

**LexTran - Transit Authority of Lexington Fayette
Urban County Government and Lexington
Kentucky
109 West Loudon Avenue
Lexington, Kentucky 40508**



Program Management Plan

For

**49 USC § 5316 – Job Access Reverse Commute
(JARC)**

&

49 USC § 5317- New Freedom Programs

JULY 2009

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1. INTRODUCTION

This Program Management Plan (PMP) describes LexTran's policies and procedures for administering the Federal Transit Administration (FTA) Job Access and Reverse Commute (JARC) and New Freedom programs (the Programs). As the designated recipient for JARC and New Freedom funds, LexTran is required to have an approved PMP on file with the FTA Region IV office and to update it regularly to incorporate changes in program management or new requirements. LexTran will provide opportunities for review by stakeholders when it develops a new plan or significantly revises the existing plan. This is the first issuance of LexTran's PMP.

The PMP is intended to facilitate both LexTran management and FTA oversight by documenting policies and procedures for administering JARC and New Freedom. The primary purposes are to serve as the basis for the FTA to review LexTran's program, to serve as a reference and guide for LexTran and its subrecipients, and to provide public information on the administration of the programs.

2. PROGRAM GOALS & OBJECTIVES

As the designated recipient of JARC and New Freedom program funds for the Lexington Fayette urbanized area (see section 3 below) LexTran's goals are to manage the distribution of these funds:

- With full stakeholder involvement,
- As cost effectively as possible, and
- So as to have the greatest possible benefit to the community.

LexTran will administer the Programs in keeping with its mission "to explore and implement transportation opportunities that enhance the social, economic and environmental well-being of the Greater Lexington Fayette community."

LexTran will review its goals for these programs annually with the Lexington MPO and stakeholders group identified by FTSB, keeping in mind Federal objectives to reduce duplication, increase service efficiency and expand access for transportation-disadvantaged populations through on-going efforts to coordinate resources.

LexTran will ensure that elected officials have opportunities for involvement and input, by participating in meetings, e-mailed updates, and through the Transportation Policy Committee (the governing board of the regional Metropolitan Planning Organization, (LexMPO), which is made up of transportation agency representatives and elected officials.

3. ADMINISTRATION, PLANNING AND TECHNICAL ASSISTANCE

JARC and New Freedom program guidance states:

"Up to 10 percent of the recipient's total fiscal year apportionment may be used to fund program administration costs including administration, planning and technical assistance. Program administration costs may be funded at 100 percent Federal share and do not require matching local funds."

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For funds apportioned in Federal fiscal years 2009 LexTran will use a portion of the Programs funds for administrative purposes.

Statutory Authority - 49 USC § 5316 and § 5317

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Pub. L. 109-059), enacted on August 10, 2005 and codified at 49 U.S.C Chapter 53, authorizes §5316, the Job Access and Reverse Commute (JARC) Program and §5317, the New Freedom Program. The JARC program is meant to improve access to employment for welfare recipients and other low-income individuals through enhanced transportation services. An additional intent is to transport residents of urbanized and non-urbanized areas to suburban employment opportunities. The purpose of the New Freedom program is to provide tools, beyond those mandated by the Americans with Disabilities Act of 1990, to assist individuals with disabilities with transportation, including transportation to and from jobs and employment services.

Funding Apportionment

The Federal Transit Administration apportions funds nationally by a formula based on the number of welfare recipients and other individuals with lower incomes (for JARC), and individuals with disabilities (for New Freedom). Sixty percent of the funds under each program are apportioned to designated recipients (such as LexTran) in urbanized areas with a population of 200,000 or more. Twenty percent of the funds are apportioned to states for urbanized areas with a population of 50,000 to 200,000. Twenty percent of the funds are apportioned to states for non-urbanized areas. Appropriated and anticipated levels of funding for the two programs through the current authorization period (SAFETEA-LU) are:

Federal Fiscal Year	JARC	New Freedoms
2006 (funds lapsed)	\$ xxxxxxxx	\$xxxxxxx
2007 (appropriated)	\$131,848	\$ 69,302
2008 (appropriated)	\$ 142,835	\$ 74,836
2009 (appropriated)	\$ 167,651	\$ 86,293

Direct Recipient/Subrecipient Relationship

LexTran is now the designated recipient of funding under the JARC and New Freedom programs in letters from the governors of the States of Indiana and Kentucky consistent with the requirements of 49 U.S.C. Section 5307(a)(2). As the designated recipient, LexTran will apply to FTA for funds awarded under the two programs. Project sponsors selected for funding (See competitive selection section below) will be subrecipients of JARC and New Freedoms program funds.

