Americans with Disabilities Act (ADA) Information

English

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Americans with Disabilities Act (ADA) Information This material can be made available in an alternate format by emailing the Office of Equal Opportunity at wsdotada@wsdot.wa.gov or by calling toll free, 855-362-4ADA(4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.

Spanish

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Información del Acta Americans with Disabilities Act (ADA) Este material es disponible en un formato alternative. Envie su petición por correo electrónico al equipo de Oficina de Igualdad de Oportunidades (OEO) en wsdotada@wsdot.wa.gov o llamando gratis, 855-362-4ADA (4232). Personas sordas o con problemas de audición pueden solicitar llamando el relé de estado de Washington al 711. For public events (like Open Houses, etc) English Accommodation requests for people with disabilities can be made by contacting the WSDOT Diversity/ADA Affairs team at wsdotada@wsdot.wa.gov or by calling toll-free, 855-362-4ADA (4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711. Spanish Solicitudes de alojamiento para personas con discapacidad pueden hacer comunicándose con el equipo de Asuntos de diversidad/ADA WSDOT en wsdotada@wsdot.wa.gov o llamando al número gratuito, 855-362-4ADA (4232). Personas sordas o con problemas de audición pueden solicitar llamando el relé del estado de Washington al 711.

To get the latest information on WSDOT publications, sign up for individual email updates at www.wsdot.wa.gov/publications/manuals.

Contact information:
WSDOT Public Transportation Division
www.wsdot.wa.gov/transit
Introduction

Congratulations! Your organization has been awarded a public transportation grant for 2017-2019 through the Washington State Department of Transportation. We are committed to the success of the funded projects and the effective management of grant funds. Use this guide as a reference tool for your organization throughout the life of your project, as it offers technical assistance and direction for maintaining compliance with the laws and regulations associated with the Federal Transit Administration and Washington state’s public transportation funding.

Guidebook Contents

This guide does not supersede your grant agreement. In the event that any sections of this guide are inconsistent with the specific terms and conditions of your grant agreement, the agreement is contractually binding and must be followed. Some of the requirements in this guide apply only to organizations receiving federal funds.

However, consider this guidance a model for best practices for all project types.

Chapter 1  Guidelines for All Projects
Chapter 2  Guidelines for Operating, Mobility Management and Program Development Projects
Chapter 3  Guidelines for Capital Vehicle and Equipment Projects
Chapter 4  Guidelines for Capital Construction Projects
Appendix A  Operating, Mobility Management and Program Development Reporting
Appendix B  Operating, Mobility Management and Program Development Reimbursement
Appendix C  DBE Good Faith Effort
Appendix D  Charter Service
Appendix E  Site Visit Resources
Appendix F  Procurement Resources and Vehicle Disposition Schedule
Appendix G  Capital Project Reporting
Appendix H  Capital Project Reimbursement
Appendix I  Grants and Agreements Electronic Submittals
Appendix J  References
Appendix K  Acronyms and Definitions
Guide Revisions

This guide is reviewed and updated every two years with the possibility of interim updates. When revisions are made to this document, WSDOT will notify organizations with current grants to find the updated version that will be posted to the WSDOT website at www.wsdot.wa.gov/Transit/Grants/Guidebook.htm.

Funding Programs Covered in the Guidebook

The Consolidated Grant Program provides both state and federal funding to support public transportation services statewide. The following funds are awarded through the program's competitive process or by formula.

State Funds

Rural Mobility Grant Program – Funding to support rural and small urban areas statewide.
  • Competitive – Priority for competitive funding is given to rural areas.
  • Transit Formula – This is a formula-based grant program for small urban and rural public transit systems only.

Paratransit/Special Needs Grant Program – Funding to sustain and expand services to special needs populations.
  • Nonprofit Competitive – Priority for competitive funding is given to private, nonprofit organizations to support special needs transportation services.
  • Transit Formula – This is a formula-based grant program for public transit systems to provide special needs transportation.

Federal Funds (allocated annually by FTA)

• 5304 – Statewide Planning Program
• 5310 – Enhanced Mobility of Seniors and Individuals with Disabilities Program
• 5311 – Rural Area Formula Program
• 5339 – Bus and Bus Facilities Formula Program
• Surface Transportation Program (STP) Funds – STP funds are awarded to rural public transportation providers by the county lead planning agency and then transferred to the FTA 5311 program.
Contacts

The regional community liaison listed on the front of your grant agreement will generally be your primary point of contact throughout the life of the grant. There are also subject matter experts in the WSDOT Public Transportation Division (PTD), who are available to provide technical assistance. Refer to the following:

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Other Resources Available

WSDOT PTD staff is available to provide technical assistance to grantees in the following areas:
- Vehicle specifications and bid procedures.
- Drug abuse and alcohol misuse testing policies and procedures.
- Archaeological and cultural resources (State of Washington Executive Order 05-05).
- Project development/management and financial management.
- Compliance with federal and state regulations, policies and procedures.
- Identifying trainings and tools to promote industry standards.

WSDOT uses a variety of methods to provide trainings for transportation providers.

For links to training and technical assistance resources, including RTAP, see Appendix I.
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Chapter 1 Requirements and Guidelines for All Projects

This chapter outlines requirements related to your grant as well as best practices and general guidelines. In addition to the requirements listed in Chapter 1, rules and expectations specific to your project type are described in Chapters 2-4. Some requirements apply only to federally funded projects and will be denoted as such with an asterisk (*) next to the heading.

Grants Contracts

WSDOT expects your organization to carry out the project as described in your application for funding and the subsequent Scope of Work in the grant agreement. To ensure project compliance, it is important for the grantee to read the entire grant agreement, understand the clauses, and confirm the accuracy of the Scope of Work and Budget.

Project Change Requests

Occasionally, despite the best efforts to effectively plan and manage a project, changes are necessary. Your organization's project cannot be modified, adjusted or changed without written approval from WSDOT. All aspects of the grant agreement remain in effect until WSDOT provides written confirmation of the approved change. In some cases, project changes require a formal amendment to the existing grant agreement.

Project Change Request Process

Before your organization submits a formal written request for a project change to WSDOT, we strongly recommend that you contact, collaborate with, and obtain input from organizations/entities that could be affected by your proposed project change. Your assigned WSDOT community liaison is available to assist you with this process. All changes must be requested in writing via email or U.S. mail to your WSDOT community liaison listed on the front of your grant agreement.

Change requests must include:

• Specific information about the proposed change (i.e., scope, schedule and budget).
• Comparisons to existing grant commitments.
• Reasons for the requested change.
• Expected benefits and costs associated with the proposed change and impact on stakeholders.

In addition, it may be helpful to include information about other potential solutions that were considered but rejected. For competitive grant programs, explain how the revised project scope will better meet the needs of your organization and the community you serve.

Examples of project changes include but are not limited to:

• Scope of Work
  – Service modification – schedule and route changes (e.g., shifting service from midday to morning or weekday to weekend, or altering a route).
  – Change in the number, type or size of vehicles to be purchased.

• Schedule
  – Change to project begin or end date.
• **Budget**
  – Overall project budget.
  – Local match percentage.
  – Funding for phase of work (construction projects).

• **Assignment**
  – Transferring grant responsibilities from one organization to another organization.
  – Shifting grant funds between projects.

Most of the changes listed above will require an amendment to the grant agreement, which triggers approval by the grants and community partnerships manager and/or approval or consultation at a higher level (e.g., director of the Public Transportation Division or director’s designee).

**Grant Records Retention**

State requirements specify that grantees are required to retain:

• Operating or planning grant records for six years beyond the end of the grant period.
• Capital vehicle and equipment grant records for six years after WSDOT releases interest in the vehicle(s) or equipment.

It is recommended that a record retention policy be established that conforms to the audit review requirements.

As a condition of receiving state and/or federal funds through WSDOT, grantees may be required to participate in an audit conducted by the State Auditor’s Office or FTA. More on audits can be found in the Required Single Audits section below.

**Coordination and Community Outreach**

Working with the community and teaming with other providers are crucial elements of any public transportation project. Both provide valuable opportunities for collaboration and may influence the project to better serve local communities. In addition, good coordination and outreach efforts build community support and a sense of local ownership.

In many cases, community involvement is required as part of the environmental or construction permitting process or to obtain funding. Engaging a wide variety of people in your project (e.g., people of various age, race, English proficiency, physical ability and income level) is a worthwhile objective. Community outreach is also vital in developing new services and may be required if your organization receives federal funds.

In many cases, regardless of whether your organization receives state or federal funding, your organization will be required to document public questions and comments, agency responses and areas where public opinion influenced the project. Documented public involvement is often required even if your organization receives only state funding. For technical assistance in meeting specific requirements, contact your WSDOT community liaison listed on the front of your grant agreement.
Coordinated Human Services Transportation Planning

All grants received through the Consolidated Grant Program were derived through the locally developed Coordinated Public Transit-Human Services Transportation Plan (CPT-HSTP). Organizations that could be considered stakeholders for the development of this plan include, but are not limited to, senior service centers, community action programs, local Medicaid brokers, local transit systems, WorkFirst local planning areas, and private sector stakeholders. See the Public Transportation Library for the latest CPT-HSTP template. Grantees should continuously participate in the regional transportation planning process throughout the term of their grant agreement and keep the group informed of their project’s impact on the needs identified in the last plan.

Marketing Public Transportation Services

Marketing your service is a best practice and an important tool to ensure project success.

Minimum Marketing Requirements

Your organization’s services must be marketed to the target population(s) applicable to the grant program governing your project as specified in the following requirements. Targeted markets include:

- **Paratransit/Special Needs** – Persons with special transportation needs, such as mobility issues or other situation that prevents driving.
- **Rural Mobility** – General public in rural areas.
- **FTA 5310** – Persons who are elderly or have a disability.
- **FTA 5311** – General public in rural areas and persons of low income needing access to employment or employment-related services.

WSDOT staff can provide assistance in developing marketing materials. Contact your assigned community liaison, who will work with WSDOT staff with marketing experience. Services can be marketed in a variety of ways, such as the following:

- Publish flyers, schedules and service-area maps and distribute them throughout your community. Possible locations include but are not limited to:
  - Medical facilities
  - Community centers
  - Grocery stores
  - Senior centers.
- Develop and distribute trip planners that instruct riders how to reach popular destinations.
- Post schedules on your website.
- Encourage local media to feature or advertise your services.
- Place appropriate signage on agency vehicle(s) indicating that the service is open to the public, and include a phone number to call for information.
Civil Rights

All grantees are required to comply with federal, state and local laws including, but not limited to, those concerning equal opportunity employment and nondiscrimination assurances. Grantees must make an effort to reach out to minorities for opportunities related to employment, contracting, and membership on policy or advisory committees. Services must be accessible to all people regardless of race, color, creed, national origin, gender, marital status, family-with-children status, age, disability, veteran/military status or sexual orientation/gender identity. There should be clear policies to prevent workplace harassment.

Handling Discrimination and Misconduct Complaints

Personnel policies must be communicated to all employees to ensure an understanding of the types of unacceptable behavior, as well as corrective actions that may occur should they be exhibited.

All written complaints must be handled immediately to maintain credibility and ability to continue as a contractor or grantee of WSDOT. You must have procedures in place that address the course of action to be taken if and when complaints arise. If procedures are not in place, you must develop and incorporate them into your organization’s administrative and personnel policies. The procedures should include:

- A requirement that all complaints be put in writing and include the alleged offense and circumstances.
- Explanation on how the complaint will be investigated, including confidentiality.
- Corrective action process.
- Method for issuing findings.
- Notification to the person filing the complaint, informing them of the findings and what corrective measures were taken.
- Retention of the working file for each complaint received (this file must be retained for six years beyond the end of your project).

Equal Employment Opportunity Requirements*

Organizations must ensure that none of their employees, applicants for employment or subcontractors will be discriminated against because of race, color, creed, national origin, gender, marital status, family-with-children status, age, disability, veteran/military status or sexual orientation/gender identity. Additionally, organizations must post notices of their Equal Employment Opportunity (EEO) policy and notify employees and applicants of complaint procedures.

An organization meeting one or both of the following criteria must have a written EEO policy that is compliant with Urban Mass Transit Association (UMTA) FTA C 4704.1 Chapter III:

- Employs 50 or more transit-related employees and receives $1,000,000 or more in capital or operating assistance in the previous federal fiscal year.
- Employs 50 or more transit-related employees and receives $250,000 or more in planning assistance in the previous federal fiscal year.

If a policy is required according to the above criteria, you must submit a copy of your EEO policy to WSDOT.

Organizations are required to report all transit-related complaints, investigations or lawsuits to WSDOT and continue to track them accordingly.
Title VI of the Civil Rights Act of 1964*

Title VI of the Civil Rights Act of 1964 requires organizations receiving federal funds to take measures to ensure there is no discrimination against persons on the grounds of race, color or national origin in the provision of their services (see 42 USC 2000d).

To comply with FTA requirements, grantees must have policies and practices in place to ensure:

- The level and quality of transportation service are provided without regard to race, color or national origin.
- Programs and activities do not have a highly disproportionate effect on minority and low-income populations. Affected factors include human health, environmental, social or economic.
- All affected populations provide full and fair participation in decision making.
- Denial, reduction or delay of benefits is prevented for and activities benefiting minority or low-income populations.
- Meaningful access to programs and activities is provided to persons with limited English proficiency (LEP).
- Outreach is conducted to minority and LEP populations on a quarterly basis, at a minimum.

In addition, organizations will be required to submit quarterly reports tracking complaints, investigations or lawsuits related to Title VI protections. For more information, read FTA Circular 4702.1B or 49 Code of Federal Regulations (CFR) Part 21.

Conducting Outreach to Limited English Proficiency Populations

Federal guidance requires grantees to track their outreach activities to LEP populations. WSDOT will collect this information on the quarterly progress report. Examples of locations or groups to solicit input from LEP populations include ethnic restaurants, community centers, immigrant and refugee community groups, churches and stores or markets that cater to international/LEP populations.

For specific verbiage and guidance about conducting outreach, please review the Title VI policy template found in the Compliance Resources section of the Public Transportation Library or at www.lep.gov. Instructions for gathering demographic data can be found at the U.S. Census website.

Tracking Discrimination Complaints

All discrimination complaints received by your organization must be tracked. Complaints made regarding Title VI or EEO protections must be tracked and reported to WSDOT quarterly. Any complaints that develop into investigations or lawsuits must also be tracked and reported to WSDOT. Information to be collected and reported includes:

- Date of complaint, investigation or lawsuit filed.
- A summary of the allegation(s).
- The status of the complaint, investigation or lawsuit.
- Actions taken by the transit organization.
- Actions taken by the organization which the complaint, investigation or lawsuit was forwarded to in response to the complaint, investigation or lawsuit.
Disadvantaged Business Enterprises Requirements*

FTA requires that organizations receiving federal funds must make efforts to purchase items from Disadvantaged Business Enterprises (DBE) or use their services for transit-related activities. A DBE is a for-profit small business that is:

- At least 51 percent owned by one or more individuals who are socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals.
- Controlled (management and daily business operations) by one or more of the socially and economically disadvantaged individuals who own it.

This program differs from Washington’s certification for Minority or Woman Owned Business Enterprise (MWBE). The thresholds for the DBE program are typically more stringent than the state program. An organization can be an MWBE and not a DBE.

As a recipient of federal funds, WSDOT is required to establish a three-year goal based on its own contracting opportunities and those of its grantees. This goal is developed by WSDOT, in part, by using the information provided in the quarterly DBE report submitted by grantees.

**WSDOT’s DBE goal is 3.26 percent until further notice** and may change in the fall of 2017. Agencies have the ability to set their own goal, but must justify how they arrived at that goal and explain if they did not meet it.

Each grantee is required to make good faith efforts to use DBEs whenever purchasing or contracting with grant funds. See Appendix C for guidance concerning good faith efforts.

Grantees are not required to purchase from the DBE vendor if the price is significantly higher than that of other vendors. Federal procurement rules may prohibit breaking up your procurement with the intent of boosting your DBE participation rate. We recommend that you contact WSDOT’s Capital Programs.

The following will not qualify as purchasing from a DBE:

- Purchasing from a non-DBE vendor who purchased the product from a DBE and then sold it to your organization.
- Purchasing from a MWBE that is not also a DBE.

WSDOT staff work with grantees to ensure they are taking the proper measures needed to meet their obligations under the DBE regulations. For more information on the DBE regulations, see 49 CFR 26.

Is a DBE Plan Required?

If your organization expects to award contracts with a combined total of $250,000 [excluding rolling stock (vehicle) purchases] or more in a calendar year using FTA funding, you are required to establish a DBE plan. Your organization may either adopt WSDOT’s DBE plan or establish your own DBE plan. See the DBE Plan Specifications section below for more information.

If your organization is not required to have a DBE plan, you will still need to make a good faith effort and report those efforts to WSDOT. See the DBE Reporting and Good Faith Effort sections on the following pages for more information on reporting requirements and examples of good faith efforts.
**DBE Plan Specifications**

If your organization is required to have a DBE plan, you must either develop and implement a DBE plan or adopt WSDOT’s plan.

If your organization establishes its own plan you must also:
- Establish DBE purchasing goals.
- Obtain approval of the plan from FTA.
- Submit semi-annual reports to FTA on DBE purchases and good faith efforts.

If your organization chooses to adopt WSDOT’s plan, you will need to take the following steps:
- Notify WSDOT of your intentions and discuss potential contracting opportunities.
- Send a copy annually of the board’s acceptance of WSDOT’s plan.
- Work with the appropriate WSDOT staff member to ensure the projects are included in WSDOT’s goal.
- Submit quarterly reports to WSDOT regarding DBE purchases and good faith efforts.

**Another Option for DBE Plan**

Grantees meeting the contracting threshold because of a specific project, such as a facility project, may petition FTA to establish a project-specific goal. If this option is chosen, contact the FTA Region X Civil Rights Officer at 206-220-7954. If approved, request a letter from FTA and send it to WSDOT.

**DBE Reporting**

Regardless of whether a plan is required, grantees must report on all federally funded purchases, list DBEs used and explain good faith efforts. However, the type of report and how the information is reported will depend on whether a grantee has its own plan, adopted WSDOT’s plan or is only required to make good faith efforts.

- If your organization adopted its own plan and goal:
  - Submit reports directly to FTA using the Transit Award Management System (TRAM).
  - Send a copy of the report to WSDOT.
  - Contact the appropriate WDOT staff member for reporting instructions only if your organization does not receive funding directly from FTA.
- If your organization adopted WSDOT’s plan or is required to only make a good faith effort:
  - Submit reports directly to WSDOT quarterly using the form provided with your Quarterly Progress Report forms.
  - If a grantee reports directly to FTA and intends to include funds received through WSDOT in its report, it must notify WSDOT and FTA of its intentions.

**Good Faith Effort**

A good faith effort is the process of taking appropriate measures toward using DBE vendors in purchasing/procurement with federal funds. See Appendix C for guidance concerning good faith efforts.

Examples of good faith effort include:
- Researching DBE vendors for your projected contracted work and purchases.
- Encouraging DBE vendors to submit a bid or quote when advertising for contracted goods or services.
• Placing advertisements in any local minority newspapers.
• Actively seeking DBE vendors by obtaining the [OMWBE directory](#), or contacting equivalent agencies in neighboring states.
• Encouraging eligible businesses to become certified.
• Documenting your procedures when researching DBE vendors, and/or your reasoning for not selecting any DBE vendors. If your agency rejects a bid from a DBE vendor based on price, your procurement policy should state the difference that qualifies or disqualifies a bid (i.e., quotes from DBE vendors within a determined percentage of other bids will be considered competitive with price quotes from non-DBE vendors).

**Employee Conduct and Prevention of Harassment**

Harassment in the workplace violates Washington human rights laws. WSDOT requires that your organization establish a written policy to keep the work environment free from harassment, coercion and intimidation in any form. The policy should include the following elements:
- A definition of behavior constituting harassment, intimidation or coercion.
- The process for filing a claim.
- The process used to investigate a claim.
- Disciplinary action and corrective measures to be taken.

**Public Accommodation and the Americans with Disabilities Act**

It is important that the services provided to the public and hiring practices of grantees do not discriminate against persons with disabilities. This section provides an overview of the basic information necessary to ensure your organization is in compliance with federal and state laws regarding employment and services to persons with disabilities. These laws include:
- **49 CFR Part 27** – Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance
- **49 CFR Part 37** – Transportation Services for Individuals with Disabilities
- **RCW 49.60.030** – Freedom from Discrimination – Declaration of Civil Rights

For further information about ADA requirements, contact a WSDOT Public Transportation Division staff member.

It is a federal requirement that no qualified person with a disability be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any program or activity that receives or benefits from federal financial assistance, administered by FTA, solely on the basis of their disability. This applies to employment opportunities and the services provided by your organization.

The Washington state Freedom from Discrimination Law provides additional rights to people with disabilities. Those rights include but are not limited to:
- The right to obtain and hold employment without discrimination.
- The right to full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement.

Regardless of the type of grant funds received, grantees are required to comply with all federal and state laws prohibiting discrimination on the basis of disability. Equal access to program services and facilities must be provided to people with disabilities.
**Discrimination in Employment**

Title I of the ADA prohibits discrimination in employment and requires employers to provide reasonable accommodation. The ADA applies to all aspects of the employment process including job advertising, interviews, applications and post-offer medical examinations.

- **Job Advertisements and Applications** – Job applications should be written in a clear and understandable language. Position qualifications should be clearly explained. Include a statement indicating that the organization is an Equal Opportunity Employer.

- **Interviews** – Employers may not ask disability-related questions or conduct a medical examination until after a conditional job offer has been extended. Questions must be specific to the applicant's ability to perform a task or job function.

- **Post-Offer Medical Exam** – Once a conditional job offer has been extended and before work starts, employers may ask any disability-related questions as long as the questions are asked of all prospective employees in the particular job class.

**Reasonable Accommodations**

A reasonable accommodation is a modification or adjustment to a job, the work environment or the way things are usually done to enable a qualified individual with a disability to enjoy an equal employment opportunity.

Examples of reasonable accommodations include but are not limited to:

- Purchasing a computer magnification tool for an employee with vision impairments.

- A special chair or an elevated workstation for a person with a disability.

- Rearranging the office area, workstations and employee rest rooms so a person in a wheelchair can gain access.

**Meeting ADA and Public Accommodations Requirements**

The services provided to persons with disabilities must be equal to the services provided to persons without disabilities. All organizations awarded grant projects through WSDOT are required to be in full compliance with the ADA on the first day of the project and remain in compliance for the duration of the project.

Below are some of the things you need to keep in mind when ensuring your service is accessible to people with disabilities.

- **Lifts and Securements** – Lifts and securement devices must be available for people with disabilities. A system of regular and frequent maintenance checks should be in place. If a lift becomes inoperable, alternate transportation must be provided to passengers with disabilities.

- **Facilities** – All public facilities must be accessible to a person with a disability. This includes bus stops and transit centers.

- **Stop Announcements** – Stops must be audibly announced at transfer points, major intersections and destination points.

- **Accessible Communication** – Bus schedules, signage and other communication to the public must be made available in an accessible format when requested.

- **Complementary ADA Paratransit** – All services must be provided in compliance with the ADA. When evaluating paratransit service, the following considerations should be observed:
  - The service must be provided within three quarters of a mile (0.75) of the fixed-route corridor.
  - Fare for the service must not be more than twice the fare of the fixed route.
– Organizations should have an established eligibility criteria and procedure for determining eligibility.
– Organizations should have a system to monitor and track service denials.
– Requests for reservations must be accepted during normal business hours on a next day basis.
– Days and hours of service must be the same as for fixed route, except for routes designated as commuter/express service or university service, for which no complementary service is required.

• **Deviated Fixed Route** – This service has operating characteristics of both fixed-route and demand-response service. Route-deviated service operates along standard bus routes, but may deviate from the route within a prescribed distance (e.g., 0.75 mile). Your organization must clearly communicate through outreach/marketing materials (bus schedules, websites, etc.) to the public how the service deviates from fixed-route and demand-response service.

To be considered a route-deviated service, the following criteria must be met:
– Your agency must allow customers to request a route deviation, typically by calling in advance.
– Have procedures in place for managing requests for deviations and denials, if any.
– Following a route deviation, the vehicle must return to the point on the route at which it deviated.
– You must clearly indicate route-deviated service on bus timetables, marketing materials and websites and provide the telephone number and process to follow for requesting a route deviation.
– You must indicate the distance/coverage area that the bus will deviate for passenger pick-up and drop.
– All marketing materials must indicate who is eligible for route-deviated service.
– All route deviations completed by a transportation provider should be documented (e.g. driver trip log/manifest) and kept on file.

**Service Animals**

A service animal is any guide dog, signal dog or other animal individually trained to work or perform tasks for an individual with a disability. This includes but is not limited to:

• Guiding individuals with vision impairments.
• Alerting individuals with hearing impairments to intruders or sounds.
• Providing minimal protection or rescue work.
• Pulling a wheelchair.
• Fetching dropped items.

Under the ADA, your organization is required to allow service animals to accompany persons with disabilities on passenger service vehicles and in your facilities. It is discriminatory to ask for the certification, registry of a service animal or a demonstration of work performed by the service animal. A driver or rider's fear of, or allergy to, animals is not a justifiable reason to not allow a service animal.

**Differences between a Service Animal and a Pet**

It can be very difficult to tell the difference between a service animal and a pet. Service animals are not required to have certification papers or wear a collar or harness, and it is a violation of the ADA to require them. If you are not certain whether an animal is a service animal or a pet, you may ask the customer if the animal is a service animal. If the customer responds that it is a service animal, the animal must be accommodated as long as it is under the control of the customer at all times.
Sensitive Information

As a public transportation provider and employer, your organization often deals with confidential information about employees and customers. There are certain laws and regulations that restrict the type of information that can be released. In addition, some entities that provide matching funds to your organization may require specific policies regarding sensitive or confidential information.

Customer’s Right to Confidentiality

It is important for transit drivers and dispatchers to safeguard the release of a customer’s personal information to avoid violating a person’s right to confidentiality. Riders may confide in a trusted transit service employee, and it may be tempting to share this information with others. Below is an example of a violation of confidentiality and recommended actions to avoid such violations:

- **Issue** – Information received about a rider’s medical condition is repeated to persons other than the supervisor.

- **Recommended Practice**
  - Encourage employees to share concerns with their supervisor, not with other coworkers, family or friends. Only information the supervisor needs to know can be communicated.
  - Names of individuals receiving service from a program must not be shared with anyone outside your organization.
  - Unless it is necessary to obtain needed services and the rider has given written consent, information about a rider must not be shared. If a rider is not able to give permission to share information for his/her well-being, the employee and the supervisor should use their best judgment to share only information needed to provide services.

In some circumstances, the transportation employee is required to share information. This applies when it relates to suspected abuse of children or vulnerable adults. If abuse is suspected, this information should be conveyed to the supervisor, but must not be shared with other drivers, family or friends.

Employee’s Right to Confidentiality

Employees are often required to share confidential information with their supervisor and manager. A manager often receives information regarding an employee's medical condition in the event of a request for personal leave, or the results of a drug and alcohol test. This information must not be shared with anyone that is not authorized under federal or state regulations.

There must be clear procedures in place to address how sensitive information may or may not be shared with others to avoid violating an employee's right to confidentiality.

Customer Comment/Complaint Process

A written complaint process, including the following components is required for organizations receiving state paratransit/special needs grants and recommended for all grantees

1. A full description of the options available to persons of special needs for making comments or complaints about fixed-route or demand-response services.

2. A complete description of the educational or outreach portion of the complaint process. Specifically, each agency shall provide the following with their application:
   - A description of how the organization will address complaints.
   - Copies of complaint forms, which are to be made available on buses and in public areas.
   - Any formally adopted policies related to the complaint process, if applicable.
• A list of the options for contacting transportation organizations, which shall include U.S. mail, email, phone and fax, and shall use accessible formats.

