

U.S. Department of Transportation Federal Transit Administration

FTA U.

**State Programs Team
Auburn, AL
April 17, 2012**

Jennifer Hibbert, Director, OPPD

Robert Buckley, Community Planner, *Team Member*

Valencia Williams, Community Planner, *Team Member*

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Holly Peterson, Community Planner, *Team Member*





Agenda Overview

9:00 am	Welcome and Introductions
9:15 am	FTA Region IV Overview
9:45 am	Grant Programs and FTA Guidance
10:30 am	<i>Break</i>
10:45 am	Grants (Pre-Award)
11:30 am	NEPA
12:00 pm	<i>Lunch</i>
1:00 pm	Real Estate/Transit Facilities
2:00 pm	Procurement
2:30 pm	<i>Break</i>
2:45 pm	Grants (Post-Award)
3:45 pm	Questions and Answers/Survey
4:15 pm	<i>Adjourn</i>





FTA Region IV Overview





Legislative Authority

- FTA is part of U.S. DOT
- U.S. DOT is part of the Executive Branch
- Congress delegates to executive agencies authority to carry out programs
- FTA's programs are authorized in the Federal Transit Act, as amended most recently by SAFETEA-LU (49 USC Ch 53)





FTA Organization

- Approximately 520 staff
- HQ in Washington DC + 10 Regional Offices





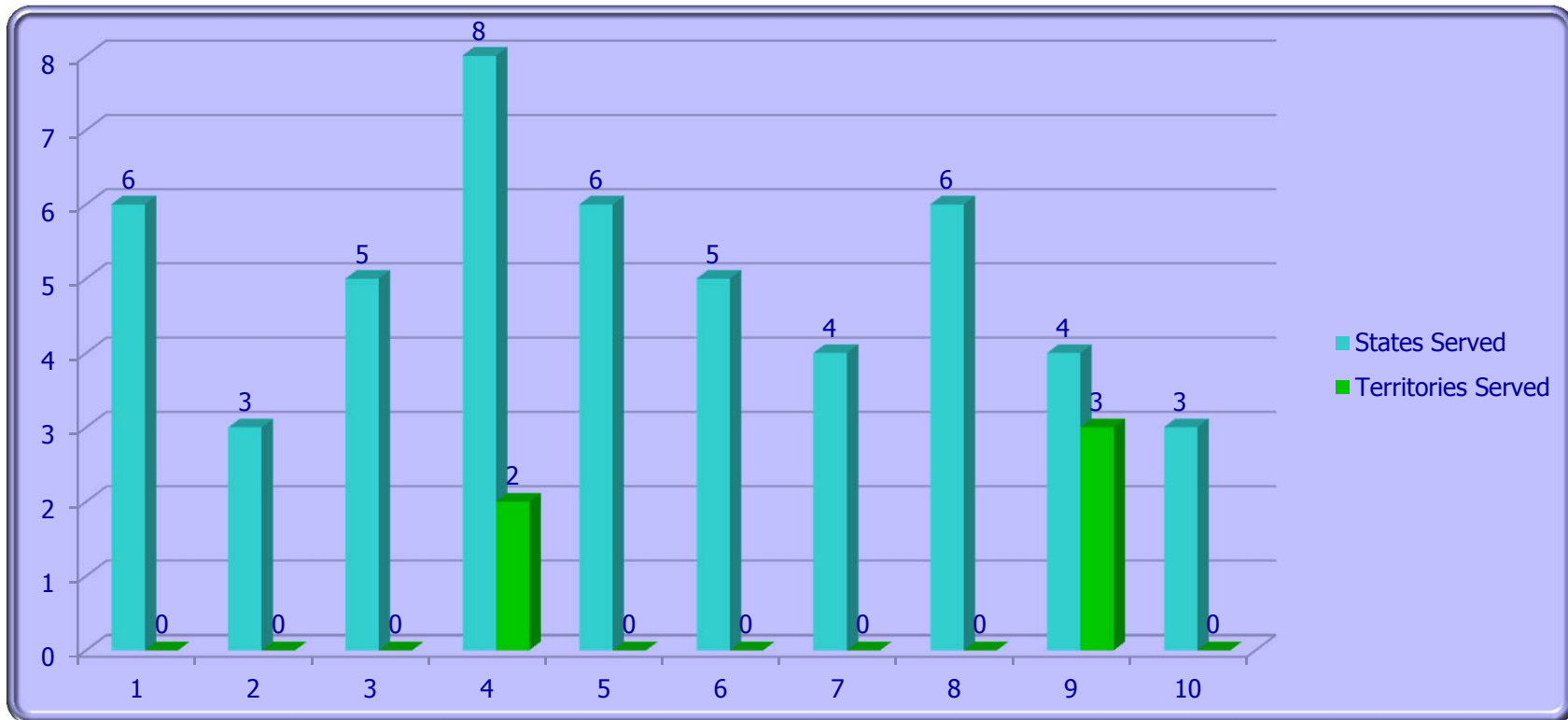
Region IV Geographic Responsibility

8 States and 2 U.S. Territories





Comparison of Regional Geographic Responsibilities





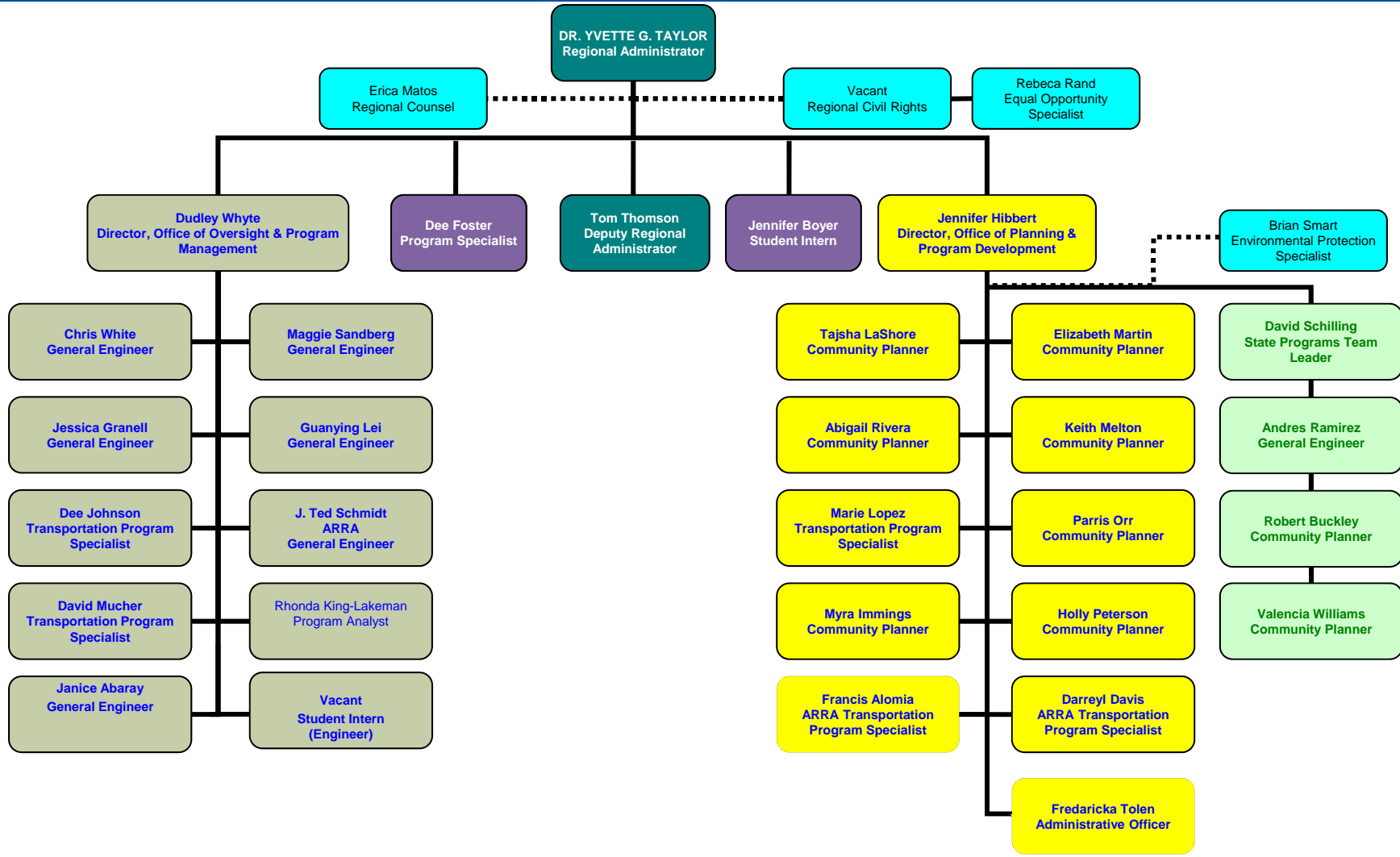
Region IV Office

- Regional & Deputy Administrator
- Legal & Civil Rights Officer
- Community Planners & Transportation Program Specialists
- General Engineers & Transportation Program Specialists
- State Programs Team
- ARRA Support Staff (Temp)
- Support Staff





Region IV Office





Region IV Office/Partnership with Alabama & Georgia

Alabama FTA Contacts:

– UZAs

- Pre Award - Planning, NEPA, Grant Making
 - Holly Peterson, Community Planner, holly.peterson@dot.gov, 404.865.5637
- Post Award - Grant and Project Management, Oversight, ARRA
 - Guanying Lei, General Engineer, guanying.lei@dot.gov, 404.865.5615

– DOTs

- ALDOT/ADSS – Cradle-to-Grave, ARRA
 - Andres Ramirez, General Engineer, andres.ramirez@dot.gov, 404.865.5611





Region IV Office/Partnership with Alabama & Georgia

Georgia FTA Contacts:

– UZAs

- Georgia-Florida Pilot Team

- Planning/NEPA

- ❖ Keith Melton, Community Planner, boyd.melton@dot.gov, 404.865.5614

- Grant Development & Management

- ❖ Tajsha LaShore, Community Planner, tajsha.lashore@dot.gov, 404.865.5606

- Engineering/ARRA

- ❖ Maggie Sandberg, General Engineer, margarita.sandberg@dot.gov, 404.865.5612

– DOTs

- GDOT/GADHS – Cradle-to-Grave, ARRA

- Robert Buckley, Community Planner, robert.buckley@dot.gov, 404.865.5618





Questions?