4. ROLES AND RESPONSIBILITIES

Designated Recipient Responsibilities

Coordination – LexTran participates in the development of the Coordinated Public Transit – Human Services Transportation Plan.

In addition to coordinating efforts with other agencies and providers in our urbanized area, LexTran is responsible for:

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- Conducting an area-wide competitive selection process*;
- Certifying a fair and equitable distribution of funds resulting from the competitive selection process;
- Certifying that each project selected was derived from a locally developed, coordinated public transit-human services transportation plan;
- Certifying that local plans are developed through a process that included representatives of public, private, and non-profit transportation and human services providers and participation by the public
- Managing all aspects of grant distribution and oversight for subrecipients receiving funds under this program; and
- Submitting reports as required by FTA.

*Although designated recipients are responsible for the competitive selection process, they may establish alternative arrangements to administer and conduct the competitive process. Because LexTran has assumed responsibility for managing the competitive selection process, and also intends to apply for funding under both the JARC program and New Freedom, LexTran will not participate in project evaluation or selection efforts. The LexTran Board of Directors, as the governing body of the designated recipient of these funds, will have final approval of projects selected for funding.

5. COORDINATED PLAN

County Served: Fayette County

City Served: Lexington

Participants in Plan:

- A. Transportation Operators
- B. Other Human Service Agencies and Businesses
- C. Local Officials
- D. General Public
- E. Transportation Cabinet
- F. Bluegrass Area Development District and the LexMPO

The first Coordination meeting was held on January 18, 2007 and was conducted by the Lexington MPO. The second meeting was held on February 14, 2007.

JARC goal in the Coordinated Plan

The goal of public transit is to provide all individuals with adequate transportation. The additional Section 5316 JARC funding is to fill in the vacant holes where current transportation is not providing. This would be for transportation after hours and affordable transit where individuals need to be transported.

New Freedoms goal in the Coordinated Plan

The goal is to provide subsidized transportation services for persons with disabilities.

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- January 18, 2007 Initial stakeholders meeting
- February 14, 2007 Meeting to discuss strategies
- March 5, 2007 decided on selected projects for 5316 and 5317
- March 22, 2007 5316 and 5317 Public hearing
- February 25, 2008 5316 and 5317 public hearing
- March 19, 2008 5316 and 5317 Meeting to assign rankings
- March 31, 2008 meeting to committee members about the rankings.

In FY 2007 and 2008 FTSB held a coordinated/public hearing in Fayette County to assess the needs in the community for transportation. Part of this process included identifying the available services in the area. Coordination meetings were/are held each year during the application process to discuss current needs. Stakeholders are convened to establish priorities for implementation based on resource, time and feasibility. LexTran will, based on the availability of new JARC and New Freedoms funding being this process around January of 2010 through March of 2010.

6. ELIGIBLE SUBRECIPIENTS

As stated in LexTran's Competitive Selection Process document, there are three categories of eligible subrecipients for New Freedom and JARC funds:

- Private non-profit organizations,
- State or local governmental authorities, and
- Operators of public transportation services including private operators of public transportation services.

7. ELIGIBLE PROJECT COSTS

Job Access and Reverse Commute (JARC) Program – JARC funds are available for capital, planning, and operating expenses that support the development and maintenance of transportation services designed to transport low-income individuals to and from jobs and activities related to their employment and to support reverse commute projects.

More detailed information on the program and project eligibility can be found in FTA guidance circular: FTA C 9050.1 http://www.fta.dot.gov/laws/circulars/leg_reg_6623.html.

