

RESOLUTION 52-2010

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA TO FUND THE CITY'S SECTION 5311 RURAL PUBLIC TRANSPORTATION PROGRAM

WHEREAS, the City of Benson has recently taken over from Catholic Community Services of Southern Arizona the local Section 5311 Rural Transportation Program; and

WHEREAS, the City is eligible to receive federal funds administered by the State of Arizona through the Department of Transportation for certain purchases related to this Program; and

WHEREAS, the attached Intergovernmental Agreement with the State of Arizona, AG Contract # 2010-002356, provides the City with \$482,501 for purchases relating to the City's Section 5311 Rural Transportation Program, for which the City commits to provide a match of \$141,298 in non-federal funds or in-kind services and to complete the Project Services described in Exhibit A to the Agreement.

NOW, THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Benson, Arizona that:

1. The attached IGA with the State of Arizona is hereby approved;
2. The Mayor is authorized to execute same on behalf of the City; and
3. City Staff is directed to implement the Section 5311 Rural Public Transportation Project described in this Agreement and otherwise comply with all terms included therein.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA this 9th day of August, 2010.



MARK M. FENN, Mayor

ATTEST:



VICKI L. VIVIAN, City Clerk

APPROVED AS TO FORM:



MICHAEL J. MASSEE, City Attorney

ADOT MPD File No.:JPA 10-019T
AG Contract #: 2010-002356
TRACS:
Project: Rural Public Transportation
Federal Transit Administration (FTA)
FTA Grant No.: AZ-18-X041 FY2010
Section 5311 Transit- Benson

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF BENSON
P. O. Box 2223
Benson, AZ 85602

THIS AGREEMENT is entered into _____, 2010, pursuant to Arizona Revised Statutes Section 11-952 through 11-954 as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION, through its Multimodal Planning Division (the "State") and the CITY OF BENSON, acting by and through its MAYOR and CITY COUNCIL or "the Contractor".

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 and 28-334 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The City of Benson is empowered by Arizona Revised Statutes Section 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City of Benson.

3. A 2010 extension of SARETEA-LU, the Federal Transportation Act, has made funds available effective 1 October, 2010, through 30 September, 2011 to the State to obtain and provide such funds for recipients of Section 5311 Rural Public Transportation Program.

4. The State and the City of Benson desire to define their respective responsibilities relating to the transfer of up to \$482,501, through the State to the City of Benson and the expenditure thereof, herein referred to as "the PROJECT".

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The State will:

a. Provide the City of Benson federal funds on an as needed basis cost reimbursement basis, in an amount not to exceed \$482,501 for purchases relating to the Section 5311 Rural Public Transportation Program.

b. Have the authority to re-distribute funds, if this Agreement is not received, signed by the parties herein and in force by 31 December, 2010.

2. The City of Benson will:

a. Apply funding to Project work activities in strict accordance with applicable community, federal and state laws, rules and regulations.

b. Conduct related work activities generally in accordance with Exhibits A, B and C attached hereto and made a part hereof. Be responsible for all costs of the program over and above the State contribution of \$482,501.

c. Provide the required \$141,298 match in non-federal funds or in-kind services and invoice the State for reimbursement no more often than monthly.

d. Undertake and complete the activities as proposed in the approved application for Section 5311 funds. Such activities of the Project shall be accomplished as described in Exhibit A, Project Services.

i. The cost of the Project is estimated as indicated in Exhibit B, Project Budget. The State assumes no financial obligation or liability hereunder.

ii. The method of payment shall be reimbursement of eligible costs incurred, up to the limits described herein. In accordance with the payment and reporting schedules prescribed by this Agreement, the City of Benson shall submit reports and Project billings to the State for reimbursement of approved capital expenses as incurred using the criteria shown on Exhibit C, Criteria for Federal Funds. In no event shall the total amount reimbursed by the State exceed the federal share approved for the Project.

iii. Billings for reimbursement of eligible expenses and reports of contract activities shall be submitted on an as needed basis through the e-mail electronic system on a spreadsheet template provided by the State's Transit Section. Required reports of procurement activities shall be submitted according to Exhibit C, Criteria for Federal Funds.

III. MISCELLANEOUS PROVISIONS

1. The only interest of the State in this Agreement is to convey federal pass through funds for the use and benefit of the City of Benson by reason of state and federal law under which funds for the activities are authorized to be expended. The City of Benson hereby agrees to save and hold harmless and indemnify from loss the State, any of its departments, agencies, officers or employees from any and all cost and/or damage incurred by any of the above and from any other damage to any person or property whatsoever, which is caused by any activity, condition, or event arising out of the performance, nonperformance or negligent performance of any provisions of this Agreement by the State, any of its departments, agencies, officers and employees, the City of Benson, any of its agents, officers and employees, or any of its independent contractors. Costs incurred by the State, any of its departments,

agencies, officers or employees shall include in the event of any action, court costs, expenses of litigation or attorneys' fees.