Grant Programs and Guidance Update





FTA Grant Programs

Formula Programs

- 5303, 5304 Planning
- 5307 UZA Funds
- 5310 Elderly & Individuals with Disabilities
- 5311 Non-UZA Funds
- 5309 Rail Mod
- 5316 JARC
- 5317 New Freedom

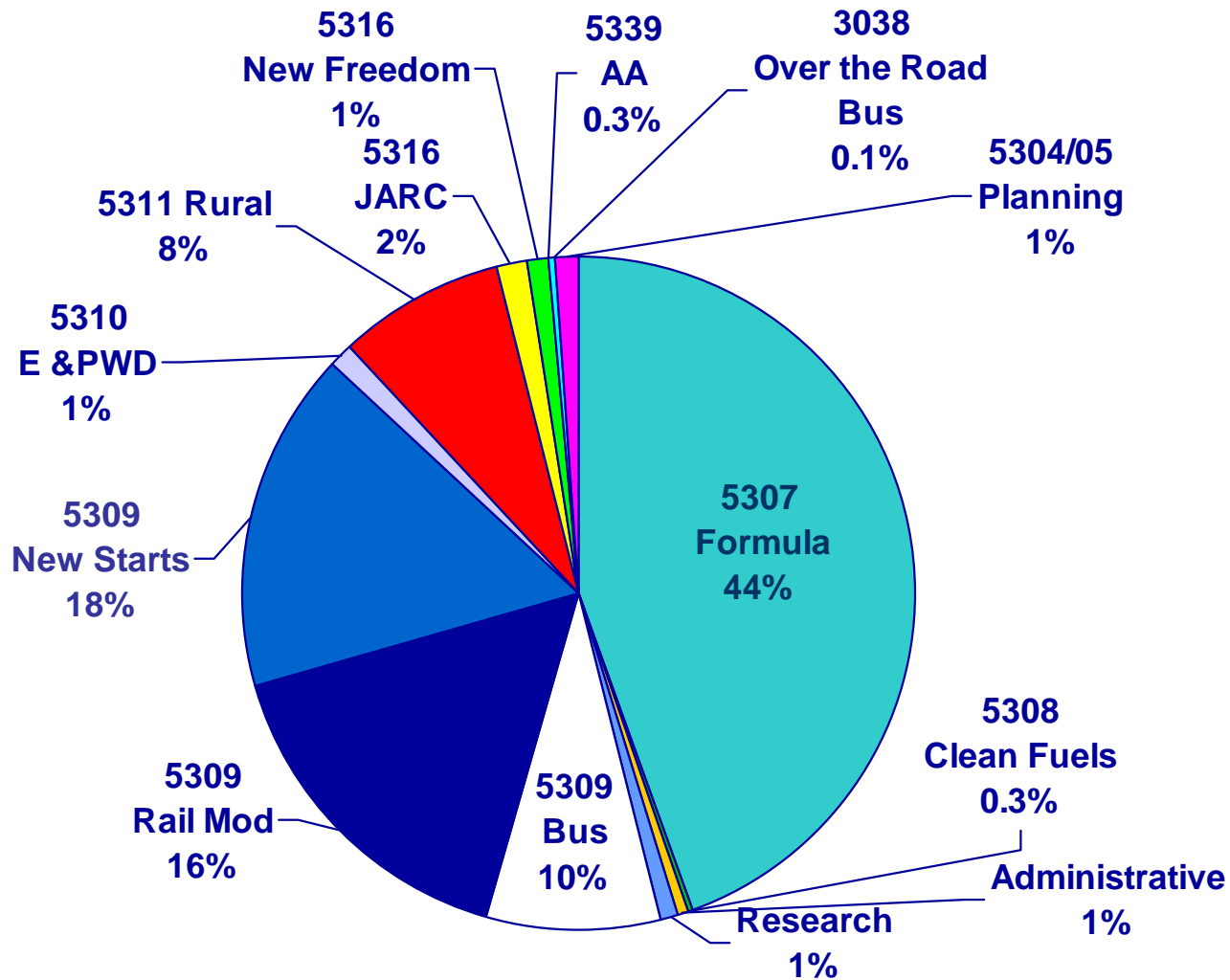
Discretionary Programs

- 5308 Clean Fuels
- 5309 Bus and Bus Facility
 - SOGR
 - Bus Livability
 - Veteran's Initiative
- 5309 New Starts/Small Starts
- 5311 Tribal Transit
- 5314 Research
- 5320 Paul S. Sarbanes Transit in the Parks
- 5339 Alternatives Analysis
- 3038 Over the Road Bus
- TIGGER
- TIGER





FTA Grant Programs





FTA Grant Programs

Section 5303/5304

- 5303 – Metropolitan Planning Program
 - Provides funding to support cooperative, continuous, and comprehensive planning for making transportation investment decisions in metropolitan areas
- 5304 – Statewide Planning Program
 - Provides financial assistance to States for Statewide transportation planning and other technical assistance activities.
- Projects: Planning
- Eligible Recipients: State DOTs and MPOs (through DOTs)
- Circular: FTA C 8100.1C





FTA Grant Programs

Section 5307: Urbanized Area Formula

- **Purpose:**
 - Supports transit service in cities over 50,000 in population.
- **Primary Beneficiary:**
 - General public in urbanized areas
- **Typical grantees:**
 - Transit Agencies and Authorities; State for areas 50,000-200,000
- **Projects:**
 - Capital, Planning, Operating (<200,000)
- **Circular:**
 - FTA C 9030.1D





FTA Grant Programs

Nonurbanized Area Formula – Section 5311

- Purpose:
 - Support public transportation in rural areas, with population of less than 50,000.
- Eligible Subrecipients
 - State or local governmental authority
 - nonprofit organization
 - operator of public transportation or intercity bus service that receives federal transit program grant funds indirectly through a recipient.
- Eligible Activities
 - capital, operating, and administrative expenses for public transportation projects that meet the needs of rural communities
- Program Notes
 - 15% Program Admin available at 100%
 - 15% must be used to support intercity bus service**
 - RTAP and Tribal Transit programs are funded as takedowns from 5311
- Circular: FTA C 9040.1F





FTA Grant Programs

Bus and Bus Facilities – Section 5309

- Purpose: Supplements formula funding for bus and bus facilities in both urbanized and rural areas
- Primary Beneficiary: General public
- Typical grantees: Transit Agencies and Authorities, States, Cities and Counties
- Projects: Capital
- Circular: FTA C 9300.1B





FTA Grant Programs

New Starts – Section 5309

- “Fixed Guideway Transit Investments”
- Project Types: Rapid rail, light rail, commuter rail, automated guideway transit, people movers, and exclusive facilities for buses (such as bus rapid transit) and other high occupancy vehicles
- 2/14/2012 U.S. Transportation Secretary Ray LaHood recommends \$2.2 billion in funding to begin or advance construction of 29 rail and bus rapid transit projects in 15 states.
 - The projects are included in President Obama’s proposed Fiscal Year 2013 budget.





FTA Grant Programs

Fixed Guideway Modernization – Section 5309

- \$1.6 billion in FY 2011
- Rail Systems at least seven years old
- Rail recapitalization
- Formula based on amount of rail infrastructure and service
 - 7 tiers, starting with historic rail cities





FTA Grant Programs

Elderly Individuals & Individuals with Disabilities – Section 5310

- Purpose: Supports capital cost of special transportation for elderly & people with disabilities
- Primary Beneficiary: Elderly & Individuals with disabilities
- Typical grantees: State DOTs for private non-profit agencies & certain public agencies
- Projects: Capital (*Pilot: Operating*)
- Circular: FTA C 9070.1F





FTA Grant Programs

Job Access and Reverse Commute – Section 5316

- Purpose: Supports transportation for welfare recipients, eligible low-income individuals to and from jobs and activities related to their employment, and reverse commute activities
- Primary Beneficiary: Low-income individuals and commuters to suburban employment sites
- Typical grantees: State DOTs and Transit Authorities (subrecipients: public, private non-private, private operators of public transportation)
- Projects: Capital, Planning, Operating
- Circular: FTA C 9050.1





FTA Grant Programs

New Freedom - 5317

- New transportation service to assist individuals with disabilities beyond ADA
- What is "new" service?
 - Not operational on August 10, 2005 OR Did not have an identified funding source on August 10, 2005
- Primary Beneficiary: Individuals with disabilities
- Typical grantees:
 - State DOTs and Transit Authorities (subrecipients: public, private non-private, private operators of public transportation)
- Projects: Capital and Operating
- Circular: FTA C 9045.1





Coordinated Planning

- Requirements under SAFETEA-LU in order to receive 5310, 5316 and 5317 funds:
 - DR letter from Governor on file
 - Project derived from a local coordinated plan
 - Project selected through a competitive selection process (5316, 5317)
 - Projects in TIP/STIP
 - Program of Projects (POP)
 - State Management Plan/Program Management Plan developed and approved by FTA (SMP/PMP)





5310 & 5311 Basics

Program of Projects (POP)

- *A list of Projects to be funded in a grant application submitted to FTA by a State (p. I-3, C 9070.1F & 9040.1F)*
 - Lists:
 - Subrecipients by type (non-profit, public, private, etc)
 - Brief description of the projects
 - Total project cost
 - Federal share of each project
 - For 5311: includes intercity and RTAP projects
 - Also, projects should not exceed 2 years in duration





5310 & 5311 Basics

Program of Projects (POP)

- *Categories of Approval*
 - Category A Projects
 - Met all Federal statutory and administrative requirements
 - Projects have unconditional approval upon grant award
 - Funds can be drawn down immediately following execution
 - Expectation is for most projects to be in this category





5310 & 5311 Basics

Program of Projects (POP)

- *Categories of Approval*

- Category B Projects

- State expects these projects to have met all Federal requirements during the current year
- Examples:
 - Project still needs NEPA approval (usually concurrence of DCE)
 - Pending TIP/STIP
 - Local match issues
- When State determines requirements have been met approval of project becomes unconditional and project can be advanced to Cat. A
- Drawdowns can begin once project has been shifted to Cat. A