New Freedom Program – New Freedom funds are available for capital and operating expenses that support new public transportation services beyond those required by the American with Disabilities Act of 1990 (ADA) and new public transportation alternatives beyond those required by the ADA designed to assist individuals with disabilities with accessing transportation services, including transportation to and from jobs and employment support services. For the purposes of New Freedom, "new" service is any service or activity that was not operational on August 10, 2005 (the date on which the program was enacted).

More detailed information on the program and project eligibility can be found in FTA guidance circular FTA C 9045.1 http://www.fta.dot.gov/laws/circulars/leg_reg_6624.html.

8. LOCAL PLANNING PROCESS - PUBLIC OUTREACH AND STAKEHOLDER PARTICIPATION

Starting in Federal Fiscal Year 2007, projects funded through three programs included in SAFETEA-LU – Job Access and Reverse Commute (JARC) (Section 5316), New Freedom (Section 5317) and Elderly Individuals and Individuals with Disabilities (Section 5310) must be derived from a Locally Developed Coordinated Public Transit-Human Services Transportation Plan. SAFETEA-LU guidance issued by the Federal Transit Administration (FTA) indicates that the plan should be 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, lays out strategies for meeting these needs, and prioritizes services.” The minimum required plan contents include:

- Identification of current providers and services;
- Assessment of transportation needs of older adults, persons with disabilities, and individuals with low income as appropriate;
- Identification of strategies and/or activities to address those needs and service gaps; and
- Implementation priorities, based on time, resources, and feasibility.

The first Coordination meeting was held on January 18, 2007

Section 5317 - NEW FREEDOM PRIORITIES (no priority established)

1. Increase weight capacity of lifts to 800lbs (Wheels)
2. Increased Elderly and Disabled trips for group shopping and outings (LexTran)
3. Hearing impaired access to website for scheduling trips (Wheels)
4. Voice enunciators (LexTran)
5. New vehicle for individuals finding employment through the Urban League

Section 5316 - JARC PRIORITIES (no priority established)

1. Expand existing Jobs bus route (LexTran)
2. New vehicle for Jobs bus route expansion (LexTran)
3. Create new Jobs bus route in new corridor (LexTran)

9. FEDERAL/LOCAL MATCHING REQUIREMENTS

General – JARC and New Freedom program funds may be used to finance capital and operating expenses. JARC funds may also be used for planning expenses. The Federal share of eligible capital and planning costs may not exceed 80 percent of the net cost of the activity. The local match must be a minimum of 20 percent. The Federal share of eligible operating costs may not exceed 50 percent of the net operating costs of the eligible activity, meaning the minimum required local share is 50 percent.

All of the local share must be provided from sources other than Federal DOT funds. Some examples of sources of local match which may be used for any or all of the local share include: State or local appropriations; other non-DOT Federal funds; dedicated tax revenues; private donations; revenue from human service contracts; toll revenue credits; and net income generated from advertising and concessions. Non-cash share such as donations, volunteered services, or in-kind contributions are eligible to be counted toward the local match as long as the value of each is documented and supported, represents a cost which would otherwise be eligible under the program, and is included in the net project costs in the project budget.

Income from contracts to provide human service transportation may be used either to reduce the net project cost (treated as revenue) or to provide local match for New Freedom or JARC operating assistance. In either case, the cost of providing the contract service is included in the total project cost. No FTA program funds can be used as a source of local match for other FTA programs, even when used to contract for service.

Exceptions – The Federal share is 90 percent for vehicle-related equipment and facilities required by the Clean Air Act (CAA) or the Americans with Disabilities Act (ADA). It is only the incremental cost of the equipment or facility required by the CAA or ADA that may be funded at 90 percent, not the entire cost of the vehicle or facility, even if the vehicle or facility is purchased for use in service required by the ADA or CAA. Designated recipients wishing to apply for assistance at the higher match ratio should consult the FTA regional office for further guidance regarding methods of computing the incremental cost before submitting an application.