2. This Agreement shall remain in force and effect until November 30, 2011 for Administration, Operating and Training projects. Capital projects will remain until June 30, 2013; provided, however, that this Agreement may be cancelled at any time prior to the commencement of performance, upon thirty (30) days written notice to the other party.

3. Should the work contemplated under this Agreement be completed at a lower cost than the reimbursed amount, or for any other reason should any of these funds not be expended or expended in other than strict accordance with the terms and conditions of this Agreement, a proportionate amount of the funds provided shall be reimbursed to the State. Project vehicles may not be used for any other purpose than those directly meeting the terms and conditions of this Agreement.

4. The City of Benson shall not assign any portion of the work to be performed under this Agreement or execute any contract, amendment or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this Agreement without the prior written concurrence of State.

5. Should subcontractors be authorized by State, the subcontractors will be subject to all provisions of this Agreement. It will be the City of Benson's responsibility to duly inform the subcontractors by means of a contract or other legally binding document stipulating the subcontractor's responsibility to comply with this Agreement.

6. This Agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

7. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

8. In the event of any controversy which may arise out of this Agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

9. Federal funds for the described Scope of Work are contingent upon availability of funding and approvals as appropriate by FTA and ADOT.

10. The provisions of Arizona Revised Statutes Section 41-4401 pertaining to E-Verify and Federal immigration laws and regulations relating to employees are applicable to this Agreement.

11. The provisions of Arizona Revised Statutes Section 35-397, certifying that contractor does not have scrutinized business operations in either Sudan or Iran is applicable to this Agreement.

12. All notices or demands upon any party relating to this Agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

For Contract Issues:

Arizona Department of Transportation
MPD-Mgmt. Analyst Ann Cochran
206 South 17 Avenue, Mail Drop 310B
Phoenix, AZ 85007
Phone: 602-712-7463
Fax: 602-712-3046

City of Benson
Accounting Specialist, Denise Wolford
P. O. Box 2223
Benson, AZ 85602
520-586-0630

For Reimbursements:

Arizona Department of Transportation
(Same as above)

City of Benson
(Same as above)

13. Attached hereto is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this Agreement and that the agreement is in proper form.

14. This agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U. S. C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36. (Non-Discrimination: The contractor shall comply with Executive Order 99-4, which mandates that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation shall have equal access to employment opportunities, and all other applicable state and federal employment laws, rules and regulations, including the Americans with Disabilities Act. The contractor shall take affirmative action to ensure that applicants for employment and employees are not discriminated against due to race, creed, color, religion, sex, age, national origin or political affiliation or disability.)

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

THE CITY OF BENSON

**STATE OF ARIZONA
Department of Transportation**

By _____
MARK FENN, Mayor

By _____
JENNIFTER TOTH, Director
Multimodal Planning Division

ATTEST:

By _____
VICKI VIVIAN, City Clerk

JPA 10-019T

APPROVAL OF CITY OF BENSON

I have reviewed the above referenced proposed intergovernmental agreement, BETWEEN the DEPARTMENT OF TRANSPORTATION, MULTIMODAL PLANNING DIVISION, and THE CITY OF BENSON and declare this agreement to be in proper form and within the powers and authority granted to THE CITY OF BENSON under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this _____ day of _____, 2010.

MICHAEL J. MASSE, Attorney for THE CITY OF BENSON

Joint Project Agreement Responsibility Matrix

Project Name: City of Benson 5311 Program

ATTACHMENT A

Actions (from inception to completion)	Responsible Person Within Other Entity	Responsible Person Within ADOT	Due Date
Provide transit services to service area	Transit Manager (NAME)		Ongoing
Submit progress report and invoices on a monthly (preferably) but no more than quarterly basis	Transit Manager (NAME)		Quarterly
Review progress reports and invoices for program compliance		5311 Administrator (Sam Chavez)	Within 5 days of receipt
Submit invoices to grant accountant	Transit Manager (NAME)	Management Analyst (Ann Cochran)	Within 5 days of receipt
Process invoices for payment		Grant Accountant (Jeff Sloan)	Within 2 weeks of receipt
Substance Abuse Testing	Transit Manager (NAME)		Ongoing
Update Three-Year Plan		5311 Administrator (Sam Chavez)	Annual
Monitor Three-Year Plan	Transit Manager (NAME)		Ongoing
Substance Abuse GIS Report		5311 Administrator (Sam Chavez)	Annual
Transit Advisory Committee Meetings	Transit Manager (NAME)		Quarterly
DBE Report	Transit Manager (NAME)		Annual
Private Sector Policies/Procedures	Transit Manager (NAME)		Annual
Procurement Process	Transit Manager (NAME)	5311 Administrator (Sam Chavez)	As Needed
Consultant Contracts		5311 Administrator (Sam Chavez)	As Needed
RTAP Training	Transit Manager (NAME)	Training Coordinator (Dan Harrigan)	As Needed
Compliance with contract	Transit Manager (NAME)		Ongoing

