial inventory requirement. If such notification was made, request if the recipient also notified the FTA regional office once the biennial inventory was completed. If no information is available from FTA, discuss with the recipient if there was a delay in conducting the biennial physical inventory due to the COVID-19 public health emergency. If there was, confirm that the recipient notified the FTA regional office and documented the reason for the delay. If the recipient was able to eventually conduct the physical inventory, inquire if it notified the FTA regional office when it was completed.

SCC9. Was equipment withdrawn from use and disposed of in accordance with 2 CFR 200 and FTA requirements?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered its process for disposing of FTA-funded real property due to the COVID-19 public health emergency.

Click or tap here to enter text.

SCC10. Are bus fleets managed in accordance with FTA requirements for spare ratios and contingency fleets?

FTA's spare ratio policy helps to ensure that buses are not acquired until they are needed. Notably, the policy does not require recipients to dispose of vehicles prior to the end of the useful life in order to keep the spare ratio at or below 20 percent. Rather, the policy provides that recipients with a spare ratio higher than 20 percent justify the reason for acquisition of new vehicles at the time they submit an award application as specified in FTA Circular 5010.

If applying for a new award, recipients may seek a short-term deviation from the spare ratio requirements for small deviations by preparing a brief justification explaining the reason for the deviation, a date by which the fleet spare ratio will come into compliance with the general requirements, and the recipient's plans to come into compliance. The deviation will generally be granted for no more than two years and must be approved by the regional administrator either in writing or by approval of the award. Recipients must promptly inform the regional office of any significant changes related to spare ratios, including plans for disposition or acquisition of vehicles and changes in vehicle needs.

PUBLIC HEALTH EMERGENCY SUPPLEMENT

- *If the recipient operates 50 or more revenue vehicles in fixed-route urbanized area service, does the spare ratio exceed 20 percent?*

Click or tap here to enter text.

- *If yes, did the recipient submit an award application or receive an award to replace, rebuild or acquire new vehicles after going above the 20-percent spare ratio threshold?*

Click or tap here to enter text.

- *If yes, did the recipient request a short-term deviation and receive FTA approval for it?*

Click or tap here to enter text.

In addition to the normal assessment procedures to determine if the recipient's spare ratio surpasses the requirement, review award applications for projects to replace, rebuild or acquire new vehicles that were submitted in TrAMS since January 20, 2020. Discuss with the regional office any deviation requests submitted and approvals granted to recipients for exceeding the 20-percent spare ratio requirement. If no information on file with FTA, during pre-site visit or site visit discussions, find out if the recipient submitted any deviation requests or obtained approval through an award or received written approval from FTA for the excess.

SCC11. Does the rail fleet management plan meet FTA requirements?

No changes for this question

SCC12. Does the recipient maintain control over FTA-funded property and ensure that subrecipients use FTA-funded property for project purposes?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered its process for maintaining control over FTA-funded property and ensuring that subrecipients use FTA-funded property for project purposes due to the COVID-19 public health emergency.

Click or tap here to enter text.

8. MAINTENANCE

SUPPLEMENTAL EXPLANATIONS AND INSTRUCTION FOR REVIEWERS

M1. Does the recipient have a written maintenance plan(s) for FTA-funded assets (including vehicles/vessels, facilities, and equipment)?

No changes for this question

M2. Is the recipient following its program for preventive maintenance inspections for FTA-funded assets?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered its program for completing preventive maintenance inspections of FTA-funded assets due to the COVID-19 public health emergency.

Click or tap here to enter text.

M3. Does the recipient's vehicle maintenance program address maintenance of wheelchair lifts and other accessibility features?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered its vehicle maintenance program to address maintenance of wheelchair lifts and other accessibility features due to the COVID-19 public health emergency.

Click or tap here to enter text.

M4. Does the recipient have a system for tracking warranty issues and does the recipient actively pursue warranty claims?

No changes for this question

M5. Do recipients have an effective mechanism for monitoring subrecipients', contractors', and lessees' maintenance activities?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered its process to oversee the maintenance activities of subrecipients, contractors, and lessees due to the COVID-19 public health emergency.

Click or tap here to enter text.

9. PROCUREMENT

FLEXIBILITIES AND ADMINISTRATIVE RELIEF

Eligible Operations or Maintenance Expenses

Under the authority of the Emergency Relief program to set the necessary terms and conditions of an award (49 USC 5324 (d)(1), FTA permits funds to be used for operations and maintenance expenses incurred after January 20, 2020, even if the original contract did not meet all Federal requirements. Any new contracts would need to follow all Federal requirements.

FTA COVID-19 FAQ related to this requirement/flexibility include, but are not limited to, CE2.

This relief applies to Questions P3, P4, P5, P6, P7, P8, and P14 in the Contractors' Manual.

Full and Open Competition

There are some flexibilities permitted under OMB Memo M-20-17 to allow recipients to waive the procurement requirements regarding geographical preferences [2 CFR 200.319(b)] and contracting small and minority businesses, women's business enterprises, and labor surplus area firms [200.321]. FTA recipients should document any procurement decisions made in response to COVID-19 and may be asked to provide that information in the future. This flexibility is for procurement activity from March 1, 2020 through March 1, 2021. As required under 2 CFR part 200, when procuring property and services under a federal award, states must follow the same policies and procedures it uses for procurements from its non-federal funds, including any provisions for emergency situations.

This relief applies to Question P7 in the Contractors' Manual.

Methods of Procurement

Federal procurement standards established in 2 CFR part 220.317-326 permit the use of a noncompetitive (sole source) procurement when the circumstances of an emergency (or public exigency) would not permit a delay resulting from competitive solicitation.

FTA COVID-19 FAQs related to this requirement/flexibility include, but are not limited to, CE9.

This relief applies to Question P8 in the Contractors' Manual.

Modification of Third Party Contracts

Recipients may modify a third-party contract to require the payment of administrative leave as administrative leave is an eligible expense for operations and maintenance personnel whether those personnel are in-house or employed by contractors. In addition, recipients may modify contracts to pay for eligible operating/maintenance expenses required to retain readiness or eligible fixed operations/maintenance expenses such as rent, even if service is reduced.

FTA COVID-19 FAQ related to this requirement/flexibility include, but is not limited to, CA16.

This relief applies to Question P14 in the Contractors' Manual.

SUPPLEMENTAL EXPLANATIONS AND INSTRUCTION FOR REVIEWER

P1. Does the recipient have written procurement policies and procedures that include required state, local, and Federal provisions?

No changes for this question

P2. Does the recipient maintain written standards of conduct for its representatives engaged in the selection, award, and administration of FTA-funded contracts?

No changes for this question

P3. Does the recipient have and follow written procurement protest procedures?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered its written procurement protest procedures.

[Click or tap here to enter text.](#)

P4. Does the recipient make awards only to responsible contractors as described in its policies and procedures and in compliance with the requirements of 49 U.S.C. 5325(j)?

No changes for this question

P5. Does the recipient maintain records sufficient to detail the history of each procurement as described in its policies and procedures and in compliance with 2 CFR Part 200?

No changes for this question

P6. Does the recipient ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders in its policies and procedures and in compliance with 2 CFR Part 200?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered procedures to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders due to the COVID-19 public health emergency.

[Click or tap here to enter text.](#)

P7. Does the recipient ensure that it conducts all procurement transactions in a manner that provides full and open competition and does not unduly restrict competition in its procurement process and as described in its policies and procedures and in compliance with 2 CFR Part 200?

See instructions below for sampling and reviewing procurement files funded by CARES Act and/or ER funds.

P8. Did the recipient appropriately use each method of procurement as described in its policies and procedures and in compliance with 2 CFR Part 200?

See instructions below for sampling and reviewing procurement files funded by CARES Act and/or ER funds.

P9. Does the recipient procure Architectural Engineering (A&E) Services in accordance with 49 U.S.C. 5325(b)?

No changes for this question

P10. Does the recipient develop independent cost estimates and conduct cost and/or price analysis as described in its policies and procedures for each procurement action above the Simplified Acquisition Threshold?