• A description of the process that exists and how persons of special needs can access information about the comment process for either fixed-route or demand-response services. The description shall demonstrate:
  – The complaint process is concise and easy to understand.
  – In no uncertain terms that retribution will not be tolerated.
  – Information about the process is prominently located on the transit service's website, if available.

• A description of when information is distributed, including but not limited to:
  – Registration for services.
  – Re-evaluation for service.
  – Information must be distributed at least every three years for active paratransit riders.

**Tracking Civil Rights Complaints**

Your organization must track all civil rights-related complaints received and report that information to WSDOT quarterly. Information to be collected and reported includes:

• Date of complaint, investigation or lawsuit filed.

• A summary of the allegation(s).

• The status of the complaint, investigation or lawsuit.

• Actions taken by the organization.

• Actions taken by any third-party organization receiving the complaint or notification of investigation or lawsuit.

**Labor Compliance Issues**

Basic requirements for complying with federal labor regulations include but are not limited to:

• 29 USC Chapter 8 – Fair Labor Standards Act (FLSA)

• 40 USC Chapter 37 – Contract Work Hours and Safety Standards Act

• 49 USC Section 5333(b) – Labor Standards

**Fair Labor Standards Act and Contract Work Hours and Safety Standards Act**

The Fair Labor Standards Act and the Contract Work Hours and Safety Standards Act provisions established basic wage standards to be used for employees. The three main areas that apply to your organization are:

• **Minimum Wage** – All employees at a minimum must be paid at the current federal minimum wage or state minimum wage, whichever is higher.

• **Overtime** – Non-professional employees must be paid at a rate of one and one-half (1.5) times their normal pay for all hours worked beyond 40 hours per week.

• **Health and Safety** – No employee shall be placed in a work environment that is unsanitary, hazardous or dangerous to his/her health or safety.

Some types of employees are exempt from overtime payment requirements. However, it is very important not to assume that the exemptions apply to your employees. It is always best to refer directly to the appropriate regulations to determine what course of action you may take. Current state minimum wage information is available at [Washington State Labor and Industries](https://www.lni.wa.gov).
**Code Section 5333(b) Labor Standards**

This provision of the U.S. public transportation code requires that fair and equitable arrangements be made to protect the rights of affected public transportation employees when federal funds are used to acquire, improve or operate a general public transportation service.

Section 5333(b) Labor Standards applies only to organizations awarded projects under Sections 5309, 5311, 5311(f) and 5316 and to transit agencies awarded Section 5310 funding. Section 5333(b) Labor Standards documentation might be labeled as Section 13(c) Special Warranty. The *Rural Transportation Employee Protection Guidebook*, published by the U.S. Department of Labor, provides detailed information about the requirements. The specific federal laws and regulations can be found in *49 USC 5333(b)* and *29 CFR Part 215*.

**Coverage under the Labor Protections**

Section 5333(b) ensures that no transportation worker’s employment is terminated or position worsened as a result of an FTA-funded project. The labor protections under Section 5333(b) apply primarily to your employees. However, they also cover the employees of any other transportation provider operating in your service area.

**Claims Filed Against Organizations**

If a transportation employee feels he/she was terminated or his/her position was worsened as a result of your organization being awarded an FTA project, the employee (or a union representing the employee) has the right to file a claim with the U.S. Department of Labor. If the claim is ruled in favor of the U.S. Department of Labor, it will be your organization’s responsibility to make any necessary financial and employment accommodations for the individual. The U.S. Department of Labor may also impose a fine. Listed below are examples of circumstances that may cause a claim to be filed:

- **Your Organization’s Employees**
  - Your organization is awarded a project to purchase a new dispatch system. As a result of the purchase, you only need two dispatchers instead of three dispatchers and one dispatcher is laid off.
  - Your organization is awarded a project to purchase a minibus to replace a large bus. However, your organization pays minibus drivers less than it pays drivers of large buses. As a result, one driver’s pay is reduced.

- **Employees of Other Transportation Providers**
  - Your organization is awarded a project to provide transportation service in a new area. As a result, there is a decline in another provider’s service and the other provider terminates an employee.

**Basic Compliance Requirements**

There are three basic steps to ensure your organization’s compliance with Section 5333(b) Labor Standards.

- **Step 1** – Review the Rural Transportation Employee Protection Guidebook to ensure full compliance with the Department of Labor’s regulations associated with rural transportation programs.

- **Step 2** – Post an employee notice. This notice advises passenger transportation employees of their rights and the process to follow if they believe their position has been worsened. To comply with the posting requirement, the following actions must be taken:
  - You must prepare the notice on your organization’s letterhead. This includes inserting your organization’s name in the appropriate areas.
– Attach copies of appendices A and C of the Rural Transportation Employee Protection Guidebook behind your notice.
– Attach the procedure for filing a claim. If you did not receive a copy of the claims procedure, WSDOT will provide you a copy upon request.
– If your organization’s employees are covered by a union bargaining agreement, attach a copy of the union’s arbitration procedures.
– Post this information in an employee gathering area for the entire period of your grant award.

• **Step 3** – If your organization has a union contract, the local union must be notified. In addition, incorporate the arbitration procedures described in the Rural Transportation Employee Protection Guidebook into any current and future union contracts.

**Labor Law Posters in the Workplace**

Labor law posters are important— not only because they inform workers and employers of their rights and responsibilities, but because they are required to be visible in a common area in the workplace. Compliance with legal requirements for labor law posters will be verified by WSDOT staff during site visits. Most posters can be ordered at no charge from the issuing agency (e.g., Washington Department of Labor and Industries, Equal Employment Opportunity Commission, U.S. Department of Labor). The following posters are required of employers in Washington state:

- Employee Polygraph Protection Act
- Equal Opportunity Employment is the Law
- Fair Labor Standards Act (minimum wage)
- Job Safety and Health Protection
- Family Medical Leave Act of 1993 [private employers with 50+ employees and transits]
- Notice to Employees (if a job injury occurs)
- Your Rights as a Worker
- Unemployment Benefits
- Your Rights under USERRA – Uniformed Services Employment and Reemployment Rights Act

**Charter Service**

FTA’s Charter Bus Service Rule, which implements 49 U.S.C. 5323(d), protects private-charter operators from unauthorized competition from FTA grant recipients. Any organization receiving federal funds for any projects must consult with their WSDOT community liaison before agreeing to proceed with any charter operations.

The regulations define charter service as follows:

(1) Transportation provided at the request of a third party for the exclusive use of a bus or van for a negotiated price. The following features may be characteristics of charter service:

- A third party pays a negotiated price for the group.
- Any fares charged to individual members of the group are collected by a third party.
- The service is not part of the regularly scheduled service, or is offered for a limited period of time.
- A third party determines the origin and destination of the trip as well as scheduling.
Transportation provided to the public for events or functions that occur on an irregular basis or for a limited duration and:

- A premium fare is charged that is greater than the usual or customary fixed route fare, or
- The service is paid for in whole or in part by a third party.

For examples of services that do not meet the definition of charter service and additional information such as regulation exemptions and exceptions, see Appendix D.

Public Agency - Private Sector Transportation Provider Participation

This section applies only to public agencies.

All public agencies receiving FTA funds must allow private mass transportation providers to participate in the project to the maximum extent feasible. Further, public agencies are prohibited from using FTA funds to operate in direct competition with existing private mass transportation providers.

FTA does not prescribe a specific private-sector participation process. However, public agencies are required to have an established process to ensure private providers in the area are aware of the agency’s intentions. This can be accomplished through coordination of efforts or by holding a public hearing prior to submitting a grant application for the project.

Complaints Alleging Unfair Competition

If your organization is planning a new service, it is important to contact any private providers that may be operating in that area. If a grantee’s expanded services result in a decline in business for a private-sector charter provider, the grantee, along with WSDOT and FTA, may receive a complaint alleging unfair competition. So it is important to involve private-sector transportation providers early in the process. This may take the form of a legal notice advertisement or written notice sent directly to private providers and requesting a response from them.

Organizations are required to have procedures in place to track, investigate and respond to any complaints received. The procedures must include the following elements:

- Person(s) assigned the responsibility of receiving, investigating and responding to these complaints.
- An appeal process if the individual or organization filing the complaint is unsatisfied with the response.
- An identified mediator or mediation panel in the appeal process that does not include your organization’s employees or board members.

Either party may appeal the decision to WSDOT if unsatisfied with the mediator’s decision. Appeals must be filed with the WSDOT director of public transportation or designee within 30 days of the mediator's decision and include the following:

- An original signature of the chief executive officer of the entity filing the appeal.
- The grounds under which the appeal is being filed.
- A copy of the mediator’s decision.

A copy of the appeal must be sent by the entity filing the appeal to the other party involved and to WSDOT. We will review the decision and the procedures followed from the time your organization received the initial complaint to the decision. Following review, WSDOT will issue an appeal determination.
School Bus Provisions*

Organizations awarded FTA funds are prohibited from providing school bus transportation services in areas where privately owned operators provide such service. School bus transportation is defined as transportation by bus exclusively for school students, personnel and equipment. Specific details about this regulation can be found in 49 CFR Part 605. This does not preclude organizations from providing service to students. Contact your WSDOT community liaison to determine how to provide this service without violating school bus provisions.

Financial Management

Regardless of the funding sources assigned to a project, WSDOT requires all organizations to follow the cost principles standards and administrative requirements outlined in the following federal regulations:

- Administrative requirements in the CFR 49 CFR Part 18 (state, local or tribal governments) or 49 CFR Part 19 (nonprofits, hospitals, and institutions of higher education), whichever is applicable.
- Accounting requirements in the Office of Management and Budget (OMB) requirements codified under 2 CFR Part 200 Uniform Administrative Requirements, Cost Principals and Audit Requirements for Federal Awards and/or 48 CFR Part 31 (private for profit), whichever is applicable.

Required Single Audits*

Grantees that spend federal funds totaling $750,000 or more in a single fiscal year (regardless of the federal funding source) are required to perform a single audit that meets the requirements of OMB Circular A-133. The audit must be completed and submitted to WSDOT within nine months of the end of your agency’s fiscal year. The reports should be submitted to:

US Mail: Washington State Department of Transportation Public Transportation Division
          Attention: Business Services Group PO Box 47387
          Olympia, WA 98504-7387

Or Email: PTDreports@wsdot.wa.gov

The type of organization you are will determine the type of entity that will perform the audit:

- Public agencies are audited by the State Auditor's Office.
- Private for profit or nonprofit organizations and tribal governments must be audited by a certified public accountant (CPA).

The audit must be performed by an independent audit firm or state auditor and cannot be performed by the same CPA or firm that provides general accounting services for the grantee.

Other Audits

As a condition of receiving state and/or federal funds through WSDOT, grantees may be required to participate in an audit conducted by the State Auditor's Office or FTA. These audits are typically conducted when WSDOT is being reviewed. However, in cases where a grantee has lost its in good standing status, WSDOT may conduct a specific audit of all (present and past) grant-funded projects with that grantee. These audits can be based on but are not limited to the following:

- The scope of work for your project
- The organization’s financial records
- The federal and state laws and regulations referenced in your agreement with WSDOT.
The federal audits may take place during the course of your project and up to three years beyond the end of your agreement or contract with WSDOT. If a subcontract is hired for services using grant funds, the subcontractor may also be subject to an audit or inspection.

Ethics Policies*

This section applies to organizations receiving FTA funds. However, WSDOT considers the policies outlined in this section as best practices for all grantees. Grantees are required to develop and implement policies and procedures specific to the ethical conduct of its employees, officers, board members or agents. The policies must include:

- Written code of ethics
- Debarment and suspension
- Bonus or commission
- Restrictions on lobbying
- Employee political activity
- False or fraudulent statements and claims.

Written Code of Ethics

The code of ethics establishes standards of conduct for your organization’s employees, officers, board members or agents involved with your FTA project. The required code of ethics must cover the following:

- **Gifts and Gratuities** – Employees, officers, board members or agents of your organization may not accept or solicit gifts, gratuities, favors or anything having monetary value from current or potential subcontractors. However, minimum rules may be set where a gift is unsolicited and of nominal value.

- **Personal Conflict of Interest** – The personal-conflict-of-interest policy prohibits your organization’s employees, officers, board members or agents from participating in the selection, award or administration of a contract if there is a perceived or real conflict of interest. A conflict of interest would arise when your organization’s employee, officer, board member or agent has a financial or other interest in the entity submitting a bid or quote, is selected for an award, or if the entity is owned or operated by:
  - The employee, officer, board member or agent, plus any member of their immediate family, their partner and/or any organization that employs or will soon employ your organization’s employee, officer, board member or agent.

- **Organizational Conflict of Interest** – In addition, policies must be established to avoid any organizational conflicts of interest. These conflicts exist when the nature of work to be performed under a proposed contract, without some restrictions on future activities, may result in an unfair advantage to a specific contractor or impair their objectivity in managing the subcontract. Examples of organizational conflicts of interest include, but are not limited to:
  - Disclosure of information related to an upcoming call for projects that is not provided to all potential bidders at the same time.
  - Obtaining assistance from a potential subcontractor in developing specifications or a request for proposals (RFP).
• **Identification and Prevention of Conflicts of Interest** – All employees, officers, board members or agents must take steps to avoid the appearance of a real or apparent conflict of interest and report any potential conflict immediately.

• **Penalties for Violations of the Code of Ethics** – The code of ethics includes penalties, sanctions or other disciplinary actions for violations of its code or standards by its employers, officers, board members or agents.

**Debarment**

Grant recipients using FTA funds for a third-party contract must award those contracts to responsible contractors only, according to the “Responsibility” Requirements section in chapter IV of FTA’s Third Party Contracting Guidance. Recipients can determine the integrity of a prospective contractor by checking the System for Award Management (SAM) at [www.sam.gov](http://www.sam.gov). Debarred or suspended contractors or subcontractors cannot be awarded or participate in a contract involving federal funds. Grantees must retain documentation and verification of the selected contractor's eligibility to participate.

**Bonus or Commission**

In addition to the code of ethics, procedures must be implemented to ensure a bonus or commission is not paid to anyone for the purpose of obtaining the award of a grant project.

**Restrictions on Lobbying and Employee Political Activity**

Policies must be in place to ensure no one in your organization uses federal funds for the purpose of lobbying in connection with the award of an FTA project. In addition, if your organization uses any of its own funds for lobbying purposes, it is required to report its lobbying activities to FTA on form LLL.

A grantee’s employees and representatives are not allowed to use resources paid for with grant funds for political purposes. This includes but is not limited to:

• Personal campaign posters posted on grant-funded equipment and facilities.

• Charging copying costs of political materials to a grant project.

• Using grant-funded resources to support or oppose a current ballot measure.

**False or Fraudulent Statements and Claims**

All information provided to WSDOT must be accurate and complete. There are severe penalties for falsifying information concerning a grant-funded project.

**Drug and Alcohol Program Information**

FTA drug and alcohol testing requirements and regulations are rigorous, and WSDOT staff will provide technical assistance upon request. For detailed compliance information, FTA published comprehensive guidelines and a best-practices guide including sample policies and forms. These documents are:


Drug and Alcohol Testing

Grantees receiving FTA 5339 or 5311 funding through WSDOT are required to have a drug-and-alcohol-testing program that complies with 49 CFR Part 40 and 49 CFR Part 655. If your organization does not receive FTA funding but operates vehicles requiring a commercial driver license, testing must be conducted in accordance with the USDOT Federal Motor Carrier Services Administration (FMCSA) under 49 CFR Part 40 and 49 CFR Part 382. For more information about FMCSA requirements, refer to www.fmcsa.dot.gov.

Complying with FTA Requirements

Those grantees required to have a drug and alcohol testing program must develop and implement a drug and alcohol testing policy that applies to all safety-sensitive employees and immediate supervisors. Your organization's board must adopt this policy, and the chief executive officer must sign the policy for private and for-profit organizations. The policy must then be submitted to WSDOT for approval. The FTA developed a Drug and Alcohol Policy Builder that is available to grantees. The Policy Builder will help grantees develop a customized drug and alcohol misuse policy statement that is compliant with FTA Drug and Alcohol regulations.

In addition, you are required to submit an annual Drug and Alcohol Management Information System (DAMIS) report on your drug and alcohol testing results. The DAMIS report is due on March 15 annually. WSDOT Public Transportation Division staff will send out an email to grantees in late December each year to provide DAMIS reporting guidance and instructions on how grantees can report and submit DAMIS results through an internet reporting system.

Required Policies

FTA regulations are specific about the minimum contents of the drug and alcohol testing policy detailed in 49 CFR Part 655. Your organization's policy must identify those portions of the policy covered under FTA regulations and those included under your organization's authority.

Your organization should consider all possible circumstances when writing the policy. This is to ensure that employees clearly understand what it contains in the policy and how they may be affected. WSDOT encourage grantees to use the FTA Drug and Alcohol Policy Builder.

Employees Subject to Testing

Grantees must test all employees performing safety-sensitive duties. FTA defines safety-sensitive duties as:

- Operating a passenger service vehicle, whether or not the vehicle is currently in service.
- Operating a vehicle that requires a commercial driver license (CDL).
- Controlling dispatch or movement of a vehicle.
- Performing maintenance on a passenger service vehicle.
- Carrying a firearm for security purposes.
- Volunteers (when either of the following conditions is met):
  - Must have a CDL.
  - Must have been remunerated for service in excess of costs incurred.
**Prohibited Substances Covered by the Test**

A grantee's testing program must test for the following drugs:

- Marijuana
- Cocaine
- Opioids (including Hydrocodone, Hydromorphone, Oxymorphone, and Oxycondone)
- Amphetamines (including MDMA or Ecstasy)
- Phencyclidine
- Alcohol (alcohol should be in its own testing category; under FTA definition, alcohol is not a drug).

**Required Training**

All safety-sensitive employees must receive 60 minutes of training on the effects of drug use in the workplace. This training must also include information about your organization's drug and alcohol testing program and policy. In addition, the person(s) designated to make reasonable suspicion determinations must receive 60 minutes of training on the physical, behavioral and performance indicators of probable drug use, and 60 minutes of training on the physical, behavioral and performance indicators of probable alcohol misuse.

Drug-and-alcohol program managers should also receive training on FTA requirements. This training is available through the Transportation Safety Institute website at [www.tsi.dot.gov](http://www.tsi.dot.gov).

Additional training may be available through the Washington State Transit Insurance Pool (WSTIP).

**Conducting Drug and Alcohol Tests**

FTA requires testing for the six situations listed below. For detailed information about each situation, refer to FTA's implementation guidelines and [49 CFR Part 655](http://www.tsi.dot.gov).

- Pre-employment
- Reasonable suspicion
- Post-accident
- Random
- Return to duty
- Follow up

If your organization has a zero-tolerance policy, you are not required to conduct return-to-duty or follow-up testing. However, if you hire someone who violated USDOT [FTA and/or Federal Motor Carrier Safety Administration (FMCSA)] regulations while working for a previous employer, you must ensure that the person has completed a treatment program recommended by the employer's substance abuse professional and make arrangements for required follow-up testing.

**Employee Tests Positive**

If an employee receives a confirmed positive drug test or tests positive for alcohol with a concentration of .04 or greater or positive drug test result, the employee must be immediately removed from safety-sensitive duty and referred to the appropriate substance-abuse professional. The employee is not allowed to return to a safety-sensitive duty until the return-to-duty process is complete. For detailed information on the return-to-duty process, refer to FTA’s implementation guidelines and [49 CFR Part 40](http://www.tsi.dot.gov), Subpart O.

If an employee tests positive for alcohol with a concentration of between .02 and .039, you must remove the employee from safety sensitive duty until the individual tests with a concentration below .02 or until the employee's next duty shift, but not fewer than 8 hours following the test.
Pre-Employment Requirements

There are three steps related to the drug-and-alcohol program that must be completed during the hiring process. Basic information about those steps is listed below. For detailed information about each requirement, refer to FTA's implementation guidelines or 49 CFR Part 40.25.

- **Step 1** – Ask the prospective employee if they have ever tested positive or refused to test on any pre-employment drug or alcohol test administered by an employer covered by USDOT regulations. If the answer is yes, you must ensure that the prospective employee has completed the return-to-duty requirements found in 49 CFR Part 40 Subpart O.

- **Step 2** – If the prospective employee has worked for an organization covered by USDOT regulations in the past two years, all drug and alcohol testing information must be obtained from the organization.

- **Step 3** – The prospective employee must submit to a pre-employment drug test at your direction. A negative test result must be obtained prior to placing the individual in safety-sensitive duty.

Prescriptions and Over-the-Counter Medications

FTA does not currently require organizations to include over-the-counter drugs and prescriptions in their drug- and-alcohol programs. However, some medications cause side effects that can create safety issues. For this reason, FTA strongly recommends that organizations include information about the use of prescriptions and over-the-counter medicines in their drug-and-alcohol-testing policies.

FTA has an Rx/OTC medication tool kit to assist organizations in developing policies and practices as well as educating employees about the use of prescription and over-the-counter medicines.

Drug and Alcohol Reporting to Department of Licensing

This section applies to your organization if your drivers are required to have a CDL to operate service vehicles regardless of whether or not you receive federal funds. Employers subject to drug-and-alcohol testing under FTA 49 CFR Part 655 or FMCSA 49 CFR Part 382 must report positive test results for employees and applicants who hold CDL licenses to the Department of Licensing (DOL). The reports must be submitted on the form provided by DOL. The positive test results must be reported under the following circumstances only:

- The positive result is from a pre-employment test.
- The driver is terminated or has resigned.
- Any grievance processes are completed, up to but not including arbitration.
- At the time of termination or resignation, the driver had not been cleared to return to safety-sensitive functions.

The test must be submitted to DOL within three days of the above conditions being met. For the purposes of RCW 46.25, test refusals are considered to be positive test results.

In addition to the reporting requirement, the state law requires organizations to use specific language in their policy and in the contract with their medical review officer.

Review of Service Agents

Your agency may work with a variety of service agents to comply with FTA drug and alcohol requirements, including a medical review officer, substance-abuse professional and collection sites. Your agency should periodically review the practices of your service agents to ensure that your service agents are in compliance with 49 CFR Part 40.
Purchasing Policies

Grantees are required to maintain written purchasing procedures, sometimes called a purchasing policy or procurement policy. These procedures, at a minimum, should consist of the following:

- **Graduated Purchasing Authority (dollar threshold for purchases related to employee positions)** – The following examples describe purchasing delegation. Your thresholds may differ.
  - Purchase of vehicle supplies up to $100, such as fuel, may be made by drivers.
  - Purchase of items costing less than $100, such as office supplies, may be made by designated employees or reimbursed through petty cash.
  - Purchase of items or services costing between $50 and $3,000 may be made if approved in advance by the department manager/director.
  - Purchase of items or services costing between $3,000 and $5,000 may be made if purchase order is signed by the general manager/director.
  - Purchase of items or services costing more than $10,000 may be made if approved by the board.

- **Identification of Dollar Thresholds for Competitive Purchasing and a Formal Bidding Process** – The following examples describe spending levels that may trigger a formal competitive process. Your thresholds may differ. But if you receive federal funding, your thresholds must be within the thresholds identified in FTA Circular 4220.1F (third-party contracting guidance).
  - Items or services costing between $3,000 and $5,000 require telephone quotes from two or more vendors.
  - Items or services costing more than $5,000 require written quotes from three or more qualified vendors.
  - Items or services in excess of $25,000 must be an advertised bid process.
  - Items or services in excess of $100,000 must be an advertised sealed bid process.

- **Protest and Appeal Process** – Purchasing policies must include a procedure that allows bidders and prospective bidders who are dissatisfied with your process to protest and appeal the award of a contract. At a minimum, these should include both pre-award and post-award protests, a prescribed timeline for the bidder to file with your organization during the procurement process, and the types of information that must be contained in the protest and appeal actions.

Agencies who receive federal funds must also include a reference to FTA's third-party contracting guidance in their procurement policy.

The following best practices are suggested for your organization's formal purchasing policy:

- **Review of proposed purchases to avoid unnecessary or duplicated purchases.**
- **Consideration of consolidating procurements to obtain a more economical price or separating procurements to encourage DBE participation.** Separating procurement elements for the purpose of bringing the procurements below the FTA bid threshold is prohibited.

Subcontracting

If your organization contracts out any portion of its grant-funded services, the third-party contract must contain specific sections from your agreement with WSDOT, including but not limited to general compliance assurance, accounting and inspection requirements, and labor provisions. For complete requirements, refer to the Assignment and Subcontracts section of your agreement.

Any third-party operations contracts must be submitted to WSDOT for review prior to execution.
Purchase-of-service contracts paid with federal funds must also comply with all federal procurement rules identified in Chapter 3. Depending on the contract value, WSDOT must review and pre-approve any bid solicitations and subsequent subcontracts.

**Asset Management**

**Transit Asset Management Plan**

Moving Ahead for Progress in the 21st Century (MAP-21) and RCW 81.112.086 requires transit agencies and grantees receiving FTA and state funds for public transportation capital projects to develop and implement a Transit Asset Management Plan (TAMP). Transit agencies must submit a TAMP to WSDOT on or before October 1, 2018. TAMP recertification is due every other year on an odd-year basis. As a condition of receiving FTA and state funds, transit agencies must have a TAMP certified by WSDOT.

MAP-21 and state AMP requirements consist of several important elements:
- Capital-asset inventory.
- Condition assessments and reporting.
- Maintenance plans for vehicles, equipment and facilities.
- Capital-investment prioritization for bringing public transit systems into a state of good repair.

For more information about TAMPs, contact a WSDOT Transit Safety and Asset Management Program staff member. WSDOT Transit Safety and Asset Management staff is working with the Washington State Transit Association Maintenance Committee to establish TAMP statewide standards that will help transit agencies and sub-recipients to develop and implement a TAMP that is in compliance with state and federal requirements.

**TAMP – Tier I and Tier II**

The transit asset management rule applies to all transit providers who are recipients or sub-recipients of federal assistance under 49 U.S.C. Chapter 53 and own, operate or manage transit capital assets used in the provision of public transportation.

A Tier I provider must develop its own TAMP. A Tier II provider may participate in a Group Plan or opt out and develop its own TAMP. It is expected that all assets used in the provision of public transit will be included in the TAMP asset inventory. This includes assets that are owned by a third party or shared resources (with the exception of equipment). The inventory must include all service vehicles and any other owned equipment assets over $50,000 in acquisition value. Agencies only need to include condition assessment for assets for which they have direct capital responsibility.

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<tr>
<th>Tier I</th>
<th>Tier II</th>
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<td>Operates rail</td>
<td>Sub-recipient of 5311 funds</td>
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<td>or</td>
<td>American Indian Tribe</td>
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<td>&gt; 101 vehicles across all fixed route modes</td>
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<td>&gt; 101 vehicles in one non-fixed route mode</td>
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Required Elements for a TAMP

Tier I must include all nine elements listed below. However, Tier II must include the first four elements listed below.

1. **Inventory of Capital Asset**: All capital assets that a transit provider owns, operates or manages including those acquired without FTA funds.

2. **Condition Assessment**: Rating of inventoried assets, collected at individual or asset class level.

3. **Decision Support Tools**: Analytical processes used to make investment prioritization.

4. **Investment Prioritization**: Ranked list of proposed projects and programs ordered by year of planned implementation.

5. **Transit Asset Management and State of Good Repair Policy**: Transit providers' vision, defining objectives, roles and responsibilities.

6. **Implementation Strategy**: Operational level process for implementing TAMP.

7. **List of Key Annual Activities**: Actions needed to implement TAMP for each year of the plan's four-year horizon.

8. **Identification of Resources**: Staff time, funding, technology requirements, etc.

9. **Evaluation Plan**: How TAMP activities will be monitored, evaluated, and updated to ensure continuous improvement.