**ATTACHMENT C
GENERAL ASSURANCES**

To the best of my knowledge, having read the program guidelines (FTA Circular 9040.1B, November 1, 2008) and referenced assurances, and as an authorized representative, I certify that the APPLICANT has the legal authority and is willing to make as part of the contract between the State of Arizona and the APPLICANT for Rural Public Transportation financial assistance, the following assurances and warranties:

- A. The APPLICANT has or will have the necessary legal, financial, and managerial capability to apply for, receive, and disburse Federal funding; and to carry out the project described herein, including the safety and security aspects of that project
- B. The APPLICANT has or will have by the time of delivery, sufficient funds to operate the vehicles and/or equipment purchased under this project, as applicable.
- D. The APPLICANT will have satisfactory continuing control over the use of project equipment and facilities and assures that the project equipment and facilities will be adequately maintained.
- E. The APPLICANT assures affirmative compliance with Title VI of the Civil Rights Act of 1964, and pursuant to EO 13166 and DOT policy guidelines concerning recipient's responsibilities to Limited English Proficient (LEP) persons FRA C 5010.1D pg. 11.8, and related statutes.
- F. Private transit and paratransit operators have been afforded a fair and timely opportunity to participate to the maximum extent feasible in the provision of the proposed transportation services by the APPLICANT.
- G. The APPLICANT assures that it will provide a drug - free workplace.
- H. The APPLICANT assures affirmative compliance with 49 CFR Part 653 and Part 655, 49 CFR Part 40, and 49 CFR Part 29, or successor statutes, the U.S. DOT anti-drug programs.
- I. The needs of the elderly and disabled persons have been addressed by the APPLICANT, pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794).
- J. The APPLICANT has demonstrated and will continue to demonstrate efforts to achieve coordination with other transportation providers and users, including social service agencies capable of purchasing service.
- K. The APPLICANT has complied, as applicable, with the labor protection provisions of Section 13(c) of the Urban Mass Transportation Act of 1964, as amended.
- L. The APPLICANT assures that it will comply with applicable provisions of the Americans with Disabilities Act (ADA), otherwise known as Public Law No. 101-336 and applicable provisions of 49 CFR Parts 27, 37 and 38: Transportation for Individuals with Disabilities; Final Rule.

- M. The Applicant will comply with the applicable provisions of the guidelines relative to charter bus service (Title 49 CFR Part 604) and school bus operations (Title 49 CFR Part 605; Title 49 USC 5323(f)).
- N. The APPLICANT has worked to ensure the continuation of existing transportation revenues to complement Rural Public Transportation funds.
- O. The Applicant assures that it will comply with all applicable Federal statutes and regulations in carrying out any project supported by an FTA grant or cooperative agreement. The Applicant agrees that it is under a continuing obligation to comply with the terms and conditions of the grant agreement or cooperative agreement issued for its project with FTA. The Applicant recognizes that Federal laws and regulations may be modified from time to time and those modifications may affect project implementation. The Applicant understands that Presidential executive orders and Federal directives, including Federal policies and program guidance may be issued concerning matters affecting the Applicant or its project. The Applicant agrees that the most recent Federal laws, regulations, and directives will apply to the project, unless FTA issues a written determination otherwise.
- P. Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order no. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. § 2000 (e).
- Q. The provisions of Arizona Revised Statutes Section 41-4401 pertaining to E. Verify and Federal immigration laws and regulations relating to employees are applicable to this application.
- R. The provisions of Arizona Revised Statutes Section 35-397 certifying the applicant does not have scrutinized business operations in either Sudan or Iran are applicable to this application.