No changes for this question

P11. Did the recipient include applicable federal clauses in FTA-funded procurements exceeding the micro-purchase limit and construction contracts over \$2,000?

No changes for this question

P12. Did the recipient include required certifications in solicitations and receive signed certifications from bidders as part of their bid or proposal, as applicable?

No changes for this question

P13. If the recipient included liquidated damages in its procurements, did it do so appropriately?

No changes for this question.

P14. Did the recipient approve, evaluate, and document change orders to procurements as described in its policies and procedures?

- *Did the recipient modify any third-party contract to require the payment of administrative leave for operations and maintenance personnel, to pay for eligible operating/maintenance expenses required to retain readiness or eligible fixed operations/maintenance expenses?*

Click or tap here to enter text.

Discuss with the recipient if it modified any third-party contracts to require the payment of administrative leave for operations and maintenance personnel, to pay for eligible operating/maintenance expenses required to retain readiness or eligible fixed operations/maintenance expenses.

P15. If the recipient included options in an FTA-funded procurement, did it base the number of options on its reasonably foreseeable need and evaluate the option price prior to awarding the contract?

No changes for this question.

P16. If the recipient procured bus or rail rolling stock or replacement parts with FTA funds, did it adhere to the time limitations on placing orders against the contracts?

No changes for this question

P17. If the recipient purchased FTA-funded assets through an assignment of options (a/k/a “piggyback”), did the underlying contract comply with applicable federal requirements regarding excessive options, inclusion of Federal requirements, assignability, and price, and no cardinal changes?

No changes for this question

P18. Did the recipient ensure that appropriate FTA approval was acquired for advance payments and that adequate protection was exercised for progress payments?

No changes for this question

P19. If the recipient procured buses with FTA funds, did it comply with requirements for bus testing reports?

No changes for this question

P20. If the recipient procured rolling stock with FTA funds, did it comply with the requirements of 49 CFR part 663, including pre-award and post-delivery Buy America audit requirements, resident inspector requirements, and purchaser's certifications?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered its procedures to comply with the requirements of 49 CFR Part 663, including pre-award and post-delivery Buy America audit requirements, resident inspector requirements, and purchaser's certifications due to the COVID-19 public health emergency.

Click or tap here to enter text.

P21. Does the recipient perform oversight of its subrecipients' FTA-funded procurement activities as described in its policies and procedures?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered its procedures to perform oversight of its subrecipients' FTA-funded procurement activities due to the COVID-19 public health emergency.

Click or tap here to enter text.

ADDITIONAL SAMPLING PROCEDURES FOR PROCUREMENT FILE

In addition to the normal review procedures, use the CARES Act/ER procurement sampling procedures and checklist provided to review the procurement files to verify compliance with the stated requirement.

In accordance with the Supplemental Recipient Information Request, one additional procurement which was funded under CARES Act or ER funding is to be reviewed. If both CARES Act- and ER-funded procurements were awarded by the recipient, choose the CARES Act-funded procurement.

In reviewing sample procurement files, the following flexibilities should be considered:

Eligible Operations or Maintenance Expenses

Under the authority of the Emergency Relief program to set the necessary terms and conditions of an award (49 USC 5324 (d)(1), FTA permits funds to be used for operations and maintenance expenses incurred after January 20, 2020, even if the original contract did not meet all Federal requirements. Any new contracts would need to follow all Federal requirements.

Discuss with the recipient if it used CARES Act and/or ER funds to reimburse expenses for any operations or maintenance contracts. Ascertain whether the contracts met all Federal requirements. If not, advise the recipient that any new contract for operations or maintenance for which it will use Federal funds to reimburse expenses, must meet Federal requirements, including, but not limited to, procuring the services through full and open competition, confirming vendor responsibility, incorporating the required clauses, and obtaining signed certifications.

Full and Open Competition

There are some flexibilities permitted under OMB Memo M-20-17 to allow recipients to waive procurement requirements regarding geographical preferences [2 CFR 200.319(b)] and contracting small

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and minority businesses, women's business enterprises, and labor surplus area firms [200.321]. Recipients should document any procurement decisions made in response to COVID-19 and may be asked to provide that information in the future. This flexibility is for procurement activity from March 1, 2020 through March 1, 2021.

As required under 2 CFR part 200, when procuring property and services under a Federal award, states must follow the same policies and procedures it uses for procurements from its non-federal funds, including any provisions for emergency situations.

Discuss with the recipient if it has used geographic preferences in procurements due to the COVID-19 public health emergency. If yes, determine if it fell between the allowed time period of March 1, 2020, through March 1, 2021.

Methods of Procurement

Some Federal requirements include specific provisions related to emergencies, and therefore, no FTA waiver is necessary. For example, Federal procurement standards established in 2 CFR part 220.317-326 permit the use of a noncompetitive (sole source) procurement when the circumstances of an emergency (or public exigency) would not permit a delay resulting from competitive solicitation.

Discuss with the recipient if it used the non-competitive (sole source) procurement method as a result of the COVID-19 public health emergency. If it did, review the sole source justification to ensure it meets the requirements.

Modification of Third-Party Contracts

Recipients may modify a third-party contract to require the payment of administrative leave as administrative leave is an eligible expense for operations and maintenance personnel whether those personnel are in-house or employed by contractors. In addition, recipients may modify contracts to pay for eligible operating/maintenance expenses required to retain readiness or eligible fixed operations/maintenance expenses such as rent, even if service is reduced.

Discuss with the recipient if it modified a third-party contract to require the payment of administrative leave for operations and maintenance personnel, to pay for eligible operating/maintenance expenses required to retain readiness or eligible fixed operations/maintenance expenses.

Record the results of the review of this procurement and any potential deficiencies identified in the **CARES/ER Funded Procurement Checklist** provided below.

CARES/ER Funded Procurement Checklist

<i>Any potential deficiencies related to the CARES or ER funded procurement are to be discussed with the FTA Regional Office to determine if the recipient was appropriately using any flexibilities afforded based on FTA's CARES Act or ER flexibilities or other FTA direction. (For each category below, provide detailed information of the documentation reviewed to determine compliance.)</i>	
Procurement Title	-
Date of original award	-
Amount of original award	-
Current amount of award	-

PUBLIC HEALTH EMERGENCY SUPPLEMENT

<p><i>Any potential deficiencies related to the CARES or ER funded procurement are to be discussed with the FTA Regional Office to determine if the recipient was appropriately using any flexibilities afforded based on FTA's CARES Act or ER flexibilities or other FTA direction. (For each category below, provide detailed information of the documentation reviewed to determine compliance.)</i></p>	
Was contract originally FTA-funded?	-
If procurement was not originally FTA-funded and CARES Act/ER funding was added, was it for operations or maintenance services?	-
Was there a protest related to this procurement?	-
Was a responsibility determination made if the procurement was over \$25,000?	-
Did the recipient verify that the awarded firm was not suspended or debarred prior to award if the procurement was over \$25,000?	-
Did the recipient have a written record of the procurement's history?	-
Did the recipient follow full and open competition requirements?	-
Did the recipient use geographic preferences? Was the procurement conducted between March 1 2020 and March 1, 2021	-
Did the recipient appropriately follow the selected method of procurement?	-

PUBLIC HEALTH EMERGENCY SUPPLEMENT

<p><i>Any potential deficiencies related to the CARES or ER funded procurement are to be discussed with the FTA Regional Office to determine if the recipient was appropriately using any flexibilities afforded based on FTA's CARES Act or ER flexibilities or other FTA direction. (For each category below, provide detailed information of the documentation reviewed to determine compliance.)</i></p>	
<p>Did the recipient use a non-competitive (sole source) procurement because the circumstances of the COVID-19 public health emergency would not permit a delay resulting from a competitive solicitation? If it did, review the sole source justification to ensure it meets the requirements.</p>	-
<p>Did the recipient develop an ICE and conduct a cost or price analysis if the procurement was over the simplified acquisition threshold?</p>	-
<p>Did the recipient include the required clauses?</p>	-
<p>Did the recipient collect signed certifications as applicable?</p>	-
<p>If the recipient executed change orders that were outside of the scope of the original contract, did it appropriately use the flexibilities afforded under FTA's COVID-19 FAQ CA16?</p>	-

10. DISADVANTAGED BUSINESS ENTERPRISE (DBE)

FLEXIBILITIES AND ADMINISTRATIVE RELIEF

DBE Program Development

A new or updated DBE program or goal is not required if CARES Act funds represent a temporary increase in the Federal share of already contracted operations' expenses for the purposes of responding to COVID-19. Similarly, if CARES Act funds represent temporary adjustments to, or continuations of, existing operations contracts to respond to COVID-19, a new DBE program or goal is not required. A recipient with an existing DBE program should count CARES Act funds towards the DBE goal as it would all FTA funds.