Use of Other Federal Funds – Local match may be derived from other Federal funds that are eligible to be expended for transportation, other than from the United States Department of Transportation (U.S. DOT) programs. Examples of types of programs that are potential sources of local match include: employment training, aging, community services, vocational rehabilitation services, and Temporary Assistance for Needy Families (TANF). To be eligible for local match for FTA funds, the other Federal funds must be used for activities included in the total net project costs of the FTA grant. Expenditure of other Federal funds for transportation outside of the scope of the project cannot be applied as a credit for local match in the FTA grant.

10. Project Selection Criteria and Method of Distributing Funds

As designated recipient, LexTran is now responsible for conducting the competitive selection process for these programs. LexTran will issue a CALL FOR PROJECT APPLICATIONS, the availability of which will be announced in major area newspapers, including LexTown-the only African-American newspaper in Fayette County. The announcement, or Legal Notice, will provide information on obtaining the application and associated documents for the selection process for JARC and New Freedom program funds. It will also provide the location, date and time of the Pre-Submission Conference. As with all LexTran solicitations for contracts, it will make clear that LexTran adheres rigidly to the principles imbedded in civil rights law, specifically Title VI of the Civil Rights Act of 1964.

LexTran will respond to any and all questions associated with the process in writing through issuing an addendum to the CALL so that all applicants can benefit from the

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additional information. Any applicant may consult LexTran staff for technical assistance with the application form and process.

Due to funding limitations, applicants may not be selected, or may be approved for less funding than requested. The economic feasibility of each project, in relationship to available funds, will be considered.

Project sponsors will be chosen from all applicants by an impartial Selection Review Committee. Members of the Selection Review Committee will be drawn from organizations that have no material interest in projects seeking funds. Before they can serve, members will sign Disclosure statements, declaring any conflict of interest, as well as confidentiality statements

The following selection criteria will be used in the review process to determine which projects will be recommended to receive funding. These items must be addressed within the project application.

The project sponsor (applicant) must demonstrate the ability to meet match requirements (as specified previously) or the application will not be considered eligible for funds.

- Required - Capital Projects 80 federal/20 local
- Required - Operating Projects 50 federal /50 local
- Document availability of additional funding sources

The sponsor must specify any dependency of the project upon other Federal or State grants as yet to be awarded, as well as a contingency plan should those funds not be awarded.

1. Demonstrated ability (weight 25%)
 - a. Evidence of technical capacity
 - b. Evidence of necessary resources
 - c. Authority to operate (when applicable) of the project sponsor
 - d. Timeframe for implementation
2. Project Intent (weight 25%)
 - a. Prime Beneficiaries
 - b. Proposal is in alignment with the goals and objectives of the Coordinated Public Transit - Human Service Transportation Plan for the Lexington urbanized area
 - c. Demonstrate how project addresses service gaps to targeted population(s)
 - d. Number of people to be impacted annually from targeted population(s)
 - e. Benefit to the community
 - f. Geographic area to be served
3. Project Budget (weight 20%)
 - a. Budget to reflect reasonableness of the estimated budget and dollar amount of funds requested.
 - b. A DETAILED itemized description of the estimated project costs. Itemized cost estimates should identify specific work to be done on the project. (Budget documents may be included with the application.) **If costs exceed the estimate, the project sponsor will be responsible for covering the additional costs.**
 - c. Definition of Unit Cost if applicable.

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4. Coordination Efforts (weight 15%)
 - a. Demonstrate Levels of coordination, collaboration and partnership to maximize resources and reduce duplication of services.
- 5 Sustainability of Project (weight 15%)
 - a. Sustainability of Project after initial funding period
 - b. If sustainability is not applicable to the proposed project, please so state.

Selection Process

- A Selection Review Committee(s) will evaluate properly submitted written applications. LexTran staff will provide instructions to the Review Committee(s) that include the requirement to ensure that applications selected for funding must assure the equitable distribution of benefits, as required by Title VI of the Civil Rights Act. The committee will score each application according to the evaluation criteria set forth. The Selection Review Committee may make a determination to recommend one (or more) successful applications based only on the written responses.
- The same Selection Review Committee will evaluate all of the applications pertinent to each funding source. The Selection Review Committee will examine each application.
- The Selection Review Committee(s) will consist of at least five individuals. Those individuals will be Regional Mobility Council members, outside evaluators, or preferably a combination of both. No evaluator who has a material interest in an application may be involved in its evaluation.
- Final approval will be made by the LexTran Board of Directors, as the governing body of the Designated Recipient of the funds. LexTran will work with the Transportation Policy Committee of LexMPO for inclusion of selected projects into the Transportation Improvement Plan (TIP) and the Long Range Transportation Plan.
- All applicants will be informed of the project applications selected to receive funds.
- All project sponsors (applicants) that have projects selected for funding through this competitive selection process will be required to adhere to all federal regulations and guidelines for third party contracting in addition to federal requirements pertaining to financial management.