BUDGET SUMMARY

	As Available	5311 Application Total				
	Capital - 93 / 7	Capital - 80 / 20	Operating	Administration	Training	Total
Fare Revenues			\$5,000			\$5,000
Other Operating Revenues			\$0			\$0
Local Share	\$28,434	\$0	\$51,734	\$8,324		\$88,492
Federal Share	\$377,766	\$0	\$71,442	\$33,293		\$482,501
TOTAL	\$406,200	\$0	\$128,176	\$41,617		\$570,993

PROJECT SUMMARY STATISTICS

	Total Expected	Line Number
Annual Ridership	24,000	(1)
Annual Miles	50,000	(2)
Annual Vehicle Service Hours	4,000	(3)
Total Operating Revenues	\$5,000	(4)
Total Non-Capital Costs (Administrative plus Operating Costs)	\$169,793	(5)
Administration as a percent of non-capital costs	39.74%	(6)
Fare Revenues / Total Operating Revenues	100%	(7)
Cost per Passenger Trip	\$ 7.07	(8)
Cost per Mile	\$ 3.40	(9)
Cost per Vehicle Service Hour	\$ 42.45	(10)
Federal Share of Non-capital costs	\$104,735	(11)
Federal Cost per Passenger Trip	\$ 4.36	(12)
Federal Cost per Mile	\$ 2.09	(13)
Federal Cost per Vehicle Service Hour	\$ 26.18	(14)

ADMINISTRATIVE BUDGET

(Whole \$ Only)

A. EXPENSES		FY 2010
Personnel	% Time	Budget
Transit Coordinator	15	\$11,686
Other Salaries: (specity below)		\$0
Admin/ Finance Administrator	35	\$11,379
Fringe Benefits		\$7,952
SUBTOTAL PERSONNEL		\$31,017
Other Administrative Expenses		
Travel Expenses		\$500
Space Rental		\$1,200
Audit		\$500
Utilities		\$300
Marketing / Advertising		\$2,000
Printing		\$2,000
Rental Equipment		\$0
Other (specify below)		
Office Supplies		\$1,500
SUBTOTAL OTHER ADMIN		\$8,000
Substance Abuse Program		
Collection Site(s)		\$2,000
Medical Review Officer		\$100
Laboratory Testin		\$400
Related Travel		\$100
SUBTOTAL SUBSTANCE ABUSE		\$2,600
B. ADMINISTRATIVE SUBTOTAL		\$41,617
The Administrative Budget, divided by the Federal share of Administrative Budget plus the Federal share of Operating Budget, cannot exceed a ratio of 40%.		39.74%
C. LOCAL SHARE (at least 20% of subtotal)		\$8,324
D. FEDERAL SHARE* (No more than 80% of subtotal)		\$33,293
E. LOCAL SHARE SOURCE:		
List each source and amount. All in-kind contributions used as part of local match must be listed as cost items in the Administrative expenses above.		
1 City of Benson		\$7,597
2		
3		
4		
5		
SUBTOTAL LOCAL SHARE		\$7,597

OPERATING BUDGET

(Whole \$ Only)

		FY 2010 Budget
A. OPERATING EXPENSES		
Personnel		
Driver Salaries	2 Drivers, Full Time, One Driver Part Time 11.50/hr	\$53,820
Other Salaries (specify below)		
Dispatch	15% of salary	\$4,877
Fringe Benefits		\$23,479
		\$0
		\$0
Total Fringe Benefits		\$23,479
SUBTOTAL PERSONNEL		\$82,176
Other Operating Expenses		
Fuel and Oil		\$23,000
Tires, Parts, Maintenance		\$6,700
Vehicle Licenses		\$3,000
Vehicle Insurance		\$7,000
Uniforms		\$600
Other Expenses (specify below)		
Telephone/ communications		\$5,700
SUBTOTAL OTHER OPERATING EXPENSE		\$46,000
OPERATING EXPENSE SUBTOTAL		\$128,176
B. OPERATING REVENUES		
Fare Revenues		\$5,000
Other Operating Revenues (includes advertising)		\$0
OPERATING REVENUE SUBTOTAL		\$5,000
C. NET OPERATING COSTS		
		\$123,176
(Subtract Operating Revenue Subtotal from Operating Expense Subtotal)		
D. LOCAL SHARE (at least 42% of "C")		
		\$51,734
E. FEDERAL SHARE (no more than 58% of "C")		
		\$71,442
F. LOCAL SHARE SOURCE		
List each source and amount. All in-kind contributions used as part of local match must be listed as cost items in the Administrative expenses above.		
1	City of Benson	\$51,734
2		\$0
3		
4		
5		
SUBTOTAL LOCAL SHARE		\$51,734

** If there is no LTAFII funding, the City of Benson is prepared to cover the shortfall.

E. CAPITAL COST ESTIMATES

List cost estimates for all above requested items. Itemize cost estimates for any requests for vehicle rehabilitation.

Requested Item	Quantity	Unit Cost	Subtotal
Passenger Shelters	5	4750	23750
Computer	1	1200	1200
Vehicle 28'	2	127728	255456
Vehicle 23'	1	122794	122794
Office Supplies			1500
Bus Stop Signage	10	150	1500
			0

TOTAL CAPITAL COST: 406200

Please submit information for both Part I and Part II match ratios.