FTA COVID-19 FAQs related to this requirement/flexibility include, but are not limited to, CR16.

This relief applies to Question DBE5 in the Contractors' Manual.

DBE Goal Submission

For those recipients with DBE goals due August 1, 2020, FTA extended the due date to October 1, 2020, and TrAMS was updated to reflect the extension. This extension is consistent with a DOT guidance memorandum issued April 1, 2020.

FTA COVID-19 FAQs related to this requirement/flexibility include, but are not limited to, CR11.

This relief applies to Question DBE3 in the Contractors' Manual.

Uniform Report Submittal

For Uniform Reports due on June 1, 2020, FTA will review the reports once a recipient is able to submit it and will not penalize agencies for reports received after June 1, 2020, as long as the agency's records document that the report was submitted as soon as practicably possible.

FTA COVID-19 FAQs related to this requirement/flexibility include, but are not limited to, CR17.

This relief applies to Question DBE4 in the Contractors' Manual.

Tracking and Reporting of Purchases

For the purposes of simplifying reporting and tracking, recipients may count multiple, ongoing purchases with a single vendor as a single contract awarded and completed on Uniform Reports (e.g., fuel, vehicle parts, vehicle servicing, or other purchase orders).

FTA COVID-19 FAQs related to this requirement/flexibility include, but are not limited to, CR12.

This relief applies to Question DBE5 in the Contractors' Manual.

DBE Certification Standards and Procedures

Recipients are not required to conduct in-person site visits for purposes of DBE certification in light of the COVID-19 public health emergency. On March 24, 2020, DOT issued a memorandum providing interim guidance on DBE certification procedures that are consistent with social distancing. The memorandum explains that site visits may be conducted using computer, tablet, and mobile device technologies, and that recipients may photograph necessary items from within their vehicles. The memorandum also references the regulatory provision that allows recipients to rely on site visit reports produced by other DOT recipients. DOT issued a subsequent memorandum on April 1, 2020, that further addresses electronic review and submission of certification documents.

PUBLIC HEALTH EMERGENCY SUPPLEMENT

FTA COVID-19 FAQs related to this requirement/flexibility include, but are not limited to, CR13.

This relief applies to Question DBE13 in the Contractors' Manual.

SUPPLEMENTAL EXPLANATIONS AND INSTRUCTION FOR REVIEWERS

DBE1 Did the recipient submit a current DBE program for approval?

No changes for this question

DBE2 Has the DBE Liaison Officer (DBELO) been designated and given proper resources and authority?

No changes for this question

DBE3 Did the recipient submit its latest goal in TrAMS by August 1 prior to the beginning of the applicable Federal fiscal year?

Review the [Three Year Goal Setting Submissions Schedule](#) on FTA's website to determine the appropriate fiscal year for the recipient's submission.

For those recipients with DBE goals due August 1, 2020, FTA extended the due date to October 1, 2020, and TrAMS was updated to reflect the extension. This extension is consistent with a DOT guidance memorandum issued April 1, 2020.

- *If the recipient's DBE goal was due on August 1, 2020, when was the goal submitted?*
Click or tap here to enter text.
- *If the goal was not submitted by August 1, 2020, was it submitted prior to October 1, 2020?*
Click or tap here to enter text.

If the goal was due August 1, 2020, review the Civil Rights Status screen in TrAMS to determine if the recipient's latest overall goal was submitted by October 1, 2020.

DBE4 Has the recipient submitted the Uniform Report of DBE Awards or Commitments and Payments semi-annually by the required due dates of June 1 and December 1?

In addition to the normal assessment procedures, determine whether the semi-annual report due June 1, 2020, was submitted in TrAMS after this date by accessing the Disadvantaged Business Enterprise (DBE) Reports from the Reports tab.

For Uniform Reports due on June 1, 2020, FTA will review the reports once a recipient is able to submit it and will not penalize agencies for reports received after June 1, 2020 as long as the agency's records document that the report was submitted as soon as practicably possible.

- *Has the agency been able to submit its Uniform Reports on time?*
Click or tap here to enter text.
- *If not, have they submitted them at all?*
Click or tap here to enter text.

PUBLIC HEALTH EMERGENCY SUPPLEMENT

- *Is the agency documenting why it was unable to submit the reports and doing so as soon as practicably possible?*

Click or tap here to enter text.

Review reports that were due on June 1, 202 and December 1, 2020. Discuss with the recipient the steps it took to submit the report as soon as practicably possible.

DBE5 Are the semi-annual Uniform Reports of DBE Awards or Commitments and Payments completed accurately?

For the purposes of simplifying reporting and tracking, recipients may count multiple, ongoing purchases with a single vendor as a single contract awarded and completed on Uniform Reports (e.g., fuel, vehicle parts, vehicle servicing, or other purchase orders).

- *Is the recipient including purchases with CARES Act and ER funds in its Uniform Reports?*

Click or tap here to enter text.

Review reports that were due on June 1, 202 and December 1, 2020. Ensure that the recipient understands that it can count multiple, ongoing purchases with a single vendor as a single contract awarded and completed on its Uniform Reports (e.g., fuel, vehicle parts, vehicle servicing, or other purchase orders).

DBE6 For each of the past three completed Federal fiscal years, if the recipient's DBE achievements (based on contract awards) were below the overall goal for the applicable year, did the recipient complete the required shortfall analysis and corrective action plan?

No changes for this question

DBE7 If the recipient exceeded its overall goal using contract goals in Federal fiscal years 2017 and 2018 did it make appropriate procurement adjustments?

No changes for this question

DBE8 Has the recipient implemented steps to meet the maximum feasible portion of its overall goal race-neutrally?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered the implementation of its race-neutral or small business measures during the COVID-19 public health emergency.

Click or tap here to enter text.

DBE9 When including a DBE goal in a solicitation, is the recipient ensuring that the contract is only awarded to a bidder that meets the goal or makes good faith efforts to meet the goal?

No changes for this question

DBE10 If the recipient or a subrecipient set a project-specific DBE goal, or a goal on a transit vehicle procurement, did it receive prior FTA approval?

No changes for this question

DBE11 Did the recipient properly report all FTA-funded transit vehicle awards?

No changes for this question

DBE12 Does the recipient monitor the performance of contractors and enforce contractual requirements consistent with its approved DBE Program?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered the implementation of its monitoring procedures during the COVID-19 public health emergency.

Click or tap here to enter text.

DBE13 Does the recipient implement DBE certification standards and procedures in accordance with the DBE regulation?

Recipients are not required to conduct in-person site visits for purposes of DBE certification in light of the COVID-19 public health emergency. On March 24, 2020, DOT issued a memorandum providing interim guidance on DBE certification procedures that are consistent with social distancing. The memorandum explains that site visits may be conducted using computer, tablet, and mobile device technologies, and that recipients may photograph necessary items from within their vehicles. The memorandum also references the regulatory provision that allows recipients to rely on site visit reports produced by other DOT recipients. DOT issued a subsequent memorandum on April 1, 2020, that further addresses electronic review and submission of certification documents.

Recipients may develop new and/or revised procedures for completing the application review during the COVID-19 public health emergency for certifying firms and to replace conducting the site visit to the applicant's principal place of business or jobsite. However, the "visit" must be performed in accordance with recipient or UCP procedures.

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered the implementation of its certification procedures during the COVID-19 public health emergency.