5310 & 5311 Basics

Program of Projects (POP)

- *Categories of Approval*

- Category C Projects

- Program Reserve to accommodate unanticipated program needs
- Optional
- Established to allow states to obligate entire apportionment at one time, even if all projects have not been identified at grant time
- No more than 10% of grant
- Should not exceed amount the state can reasonably expect to allocate to new projects within the next 12 months
- Must be allocated to specific projects within period of availability of funds
- When projects are selected, States must notify FTA and update POP





5310 & 5311 Basics

Program of Projects (POP)

- *Revisions to the POP Not Requiring FTA Notification or Approval*
 - Deleting a project from the POP if the project cost is less than \$250,000 or 10 percent of the total of the POP, whichever is greater;
 - Advancing Projects from Cat. B to Cat. A provided all Federal requirements met
 - Allocate Cat. C funds to existing projects as long as funds are within period of availability
 - Reallocate funds within approved POP among approved projects
 - Add equipment or property transferred between subrecipients listed in POP
 - Transfer funds between intercity bus projects within the POP**
 - Transfer funds between RTAP projects within the POP**





5310 & 5311 Basics

Program of Projects (POP)

- *Revisions to the POP Requiring FTA Notification, but not Approval*
 - Allocate Cat. C funds to new projects under \$250k within period of availability.
 - Create new projects under \$250k with funds taken from other projects in POP.
 - Delete or reduce a project by more than \$250k or 10% of POP





5310 & 5311 Basics

Program of Projects (POP)

- *Revisions to the POP Requiring FTA Approval*
 - Allocate more than \$250k or 10% of total POP for any new capital project
 - Advance to Cat. A any prospective subrecipient with serious compliance questions
 - Advance to Cat. A any project with the acquisition of a property with a value over \$250k
 - Advance to Cat. A any project that does not meet NEPA for a listed CE
 - Alter intercity bus projects if the change would result in less than 15% of annual apportionment being designated for intercity projects**





5310 & 5311 Basics

Program of Projects (POP)

- *Revisions to the POP Requiring FTA Approval*
 - Allocate more than \$250k or 10% of total POP for any new capital project
 - Advance to Cat. A any prospective subrecipient with serious compliance questions
 - Advance to Cat. A any project with the acquisition of a property with a value over \$250k
 - Advance to Cat. A any project that does not meet NEPA for a listed CE
 - Alter intercity bus projects if the change would result in less than 15% of annual apportionment being designated for intercity projects**





5310 & 5311 Basics

Program of Projects (POP)

- *Revisions to the POP & TEAM Budget Revisions*
 - State should enter a budget revision in TEAM for any changes that affect budget line items
 - Should follow Budget Revision guidance: "Budget Revision #1 – 1/31/11: (Explanation of Change)"
- *Updates to POP*
 - Most recent POP should be submitted to FTA with annual FFR or as revisions are made.





5310 & 5311 Basics

Program Management

- *Common Rule - 49 CFR Subtitle 18.32 Equipment*
 - *A state will use, manage, and dispose of equipment acquired under a grant by the State in accordance with State laws and procedures;*
 - Must be defined in State Management Plan
- How many are updating SMPs?
 - Do the plans describe the state and/or DR criteria for selecting projects and distributing funds fairly and equitable among the various applicants incl. tribal governments?





5310 & 5311 Basics

Program Management

- *Procurement*
 - States can follow own guidance
 - Subrecipients should follow state procedures
 - Minimum: state procurements must comply with 5 specific requirements
 - 5 year limitation of contract period of performance
 - Full and open competition
 - Prohibition on geographic preferences
 - Use of Brooks Act Procedures for A&E services if state has not adopted statute governing procurement
 - Inclusion in contracts of all Federal clauses





5310 & 5311 Basics

Program Management

- Equipment Management
 - Need to ensure adequate measures for proper management.
- Useful life of Vehicles
 - States can follow own guidance on:
 - Minimum useful life standards for vehicles
 - Procedures for determining fair market value
 - Developing policies and procedures for maintenance and replacement of vehicles
- Maintenance
 - Must be adequate to protect Federal interest for the useful life identified by the state.
 - FTA will review the State Maintenance Standards and Program
- Disposition (end of useful life)
 - States are **not required** to return to FTA proceeds from the disposition of equipment, **but must return to transit**





5310 & 5311 Basics

State and Program Admin

- *State Administration*

- Definition:

- Funds to administer the program and to provide technical assistance to subrecipients

- Eligible Costs include, but not limited to

- Salaries
- overhead expenses
- supplies, and office equipment used to administer the program.
- project planning, program development, development of vehicle and equipment specifications,
- management development, coordination of public transportation programs (public and private for-profit and non-profit)
- Research the State may deem appropriate to promote effective means of delivering public transportation service in non-urbanized areas (5311)
- Funding for subrecipients to support the coordinated planning process (5310)





Oversight Programs

- Project management oversight
- Financial management oversight
- Procurement reviews
- Triennial Reviews
- State management reviews
- State Safety Oversight reviews
- Drug and Alcohol Testing Audits
- Title VI Reviews
- Disadvantaged Business Enterprise reviews
- Equal Employment Opportunity reviews
- Americans with Disabilities Act reviews
- Planning Certification reviews





Research & Demonstration Programs

- National Research & Technology Program (Sec. 5314)
 - Joint partnerships with public and private research institutions
 - Study, design and demonstration of transit policies and advanced technologies
 - International mass transportation program (Sec. 5312)
- National Fuel Cell Bus Program (Sec. 5308)
 - 27 projects to develop and test fuel cell buses in revenue service
- Transit Cooperative Research Program (Sec. 5313)
 - Research directed to local problem-solving in service concepts, vehicles and equipment, operations, human resources, maintenance, policy, and administrative practices
- University Transportation Centers (Sec. 5505)
 - Funding to four universities to perform research in transit disciplines and technologies





Technical Assistance Programs

- **FTA Safety & Security Program**
 - Provides training and technical assistance on bus and rail safety, emergency preparedness and public awareness of security issues
- **Rural Transportation Assistance Program (RTAP)**
 - Provides training, technical assistance, research, and related support services to providers of rural public transportation
- **ITS Professional Capacity Building Program**
 - Supports deployment, integration, and operations of ITS, including both technological and institutional requirements
- **Transportation Planning Capacity Building Program**
 - Supports effective transportation planning in state, metropolitan, rural, and tribal settings
- **National Bus Rapid Transit Institute**
 - Facilitates the sharing of knowledge and innovation for increasing the speed, efficiency, and reliability of high-capacity bus service





National Initiatives

- **United We Ride**
 - Interagency Federal initiative that supports States and their localities in developing coordinated human service delivery systems
- **Project Action**
 - Promotes cooperation between the transportation industry and the disability community to increase mobility for people with disabilities
- **JobLinks**
 - Works to improve transportation opportunities through demonstration projects, technical assistance, sponsoring of employment-transportation conferences, etc.





Major FTA Guidance

Hierarchy of Federal Requirements

Statutes

Regulations

Master Agreement

Administrative Guidance





Major FTA Guidance

Statutes

- 49 CFR Part 18 (Common Rule)
 - Covers all Federal grant recipients and provides specific latitude for States to follow their own procedures regarding
 - Financial management
 - Equipment management
 - Procurement

http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr18_main_02.tpl





Major FTA Guidance

Regulations

- Federal Transit Laws – 49 USC Chapter 53
 - SAFETEA-LU: Signed by President Bush on August 10, 2005
 - Currently under Continuing Resolution until June 30, 2012
 - <http://www.fta.dot.gov/4421.html>
- Rulemakings
 - Examples: Buy America, Charter Bus, etc.
 - http://www.fta.dot.gov/legislation_law/12316.html





Major FTA Guidance

Master Agreement

- Updated Annually
- Signed with each Grant Execution
- Governs the administration of a Project FTA supports with Federal assistance awarded through a Grant Agreement or Cooperative Agreement with the Recipient
 - SAFETEA-LU: Signed by President Bush on August 10, 2005
 - Currently under Continuing Resolution until June 30, 2012

<http://www.fta.dot.gov/documents/18-Master.pdf>





Major FTA Guidance

Administrative Guidance

- Program Circulars
 - Published for each program
 - Grant Management Circular 5010.1D applies where state program circulars are silent
 - http://www.fta.dot.gov/legislation_law/about_FTA_circulars_guidance.html
- Dear Colleague Letters
 - http://www.fta.dot.gov/legislation_law/13719.html
- Other significant guidance documents
 - http://www.fta.dot.gov/legislation_law/13720.html
- Federal Register Notices
 - http://www.fta.dot.gov/legislation_law/federal_register_notices.php





Questions?





Guidance Update

SAFETEA-LU/Continuing Resolution (CR)

FTA Funding

FY 2012 Apportionment

- SAFETEA-LU continuing resolution extended through June 30, 2012
- 6/12ths Apportionment Federal Register published on January 12, 2012 (based on the FY 2011 apportionment)
- \$100M fuel provision





Guidance Update

Carryover/Lapsing Balances

- Apply for oldest balances first
- Carryover balances need to be reprogrammed in current STIP
- Revised Split Allocation Letters needed from State
- Transfer requests (to other programs or to direct recipients) need to be done in advance
- Best Practice: Application schedule
- Lapsing balances by State





Guidance Update

Fuel Provision

- Fuel Provision Apportionment Notice Published
- This provision DOES NOT provide additional funding, but rather a portion of their current, available 5307 apportionment has been converted to this purpose.
- Funds must be obligated in a grant no later than September 30, 2012
- Federal planning requirements will apply and require coordination with MPOs for programming of these funds for the correct purpose.
- Procurements with these 5307 funds must comply with Federal procurement requirements and include all applicable Federal procurement clauses.

<http://www.gpo.gov/fdsys/pkg/FR-2012-04-12/pdf/2012-8853.pdf>





Guidance Update

LAPSING Deadlines

Region IV lapsing grant deadline for all draft grants requiring DOL certification to be entered in TEAM and under FTA review:

- April 30, 2012

Region IV lapsing grant deadline for submission to DOL:

- May 31, 2012





Guidance Update

FY 2012 Certifications & Assurances

- Published in Federal Register on 11/1/2011
- Grantees have 90 days to certify
- Not accepting paper certifications: Needs to be done in TEAM
 - Both the Certifying Official and Attorney need to enter their PIN #'s in TEAM.
- If one person can certify for both:
 - Need to attach documentation to TEAM that demonstrates the C&A's have been reviewed by both parties.