Part I. Sliding Scale / STP Flex match Ratio

(93% / 7%) Match Ratio

Federal Share	377,766
Local Share	28,434

Part II. FTA 5311 Standard Match Ratio

(80% / 20%) Match Ratio

Federal Share	0
Local Share	0

The final match ratio will depend on the number of applications and level of funding. ADOT reserves the right to adjust the match ratios between 93% Federal / 7% Local and the standard 5311 match ratio of 80% Federal / 20% Local to provide for equitable

ATTACHMENT C CRITERIA FOR FEDERAL FUNDS

FEDERAL AND STATE REQUIREMENTS

As a Federal program, Federal legislation and a variety of Federal regulations form the foundation of how the Section 5311 program is operated. Arizona Department of Transportation (ADOT) has developed regulatory guidance on how some of these provisions are enacted in Arizona. In other cases, the requirement and language is straight from the Federal legislation and enabling regulations.

In this section, the basic Federal and State requirements are summarized. In addition to reading the abbreviated summaries in this handbook, applicants are urged to read the FTA Program Circular and the applicable Office of Management and Budget Circulars for a better understanding of the Federal requirements. These references are provided at the end of the chapter.

In Part V of the handbook, the Application Forms, applicants will see these fundamental regulations included in the application. As you complete the application, it may be useful to return to this section to get a broader understanding of the Federal or State requirement.

A. Federal Government Obligations to Third Parties

Sub-recipients must agree that without the Federal government's express written consent, the Federal government shall not be subject to any obligations or liabilities to any sub-recipient, any third party contractor, or any other person not a party to the Grant Agreement or Cooperative Agreement in connection with the performance of the Project. Notwithstanding any concurrence provided by the Federal government in or approval of any solicitation, sub-agreement, or third party contract, the Federal government continues to have no obligation or liabilities to any party, including the sub-recipient and third party contractor.

B. Private Enterprise Involvement

Applicants must ensure that private-for-profit and private non-profit transit operators are given the opportunity to participate in the planning and implementation of the project to the maximum extent feasible. This includes soliciting private companies' participation in their planning process and encouraging private companies to actively participate in the planning process.

ADOT encourages all applicants to fully utilize the resources and expertise of private providers such as taxicab companies, intercity bus operators and human service transportation systems, considering the capability of these firms to provide the needed service. Purchase of service agreements or contracts with private operators are an appropriate means of providing general public transportation service.

Applicants should review local regulations to ensure that private companies are treated fairly. This includes revising or encouraging adjustments in local regulations to permit private companies to operate the applicants' services more efficiently.

Applicants should periodically review their existing services to determine if private companies can provide parts of the service, or the entire service, more efficiently. Consider the total cost of providing transportation service when comparing public and private service proposals. The subsidies provided to public and private nonprofit transportation providers such as capital assistance grants, operating subsidies, and the use of public facilities should be reflected in the cost comparisons.

Finally, applicants shall have a process in place to resolve disputes with private transportation providers.

Documentation such as letters of support, formal agreements or minutes of meetings will assist the application. The application must contain a list and description of all transportation providers in the service area including the days and hours of service, number of passengers, frequency of service, fare charged, and area served.

Requirements the applicant must meet related to private enterprise involvement are:

- **Provide Reasonable Notice to Private Operators.** The applicant must provide reasonable notice to all transportation providers in the proposed service area to inform them of the project and ascertain whether the private providers could participate in the project. This is accomplished by publishing a public notice in a newspaper of general circulation and by writing letters to providers.
 - Publish two notices of public hearings, one week apart. Schedule the date of the hearing at least five days after the second notice is published. The notice of the public hearing must include the name of the applicant, the time, date, and place of the hearing, an adequate description of the project, including the area to be served by the proposed undertaking, items to be purchased, constructed, etc. The grant proposal must be made available for public inspection. See Application Supplemental Materials for a sample Notice of Public Hearing.
 - Send letters to each private provider describing the project and providing the notice of the public hearing. These letters must be sent via registered mail.
- The application must contain a copy of the notice of public hearing as published and a summary of the public hearing, together with copies of the letters sent, any exhibits and written statements submitted.
- **Privatization Policy.** The applicant must submit a local privatization policy that includes a method of resolving disputes. New projects will write privatization policies as part of their contract activities. ADOT will provide guidance to projects on this task.