Vehicle Maintenance Plan

Nonprofits that receive state or federal funds are also required to have a TAMP in lieu of the vehicle maintenance plan (VMP). See Chapter 3 for more information on the annual asset inventory.

Accident Reporting

Your organization must notify WSDOT within five working days of an accident or incident when project equipment is damaged and sustains disabling damage which requires said project equipment to be:

1. Removed from service beyond ten working days for repairs; or

2. Permanently removed (due to being declared a total loss) from service.

Failure to notify WSDOT within the prescribed timeframe identified above will result in your organization being deemed to be in breach of contract, which may result in your organization being ineligible to receive future WSDOT public transportation funds.

Bus System Safety

Passenger safety is a primary concern to WSDOT. The public expects transportation providers to provide safe and reliable transportation. Having a system safety plan may also reduce safety risks and therefore reduce insurance rates for your organization. Neither WSDOT nor FTA mandates a formal system safety program. Developing a plan, however, is strongly encouraged.

A system safety plan may take a variety of forms. For a program to be effective, it is recommended that the plan contain the following elements:

- Leadership support
- Accident prevention program
- Safety hazard analysis
• Accident and incident reporting process
• Worker's compensation
• Employment practices
• Violence in the workplace prevention
• Training
• Dispatch issues
• Accident investigation and review
• Pre-trip vehicle inspections
• Preventative maintenance
• Emergency management
• Vulnerability assessment.

Contact the Washington State Transit Insurance Pool to inquire about their best practice guides for bus operations and vanpool safety. Also see FTA's Transit System Safety page.

Bus System Security

Even though a formal system security plan is not required, security is important to the public transportation industry. It is important for public transportation providers to protect themselves and the passengers they serve. Each organization is encouraged to develop a security plan.

Crime Prevention

Public transportation providers must regularly address various types of crime (e.g., theft, vandalism, assault or other illegal activities) that can occur on or around your premises or vehicles. When they occur, these activities present unique challenges for your organization. Taking a few simple precautionary steps can dramatically reduce the risk of occurrence.

Develop and implement policies and procedures covering:

• Violence in the workplace.
• Vehicle and facility security.
• Reporting crime to the proper authorities.
• Providing training to employees on your policies and procedures.
• Restricting access to your organization's facility.
• Parking vehicles in locked areas.

Passenger Code of Conduct

It is highly advisable for your organization to develop and implement a written passenger code of conduct and to distribute it to all employees and passengers. At a minimum, the passenger code of conduct should include items identified as illegal bus conduct under RCW 9.91.025. When developing your organization's code of conduct, it is important that it include reasonable expectations that are not discriminatory.
**Protecting Your Organization from Acts of Terrorism**

Public transportation providers must be concerned about the threat of terrorism. Public transportation is not perceived as a primary terrorist target on a national level, but is perceived as a potential method of delivery of terroristic acts. The services provided by public transportation organizations are typically open to the general public and provide access to highly populated areas, such as shopping malls. Unlike the airline industry, your organization cannot send passengers and baggage through a screening system. The information below will help you protect your organization and the public.

**Vulnerability Assessments**

The first step in protecting your organization from acts of terrorism is identifying your organization’s critical assets by conducting a vulnerability assessment. Critical assets are defined as facilities necessary for the safe and efficient operation of your services, without which your organization either could not operate or operations would be significantly hampered. Typically, vulnerability assessments consist of a rating with points assigned to each of the following elements:

- Critical-asset factor (determining the extent to which a particular asset is critical to your operations).
- Deter-and-defend factors.
- Loss-and-damage consequences.
- Consequences to public service.
- Consequences to the general public.

Training on conducting vulnerability assessments and developing a safety and security plan is available through the National Transportation Safety Institute.

For additional information and technical assistance with conducting vulnerability assessments, contact WSDOT Public Transportation Division staff.

**Measures to Enhance Security**

Once your organization has completed a vulnerability assessment, you will want to develop and implement a plan to reduce your risk. The method your organization uses will depend on the types of assets you have.

Common measures taken by public transportation providers include:

- Restricting access to non-public areas of facilities (e.g., operations center, maintenance).
- Periodic vehicle and/or facility inspections throughout the day/route to identify anything suspicious.
- Awareness training for employees and supervisors.

The contents of your vulnerability assessment safety and security plans are not subject to public disclosure laws under state law *(RCW 42.56).*
Emergency Management

Managing and responding to emergencies is a multifaceted issue. Employee roles depend on the type of emergency and whether it is internal or external to your organization.

Internal Emergencies

No matter how many safety precautions are taken, your organization may be involved in an emergency situation such as a traffic collision. For this reason, it is necessary to have an emergency procedure plan in place and to train your employees on necessary actions to take.

State and Regional Emergencies

Public transportation providers can play an integral role in responding to emergencies. This is particularly true during an emergency involving an evacuation or transporting emergency response workers. The role of a public transportation provider will differ based on the type of emergency.

All organizations are encouraged to become involved with local emergency response agencies. In rural areas, emergency-response agencies are typically part of county government, while in urban areas they are often part of municipal government. In some areas, emergency response managers may be unaware of the services, resources and/or assistance you can provide.

Many public transit systems are part of the WSDOT Emergency Response Mutual Aid Agreement. The agreement facilitates aid provided between transit agencies in the agreement, and between those transit agencies and WSDOT.

Program Compliance and Project Reporting

As a steward of public funds, WSDOT is responsible for ensuring that grant funds are used properly and that organizations comply with the requirements associated with receiving state and/or federal grant funds. WSDOT is dedicated to working together with grantees to provide technical assistance and guidance in meeting those requirements. This section discusses the tools WSDOT uses in assessing and measuring program compliance, and provides an overview of the reporting requirements associated with the funds being managed. To help ensure compliance with state and federal laws as well as program requirements, WSDOT uses:

- In Good Standing Policy
- Risk Assessments
- Reimbursement Requests
- Progress and Statistical Reporting
- Site Visits

In Good Standing Policy

WSDOT is responsible for administering grant funds in accordance with the state and federal laws and regulations. In addition, grant recipients and WSDOT are responsible for oversight and accountability that foster transparency and assist in maintaining public confidence.

All grant recipients will be required to maintain in good standing status to receive grant funds.
Performance Requirements for Determining in Good Standing Status

During the course of the project, WSDOT staff will evaluate the following performance requirements:

- Compliance with all contractual obligations and satisfactory progress toward project completion, which includes:
  - Staying on schedule without unexplained delays
  - Performing the exact work described in the Scope of Work
  - Maintaining the local match level detailed in the project budget.
- Adequacy of financial records that document and support all grant expenses.
- Submittal of accurate and timely progress and statistical reports and reimbursement requests.
- Full participation during site visits and project reviews with timely responses to any deficiencies noted during and after the site visit.
- Timely compliance with recommended measures for identified deficiencies.
- Timely and complete responses to any WSDOT communication and requests for information.
- A satisfactory organizational risk assessment.

Consequences for Noncompliance

Grantees who do not meet performance requirements will not maintain in good standing status and can expect one or more consequences from WSDOT, including but not limited to:

- Suspended payment of grant funds.
- Written warning to the organization grant project manager, organization executives and board of directors that identifies deficiencies, the necessary remedies and a timeline for those corrections.
- Ineligibility for any additional grant funds either within the current biennium or in future biennia.
- Audit of the organization to determine the extent of compliance with contractual obligations.
- Suspension or termination of the grant contract(s) and loss of grant funds.
- Negotiated return or buyout of any grant-funded capital vehicle or equipment purchase or capital construction project.
- Appropriate legal action.

Nonprofit agencies must hold IRS non-profit status and register with the Washington Office of the Secretary of State. Private, nonprofit applicants that had not applied for WSDOT grant funding prior to 2017-19 should have provided a copy of the IRS Letter of Determination for 501(c) nonprofit status with their application for 2017-19 funds.

Risk Assessments

WSDOT staff evaluates organizations to determine how much technical assistance and oversight may be necessary to help them comply with grant requirements. Risk assessments also help WSDOT staff communicate expectations and identify whether an organization is at risk of losing its in good standing status. For example, organizations that are new to WSDOT public transportation grant management or organizations that have experienced difficulty complying with grant requirements may be designated as high risk. Organizations that have a strong track record of grant compliance and project delivery may be designated as low risk.

When completing the risk assessment, WSDOT staff will review the grant recipient's compliance with the performance requirements to determine the risk. Risk assessments will be updated annually or more frequently if significant issues arise during the course of a project. For the purposes of the Consolidated Grant Program, a risk assessment will be performed prior to the beginning of each project and updated annually.
Benefits of low-risk status include less frequent site visits or a desk review in lieu of a site visit. High-risk status will result in more engaged WSDOT supervision of projects and may include more frequent site visits.

Risk assessments will be maintained by the WSDOT project manager and discussed openly with the grantee throughout the biennium. Ultimately, WSDOT uses risk assessments to assist with the ranking and award of consolidated grant funds.

**Reimbursement Requests**

To receive payment for eligible expenses related to the grant agreement, a reimbursement request form must be completed, signed by an authorized representative and submitted to the WSDOT Public Transportation Division. Payments will be withheld if the reimbursement request form is incomplete or inaccurate.

For detailed information on how to request reimbursement, refer to the respective appendices in this guidebook.

**Progress and Statistical Reporting**

In addition to submitting reimbursement requests, all grantees are required to submit quarterly progress reports to PTDreports@wsdot.wa.gov. Progress reports and financial and statistical reports are due no later than 30 days after the end of each calendar quarter. Quarterly reporting is required on operating projects even if all of the grantee's awarded grant funds are exhausted. Quarterly reporting is required on capital projects every quarter up until the vehicle or equipment is received and reimbursed.

This data is used to inform the public as well as federal, state and local officials about the project's progress. In addition, WSDOT community liaisons use the information to evaluate program compliance, project delivery and performance, and the need for technical assistance. Upon execution of your contract, the report forms are provided by WSDOT. Unless otherwise noted, a separate report must be completed for each project. Appendix A and G provides detailed instructions on how to complete each of the quarterly report forms.

Other forms and deliverables may be required during your grant term. See Appendix A for descriptions of these:

- Physical Equipment and Facility Inventory Report
- Transit Asset Management Plan
- National Transit Database (NTD) reporting
- Certifications and Assurances
- Transit Development Plan
- Drug and Alcohol Management Information System (DAMIS) reporting

**Failure to Submit Complete and Accurate Reports**

If a report is not received by the due date, is incomplete or includes inaccurate information, any reimbursement requests submitted by the grantee will not be processed for payment until an acceptable report is received.

A grantee that fails to submit required reports in full and in the timeframe identified by WSDOT may lose its in good standing status, which may jeopardize the funding for the current project(s) as well as risk the ability to secure future WSDOT grant funds.
Site Visits

WSDOT conducts reviews of all agencies that receive grant funding. Site visits may take place to ensure compliance with both state and federally funded grant programs. The duration of the visit can last up to four hours depending on the type of grants and projects awarded and the issues, if any, found during the visit.

- The purpose of a site visit is to:
  - Provide organizations the opportunity to consult with WSDOT staff.
  - Provide technical assistance.
  - Review financial records and processes.
  - Review other project records.
  - Review required written policies.
  - Verify compliance with the regulations associated with the receipt of state and federal funds.
  - Review preventative maintenance records and inspect vehicles, equipment and facilities purchased with state and federal funds.
  - Confirm the status of capital construction projects.

Frequency of Site Visits

The frequency of site visits depends on the type of project, the funding source and the grantee's existing risk-assessment status. First-time and medium- to high-risk grantees can expect at least an annual visit. Low-risk grantees can expect a full site visit once every two years, with a desk review conducted during the off year.

Visits are often broken into administrative, financial and capital components and conducted by a different WSDOT staff member for each component, sometimes on different dates for each component. Below is general information regarding site visit frequency:

- **Operating Projects** – Minimum of one visit during the course of the project (administrative and financial).

- **Planning Projects** – Minimum of one visit during the course of the project (administrative and financial).

- **Capital Vehicle and Equipment Projects** – Minimum of one visit every two years for the useful life of the vehicle or equipment (administrative and capital).

- **Capital Construction Projects** – Minimum of one visit every two years throughout the life of the facility (administrative and capital).

- **Drug and Alcohol Program Reviews** – Minimum of one visit every three years. This applies only to grantees awarded FTA 5309 and 5311 projects. This review may be scheduled separately or in conjunction with a regular site visit.

Expectations during Site Visits

WSDOT staff members conducting the site visit use a checklist to ensure each grantee is treated equally and all requirements are reviewed. It is expected that grantees will provide similar oversight of any subcontractor relationships connected with grant funding.

WSDOT will contact your organization to schedule a site visit with at least 30 days' notice. WSDOT will send an email confirming the date of the site visit, instructing which staff should be present. In addition, capital grantees' email will include the vehicle to be held from service the day of the site visit for inspection.
The on-site portion of the review may consist of four separate components:

1. Administrative review
   - Civil rights and general policies
   - Labor posters
   - ADA procedures.

2. Financial review
   - Financial records to support operating invoices
   - Indirect and in-kind backup
   - Policies related to financial activity.

3. Capital review
   - Vehicle and equipment inspections
   - Facility inspections (for construction projects only)
   - Maintenance records of grant-funded assets†
   - Procurement records inspection.

4. Drug and alcohol visit
   - Testing program
   - Program records and retention
   - Policy review.

†Maintenance Standards
When conducting capital site visits, WSDOT will randomly select at least 10% of vehicles that WSDOT holds title to for maintenance records review. This will apply to vehicles funded through the Consolidated Grant Program (Federal sections 5311, 5310, 5339, 5309, STP, State Rural Mobility, and State Special Needs). In order for a grantee to be in compliance, they will need to have completed 80% of regularly scheduled maintenance on time. WSDOT will measure the on time performance of maintenance as compared to the subrecipient’s standards described in their Asset Management Plan (vehicle maintenance plan).

Site Visit Deficiencies

Any deficiencies found during the desk audit or on-site review will be noted and discussed both during the review process and in a summary of findings letter sent within a few weeks of the visit, which will also include suggestions on how the grantee may remedy any identified deficiencies.

All deficiencies, areas of noncompliance and requirements must be resolved within the timeline specified in WSDOT’s letter. Follow-up activity (such as submission of missing or updated policies to WSDOT) is usually requested within 60 days after the letter is sent, but can be negotiated to a timeframe suitable to both the grantee and WSDOT.

Once all deficiencies are corrected, grantees need to send the required documentation to WSDOT. After WSDOT receives, reviews and approves the documentation, WSDOT will send a letter confirming resolution of any issues identified during the site visit and that the grantee is in good standing with all respective requirements.

For more information regarding the consequences of noncompliance, refer to your grant agreement or the In Good Standing Policy section above.
Preparing for a Site Visit

Prior to a site visit, WSDOT recommends that grantees review the list of questions on the checklists and submit requested documents and information to WSDOT. Samples of these checklists can be found at [www.wsdot.wa.gov/transit/library/resources](http://www.wsdot.wa.gov/transit/library/resources).

A negative response to any checklist question does not necessarily mean a grantee is not in compliance. It is important that the appropriate grantee staff be available during the entire site visit, such as the following:

- General manager
- Operations manager
- Finance director (for operating project reviews)
- Drug and alcohol program manager (for drug and alcohol program reviews)
- Maintenance director (for capital project reviews).
Chapter 2  Guidelines for Operating and Program Development Projects

The information in this chapter applies only to organizations awarded assistance for operating, mobility management or program development projects. It is designed to help grantees understand the steps necessary to comply with the state and federal requirements associated with receiving operating, mobility management and program development grants. Grantees must also follow the guidelines found in Chapter 1.

The most important concepts to remember while managing operations are to:
- Implement policies and procedures that ensure compliance with state and federal laws and regulations.
- Ensure all accounting and administrative procedures comply with OMB circulars, FTA regulations, and state regulations.
- Carry out the project as it is described in the scope of work in your grant agreement.

Grant Agreement Funds

Grant agreement funds include the federal, state and local match funds to be used toward the total project costs. Contractor's funds represent the grantee's local share of the project costs. The total federal, state and local share of the grant funding is located on the front page of the grant agreement with WSDOT. However, each project may have a different match requirement depending on the funding sources awarded. Grantees will be held to the match ratio identified for each project in the grant agreement.

Match Requirements

Match represents your organization’s share of the total project cost. The matching requirement for each project may vary depending upon the level of matching funds identified in the grant agreement. If the agreement has only one project, the specific local match for the project is identified on the first page of the agreement. In the case of multiple projects, refer to Exhibit I, 'Scope of Work and Budget' in the agreement for each project's matching ratios. General information regarding matching funds for operating grants is explained below.

The match ratio is calculated by dividing the dollar value of the match pledged for the project by the total project cost. As an example: If the total project cost is $100,000 and your organization pledged 35,000 in local or in-kind funds for the project the local match would be 35 percent with a grant share of 65 percent. Local match is applied to the net expenses after fares/donations and ineligible costs.

Eligible Matching Funds

Your organization’s portion of the net expenses (gross expense minus fares, donations and ineligible expenses) may be obtained from a variety of sources. Eligible matching funds may include the following:
- Local tax revenues such as sales tax receipts
- Funds from other public agencies
- Private donations (except passenger donations)
- Advertising revenue
- Foundation grants
• State funds received from agencies other than WSDOT
• In-kind services, including donated labor
• Revenue from other grants awarded to your organization
• Federal funds:
  – Federal funds from any source may be used to meet match requirements for state-funded grant projects.
  – Non-USDOT federal funds (including funds passed through a state social service agency) may be used to meet match requirements for FTA-funded grant projects.
• Other funds from your organization not related to the passenger services provided under the project (i.e., freight)
• Reserve funds or retained earnings from your organization.

In-Kind Match

In-kind match is the fair market value of goods and services donated to an organization by a third party to support the grant funded project. In-kind contributions directly benefitting the project may be used as match. The value of in-kind services must be formally documented, supported, and represent the fair market value cost that would otherwise been paid by your organization for expenses that are eligible under the grant.

Organizations must submit documentation describing the method for establishing the value of in-kind contributions as part of its application for the Consolidated Grant Program. WSDOT must approve in-kind match prior to use.

Eligible Services

The scope of work in your grant agreement with WSDOT outlines the eligible services under each project, including eligible geographic area and service modes (fixed route, demand response, etc.). Only services identified in the grant agreement are eligible for reimbursement.

Project Records

Grantees are expected to keep project records in order to adequately document project activities and costs. The procedures used for recordkeeping must comply with 2 CFR Part 200. WSDOT uses the OMB circulars, Governmental Accounting Standards Board (GASB) and Generally Accepted Accounting Principles (GAAP) as standards when assessing if an organization has adequately documented project costs.

Compliance with OMB Circulars

To comply with the OMB circulars, grantees are required to keep a separate set of accounts (or a subaccount within an accounting system) that clearly identify project costs and associated revenue. In addition, accounting records must include:

• Vouchers or purchase orders prepared for all payments made to vendors. These vouchers must identify:
  – Goods or services purchased
  – Name of the vendor from which the purchase was made
  – Name of the program(s) charged for the expenses.
• Timesheets for each employee charging to the project must include the hours spent working on the project.

• If your matching funds include in-kind contributions, you must retain documentation that identifies:
  – WSDOT approval of in-kind use
  – The means by which value of goods or services was determined
  – Names of the individuals and/or organizations that provided the goods or services
  – Goods or services provided by those individuals or organizations.

**Additional Required Records**

Grantees are also required to retain the following information related to the project and may be asked to produce the records/data in quarterly reports, site visits and/or audits:

• Ridership numbers and ridership trends
• Operating hours and miles
• Schedule reliability
• Revenue miles
• Marketing materials
• Schedules
• DBE purchasing efforts for FTA-funded projects only
• Program income
• Charter services
• Any information helpful in showing the success of the project
• Other records identified elsewhere in this guide.

**Operating Projects**

Organizations are awarded operating grant funds to support passenger transportation service projects. Grantees are reimbursed for actual eligible expenses, less passenger fares and/or, donations and revenue provided by participating organizations to support the project local match. Expenses may include both direct and indirect costs (if approved by WSDOT). There must be an operating deficit to qualify for a reimbursement. For more information, refer to the Operating Deficit section below.

**Volunteer Drivers**

Many organizations rely heavily on the use of volunteers to provide services to the general public and persons with special transportation needs. Operating a volunteer driver program can be challenging. To better assist organizations with establishing and managing a volunteer driver program, the Agency Council on Coordination (ACCT) updated and re-published Volunteer Drivers – A Guide to Best Practices in 2013. It also outlines various requirements and provides information on best practices found throughout the U.S.

If your project uses volunteer drivers, your agency is required to have a volunteer driver policy.
Using Personal Automobiles for Passenger Transportation

The Volunteer Drivers Guide outlines the minimum requirements for the approved use of personal automobiles for passenger transportation services, such as:

- A valid state license and registration.
- Fully functioning heating and ventilation systems.
- Fully functioning, clean, and accessible seat belts that meet state and federal guidelines.
- Functioning doors and handles on all doors.
- An accurate speedometer and odometer.
- Windows free from cracks. Any windshield chips must be properly sealed and must not hinder vision.
- Functioning interior lighting within the passenger compartment.
- Adequate sidewall padding and ceiling covering.
- Two exterior rear view mirrors, one on each side of the vehicle.
- Seats that are not damaged or broken and are in good working order. Seats must be free from protruding sharp edges, etc.
- Functioning lights, turn signals, and windshield wipers.
- Tires with tread depth that exceeds state minimum requirements.

Eligible Direct Expenses

An eligible direct expense must be directly related and attributable to the project, and the expense must be necessary and reasonable in amount to be eligible for grant reimbursement. Examples of direct expenses include, but are not limited to:

- Driver's and/or dispatcher's wages and benefits
- Administrative costs that are directly attributable to the project and not included in an indirect cost plan
- Vehicle fuel
- Vehicle maintenance costs
- Purchased transportation services (Purchase of Service contracts)
- Marketing and public outreach for the project.

Purchase of Service (POS) contracts are subject to procurement requirements identified in Chapters 1 and 3. POS contracts should be competitively awarded and pre-approved by WSDOT for compliance and eligibility. WSDOT staff is available to help determine which requirements apply.

There are conditions on certain types of expenses. The following information will assist with determining expenses that are eligible.

Personal Vehicle Mileage for Volunteers

Occasionally, organizations use volunteers to transport the general public and persons with special needs. This is an eligible activity if all of the following conditions exist:

- A written policy must be in place regarding the use and reimbursement of volunteer drivers using their own vehicles.
- Volunteers must be under a contract with your organization.
- Trips provided must not conflict with local taxi operations.
- Shared rides must be encouraged.
• Rides are approved and dispatched in advance of the trip.
• The mileage rate reimbursed to volunteers does not exceed the current state mileage rate. The applicable current rate is available at the Office of Financial Management’s website.

Travel Expenses

While some employee travel expenses are eligible, travel expenses for board members are not eligible. Use the following information to determine expenses that are eligible for reimbursement. However, travel reimbursed by the Rural Transit Assistance Program is not an eligible expense for consolidated grants.

In-State Travel Expenses

Travel expenses incurred by employees are eligible for reimbursement if the trip is directly related to the project. The reimbursement rate is based on the current per diem and lodging rates for state employees. Rates specific to areas of the state are available at the Office of Financial Management’s website.

Out-of-State Travel

As a rule, out-of-state travel is not eligible for reimbursement. However, the trip expenses may be eligible if an out-of-state trip is directly related to the project. A written request must be submitted to and approved by the WSDOT community liaison prior to departure. This request must describe the purpose of the trip and how it will benefit the project. A letter of approval or denial will be sent to your organization and should be kept on file. For out-of-state per diem rates, visit the U.S. General Services Administration’s website.

Audit Expenses

Audit expenses are typically eligible for reimbursement. However, the costs must be reasonably distributed across all the programs your organization operates. If you receive federal funds, either through WSDOT or another funding organization, additional audit requirements may apply. For additional information on the federal audit requirements, refer to Chapter 1.

Employee Leave

An employee’s paid leave is an eligible expense. However, there are eligibility conditions depending on how your organization accounts for leave. Refer to the following:

• Organizations that charge leave to the grant as it is earned must:
  – Have a cash-out policy regarding earned and unused leave. The employee must be able to receive a cash payment in the event they leave your organization while still having a paid leave balance.
  – Establish a cash reserve (funded leave pool) or funded accrual covering the dollar value of paid leave earned by employees.
• Organizations that include paid leave in their approved cost allocation plan may consider the grant allocated proportion of leave as an eligible grant expense.
• Organizations that charge employee leave to the project as it is taken may do so. However, leave balances paid at the time the employee leaves the organization is only allowable as an indirect cost spread across all activities of the organization and may not be charged as a direct expense to the grant. Additionally, WSDOT does not allow catastrophic leave to be charged as a direct expense to the grant. WSDOT defines catastrophic leave as leave paid to an employee for an extended period of time (four or more months).
**Lease of Passenger Service Vehicles or Facilities**

Expenses associated with leasing passenger service vehicles or other related facilities are only eligible if the expenses are identified in the grant application budget or otherwise approved in advance by WSDOT.

**Depreciation**

Depreciation spreads the actual cost of a capital asset over its predetermined useful life. For the purposes of grant projects, FTA requires straight-line depreciation of capital assets.

Capital assets are any tangible items that are:

- Identified as having a useful life expectancy of more than one year.
- Purchased for a unit price of at least $5,000. Organizations may approve a dollar threshold less than $5,000. For the grant, organizations must use a threshold of $5,000 or the threshold in its own policy, whichever amount is less.
- Maintained in physical inventory records.

In general, depreciation is an eligible operating grant expense. However, certain conditions apply:

- Depreciation on assets purchased in whole or in part with state or federal grant funds are not eligible.
- The applicable revenue received for the depreciation expense must be placed into a capital reserve account.

**Indirect Expenses**

Indirect costs are expenses that benefit more than one cost objective or project. If your organization provides a variety of services, administrative expenses include administrative salaries and benefits (i.e. management, human resources and accounting personnel, etc.), office supplies, utilities, phone services and rent. These costs are eligible only if allocated between projects and/or programs carried out by your organization, based on a documented cost allocation plan or indirect cost rate consistently applied to all programs. If you have a cost allocation plan, you must submit it to WSDOT for approval. If you have an indirect cost plan and rate, it must be approved by your cognizant agency (the agency you receive the most grant funding from) prior to receiving any reimbursements under the grant agreement. Indirect cost plans must be updated annually using your organization’s most current financial records.

**Ineligible Expenses**

Some expenses are ineligible for reimbursement under your grant agreement even if they were incurred during the normal course of business. Selected items of allowable and unallowable costs can be located in 2 CFR Part 200. Unallowable costs include, but are not limited to:

- Fines
- Bad debt
- Alcoholic beverages
- Advertising and public relations costs not directly associated with the project
- Costs of fundraising.
Sale of Advertising Space

All organizations are encouraged to find additional resources to support their projects. One way of accomplishing this is to sell advertising space on passenger service vehicles. The advertising revenues may be used as a match for the project.

Guidelines to Follow

Organizations deciding to sell advertising space on vehicles, shelters or stations must have policies in place indicating the types of advertisements acceptable to post. Your organization should take care when establishing your policy. Some basic guidelines are:

• Advertisements that may be offensive or controversial should be avoided, including but not limited to:
  – Alcoholic beverages
  – Tobacco products
  – Political issues.

• Political campaign posters may only be posted if equal opportunity is given to all candidates or positions. Items such as personal political posters or posters indicating your organization’s position on political issues cannot be posted, and it is illegal to use public resources for this type of purpose.

Reserve Accounts

A reserve account is a restricted account where funds are placed and set aside for specific uses. All organizations are encouraged to establish and maintain reserve accounts.