Click or tap here to enter text.

11. TITLE VI

FLEXIBILITIES AND ADMINISTRATIVE RELIEF

Title VI Program Submission

FTA postponed the submission of all Title VI Programs with due dates prior to October 1, 2020, until October 1, 2020. Recipients were allowed to use their on-file Title VI Programs through November 30, 2020, unless a recipient voluntarily updated its program with a submission before that date. FTA made adjustments in TrAMS to ensure no outstanding civil rights program requirements will hold up the awarding of grants.

FTA COVID-19 FAQs related to this requirement/flexibility include, but are not limited to, CR10.

This relief applies to Question TVI1 in the Contractors' Manual.

Evaluation of Fare and Major Service Changes

Temporary service and fare changes in response to an emergency (including COVID-19) do not rise to the level of a major change, so a service and fare equity analysis is not required. If a transit agency operating 50 or more fixed-route vehicles in peak service and located in an urbanized area (UZA) with a population of 200,000 or more chooses to make permanent any fare media changes that are instituted during an emergency, or if such changes last longer than six months, then the transit agency must perform a fare equity analysis as described in Chapter IV of FTA's Title VI Circular 4702.1B. FTA expects that all transit agencies take reasonable measures to implement temporary service or fare changes equitably to prevent unintentional discrimination. FTA does not require a transit agency to document this process, get board approval prior to implementing changes, or share documentation on the changes with FTA, but FTA recommends that transit agencies document the rationale for specific service reductions, as well as steps taken to ensure equitable reductions in service, in the event someone files a complaint.

FTA cautions that changes in fare media policies (such as temporarily not accepting cash fares, e.g., only pre-purchased media (often referred to as a cashless or cash-free fare policy)) may discriminate against minority transit riders. Minority transit riders may be disproportionately unbanked, lack credit cards, or lack access to locations for purchasing fare media in advance of a trip. FTA expects all transit agencies to consider mitigating measures in this circumstance to ensure their fare media changes do not result in disparate impacts on the basis of race, color, or national origin, which are protected categories under Title VI of the Civil Rights Act of 1964.

FTA COVID-19 FAQs related to this requirement/flexibility include, but are not limited to the following: CR2, and CR15.

This relief applies to Question TVI8 in the Contractors' Manual.

SUPPLEMENTAL EXPLANATIONS AND INSTRUCTION FOR REVIEWERS

TVI1 Did the recipient prepare and submit a Title VI Program?

FTA postponed the submission of all Title VI Programs with due dates prior to October 1, 2020, until October 1, 2020. Recipients were allowed to use their on-file Title VI Programs through November 30, 2020, unless a recipient voluntarily updated its program with a submission before that date.

- When was the recipient scheduled to submit its Title VI Program?

Click or tap here to enter text.

PUBLIC HEALTH EMERGENCY SUPPLEMENT

- If the recipient's Title VI Program was due between January 20, 2020 and October 1, 2020, did it submit the Title VI Program by October 1, 2020?

Click or tap here to enter text.

In addition to the normal assessment procedures, review the Civil Rights Status screen in TrAMS to determine if the recipient's Title VI program update was due prior to October 1, 2020. Determine if the recipient uploaded its program update in TrAMS by October 1, 2020.

TVI2 Does the recipient provide meaningful access to LEP persons?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered the implementation of its language assistance plan during the COVID-19 public health emergency.

Click or tap here to enter text.

TVI3 Does the recipient notify the public of its rights under Title VI?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered its procedures for notifying the public of its rights under Title VI during the COVID-19 public health emergency.

Click or tap here to enter text.

TVI4 Does the recipient implement complaint procedures as described in its Title VI Program?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered the implementation of its Title VI complaint procedures during the COVID-19 public health emergency.

Click or tap here to enter text.

TVI5 Has the recipient implemented the public participation plan from its Title VI Program in its public participation activities?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered the implementation of its Title VI public participation procedures during the COVID-19 public health emergency.

Click or tap here to enter text.

TVI6 Does the recipient monitor its subrecipients for compliance with Title VI requirements?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered the implementation of its procedures to monitor subrecipient during the COVID-19 public health emergency.

Click or tap here to enter text.

TVI7 Has the recipient conducted the required equity analysis for any new transit facilities sited since the last Comprehensive Review?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered the implementation of its procedures for conducting siting equity analysis during the COVID-19 public health emergency.

Click or tap here to enter text.

TVI8 Has the recipient evaluated fare and major service changes and monitored transit service?

In addition to the normal assessment procedures, review the recipient's website and discuss with the recipient if it instituted a fare, major service, or fare media policy change due to the COVID-19 public health emergency.

Temporary service and fare changes in response to an emergency (including COVID-19) do not rise to the level of a major change, so a service and fare equity analysis is not required. Changes directly or indirectly related to an emergency, including ridership and budget reductions that continue longer than 12 months (service) or six months (fare), or are planned in advance as permanent, require an equity analysis. FTA does expect that all transit agencies take reasonable measures to implement temporary service or fare changes equitably to prevent unintentional discrimination. FTA does not require a transit agency to document this process, get board approval prior to implementing changes, or share documentation on the changes with FTA, but FTA recommends that transit agencies document the rationale for specific service reductions, as well as steps taken to ensure equitable reductions in service, in the event someone files a complaint.

- *Did the recipient institute a fare, major service, or fare media policy change in response to the COVID-19 public health emergency? If yes,*
 - *When did the recipient institute the fare, major service, or fare media policy change?*

Click or tap here to enter text.
 - *Did the recipient perform a fare or service change equity analysis?*

Click or tap here to enter text.
 - *Has the recipient restored its fare, major service, or fare media policy to the pre-COVID-19 levels?*

Click or tap here to enter text.
 - *If the fare or fare media change has lasted longer than six months, has the recipient conducted a fare equity analysis?*

Click or tap here to enter text.
 - *If the major service change has lasted for longer than 12 months, has the recipient conducted a service change equity analysis?*

Click or tap here to enter text.

Review the recipient's website and inquire of the recipient if the fare, major service or fare media policy change was returned to the pre-COVID-19 level. If the fare or fare media change lasted more than six

PUBLIC HEALTH EMERGENCY SUPPLEMENT

months and/or the service change lasted more than one year, determine if the recipient completed a fare and/or service equity analysis.

TVI9 Does the recipient include the needs of minorities in planning activities; document that it passes FTA funds through to subrecipients without regard to race, color, or national origin; and assure that minority populations are not being denied the benefits of or excluded from participation in FTA-funded programs?

No changes for this question

12. AMERICANS WITH DISABILITIES ACT (ADA) – GENERAL

FLEXIBILITIES AND ADMINISTRATIVE RELIEF

Modification of Fixed-Route Service

Recipients determine the type of service they offer. There are no ADA concerns with a proposal to move from a fixed-route to a demand-responsive service. However, under DOT ADA regulations at 49 CFR 37.77, all vehicles used in demand-responsive service must be accessible to and usable by persons with disabilities, including wheelchair users, or equivalent service must be provided according to the specific criteria contained in 49 CFR 37.77(c). In addition, once the recipient completes its move to demand-responsive service, the obligation to provide ADA complementary paratransit service is no longer applicable. For more information on ADA requirements for demand-responsive service, see Chapter 7 of FTA Circular 4710.1.

FTA COVID-19 FAQs related to this requirement/flexibility include, but are not limited to, CR7.

This relief applies to Question ADA-GEN4 in the Contractors' Manual.

Rear-Door Boarding

If a recipient has implemented a rear-door-only boarding policy on vehicles, it must have procedures to accommodate individuals with disabilities.

FTA COVID-19 FAQs related to this requirement/flexibility include, but are not limited to, CR5.

This relief applies to Question ADA-GEN8 in the Contractors' Manual.

Wheelchair Securement

The DOT ADA regulations do not explicitly require the use of the securement system; under 49 CFR 37.165(c)(3), an agency may determine for itself whether or not securement will be mandatory for its system. Recipients, therefore, are free to suspend any mandatory securement policy that they may have in place. However, even if an agency suspends a mandatory securement policy, 49 CFR 37.165(f) still requires that the operator assist with the use of the securement system should an individual passenger make a request.