Guidance Update

2010 Census

- FY 2012 formula allocations based on 2000 Census data and designations.
- The 2010 Census UZA designations and populations will be released during FY 2012.
- The 2010 Census UZA designations and populations will be used for FTA formula funds no earlier than FY 2013.
- FTA published a summary of potential impacts – http://www.fta.dot.gov/grants/12853_12408.html
- FTA is currently working on guidance to assist current small UZAs designated as large UZAs due to the 2010 Census.





Guidance Update

FY 2011 Discretionary Funding

- Currently, approximately \$1.1B has been awarded in discretionary funding over the last year.
- These programs are funded through unallocated discretionary funding and targeted at FTA's priorities
- Federal Register notice





Guidance Update

FY 2012 Discretionary Funding

- Additional \$900M of Discretionary programs for FY 2012.
- FY 2012 budget does not fund a 4th round of TIGGER
- Continued support for Military Veterans (VTCLI II)





Guidance Update

FY 2012 Discretionary Funding

Program	2012 Full-Year Funding (\$000) ¹	NOFA Publication	Applications Due
Bus and Bus Facilities			
State of Good Repair	650,000	Feb. 7, 2012	March 22, 2012
Livability	125,000	Feb. 7, 2012	March 29, 2012
Veterans Transportation & Community Living ²	25,000	Feb. 7, 2012	April 19, 2012
Clean Fuels			
Clean Fuels	51,500	Feb. 7, 2012	April 5, 2012
Other Programs			
Alternatives Analysis	25,000	March 12, 2012	April 19, 2012
Tribal Transit	15,000	March 9, 2012	May 10, 2012
Over-the-Road Bus	8,800	Mar/April 2012 (est.)	May/June 2012 (est.)





Questions?





Grant Awards



GRANTS PRE-AWARD





Grants: Pre-Award

Grant Development Process

- Two aspects of Pre-Award Grant activities:
 - Statewide and Metropolitan Planning
 - Grant Development





Federal Legislation





Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) - 2005

- August 10, 2005
- Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub. L. 109-59)
- Provided \$286.4 billion in guaranteed funding for federal surface transportation programs over five years through FY 2009
 - \$52.6 billion for federal transit programs
 - 46% increase over transit funding guaranteed in TEA-21





SAFETEA-LU Metropolitan Planning

- The metropolitan planning process establishes a cooperative, continuous, and comprehensive framework for making transportation investment decisions in metropolitan areas.
- Program oversight is a joint Federal Highway Administration/Federal Transit Administration responsibility.





Metropolitan Planning Organizations (MPOs)

- “The policy board of an organization created and designated to carry out the metropolitan transportation planning process.” (23 CFR Part 450.104)
- Carry out the metropolitan transportation planning process in cooperation with the State DOT(s) and transit operators in urbanized areas over 50,000 in population.
- Cooperatively develop, update, and approve:
 - Unified Planning Work Program
 - Long Range Transportation Plan
 - Transportation Improvement Program
 - *Public Participation Plan*
 - *Congestion Management System (over 200,000)*
- Transportation Management Areas (TMA) are MPO’s over 200,000
 - Joint FHWA/FTA Federal Certification every 3 or 4 years





Required Statewide/Metropolitan Planning Products affecting FTA Grants

- Unified Planning Work Program (UPWP)
- Long Range Transportation Plan (LRTP)
- Transportation Improvement Program (TIP)
- Statewide Transportation Improvement Program (STIP)





Unified Planning Work Program (UPWP)

- The metropolitan area's 1-2 year program of planning activities
 - Transit studies
- Clarifies the tasks the MPO will undertake to meet their planning requirements
- Identifies sources of funding, schedules and responsible agencies
- Federally approved in TMA's





Long Range Transportation Plan

- Identifies transportation needs for the metropolitan area
 - Includes long-term and short-term policies, strategies and actions
 - Covers both capital projects and operating strategies
 - Includes preservation of the existing system, system expansion and operation
 - Addresses the movement of both people and goods
- Developed in consultation with State, tribal, and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation
- No less than 20 year planning horizon
- Updated at least every 5 years
 - Not federally approved but federally required to be updated





Transportation Improvement Program (TIP)

- Projects must be derived from the LRTP
- Identifies priority projects for the metropolitan area to be implemented within 4 years
- Must be updated at least every 4 years
- Includes all regionally significant projects (regardless of funding source in non-attainment and maintenance areas)
- Identifies funding for each project by year and funding source
- Must be fiscally constrained, meaning proposed expenditures do not exceed projected resources





Statewide Transportation Improvement Program (STIP)

- Includes MPO TIPs, Federal Lands TIPs, Regionally significant projects, Tribal TIPs, and RPO TIPs, if applicable
- Identifies statewide priorities for transportation projects
- Must be fiscally constrained
- Must be updated at least every 4 years
- Amended/Modified using local procedures consistent with federal requirements





First Steps

- Is your project consistent with the approved LRTP?
- Is your project identified in a metropolitan TIP, if applicable?
- Is your project identified in a federally-approved STIP?
- Is your project identified in a federally approved UPWP, if applicable?





Grant Development



Federal Transit Administration
United States Department of Transportation


TEAM




Choose one:

TEAM-Web

TEAM Reports

 **Regions**

 **Links**



Grant Application Phases

- **Draft Grant Application** – a grant application that has not been reviewed for completeness and does not have a grant number assigned
- **Pending Grant Application** – a grant application, which has been assigned a draft grant number which is in the process of verification of available funds and OPPD and OOPM review and approval.





Grant Application Phases

- **Complete Grant Application** - a complete/accurate grant application that has verified funding available and that has an assigned final grant number.
- **Submitted Grant Application** – FTA Review Process (Civil Rights, Legal, OPPD, OOPM, DOL (5307, 5309, 5316), Headquarters (Discretionary))
- **Awarded and Executed**





Grant Development

TEAM Training

- New and Improved TEAM Training is here!
- Utilizing webinar technology for more consistent training throughout Region IV
- Training has been a success thus far; great feedback!
- Next Training is Monday, April 23 (see link on Region IV website)
- Robert Buckley, Community Planner,
robert.buckley@dot.gov, 404-865-5618





TEAM Common Comments

5303 Metropolitan/5304 Statewide Planning

- Federal planning funds are first apportioned to State DOTs. State DOTs then allocate planning funding to MPOs.
- In TEAM, include:
 - Federal approval dates of UPWP for Large UZAs
 - The allocation for each MPO
 - Attach UPWP page to Grant Application





TEAM Common Comments

5309 Discretionary Grant information

- Eligible for items in original Grant Application
- Attach Grant Application to TEAM
- Attach STIP page
- Populate Earmark Screen
 - Earmark ID
 - Amount applied for
 - Talking Points





TEAM Common Comments

5310 Elderly Persons and Persons with Disabilities

- For **each** project, explain:
 - How the proposed projects are eligible and meet the goals of the Section 5310 program
 - That projects are derived from a coordinated plan
- Include and attach a Program of Projects (POP). The POP should:
 - Identify projects by subrecipient – specify urban/rural and capital/operating
 - Agency type
 - Project description
 - Total project costs and federal share and the amount of funds required for planning and program administration
 - Name of the applicable coordinated plan, page number where the project or strategy is located within the plan and date adopted
- Program/State Administration – Up to 10% of the recipient's total apportionment may be used to fund program administration costs at 100% federal share. Use Scope 610-00, ALI 11.80.00.





TEAM Common Comments

5311 Other than Urbanized (Rural)

- Attach POP:
 - Type of Subrecipient and area served
 - Intercity bus and RTAP projects
 - Brief description, total and federal project cost, program admin amount
- 5311(f) – Intercity Bus; include in Project Description:
 - A description of the States intercity bus program
 - Include the required 15% allocation
 - If the Intercity Bus not included in the application please indicate why and either
 - Provide the governors certification that all intercity bus needs have been met and the consultation meeting date with the intercity bus providers in making this certification
 - When the 15% will be amended to the application.
 - use Scope 634-00 for all Intercity Bus ALIs
- RTAP – 100% Federal; use Scope 656-00
- State Administration – 15% of apportionment at 100% federal
- Include statement "*All subrecipients will follow useful life standards as defined in the XXXX State Management Plan.*"





TEAM Common Comments

5316 JARC/5317 NF

- Attached the Section 5316/5317 Designated Recipient (DR) letter to grant
- Attach FTA approval of PMP/SMP
- Project Description: Include a summary of the competitive selection process, including:
 - Dates of coordination meetings
 - Date of call for projects
 - Date projects were selected
 - Statement explaining how the proposed projects are eligible and meet the goals programs.
 - statement certifying all projects derived from a Coordinated Plan
 - Attach a Program of Projects (POP) (same as 5310 requirement)
- For States applying for their small UZA apportionments, include UZA code and capital/operating amounts
- Program/State Administration – Up to 10% of the recipient's total apportionment may be used to fund program administration costs at 100% federal share. Use Scope 610-00, ALI 11.80.00.






Grants: Pre-Award

•Grant Exercise!

Main Menu - (Home)

- ▣ Recipients
- ▣ Applications
- ▣ Review and Approval
- ▣ Execution
- ▣ Project Management
- ▣ Funds Control
- ▣ Funding Adjustments
- ▣ TEAM Administration
- ▣ Dynamic Query
- ▣ Charter Registration
- ▣ Static Reports
- ▣ TEAM Documentation
- ▣ ARRA Reporting: 1201
 - ▣ Help Desk Information
- ▣ Exit

 **TEAM-Web** Federal Transit Administration • U.S. DOT
v5.4.3

IMPORTANT TEAM USER NOTICES

GENERAL INFORMATION:





Questions and Answers





NEPA





OVERVIEW

- NEPA Basic Information
- Acronyms? IDK? TMI?
- The History Behind NEPA
- Classes of Action
- Questions





What is NEPA?