Establishing a Reserve Account

An organization’s governing board must approve a resolution to establish, fund and determine the parameters of reserve accounts. Reserve account restrictions and covenants that determine how funds are allocated and used are identified in an organization's financial plan. Balances in these restricted accounts are to be identified in the cash flow statement and are not included as available cash.

Funding a reserve account is not an eligible expense under the federal or state grant agreement. However, organizations may use local tax revenue or income from other funding sources provided the funding agency agrees with its use. Any amount above the cost to provide the services associated with the matching source may be a candidate for establishing a reserve account if your organization has satisfied the matching ratio for your project. However, you will need to review the terms and conditions imposed by the funding source you use. If your contract with that entity does not permit a profit or was made based on a line item budget that did not include a reserve account, you cannot use any of the revenue from these contracts to fund the account.

Capital Reserve Accounts

Any revenue placed in a capital reserve account must be for the future acquisition of capital equipment or facilities to be used for passenger transportation services.

WSDOT encourages subrecipients to maintain capital reserve accounts to address future capital asset replacement needs. However, grant funding cannot be used to fund capital reserve accounts, with one exception. Organizations may be able to charge either depreciation or a use allowance when using capital assets on the project that were not purchased with grant funds (e.g. using a bus purchased with local funds to provide service on an operating grant). Revenues from depreciation
must be applied to a capital reserve account and retained for capital asset replacement purposes for passenger transportation services.

Depreciation must be calculated using the “straight-line method” and only the allotted depreciation cost for the grant period is eligible for reimbursement. The amount of depreciation that can be charged to the grant is computed based on the acquisition cost of the asset (or the fair market value of a donated asset) divided by the number of expected service years less any salvage value.

**Self-Insurance Reserve Accounts**

A self-insurance reserve account may be established to provide self-insurance for liability, collision, on-the-job injury, unemployment, or other agency-provided coverage. In the case of organizations purchasing commercial or pool coverage, this reserve account may also be used to cover uninsured losses, such as the cost of the deductible.

**Operating or Working Capital Reserve Accounts**

Operating reserve accounts and working capital accounts are generally established to fund extraordinary, unanticipated operating situations. As with all reserve accounts, funding and uses are determined by board resolution.

**Operating Deficit**

Qualifying for competitive operating grant funding requires an operating deficit to be equal to the subsidy requested. To determine if your organization has an operating deficit, use the following formula:

- Determine net operating expenses: gross expense, less farebox collections and ineligible expenses.
- Add all the operating revenue used for the project to determine total revenue. Do not include the funds from your WSDOT grant award or local funds either deposited in a reserve account or used for capital purchases as revenue. Typical revenue may include:
  - Local tax revenue
  - State and local subsidies
  - Interest income
  - Advertising revenue
  - Freight revenue
  - Net income from contract service
  - Other operating subsidies (i.e., Medicaid or Title III)
  - Miscellaneous revenue
  - Unreserved retained earnings.

An operating deficit can be determined by subtracting the total operating revenue from the net operating expenses. In all cases, operating deficits must be calculated based on actual operating income received and earned less actual expenses paid and incurred. A negative balance equals your organization’s operating deficit and the maximum amount you may submit for reimbursement under the grant.

Organizations with a net profit for the operations of services are not eligible to receive operating assistance. However, payments are calculated based on project-to-date expenses versus project match. It is not uncommon to have net profits for one quarter and net losses for another quarter. If profit is showing in one quarter, it is recommended that the revenue that is in excess of the expenses is placed in an operating or capital reserve. The reserve can be used later to cover future deficits or
capital purchases. If you submit a reimbursement request showing a profit, you may be required to pay back WSDOT an amount equal to those profits.

Program Development Projects

Organizations are awarded program development grant funds for a variety of planning purposes associated with meeting the public transportation needs of a community. As with operating projects, grantees are reimbursed for actual eligible expenses, less revenue provided by the organization or another entity to support the project.

Mobility Management Projects

Organizations are awarded grant funds for a variety of mobility management activities, such as travel training, trip coordination, 2-1-1 call centers and more. Grantees are reimbursed for actual eligible expenses such as staff compensation, program overhead and purchased services, less revenue provided as local match.

Requesting Reimbursement for Operating, Mobility Management, or Program Development Projects

To receive payment for eligible expenses incurred under the grant agreement, a reimbursement request form must be completed, signed by your financial manager or authorized representative and submitted to the WSDOT Public Transportation Division. If the reimbursement request form is incomplete or inaccurate, payments will be withheld until the form is corrected and approved. Refer to Appendix B for an example of the reimbursement request form and detailed instructions for completing the form.

All required quarterly progress reports must be submitted prior to a payment being processed. WSDOT prefers reimbursement requests be submitted quarterly. Although reimbursement requests may be submitted as frequently as once per month, grantees must submit a reimbursement request at least once per quarter. Quarterly progress reports (QPRs) must be completed and submitted to WSDOT at least once per quarter throughout the entire contract period, even if the grant funds are exhausted and the reimbursement amount requested is zero.

Attention: WSDOT fiscal year closing requirements

Although WSDOT operates on a state biennial for full fiscal closing, we also perform a mid-biennial closing each year. To ensure timely payment, a reimbursement request or an estimate of charges must be submitted by July 15, 2017, for any unreimbursed eligible expenses incurred between July 1, 2017, and June 30, 2018. The final reimbursement request must be received by WSDOT within 30 days of the completion of the project or by July 15, 2019, whichever comes first. Reimbursement requests received after July 15, 2019, may not be eligible for payment.
Chapter 3 Guidelines for Capital (Vehicle and Equipment) Projects

This chapter contains information and guidelines associated with vehicle (rolling stock) and other equipment procurements as well as the management of vehicles and equipment purchased with state or federal grant funds. This chapter explains the requirements necessary for the grantee to successfully complete the project.

To ensure project compliance, it is important for the grantee's appropriate staff to read the entire grant agreement and confirm the accuracy of the Scope of Work and Budget. Many of the contract provisions describe the required procurement, billing and usage requirements for capital assets acquired with federal or state funds. Grantees must also follow the guidelines found in Chapter 1.

Eligible Use of Vehicles and Equipment

All vehicles and equipment purchased with grant funds must be used to support the passenger transportation services described in the Scope of Work in your grant agreement. It is WSDOT's policy that grant funds shall not be used to replace "spare" vehicles.

Local Match

Each grant program administered by WSDOT has specific local match requirements and parameters in the grant agreement. Federally funded capital grants require a 20 percent match from non-USDOT sources. Capital match must be in the form of cash (not in-kind) and cannot be derived from sources that place any restriction on the services provided with the equipment or place a lien on the equipment.

Importance of Making Progress with Purchase(s)

While it is important that grantees communicate and work with the assigned WSDOT community liaison throughout the development, implementation and completion of a project, it is critical that the community liaison is notified as soon as problems arise associated with the capital project. This is especially important with problems or complications that delay project startup or vehicle/equipment orders. WSDOT Public Transportation staff will assist grantees to ensure successful implementation of the capital project.

It is crucial that grantees initiate the purchase of grant-funded vehicles and equipment in a timely manner.

State Funds Expire June 30, 2019

Organizations awarded state grant funds through the Consolidated Grant Program must take delivery of and accept all grant-funded vehicles and equipment on or before June 30, 2019. Vehicles and equipment received after this date will not be eligible for reimbursement.

Federal Funds Must Be Used in a Timely Manner

WSDOT is responsible for ensuring that FTA grant projects are completed in a timely manner. Therefore, WSDOT established the following policy regarding time limits for initiating the procurement process for federal capital vehicle and/or equipment grants.

Capital vehicle and equipment acquisition grants are awarded to satisfy the immediate needs identified in the current biennium. Capital grants where the procurement process has not been initiated in the biennium the funds were awarded shall be deemed as not an immediate need and
the organization will be subject to forfeiture of its capital grant funding. Capital projects may receive an exemption from this requirement only upon written request and WSDOT written approval demonstrating the unforeseen circumstances to justify a delay in procurement.

The Procurement Process

State and federal funds for vehicles and equipment have specific procurement rules, procedures and requirements that grantees must follow. The following information describes the processes and requirements associated with purchasing vehicles and equipment. For additional information on FTA-funded procurements, refer to FTA Circular 4220.1F and Circular 5010.1E, and Super Circular 2 CFR Part 200, and also either 49 CFR Part 18 (governmental agencies, transits and tribes) or 49 CFR Part 19 (nonprofits, hospitals and higher education).

For additional procurement information and assistance, contact WSDOT’s vehicle and equipment procurement staff.

WSDOT’s Role in Procurement

WSDOT is responsible for ensuring that grantees follow the prescribed state and federal grant fund requirements associated with the use of these funds for vehicle and equipment procurements. WSDOT is involved throughout the procurement process, including during the RFP/Invitation for Bids (IFB) development, contract development, award, and administration. WSDOT also monitors each grantee throughout the project to ensure compliance. Areas reviewed to ensure compliance include, but are not limited to, the following:

• RFP/IFB compliance with state and FTA requirements.
• Grantees are using DBE vendors, when appropriate.
• Grantee purchases vehicles and equipment through a competitive process.
• Vehicles and equipment purchased are consistent with the grant agreement.
• Administration of the contract is consistent with the terms and conditions set forth in the RFP or IFB.
• Grantees properly submit requests for reimbursement in a timely manner.
• Vehicles and equipment meet the required MAP-21 safety standards, including a passing grade in Altoona bus testing.

If grantees choose to purchase vehicles from the Washington State Department of Enterprise Services – Contracts & Legal Services (DES-CLS), WSDOT Public Transportation Vehicle and Equipment Procurement staff will assist grantees with instructions for ordering vehicles and provide an electronic copy of the required procurement documentation.

DES-CLS will post FTA-required procurement documentation for eligible state master contracts on their website. Go to www.des.wa.gov and select “current contracts” and “contract search tool”, and enter the desired contract number. Solicitation and contract/amendment information along with other important contract information will be displayed and available for electronic download.
Grantee’s Role in Procurement

Grantees are responsible for procuring vehicles and equipment per the terms described in the grant agreement. There are several alternatives for procuring the vehicle(s) and equipment with grant funds:

• Purchase from current DES-CLS contract(s) at www.des.wa.gov.
• Piggyback from an existing eligible contract with another agency.
• Conduct your own procurement or participate in a joint procurement with another organization.

Note: FTA “Dear Colleague” letter (3/8/2013) – Piggybacking restrictions (excerpt):

“Generally speaking, FTA encourages recipients to use joint procurements, particularly among smaller transit agencies. Recipients often can obtain better pricing by combining their requirements into larger joint purchases. However, they must limit their joint procurement to the amount of property and services required to meet each of their reasonably expected needs, and are prohibited from improperly expanding the procurement to include excess capacity simply for the purpose of assigning contract rights to others at a later date. Accordingly, FTA permits the assignment of unneeded contract rights to another transit agency—piggybacking—only when a recipient has unintentionally acquired more goods and options than it needs to support its transit system.”

Grantees that intend to purchase from the DES-CLS contract(s) or piggyback using another eligible organization’s procurement contract have specific responsibilities to follow. Some of these include, but are not limited to:

• Determining if your agency is eligible to purchase from state contracts and obtaining advanced written approval from WSDOT to proceed with your purchase.
• Obtaining advanced written approval from DES-CLS to access the state master contracts using their Purchase Request Form included in Appendix F.
• Obtaining advanced written approval from another agency/organization allowing your agency to piggyback off its current procurement contract. This usually involves both parties signing an inter-local agreement that assigns an available option(s) to your organization to purchase from the existing contract.
• Following state and FTA procurement regulations and procedures.
• Participating in pre-award and post-delivery audit processes when applicable.
• Obtaining written approval from WSDOT for vehicles and equipment specifications and costs prior to award and contract execution.
• Awarding, executing and administering the vendor contract for the purchase of the vehicles and equipment.
• Providing required documents to WSDOT in a timely manner.
• Inspecting vehicles and equipment to ensure:
  – Vehicles and equipment delivered meet the general and technical specifications.
  – Vehicles and equipment are in good working order with no apparent cosmetic or mechanical defects.
• Issuing timely notification (e.g., within 15 days from delivery) to the vendor of vehicle and equipment acceptance or rejection.
• Paying the vendor in a timely manner per the terms of the purchase contract. This is typically 30 days from the date of acceptance.
• Maintaining all required documentation and records of the procurement process in your organization’s procurement files.

Grantees that intend to piggyback another organization's eligible procurement contract must provide WSDOT with documentation of written approval from the organization before proceeding with the procurement. The grantee must also request and obtain approval from WSDOT. The grantee is responsible for obtaining copies of all procurement documents as if the grantee had conducted its own procurement process. Review the Procurement File Contents Checklist in Appendix F for specific information. All procurement-related records and documentation must be maintained for six years beyond the useful life of the vehicles and equipment.

Initiating Procurement Options

Grantees should begin exploring procurement options as soon as a WSDOT grant-award notification is received. WSDOT community liaisons work with grantee staff to develop and finalize a scope of work and budget for all funded capital projects. The grant application and the WSDOT grant award are used to ensure that the grant agreement contains a comprehensive, accurate description of the project. Based on the scope of work and budget, the grantee may select a preferred procurement option. WSDOT vehicle and equipment procurement staff can assist with determining which procurement method is best suited for the type of vehicles and/or equipment purchased. The timeline for acquiring vehicle(s) or equipment and the level of procurement experience among your organization’s staff may dictate which procurement option will serve you best.

WSDOT allows grantees of the consolidated grant program to purchase as many vehicles as they can within the amount of the grant award.

The criteria for grantees to qualify for this policy are as follows:

1. The vehicle is consistent with the type/size/accessories applied for.
2. The grantee can demonstrate a need.
3. The vehicle can be purchased within the grant timeframe.
4. The grantee is in good standing. When developing your agency's procurement plan, consider the type of funds awarded (state or federal) and the nature and size of the procurement. Specific requirements may be triggered depending on the item(s) to be purchased and the overall costs of the purchase(s). These considerations are discussed below.

State-Funded Procurements

Grantees using state funds to purchase vehicles and equipment must go through a competitive procurement process. The procurement process must be in accordance with each grantee's purchasing policies and follow all applicable state laws. Grantees must submit their purchasing policies and procedures along with the bid documents to WSDOT for review and approval prior to bid solicitation. Any grantee that does not obtain procurement approval from WSDOT may not be eligible for reimbursement. For procurement assistance, contact the WSDOT vehicle and equipment procurement staff.

State funds have no pre-award authority. It is important to remember that any costs incurred prior to the beginning date of the grant agreement will not be eligible for reimbursement.
**FTA-Funded Procurements**

Grantees using FTA funds to purchase vehicles and equipment must comply with applicable FTA third-party contracting requirements identified in FTA Circular 4220.1F, 2 CFR Part 200, 49 CFR Part 18 or 19 (depending on agency type) and all applicable state laws. Grantees that choose to participate in state procurements must, at a minimum, comply with six specific federal requirements found in FTA Circular 4220.1F:

1. Full and open competition.
2. Prohibition against geographic preference.
3. Inclusion in contracts of all the federal clauses required by federal statute governing procurement for such services.
4. Award to responsible contractors.
5. Five-year limitation on the contract period of performance for rolling stock.
6. Compliance with the Brooks Act for procurement of architectural and engineering services.

**Governmental Sub-Recipients of the State**

Each governmental sub-recipient may use state procurement procedures for its third-party contracts. Only the FTA Circular 4220.1F provisions identified above, 2 CFR Part 200, and USDOT’s Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments 49 CFR Part 18 apply to procurements by the state’s governmental sub-recipients.

**Private Nonprofit Sub-Recipients of the State**

Only the FTA Circular 4220.1F provisions identified above, 2 CFR Part 200, and USDOT’s Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Educations, Hospitals and other Nonprofit Organizations 49 CFR Part 19 apply to a nonprofit sub-recipient of the state.

**Note:** Governmental sub-recipients include transits, local governments and tribes.

**Procurement Levels**

FTA identifies three unique categories of purchases: micro-purchases, small purchases and large procurements. Micro- and small purchases are exempt from Buy America provisions.

**Micro-Purchases – Procurements less than or equal to $3,500.** If permitted by state and local law, you may acquire equipment valued up to $3,500 without obtaining competitive quotations. The following procedures apply to micro-purchases:

- Micro-purchases should be equitably distributed among qualified suppliers.
- Grantees may not divide or reduce the size of the procurement expressly to be within the micro-purchase limit.
- Grantees should document that the purchase was “fair and reasonable” with a description of how this determination was made. (FTA does not require that a rationale be provided for the procurement method used, selection of contract type, or the reason for contractor selection or rejection).
Small Purchases – Procurements greater than $3,500 but less than $150,000. Lower thresholds may be set for small purchases in compliance with state or local laws, or as organizations deem appropriate. The following procedures apply to small purchases:

- Perform an independent cost estimate (discussed later in this chapter).
- Avoid unreasonable qualifications, specifying brand-name products without allowing offers of an equal product, and geographic preference.
- Clear, accurate and complete specifications that provide for full and open competition.
- Contract-term limitation should be considered to foster competition, pricing, fairness and public perception. Contract extensions that amount to an out-of-scope change will require a sole-source justification.
- Grantees must obtain documented price or rate quotations from an adequate number of qualified sources.
- Grantees cannot divide or reduce the size of the procurement to avoid the additional procurement requirements applicable to larger acquisitions.
- Grantees must perform a cost or price analysis (discussed later in the chapter).

Large Procurements

These procurements ($150,000 or more) require a formal bid process and must adhere to all FTA procurement requirements (including Buy America) regardless of whether an Invitation to Bid (ITB) or Request for Proposals (RFP) process is followed. The vehicles and equipment procurement must be publicly solicited and the vehicles and equipment specifications should follow the Full and Open Competition Principle (BPPM 2.4.2.1) and not restrict competition. Bid documents must be approved by WSDOT prior to solicitation.

- **ITB** – Award is based on the lowest responsive bid (i.e., lowest cost). This method is well-suited for uniform goods and services readily available and comparable in quality and function. Depending on the level of experience among the grantee’s staff, the procurement process may be conducted directly.
- **RFP** – Award is based on a combination of cost and non-cost factors that equate to “best value”. This method is ideal for unique goods and services that vary in design and quality and may not be readily comparable. This method is also used if the grantee has not determined a product or service, relying instead on the contractor/vendor to propose a solution. In this case, the grantee would evaluate the proposals to determine which best satisfies its needs. Depending on the level of experience among the grantee’s staff, the procurement process may be conducted directly.
- **Joint Procurement** – Whether ITB or RFP, the grantee jointly participates in another transit agency’s or organization’s bid. This requires all parties to agree on a common specification for a product and then commit to the results of the joint procurement, including quantities to be purchased.

In some instances, a grantee’s purchase threshold may be in conflict with state or federal requirements. Grantees must apply the lowest appropriate threshold when using state or federal funds.
Type of Procurement
The product or service may also affect the procurement requirements. FTA requires specific provisions, clauses and certifications depending on the type of procurement:

- Rolling stock
- Equipment, materials and supplies
- Purchase of service (e.g., operations/management); refer to Chapter 2
- Professional services (e.g., architectural and engineering); refer to Chapter 4
- Construction; refer to Chapter 4.

While many of the requirements apply to all types of procurement, each procurement may vary based on the combination of cost and product/service. Vehicle and equipment procurement staff is available to help grantees determine which requirements will apply.

Basic Requirements
Depending on the procurement method selected, grantees are required to submit the following documents to WSDOT for review and approval prior to initiating a procurement.

Purchasing from Washington State Master Contracts
Grantees are required to submit the following documents to WSDOT:

- An itemized price quote and product specifications from the vendor.
- Floor plan from the vendor (vehicles only).

WSDOT will confirm the grantee is eligible to purchase from the state contract and that the request conforms to WSDOT's grant agreement. WSDOT will notify the grantee that they may proceed with the procurement. Upon WSDOT's approval to proceed, WSDOT will provide a partially completed Purchase Request Form to submit to DES-CLS along with their price quote and floor plan. DES will confirm the purchase and pricing conforms to the contract and send an authorization letter to purchase from the state master contract electronically. The grantee may now sign a sales contract or issue a purchase order for the vehicles or equipment. The grantee must submit a copy of the purchase order or purchase contract to WSDOT for our procurement files. The Purchase Request Form and instructions can be found in Appendix F.

Piggybacking from another Eligible Purchasing Contract

- Copy of the original procurement contract.
- A signed inter-local agreement or contract to exercise an option from the agency holding the purchase contract.
- Pre-award certifications.
- An itemized price quote and product specifications from the vendor.
- Floor plan from the vendor (vehicles only).

WSDOT vehicle and equipment procurement staff will review the procurement contract to ensure that it complies with federal requirements and includes an assignability clause. Upon WSDOT approval to proceed, the grantee must submit a copy of the purchase order to WSDOT vehicle and equipment procurement staff.
**Conducting Your Procurement or Participating in a Joint Procurement**

This requires separate approvals from WSDOT before issuing the bid documents and before awarding the contract.

- Proposed bid documents (discussed later in this chapter).

Once WSDOT approves the bid documents, the grantee must submit the following information and documents to WSDOT:

- Grantee’s basis for determining contract award.
- Proposed vendor award contract with appropriate clauses.
- Vendor pre-award compliance certifications for:
  - ADA
  - Federal Motor Vehicle Safety Standards (FMVSS), if applicable
  - Altoona bus testing, if applicable
  - Debarment and Suspension, if procurement > $25,000.
- Procurements exceeding $100,000:
  - Pre-award Buy America Act
  - Pre-award purchaser’s requirement
  - Transit Vehicle Manufacturer (TVM) certification, if applicable
  - Lobbying certification.

*Note:* The grantee may only proceed with the contract award after receiving WSDOT second approval. Grantee must submit copies to WSDOT of any purchase orders for grant-funded purchases under this procurement contract.

Refer to the FTA Circular 4220.1F for the following referenced provisions:

- **Allowable Contracts (FTA C 4220.1F, Chap VI, 2)**
  Federally funded procurements are limited to the following contract types:
  - Firm fixed price
  - Cost reimbursement
  - Purchase order
  - Incentive contract.

- **Prohibited Contracts or Contracts with Specific Restrictions**
  - Cost plus percentage of cost contracts (prohibited)
  - Time and materials cost reimbursement (specific restrictions).

  Time-and-materials contracts can only be used if no other contract type is suitable and must contain a firm-ceiling-price provision.

**Common Areas of Deficiency**

Regardless of the type or size of the procurement, overlooking any of the basic requirements can cause your procurement to be ineligible for federal participation. Some of these common deficiencies are discussed below.
Purchasing Policies and Procedures (FTA C 4220.1F, Chap III & VII)

Written standards of conduct should be incorporated in the organization procurement policies and procedures specifying how the organization will procure various items, including goods and services. At a minimum, they should cover ethics, purchase authority, purchase thresholds, basis of award, and protest and appeal processes.

Written Record of Procurement (FTA C 4220.1F, Chap III, 3.d(1))

Grantees are required to maintain and make available records detailing the history of each procurement. At a minimum, records must include:

- Rationale for the method of procurement
- Reason for the selection of the contract type
- Reason for the contractor/vendor selection or rejection
- Basis for the contract price.

Independent Cost Estimate (FTA C 4220.1F, Chap VI, 6)

With every procurement action, grantees must make and document independent estimates before receiving bids and proposals. This can be accomplished by obtaining estimates from published price lists or catalogs, engineering or technical estimates, independent third-party estimates, or past pricing, if still relevant. These actions should be taken when you list the estimated capital budget in the grant application.

Geographic Preference [FTA C 4220.1F, Chap IV, 2.a. (4)(g)]

Grantees shall conduct procurements in a manner that prohibits the use of statutory or administratively imposed in-state or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference.

This requirement does not pre-empt Washington state licensing laws for vehicles. However, not possessing a state vehicle dealer license does not exempt that vendor from submitting a bid for consideration. Reciprocal procurement agreements in which special consideration is given to a third-party contractor for past, present or future business relationships are ineligible for federal participation.

Inclusion of all Federal Clauses in Contracting

When contracting with federal funds, many of the provisions in your agency’s grant agreement “pass through” to third parties, and grantees are required to include the appropriate federal clauses in their procurement contracts.

Some of these clauses are required in all contracts, while others only apply to certain monetary thresholds or types of procurements. A table identifying applicable third-party contract provisions is included at the end of this chapter. Alternatively, the required federal contract clauses and certifications can be queried using RTAP’s Procurement Pro through the National Rural Transit Assistance website at www.nationalrtap.org/webapps/procurementpro.aspx.

Some federal clauses require the vendor to certify compliance with federal terms, such as debarment and suspension, lobbying, and Buy America provisions. A table listing the various certifications that typically apply is provided at the end of this chapter.
Buy America (49 CFR Part 661)

Procurements exceeding $100,000 must meet Buy America standards unless a waiver exempting the purchase from Buy America requirements has been granted by FTA. Due to the complexity and strict enforcement of the Buy America provisions, the grantee may wish to seek additional technical assistance from WSDOT staff on this topic.

FTA may waive the general requirements of Buy America if the FTA Administrator determines the following:

- They would be inconsistent with the public's best interest.
- The materials for which the waiver is requested are not produced in the U.S. in sufficient and reasonably available quantities and of a satisfactory quality.
- The inclusion of a domestic item or domestic material increases the cost of the contract between the grantee and the supplier for that item or material by more than 25 percent.

A detailed written explanation of waivers is published in the Federal Register and on FTA's website.

All rolling stock and equipment purchased with FTA capital assistance must still meet Buy America requirements [49 USC § 5323(j) and 49 CFR Part 661]. This requirement varies depending on the item purchased.

For rolling stock, 60 percent of the total cost of the vehicle must be from domestic sources and final assembly must occur in the U.S. Regarding equipment and construction materials, no FTA funds may be obligated and used unless all steel, iron and manufactured products are produced in the U.S for the project. The FAST Act increases the Buy America domestic content for rolling stock to 65 percent by federal fiscal year 2018 and to 70 percent by federal fiscal year 2020. If buying off a state contract, the delivery date of the vehicle determines the content requirement. The general requirements of § 661.5 are listed below:

§ 661.5 General Requirements

(a) Except as provided in §661.7 and §661.11 of this part, no funds may be obligated by FTA for a grantee project unless all iron, steel, and manufactured products used in the project are produced in the United States.

(b) All steel and iron manufacturing processes must take place in the United States, except metallurgical processes involving refinement of steel additives.

(c) The steel and iron requirements apply to all construction materials made primarily of steel or iron and used in infrastructure projects such as transit or maintenance facilities, rail lines, and bridges. These items include, but are not limited to, structural steel or iron, steel or iron beams and columns, running rail and contact rail. These requirements do not apply to steel or iron used as components or subcomponents of other manufactured products or rolling stock, or to bimetallic power rail incorporating steel or iron components.

(d) For a manufactured product to be considered produced in the United States:

(1) All of the manufacturing processes for the product must take place in the United States; and

(2) All of the components of the product must be of U.S. origin. A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents.
Price/Cost Analysis (FTA C 4220.1F Chap VI, 6)

Grantees must perform a cost or price analysis in connection with every procurement action, including contract modification. This is to ensure that the price offered is fair and reasonable.

- Cost analysis is used when:
  - Adequate competition is lacking and for sole source procurement, including contract modification or change orders.
  - The offering party is required to submit the elements (labor hours, overhead, materials, etc.) of the estimated cost.
- Price analysis may be used in all other instances to determine price offered is fair and reasonable (historical cost, price list).
- Sole source may be used when goods or services are available from only one responsible source and no other goods or services will satisfy the requirements. To justify a sole source, one of the following conditions must exist:
  - Unique or innovative concept
  - Patents or restrictive data rights
  - Substantial duplication costs
  - Unacceptable delay
  - Only one bid was received.

For additional information and guidance contact your WSDOT community liaison.

Award to Responsible Contractor [FTA C 4220.1F, Chap VI, 8(b)]

Grantees shall make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the 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.