11. FEDERAL REQUIREMENTS RELATED TO FTA FUNDING ASSISTANCE

As the designated recipient and direct FTA recipient, LexTran is responsible for managing all aspects of grant distribution and oversight of subrecipients receiving funds under this program, and submitting reports as required by FTA. LexTran is responsible for ensuring compliance of itself and its subrecipients with all relevant Federal requirements.

LexTran will apply its grants management and contractor management procedures to all subrecipients of JARC and New Freedom Program funding. LexTran will ensure that

benefits are distributed equitably among eligible groups, as required by Title VI of the Civil Rights Act.

FTA grantees and their subrecipients are held to a number of FTA-specific and other Federal requirements, including labor protections required under 49 U.S.C 5333(b) (labor protection requirements do not apply to NEW FREEDOMS). Chapter VIII of the FTA program guidance circulars cited in Section 6 of this plan summarizes those requirements and provides citations to the actual statutory or regulatory text. Subrecipients should carefully review all requirements provided in the circulars, as well as the statutory and regulatory bases for FTA issued guidance to ensure a thorough understanding of their responsibilities related to Federal requirements. LexTran makes legal affirmation to abide by FTA and other Federal requirements by signing a Master Agreement each fiscal year.

Certifications and Assurances - LexTran, as the direct recipient of FTA funding, will enter into agreements with subrecipients that include relevant requirements. All Federally required model clauses will be attached to the contract LexTran enters into with each subrecipient.

12. TRANSFER OF FUNDS

LexTran does not have a policy for transferring JARC or NF funds to section 5311 or 5307 programs.

13. PRIVATE SECTOR PARTICIPATION

Federal law requires the public to be involved in the transportation planning process, and specifically requires that private providers be provided an opportunity to be consulted in developing transportation plans. Public involvement processes must be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement throughout the transportation planning and programming process.

In addition to the public involvement outlined in Section 7 above, private sector providers of transportation services will have an opportunity to participate in the ongoing planning process through LexTran's Program of Projects procedures, as well as through the LexMPO's public involvement process.

14. CIVIL RIGHTS

LexTran and its subrecipients, through its interagency agreements, will certify compliance with the requirement of Title VI, Equal Employment Opportunity, (EEO), and Disadvantaged Business Enterprise (DBE) laws and regulations. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color and national origin for programs and activities receiving Federal financial assistance. Six Federal laws enacted between 1964 and 1991 comprise the Federal Equal Employment Opportunity (EEO) program, which prohibit job discrimination passed on race, color, religion, sex, national origin, age, disabilities and provide for monetary damages in cases of intentional employment discrimination.

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The U.S. Department of Transportation's Disadvantaged Business Enterprise (DBE) program, authorized by TEA-21 and continued in SAFETEA-LU, is intended to ensure nondiscrimination in the award and administration of DOT-assisted contracts and sub agreements. LexTran, as a recipient of Federal Transit Administration funds, has implemented and will require its subrecipients to have implemented, a Disadvantaged Business Enterprise Program in accordance with 49 C.F.R part 26. As such, LexTran and its subrecipients shall never exclude any person from participating in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by LexTran's DBE program on the basis of race, color, sex or national origin.

Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended (29 U.S.C. 794), prohibits discrimination on the basis of disability by recipients of Federal financial assistance.

The Americans with Disabilities Act of 1990 (ADA), as amended (42 U.S.C. 12101 et seq.), prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities, as well as imposes specific requirements on public and private providers of transportation.