- NEPA stands for the National Environmental Policy Act of 1969
-Signed on January 1, 1970
- <http://ceq.hss.doe.gov/Nepa/regs/nepa/nepaeqia.htm>
- Earth Day on April 22, 1970





ACRONYMS 101

- Natl Environmental Policy Act (NEPA)
- Council on Enviro. Quality (CEQ)
- Enviro. Impact Statement (EIS)
- Categorical Exclusion (CE)
- Notice of Intent (NOI)
- Minimal Operable Segment (MOS)
- Statewide/Transportation Improvement Plan (S/TIP)
- Metropolitan Planning Organization (MPO)
- Non-Governmental Organization (NGO)
- State Historic Preservation Officer (SHPO)
- Advisory Council on Historic Preservation (ACHP)
- Architect/Engineering (AE)
- Preliminary Engineering (PE)
- Construction (CN)
- Environmental Assessment (EA)
- Not In My Back Yard (NIMBY)
- Code of Federal Regulation (CFR)

.....and many, many others!!!





Environmental Requirements

- National Environmental Policy Act of 1969
- CEQ Regulations (40 CFR 1500-1508)
- FTA/FHWA Regulations (23 CFR 771)
- Supplemental Policy and Guidance





NEPA of 1969

- Established National environmental policy and goals
- Created the basis for Environmental Impact Statements (EIS)
- Established the Council on Environmental Quality (CEQ)
- Basic NEPA policy includes:
 - create and maintain conditions under which humans and nature can exist in productive harmony
 - fulfill social, economic, and other requirements of present and future generations





NEPA of 1969

- Environmental Process Basics
 - "Significant" environment impacts
 - Proper vetting & examination of alternatives
 - Interagency coordination
 - Lead and cooperative agency concept
 - **Public Involvement**
 - Mitigation and Enhancement





NEPA Classes of Action

Three (3) types as defined in 23 CFR 771.115

- Environmental Impact Statement (EIS)
 - Class I action
- Categorical Exclusion (CE)
 - Class II action
 - Includes documented Categorical Exclusions
- Environmental Assessment (EA)
 - Class III action





Class I - Environmental Impact Statement

- Two stages: DEIS and FEIS
- Format of DEIS
 - Cover Sheet
 - Summary
 - Table of Contents
 - Purpose and Need
 - Alternatives
 - Affected Environment
 - Enviro. Consequences
 - List of Preparers
 - EIS Distribution
 - Comments/Coordination
 - Index
 - Appendices
 - Section 4(f) (if applicable)





Class I - Environmental Impact Statement

- Record of Decision (ROD)
 - Bring closure to the EIS process
 - Document the selected alternative
 - Explain the basis for the project decision
 - Summarize mitigation measures
 - Document any required 4(f) approval





Class III- Environmental Assessment

- What constitutes an EA?
 - Significance of environmental impacts is not clearly established
 - NOT a CE and does not clearly require the preparation of an EIS
 - To determine the appropriate environmental document required





Class III- Environmental Assessment

- A concise public document serving to briefly provide sufficient evidence and analysis of whether to prepare an EIS or a FONSI
- Includes brief discussions of
 - Project need, alternatives, impacts, mitigation and agencies/persons consulted
- No long descriptions or detailed data
- CEQ suggests page limits





Class III- Environmental Assessment

- Finding of No Significant Impact (FONSI)
 - Separate “environmental document”
 - Sponsors prepares/FTA reviews and approves
 - Present the reasons why an action will not have a significant effect on the human and natural environment, and for which an EIS will not be prepared
 - Include and/or references the EA
 - Make available to the public!





Class II - Categorical Exclusion

- What is a CE?
 - CEQ= actions that do not individually or cumulatively have a significant effect on the human environment
 - FTA/FHWA= actions which meet the CEQ definition and, based on past experience w/ similar actions, do not involve significant environmental impacts
- Actions that do not cause...
 - Significant impacts to planned growth or land use
 - Relocation of significant numbers of people
 - Significant impacts to cultural, historic or recreational resources





Class II - Categorical Exclusion

- Actions that do not cause
 - Significant air, noise, or water quality
 - Impacts on travel patterns
 - Any other significant impacts, cumulatively or individually
- Unusual Circumstances
 - Significant environmental impacts
 - Significant controversy on environmental grounds
 - Significant impacts on properties protected by Section 4(f) or Section 106





Class II - Categorical Exclusion

- The "c" and "d" list
- 23 CFR 771.117(c)
 - List of actions that meet criteria for CE's
- 23 CFR 771.117(d)
 - Additional actions which meet the criteria for a CE may be designated as CEs only after administration approval





Class II - Categorical Exclusion

23 CFR 771.117(c)

- Activities that do not lead directly to construction
- Approval of utility installation
- Construction of bike/ped lanes and paths
- Activities in the State Highway Safety Plan
- Transfer of Federal lands
- Noise Barriers
- Landscaping
- Fencing, signs, paving markers, etc.
- Emergency repairs
- Acquiring scenic easements
- Rehab of rest areas/weigh stations
- Rideshare activities
- Bus/Rail car rehab
- Enhancing facilities for ADA
- Program admin and technical assistance
- Vehicle purchases*
- Track/Railbed maintenance
- O/M Equipment





Class II - Categorical Exclusion

23 CFR 771.117 (d)

- Highway modernization/maintenance
- Highway safety or traffic operation improvements
- Bridge rehabilitation activities (incl. replacement)
- Corridor fringe parking facilities
- New Truck Weigh Stations
- Disposal of excess ROW
- Changes in Access control
- New Bus storage and maintenance facilities*
- Rehab/Reconstruction of rail and bus buildings
- Construction of bus transfer facilities
- Construction of rail storage and maintenance facilities
- Acquisition of land for hardship/protective by purposes





Class II - Categorical Exclusion

- Documentation and Approval
 - Level of analysis and documentation determined on a case-by-case basis
 - Commensurate with the potential for significant impacts
 - Site location and surrounding land use are often key factors
- FTA Concurs in CE's (different from Approval)
- State Review/Approval Process discussion



Helpful Sites and Resources

- http://www.fta.dot.gov/planning/planning_environment_5222.html
(FTA Environment Web Page)
- <http://www.fhwa.dot.gov/environment/index.htm>
(FHWA Environment Web Page)
- <http://www.ntionline.com/> (NTI Courses)
- <http://www.achp.gov/> (Advisory Council on Historic Preservation)
- <http://www.whitehouse.gov/administration/eop/ceq/>
(Council on Environmental Quality)
- <http://edocket.access.gpo.gov/2007/pdf/07-493.pdf>
(Updated Environmental and Planning Regulations)
- **Sources of Information** used in this Presentation
 - Title 23 CFR and Title 49 CFR
 - NEPA and Transportation Decision Making
(course materials 05042004-01)



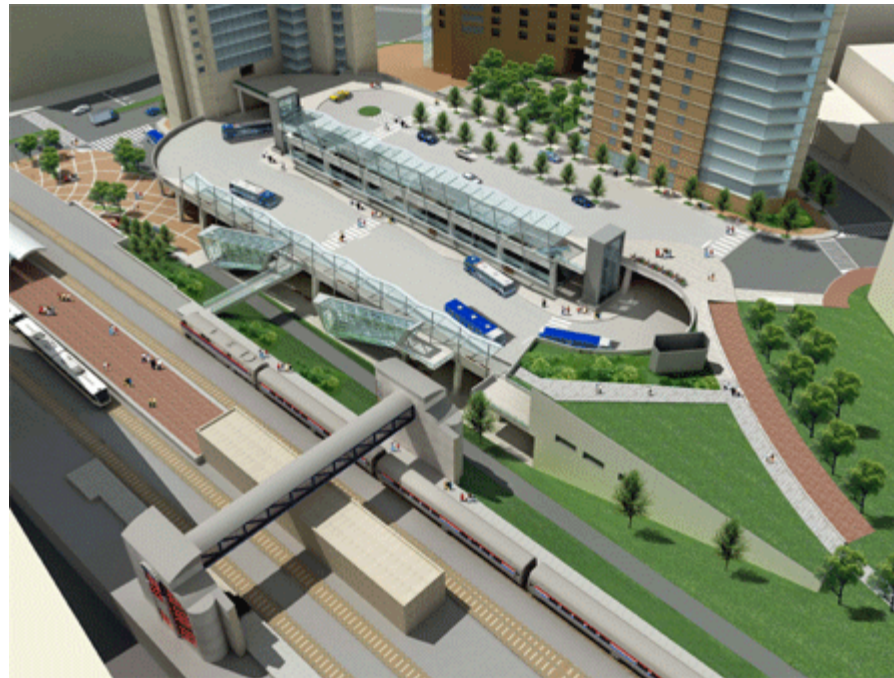


Questions and Answers





Real Estate/Transit Facilities





Process

- Feasibility Study
- NEPA
- Appraisal
- Review Appraisal
- Just Compensation Determination
- FTA Concurrence (if required)
- Offer
- Joint Development/Incidental Use





Real Estate/Transit Facilities

Feasibility Study

- Must be a planning basis for all projects
 - Vary in level of detail based on the size/type of facility
 - Transfer Facility or Transportation Center
 - Maintenance and Administrative Facilities
 - Park and Ride Facilities





Real Estate/Transit Facilities

Feasibility Study

- Evaluation of existing facilities:
 - Adequate condition?
 - Suitable for anticipated administrative, maintenance functions?
 - Accommodate future needs?
- Develop criteria for identifying alternative sites
- Identify alternative sites in area based on criteria and availability
- Environmental Site Assessment (Phase I and II) – Hazardous Site Assessment
- Project Staging & Financing Plan





Process

- Feasibility Study
- NEPA
- Appraisal
- Review Appraisal
- Just Compensation Determination
- FTA Concurrence (if required)
- Offer
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Real Estate/Transit Facilities

NEPA

- Who determines the class of action?
- Three (3) Main classes of Action
 - Categorical Exclusion or documented Categorical Exclusion
 - Environmental Assessment (EA)
 - Environmental Impact Statement (EIS)
- NEPA documentation/actions must be **APPROVED** by FTA prior to grant award/construction
- How the State DOT's can assist





Process

- Feasibility Study
- NEPA
- **Appraisal**
- Review Appraisal
- Just Compensation Determination
- FTA Concurrence (if required)
- Offer
- Joint Development/Incidental Use





Planning for a Transit Facility

- Real Estate (FTA C 5010.D)
- Real property must be acquired, managed, and used in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
 - <http://www.fta.dot.gov/documents/49cfr24fr.pdf>
- FTA Real Estate Resource Website
 - http://www.fta.dot.gov/planning/planning_environment_5937.html





Real Estate/Transit Facilities

Appraisals

- Appraisers
 - Must be certified or licensed with a State Appraisal Board (internal staff may be exempt)
- Requirements
 - Expire in 6 months in active market
 - If not updated, must provide justification for why
- Exceptions (Contact FTA for further guidance)
 - Property being donated
 - No authority to acquire via eminent domain
 - Voluntary acquisition
 - Valuation uncomplications; \$10,000 or less in fair market value
- State subrecipients may use State staff appraisers to prepare required independent appraisals.