Grantees must verify all awarded third-party contractors are not debarred or suspended from participating in federally funded contracts. Grantees must review the System for Award Management at www.sam.gov* and retain a screenshot of the search in your procurement files that document you verified the contractor’s eligibility.

*You can no longer access the System for Award Management (SAM) using Internet Explorer (IE) Versions older than IE11. If you have trouble with access, upgrade your IE or use an alternative browser like Chrome.

Formal Bid Process

This information applies to all grantees who wish to perform their own formal bid process for purchasing vehicles or equipment.

Bid Documents

The bid documents must include the following information:

- Purpose of the bid
- Purchaser contact information
- Method used to conduct the vehicles and equipment procurement (i.e., ITB or RFP)
- Bid information, instructions and timeline for communication, bid submittal, bid opening and award
- Minimum and maximum number of vehicles and equipment to be purchased
• Term (length) of the contract to be awarded
• All applicable FTA terms and conditions
• General and technical specifications of the vehicles and equipment, which allow open competition
• Protests and appeals procedures
• Basis upon which your organization will evaluate bid proposals and award bids.

Note: Grantees may not specify a brand name product without allowing potential bidders to offer an equal product.

Bid Process

Grantees may proceed with the following bid process and related activities after written approval from WSDOT is received:

• Advertise the bid – Grantees must advertise and publicize bid solicitation in major local newspaper(s) or commercial and trade journals and other known sources. The bid solicitation should allow sufficient time for vendors to prepare bids before the date of bid opening. Grantees should allow a minimum of two weeks to increase opportunity for open competition.

• Mail the bid document to all known vendors – Grantees should send the bid solicitation to all known vendors to ensure participation.

• Conduct the review and approval/rejection of request for equals – Vendors may request changes or substitutions to the specifications. Grantees shall review and evaluate vendor requests based on performance, intended use and costs of the proposed equals. The grantee must then approve/reject vendor requests and send all responses to all vendors who have received the bid solicitation within the timeframe set forth in the IFB. Grantees may seek the WSDOT vehicle and equipment procurement staff for assistance in the review of vendor requests.

• Conduct the review and approval/rejection of request for reconsiderations – Vendors may request reconsideration of the request for equals that the grantee rejected. Vendors may also submit backup documentation about the proposed item requested for substitution. Grantee shall review and evaluate vendor requests for reconsideration based on performance, intended use and cost of the proposed equal.

Vendor Protest or Appeal

• Appeal Procedures – A vendor who is aggrieved in connection with the bid process may submit an appeal to WSDOT. Vendor must submit a detailed description of the facts and disagreement that form the basis of the appeal, including any supporting documentation related or referred to in the appeal and the specific decision requests. Grantee must review the appeal and respond to the vendor within the timeframe set forth in the appeal procedures. Vendor and grantee must follow the appeal procedures set forth in the bid documentation.

• Protest Procedures – The vendor may further file a protest of the decision that resulted in the appeal process to grantee's administrator for consideration. The protest must include a detailed description of the facts and disagreement that forms the basis of the vendor’s protest. Vendor may provide supporting documentation related or referred to in the protest and the specific decision requests. Grantee must review the protest and respond to the vendor within the timeframe set forth in the protest procedures. The vendor must follow all procedures set forth in the protest procedures of the bid document.
• **Bid Submittal Deadline** – Vendor must submit the bid on or before the bid due date prescribed in the bid solicitation. Any vendor bid submitted after the prescribed date and time will be neither accepted nor opened.
  
  – **Conduct the Bid Opening** – Bids must be publicly opened at the time and place prescribed in the bid document. Bids can be read and recorded in a bid abstract document and made available to bid- opening attendees for review and inspection.
  
  – **Conduct the Pre-Award Review of Your Lowest-Priced, Most Responsive and Responsible Bidder** – This step may include a visit to the factory where the vehicles and equipment are assembled. Review the Pre-Award Factory Visit section for more details. For detailed information, refer to the Pre-Award Review section on the following page.

**Note:** FTA-funded procurements cannot require excessive qualifications, unnecessary experience or improper pre- qualifications.

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**Pre-Award Review**

Before awarding any bid for vehicles, grantees must conduct a pre-award review of the lowest-priced, most responsive and responsible bidder. The purpose of conducting the review is to verify that the manufacturer is able to construct the vehicle according to the specifications and to ensure the manufacturer is able to comply with:

- Altoona bus testing
- Buy America requirements
- FMVSS
- Debarment and suspension certification (if not included as part of the IFB or RFP)
- TVM certification.

**Note:** The dealer may not substitute for the manufacturer. Record when and how the review requirements were met as well as the data received from the manufacturer. Read the Pre-Award Audit Checklist in Appendix F for details of certification requirements.

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**Bus Testing**

The vehicle manufacturer must certify that its bid complies with FTA bus testing regulations by submitting an Altoona testing report for each vehicle model bid as part of its bid submittal. Grantees are required to maintain a copy of the Altoona testing report in the appropriate vehicle procurement file.

When procuring buses or other rolling stock with FTA funds, grantees should ensure the procured items comply with new MAP-21 testing requirements. MAP-21 provides for an FTA-funded facility at which all new vehicles purchased with FTA assistance must be tested to meet standards for safety, structural integrity, reliability, performance (including braking), maintainability, emissions, noise and fuel economy (49 USC Sections 5318/MAP-21 Section 20014).

FTA, with assistance from the industry, developed a pass/fail standard for U.S. testing. This standard includes safety provisions established by FTA. Vehicles that do not receive a “pass” rating would not be eligible for purchase with federal funds. Test results cannot be interpreted as a warranty or guarantee that the tested bus will meet the purchaser's specific requirements.

Non-modified passenger vans, minivans and raised-roof vans are not subject to Altoona bus testing. For the purposes of the FTA program, ADA low-floor modified minivans and van-chassis or truck-chassis cutaways (commonly referred to as minibuses) are subject to Altoona testing.
**Buy America**

Under the Buy America federal requirement for rolling stock (vehicles), at least 60 percent of the vehicle’s costs must be from American-made products and its final assembly must take place in the U.S. Under the FAST Act, the domestic content increases to 65 percent beginning October 1, 2017, and to 70 percent starting October 1, 2019. Prior to award, the manufacturer must certify its ability to comply with this requirement. The supporting documentation received from the manufacturer must detail, by component, how the 60 percent Buy America requirement will be met and detail what final assembly entails. Grantees are required to verify the manufacturer’s documentation to support the manufacturer's Buy America certification. Upon delivery, complete the post-delivery Buy America certification described in the Post-Delivery Audit section.

Non-rolling stock procurements over $100,000 must meet 100 percent Buy America criteria for iron, steel and manufactured goods.

*Note:* Several manufacturers’ ADA low-floor minivans built on a Chrysler/Dodge Caravan now satisfy Buy America requirements for final manufacture. Check with WSDOT Capital Programs staff to confirm.

**Federal Motor Vehicle Safety Standards**

To verify compliance with FMVSS, review the manufacturer’s documentation to ensure that all vehicles purchased with grant funds have passed all tests and compliance checks required by the National Highway Transportation Safety Administration under 49 CFR 663. These may also include other FMVSS tests required by the vehicle specifications. Retain a copy of the vehicle testing report for each vehicle type and keep it in the related vehicle procurement file.

**Factory Visit and Inspections**

Procurements of more than 10 vehicles (serving urbanized areas) or more than 20 vehicles (serving non-urbanized areas) require factory visits at different stages of vehicle production. These inspections may include up to four trips to the factory during the various construction stages of the vehicles. If conducting a factory visit, use the appropriate factory visit checklist in Appendix F.

Should your organization determine that a factory visit trip is warranted and seeks to have the costs associated with the trip reimbursed by WSDOT, you must submit a request and receive approval from WSDOT prior to taking the trip. It is recommended that trip requests be submitted at least 30 days in advance of the scheduled trip. WSDOT will not reimburse organizations for expenses associated with the factory inspection or visit after the trip has been completed if prior trip approval was not obtained from WSDOT.

For pre-approved factory site visits, grantees may hire a qualified independent contractor who specializes in public transportation vehicle manufacturing inspections to conduct the factory site visits on their behalf.

Contractor receipts and inspection report for the factory site visit must be included with the reimbursement request to be eligible for payment.

**Compliance with the Specifications**

The final element in the pre-award review is to verify:

- The bid was made by the lowest-priced, most responsive and responsible manufacturer in the ITB process, or the bid represents the best value using the pre-defined scoring criteria identified in the RFP. Scoring criteria may include factors such as fleet uniformity, maintenance costs and parts availability along with traditional factors such as price.
• The manufacturer has the capability to construct the vehicle.
• Continuity of the manufacturer’s warranties can be ensured.

**Post-Delivery Audit**

Once vehicles are delivered, grantees are required (for each grant-funded vehicle) to complete and sign the respective forms associated with the post-delivery vehicle audit process. The following provides a summary of the process. Appendix F identifies and provides the specific forms to be used for completing the vehicle inspection and certification process. Inspection and certification forms must accompany the grantee’s request for reimbursement. WSDOT will not process payment until the required forms for all accepted vehicles are received.

• First, use the Vehicle Visual Inspection Form to conduct a visual inspection of each vehicle received. Note any apparent defects as well as whether a specific inspected item is acceptable. Ensure that the manufacturer has provided the following:
  
  – **Post-Delivery Buy America Certification** – A post-delivery American Content report was received upon delivery of the vehicle. The report must be dated prior to the vehicle invoice date. Sign the post-delivery Buy America compliance certification or the post-delivery Buy America exemption certification, whichever applies.
  
  – **FMVSS** – The FMVSS report (for each vehicle delivered) was received and the manufacturer has affixed the metal placard on the driver door frame of each vehicle. Sign the post-delivery FMVSS Compliance Certification or the post-delivery FMVSS exemption certification, whichever applies.

• Second, perform a road test for each vehicle received to verify that the vehicle is in good working order and has no mechanical defects. Document and report the results on the road test form.

• Third, list and provide the necessary requested information for all vehicles that have satisfactorily met all the contract specifications on the post-delivery purchaser’s requirements certification. Use the appropriate form based upon the number of vehicles procured (e.g., more than 20 or fewer than 20).

**Timeline for Accepting Delivered Vehicles**

Delivery and acceptance timelines are outlined in the specific ITB or RFP used to purchase the vehicles. Once the vehicles are delivered, grantees have 15 calendar days to complete inspections and either accept or reject the vehicles. If the vehicles are acceptable, the grantee must issue an acceptance letter to the contracted vendor. If the vehicles do not meet the specifications or defective parts and/or deficiencies are found, a non-acceptance letter to the contracted vendor must be issued within the 15 calendar-day period. The non-acceptance letter should include detailed information about the defective part(s) and/or deficiencies and a request that the contractor take appropriate actions to correct the problem(s). A vehicle may not be placed in service until it is fully accepted. A copy of the non-acceptance letter must also be sent to WSDOT. *Failure to notify the contractor within the 15-day period or the timeframe set forth in the bid document may constitute acceptance of the vehicle as delivered, depending on the ITB or RFP.*

Grantees shall pay the vendor according to the procurement contract for all accepted vehicles. Partial vehicle acceptance should not delay payment for accepted vehicles.

Grantees shall submit request for reimbursement to WSDOT for all accepted vehicles within 30 days of the acceptance date.
Vehicle Procurement Records and Retention

Grantees must file and maintain all pertinent procurement records in the procurement file for all grant-funded procurements. Grantee shall maintain the complete procurement file for six years beyond the useful life of the vehicle(s) regardless of the process used to purchase the vehicles. The minimum useful life of a vehicle is shown in the Vehicle Disposition Schedule in Appendix F. Read the Procurement File Contents checklist in Appendix F for details on those documents which must be retained.

Licensing and Title

All applicable licensing and title fees are the responsibility of the grantee. Those costs are not eligible for reimbursement under the capital grant.

Washington law provides certain tax exemptions related to vehicles used by qualifying paratransit providers. See RCW 82.08.0287 for the definition of qualifying vehicles.

Small buses, cutaways and modified vans used for special needs transportation may qualify for rideshare license plates, which are exempt from sales tax. A ridesharing vehicle is defined as a passenger motor vehicle with a seating capacity not exceeding 15 persons, including the driver, while being used for commuter ridesharing or ridesharing for persons with special transportation needs (RCW 46.74).

Registered Owner vs. Legal Owner

When obtaining the vehicle titles with state or federal funds administered by WSDOT, your organization must be shown as the registered owner and WSDOT must be shown as the legal owner. The following information must appear on the title:

- **Legal Owner**
  - Washington State Department of Transportation Public Transportation Division
  - PO Box 47387
  - Olympia, WA 98504-7387

Title Retention

The length of time that WSDOT retains title to vehicles purchased for the project will depend on the size and type of vehicle purchased. The vehicle disposition schedule (Appendix F) identifies the retention schedule for vehicles, also known as the *minimum useful life* of the vehicle.

WSDOT will release legal ownership of all vehicles based on the vehicle acceptance date and identified *minimum useful life* (based on its age or mileage, whichever comes first).

After WSDOT releases the vehicle title, grantees must complete the transfer of legal ownership of the vehicle with the Washington State Department of Licensing (DOL) within 15 calendar days. Failure to do so may result in penalties imposed on the grantee by DOL.

Vehicles Purchased for Replacement

Organizations using grant funds to replace a vehicle in its fleet are expected to retire the vehicle identified in the grant application within three months of accepting the replacement vehicle.

Retiring a vehicle means it is sold, surplused, donated or placed in spare status (service not exceeding 30 percent of prior use). Assigning the vehicle to another service area or contractor or leasing the vehicle is generally not acceptable. Contact your WSDOT community liaison for additional assistance with this determination.
Failure to retire the replaced vehicle in a timely manner is considered a breach of the grant agreement and may result in disqualification for future grants and/or repossession of the new vehicles.

**Equipment Procurement**

This section describes the necessary steps and requirements associated with purchasing equipment other than vehicles. All equipment purchased with grant funds from WSDOT must be used to support the passenger transportation services described in the grant agreement.

**Purchasing Procedures**

While WSDOT does not prescribe specific procedures for the purchase of equipment, it does require that grantees have established written procedures in place describing the equipment purchase process. For more detailed guidance on developing purchasing procedures, read the Purchasing Policies section in Chapter 1. At a minimum, the procedures must include:

- A dollar threshold for phone quotes versus bids
- The designation of officials who have signature authority for various types of purchases
- The point at which board approval is required
- Policies for purchasing from DBE vendors if FTA funds are used (for more information, read the DBE requirements in Chapter 1).

Grantees awarded FTA grant funds for equipment must have procedures that comply with FTA Circular 4220.1F.

**Managing Vehicles and Equipment**

Grantees are expected to ensure that vehicles and equipment are properly maintained and used for the services described in the grant agreement. The information below provides guidance on how to properly manage grant-funded equipment and vehicles.

**Allowable Uses**

All vehicles and equipment purchased with grant funds must be used throughout their minimum useful life to support the passenger transportation services described in the grant agreement and be consistent with grant funding requirements. The service parameters include but are not limited to:

- Service area
- Service mode (demand response, fixed route, vanpool, etc.)
- Population to be served (general public, special needs, etc.)
- Type of service (job access, complementary paratransit, etc.).

**Minimum Service Thresholds for Vehicles**

Vehicles (excluding vanpool vehicles) funded through WSDOT’s grant programs must be used to provide a minimum level of service in the community, as listed below:

- 100 passenger trips per week
- 100 service miles per week.

Failure to meet the minimum service thresholds may result in WSDOT removing the vehicles and may jeopardize your organization’s ability to remain in compliance with WSDOT’s In Good Standing policy.

*Note:* Depending on federal funding sources, grantees may use the vehicles for other passenger transportation services if the use is incidental and does not diminish the services identified in the grant agreement. Contact your assigned WSDOT community liaison to determine eligibility.
Maintenance of Vehicles and Equipment

All transit agencies are required to develop and implement a TAMP, described in Chapter 1. Non-transit (private for-profit or non-profit) grantees using grant-funded vehicles must develop and implement a TAMP in lieu of the VMP.

Annual Asset/Vehicle Inventory

This report collects information on the condition and mileage of grant-funded vehicles, and the condition of grant-funded equipment and facilities. The grantee also certifies that the vehicles, equipment and/or facilities are being used as specified in the grant agreement. It must be submitted throughout the useful life of grant-funded equipment and is due to WSDOT Public Transportation Division by February 15 annually.

Insurance Requirements

Vehicles purchased with grant funds must be insured to be in compliance with state law. Grantees must provide a certificate of insurance documenting liability, comprehensive and collision insurance for all grant-funded vehicles of which WSDOT retains legal ownership, with WSDOT listed as the loss payee. Self-insured organizations must provide WSDOT with a declaration of self-insurance including a description of how the self-insurance pool is funded. For specific insurance requirements, refer to the Loss or Damage of Project Equipment section of the capital grant agreement.

Damages and Repairs

Grantees are responsible for reporting and repairing any damage to grant-funded vehicles of which WSDOT retains legal ownership. WSDOT must be notified in writing within five business days if the vehicle sustains disabling damage (e.g., vehicle is removed from service for 10 or more operating days or the vehicle is determined to be totaled) or the circumstances of the incident trigger an FTA drug-and-alcohol test. The following information must be submitted to WSDOT:

- The nature of the incident.
- The level of damage to the vehicle.
- The grantee's intentions regarding replacement of the vehicle if the damage resulted in a total loss of the vehicle.
- The incident report on file with local law officials.
- The investigation summary conducted by your organization.
- A copy of witness statement/comments.
- If FTA 5309, 5339 or 5311 funds were used for the purchase, an explanation of whether your organization's decision to conduct post-accident, drug-and-alcohol tests were conducted or, if not, why they were not conducted.

WSDOT does not need to be notified if the damage does not require removal from service. However, any damage should be repaired as quickly as possible. Any costs of the repair which are not covered by insurance are the responsibility of the transit agency.

Vehicle Total Loss

If the vehicle is deemed a total loss by the insurance carrier, the insurance proceeds will be paid directly to WSDOT. Grantees that do not intend to replace a vehicle deemed a total loss will be forwarded the proportionate local share of the insurance proceeds received by WSDOT, provided that the grantee is in compliance with the grant agreement.

Grantees that intend to replace a vehicle deemed a total loss must replace it with a new or similar vehicle (value at the time of the incident, capacity, wheelchair accessibility, etc.). Once the
replacement vehicle is received, a copy of the vendor invoice and the registration showing WSDOT as legal owner must be submitted to WSDOT. WSDOT shall reimburse the grantee up to the insurance proceeds paid. Any replacement costs in excess of the insurance proceeds must be assumed by the grantee.

If the grantee orders a replacement vehicle within 60 days of the incident and before the insurance proceeds have been processed, WSDOT may waive the requirement for the proceeds to be received directly by WSDOT, and may in writing allow the insurance to be paid directly to the grantee to expedite the replacement.

WSDOT will release legal ownership of the replacement vehicle based on the acceptance date and the minimum useful life of the original vehicle.

Change of Use

Written notification to and the approval of your community liaison is required if any grant-funded vehicle or equipment is no longer needed for the services described in the grant agreement. In either case, an overview of the options that may be available is described below:

- Grantees providing other passenger-transportation services in the same service area may request to use the vehicles or equipment for those services.
- Grantees who are Medicaid brokers (and thus cannot provide Medicaid service) may request to assign existing vehicles or equipment to another eligible service provider. Under this option, grantees must:
  - Submit the proposed agreement to WSDOT for approval
  - Execute the approved agreement with the service provider
  - Send a signed copy of the agreement to WSDOT.

**Note:** The transfer of registered ownership under this option does not release the grantee from any responsibilities under the grant agreement. The grantee will still be responsible for ensuring the assignee complies with the terms and conditions associated with the grant.

- Grantees not providing any other passenger-transportation services or reducing the scope of service may return the vehicles or equipment to WSDOT. Upon written notification, WSDOT will:
  - Initiate a fair-market valuation by an independent appraiser.
  - Identify other service providers who are willing and able to accept the vehicle(s) or equipment. If possible, WSDOT will transfer the vehicle or equipment to a provider within the same service area.
  - Initiate the transfer, once another service provider is identified and the fair-market valuation is completed. If local funds contributed to the purchase of the vehicle or equipment, grantees may be reimbursed for the proportionate local share as long as they are in compliance with the grant agreement. Once the transfer is complete, grantees will be released from the terms and conditions of the grant agreement.

Transferring Vehicles or Equipment to a Different Service Area

The process for securing grant funds is very competitive. A major component in selecting projects to be funded is the need for service within the community or communities to be served. For that reason, WSDOT works to keep grant-funded vehicles and equipment in the original service areas described in the grant agreement. If you no longer need the vehicle and/or equipment for the service described in the grant agreement, you must notify your assigned community liaison in writing immediately. If WSDOT still retains the title to a grant-funded vehicle it cannot be transferred to a service area not identified in the grant agreement unless WSDOT authorizes the transfer in advance and in writing.
WSDOT will facilitate a fair-market valuation and transfer the vehicles and/or equipment. Grantees may be eligible for reimbursement for the proportionate local share of the vehicle's or equipment's value by the receiving agency.

**Buyout of the Grant Share of a Vehicle and Other Equipment**

Grantees may purchase the state and/or federal share of grant-funded vehicles or equipment at any point during the grant agreement. If you elect to buy out the interest in the vehicles or equipment less than 12 months from the time of the receipt of grant funds, the amount to be returned to the state will be 100 percent of the grant. If the request to buy out the vehicle or equipment is received more than 12 months after the payment of the grant funds, WSDOT will initiate a fair-market valuation of the vehicles or equipment. Grantees will be required to pay the proportionate grant share of the current market value to WSDOT. After payment is received for a vehicle, WSDOT will send the grantee the original certificates of title for the vehicles and release them from any responsibilities under the grant agreement.

**Sale of Federally Funded Capital Assets (Vehicles and Equipment)**

Typically, FTA and WSDOT retain no interest in the vehicle or equipment after it exceeds its minimum useful life and the title or interest in the capital asset has been released. However, if the grantee sells a federally funded capital asset and receives proceeds in excess of $5,000, the grantee may be subject to a partial return of funds to FTA per FTA Circular 5010.1E (Chapter IV). The grantee may petition FTA to allow the retention of all proceeds from the sale of the capital asset provided the grantee reinvests the proceeds in a similar vehicle and/or equipment. This would equate to a “like-kind” exchange that retains the original intent and scope of the project.

*Note:* If any federally funded vehicle or equipment is sold for a fair market value in excess of $5,000, the grantee must return the prorated federal portion to FTA regardless of who holds the title or interest, unless directed otherwise.

**Requesting Capital Grant Reimbursements**

WSDOT will reimburse the state and/or federal percentage shares identified in the scope of work of the agreement or the total funds awarded for the purchase, whichever is less. The remaining portion of the cost must be paid with local funds. The local share must be in cash and not derived from any sources that would place restrictions on the use of the equipment or place a lien on the equipment. Eligible expenses include, but are not limited to:

- Factory visits (if required and/or pre-approved by WSDOT). These expenses must fall within state/federal per diem rates. A written request must be submitted to WSDOT for review and approval prior to taking the trip. WSDOT will not reimburse trip expenses without prior written approval. Contact the WSDOT vehicle and equipment procurement program manager prior to taking the trip and for more detailed information and requirements.
- Cost of equipment identified in your grant agreement, including any associated sales or use taxes paid.
- Purchase and installation of other vehicle equipment identified in the grant agreement or otherwise pre-approved by WSDOT (e.g., signage, bike racks, radios, cameras, fare boxes).
- Purchase and installation of striping and/or logos on the exterior of any vehicles purchased under the grant agreement.
- Purchase and installation of non-vehicle equipment specifically identified in the grant agreement.
- Required inspection costs, if performed by a third party contractor.
Ineligible Capital Costs

Administrative costs incurred to conduct the capital procurement and purchase, costs of maintenance staff for accepting the vehicle and/or preparing it for service, and title and licensing fees are not eligible for reimbursement through your capital grant. These expenses may be eligible for reimbursement through an operating grant.

To receive reimbursement, grantees must email a pdf of the completed reimbursement request signed by the agency’s financial manager or another authorized representative along with copies of the vendor invoices and all other required attachments. See Appendix H for samples of reimbursement forms and attachments, and detailed instructions.

Email invoices to:

PTDInvoices@wsdot.wa.gov
Subject line: Agreement number + invoice number + agency name
Include a “cc” to your WSDOT Community Liaison

A completed reimbursement request for the vehicle purchase must include the following information or attachments:

Federally-funded procurements
- Invoices from vendors supplying vehicle or related equipment and services.
- Completed visual-inspection and road-test forms for vehicle purchases.
- Completed post-delivery purchaser's requirements certification.
- Completed post-delivery Buy America compliance certification and American Content audit.
- Completed post-delivery FMVSS compliance certification.
- Copy of the insurance certificate covering the vehicle.
- Copy of the factory trip expense worksheet, trip itinerary with travel receipts, WSDOT out-of-state pre-approval letter, and report from the visit to manufacturer's site to verify the vehicle was constructed according to bid specifications if the visit was required.
- Copy of the vehicle registration certificate, issued by DOL, showing WSDOT as the legal owner.
- Copy of the grantee's vehicle acceptance letter to the vendor.

State-funded procurements
- Invoices from vendors supplying vehicle or related equipment and services.
- Copy of the insurance certificate covering the vehicle.
- Copy of the vehicle registration certificate, issued by DOL, showing WSDOT as the legal owner.
- Copy of the grantee's vehicle acceptance letter to the vendor.

WSDOT Requirements for Fiscal-Year Closeout

WSDOT operates on a biennial basis, but at the end of each fiscal year, we are required to conduct a fiscal year-end closeout. The first fiscal year for the 2017-19 biennium begins July 1, 2017, and ends June 30, 2018. The second fiscal year begins July 1, 2018, and ends July 30, 2019. At the end of each fiscal year, you are required to submit an invoice by July 15, so that you meet the state’s fiscal requirements for processing payments. Your responsibility is to electronically send the request for reimbursement to PTDInvoices@wsdot.wa.gov. Your submittal should cover all activities performed for each fiscal year. If you cannot submit an actual invoice by July 15, please submit an estimated invoice so that the expenditures can be recorded/accrued in the same fiscal period that the goods were received or services provided.
Chapter 4  Guidelines for Capital Construction Projects

This chapter contains an overview of guidelines for capital construction projects. More detailed requirements must be obtained from federal, state, or local agencies. This is not intended as an exclusive list. There are numerous requirements and detailed processes that must be followed when developing and building capital construction projects with grant funds, particularly when using FTA funds.

Prior to receipt of FTA funds for construction projects, your organization will be responsible for and must complete the requirements and conditions summarized in Chapter 1 as well as the following items:

- A submittal of the construction project to the Statewide Transportation Improvement Plan (STIP).
- An environmental impact analysis under the National Environmental Policy Act (NEPA).
- A DBE plan for a construction project-specific goal if it is not included in your organization's goal.

Note: Any construction project funded in whole or in part with grant funds distributed by the WSDOT must be in compliance with ADA, including the standards and guidelines in the ADA Accessibility Guidelines for Buildings and Facilities (ADAAG). More information about the ADAAG is available at www.access-board.gov or by contacting your WSDOT community liaison.

WSDOT’s Role in Capital Construction Projects

WSDOT is responsible for ensuring that grantees follow FTA and state requirements associated with the receipt of grant funds for capital construction projects. Limited technical assistance is provided.

For state funded capital construction projects, WSDOT must provide written approval before the construction phase begins. Grantees must submit a request for approval at least two weeks before construction begins.

Grantee’s Role in Capital Construction Projects

Grantees are responsible for carrying out the project described in the grant agreement and complying with federal and state requirements. The grant-funded project is defined by its scope, schedule and budget. Changes to the scope, schedule and budget require WSDOT approval as outlined in Chapter 1.