FTA COVID-19 FAQs related to this requirement/flexibility include, but are not limited to, CR6.

This relief applies to Question ADA-GEN8 in the Contractors' Manual.

SUPPLEMENTAL EXPLANATIONS AND INSTRUCTION FOR REVIEWERS

ADA-GEN1 Does the recipient track, resolve, and respond to ADA-related complaints?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered the implementation of its ADA complaint procedures during the COVID-19 public health emergency.

Click or tap here to enter text.

ADA-GEN2 Do all bus and rail vehicles acquired for use in fixed-route service by public entities since the last Comprehensive Review meet the accessibility requirements of 49 CFR Part 38?

No changes for this question

ADA-GEN3 Are vehicles used in contracted fixed-route service, including microtransit and commuter bus service, accessible?

No changes for this question

ADA-GEN4 Since the last Comprehensive Review, if vehicles were purchased for demand-response service, other than for ADA complementary paratransit service, were the requirements of 49 CFR Part 37 met?

In addition to the normal assessment procedures, review the recipient's website or discuss with the FTA regional office to determine if the recipient transitioned from providing fixed-route to demand responsive service.

Recipients determine the type of service they offer. There are no ADA concerns with a proposal to move from a fixed-route to a demand-responsive service. However, under DOT ADA regulations at 49 CFR 37.77, all vehicles used in demand-responsive service must be accessible to and usable by persons with disabilities, including wheelchair users, or equivalent service must be provided according to the specific criteria contained in 49 CFR 37.77(c). In addition, once the recipient completes its move to demand-responsive service, the obligation to provide ADA complementary paratransit service is no longer applicable.

Review the recipient's vehicle listing and inquire if any of its vehicles are inaccessible. If any inaccessible vehicles are used in demand-responsive service, request evidence demonstrating that equivalent service is provided.

- *If the recipient transitioned from a fixed-route to demand-responsive service, are all the vehicles used in service accessible?*

Click or tap here to enter text.

- *If non-accessible vehicles are used for demand-responsive service, can the recipient demonstrate that equivalent service is provided?*

Click or tap here to enter text.

ADA-GEN5 Since the last Comprehensive Review, if the recipient has engaged the services of a taxi company, transportation network company, or other private entity to operate demand-response service, including microtransit, on its behalf or in conjunction with its services, is equivalent service provided?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient ensures equivalent service is provided if it engaged the services of a taxi company, transportation network company, or other private entity to operate demand-response service, including microtransit, on its behalf during the COVID-19 public health emergency.

Click or tap here to enter text.

ADA-GEN6 Are facilities for providing public transportation that were constructed since the last Comprehensive Review readily accessible to and usable by individuals with disabilities?

No changes for this question

ADA-GEN7 Are facilities for providing public transportation that were altered since the last Comprehensive Review readily accessible to and usable by individuals with disabilities?

No changes for this question

ADA-GEN8 Does the recipient follow ADA provision of service requirements?

In addition to the normal assessment procedures, review the recipient's website and discuss with the recipient and Regional Office to determine if it suspended front-door boarding.

Recipients should have procedures in place such as rear-door entry to ensure that social distancing is being observed by the system and transit riders to protect transit operators and the public. See FTA Safety Advisory 20-01. Some exceptions to rear-door-only boarding policies, however, are necessary for ADA compliance. Under DOT ADA regulations at 49 CFR 37.5(a), no entity may discriminate against an individual with a disability in connection with the provision of transportation service; per 49 CFR 37.165(b), individuals using wheelchairs must be transported in the agency's vehicles.

Wheelchair users are not the only persons with disabilities who may require the use of the front door of the vehicle. Per 49 CFR 37.165(g), ambulatory persons with disabilities also must be permitted to use the lift or ramp on request, and persons who are blind, for example, may require the use of the route identification mechanism required under 49 CFR 37.167(c) to identify the correct bus to board. Not all waiting passengers with disabilities who need to enter at the front will have a visible disability or be using mobility aids such as canes or walkers; per the regulation, the agency must accommodate such individuals at the front door as well.

When implementing a rear-door-only boarding policy, a recipient should take steps to minimize confusion for riders and personnel. This effort could include conducting outreach to the disability community through local media channels and social media, informing riders of the policy and what to do if they require the use of the ramp or lift, and developing procedures and instructions for personnel.

Discuss with the recipient how it made accommodation for and communicated its policies to the disability community. Discuss how the recipient communicated to and trained its operators on its policies to ensure continued compliance with ADA requirements. Inquire of the recipient if it received complaints.

- *Did the recipient implement a rear-door-only boarding policy in response to the COVID-19 public health emergency? If yes,*
 - *How were persons with disabilities who require the use of the lift or ramp accommodated?*

Click or tap here to enter text.
 - *How was the disability community notified of the changes?*

Click or tap here to enter text.

PUBLIC HEALTH EMERGENCY SUPPLEMENT

- *Were there any changes made to securement locations or priority seating?*

Click or tap here to enter text.

- *Has the recipient received complaints about its rear-door-only boarding policy?*

Click or tap here to enter text.

- *Has the recipient ended its rear-door-only boarding policy? If so, when?*

Click or tap here to enter text.

In addition to the normal assessment procedures, review the recipient's website and discuss with the recipient and Regional Office to determine if it suspended its mandatory securement policy.

The DOT ADA regulations do not explicitly require the use of the securement system. Under 49 CFR 37.165(c)(3), a recipient may determine for itself whether or not securement will be mandatory for its system. Agencies, therefore, are free to suspend any mandatory securement policy that they may have in place. However, even if a recipient suspends a mandatory securement policy, 49 CFR 37.165(f) still requires that the operator assist with the use of the securement system should an individual passenger make a request.

Discuss with the recipient how it made accommodation for passengers requesting assistance. Discuss how the recipient communicated to and trained its operators on its policies to ensure continued compliance with ADA requirements. Inquire of the recipient if it received complaints.

- *Did the recipient suspend a mandatory securement policy due to the COVID-19 Public Health Emergency? If yes,*
 - *What is the recipient's policy for assisting passengers who request assistance with the use of the securement system during a time of social distancing?*
- *How has the recipient communicated its policy to operators?*
- *Has the recipient received complaints about operator's refusal to assist with the securement system?*

Click or tap here to enter text.

Click or tap here to enter text.

Click or tap here to enter text.

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered the implementation of its procedures relating to the following during the public health emergency.

- *Availability of alternative accessible formats*
- *Requests for reasonable accommodations*

Click or tap here to enter text.

Click or tap here to enter text.

- *Accommodating individuals who rely on accessible equipment when that equipment is inoperative*

Click or tap here to enter text.

ADA-GEN9 Does the recipient accommodate individuals who rely on accessible equipment when that equipment is inoperative?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered the implementation of its procedures to accommodate individuals who rely on accessible equipment when that equipment is inoperative during the COVID-19 public health emergency.

Click or tap here to enter text.

ADA-GEN10 Is general route-deviation service open to the general public?

No changes for this question

ADA-GEN11 Is rail service accessible to and usable by persons with disabilities?

No changes for this question

ADA-GEN12 Is ferry service accessible to and usable by persons with disabilities?

No changes for this question

ADA-GEN13 Does the recipient monitor service provided under contract or other arrangement or relationship, or service provided by another public entity on the recipient's behalf for compliance with the US DOT ADA regulations?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered the implementation of its procedures to monitor service provided under contract or other arrangement or relationship, or service provided by another public entity on the recipient's behalf for compliance with the US DOT ADA regulations during the COVID-19 public health emergency.

Click or tap here to enter text.

ADA-GEN14 Does the recipient monitor service provided by subrecipients for compliance with the US DOT ADA regulations?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered the implementation of its procedures to monitor subrecipients for compliance with the US DOT ADA regulations during the COVID-19 public health emergency.

Click or tap here to enter text.