Process

- Feasibility Study
- NEPA
- Appraisal
- **Review Appraisal**
- Just Compensation Determination
- FTA Concurrence (if required)
- Offer
- Joint Development/Incidental Use





Real Estate/Transit Facilities

Review Appraisals

- Determine the soundness of value estimate – technical analysis of the appraisal, NOT only an administrative review
- Requirements
 - Review Appraiser prepares a written report identifying each appraisal as:
 - Recommended (as basis for the establishment of amount for just compensation)
 - Accepted (meets requirements, but not selected as recommended or approved)
 - Not Accepted





Process

- Feasibility Study
- NEPA
- Appraisal
- Review Appraisal
- **Just Compensation Determination**
- FTA Concurrence (if required)
- Offer
- Joint Development/Incidental Use





Real Estate/Transit Facilities

Just Compensation

- Must be established by an employee of the DOT/transit agency (not by contractor)
- Requirements
 - Review Appraiser prepares a written report identifying each appraisal as:
 - Recommended (as basis for the establishment of amount for just compensation)
 - Accepted (meets requirements, but not selected as recommended or approved)
 - Not Accepted





Process

- Feasibility Study
- NEPA
- Appraisal
- Review Appraisal
- Just Compensation Determination
- **FTA Concurrence (if required)**
- Offer
- Joint Development/Incidental Use





Real Estate/Transit Facilities

FTA Concurrence

- Required if:
 - Recommended offer of just compensation exceeds \$500,000
 - Any amount if property is used as in-kind or local match
 - Property must be related to the project (i.e. property the facility will be constructed upon)
- Concurrence Process
 - Submit appraisal and review appraisal documentation to FTA Region IV.
 - Region IV will forward to HQ Real Estate Office for review
 - FTA will issue concurrence letters if amount approved
- If not required:
 - Grantee is required to maintain a parcel file with all pertinent documentation





Process

- Feasibility Study
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- Just Compensation Determination
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Real Estate/Transit Facilities

Offer

- DO NOT DISCUSS PRICE WITH SELLER UNTIL ESTABLISHMENT OF JUST COMPENSATION
 - If FTA sees any indication that a price was discussed prior to just compensation, concurrence WILL NOT be issued





Process

- Feasibility Study
- NEPA
- Appraisal
- Review Appraisal
- Just Compensation Determination
- FTA Concurrence (if required)
- Offer
- Joint Development/Incidental Use





Real Estate/Transit Facilities

Joint Development/Incidental Use

- FTA policy to permit grantees maximum flexibility in determining best and most cost-effective use of FTA-funded property
- Incidental use and joint development of real property can raise additional revenues and enhance ridership
 - Incidental Use: authorized non-transit use of FTA-funded real estate
 - Joint Development: involves the common use of property for transit and non-transit purposes (i.e. Transit-oriented development)
http://www.fta.dot.gov/about_FTA_11009.html
- Considerations
 - Applies to property needed and used for FTA project or program.
 - Must not compromise safe conduct of intended public transit purpose
 - Must not interfere with grantee's continuing control over property
 - Proceeds should be based on market rents and used for transit purposes.
 - Cannot be used as local share on grant from which it was derived
 - Non-profit use also permitted





Real Estate/Transit Facilities

Special Real Estate Acquisition Issues

- Alternative Procedure
 - Grantee with qualified and fully staff real estate department conducting **major capital** project may require alternative process which permits higher dollar thresholds before FTA concurrence required.
 - FTA Reviews grantee's process and capabilities beforehand
- Functional Replacement
 - Provides a method of paying the cost necessary to replace a publicly owned facility being acquired with a similar needed facility (contact Regional office)
- Contaminated Property (including Brownfields)
 - All contaminants that can affect property value
 - Examined during NEPA process
 - Appraisals should consider the effect of the contamination on market value
 - FTA will not participate in remediation.



Real Estate/Transit Facilities

Disposition

- Must follow appraisal/review appraisal process
- Proceeds from disposition can be used to offset cost of replacement property
- Disposition Methods
 - Sell and Reimburse FTA
 - Offset
 - Sell and use proceeds for other capital projects
 - Sell and keep proceeds in open project
 - Transfer to public agency for non-transit use
 - Transfer to other project
 - Retain title with buyout
 - Sales Procedures
 - Joint Development





Real Estate/Transit Facilities

TIP/STIP

- Is the proposed transit facility in a current TIP/STIP?
- If using FTA funds for *Preliminary Engineering, ROW or construction* include **phase of work & funding amount (approx)** in the TIP/STIP for **correct FY**
- Preliminary Engineering can include NEPA and Design (NOTE: FTA will not award Construction of facility unless NEPA is complete)





Real Estate/Transit Facilities

Procurement

- When procuring consultant services ensure:
 - advertise & take competitive proposals
 - fair & open procurement
 - document the “how/why” of selection
 - If you procure NEPA services, can the consultant:
 - Document number & types of NEPA projects completed
 - Persons who worked on NEPA projects, &
 - Satisfactory award & Records of Decision (ROD) from FTA
 - Third Party Procurement Circular:
 - http://www.fta.dot.gov/laws/circulars/leg_reg_8641.html





Questions and Answers





FTA Procurement





Procurement

Key Principle of Federal Procurement Regulations:

Full and Open Competition





Key Regulations and Guidance

- Regulations
 - 49 CFR Part 18
 - Master Agreement



- Circulars
 - FTA C 4220.1F** Third Party Contracting Guidance

- FTA C 9040.1F -FTA C 9300.1B
- FTA C 5010.1D -FTA C 9031.1D
- FTA C 9050.1 -FTA C 9070.1F
- FTA C 9045.1





Procurement

Common Areas of Deficiencies

- Independent Cost Estimates
- Cost/price Analysis
- Arbitrary Action
- Sound and Complete Agreements
- Written record of procurement history





FTA Circular 4220.1F

Applicability

Where it Applies:

- Transit Authorities
- FTA Grantees and Sub-grantees that contract with outside sources for projects funded with FTA grants



Where it does not Apply:

- States follow their own procedures, BUT must comply with FTA 4220.1F for Term limitations, Competition, Geographic Preference, A&E Services, and Awards to Responsible Contractors
- Inclusion of Federally-Required Clauses





FTA Circular 4220.1F

Applicability For:

- All FTA-funded Capital Projects
- All operating purchases if recipient of operating funds (primarily < 200,000 in UZA population)
- CMAQ and JARC funded contracts
 - However, operating purchases under these programs, do not trigger applicability to other agency operating contracts.
- Preventive Maintenance (PM) purchases
- For discrete formula funds, only to those projects, otherwise, applies to all PM purchases.
- ADA complementary paratransit operating contracts if capitalizing ADA operating costs in a capital grant.





System-Wide Policies

Policies, procedures and organizational determinations necessary to guide the procurement function

- Written Standards of Conduct
- Procurement Policies and Procedures
- System for Ensuring Most Efficient and Economic Purchase
- Written Protest Procedures
- Prequalification System





Recipient's Responsibilities

Third Party Contracting Capacity

- FTA recipient's are obligated to maintain adequate Technical Capacity to carry out its project and comply with the Common Grant Rules.
- If the recipient lacks qualified personnel within its organization to undertake the various procurement tasks, such as drafting specifications, evaluating contracts, or performing internal audits for the recipient, FTA expects the recipient to acquire the necessary services from sources outside the recipient's organization (FTA Circular 4220.1F Ch. III, 3)



Federal Clauses

Basic Requirements (FTA C 4220 1F Appendix D)

FTA Master Grant Agreement Includes :

A current but not all inclusive and comprehensive list of statutory and regulatory requirements applicable to grantee procurements (such as Davis-bacon Act, Disadvantaged Business Enterprise, Clean Air, and Buy America) Grantees are responsible for evaluating these requirements for relevance and applicability to each procurement

Best Practices Procurement Manual Section 8





Clear, Accurate, and Complete Specification

Basic Requirement (FTA C 4220 1F Ch. III, 3.a.(1)(a))

Grantees shall have written selection procedures for procurement transactions

All solicitations shall:

Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured.

Identify all requirements that offerors must fulfill and all other factors to be used in evaluating bids or proposals.

A clear statement describing the Basis of Award





Clear, Accurate, and Complete Specification

For Sealed bidding, must have:

- Complete, adequate, and realistic specification or purchase description
- Inclusion of any specifications and pertinent attachments
- Definition of the items or services sought in order for the bidder to properly respond





Contract Award Considerations

- Cost and/or Price Analysis
- Evaluation of Options
- Award to Responsible Contractors
- Sound and Complete Agreements
- Arbitrary Action





Cost or Price Analysis

Basic Requirement (FTA C 4220 1F Ch. VI, 6)

Grantees must perform a cost or price analysis in connection with every procurement action, including contract modifications.

Cost Analysis when:

- The offeror is required to submit the elements (i.e., labor hours, overhead, materials, etc.) of estimated cost
- Adequate price competition is lacking and for sole source procurements, including modifications or change orders.

Price Analysis when:

- May be used in all other instances to determine price reasonableness





Evaluation of Options & Award to Responsible Contractor

Evaluation of options

Basic Requirement (FTA C 4220 1F Ch. VI, 7)

The option quantities or periods contained in the contractor's bid or offer must be evaluated in order to determine contract award. When options have not been awarded as part of the award, the exercise of such options will be considered a sole source procurement.