The grant-funded project scope is detailed in the grant application and grant agreement. In some cases, only part of the project’s overall scope is eligible for grant reimbursement.

WSDOT requires grantees to reach project-schedule milestones, which are used to track progress. With mutual agreement between WSDOT and grantee, these milestones can be adapted to suit the particular complexities of the project. In some cases, grantees have achieved some project milestones before they receive grant funds.

Some of these activities may also occur simultaneously. Here is a list of project schedule milestones:

- Design (30, 60, 90 and 100 percent)
- Environmental documentation development, including Washington State Executive Order 05-05 compliance
- Permit acquisition
- Land acquisition and right of way certification
• Utilities
• Contract advertisement, bid acceptance and award
• Construction (25, 50 and 75 percent)
• Operationally complete (i.e., commissioned)
• Site inspection by WSDOT
• Asset management plan or facility maintenance plan
• Project closeout

The agreement budget is based on the grantee’s estimates and available grant funding resources.

All reimbursements for grant-funded activities must occur within the grant agreement project period. FTA-funded projects may have pre-award authority. Contact WSDOT to determine if pre-award authority applies to your project.

**Note:** Pre-award authority: Grantees must meet NEPA requirements as supported by an FTA-approved and documented record of decision, along with FTA’s announcement of award, and inclusion of the project in the STIP before any costs can be reimbursed for land acquisition, building materials and construction. By contrast, pre-award authority for architectural and engineering (A&E) and project-management costs are eligible project expenses along with FTA’s announcement of award and the project’s inclusion in the STIP.

Capital construction project costs outlined in the grant agreement and associated with preliminary engineering, project level environmental assessment and documentation, final design, real estate purchases, and construction are eligible for grant reimbursement. Scope, schedule and budget development; corridor planning; alternatives analysis; major investment studies; and corridor-analysis costs do not qualify as eligible capital construction project expenses.

For FTA-funded projects, eligible costs must also comply with Federal Cost Principles as outlined in the OMB requirements codified under 2 CFR Part 200, or Federal Acquisition Regulation (FAR) Part 31.

For FTA-funded projects, the grantee is also responsible for the following:
• Written standards of conduct
• Self-certification
• Third-party-contracting capacity
• Audits
• Fraud

Chapter 3 of FTA Circular 4220.1F provides details for each of these requirements. At a minimum, grantees must also comply with the following six federal requirements in all procurements, including A&E and construction services:
• Comply with the Brooks Act for procurement of architectural and engineering services.
• A requirement for full and open competition.
• A prohibition against geographic preference, except A&E services.
• Inclusion in contracts of all federal clauses required by federal statute governing procurement for such services.
• Award to responsible contractors.
• For rolling stock, a five-year limitation on the contract performance period.
Contract Methods and Delivery Strategies for Construction Projects

The contract method chosen for a capital construction project should best suit the organization's resources and the level of involvement desired. Elements of a capital construction project include:

- Developing design plans
- Obtaining required permits
- Property acquisition
- Relocation of existing utility infrastructure

Many of these activities may occur simultaneously or may require the completion of one element before the next can begin. Coordination and communication both internally and with designers, right of way land acquisition professionals, permitting agencies, and utility companies are essential for success.

There are many project delivery strategies for construction projects, such as completing the project with your own resources and staff, turnkey, design/bid/build, and design/build. The differences in these strategies are the amount of control and risk the grantee is willing to accept. The remainder of this chapter focuses only on the design/bid/build and design/build strategies.

Design

Project design must meet the requirements in the Washington State Standard Specifications for Road, Bridge, and Municipal Construction. This publication is available at www.wsdot.wa.gov/publications/manuals/m41-10.htm. Project teams wishing to use other design standards must submit a request to the WSDOT Public Transportation Division and obtain documented approval before design work commences. If design work is already underway before WSDOT awards grant funds, project teams must request documented approval for other design standards within two months after the grant agreement takes effect.

WSDOT recommends that a risk assessment be done prior to completion of the preliminary engineering phase.

All design plans must be stamped by the appropriate professional engineer.

Permit Requirements

Local organizations are responsible for obtaining and ensuring compliance with all applicable local, state and federal permits. Federal compliance does not signify compliance with applicable local and state permits. The local organization must work with others as appropriate to provide the required analysis to complete its responsibilities under local, state and federal requirements for permits.

Projects involving federal funds, permits or land are governed by a number of environmental requirements, including but not limited to:

- NEPA of 1969, 42 U.S. Code 4321
- Council on Environmental Quality Regulations for Implementing NEPA
- 40 CFR, Part 1500
- Federal Highway Administration and FTA requirements
- Implementing Regulations, 23 CFR, Parts 771, 772, and 774
- Environmental Impact and Related Procedures, 49 CFR, Part 622
- Section 7 of the Endangered Species Act (ESA), 50 CFR, Part 402
- Section 106 of the National Historic Preservation Act, 36 CFR, Part 800
- Presidential Executive Order 12898 – Environmental Justice
• Section 4(f) of the U.S. Department of Transportation Act of 1966, all proposed projects
• Environmental compliance, including Governor’s Executive Order 05-05.

For FTA-funded projects, federal law requires that final design may not begin prior to NEPA completion as denoted by an FTA record of decision (ROD), finding of no significant impact (FONSI), or a categorical exclusion (CE) determination.

For the purposes of capital construction projects, Governor’s Executive Order 05-05 requires the review of all capital construction projects and land acquisitions not undergoing Section 106 review under the National Historic Preservation Act of 1966. The Governor’s Executive Order 05-05 process is not required in capital construction projects if the projects include federal funding and the Federal Section 106 environmental review process is followed. WSDOT will require documentation confirming successful completion of the process.

If your project is subject to Governor’s Executive Order 05-05, you will need to include time and money in your project schedule and budget for compliance. Previous project teams have spent at least three to six months on this process.

**Land Acquisition**

Acquisition of real estate for projects with federal funding must be carried out in accordance with provisions of federal law (Uniform Act, 42 USC 4601) and the regulations (23 CFR and 49 CFR).

In addition, the completion of the environmental process, receipt of a determination by FTA, and the development of the right-of-way plans are required before the project is ready to enter the acquisition phase.

**Utilities and Third-Party Coordination**

Utilities and third parties often need extensive lead time to reasonably schedule the work and obtain the materials necessary for relocation of its facilities.

**Conducting Procurement for Construction Projects**

As soon as WSDOT notifies your organization of a grant award, you may begin exploring procurement options.

The scope of the requirements may differ depending on the type of funding awarded.

**FTA-Funded Procurement Requirements**

Grantees awarded FTA funds must have established procurement policies and processes in compliance with FTA Third Party Contracting Requirements identified in FTA Circular 4220.1 F and all applicable state laws. The methods of solicitation and selection allowed are as follows:

• Micro-purchases only for construction contract amounts less than $3,500.
• Small purchase procedures only for construction contracts less than the simplified acquisition threshold (currently $150,000).
• Sealed bids where:
  – There is complete, adequate and realistic specifications or purchase descriptions.
  – Two or more responsible bidders are willing and able to compete.
  – The procurement lends itself to a firm, fixed-price contract, and the selection can be made primarily on the basis of price.
  – No discussion with bidders is necessary after the receipt of offers.
• Competitive proposals.
• Noncompetitive proposal (sole source) procurement, only if you can justify not soliciting additional competition in the manner explicitly defined in FTA Circular 4220.1F §9.h.

For any FTA-assisted, third-party construction contract exceeding $100,000, FTA’s Buy America requirements will apply unless FTA waives the requirements. See Chapter 3 for specific information regarding Buy America requirements for iron, steel and manufactured products.

MAP-21 includes veteran’s preference for employment on transit-construction projects.

**Types of Contracts Allowed**

The procurement must meet FTA standards, regardless of the method chosen.

There are two main methods to contract for professional services:

1. **Procurement by Competitive Proposal/RFP** – The competitive proposal method of procurement is normally conducted with more than one offering party (e.g., design consultant, design manager). This method of procurement is generally used when conditions are not appropriate for the use of sealed bids.

2. **Procurement of A&E** – When contracting for A&E services, use competitive proposal procedures based on the Brooks Act as defined in 40 U.S. Code Section 541. Professional services include program management, construction management, feasibility studies, preliminary engineering, design, surveying, mapping and services which require performance by a registered or licensed architect or engineer. This qualifications-based procurement method can only be used for the procurement of A&E services. These requirements apply except to the extent any state adopts or has by statute adopted a formal procedure for the procurement of A&E services. The Brooks Act requires a qualifications-based procurement method for the selection of A&E firms. Price is excluded as an evaluation factor, and negotiations are conducted with the most qualified firm only.

When developing a contract for professional (A&E) services, grantees should review the 54 mandatory procurement standards listed in FTA Circular 4220.1F Appendix B.19 and determine the provisions that apply to the particular procurement. In addition, to receive federal funds, grantees must determine which of the 31 federal statutes and regulations presented in Appendix A.1 of the FTA Best Practices Procurement Manual (BPPM) apply to the project. Finally, include the required terms and conditions (clauses, etc.) in the advertisement.

The procurement process for professional services is a multi-step process for an FTA-funded project. Refer to Section 6.5 of the FTA BPPM.

**Procurement Steps for Construction Contracts**

For the procurement of contractors, the most common method of procurement is by sealed bid/invitation for bid. These services must be procured in a manner that conforms to applicable state and local law, the requirements of FTA Circular 4220.1F relative to the method of procurement used, and all other applicable federal requirements.

FTA-funded construction contracts require certain provisions. These provisions are discussed in Chapter 6 of the FTA BPPM.

FTA-funded projects must exclude geographical preference in the selection of construction contracts.

Grantees must ensure all contractors or sub-contractors are eligible to receive federal funds and are not debarred or suspended from participating in an FTA-funded project. Grantees are urged to check the Excluded Parties List System at www.sam.gov/portal/public/SAM before awarding a third-party contract.
Maintaining Procurement Records

When state or federal grant funds are used for facilities procurement, all pertinent procurement records must be maintained in a procurement file. Regardless of the process used to construct the facility, the complete procurement file must be maintained for six years beyond the useful life of the facility, depending on the type of structure. Contact WSDOT’s Capital Programs Manager for assistance on determining the useful life of a facility constructed with grant funds. Review the Procurement File Contents checklist in Appendix F for details on which documents must be retained.

Capital Construction Grant Reimbursement Requests

WSDOT will reimburse grantees for the state and/or federal percentage shares identified in the scope of work of the agreement or the total funds awarded for the project, whichever is less. For FTA-funded projects, the common grant rules require that any progress payments for construction contracts be made on a percentage-of-completion method.

To receive reimbursement, submit a completed reimbursement request signed by your financial manager or another authorized representative to the WSDOT Public Transportation Division along with copies of the contractor invoices and all other required documents. See Appendix H for sample reimbursement request forms and detailed instructions. A completed reimbursement request must have the following information or documents:

- Construction project manager-approved invoices from contractors supplying material and/or labor for construction activities and services.
- Completed financial reports and progress reports as required.

Local Matching Funds and Match Requirements

The match requirement for each project varies depending on the level of matching funds, if any, identified in the grant application. If the agreement has only one project, the specific local match for the project is identified on the first page of the agreement. In the case of multiple projects, refer to the scope of work and budget in the agreement for the local matching ratio for each project.

Eligible Funds to be used as Match

Federally funded capital construction projects generally require a 20 percent match. The local match must be cash, and may not be derived from sources that place any restrictions on the services provided with the equipment or place a lien on the equipment.

For federally funded facilities projects, compliance with ADA or the Clean Air Act remains at 90 percent of net project costs (10 percent match) of the equipment or facilities, attributable to compliance (incremental cost).

DBE Requirements

Any construction contract funded either in whole or in part with USDOT funds is subject to the DBE regulations in 49 CFR Part 26.

It should be noted that a contract funded entirely with local or state funds and with no federal funds is not subject to the DBE requirements under this rule.

Refer to Chapter 1 for additional information on DBE requirements.
Managing the Constructed Facility

Once the constructed facility is completed and accepted, grantees are expected to ensure it is used for the purposes described in the grant agreement and is properly maintained. The information below provides guidance on properly managing the grant-funded facility.

Maintaining a Facility

Grantees are required to maintain facilities purchased and/or renovated with grant funds based on the contractor’s recommendations and industry best practices. This typically consists of developing and implementing a preventative maintenance program. In establishing the preventative maintenance program, grantees should refer to any owner’s manuals provided by the contractor for components (e.g., fueling pumps, vehicle lifts, and heating, ventilation and air-conditioning units) installed at the facility.

Transit Asset Management Plan

Transit systems must have a Transit Asset Management Plan. See Chapter 1 Asset Management.

Other Grantees Must Have a Facility Maintenance Plan

Grantees must submit a written facility maintenance plan for WSDOT’s approval. At a minimum, the plan must cover all elements of the facility purchased with federal or state grant funds. Current capital construction grantees must submit their plans to WSDOT by October 1, 2018. New capital grantees must submit their plan prior to the occupancy of the constructed facility.

Insuring the Facility

Facilities and equipment purchased with state or federal grant funds must be insured in compliance with state law. WSDOT must be listed as the loss payee in the event of a total loss. Grantees that self-insure must provide WSDOT with a declaration of self-insurance including a description of how the self-insurance pool is funded. For insurance requirements, refer to the Loss or Damage of Project Equipment section of the grant agreement.

Facilities Involved in an Incident

Grantees are responsible for repairing any damage to grant-funded facilities. All damage should be repaired as quickly as possible. WSDOT must be notified in writing within five business days if the facility sustains disabling which results in one or all of the following:

- Total loss.
- Temporary (more than 10 business days) closure of the facility.
- Service operations being significantly hampered or reduced.

The written notification provided to WSDOT must include the following:

- The nature of the incident
- The level of damage to the facility
- Whether the damage resulted in a total loss of the facility and intentions regarding replacement of the facility
- A copy of any accident or incident report on file with local law officials
- A copy of any reports of investigations conducted or sponsored by your organization.

Grantees are not required to notify WSDOT if the facility sustains minor damage resulting in only cosmetic-related repairs.
If the damage to the facility results in a total loss, the insurance proceeds are required to be paid directly to WSDOT. Grantees that do not intend to replace the facility will receive a proportionate share of the insurance proceeds, per the terms of the grant agreement, provided that WSDOT finds the grantee is in compliance with the grant agreement.

Grantees that intend to replace the damaged facility must replace it with a similar structure/facility. Contact your WSDOT community liaison to initiate and arrange for the distribution of the insurance proceeds.
Appendices

Appendix A  Reporting for Operating, Mobility Management and Program Development Projects
Appendix B  Reimbursement Instructions for Operating, Mobility Management and Program Development Projects
Appendix C  Disadvantaged Business Enterprise - Good Faith Efforts
Appendix D  Charter Service
Appendix E  Site Visit Resources
Appendix F  Procurement Resources
Appendix G  Reporting for Capital Projects
Appendix H  Reimbursement Instructions for Capital Projects
Appendix J  Abbreviations and Definitions
Appendix K  Grants & Agreements Electronic Submittals
Appendix A  Reporting for Operating, Mobility Management and Program Development Projects

WSDOT uses information from grantee-submitted reports to demonstrate that grantees are accountable, delivering public benefits, and meeting contractual obligations. This information is available by request to the public, the Washington State Legislature, the Federal Transit Administration, the Secretary of Transportation, the Governor, and others. WSDOT uses the reports to highlight grantee successes, assess progress, and identify areas where organizations may need technical assistance.

All grantees are required to submit reports to the WSDOT Public Transportation Division (PTD) using the forms supplied by WSDOT. Reporting requirements are detailed in this appendix, including instructions on how to fill out the mandatory forms. In the event that the Office of Financial Management or the Legislature requires additional performance reporting during the grant cycle, WSDOT will notify grantees of any new requirements.

Quarterly and Annual Reports

The timeline below shows both quarterly and annual reports you must submit, depending on your funding source and project type. Contact PTD staff if you need any assistance with these reports.

Quarterly progress reports (QPR), both narrative and statistical, are due at the end of each quarter plus 30 days.

Annual asset inventory and AMP/VMP are due in February. Drug and alcohol reporting (DAMIS) is due March 15.

Federal certifications and assurances are due in mid-March.

Request for service data for the National Transit Database is sent at least five weeks before the April deadline.

Request for financial and service data for the Summary of Public Transportation is sent in July for the August deadline.

Transit agencies must submit a Transit Development Plan by September 1. Many of the report forms referenced in this appendix can be found online.
Quarterly Progress Report - Narrative

We provide the QPR narrative form for grantees to describe project-related accomplishments, coordination efforts, challenges and overall progress for the reporting quarter. It is distinct from the QPR statistical form, which is also detailed in this appendix. The narrative form used for capital projects is described in Appendix G.

To fill out your QPR narrative form, identify the month and year that corresponds to the end of the most recent quarter by using the checkboxes provided, then add the date you complete this form and the contract number and project letter (e.g., GCB1456B). If you have only one project in your agreement, it is project A.

1. **Progress Narrative** – This section varies depending on project type. Answer all narrative questions in the space provided under each question on the form. Text boxes in the form will expand to accommodate your text. The Mobility Management version was new last biennium and you should discuss expectations with your WSDOT community liaison before filling it out for the first time.

2. **Schedule** – In the “Planned” column, list the start and completion dates of the project activity as initially scheduled (usually July 1, 2017). Then enter what have been the true start (and completion, if applicable) dates as of the reporting quarter in the “Actual” column. If a project is ongoing, then the planned end date will be the end of the grant period (June 30, 2019), and the actual end date will not be filled in until the last quarterly report is submitted.

   As each quarter passes, fill in the “Revised” or “Actual” columns as appropriate on subsequent reports. By the end of the agreement, the milestones should all have a date listed in the “Actual” column.

3. **Financial and Statistical Reporting, Other** – Financial and statistical data are entered on the Grant Statistical Report, detailed below. Also, an “Other” space is provided for information that doesn't fit in earlier sections.

4. **Project Manager Certification Section** – Name, title, and phone number of the project manager, date completed, and name of person who completed the form (sometimes it is not the project manager).

Quarterly Progress Report - Statistical

WSDOT provides a customized Excel workbook for grantees to track and submit statistical information such as miles, trips, and expenses to supplement the quarterly progress report. Not all projects will require all forms. Capital projects do not require a statistical report.

**Filling out your quarterly statistical report**

**Dashboard**

The dashboard includes basic information about your funding and contact information. It also lists the performance data from your grant application. WSDOT populates the fields in this tab based on your contract. If you see any errors or omissions, please contact your WSDOT community liaison.

**Navigation**

The navigation tab lets you quickly skip to the tab or quarter you want to pull up. You cannot edit this page.
Summary

This tab auto-calculates based on the information you provided in the preceding tabs. The lower part of the form includes a graph from which you may choose several options from the drop-down boxes. WSDOT uses this to track your agency's performance, but feel free to experiment with the graph options for your own use. You may need to adjust the size of the Excel form to see the drop-down boxes to the right of the chart area.

Detail of Volunteers

This form is required for operating and mobility-management projects that use volunteer hours and other volunteer expenses as their in-kind match. Your community liaison may customize this tab to fit your project(s). All details must correspond to your WSDOT-approved in-kind valuation plan.

A navigation panel across the top lets you skip to the next project letter, or you can scroll down to the next project. The Home button takes you to the navigation tab.

- **Total Volunteer Driver Activity** – Enter the total number of passenger trips (one-way boardings), revenue vehicle miles (in-service miles), and volunteer driver hours reported on the volunteers' timesheets. A red flag in the top right corner of a cell indicates the presence of additional instructions and examples for that field.

- **Total Volunteer Driver(s) Activity Rate Expense Value** – Enter the total number of volunteer drivers and the hourly fair market value. The total expense value will auto-calculate.

- **Other Non-Driver Volunteer Information** – If you count volunteers other than drivers (marketing consultants, office interns) toward in-kind match, list the position(s), the number of hours, hourly compensation, and any related expense not counted above. The total expense value will auto-calculate.

Total in-kind contributions from volunteer expenses for this project will auto-calculate at the bottom of the project section. Total in-kind contributions from your quarterly expenses tab(s) will also auto-calculate at the bottom. The only difference between those two figures should be any in-kind contributions in the form of goods, as opposed to volunteers.

All volunteer activity listed should conform to your approved in-kind valuation plan on file with WSDOT.

Program Income

This form collects program income received from a federal grant-funded project. Program income is any revenue other than fares received by a grantee directly generated by a grant-supported asset or activity, such as revenue from advertisements placed on grant-funded buses or the sub-lease of space at a grant-funded facility.

Grantees need to be prepared to track non-fare revenues to see if it is supported by a grant funded asset or activity and, if necessary, be able to provide a quarterly report of the revenue generated by the appropriate grant. If you are unsure whether revenue is considered program income or how to report it, contact your assigned community liaison for assistance.

Complaints

Grantees are required to track complaints in accordance with the Americans with Disabilities Act (ADA). In addition, grantees awarded FTA funds must track complaints regarding Equal Employment Opportunities (EEO) and Title VI of the 1964 Civil Rights Act.

To complete this report, first fill in organization name, agreement numbers covered by this report (all bus and non-bus purchase agreements), quarter/year, contact name, and phone number. If no
complaints were received during the reporting quarter, you can still list the status of complaints received in prior quarters.

If one or more complaints were received:

- Select what type of complaint was received (ADA, EEO, or Title VI).
- Record the date the complaint was received.
- Select the status of the complaint (open, investigation, lawsuit, referral, or closed).
- Enter a description of the complaint.
- List actions taken by your organization to resolve the complaint, which includes to whom the complaint was referred if it was referred to another organization.

**Disadvantaged Business Enterprise (DBE)**

This report is only required for organizations receiving federal funds. List the DBE information for purchasing activities for which a DBE contractor was the vendor. If you have any question about what qualifies as a contracting opportunity or as a DBE, contact your WSDOT community liaison.

To complete the report, complete the following fields:

- **Type of Expense** – This is a category such as "photocopier contract," "facilities lease," "office supplies," "radio-system purchase," "vehicle maintenance," etc.
- **Federal Funds Spent on Item** – Using the percentage of federal funding identified in your agreement, calculate what dollar amount of the reimbursable expense listed in the Type of Expense field would be paid by federal funds.
- **Number of DBEs Used** – Fill in the number of DBEs used for the item(s) listed in Type of Expense. If no DBEs were used, enter zero (0).
- **Name(s) of DBE Used** – List the names of the DBEs counted in Number of DBEs Used.
- **Notes** – Use this space to provide any additional information.

If you were unable to find any DBEs to purchase from, if DBE costs were exorbitant compared to other bidders, or if there was another reason you did not use a DBE for a contracting opportunity, there is a space at the bottom of the form for you to describe your good-faith efforts to locate and purchase from DBE vendors during this time period. See the DBE Good Faith Effort section of Chapter 1 for more information.

**Quarter Tables (Expenses, Hours, Miles and Trips)**

The financial fields in each project’s total column should match the corresponding quarter’s gross expenses field for that project in the reimbursement form or the total of the gross expenses fields from three monthly invoices within the quarter.

- **Gross expenses** – Enter gross expenses in the appropriate service type (fixed route, demand response, etc.) column. Only include project expenses from the quarter on which you are reporting.
- **Fare/Donation Revenue** – Enter the total amount of fare and/or donation in lieu of fare that the service received during the quarter, if applicable.
- **Ineligible Expenses** – Enter the total amount of ineligible expenses related to this project for the period. Examples of ineligible expenses: fines, alcoholic beverages, expenses incurred outside the quarter, etc.
- **Net Expenses** – This calculates automatically based on the information provided by funding sources, fare/donation revenue and ineligible expenses.
• **Select Local Match Funds** – Use the drop-down box to choose a type of local funds and put the amount in the corresponding service type, as above. Multiple sources of local funds can be listed in one quarter.

• **Local Match Funds Total** – This calculates automatically based on the one or more local match funds listed above.

• **Percent Match** – This calculates automatically based on net expenses and total local match funds.

• **Amount Requested** – Your reimbursement amount. This calculates automatically based on net expenses less total local-match funds. Below this line is a breakout of how much of the reimbursement comes from each funding source.

**Hours, Miles and Trips**

This part of the form reports statistical information regarding revenue vehicles hours, revenue vehicle miles, and ridership by service type. Unique projects such as mobility management may use this form to report performance under different categories than the ones listed below.

• **Revenue Vehicle Hours** – Enter the total amount of time (in hours) a vehicle travels while in scheduled passenger service for the quarter.

• **Revenue Vehicle Miles** – Enter the total number of miles that a vehicle travels while in scheduled revenue service for the quarter.

• **Passenger Trips** – Enter the total number of passengers boarding revenue vehicles during the quarter.

For each category, enter the number of trips, miles or hours under the applicable service type and in the row of funding used for the services. If there were multiple types of funding, then the number should be split based on the percentages for each funding source used for the project as described in the grant agreement.

The report should also include trips, miles, and hours in the local match funds category for personal vehicles used for service purposes as well as and those made by volunteer drivers.

If the trips, miles or hours are not from a direct source count, use the box at the bottom of the form to describe how you determined ridership numbers.

**Additional Reports**

**Charter Service**

The Charter Service Exception report is required for all organizations receiving federal funds engaged in charter activities recognized under the FTA-approved exceptions.

Organizations required to complete this report must use FTA's form, which will be provided by your community liaison on request.

This report is due quarterly and must be submitted 30 days after the end of each quarter. The report covers the previous quarter's time period and must be submitted by email to PTDreports@sdot.wa.gov. This is the only way that the report will be accepted. Reports submitted by any other means will not be considered as received.

**Annual Physical Equipment and Facility Inventory**

All grantees that received funds for equipment, facilities or vehicles for which WSDOT retains legal ownership must complete this inventory report on an annual basis. All public transit agencies must complete this inventory report on an annual basis regardless of funding. The report must include all passenger vehicles in the fleet, including spare vehicles, any equipment purchased, and facilities.
Maintenance and staff-only vehicles are excluded. The inventory report must be signed by an authorized representative and emailed or mailed to:

WSDOT
Public Transportation Division
Attention: Asset Management
310 Maple Park Avenue SE
PO Box 47387
Olympia, WA 98504

Detailed instructions on how to complete this report can be found with the report itself. The report is due annually by February 15.

**Drug and Alcohol**

An annual drug and alcohol MIS report is required for grantees who receive 5309, 5311 (including intercity bus program), and 5339 funds. The WSDOT drug-and-alcohol coordinator will contact you if your agency is required to report.

**Asset Management Plan**

See Chapter 1 for guidance on the transit asset management plan.

**National Transit Database**

This report affects any grantees that currently receive FTA 5311 funds to operate a service or purchase a vehicle; or grantees for which WSDOT still holds the title to a vehicle purchased with FTA 5311 funds. The report is due annually on the last business day in April.

**Certifications and Assurances**

“Certs and assurances” are due annually from agencies receiving federal funds. Organizations that receive FTA Section 5309, 5339 or 5311 funds through WSDOT must also complete the 5333(b) Labor Letter.

**Transit Development Plan**

Public transit agencies are required to submit a transit development plan (TDP) annually by September 1 that meets the TDP criteria outlined in RCW 35.58.2795.

WSDOT staff will contact the grantee and facilitate the collection of the information.

All grantees are required to respond to these requests or any other special reporting requests in a timely fashion. Failure to do so may affect a grantee's in good standing status.

**Submission of Reports**

Submit all Consolidated Grant Program quarterly reports to PTDreports@wsdot.wa.gov and cc your regional community liaison.