13. AMERICANS WITH DISABILITIES ACT (ADA) COMPLEMENTARY PARATRANSIT

FLEXIBILITIES AND ADMINISTRATIVE RELIEF

Eligibility Determinations and Appeals

Recipients may not suspend the paratransit eligibility process because 49 CFR 37.131(f)(2) explicitly prohibits the use of waiting lists to access the service. However, they are free to suspend in-person assessments and use a remote or paper process for eligibility determinations. The DOT ADA regulations at 49 CFR 37.125 do not require in-person assessments for paratransit eligibility, and in fact do not specify how the eligibility process should work. Because a paper or virtual process is not typically as effective in assessing functional ability accurately, a transit system also may decide to be overly broad in who they find eligible, and then reassess during regular recertification sometime in the future. Note that because applicants would be presumptively eligible after 21 days under 49 CFR 37.125(c) if their applications are not processed, a recipient may wish preemptively to offer presumptive eligibility for the duration of the COVID-19 public health emergency, subject to reevaluation once the public health emergency ends.

In cases where a remote appeal cannot effectively be performed, a recipient may simply elect to allow the 30-day deadline for appeal determinations under 49 CFR § 37.125(g)(3) to expire and confer eligibility to the individual appellants until such time as an in-person appeal can once again be heard.

FTA COVID-19 FAQs related to this requirement/flexibility include, but are not limited to the following: CR9 and CR18.

This relief applies to Question ADA-CPT2 in the Contractors' Manual.

Paratransit Fare

If a recipient operates fixed-route service that is now fare-free, complementary ADA paratransit service also must be fare-free per 49 CFR 37.131(c).

FTA has regarded promotional, occasional fare-free days on fixed-route service as a form of a discount, and has not also required paratransit service to be free during the limited time of the promotion. However, if fixed-route service is fare-free to limit interactions between the passenger and the operator, it would not be a discount, and the transit agency must do the same for the paratransit system per 49 CFR 37.131(c).

FTA COVID-19 FAQs related to this requirement/flexibility include, but are not limited to the following: CA18 and CR4

Trip Purpose

The DOT ADA regulations at 49 CFR 37.131(d) expressly prohibit paratransit providers from imposing restrictions or priorities based on trip purpose. However, an agency may send a request and encouragement to its paratransit customers asking them to cancel all nonessential trips. If a paratransit rider, however, wants to take a trip, the agency cannot deny the request due to the purpose of the trip.

FTA COVID-19 FAQs related to this requirement/flexibility include, but are not limited to, CR1.

This relief applies to Question ADA-CPT4 in the Contractors' Manual.

SUPPLEMENTAL EXPLANATIONS AND INSTRUCTION FOR REVIEWERS

ADA-CPT1 If the recipient is a public operator of a fixed-route service, does it provide ADA complementary paratransit?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if the recipient continued to provide complementary paratransit service during the COVID-19 public health emergency.

Click or tap here to enter text.

ADA-CPT2 Does the recipient’s paratransit eligibility determination process meet ADA complementary paratransit service requirements?

Recipients may not suspend the paratransit eligibility process, because 49 CFR 37.131(f)(2) explicitly prohibits the use of waiting lists to access the service. However, they are free to suspend *in-person assessments* and use a remote or paper process for eligibility determinations. The DOT ADA regulations at 49 CFR 37.125 do not require in-person assessments for paratransit eligibility, and in fact do not specify how the eligibility process should work. Because a paper or virtual process is not typically as effective in assessing functional ability accurately, entities also may decide to be overly broad in who they find eligible, and then reassess during regular recertification sometime in the future. Note that because applicants would be presumptively eligible after 21 days under 49 CFR 37.125(c) if their applications are not processed, entities may wish preemptively to offer presumptive eligibility for the duration of the COVID-19 public health emergency, subject to reevaluation once the public health emergency ends.

In cases where a remote appeal cannot effectively be performed, entities may simply elect to allow the 30-day deadline for appeal determinations under 49 CFR § 37.125(g)(3) to expire, and confer eligibility to the individual appellants until such time as an in-person appeal can once again be heard.

- *Did the recipient suspend its process to conduct in-person assessments as part of its eligibility process? If yes,*

Click or tap here to enter text.

- *What process did the recipient use to conduct its eligibility determination?*

Click or tap here to enter text.

- *Did the recipient elect to preemptively offer presumptive eligibility for the duration of the COVID-19 public health emergency?*

Click or tap here to enter text.

- *Did the recipient suspend its eligibility process entirely, contrary to the requirements of 49 CFR 37.13(f)(2)?*

Click or tap here to enter text.

- *Did the recipient receive any appeals to paratransit eligibility determinations during the COVID-19 public health emergency? If yes,*

Click or tap here to enter text.

PUBLIC HEALTH EMERGENCY SUPPLEMENT

- *What process did the recipient use to conduct the appeals process?*

Click or tap here to enter text.

- *If the recipient is not conducting in-person appeals, did the recipient provide eligibility to an appellant until an in-person appeal can be heard?*

Click or tap here to enter text.

In addition to the normal assessment procedures, discuss with the recipient if it made any changes to its eligibility and/or appeals process due to the COVID-19 public health emergency.

ADA-CPT3 Does the recipient provide ADA complementary paratransit service to out-of-town visitors?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered the implementation of its ADA visitor policy during the COVID-19 public health emergency.

Click or tap here to enter text.

ADA-CPT4 Does the recipient's paratransit service meet the ADA complementary paratransit service requirements?

If a recipient operates fixed-route service that is now fare-free, ADA complementary paratransit service also must be fare-free (49 CFR 37.131(c)). FTA has regarded promotional, occasional fare-free days on fixed-route service as a form of a discount, and has not also required paratransit service to be free during the limited time of the promotion. However, if the fixed-route service is fare-free to limit interactions between the passenger and the operator, it would not be a discount, and the entity must do the same for the ADA complementary paratransit system per 49 CFR 37.131(c).

- *As a result of the COVID-19 public health emergency, did the recipient provide fixed-route service fare-free? If yes,*

Click or tap here to enter text.

- *Did the recipient also provide ADA complementary paratransit trips fare-free?*

Click or tap here to enter text.

The DOT ADA regulations at 49 CFR 37.131(d) expressly prohibit entities from imposing restrictions or priorities based on the trip purpose. However, entities may send a request and encouragement to its ADA complementary paratransit customers asking them to cancel all nonessential trips. In addition to the normal assessment procedures, verify through discussion with the recipient and regional office that the recipient did not place any restrictions on trip purpose due the COVID-19 public health emergency.

- *Verify that the recipient has not placed any restrictions on paratransit trip purpose in response to the COVID-19 public health emergency.*

Click or tap here to enter text.

- *Verify that any communications the recipient had with its paratransit customers concerning nonessential trips was clear that the recipient was making a request and not imposing a requirement.*

PUBLIC HEALTH EMERGENCY SUPPLEMENT

Click or tap here to enter text.

In addition to the normal assessment procedures, review the recipient's website and discuss with the recipient and regional office if/how it suspended, the following provisions due to the COVID-19 public health emergency:

- *Origin-to-destination service*

Click or tap here to enter text.

- *Service within 3/4-mile radius of fixed routes*

Click or tap here to enter text.

- *Days and times of service*

Click or tap here to enter text.

- *Fares and service for PCAs and other accompanying riders.*

Click or tap here to enter text.

ADA-CPT5 If the recipient has a no-show/late cancellation policy for ADA complementary paratransit service, does it meet the ADA complementary paratransit service requirements?

No changes for this question

ADA-CPT6 Does the recipient place limits on the availability of service to ADA paratransit eligible individuals?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss with the recipient if any changes made to its reservation procedures and/or operations (e.g., operator unavailability) during the COVID-19 public health emergency led to limits on the availability of service.

Click or tap here to enter text.

ADA-CPT7 Does the recipient monitor service provided under contract or other arrangement or relationship, or service provided by another entity on the recipient's behalf, for compliance with the US DOT ADA paratransit regulations?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered the implementation of its procedures to monitor service provided under contract or other arrangement or relationship, or service provided by another public entity on the recipient's behalf for compliance with the US DOT ADA regulations during the COVID-19 public health emergency.