U.S. DOT regulations implementing Section 504 and the ADA include 49 CFR parts 27, 37, and 38. Among other provisions, the regulations specify accessibility requirements for the design and construction of new transportation facilities; require that vehicles acquired (with limited exceptions) be accessible to and usable by individuals with disabilities, including individuals using wheelchairs; require public entities, including a private non-profit entity "standing in the shoes" of the State as a subrecipient providing fixed-route service, to provide complementary paratransit service to individuals with disabilities who cannot use the fixed-route service; and include service requirements intended to ensure that individuals with disabilities are afforded equal opportunity to use transportation systems.

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

LexTran certifies annually its compliance with Section 504 and American with Disabilities Act (ADA) and all applicable laws and regulations, for nondiscrimination on the basis of disability. Through its agreements with subrecipients and third party contractors LexTran also assures compliance at any tier of a project.

15. SUBRECIPIENT FINANCIAL MANAGEMENT

LexTran will develop and execute grant agreements for the Programs that include those projects selected for funding. LexTran will execute agreements after FTA funds are secured. Within the grant agreements for each Program LexTran will provide detail regarding any equipment approved for purchase, along with the equipment's intended use. Regarding projects for operating assistance, detail will be provided that outlines at a minimum the type of service provided by the subrecipient, the time period covered by the agreement, and the service area.

All funding for expenses incurred under both programs is provided on a reimbursement basis. LexTran will reimburse the subrecipient with the federal funds based on the percentages identified in all Program guidance, including this PMP, FTA Circulars, and other LexTran Program guidance. Subrecipients will retain the original receipts for all eligible project expenditures. In the case of capital projects, subrecipients must attach copies of vendor invoices to reimbursement requests. Subrecipients receiving operations assistance are not required to submit copies of all vendor invoices. However, they must retain copies in their offices for verification of expenses.

16. PROGRAM MANAGEMENT

LexTran will enter into a written agreement with each subrecipient that may be funded under the two programs stating the terms and conditions of assistance by which the project will be undertaken and completed. LexTran will monitor all local projects to ensure that subrecipients have met or will meet all Federal requirements consistent with U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 49 CFR part 18 (the "common rule" or "common grant rule"), and "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-profit Organizations," 49 CFR part 19. LexTran will also ensure compliance with requirements unique to the Section 5307 Urbanized Area Formula Program, the State of Kentucky.

LexTran will develop a checklist to monitor compliance (based on its existing Contractor Management procedure) and create a summary for each subrecipient, which it will keep on file and may make available to FTA during any Federal program management reviews.

17. PROCUREMENT

Procedures used by subrecipients to purchase eligible items with JARC and NFP grant funds must ensure competitive procurement and conformity to applicable federal law, including 49 CFR Part 18, specifically Section 18.36 and FTA Guidance Circular: FTA C 4229.1E, "Third Party Contracting Requirements." Subrecipients must perform in accordance with terms, conditions, and specifications of their contracts or purchase orders. LexTran will ensure that every sub grant includes any clauses required by Federal or state statute and executive orders and their implementing regulations.

18. PRE-AWARD AND POST-DELIVERY REVIEWS

Subrecipients that purchase rolling stock for use in revenue service must conduct a pre-award and post-deliver review to assure compliance with bid specifications, Buy America requirements, and Federal motor vehicle safety requirements. Only purchases of more than 10 vehicles, other than unmodified vans or sedans, require in-plant inspection. LexTran will obtain the certifications from subrecipients through the subrecipient agreement. LexTran will prepare a checklist for its subrecipients to use in complying with FTA's pre-award audit requirements. The checklist will address "Buy America;" Federal Motor Vehicle Safety Standards; Bus Testing, and the subrecipient's own specifications. Subrecipients are required to verify certified information by use of the checklist during the visit at the manufacturer's factory. LexTran will prepare a checklist (Visual Inspection Form and Road Test Form) for the subrecipient's use in the post-delivery inspection of the

vehicle(s). A copy of the completed checklist is required when the subrecipient submits their request for reimbursement.