**Failure to Submit Reports**

If WSDOT does not receive the quarterly progress and statistical reports or applicable specialty reports, the reimbursement request(s) will be held without payment until acceptable reports are received.
Appendix B  Reimbursement Instructions for Operating, Mobility Management and Program Development Projects

After execution of your contract, WSDOT will send you a customized invoice form to be used for requesting reimbursement. Additional versions of the invoice form may be created in order to accommodate amendments to your contract. The instructions below can also be found on the Instructions tab of your invoice template workbook. An example of a blank reimbursement form is available at the end of this appendix.

In order to minimize the administrative burden associated with the transmission and review of financial backup documentation, operating, mobility management, and program development projects will be reimbursed without backup attached. Instead, an inspection of related records will occur at the financial site visit at least once during the grant term.

Instructions for Operating Grant Reimbursement Requests

Submit reimbursement request forms to:

→ PTDInvoices@wsdot.wa.gov

→ cc to the assigned community liaison

→ Subject line on email: as shown on the reimbursement request form (agreement number, billing period, agency name)

Reimbursement request forms for operating grants may be submitted monthly or quarterly.

1. Grantee and general information. Please advise if changes are needed.

   a. **Organization name and address:** Agency’s name and address where you want the payment to be sent.

   b. **Vendor ID number:** Statewide vendor number or your federal tax ID number. If you do not have a statewide vendor number, please contact us and we will send you a form.

   c. **Agreement number:** WSDOT will fill in the agreement number. That number should match the number on your grant agreement from WSDOT.

   d. **Billing period:** From the drop-down list, select the time period covered by your reimbursement request.

   e. **Invoice date:** Fill in the date the reimbursement request form was completed.

   f. **Invoice #:** This field auto-populates based on the information provided above. This number will be used to track your reimbursement in our system.

2. Operating expenses: On the line corresponding to each project under the agreement, report the information below. Refer to the scope of work and project budget of your agreement for the budget of each project.

   a. **Gross expenses:** Enter the total operating expenses for the project during the billing period. If your organization also uses in-kind contributions, the value of the in-kind should also be included as part of the gross expenses.

   b. **Fares and donations:** Enter any fares and monetary donations received from passengers for services they received.
c. **Ineligible expenses:** Enter any ineligible expenses and/or depreciation of equipment purchased with grant funds. For examples, see *Guide to Managing Your Public Transportation Grant*, Appendix A, Section 2c.

d. **Net expenses:** This cell auto-calculates and represents the difference between your gross expenses less fares, donations and ineligible expenses.

e. **Local match:** Enter the funds provided by your organization or other contributors for the project during the period covered by the reimbursement request. This also includes the value of any in-kind contributions. Funds diverted to established reserve account should not be included.

f. **Total amount requested:** This field auto-calculates and represents the difference of your net expenses less local match.

3. **Signature Block:** Your chief executive officer or financial manager must sign the reimbursement request. WSDOT will not issue payment if the form is not signed.

4. **Your project may be funded using a variety of sources.** The information under the heading "for WSDOT use only" contains calculations identifying the amount and source(s) to be used for each project and will auto-populate. Please refer to the tab titled "Program List" for a definition of each source.

5. Scan the completed and signed reimbursement request and email it to PTDInvoices@wsdot.wa.gov and cc to your community liaison. The subject line of the email should match the “Subject” text as it appears on your reimbursement request (Row 6, Columns H-M).
### Project A

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<thead>
<tr>
<th>Gross</th>
<th>Fares &amp; Donations</th>
<th>Ineligible Expenses</th>
<th>Net Expenses</th>
<th>Local Match</th>
<th>Amount Requested</th>
<th>Source</th>
<th>Job #</th>
<th>Work Op</th>
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**Match provided this period:** 0

**Total Project A:** $ -

### Project B

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<th>Gross</th>
<th>Fares &amp; Donations</th>
<th>Ineligible Expenses</th>
<th>Net Expenses</th>
<th>Local Match</th>
<th>Amount Requested</th>
<th>Source</th>
<th>Job #</th>
<th>Work Op</th>
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**Match provided this period:** 0

**Total Project B:** $ -

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I hereby certify that the costs shown on this invoice reflect the true and actual costs incurred against this Agreement.

Total All Projects $ -

Reviewed by:  
Community Liaison  
Date

Approved by:  
Business Services Staff  
Date

Type Signatory’s Name & Title
Appendix C  Disadvantaged Business Enterprise - Good Faith Efforts

WSDOT’s Office of Equal Opportunity has developed the following summary related to 49 CFR Part 26 Appendix A, Guidance Concerning Good Faith Efforts.

“Look for Disadvantaged Business Enterprises (DBE) to perform work or services, if a firm is Minority or Women owned refer the firm to get DBE certified (www.omwbe.wa.gov):

Conducting market research to identify small business contractors and suppliers and soliciting through all reasonable and available means the interest of all certified DBEs that have the capability to perform the work of the contract. This may include attendance at pre-bid and business matchmaking meetings and events, advertising and/or written notices, posting of Notices of Sources Sought and/or Requests for Proposals, written notices or emails to all DBEs listed in the State’s directory of transportation firms that specialize in the areas of work desired (as noted in the DBE directory) and which are located in the area or surrounding areas of the project.

If you find DBEs to perform work or services, provide them with sufficient time to provide a quote (typically seven days):

The bidder should solicit this interest as early in the acquisition process as practicable to allow the DBEs to respond to the solicitation and submit a timely offer for the subcontract. The bidder should determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

Unbundle11 large items to allow smaller firms the opportunity to participate:

Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units (for example, smaller tasks or quantities) to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces. This may include, where possible, establishing flexible timeframes for performance and delivery schedules in a manner that encourages and facilitates DBE participation.

Provide DBEs with enough information about what services/goods you need:

Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation with their offer for the subcontract.

Be genuine in your negotiations with DBEs, it’s your responsibility as a recipient of federal-aid:

Negotiating in good faith with interested DBEs. It is the bidder’s responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional Agreements could not be reached for DBEs to perform the work.
Just because a DBE is more expensive, doesn't mean you don't use them, use your best judgement and be reasonable:

A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder’s failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.

If a DBE says they can provide a service or scope of work, give them the opportunity:

Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal. Another practice considered an insufficient good faith effort is the rejection of the DBE because its quotation for the work was not the lowest received. However, nothing in this paragraph shall be construed to require the bidder or prime contractor to accept unreasonable quotes in order to satisfy contract goals.

Just because the prime contractor or grant recipient wants to do all the work themselves, doesn't remove the DBE requirements:

A prime contractor's inability to find a replacement DBE at the original price is not alone sufficient to support a finding that good faith efforts have been made to replace the original DBE. The fact that the contractor has the ability and/or desire to perform the contract work with its own forces does not relieve the contractor of the obligation to make good faith efforts to find a replacement DBE, and it is not a sound basis for rejecting a prospective replacement DBE's reasonable quote.

If you have bonding or insurance requirements or special equipment or materials help the DBE find the proper technical assistance to fulfill your needs (e.g. DBE Support Services, Small Business Development Centers, etc.):

Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.

Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

You know your local community best, reach out to appropriate local community and trade organizations for help in finding DBEs:

Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, State, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.
Document your efforts to meet Good Faith Efforts:

In determining whether a bidder has made good faith efforts, it is essential to scrutinize its documented efforts. At a minimum, you must review the performance of other bidders in meeting the contract goal. For example, when the apparent successful bidder fails to meet the contract goal, but others meet it, you may reasonably raise the question of whether, with additional efforts, the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the goal, but meets or exceeds the average DBE participation obtained by other bidders, you may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts. As provided in §26.53(b)(2)(vi), you must also require the contractor to submit copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract to review whether DBE prices were substantially higher; and contact the DBEs listed on a contractor’s solicitation to inquire as to whether they were contacted by the prime. Pro forma mailings to DBEs requesting bids are not alone sufficient to satisfy good faith efforts under the rule.”
Appendix D  Charter Service

A grantee shall not engage in charter service operations without first notifying WSDOT in writing of its intent; and without first learning the reporting requirements, exceptions, exemptions, and potential violations related to the specific funding source(s) of the grant agreement. The following provides supplemental information to Chapter 1 Charter Service section.

Exemptions

Exemptions not considered charter service require no notification to registered charter providers, record-keeping, quarterly reporting, or other requirements. The charter service regulation exempts the following services:

1. Transportation of employees, contractors, and government officials: Grantees are allowed to transport their employees, other transit systems' employees, transit management officials, transit contractors and bidders, government officials and their contractors, and official guests to or from transit facilities or projects within its geographic service area or proposed geographic service area for the purpose of conducting oversight functions such as inspection, evaluation, or review.

2. Private charter operators: The prohibitions do not apply to private charter operators that directly or indirectly receive federal financial assistance under the over-the-road bus accessibility program or to non-FTA funded activities of private charter operators that receive, directly or indirectly, FTA financial assistance.

3. Emergency preparedness planning and operation: Grantees are allowed to transport their employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors, and official guests for emergency preparedness planning and operations.

4. Section 5310, 5311, 5316 and 5317 recipients: The prohibitions do not apply to grantees that receive federal financial assistance from FTA for program purposes; that is, transportation that serves the needs of either human service agencies or targeted populations (elderly, individuals with disabilities) under Section 5310, 5311, 5316, or 5317. “Program purposes” does not include exclusive service for other groups formed for purposes unrelated to the special needs of the identified targeted populations.

5. Emergency response: Grantees are allowed to provide service 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 for up to 45 days after the emergency.

6. Recipients in non-urbanized areas: Grantees in non-urbanized areas may transport employees, other transit systems’ employees, transit management officials, and transit contractors and bidders to or from transit training outside its geographic service area.

Exceptions, next page.
Exceptions

Each of the following exceptions requires a specific procedure. Contact your WSDOT community liaison for a list of steps associated with recording and reporting for that exception.

**Exception 604.6** – Government officials on official government business (GO)
1. Is restricted to its geographic service area.
2. Must not generate revenue, except as required by law.
3. Is limited to 80 hours annually. May petition for additional charter hours.

**Exception 604.7** – Qualified human service organizations (QH)

Service to persons:
1. With mobility limitations related to advanced age,
2. With disabilities, or
3. With low income.

Organization must register if it does not receive funds from programs listed in Appendix A of the charter regulation.

**Exception 604.8** – Leasing FTA funded equipment and drivers to a charter service operator (LE) only if the following conditions exist:

1. The operator is registered on the FTA charter registration website.
2. The operator owns and operates buses or vans in a charter service business.
3. The operator received a request for charter service that exceeds its capacity either of the number of vehicles operated or the number of accessible vehicles.
4. The operator has exhausted all of the available vehicles for all registered charter providers in your geographic service area.

**Exception 604.9** – When no registered charter provider responds to a notice posted on the FTA charter website (WN):

1. Within 72 hours for charter service requested to be provided in less than 30 days, or
2. Within 14 calendar days for charter service requested to be provided in 30 days or more.

**Exception 604.10** – Agreement with registered charter providers

1. If a new charter provider registers in the geographic service area, may continue to provide charter service for 90 days without an agreement with the newly registered charter provider.
2. Any parties to an agreement may cancel at any time after providing a 90-day notice.

**Exception 604.11** – Petitions to the Administrator for:

1. Events of regional or national significance.
2. Hardship (<200,000 population only).
3. Unique and time sensitive events that are in the public interest.
Examples of services that do not meet the definition of charter service

Examples of services that do not meet the definition of charter service and, therefore, are not considered charter services by FTA are:

- Service requested by a third party that is irregular or on a limited basis for an exclusive group of individuals; and the grantee does not charge a premium fare for the service; and there is no third party paying for the service in whole or in part.
- Shuttle service for a one-time event if the service is open to the public; the itinerary is determined by the grantee; the grantee charges its customary fixed-route fare; and there is no third party involvement.
- When a university pays the grantee a fixed charge to allow all faculty, staff, and students to ride the transit system for free, so long as the grantee provides the service on a regular basis along a fixed route and the service is open to the public.
- When the grantee sees a need and wants to provide service for a limited duration at the customary fixed-route fare.

Sample situations

The following excerpt from FTA's Section 5311 Q&A tool provides common situations that prompt charter service considerations.

Section 5311 Q&A

Q: Is it charter service to provide transportation to a group of young adults living in an assisted living facility to see a local parade using vehicles funded with Section 5311 funds? The transportation would be open to the public but paid for by the human service agency that operates the assisted living facility.

A: This service is exempt from the charter rule because the vehicles are funded with Section 5311 funds and the service falls under the program purpose. Under 49 C.F.R. Section 604(d), “The requirements of this part shall not apply to a recipient that uses Federal financial assistance from FTA, for program purposes only, under 49 U.S.C. Section 5310, 49 U.S.C. Section 5311, 46 U.S.C. Section 5316, or 49 U.S.C. Section 5317.” The recipient must use Federal funds under one of the above-referenced programs and those funds must also be used for program purposes. This service falls under “program purposes” because it serves the needs of a human service agency.

Q: Is it charter service to provide transportation to a day care provider that calls in and asks for transportation services to take their children to the local pumpkin patch using vehicles funded with Section 5311 funds? The transportation would be open to the public but paid for by the day care provider.

A: This service is charter service even if the vehicle might be dispatched as open to the public unless: (a) all the children are in a program receiving assistance under a program listed in Appendix A to 49 C.F.R. Part 604 like Head Start (exclusively for low-income children) or all the children are disabled; (b) the day care provider is a non-profit that can qualify as a qualified human service organization (CHSO) under the regulation and can do so sufficiently in advance of the trip requested to comply with 49 C.F.R. Part 604; or (c) the demand response system chooses to provide the trip for free, in which case it would not be considered charter. If one of the described exceptions applies and the demand response system supplies the trip, then the trip must be reported in the quarterly exceptions report. If none of the above options apply, then the trip is considered charter service and notice must be given to registered charter providers. In that case, the local transit agency may only provide the service if no private registered charter provider responds with interest.

Q: Is it charter service to provide transportation to a group of college students who would like to attend a concert using vehicles funded with Section 5311 funds? The transit agency will charge the normal fee and the college students will fill the vehicles entirely.

A: Yes, this would be considered charter service because it is exclusive use of a vehicle for a negotiated price. Unless all the college students were all disabled or low-income, then service would not fall under the program purpose exemption.
Appendix E  Site Visit Resources

The site visit process described in Chapter 1 consists of an on-site visit and a desk review of policies. The following links provide you with templates for the required policies and examples of the checklist forms used during the site visit.

Desk Audit of Policies

Before the on-site visit, your community liaison will review all the policies and plans WSDOT has on file for your organization. Before or during the visit, you will be asked for any updates that have occurred since we last collected policies and you may be required to amend your policies to comply with current requirements.

Templates that include the required document elements are provided below and in the Compliance Resources section of the Public Transportation Library.

Administrative

- Americans with Disabilities Act (ADA) policy
- Customer comment/complaint policy
- Drug and alcohol policy (federally funded grantees only)
- Equal employment opportunity policy
- Job descriptions
- Policy prohibiting harassment
- Title VI policy (federally funded grantees only)
- Unfair competition complaint process (federally funded grantees only)
- Volunteer driver policy

Financial

- Ethics policy
- Disadvantaged business enterprise (DBE) plan (federally funded grantees only)
- Indirect rate or cost allocation plan
- In-kind valuation plan
- Purchasing/procurement policy
- Single audit report (federally funded grantees only)

Capital

- Transit asset management plan (TAMP) (formerly known as AMP and VMP)
- Procurement checklist

On-site visit

When WSDOT staff conducts your compliance site visit, we will use checklists to guide the discussion. You are encouraged to use the sample checklists below to prepare answers to the questions and data requests at the site visit. Each of the three types of site visit uses its own checklist:

- Administrative
- Financial
- Capital
Appendix F  Procurement Resources

The following forms and guidance are provided to assist capital grantees with the purchase of vehicles and equipment.

Forms

Multiple documents form the paper trail for a procurement that is compliant with Federal and State regulations and guidelines. Download and customize these forms for use with each procurement.

- Department of Enterprise Services purchase request form
- Purchase request form instructions
- Pre-award audit checklist
- Factory visit inspection checklist
- Factory trip expense worksheet
- Post-delivery forms
  - Acceptance letter
  - Post-delivery Buy America and FMVSS certifications
  - Post-delivery Buy America Audit (American Content Report)
  - Post-delivery purchaser requirements certification
  - Road test form
  - Vehicle visual inspection form
- Procurement file checklist

Vehicle Disposition Schedule

The following excerpt from FTA circular 9300.1B outlines the minimal useful life of vehicles:

Useful life of rolling stock begins on the date the vehicle is placed in revenue service and continues until it is removed from service.

(a) Large, heavy-duty transit buses including over the road buses (approximately 35’–40’, and articulated buses): at least 12 years of service or an accumulation of at least 500,000 miles, whichever comes first.

(b) Small size, heavy-duty transit buses (approximately 30’): at least ten years or an accumulation of at least 350,000 miles.

(c) Medium-size, medium-duty transit buses (approximately 25’–35’): at least seven years or an accumulation of at least 200,000 miles.

(d) Medium-size, light-duty transit buses (approximately 25’–35’): at least five years or an accumulation of at least 150,000 miles.

(e) Other light-duty vehicles used in transport of passengers (revenue service) such as regular and specialized vans, sedans, light-duty buses including all bus models exempt from testing in the current 49 CFR Part 665: at least four years or an accumulation of at least 100,000 miles.

An associated chart is designed to assist with determining the length of time WSDOT will retain title to a vehicle purchased with grant funds.
**Appendix G  Reporting for Capital Projects**

If you are the recipient of both operating and capital grants, much of this appendix will mimic Appendix A.

All grantees are required to submit reports to the WSDOT Public Transportation Division (PTD) using the forms supplied by WSDOT. Reporting requirements are detailed in this appendix, including instructions on how to fill out the mandatory forms. In the event that the Office of Financial Management or the Legislature requires additional performance reporting during the grant cycle, WSDOT will notify grantees of any new requirements. If you are the recipient of both operating and capital grants, much of this appendix will mimic Appendix A.

**Quarterly and Annual Reports**

The timeline below shows both quarterly and annual reports you must submit, depending on your funding source and project type. Contact PTD staff if you need any assistance with these reports.

Most of the report forms referenced in this appendix can be found at [www.wsdot.wa.gov/Transit/Library/resources.htm](http://www.wsdot.wa.gov/Transit/Library/resources.htm)

**Quarterly Progress Report - Narrative**

Other than the Disadvantaged Business Enterprise (DBE) log, there is no statistical QPR associated with capital grants.

We provide the QPR narrative form for grantees to describe project-related accomplishments, coordination efforts, challenges and overall progress for the reporting quarter. It is distinct from the QPR statistical form, which is also detailed in this appendix.

To fill out your QPR narrative form, identify the month and year that corresponds to the end of the most recent quarter by using the checkboxes provided, then add the date you complete this form and the contract number and project letter (e.g., GCB1456B). If you have only one project in your agreement, it is project A.

1. **Progress Narrative** – Answer all narrative questions in the space provided under each question on the form. Text boxes in the form will expand to accommodate your text.

2. **Schedule** – For the first-quarter report, fill in the “Planned” column using the estimated dates of your procurement or construction process. As each quarter passes, fill in the “Revised” or “Actual” columns as appropriate on subsequent reports. By the end of the agreement, the milestones should all have a date listed in the “Actual” column.
3. **Financial Reporting** – This section applies to construction projects only. Once you report the award amount, previously billed amount, and current invoice amount, the accumulated expenses to date, remaining balance of grant, and percent of budget spent will auto-calculate.

4. **DBE Log** – DBE contracting and good faith efforts are reported as detailed below.

5. **Project Manager Certification Section** – Name, title, and phone number of the project manager, date completed, and name of person who completed the form (sometimes it is not the project manager).

**Disadvantaged Business Enterprise (DBE)**

This report is only required for organizations receiving federal funds for projects other than capital rolling stock (vehicle) purchases (i.e., for capital equipment such as radios or bus shelters, for operating projects, or for planning projects). List the DBE information for purchasing activities for which a DBE contractor was the vendor. If you have any question about what qualifies as a contracting opportunity or as a DBE, contact your WSDOT community liaison.

To complete the report, complete the following fields:

- **Type of Expense** – This is a category such as "photocopier contract," "facilities lease," "office supplies," "radio-system purchase," "vehicle maintenance," etc.

- **Federal Funds Spent on Item** – Using the percentage of federal funding identified in your agreement, calculate what dollar amount of the reimbursable expense listed in the Type of Expense field would be paid by federal funds.

- **Number of DBEs Used** – Fill in the number of DBEs used for the item(s) listed in Type of Expense. If no DBEs were used, enter zero (0).

- **Name(s) of DBE Used** – List the names of the DBEs counted in Number of DBEs Used.

- **Notes** – Use this space to provide any additional information.

If you were unable to find any DBEs to purchase from, if DBE costs were exorbitant compared to other bidders, or if there was another reason you did not use a DBE for a contracting opportunity, there is a space at the bottom of the form for you to describe your good faith efforts to locate and purchase from DBE vendors during this time period.

**Additional Reports**

**Annual Physical Equipment and Facility Inventory**

All grantees that received funds for equipment, facilities or vehicles for which WSDOT retains legal ownership must complete this inventory report on an annual basis. All public transit agencies must complete this inventory report on an annual basis regardless of funding. The report must include all passenger vehicles in the fleet, including spare vehicles, any equipment purchased, and facilities. Maintenance and staff-only vehicles are excluded. The inventory report must be signed by an authorized representative and emailed to PTDreports@wsdot.wa.gov or mailed to:

WSDOT Public Transportation Division Attention: Asset Management
PO Box 47387
Olympia, WA 98504

Detailed instructions on how to complete this report can be found with the report itself. The report is due annually by Feb. 15.
Drug and Alcohol

An annual drug and alcohol MIS report is required for grantees who receive 5309, 5311 (including intercity bus program), and 5339 funds. The WSDOT drug and alcohol coordinator will contact you if your agency is required to report.

Asset Management Plan

See Chapter 1 for guidance on the transit asset management plan.

National Transit Database

This report affects any grantees that currently receive FTA 5311 funds to operate a service or purchase a vehicle; or grantees for which WSDOT still holds the title to a vehicle purchased with FTA 5311 funds. The report is due annually on the last business day in April.

Certifications and Assurances

“Certs and assurances” are due annually from agencies receiving federal funds. Organizations that receive FTA Section 5309, 5339 or 5311 funds through WSDOT must also complete the 5333(b) Labor Letter.

Transit Development Plan

Public transit agencies are required to submit a transit development plan (TDP) annually by September 1 that meets the TDP criteria outlined in 35.58.2795 RCW.

WSDOT staff will contact the grantee and facilitate the collection of the information.

All grantees are required to respond to these requests or any other special reporting requests in a timely fashion. Failure to do so may affect a grantee’s in good standing status.

Submission of Reports

Submit all Consolidated Grant Program reports to PTDreports@wsdot.wa.gov and cc your regional community liaison.

Failure to Submit Reports

If WSDOT does not receive the quarterly progress and statistical reports or applicable specialty reports, the reimbursement request(s) will be held without payment until acceptable reports are received.
Appendix H Reimbursement Instructions for Capital Projects

After execution of your contract, WSDOT will send you a customized invoice form to be used for requesting reimbursement. Additional versions of the invoice form may be created in order to accommodate amendments to your contract. The instructions below can also be found on the Instructions tab of your invoice template workbook. An example of a blank reimbursement form is shown at the end of this appendix.

Vehicle procurements made with federal funds require extensive backup documentation as indicated in Section 8 below. Projects funded with state grant funds require fewer backup documents. See Chapter 3, Requesting Capital Grant Reimbursements section for additional details.

Instructions for Capital Equipment and Vehicle Grant Reimbursement Requests

Submit reimbursement request forms to:

→ PTDInvoices@wsdot.wa.gov
→ cc to the assigned community liaison
→ Subject line on email: as shown on the reimbursement request form (agreement number, billing period, agency name)

Reimbursement request forms for capital grants may be submitted after significant expenditures have been incurred. Reimbursement requests submitted for a vehicle purchase should be submitted within 30 days after the acceptance of the vehicle.

1. Follow the steps below. Please advise if changes are needed.
   a. Organization name and address: Agency’s name and address where you want the payment to be sent.
   b. Vendor ID number: Statewide vendor number or your federal tax ID number. If you do not have a statewide vendor number, please contact us and we will send you a form.
   c. RFP/publish date: Enter the date you published the request for bid for this capital project. If using another agency or state contract, enter the published date for the original solicitation.
   d. Contract award date: Enter the date the contract was executed with the vendor for this project.
   e. Contract completion date: Enter the date the contact with the vendor was completed for this project.
   f. Invoice date: Fill in the date the reimbursement request form was completed.
   g. Agreement number: WSDOT will fill in the agreement number. That number should match the number on your grant agreement from WSDOT.
   h. Billing period: From the drop-down list, select the time period covered by your reimbursement request.
   i. Invoice #: This field auto-populates based on the information provided above. This number will be used to track your reimbursement in our system.
   j. Final request: From the drop-down list, select either ‘Yes’ or ‘No’ to your reimbursement request.
2. **Equipment**: The information in this section will vary based on the type of equipment purchased. When purchasing vehicles, it is important that all the information requested on the form is filled out.

   a. **Equipment description**:
      i. **For vehicles**: enter the year, make, and model of each vehicle purchased.
      ii. **For other equipment**: enter the equipment description.

   b. **VIN/serial number**:
      i. **For vehicles**: enter the vehicle identification number.
      ii. **For other equipment**: enter the serial number, if any, from each piece of equipment.

   c. **Grantee vehicle number**: Enter the number assigned to the vehicle by your agency.

   d. **Gross vehicle weight**: (not applicable to vans and other equipment): Enter the length & gross vehicle weight of the vehicle.

   e. **Passenger seats/WC securements**: Enter the number of passengers each vehicle will accommodate (include fold down seat spaces over wheelchair securements).

   f. **ADA accessible**: From the drop-down list, select either 'Yes' or 'No' to indicate whether the vehicle is accessible to persons with disabilities.

   g. **Date accepted**: Enter the date in which your agency notified the vendor that the vehicle had been accepted.

   h. **Cost**: Enter the amount shown on the vehicle vendor invoice less any pre/early-payment discounts, rebates or refunds given. Additionally, public transit agencies need to deduct the transit portion of the sales tax paid on the vehicles since the tax is not eligible for reimbursement by WSDOT.

3. **Factory visit trip**: If your agency was required to conduct a pre-authorized on-site visit to the manufacturer, a factory visit trip travel worksheet must be completed and attached. After the worksheet is completed, transfer the calculated costs to the reimbursement request form. Factory visit trip expenses may be billed separately. If a trip was not taken, attach an explanation.

4. **Total cost**: Enter the total amount from the equipment purchases and add the Factory Visit Trip expenses. A formula has been inserted to calculate these expenses automatically.

5. **Less local share**: Calculate your agency’s local share using, at a minimum, the percentage provided in your contract with WSDOT. You may provide a higher match percent if necessary or desired.

6. **Reimbursement requested**: Subtract the local share from the total costs. A formula has been inserted to calculate these expenses automatically.

7. **Signature block**: Your chief executive officer or financial manager must sign the reimbursement request. WSDOT will not issue payment if the form is not signed.
8. **Required attachments for capital grants:**

a. **Vendor invoices:** attach copies of all corresponding vendor invoices.

b. Factory visit trip (if factory visit was required and performed):
   i. Factory visit travel worksheet
   ii. Trip itinerary and all related receipts except meal receipts
   iii. Explanation if trip was not taken

c. Post-delivery inspection forms*:
   i. Visual inspection form
   ii. Road test form
   iii. Post-delivery ‘Buy America’ compliance certification
   iv. Post-delivery ‘Buy America’ audit report (American Content report)
   v. Post-delivery ‘purchaser requirements’ compliance certification

d. Copy of the vehicle registration certificate

e. Copy of liability insurance certificate

f. Copy of your vehicle acceptance letter to the vendor

9. Scan the completed and signed reimbursement request and email it to PTDInvoices@wsdot.wa.gov and cc to your community liaison.