Award to Responsible Contractor

Basic Requirement (FTA C 4220 1F Ch. 8, (b))

Grantees shall make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources





Sound and Complete Agreement

Basic Requirement (FTA C 4220 1F Ch. III, 3.(b))

All contracts shall include provisions to define a sound and complete agreement

Contracts and sub-contracts shall contain contractual provisions or conditions that allow for:

- Administrative, contractual, or legal remedies (All contracts in excess of small purchase threshold-Currently \$100,000.)
- Termination for cause and for convenience (All contracts in excess of \$10,000)





Arbitrary Action

Basic Requirement (FTA C 4220 1F Ch. VI, 2.a(4)(j))

Any arbitrary action in the procurement process is considered to be restrictive of competition

Best Practices Procurement Manual Section 2.4.2.1





Rules on Specific Types of Procurement

Typical Procurement Types

- **RFP**
- **Sealed Bids**
- **A&E**
- **Construction**
- **Vehicles**





Request for Proposal (RFP)

Advertisement Basic Requirement (FTA C 4220.1F Ch. VI, 3d(2)(a))

- ✓ Proposals will be solicited from an adequate number of qualified sources
- ✓ Requests for proposals will be publicized

Evaluation Basic Requirement (FTA C 4220.1F Ch. VI, 3d(2)(b))

- ✓ *All evaluation factors will be identified along with their relative importance*
- ✓ *Grantees will have a method in place for conducting technical evaluations of the proposals received and for selecting awardees;*





Sealed Bids

Basic Requirement (FTA C 4220.1F Ch. VI, 3c)

Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price.

Special Rules

- ✓ *Advertised/Publicized*
- ✓ *Adequate Number of Sources Solicited*
 - ✓ *Sufficient Bid Time*
 - ✓ *Adequate Competition*
- ✓ *Firm Fixed Price/Selection on Price*
- ✓ *Discussion Unnecessary*
 - ✓ *Bid Opening*
 - ✓ *Responsiveness*
 - ✓ *Lowest Price*
 - ✓ *Rejecting Bids*





Sealed Bids

- ✓ *Advertised/Publicized*
- ✓ *Adequate Number of Sources Solicited*
- ✓ *Sufficient Bid Time*

Basic Requirement (FTA C 4220.1F Ch. VI, 3c(2))

The invitation for bids will be publicly advertised and bids shall be solicited from an adequate number of known suppliers, providing them sufficient time to prepare bids prior to the date set for opening of the bids

- ✓ *Adequate Competition*

Basic Requirement (FTA C 4220.1F Ch. VI, 3c(2)(b))

Two or more responsible bidders are willing and are able to compete effectively for the business

- ✓ *Firm Fixed price/Selection on Price*

Basic Requirement (FTA C 4220.1F Ch. VI, 3.c)

The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price





Sealed Bids

✓ *Discussions Unnecessary*

Basic Requirement (FTA C 4220.1F Ch. VI, 3c(1)(e))

No discussion with bidders is necessary

✓ *Bid Opening*

Basic Requirement (FTA C 4220.1F Ch. VI, 3c(2)(e))

All bids will be publicly opened at the time and place prescribed in the invitation for bids

✓ *Rejecting bids*

Basic Requirement (FTA C 4220.1F Ch. VI, 3.c(2)(g))

Any or all bids may be rejected if there is a sound documented business reason

✓ *Responsiveness/Lowest Bid*

✓ **Basic Requirement (FTA C 4220.1F Ch. VI, 3.c(2)(f))**

A firm fixed-price contract award will be made in writing to the lowest responsive and responsible bidder





Architectural and Engineering

Special Considerations

- ✓ Qualifications Exclude Price
- ✓ Serial Price Negotiations
- ✓ Geographic Preference





Architectural and Engineering

Qualifications Exclude Price

FTA C 4220.1F Ch. VI, 3.f(3)(b))

Qualifications-based competitive proposal procedures require that:

- ✓ 1) An offeror's qualifications be evaluated
- ✓ 2) Price be excluded as an evaluation factor

Serial Price Negotiations

FTA C 4220.1F Ch. VI, 3.f(3)(d))

- ✓ Negotiations are conducted only with the most qualified offeror
- ✓ Failing agreement on price, negotiations with the next most qualified offeror be conducted until a contract award can be made to the most qualified offeror whose price is fair and reasonable to the grantee

Geographic Preferences

FTA C 4220.1F Ch. VI, 3.f(3)(d))

- ✓ May be a selection criteria for A&E procurement provided that its application allows an appropriate number of qualified firms.





Written Standard of Conduct

Basic Requirement (FTA C 4220 1F Ch. 111, 1)

Grantees shall maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts.

Standards Applicable to:

Employees, officers, agents, immediate family members, or Board members participating in the selection, award, or administration of a contract if a conflict of interest, real or apparent would be involved.

What is a Conflict?

If any of the following have a financial or other interest in the firm selected for award:

Employee, officer, agent, immediate family members, or Board members

His or her partner, or an organization that employs or is about to employ any of the above.





Guidance and Resources

Best Practices Procurement Manual

For a full text version of the BPPM [[Word](#)] [[WordPerfect](#)] [[PDF](#)]

http://www.fta.dot.gov/funding/thirdpartyprocurement/grants_financing_6037.html

Online Tools and Resources

- Pricing Guide for FTA Grantees
- Procurement System Self-Assessment Guide
- The Federal Acquisition Regulation Act
- http://www.fta.dot.gov/funding/thirdpartyprocurement/grants_financing_6038.html

FTA Circular 4220.1F, “Third Party Contracting Guidance,”

http://www.fta.dot.gov/laws/leg_reg_circulars_guidance.html

Frequently Asked Questions: Third Party Procurement

http://www.fta.dot.gov/funding/thirdpartyprocurement/grants_financing_6039.html

49 USC 5323(j) 49 CFR 661

http://www.fta.dot.gov/laws/leg_reg_456.html





Questions and Answers





Grant Awards



GRANTS POST-AWARD





Post-Award Activities

- **Grant Management**
- Grantee Responsibilities
- Reporting Requirements – FFR & MPR
- Budget Revisions/Amendments
- Inactive grants 95% - 100%
- Grant Close-outs





Grant Management

- Administer & managing the grant in compliance with Federal regulations & FTA circulars
- Managing and reporting on progress of projects
- Expend grant funds in a timely and effective manner
- Close out grants when activity is complete





Post-Award Activities

- Grant Management
- **Grantee Responsibilities**
- Reporting Requirements
- Budget Revisions/Amendments
- Inactive grants 95% - 100%
- Grant Close-outs





Grantee Responsibilities

- Maintain the project work schedule
- Ensure compliance with FTA requirements on subrecipients
- Request and withdraw Federal cash to follow the 3 day Rule.
- Demonstrate and retain satisfactory continuing control over the use of project property.





Grantee Responsibilities

- Prepare and submit FTA required reports
 - TEAM, NTD, Civil Rights, Drug and Alcohol, etc
- Update and retain FTA required reports and records for availability during audits and oversight reviews
- Ensure an Annual A-133 Audit is conducted in accordance with OMB Circular, A-133





Grantee Responsibilities

State Management Review Update

- State Management Plans
 - Each state required to have and submit SMP for 5310, 5311, 5316, & 5317
- Financial Management
 - State must demonstrate the ability to match and manage FTA grants, expend FTA funds on eligible activities, and conduct and respond to audits
- Asset Management
 - State must maintain control over real property, facilities, and equipment and ensure they are used in transit service and in good operating order.





Post-Award Activities

- Grant Management
- Grantee Responsibilities
- **Reporting Requirements**
- Budget Revisions/Amendments
- Inactive grants 95% - 100%
- Grant Close-outs





Reporting Requirements

- Federal Financial Reports (FFR) & Milestone Progress Reports (MPR) submitted in TEAM
- Civil Rights Reports
- National Transit Database (NTD)
- Annual Single Audit (A-133)
- Additional reports for ARRA grants to be discussed during ARRA section



Federal Financial Reports (FFRs)

TEAM-Web (Production Database) AL-03-0029-00 - Microsoft Internet Explorer

Financial Status Report

Summary | Financial Status | Remarks & Comments

Work In Progress Submit Report

Recipient: 1000 ALABAMA DEPARTMENT OF TRANSPORTATION

Project: AL-03-0029-00 Statewide Capital Equipment Project

Amendment: Statewide Capital Equipment Project

Quarterly Monthly Other

Period: 2008,1st Quarter

Final Report? No, Not Final Report

Paper Award? Yes No

Initial Submission:

Last Update: 1/22/2008

Pre-Award Authority? Yes No

Report Status: MS/P Report In Progress, FSR In Progress

Project Status: Active

Cost Plan:

Type of Rate: N/A

Rate: 0.00%

Base: \$0.00

Total Amount: \$0.00

Federal Amount: \$0.00





Federal Financial Report (FFRs)

Federal Financial Report

Summary | Financial Status | Remarks and Certification

Line: Transactions:	Previous	This Period	Cumulative
A. Federal Cash on Hand at Beginning of Period:			\$0.00
B. Federal Cash Receipts :			\$0.00
C. Federal Cash Disbursements:			\$0.00
D. Federal Cash on Hand at End of Period:			\$0.00
E. Total Federal Funds Authorized:			\$25,000,000.00
F. Federal Share of Expenditures:	\$17,851,288.00	\$4,455,784.00	\$22,307,072.00
G. Recipient Share of Expenditures:	\$0.00	\$0.00	\$0.00
H. Total Expenditures:(F+G)	\$17,851,288.00	\$4,455,784.00	\$22,307,072.00
I. Federal Share of Unliquidated Obligations:			\$0.00
J. Recipient Share of Unliquidated Obligations:			\$0.00
K. Total Unliquidated Obligations(I+J):			\$0.00
L. Total Federal Share (F+I):			\$22,307,072.00
M. Unobligated Balance of Federal Funds(E-L):			\$2,692,928.00
N. Total Recipient Share Required:			\$0.00
O. Remaining Recipient Share to be provided N-(G+J):			\$0.00
P. Federal Program Income on Hand at Beginning of Period:			\$0.00
Q. Total Federal Program income earned:			\$0.00
R. Federal Program income expended in accordance with the deduction alternative:			\$0.00
S. Federal Program income expended in accordance with the addition alternative:			\$0.00
T. Federal Program income expended on allowable Transit Capital and Operating expenses:			\$0.00
U. Federal Unexpended Program income (P+Q- R or S or T):			\$0.00

NOTE: New FFR Form

← What should be reported here?