C. Public Involvement

All applicants for Rural Public Transportation Program funds must hold a public hearing. Public notices shall be published in the newspaper(s) having general circulation in the vicinity of the proposed undertaking. Any public hearings should be held at a place and time generally convenient for persons affected by the proposed undertaking. The site must be accessible to the elderly and persons and/or with disabilities. Provisions should be made at the hearing for submission of written statements, exhibits, and oral statements. If requested to the ethnic makeup of the community, translators must be provided for non-English speaking persons at the hearing. A written summary of the oral proceedings must be prepared. (See Notice of Public Hearing in Application.)

D. Labor Protection Provisions

Section 13 of the Urban Mass Transportation Act of 1964, as amended, specifies that as a condition to any financial assistance, fair and equitable arrangements be made to protect the interests of

employees of transit providers, which may be affected by the project receiving such assistance. Applicants shall either (1) execute the Special Warranty developed by the U.S. Departments of Labor and Transportation or (2) request and receive approval for waiver of the required protection from the Department of Labor.

Successful applicants must provide the labor protection information required (see attached sample Listing of Recipients Eligible Surface Public Transportation Providers and Labor Representation for 13(c) in application) by no later than August in order to insure a fully executed contract by October first. ADOT is required (annually) to certify to the Department of Labor that 5311 agencies are in compliance with terms and conditions of the Special Section 13(c) Warranty.

E. Audits of State and Local Governments

State agencies are responsible for: ensuring that audits are performed pursuant to the requirements of OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations;" resolving audit findings; and bringing problems to FTA's attention. FTA does not require an annual financial audit of a sub-recipient when assistance is provided solely in the form of capital equipment procured directly by the State.

If the amount of FTA funds granted to a particular sub-recipient does not trigger the requirement for an A-133 audit, the State may still request to review the total Federal funds received by an agency to determine if, in combination their total Federal funds from all sources exceed the threshold set at \$500,000. At a minimum, ADOT requires sub-recipients to bring to the attention of the State any audit findings relevant to their use of FTA funds.

The Single Audit Act provides that: The audit shall cover the entire operations of the transit agency and departments that received Federal financial assistance during the year. A series of audits of individual departments, agencies, and establishments for the same fiscal year may be considered a single audit.

An independent auditor in accordance with generally accepted government auditing standards covering financial and compliance audits should conduct the audit.

The Auditor shall determine whether:

- The financial statements of the agency present fairly its financial position and results of its financial operation in accordance with generally accepted accounting principles.
- The agency has internal accounting and other control systems to provide reasonable assurance that it is managing Federal financial assistance program in compliance with applicable laws and regulations.
- The agency has complied with laws and regulations that may have material effect on its financial statements and on each major Federal assistance program.

The audits shall be submitted annually as part of the contract deliverables.

F. Disadvantaged Business Enterprises (DBE)

A DBE is defined by the U.S. Department of Transportation as “a for-profit small business concern 1) 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; and 2) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.” A “socially and economically disadvantaged individual” is further defined as any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is African American, Hispanic American, Native American, Asian-Pacific American, Subcontinent Asian American, a woman, determined to be socially and economically disadvantaged by ADOT, or a member of an additional group designated as socially and economically disadvantaged by the Small Business Administration.

The FTA states, sub-recipients who receive more than \$250,000 in various forms of FTA assistance, **exclusive of transit vehicle purchases**, must have a DBE program

Assurances: The contractor, sub-recipients (including vehicle awardees) or subcontractors shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requires of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as the sub-recipient deems appropriate.

The Objectives of the DBE Program are: The Arizona Department of Transportation’s policy is to ensure nondiscrimination in the award and administration of DOT-assisted contracts in its highway, transit and airport financial assistance programs. To achieve this, the agency will strive:

- To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- To ensure that the DBE program is narrowly tailored in accordance with applicable law;
- To ensure that only firms that fully meet this part’s eligibility standards are permitted to participate as DBEs;
- To help remove barriers to the participation of DBEs in DOT-assisted contracts; and
- To assist the development of firms that can compete successfully in the marketplace outside the DBE program.

Sub-recipients of Rural Public Transportation funds should take affirmative steps to ensure that socially and economically disadvantaged business enterprises participate in the performance of contracts and subcontracts. This may mean as actual transportation service providers, or as suppliers of commodities or services needed in the operation of transportation service.

Where the sub-recipient or subcontractor is found to have failed to exert sufficient reasonable and good faith efforts to involve DBEs in the work provided, ADOT may declare the sub-recipient or subcontractor in breach of contract, refer to 49 CFR pt. 26.

The ADOT Grant Administrator files annual contracting activity reports to FTA. All sub-recipients, even those not meeting the threshold, are required to calculate the DBE participation rate and submit these to ADOT. ADOT requires sub-recipients to obtain certifications from contractors that they are DBE, if applicable.