Click or tap here to enter text.

ADA-CPT8 Does the recipient monitor ADA complementary paratransit service provided by subrecipients for compliance with the US DOT ADA regulations?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered the implementation

PUBLIC HEALTH EMERGENCY SUPPLEMENT

of its procedures to monitor ADA complementary paratransit service provided by subrecipients for compliance with the US DOT ADA regulations during the COVID-19 public health emergency.

Click or tap here to enter text.

14. EQUAL EMPLOYMENT OPPORTUNITY (EEO)

NO CHANGES TO THIS SECTION

- EEO1** Has the recipient developed the appropriate EEO program?
- EEO2** Does the recipient's abbreviated EEO program contain the required elements?
- EEO3** Does the recipient ensure proper personnel assignments are made to ensure EEO program implementation?
- EEO4** Does the recipient ensure the required elements of its EEO program are properly implemented?
- EEO5** Does the recipient provide oversight of subrecipients and/or contractors who meet the EEO program threshold?

15. SCHOOL BUS

NO CHANGES TO THIS SECTION

- SB1** If the recipient operates school bus service, does it meet one of the exemptions, have FTA approval, and use only locally-funded assets?
- SB2** If the recipient operates tripper service, does it meet FTA requirements?
- SB3** Does the recipient ensure that subrecipients, contractors and lessees that operate school bus service, do so in accordance with the FTA regulations?

16. CHARTER BUS

FLEXIBILITIES AND ADMINISTRATIVE RELIEF

Charter Exemption – CB1

FTA's charter rule at 49 CFR 604.3(c)(1) defines charter service as the exclusive use of a bus or van for a negotiated price. If a recipient provides exclusive transportation for school children to meal sites, and the service is funded by a third party, such service would be categorized as a charter service. Although normally prohibited under FTA formula funding, charter service is eligible for COVID-19 response for up to 45 days from the beginning of each state of emergency incident period. For charter services lasting longer than 45 days, the recipient should submit a request to the Emergency Relief Docket.

FTA COVID-19 FAQ related to this requirement/flexibility include, but is not limited to, CE11.

This relief applies to Question CB1 in the Contractors' Manual.

SUPPLEMENTAL EXPLANATIONS AND INSTRUCTION FOR REVIEWERS

CB1 Does the recipient operate or maintain charter bus service outside of an exemption or exception?

Under Charter Bus Exemption #5 Emergency Response, recipients are allowed to provide service for 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. If a recipient intends to provide charter bus service beyond the 45-day period, it must seek FTA approval through the Emergency Relief Docket.

- *If the recipient provided charter bus service as a result of the COVID-19 public health emergency:*
 - *Was service provided after the recipient's state's declaration of emergency or January 20, 2020?*

Click or tap here to enter text.
 - *Was service provided for more than 45 days?*

Click or tap here to enter text.
 - *For service lasting longer than 45 days, did the recipient submit and receive approval from FTA through the Emergency Relief Docket?*

Click or tap here to enter text.

In addition to the normal assessment procedures, inquire of the FTA regional office if it is aware that the recipient has been providing service on behalf of a third party at a negotiated price. Discuss with the recipient if it provided service on behalf of a third party, such as a school district, and received payment for such service. Confirm that the service was not provided for more than 45 days. Review the Emergency Relief Docket to determine if the recipient was granted approval to provide charter service beyond the exemption period (45 days).

PUBLIC HEALTH EMERGENCY SUPPLEMENT

CB2 If the recipient operates charter bus service under an authorized exception, does it maintain notices and records and has it reported charter bus service to the FTA on time?

No changes for this question

CB3 Does the recipient ensure subrecipient, contractor, or lessee compliance with charter bus service and records requirements?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions discuss if/how the recipient has suspended, deviated from, or significantly updated or altered the implementation of its procedures to ensure subrecipient, contractor, or lessee compliance with charter bus service and records requirements due to the COVID-19 public health emergency.

Click or tap here to enter text.

17. DRUG-FREE WORKPLACE ACT

NO CHANGES TO THIS SECTION

DFWA1 Does the recipient have a written policy as prescribed in the Drug Free Workplace Act that is distributed to all award-related employees?

DFWA2 Does the recipient have an on-going drug free awareness program?

DFWA3 Did the recipient report to FTA all criminal convictions of award-related employees for a drug statute violation that occurred in the workplace since the last Comprehensive Review?

18. DRUG AND ALCOHOL PROGRAM

FLEXIBILITIES AND ADMINISTRATIVE RELIEF

DOT Enforcement Discretion on Service Agent Requalification Timelines

On April 4, 2020, the U.S. Department of Transportation (DOT) Office of Drug and Alcohol Policy and Compliance (ODAPC) provided supplemental guidance regarding the impact of the Coronavirus Disease 2019 (COVID-19) public health emergency on DOT drug and alcohol testing requirements. In addition to providing specific information on performing remote evaluations by substance abuse professionals, it also addressed the re-qualification timelines for collectors, medical review officers, screening test technicians, breath alcohol technicians, and substance abuse professionals. If a service agent is unable to meet its re-qualification due date in accordance with 49 CFR 40.33(e), 40.121(d), 40.213(e), and 40.281(d) while this statement of enforcement discretion is in effect, DOT will not consider it a non-compliance issue for purposes of starting a public interest exclusion proceeding against the service agent. In essence, DOT will consider these service agents qualified per Part 40 to continue providing the Part 40 required services while this policy is in effect.

DOT's enforcement discretion took effect April 4, 2020 and will remain in effect through June 30, 2021.

DOT COVID-19 Drug & Alcohol Testing Statement of Enforcement Discretion for Substance Abuse Professionals and Service Agents

This relief applies to Question DA4 in the Contractors' Manual.

SUPPLEMENTAL EXPLANATIONS AND INSTRUCTION FOR REVIEWERS

DA1 Does the recipient have a board-adopted drug and alcohol misuse policy?

No changes for this question

DA2 Does the recipient provide the minimum required training for all covered employees and supervisors/officers?

No changes for this question

DA3 Does the recipient obtain drug and alcohol testing records from employees' prior employers and are all records stored in a secure location with controlled access?

No changes for this question

DA4 Do all medical review officers, substance abuse professionals, breath alcohol technicians, and collectors in the drug and alcohol testing program have the required qualifications?

In addition to the normal assessment procedures, discuss with the recipient if any of its medical review officers, substance abuse professionals, breath alcohol technicians, and collectors in the drug and alcohol testing program were required to complete re-qualification requirements between April 4, 2020, and June 30, 2021. For any service agent with expired certificates, discuss with the recipient if it followed up to ascertain if the service agent was able to complete the required refresher training/professional development and obtain the new certificates. If the service agent did not have updated certificates, inquire of the recipient if it used the service agent in its program prior to April 4, 2020, and/or after June 30, 2021. For service agents who have not completed refresher training/professional development and

PUBLIC HEALTH EMERGENCY SUPPLEMENT

the recipient used their service during the “expired period” discuss with the regional office before determining that there is a deficiency.

- *Are the certificates of the recipient’s drug and alcohol service agents dated within:*
 - *three years for substance abuse professionals?*

Click or tap here to enter text.

- *five years for breath alcohol technicians, collectors, and medical review officers?*

Click or tap here to enter text.

- *If no, when did the certificate(s) expire?*

Click or tap here to enter text.

- *If the expiration date was prior to April 4, 2020, and/or after June 30, 2021, did the recipient use the service agent in its drug and alcohol program, during the expiration period? If yes, explain*

Click or tap here to enter text.

DA5 Does the recipient ensure that the drug and alcohol testing programs of subrecipients, contractors, subcontractors, and lessees with safety-sensitive employees administer their drug and alcohol programs in accordance with 49 CFR parts 40 and 655?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions discuss if/how the recipient has suspended, deviated from, or significantly updated or altered its process to ensure that subrecipients, contractors, subcontractors, and lessees, with safety-sensitive employees, administer their drug and alcohol programs in accordance with 49 CFR parts 40 and 655s due to the COVID-19 public health emergency.

Click or tap here to enter text.