Federal Financial Reports (FFRs)

TEAM-Web (Production Database) AL-03-0029-00 - Microsoft Internet Explorer

Financial Status Report

Summary Financial Status Remarks & Comments

Recipient Remarks

1st qtr FY 2008..No activity in grant during this reporting period. Balance of grant is earmarked for City of Dothan and Marshall County. Anticipate grant balance will be obligated and expended during 2008.

Grantee Comments Here

FTA Remarks

1st Qtr FY08, FTA Review Complete, cmb – Ensure that all unliquidated obligations are reported. Milestones indicate that ...





Milestone Progress Reports (MPR)

Milestone Progress Reports contain:

- Detailed discussion of all budget or schedule changes.
- The dates of expected or actual requests for bid, delivery, etc.
- Revised estimated completion dates when original estimated completion dates are not met.
 - Explanation of why revised milestones or completion dates were not met
- Actual completion dates for completed milestones





Milestone/Progress Reports (MPRs)

TEAM-Web (Production Database) AL-03-0029-00 - Microsoft Internet Explorer

Milestones Status Report

Summary | Milestone Status

Work In Progress Submit Report

Recipient: 1000 ALABAMA DEPARTMENT OF TRANSPORTATION

Project: AL-03-0029-00 Statewide Capital Equipment Project

Amendment:

Period: FY2008, 1st Quarter **Paper Award?** Yes No **Pre-Award Authority?** Yes No

Quarterly Monthly Other **Initial Submission:**

Final Report? No, Not Final Report **Last Update:** 1/25/2008

Report Status: MS/P Report In Progress; FSR In Progress

Project Status: Active Amendment

Project Status Overview

1st qtr 2008..Majority of funds expended. Grant balance is earmarked for City of Dothan and Marshall County. Anticipate grant balance will be obligated and expended during 2008.





Milestone/Progress Reports (MPRs)

TEAM-Web (Production Database) AL-03-0029-00 - Microsoft Internet Explorer

Milestones Status Report

Summary Milestone Status

Scope-ALI	Seq No	Milestone Description	Orig. Est. Comp. Date	Rev. Est. Comp. Date	# Rev	Actual Comp. Date
99604-111215	1	RFP/IFB OUT FOR BID	2/28/2000		0	2/28/2000
	2	CONTRACT AWARDED	3/15/2000		0	3/15/2000
	3	FIRST VEHICLE DELIVERED	6/15/2000	9/30/2005	2	2/28/2005
	4	ALL VEHICLES DELIVERED	9/15/2002	12/31/2007	4	
	5	CONTRACT COMPLETE	12/30/2002	12/31/2007	6	
99605-111204	1	RFP/IFB OUT FOR BID	2/28/2000		0	2/28/2000
	2	CONTRACT AWARDED	3/15/2000		0	3/15/2000
	3	FIRST VEHICLE DELIVERED	6/15/2000		0	10/31/2001
	4	ALL VEHICLES DELIVERED	9/15/2001		0	10/31/2001

Line Item: 111215 buy replacement van (83)

FTA Amount: \$63,919.00 Total Eligible Cost: \$77,013.00 Quantity: 2

3rd Party Contractor Code:

Milestone Detail Description Milestone Progress

If Orig. Est. Comp Date has passed as of the end of the Quarter that you are reporting on a Rev. Est. Comp. Date or Actual Comp Date MUST be provided

Explanations must be provided in the Milestone Progress box for all revised milestone dates.



FFRs and MPRs

- Due Dates:
 - Annual: 30 days after the end of the Federal Fiscal year, which ends October 30.
 - Quarterly: within 30 days after the end of each calendar quarter, i.e., by January 30, April 30, July 30, and October 30.
- ARRA Due Dates:
 - Quarterly: within 30 days after the end of each calendar quarter, i.e., by January 30, April 30, July 30, and October 30.





Civil Rights Reports

- Title VI
 - Triennial Basis, report on compliance
 - Circular 4702.1
- EEO
 - Applicability: 50 or more employees; \$1 million more of FTA assistance
 - Requirement: Triennial Basis, report on compliance
- DBE
 - Applicability: Receive \$250,000 or more in FTA funds each year, excluding vehicle procurement
 - Requirement: Establish Goals on an Annual Basis
 - **Due Date: Required by August 1 of each year**
 - Submitted to Region CR Officer (Rebecca Rand)





National Transit Database (NTD)

- **Applicability:** Recipients of Section 5311 (DOTs)
- **Requirement:** Annual report containing information on capital investment, operations, and service provided
 - (A) Total annual revenue;
 - (B) Sources of revenue;
 - (C) Total annual operating costs;
 - (D) Total annual capital costs;
 - (E) Fleet size and type, and related facilities;
 - (F) Revenue vehicle miles; and
 - (G) Ridership
- **Rural Reporting Manual:**
<http://www.ntdprogram.gov/ntdprogram/rural.htm>





Annual Single Audit (A-133)

- **Applicability:** Non-Federal entities that expend more than \$500,000 or more in Federal awards
- **Requirement:** Conduct an annual organization-wide audit in accordance with OMB Circular A-133.
- **Due Date:** Audit completed within 9 mos. of the end of grantee's fiscal year. Depending on results of audit, follow-up action with Regional office as follows:
 - If no FTA or DOT findings, submit copy of clearinghouse transmittal forms (SF-SAC) to Regional office
 - If FTA or DOT findings, submit entire report and copy of clearinghouse transmittal forms (SF-SAC) to Regional office





Post-Award Activities

- Grant Management
- Grantee Responsibilities
- Reporting Requirements
- **Budget Revisions/Amendments**
- Inactive grants 95% - 100%
- Grant Close-outs





Budget Revision

Budget Revisions (Guidance in 5010.1D, Pg III-11)

- Budget revisions are allowed if there is no change in the grantee purpose, scope codes, and Federal funding
- Submit budget revisions in TEAM using the "Revise Project Budget" screen
- Budget revisions are generally changes to ALIs amounts (move funds between existing ALIs)
- Budget revisions require prior FTA approval if:
 - The federal share of the revision exceeds \$100,000 and the change in the cumulative amount of funds is >20% from original
 - Funds transferred between ALIs with different match ratios or between capital/operating/planning activities (change in FPC code)
 - For rolling stock when the # of buses increases by more than 2 (grants with fewer than 10 vehicles) or 20%



Grant Amendment

Grant Amendments

- Grant amendments are required when there is either a change in the scope or an addition of Federal funds to an existing grant
- Grant amendments are subject to the same application requirements as a new grant request (FTA, DOL review)
- Grantees submit grant amendments in TEAM using the "Create Amendment" screen





Post-Award Activities

- Grant Management
- Grantee Responsibilities
- ECHO
- Reporting Requirements
- Budget Revisions/Amendments
- **Inactive grants 95% - 100%**
- Grant Close-outs





Post-Award Activities

Inactive

- Inactive funds may be requested to be deobligated and the grant closed out
- If deobligated funds are within the period of availability those funds can be reobligated to another grant

95% - 100%

- Provide a close out schedule when the expended funds reach 95%
- Close out grants when reached 100% disbursement and not later than 90 days





Post-Award Activities

- Grant Management
- Grantee Responsibilities
- ECHO
- Reporting Requirements
- Budget Revisions/Amendments
- Inactive grants 95% - 100%
- **Grant Close-outs**






Grant Close-outs

- Use “New Closeout Process” link in TEAM
- Grantee must submit:
 - Final FFR, MPR, and budget
 - If necessary, a request to de-obligate funds and any other report as required by the terms of the grant.
- FTA may unilaterally initiate grant closeout
- All financial, programmatic records and supporting documentation must be retained for a period of 3 years.





Grant Close-outs: Friendly Reminders

- Prepare & provide close-out schedule for all active grants
- Track 95-100% disbursed
- Consider deobligating small amounts of funding
- Submit Final FSR and MPRs (mark report "Yes, Final Report" in TEAM)
- 3  Checks on the "Closeout" Screen
- Email FTA a list of grants that have been prepared for close-out





ARRA Reporting and Oversight





ARRA Reporting and Oversight

- Reporting Requirements
- Grants Management
- Guidance and Resources





ARRA Reporting Requirements

- ARRA Sec. 1201(c) – Completed Feb 2012
- ARRA Sec. 1512 – Quarterly due the 10th day after the reporting period with ext to the 14th.
- TEAM Quarterly Reports: FFR and MPR - due within 30 days after the end of each quarter





ARRA Reporting and Oversight

- Reporting Requirements
- **Grants Management**
- Guidance and Resources





ARRA Grant Management

ARRA Budget Revisions

1. Budget revisions that do not require prior FTA approval per FTA C 5010.1D
2. If cost savings from bids coming in under the previous estimates, allows revisions that require prior FTA approval:
 - Add an activity line item, Move more than 20%, etc.

Note: Where a budget revision or amendment is being completed as a result of cost savings:

- **Documentation must be included in the TEAM grant file**
 - Examples of documentation (not a new estimate)
- In order for adherence to these procedures to be accurately reflected in the grant records, budget revisions and grant amendment activities should be separate actions.





ARRA Grants Management

All ARRA Funds to be expended by
September 30, 2013





ARRA Reporting and Oversight

- Reporting Requirements
- Grants Management
- **Guidance and Resources**





Guidance and Resources

- Third Party Procurement Guidance:
 - http://www.fta.dot.gov/funding/grants_financing_6036.html
 - FTA Circular 4220.1F, “Third Party Contracting Guidance”
 - Frequently Asked Questions: Third Party Procurement
 - 49 USC Part 18 “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments”





Guidance and Resources

- Best Practices Procurement Manual –
http://www.fta.dot.gov/funding/thirdpartyprocurement/grants_financing_6037.html
- Additional Online Tools and Resources -
http://www.fta.dot.gov/funding/thirdpartyprocurement/grants_financing_6038.html
 - ✓ Pricing Guide for FTA Grantees
 - ✓ Procurement System Self-Assessment Guide
 - ✓ The Federal Acquisition Regulation Act





Questions?





FTA U. Final Exam





Wrap-up/Questions and Answers