All applicants who receive preliminary approval for their project must notify ADOT Civil Rights Office and inform them of all proposed contracting and purchasing opportunities in the project, and request the Program Administrator's assistance in locating and contracting with DES.

G. Civil Rights Requirements

All sub-recipients of FTA assistance are responsible for compliance with all Civil Rights requirements applicable to transit related projects, including 49 U.S. 5332 (Nondiscrimination), Title VI of the Civil Rights Act of 1964, Equal Employment Opportunity (EEO), Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and Disadvantaged Business Enterprise (DBE) program requirements, pursuant to Executive Order 13166 and DOT policy guidance concerning recipient's responsibilities to Limited English Proficient (LEP) persons (FRAC 5010.1D pg. II.8). The sub-recipients also agrees to include these requirements in each subcontract financed in whole or in part with Federal assistance provided by FTA, modified only if necessary to identify the affected parties.

The sub-recipient agrees that it will not discriminate against any participant, employee or applicant for employment because of race, color, creed, sex, disability, age, religion, or national origin. The sub-recipient agrees to take affirmative action to ensure applicants and employees are treated without regard to their race, color, creed, sex, disability age, religion, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or advertising, layoff or termination, rates of pay or other forms of compensation; and selection for training. The sub-recipient also agrees to comply with any implementing requirements FTA may issue.

The sub-recipient agrees to comply with the current DBE, EEO, LEP and ADA regulation requirements identified in the respective assurances enclosed in the application package. Failure by the sub-recipient to carry out the terms of the DBE, EEO, LEP and ADA program shall be treated as a violation of the Grant Agreement.

H. FTA Charter Requirements

Under FTA's charter service regulation, 49 CFR Part 604, sub-recipients are barred from providing charter service using FTA-funded equipment or facilities if there is at least one willing and able private operator. Sub-recipient must indicate in the application if they intend to provide charter service at anytime during the contract year.

Procedures for determining if there are any willing and able operators are identified in 49 CFR 604.9 (b). This section requires a public notification process, which includes placing a notice in a newspaper of general circulation within the charter service area, with a copy to private charter operators in the same area. The notice must describe the charter service the sub-recipient seeks to provide, the days and time at which it will take place, and the type of vehicle that will be used. Requirements of the charter regulations are as follows:

- A sub-recipient may provide charter service if there is no willing and able private charter operator.
- A sub-recipient may enter into a contract with a private charter operator to supply equipment or actually provide a trip if the private operator does not have the capacity needed for the trip.
- A sub-recipient may enter into a contract with a private operator to supply equipment for a particular trip if the private charter operator lacks equipment accessible to elderly and disabled persons.
- Sub-recipients in rural areas may petition FTA for an exception if the charter service that will be provided by private operators would result in a financial or other hardship for the customer. Sub-recipients should submit hardship exception requests to their FTA regional office.
- Sub-recipients may petition FTA for authorization to provide charter service directly to the customer when private operators are not capable of providing service for special events.
- Sub-recipients may provide direct charter service for tax-exempt nonprofit social service organizations that are contracting for service for disabled persons, is a sub-recipient of funds under certain U.S. Dept. of Human Health Services (USDHHS) programs, or is State certified according to a procedure set forth in the regulation.
- Sub-recipients in rural areas may provide direct charter service for tax-exempt social service agencies that are contracting for service for elderly persons.
- Sub-recipients may provide certain types of charter service when they have a formal agreement with local willing private operators. The sub-recipient must state in its annual charter notice that it wishes to provide specified types of charter service, and must obtain the written agreement of all willing and able private operators in its service area.

If a request to any charter agency results in a negative reply, the grantee must submit a request to ADOT for approval before providing the charter service. Monitoring of this rule will be included in the annual on-site-visit review. Trip records, contracts, income statements, and marketing materials will be reviewed for any evidence of chartering in the absence of authority to do so. Lack of compliance will result in disciplinary action and a plan of correction.

I. Intercity Bus

FTA identifies intercity bus service as 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, which has the capacity for transporting available. Package express service may be included, if incidental to passenger transportation. Commuter service (service designed primarily to provide daily work trips within the local commuting area) is excluded from the definition.

While much of the public transportation service assisted under Section 5311 covers large distances because of the nature of the areas served, not all long distance trips are included in the definition of intercity service. Similarly, service that only stops at an intercity bus facility among other destinations within the city at either end of a route that covers a long distance, without regard to

scheduled connections, is eligible for Section 5311 assistance as public transportation, but is not an intercity feeder service.

A public entity operating or contracting for intercity bus service is not required to provide complementary paratransit service for individuals with disabilities who are unable to use the fixed route intercity bus service.