19. SECTION 5307 PROGRAM REQUIREMENTS

FLEXIBILITIES AND ADMINISTRATIVE RELIEF

Public Participation Flexibilities

Projects funded with CARES Act funds that are administered under the Urbanized Area Formula Program that involve substantial changes to the function, location, or capacity of transit system assets are subject to all Program of Projects requirements. Consistent with the emergency exemptions from the Transportation Improvement Program (TIP) or the Statewide Transportation Improvement Program (STIP) requirements, all other projects funded by CARES Act funds, including operating assistance projects and capital projects that do not involve a substantial change to the function, location, or capacity of an asset, are subject only to the requirements associated with making the amount of funding available to the recipient public (49 U.S.C. 5307(b)(1)) and making the final program of projects available to the public (49 U.S.C. 5307(b)(7)). Recipients must document the process used to comply with these requirements.

FTA COVID-19 FAQs related to this requirement/flexibility include, but are not limited to, CA9 and CA22.

This relief applies to Question 5307:2 in the Contractors' Manual.

SUPPLEMENTAL EXPLANATIONS AND INSTRUCTION FOR REVIEWERS

5307:1 Does the recipient have a written agreement with the MPO that determines their mutual responsibilities in carrying out the metropolitan transportation planning process?

No changes for this question

5307:2 Does the recipient provide information about its available funding under Section 5307 to the public and provide for public involvement in the in the POP it proposes to undertake?

In addition to the normal assessment procedures, discuss with the recipient its process for making the amount of funding and final program of projects available for its CARES Act funds that do not involve substantial changes to the function, location, or capacity of transit system assets. Inquire if and how the recipient documented its process. Review the recipient's CARES Act award to determine if funds will be used for projects that involve substantial changes to the function, location, or capacity of transit system assets. For any such projects, confirm that the recipient complied with all Section 5307 public participation requirements.

- *If the recipient uses its own or the MPO's public participation process, for projects that do not involve substantial changes to the function, location, or capacity of transit system assets, did it:*
 - *Ensure/make the amount of funding available to the public?*
Click or tap here to enter text.
 - *Ensure/make the final program of projects available to the public?*
Click or tap here to enter text.
 - *Document or ensure the MPO documents the process followed in the previous two bullets?*
Click or tap here to enter text.

PUBLIC HEALTH EMERGENCY SUPPLEMENT

- *If the recipient uses its own or the MPO's public participation process, for projects that involve substantial changes to the function, location, or capacity of transit system assets, did the recipient comply with or ensure the MPO complied with all Section 5307 public participation requirements? If no, explain:*

Click or tap here to enter text.

5307:3 Does the recipient have a written policy that describes the public comment process on increases in the basic fare structure or implementing a major service reduction that addresses the required elements?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered its process for obtaining public comments on fare increases and major service reduction due to the COVID-19 public health emergency.

Click or tap here to enter text.

5307:4 For Section 5307-funded fixed-route service, does the recipient charge no more than half the peak-hour fare for seniors, persons with disabilities, and Medicare cardholders during off-peak hours?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions, discuss if/how the recipient has suspended, deviated from, or significantly updated or altered the implementation of its half-fare policy due to the COVID-19 public health emergency.

Click or tap here to enter text.

5307:5 Does the recipient ensure that subrecipients, contractors, and lessees that receive Section 5307 funds or use Section 5307-funded property comply with Section 5307 half-fare and public-comment requirements?

In addition to the normal assessment procedures, during pre-site visit or site visit discussions discuss if/how the recipient has suspended, deviated from, or significantly updated or altered its process to oversee subrecipients, contractors, and lessees that receive Section 5307 funds or use Section 5307-funded property for compliance with half-fare and public-comment requirements due to the COVID-19 public health emergency.

Click or tap here to enter text.

20. SECTION 5310 PROGRAM REQUIREMENTS

NO CHANGES TO THIS SECTION

- 5310:1.** Does the distribution of funds meet Section 5310 program requirements?
- 5310:2.** Are at least 55 percent of Section 5310 apportionments applied to “traditional” projects?
- 5310:3.** Are all Section 5310 projects included in a locally developed, coordinated public transit-human service transportation plan per Section 5310 program requirements?
- 5310:4.** Are all Section 5310 funds used for services that meet the specific needs of seniors and individuals with disabilities?
- 5310:5.** Does the recipient agree in writing to all subrecipient lease agreements, ensure that lease agreements contain required provisions, and ensure leases to private operators are awarded through a competitive process?

21. SECTION 5311 PROGRAM REQUIREMENTS

FLEXIBILITIES AND ADMINISTRATIVE RELIEF

Incidental use

The use of transit vehicles is eligible as an incidental use if the delivery services do not conflict with the provision of transit services or result in a reduction of service to transit passengers. As part of Emergency Relief efforts authorized by 49 U.S.C. § 5324, FTA permits recipients to use Section 5307/5311 funds administered under the provisions of the ER program or CARES Act funds until January 20, 2022, to pay for the operational costs of such services. During the COVID-19 public health emergency, prior approval for the incidental use of vehicles or equipment for the provision of essential services is not required, although recipients should notify their FTA Regional Office.

FTA COVID-19 FAQ related to this requirement/flexibility include, but is not limited to, CE4.

This relief applies to Question 5311:1 in the Contractors' Manual.

Intercity Bus

The requirement that states must use at least 15 percent of the Formula Grants for Rural Area Program (49 USC 5311) funding for intercity bus transportation, unless the Governor certifies, after consultation with affected intercity bus service providers, that the intercity bus service needs of the State are being met adequately applies to CARES Act funds.

States that intend to allocate less than 15 percent of CARES Act funds for intercity bus expenses must undergo a new consultation process under Federal public transportation law (49 U.S.C. § 5311(f)(2)) if the previous consultation process concluded prior to April 2, 2020, when FTA apportioned CARES Act funds.

FTA COVID-19 FAQs related to this requirement/flexibility include, but are not limited to the following: CA11, CA21, and CA28

This relief applies to Question 5311:3 in the Contractors' Manual.

SUPPLEMENTAL EXPLANATIONS AND INSTRUCTION FOR REVIEWERS

5311:1 Are all Section 5311 funds used for public transportation projects, including job access and reverse commute projects, in rural areas?

In addition to the normal assessment procedures, if the recipient is providing incidental service, discuss how it ensures that operating costs for such service is not also reimbursed by other sources. Confirm the recipient's response by selecting an ECHO sample that includes this reimbursement and follow the instructions provided for question F4 in the Financial Management and Capacity area.

Discuss with the recipient its process for ensuring that subrecipients providing incidental service are not reimbursed for the same operational expense from other sources.

- *If the recipient or a subrecipient provides incidental service, how does the recipient ensure that operating costs are not reimbursed by both FTA and another source? Please explain.*

Click or tap here to enter text.

5311:2 Does the state allow Indian tribes, even those that participate in the Tribal Transit Program, to participate in its Section 5311 program?

No changes for this question

5311:3 Has the state programmed at least 15 percent of its apportionment on eligible intercity bus projects?

States that intend to allocate less than 15 percent of CARES Act funds for intercity bus expenses must undergo a new consultation process under federal public transportation law (49 U.S.C. § 5311(f)(2)) if the previous consultation process concluded prior to April 2, 2020, when FTA apportioned CARES Act funds. A state’s intercity bus needs may have changed since the last consultation.

- *If the recipient intends to allocate less than 15 percent of CARES Act funds to intercity bus expenses and its previous consultation process concluded prior to April 2, 2020, did it undergo a new process? If no, explain*

Intercity Bus Projects	
Cares Act Apportionment:	-
Intercity bus allocation	-
Percentage of apportionment	-

Click or tap here to enter text.

In addition to the normal assessment procedures, determine the amount of funds the recipient was apportioned. Calculate the amount that should be allocated to intercity bus expenses by completing the table provided above. If the award application does not indicate that 15 percent of the apportionment was allocated for intercity bus expenses, discuss with the recipient. If the governor certified that needs are met, confirm that the recipient conducted a consultation process after April 2, 2020.