19. BUS TESTING

New and modified bus models must be tested at the FTA-sponsored test facility in Altoona, Pennsylvania. Purchasers of new model buses should ensure that the manufacturer has complied with the testing requirement by requesting a copy of the bus testing report from the Altoona Bus Research and Testing Center, 2237 Old Route 220 North, Duncansville, PA 16635. The center's phone number is 814-695-3404, and bus testing reports may also be downloaded from the Bus Testing Database at www.altoonabustest.com. LexTran will obtain certifications from subrecipients that purchase new model buses that it has obtained a copy of the official bus testing report.

Buy America. FTA may not obligate funds for a grantee project unless all steel, iron, and manufactured products are produced in the United States, unless the product is subject to a general waiver, or a waiver has been granted. Buy America requirements apply only if the purchase exceeds the threshold for small purchases, currently \$100,000. For purchases over this threshold, LexTran will review during site visits invitations for bids to determine if Buy America provisions are included, and examine bid responses and executed contracts to determine if properly executed Buy America certifications have been obtained.

20. DEBARMENT AND SUSPENSION

To prevent fraud, waste, and abuse in Federal transactions, is responsible for ensuring that Federal funds are not provided to anyone who has been debarred, suspended, ineligible, or voluntarily excluded from participation in Federally-assisted transactions. The U.S. General Services Administration (GSA) maintains a website at www.epls.gov, which is updated in real-time as changes to data occur. LexTran will review during site visits a subrecipient's transactions, particularly for vehicles and equipment, to verify that checks have been made.

21. RESTRICTIONS ON LOBBYING

Recipients of Federal grants and contracts exceeding \$100,000 must certify that they have not and will not use Federal appropriated funds to pay for influencing or attempting to influence an officer or employee of any Federal department or agency, a member of Congress, or an officer or employee of Congress in connection with obtaining any Federal grant, cooperative agreement or any other Federal award. LexTran requires each subrecipient receiving more than \$100,000 to complete FTA's Certification on Lobbying prior to contract execution. All bids for equipment prepared by these subrecipients are required to contain this certification as well.

22. VEHICLE USE

Vehicles must remain in use for the purposes intended by the Federal program under which they are purchased. Maximum use of vehicles is encouraged, first for program related purposes, then for other federal program and project purposes, and finally for other community needs. LexTran is responsible for ensuring satisfactory continuing control over

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all vehicles purchased under JARC and NFP and must ensure that vehicles are insured and used for eligible public transit purposes.

If subrecipients intend to take vehicles out of service for program purposes, they must notify LexTran before doing so. Subrecipients must remit the federal percentage share of the equipment's current fair market value to LexTran. The fair market value is determined by obtaining an independent appraisal of the equipment.

The terms and conditions of vehicle use, disposition, and insurance requirements will be included in the subrecipient agreements prior to awarding funds for vehicles. LexTran will maintain an inventory of all vehicles purchased under each program, and will require subrecipients to submit annual vehicle use reports (miles, hours, passengers, trip purpose) to ensure that vehicles are used in accordance with program requirements and are not underused.

23. VEHICLE MAINTENANCE

LexTran is responsible for ensuring that federally funded equipment and facilities are kept in good operating order. As part of their standard subrecipient agreements, LexTran will require subrecipients to follow manufacturer's suggested maintenance activities and schedules to ensure they maintain equipment in good operating order and perform pre-trip inspections of vehicles. Proper lift maintenance is an ADA requirement, regardless of whether there is an FTA requirement to maintain equipment purchased with federal money. The DOT ADA regulations require all vehicle and facility accessibility features, such as the wheelchair lift, ramps, securement devices, signs, and communication equipment for persons with disabilities, as well as escalators and elevators in the grantee's facilities, be maintained and operational. The accessibility features must be repaired within the time frames specified in the regulations if they are damaged or out of order. When the equipment is not working, the grantee must take reasonable steps to accommodate persons with disabilities who would otherwise be using it. LexTran will check subrecipient maintenance records and may inspect vehicles during site visits.