10. The subject line of the email should match the subject text as it appears on your reimbursement request (Row 31, Columns F-Q).
Capital Equipment and Vehicle Reimbursement Request

Organization Name: ___________________________ RFP/ITB Publish Date: __________ Invoice Date: __________
Mailing Address: ___________________________ Contract Award Date: __________ Agreement Number: __________
City, State, and Zip: ___________________________ Contract Completion Date: __________ Billing Period: __________
Vendor ID Number: ___________________________

If Factory Visit Trips were taken, please fill out the Factory Visit Travel Worksheet to calculate costs. If trip was not taken, attach a copy.

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<th>ADA Next Stop Announcement System</th>
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I hereby certify that the costs shown on this invoice reflect the true and actual costs incurred against this agreement.

Signature: ___________________________ Date: __________

Type Name of Signatory: ___________________________ Type Signatory's Title: ___________________________

Factory Visit Trip Cost (if applicable): __________
Total Cost: __________
Less Local Share (per agreement): __________
Reimbursement Requested: __________

Email a scan of the signed original with supporting documents to PTDInvoices@wsdot.wa.gov and the assigned Community Liaison.

For WSDOT Only:

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Reviewed by: ___________________________ Community Liaison Date: __________
Approved by: ___________________________ Business Services Staff Date: __________
Instructions for Capital Construction Grant Reimbursement Requests

Submit reimbursement request forms via email to:

→ PTDInvoices@wsdot.wa.gov
→ cc to the assigned community liaison
→ Subject line on email: as shown on the reimbursement request form (agreement number, billing period, agency name)

Reimbursement request forms for operating grants may be submitted monthly or quarterly.

1. Follow the steps below. Please advise if changes are needed.
   a. **Organization name and address:** Enter agency’s name and address where you want the payment to be sent.
   b. **Vendor ID number:** Statewide vendor number or your federal tax ID number. If you do not have a statewide vendor number, please contact us and we will send you a form.
   c. **Agreement number:** WSDOT will fill in the agreement number. That number should match the number on your grant agreement from WSDOT.
   d. **Invoice date:** Enter the date the reimbursement request form was completed.
   e. **Billing period:** From the drop-down list, select the time period covered by your reimbursement request.
   f. **Invoice #:** This field auto-populates based on the information provided above. This number will be used to track your reimbursement in our system.
   g. **Final request:** From the drop-down list, select either ‘Yes’ or ‘No’ for your reimbursement request.

2. **Construction expenses:** Report construction expenses for each phase funded under your agreement. The expenses should be reported on the line that corresponds to the phase title and description defined in the exhibit of your agreement.
   a. **Gross expenses:** Enter the total construction expenses during the billing period for the Project as defined in your agreement.
   b. **Local contribution:** Enter the total for local funds, if any, contributed to your project. BLG projects require 20 percent matching funds.
   c. **Amount requested:** A formula has been inserted to calculate these expenses automatically.

3. **Signature block:** Your chief executive officer or financial manager must sign the reimbursement request. WSDOT will not issue payment if the form is not signed.

4. Your project may be funded using a variety of sources. The information under the heading “for WSDOT use only” contains calculations identifying the amount and source(s) to be used for each project.

5. Scan the completed and signed reimbursement request including all supporting documents and email it to PTDInvoices@wsdot.wa.gov and cc to your community liaison.

6. The subject line of the email should match the subject text as it appears on your reimbursement request (Row 36, Columns D-M).
### Capital Construction Grant Reimbursement Form

**Organization Name:**

**Address:**

**City, State, and Zip:**

**Vendor ID Number:**

**Agreement Number:**

**Invoice Date:**

**Invoice Number:** 0

**Biling Period:**

**Final Request:**

**Project Title:**

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<th>Net Expenses</th>
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**Totals From All Phases**

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I hereby certify that the costs shown on this invoice reflect the true and actual costs incurred against this agreement.

**Signature**

**Date**

**Name and Title of Signatory**

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Email a scan of the signed original and supporting documents to PTDInvoices@wsdot.wa.gov and Cc to the assigned Community Liaison

**Subject:**

For WSDOT Only:

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Reviewed by:

Community Liaison: Date

Approved by:

Business Services Staff: Date
Appendix I References

Use of Hyperlinks in this Guide
Links to state and federal websites throughout this guide may change as legislative and organizational changes occur. The most current documents are available for your reference through these links:

- Federal Transit Administration regulations and guidance
- Office of Management and Budget circulars
- Code of Federal Regulations
- United States Code
- Fair Labor Standards Act
- Revised Code of Washington
- WSDOT manuals
- Public Transportation library

Technical Assistance Resources and RTAP
Most trainings are provided through the Washington State Transit Insurance Pool and Community Transportation Association of the Northwest. In addition, WSDOT staff may coordinate, develop or conduct training programs directly with transportation providers on such subjects as ADA, drug-and-alcohol programs, and Title VI planning.

Other resources
- Washington State Transit Association – WSTA membership includes state and federal legislative advocacy, professional development opportunities, peer sharing events, and additional benefits.
- Community Transportation Association of America – CTAA's website provides resources for members and non-members.
- National Transit Institute – Implements a wide range of training events.
- Transportation Safety Institute – Provides public transportation safety and security trainings.
- Coordinating Council on Access and Mobility – A library of briefs and reports related to special needs transportation.
- National Center for Mobility Management – Customized assistance to get you closer to your goals of improving mobility options in your community.
- Easter Seals Project Action – Provides a number of publications and policies for providing transportation to people with special needs.
- NADTC – National Aging and Disability Transportation Center
- National Transit Library – A portal for access to transportation information and reference services.
- National RTAP – No-cost online trainings, web tools, research services, and downloads focused on rural transportation.
**State Rural Transportation Assistance Program (RTAP)**

RTAP is funded by the FTA to assist in the design and implementation of training, technical-assistance projects and other support services tailored to meet the specific needs of transit operators for non-urbanized areas, tribes and special-needs transportation providers. Funding is used for training contracts with associations that facilitate events and peer sharing, and for the following technical assistance programs:

- **Travel scholarships** for rural agencies to attend events across the state (application and approval required).
- **Peer reviews** at the request of rural transportation providers. WSDOT convenes a technical assistance team of WSDOT staff and industry peers to provide a summary of observations and recommendations on a program or an entire agency.
- **Small technical assistance grants** (up to $1,500) for one-time projects not eligible or feasible as a Consolidated Grant Program expense. Examples include a marketing campaign; starting a volunteer program; new technology training, and peer event hosting.

Visit WSDOT’s [public transportation training page](#) for more information.
Appendix J  Abbreviations and Definitions

Abbreviations

ACCT – Agency Council on Coordinated Transportation
ADA – Americans with Disabilities Act of 1990
A&E – Architecture and Engineering Services
AMP – Asset Management Plan
CFR – Code of Federal Regulations
CDL – Commercial Driver License
CPT-HSTP – Coordinated Public Transportation-Human Services Transportation Plan
COI – Conflict of interest
CTA-NW – Community Transportation Association of the Northwest
DAMIS – Drug and Alcohol Management Information System
DBE – Disadvantaged Business Enterprise
DES – Department of Enterprise Services
DOL – Department of Licensing
DR – Demand response service
EEO – Equal Employment Opportunity
FAST Act – Fixing America’s Surface Transportation Act
FHWA – Federal Highway Administration
FLSA – Fair Labor Standards Act
FMCSA – Federal Motor Carrier Services Administration
FMVSS – Federal Motor Vehicle Safety Standards
FR – Fixed route service
FTA – Federal Transit Administration
ICB – Intercity bus
IFB – Invitation for Bids
LEP – Limited English Proficiency
MAP-21 – Moving Ahead for Progress in the 21st Century
MPO – Metropolitan Planning Organization
MWBE – Minority or Woman Owned Business Enterprise
NEPA – National Environmental Policy Act
NTD – National Transit Database
NTI – National Transit Institute
OMB – Office of Management and Budget
OMWBE – Office of Minority and Women Owned Business Enterprises
OTC – Over-the-counter (medications or drugs)
PTD – Public Transportation Division
RCW – Revised Code of Washington
RFP – Request for Proposal
RTAP – Rural Transportation Assistance Program
RTPO – Regional Transportation Planning Organization
RVCT – Regional Vanpool Coordination Team
SAFETEA-LU – Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users
SAM – System for Award Management
SEPA – State Environmental Policy Act
SGR – State of good repair
SOW – Scope of work
STP – Surface Transportation Program (through the Federal Highway Administration)
TAMP – Transit asset management plan
TrAMS – Transit Award Management System
TSI – Transportation Safety Institute
USC – United States Code
USDOT – United States Department of Transportation
VIN – Vehicle identification number
VMP – Vehicle Maintenance Plan
VMT – Vehicle miles traveled
VT – Vehicle trips
WSDOT – Washington State Department of Transportation
WSTIP – Washington State Transit Insurance Pool
WUTC – Washington Utilities and Transportation Commission
Definitions

**Agency Council on Coordinated Transportation (ACCT) Program** – A multi-agency program to promote the coordination of special needs transportation in Washington at the state and community levels.

**Agreement number** – WSDOT-assigned number shown on the front page of a grant agreement.

**Altoona** – An FTA-sponsored test facility in Altoona, PA where FTA-required new bus model testing is performed prior to FTA funds expenditure (49 CFR Part 665).

**Americans with Disabilities Act of 1990 (ADA)** – Civil rights law that ensures persons with disabilities have an equal opportunity to fully participate in society, live independently, and be economically sufficient. It defines the requirements for transportation providers to make transportation accessible to individuals with disabilities.

**Approval of equals process** – A step in the Invitation for Bid process through which vendors may request that an organization consider acceptance of changes or substitutions to their vehicle specifications.

**Asset Management Plan (AMP)** – A public transit system plan describing an agency's preventative maintenance and asset management policies, required as a condition of receiving state funding. Under MAP-21, this requirement was extended to non-transit providers.

**Bid analysis process** – An analysis of all bids received that determines the lowest, most responsive and responsible bidder who has met all process requirements and submitted all required certifications.

**Biennium** – A two-year period.

**Broker** – The body authorized to coordinate services for elderly persons and persons with disabilities through the Washington State Medical Assistance Administration's transportation program.

**Brokerage System** – An association of transportation providers managed by a broker or agent who makes transportation arrangements for a specific clientele such as the elderly and persons with disabilities. The transportation providers are typically social service agencies and taxicab operators. The broker may be a transit agency itself or an individual or firm contracted to operate the brokerage system.

**Buy America** – The requirement that federal funds may not be obligated to carry out an FTA-funded project unless steel, iron, and manufactured products used in the projects are produced in the United States (49 USC 5323(j) and 49 CFR Part 661).

**Capital expenses** – Expenses related to the purchase of equipment, where equipment is defined as an article of non-expendable tangible personal property having a useful life of more than one year and an acquisition cost of at least $5,000 (or the organization’s established capital threshold—whichever is lower).

**Charter service** – A vehicle hired for exclusive use that does not operate over a regular route, on a regular schedule and is not available to the general public.

**Cognizant agency** – The agency responsible for reviewing, negotiating, and approving indirect cost proposals according to OMB Circular No. A-87, Cost Principles for State, Local, and Indian Tribal Governments. Typically, this is the agency providing the majority of funding.

**Commercial Driver License (CDL)** – A licensing requirement for all drivers of vehicles designed to transport more than 15 persons (including the driver). Mechanics who drive the vehicles must also have a CDL.

Commuter service – Fixed-route service characterized by limited stops and routes of extended length, usually between the central business district and outlying suburbs. This service typically operates using motorcoaches (aka over-the-road buses) and often features peak scheduling and multiple-trip tickets.

Complementary Paratransit Service – Demand response transportation service required by the Americans with Disabilities Act (ADA) for individuals with disabilities who are unable to use fixed-route systems. Service must be provided from origin to destination, or to an accessible fixed route. Level of service must meet the requirements specified in Sections 37.123-137.133 of Transportation Services for Individuals with Disabilities (Part 37), Code of Federal Regulations, Title 49, Volume 1.

Compliance – A condition in which WSDOT has found that the subrecipient has met all the requirements of funding. See In Good Standing.

Consolidated Grant Program – A competitive biennial grant application program for state and federal public transportation funds.

Coordinated Public Transit-Human Services Transportation Plan (previously HSTP) – a product of Human Services Coordination (see below) that is revised every four years.

Cost allocation plan – The documentation identifying and allocating the allowable costs of services provided by a grantee between projects.

Cutaway – A vehicle with a bus body mounted on the chassis of a van or light-duty truck. Cutaways typically seat 15 or more passengers and may accommodate some standing passengers.

Demand Response – A non-fixed route transit mode operating in response to direct requests from passengers. Demand response service is typically door-to-door and requires advanced scheduling.

Depreciation – The loss in value of a transit agency’s assets over time. In order to account for the depreciation of an asset, a portion of the asset’s cost is expensed each year of its life (annualized, straight-line reduction).

Desk Review – A part of the site visit process that serves to update a grantee’s policies on file with WSDOT. The desk review typically occurs during the second fiscal year of a grant period, assuming the last in-person visit was satisfactorily closed and the grantee has no other risk factors necessitating an on-site review of records and practices.

Deviated Fixed Route Service – Transit service that operates along a fixed alignment or path at scheduled times, but may deviate from the route alignment to collect or drop off passengers upon request.

Disadvantaged Business Enterprise (DBE) Report – A required annual report detailing the efforts made to meet DBE goals as established in the organization’s DBE plan. For organizations not required to maintain a DBE plan, the report documents good faith efforts toward DBE inclusion.

Facilities – Land, buildings, and structures that the transit system owns, leases, or uses, including offices, garages, terminals, stations, and park and ride lots.

Fare Revenues – All income received directly from passengers, paid either in cash or through pre-paid tickets, passes, etc. Fare revenues include on-board donations and reduced fares paid by passengers in a user-side subsidy arrangement.

Federal Transit Administration (FTA) – An agency of the United States Department of Transportation that administers federal programs of financial assistance for public transportation through the Federal Transit Act.
FTA 5309 – A section of the Federal Transit Act authorizing discretionary and formula funding for capital purposes codified in 49 USC 5309.

FTA 5310 – A section of the Federal Transit Act authorizing a capital assistance program for the elderly and persons with disabilities codified in 49 USC 5310.

FTA 5311 – A section of the Federal Transit Act authorizing funding for public transportation in rural areas codified in 49 USC 5311.

FTA 5316 (Job Access and Reverse Commute Program) – A section of the Federal Transit Act authorizing grants designed to transport welfare recipients and low-income individuals to and from jobs codified in 49 USC 5316. The FTA 5316 program was merged with FTA 5311 and 5307 programs under MAP-21.

FTA 5317 (New Freedom) – A section of the Federal Transit Act authorizing funding to encourage service and facility improvements to address the transportation needs of persons with disabilities, beyond those required by the Americans with Disabilities Act (ADA), codified in 49 USC 5317. The FTA 5317 program was merged into the FTA 5310 program under MAP-21.

Federal fiscal year – The period from October 1 through September 30.

Federal funds – Money appropriated by the United States Congress to support programs and projects.

Feeder service – Local transportation service that provides passengers with connections to mainline public transportation services or transit centers.

Fixed route service – Transit service provided on a repetitive, fixed schedule basis along a specific route with vehicles stopping to pick up and deliver passengers to specific locations. Each fixed route trip serves the same origins and destinations.

Good faith effort – An action taken to achieve the objectives of the program and meet funding and contractual requirements.

Gross expenses – Total expenses (including in-kind).

Human Services Coordination – A service that requires the cooperative participation of two or more entities and has the following characteristics:

1. The participating entities share responsibility for ensuring that customers can access transportation services.

2. There is a single entry process for customers to schedule trips, regardless of which agency is paying for or providing the trip.

3. A process is in place to consider transportation costs when participants make decisions on facility siting or program policy implementation. Affected entities are given an opportunity to influence the decision if the potential impact is negative.

4. Open-market mechanisms give all providers an opportunity to participate in and allow for cost comparisons so that purchasers can select the least expensive trip that is most appropriate to customers’ needs.

5. There is flexibility in using the available vehicles in a community so that the ability to transport people is not restricted by categorical claims to vehicles.

6. There is maximum sharing of operating facilities and administrative services to avoid duplication of costly program elements.
7. Trip sponsors and service providers have agreed on a process for allocating costs and billing when they share vehicles.

8. Minimum standards exist for safety, driver training, maintenance, and technology to eliminate barriers that may prevent sponsors from using each other's vehicles or serving each other's customers.

The resulting system of transportation services is user friendly, meaning that the coordination of eligibility, contracting, service delivery, payment, and funding structures does not negatively affect the customer's ability to access service.

**In Good Standing** – The grantee is in compliance with all the terms and conditions of the grant agreement with the state of Washington and the instructions for sound grant management specified in WSDOT's *Guide to Managing Your Public Transportation Grant*.

**In-kind** – The value of non-cash charges for real property and equipment, and the value of goods and services directly benefiting and specifically identifiable to the project. To be eligible as match, the monetary value of the in-kind contributions must be documented and submitted to WSDOT in advance.

**Intercity bus service** – Regularly scheduled bus service for the general public which operates with limited stops over fixed routes connecting two or more urban areas not in close proximity.

**Inter-Jurisdictional Service** – Projects that improve connectivity between counties and regional population centers.

**Linked Passenger Trip** – A trip from origin to destination on the transit system. Even if a person makes several transfers during a journey, the trip is counted as one linked trip on the system.

**Lobbying** – Directly or indirectly influencing or attempting to influence a member of Congress, state or local officials, or an officer or employee of any agency with a connection to the making of any federal contract, grant, or cooperative agreement. Advocate for transit in general or providing information about the services a recipient provides in the community is not considered lobbying.

**Local funds** – Money appropriated by local, general-purpose government, local municipal government as defined in RCW 35.58.272, local school districts, and/or by local private agencies for the purpose of supporting public transportation services.

**Local match** – Money or in-kind contributions provided by potential grant recipients to match requested funding from grant programs. Local match can come from local, state, or federal sources depending upon individual grant program requirements.

**Matching funds** – An organization's share of project costs for a grant-funded project as specified in a grant agreement.

**Meaningful connections** – Coordinated schedules connecting with other service providers that stop at an intermodal facility.

**Metropolitan Planning Organization (MPO)** – Federally mandated regional organizations responsible for comprehensive transportation planning for urbanized areas.

**Mid-construction factory visit** – A factory compliance inspection conducted during various stages of a vehicle's construction required of organizations purchasing ten or more vehicles from a single bid. Also referred to as a resident inspection.

**Minibus** – A small bus, usually with a passenger compartment built on a truck or van chassis with a life expectancy of four to eight years and with a typical seating capacity of eight to 25 passengers.
Minivan – A light-duty vehicle having a typical seating capacity of up to seven passengers plus a driver. A minivan is smaller than a full-sized van.

Minimum service thresholds – A minimum level of service expected for grant-funded vehicles (100 passenger trips or 100 service miles per week).

Mode (Rural) – Description of mode of service operated with subcategories for bus and demand response modes. Bus mode can be conventional fixed-route bus service, deviated fixed-route bus service, or intercity bus service. Demand response can be standard service (i.e. no standing reservations) or subscription demand response with on-going reservations for recurrent passenger trips. These subscription services are for categorical programs, such as Medicaid, Meals-on-Wheels, sheltered workshops, independent living centers and any social service agency programs.

Net expenses – Gross expenses less fare, donations, and ineligible expenses.

Operating costs/expenses – Those costs directly related to system operation. They include employee wages and salaries, operating supplies such as fuel and oil, contractors’ charges for services, taxes, repair, maintenance services, parts and supplies, marketing, and insurance. They usually exclude fixed costs such as depreciation on plant assets and equipment as well as interest paid on loans on capital equipment.

Operating deficit – Net operating expenses less total operating revenues.

Operating expenses by service type – One of the required quarterly progress reports for organizations receiving an operating grant.

Owned rolling stock inventory and verification of continued use – One of the annual reporting requirements for organizations that have vehicles in their fleet for which WSDOT holds the title.

Paratransit – A flexible transportation alternative to conventional fixed-route transit. Paratransit can include demand response transportation services, shared-ride taxis, carpooling and vanpooling, and jitney services. Most often, it refers to wheelchair-accessible demand response service.

Paratransit/special needs (as defined by the state of Washington) – Specialized transportation that provides access to transportation for persons who are unable to provide their own transportation due to age, disability, or income status.

Paratransit/Special needs program – Washington State funding program to sustain and expand transportation services to special needs populations.

Park and ride lot – Parking lot usually located near a key transportation corridor or transit center acting as an intermodal hub to transfer from single-occupancy modes to higher-occupancy modes of transportation.

Part-time service vehicle – A vehicle which is limited in use to 30 percent of the miles it operated when it was in active status (rather than retired/spare or part-time status).

Passenger trips (also referred to as unlinked passenger trips) – The number of passengers who board a public transportation vehicle. A passenger is counted each time he/she boards a vehicle even as part of the same journey from origin to destination.

Per diem – “For the day,” an allowance made to employees for travel expenses when on official business.

Piggybacking – A purchase from a contract awarded by another organization that has available option vehicles.
Post-delivery audit – A post-delivery review of the vehicle and the accompanying documents to verify that the vehicle is acceptable. At a minimum, the post-delivery audit consists of a visual inspection, post-delivery Buy American Certification, FMVSS report, road test, and Post-Delivery Purchaser's Requirements Certification.

Pre-award audit or pre-award review – A review to verify that the apparent successful bidder is able to construct the vehicle in accordance with specifications and to ensure the manufacturer is able to comply with all applicable requirements including Altoona Bus Testing, Buy American, and FMVSS requirements.

Pre-award factory visit – An optional visit to the successful bidder’s vehicle manufacturing factory prior to contract award as part of the pre-award review. Expenses are not eligible for grant reimbursement unless an agency is purchasing ten or more vehicles. If the organization is purchasing ten or more vehicles from a single bid, this refers to the first visit in a series of required factory compliance inspections during various stages of the vehicles’ construction.

Program development – Planning, coordination, and marketing activities.

Program income – Non-farebox gross income received by the grantee directly generated by a grant supported activity, or earned only as a result of the grant agreement during the grant period.

Project – The activity or activities (task or tasks) listed in the scope of work portion of the grant agreement and/or attached appendix.

Public Transportation – As defined in the Federal Transit Act, “transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or intercity bus transportation or intercity passenger rail transportation provided by the entity.”

Public Transportation Management System (PTMS) Asset Inventories – An inventory system required to satisfy the State Asset Management Inventory and Federal Transit Administration’s regulations.

Public Transit Human Services Transportation Plan – A plan required by FTA and WSDOT for competitive public transportation grants that provides a “unified, comprehensive strategy for public transportation service delivery that identifies the transportation needs of individuals with disabilities, older adults, and individuals with limited income; laying out strategies for meeting these needs; and prioritizing services.”

Reasonable accommodation – Minor equipment purchase and/or facility modifications that enable an employee to work.

Recipient – The agency to whom financial assistance from FTA is directly extended.

Regional Mobility Program – Grant program that helps local governments, transit agencies, and ports fund transit mobility projects.

Regional Transportation Planning Organization (RTPO) – Organization formed through a voluntary association of local governments within a county or contiguous counties with members including cities, counties, WSDOT, tribes, ports, transportation service providers, private employers, and others.

Reimbursement request – A form used by grantees to request reimbursement for eligible expenses incurred under the grant agreement.

Requests for clarifications, interpretations, and proposed substitutions – Vendor requests for clarifications, changes or substitutions to vehicle specifications.
**Reserve accounts** – Accounts or funds established by board resolution to fund specific purposes, including restrictions and covenants for use. Reserve account balances are identified in the cash flow statement and not included as available cash.

**Retired from service** – When a vehicle is sold, placed in backup service, placed in part-time service (no longer available for service exceeding 30 percent of prior use) or otherwise disposed of.

**Revenue vehicles** – Rolling stock in registered ownership of, leased by, or contracted by the transit system available for maximum fixed and/or deviated route, demand response, and/or vanpool service. This includes spare vehicles, but does not include equipment designated for charter or leased service only.

**Revenue vehicle hours** – The number of hours all vehicles travel while in scheduled revenue service over the course of a year. A transit vehicle is in revenue service only when it is available to the public and there is a reasonable expectation for carrying passengers who either directly pay fares, are subsidized by public policy, or provide payment through some contractual arrangement. This does not imply that a cash fare must be paid. Revenue service excludes deadhead, exclusive school bus, and charter service, but includes purchased transportation service. Travel between the destination of a paratransit client and the pick-up location of the next paratransit client is considered revenue hours.

**Revenue vehicle miles** – The number of miles a vehicle travels while in scheduled revenue service over the course of a year. A transit vehicle is in revenue service only when the vehicle is available to the public and there is a reasonable expectation for carrying passengers who either directly pay fares, are subsidized by public policy, or provide payment through some contractual arrangement. This does not imply that a cash fare must be paid. Revenue service excludes deadhead, exclusive school bus, and charter service, but includes purchased transportation service. Travel between the destination of a paratransit client and the pick-up location of the next paratransit client is considered revenue miles.

**Rolling stock** – Vehicles used primarily for the transporting of passengers.

**Route-deviated service** – A type of transit service that operates as conventional fixed route bus (motorbus) service along a fixed alignment or path with scheduled time points at each terminal point and key intermediate locations. Route deviation service is different than conventional fixed route bus (motorbus) service in that the bus may deviate from the route alignment to serve destinations within a prescribed distance (e.g., ¾ mile) of the route. Following an off-route deviation, the bus must return to the point on the route it left.

**Rural areas** – Incorporated and unincorporated communities and unincorporated areas in a county outside of a designated urbanized area (50,000 population).

**Rural Mobility Program** – State funding program to support rural and small urban areas statewide.

**Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU)** – The authorizing legislation which funded all of the surface transportation programs of the United States Department of Transportation for federal fiscal years 2005-2009.

**Scope of work** – The section of the grant agreement with WSDOT that describes the funded activity.

**Seating capacity** – The number of seats that are installed in the vehicle.

**Service animal** – Any guide dog, signal dog, or other animal trained to work or perform tasks for an individual with a disability.

**Site visit** – A visit by WSDOT staff at the project location to provide consultation and technical assistance with grantee staff as well as verify compliance with regulations, conduct capital vehicle and equipment inspections, and review records, processes, and policies.
**State consolidated vehicle procurement** – A vehicle purchase process coordinated by WSDOT for transportation agencies that make similar capital vehicle purchases. This process streamlines the administrative process and takes advantage of potential bulk purchase discounts.

**State funds** – Money appropriated by the Washington State Legislature to support a variety of programs and projects.

**Statistical Summary by Service Type** – One of the required quarterly progress reports for organizations receiving an operating grant.

**Subrecipient** – Any entity that receives state or federal financial assistance through a primary recipient. In the case of WSDOT’s Consolidated Grant program, all grantees are subrecipients.

**Title VI** – From the Civil Rights Act of 1964, a protection requiring organizations to take measures to ensure there is no discrimination against persons on the grounds of race, color, or national origin.

**Transit** – Transportation by a conveyance, either publicly- or privately-owned, that provides regular and continuing general or special public transportation. It does not include school bus, charter, or sightseeing transportation. The term transit includes mass transportation and public transportation.

**Useful life** – The estimated number of years that an asset will be able to carry out its intended purpose before being replaced. Also referred to as the vehicle retention schedule or vehicle disposition schedule.

**Vanpool Investment Program** – State grant program that provides funding assistance to transit agencies for the purchase of vehicles for agency vanpool programs.

**Vehicle Maintenance Plan (VMP)** – An agency-adopted preventative maintenance plan required of all non-transit capital grant recipients that covers all vehicles purchased with federal or state grant funds.

**Vendor ID Number** – The number assigned to an organization by the WSDOT.