24. EXCLUSIVE SCHOOL BUS TRANSPORTATION

Subrecipient agreements will include provisions related to compliance with 49 U.S.C. 5323(f) and FTA regulations, "School Bus Operations," at 49 CFR 605.14. Subrecipients must agree that they will:

(1) Not engage in school transportation operations in competition with private school transportation operators only to the extent permitted by 49 U.S.C. 5323(f), and Federal regulations; and

(2) Comply with the requirements of 49 CFR part 605 before providing any school transportation using equipment or facilities acquired with Federal assistance authorized by 49 U.S.C. chapter 53 or Title 23 U.S.C. for transportation projects.

25. DRUG AND ALCOHOL TESTING

Upon notification of grant award to a subrecipient, LexTran will require that subrecipients submit their policies and procedures to LexTran for review and approval. Collier LexTran will provide technical assistance to the subrecipient in the form of training, networking, policy development, and distribution of FTA's publication Implementation Guidelines for Drug and Alcohol Regulations in Mass Transit.

To monitor a subrecipient's compliance with the drug abuse and alcohol misuse requirement, LexTran will develop a checklist identifying each of the required elements including: policies, procedures for distributing policies, training elements, minimum definition of supervisors subject to training, minimum frequency for training, verification of attendance at training; method of selecting participants for random testing, procedures for conducting testing, and designation of a medical review officer.

LexTran will use the checklist during onsite visits. LexTran will require subrecipients to submit annual reports to verify compliance with the regulations.

26. DISADVANTAGED BUSINESSES ENTERPRISE

LexTran must ensure that each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, do not discriminate against DBEs has complied with the requirements of 49 CFR part 26.

27. PROGRAM REPORTING REQUIREMENTS

LexTran is responsible for ensuring certain reports are provided to FTA each year. In order to provide these reports for services provided by LexTran and its subrecipients, it will be necessary for LexTran to collect certain data from each subrecipient. The reports that LexTran will provide to FTA each year are:

Annual Program of Projects Status Reports – LexTran will submit quarterly status reports that include an updated POP for each approved grant that contains active projects. The updated POP reflects project descriptions, changes in projects from one category to another, and adjustments if applicable. Significant civil rights compliance issues occurring during the year (such as Title VI, Equal Employment Opportunity (EEO), or Disadvantaged Business Enterprise (DBE) Program complaints against LexTran or subrecipients) will be addressed in the annual status report. LexTran will also report notable accomplishments or problems involving JARC or New Freedoms subrecipients.

Milestone Activity Reports – For activity line items (ALIs) for which milestones were required at the time of recipient application (for example, for vehicle procurements, construction projects, and program reserve), LexTran will provide revised milestone dates as part of the report. If the estimated completion date for a project or grant has changed, the revised date will be provided with an explanation as to why the date has changed.

Financial Status Report – LexTran submits quarterly Financial Status Reports. For the purpose of this report, funds will be considered encumbered when agreements are signed with subrecipients. Reports will be prepared using the cash basis method of accounting.

LexTran's Program Management Plan July 2009

Program Measures – The following indicators are targeted to capture overarching program information as part of LexTran's fourth quarter POP status report.

For JARC Program Projects:

1. Actual or estimated number of jobs that can be accessed as a result of geographic or temporal coverage of the Project.
2. Actual or estimated number of rides (as measured by one-way trips) provided as a result of the Project.

For New Freedom Program Projects:

1. Services provided that impact availability of transportation services for individuals with disabilities as a result of the Project. Examples include geographic coverage, service quality and/or service times.
2. Additions or changes to environmental infrastructure (e.g., transportation facilities, side walks, etc), technology, vehicles that impact availability of transportation services as a result of the Projects.
3. Actual or estimated number of rides (as measured by one-way trips) provided for individuals with disabilities as a result of the Project.

This information will be submitted to the FTA in keeping with the Government Performance Results Act (GPRA).

Disadvantaged Business Enterprise (DBE) Reports – Recipients that receive planning, capital, and/or operating assistance and will award prime contracts exceeding \$250,000 in FTA funds in a fiscal year must have a DBE program. All subrecipients that receive planning, capital, and/or operating assistance and will award prime contracts exceeding \$250,000 in FTA funds in a fiscal year must also have a DBE program and submit a DBE program goal to FTA for review by August 1 of each year.