Intercity bus service is a vital link between otherwise isolated rural and small urban communities and the rest of the nation. In recent years the major intercity carriers have abandoned many less productive routes. Patronage generated in rural and small urban areas, however, appears to be important to the continuing viability of the remaining intercity routes. One objective of the funding for intercity bus service under Section 5311, therefore, is to support meaningful connections between non-urbanized areas and scheduled intercity bus service in urban areas to more distant points. Intercity services accommodate baggage carried by passengers. Another objective is to support services to meet the intercity travel needs of residents in non-urbanized areas.

J. School Bus Requirements

Under FTA's school bus requirements, set out under 49 U.S.C. 5323(f) and 49 CFR Part 605, sub-recipients may not engage in school bus operations exclusively for the transportation of students. These provisions derive from 49 U.S.C. 5302(a), which authorizes FTA assistance for mass transportation, but specifically excludes school bus service from such Federal assistance.

Section 605.3 of the regulation allows grantees to provide "tripper" service, which is mass transit service modified to accommodate the needs of school students and personnel. Buses used in tripper service must be clearly marked as open to the public. These buses may stop only at a grantee's regular service stop. All routes traveled by tripper buses must be within a grantee's regular route service as indicated in their published route schedules. The purpose of this provision is to ensure that buses acquired with Federal assistance are clearly perceived by the public as available for their use.

Moreover, Section 605.11 of the rule exempts a grantee from the prohibition on exclusive school bus operations if it engaged in school bus operations prior to August 1973 or if private operators are unable to provide adequate transportation. A request for such an exemption, with supporting documentation, should be sent to the FTA Administrator.

It should be noted that even if a grantee obtains an exemption to engage in school bus operations, the Federal transit laws do not permit support of such operations with FTA assistance. Thus, the grantee cannot use FTA funded buses in its school bus operations, or service or maintain them in a FTA funded facility.

K. Federal Motor Carrier Safety Licenses

All non-municipal operators are subject to Federal Motor Carrier Safety Regulations. Contact the Federal Highway Administration, Office of Motor Carriers, 234 North Central, Suite 330, Phoenix, AZ 85004, (602) 379-6851.

L. Grant Administration and Eligible Costs

As with all Federal grant programs, sub-recipients must comply with the following Office of Management and Budget (OMB) Circulars, and Presidential Executive Order 12372.

Applicable Circular or Executive Order for State, Local, and Tribal Governments	
OMB Circular A-102	Uniform Administrative Requirements for Grants-In-Aid to State and Local Governments
OMB Circular A-87	Cost Principles Applicable to Grants and Contracts with State and Local Governments
Executive Order 12372	Intergovernmental Review of Federal Programs
OMB Circular A-128	Audits of State and Local Governments

Applicable Circular or Executive Order for Non-Profit Organizations

Applicable Circular or Executive Order for State, Local, and Tribal Governments	
OMB Circular A-110	Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations
OMB Circular A-122	Cost Principles for Non-Profit Organizations
Executive Order 12372	Intergovernmental Review of Federal Programs
OMB Circular A-133	Audits of Institutions of Higher Education and other Non-Profit Institutions

M. Drug & Alcohol Requirements

The Drug-Free Workplace Policy is part of the Federal government's effort to eliminate the use of illegal and controlled substances from the workplace. This includes any substance that alters the senses or could affect one's ability to function in one's job. The regulations affect all Federal government agencies, their contractors and their direct grant sub-recipients and/or subcontractors.

ADOT and FTA Requirements

The Arizona Department of Transportation has adopted a Drug & Alcohol-Free Workplace Policy. In addition to the Department, sub-recipients which receive FTA funds must comply with the regulations contained in 49 CFR Part 40, procedures for transportation workplace drug testing programs and 49 CFR Part 655, Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations.

Safety sensitive functions are defined as those employees who operate revenue vehicles (whether or not in revenue service), operate a non-revenue service vehicle when required to be operated by a holder of a Commercial Driver's License, control the movement or dispatch of the vehicles, and maintain vehicles (unless in the case of the Rural Public Transportation programs 5311, 5307 or 5309 in an area less than 200,000 in population and contracts out such services), security personnel who carry firearms, and supervisors who could perform any of the above responsibilities.

The Implementation Guidelines for Drug and Alcohol Regulations in Mass Transit updates the document revised in August 2002 (FTA-OH-26-001-94-1). The revised Implementation Guidelines summarize and interpret Part 655. The Implementation Guidelines and the Best Practices are intended to be used together. The Implementation Guidelines communicates to readers the requirements and the Best Practices explain compliance. To obtain a copy of The Implementation Guidelines for Drug and Alcohol Regulations in Mass Transit, go to http://www.transit_safety.volpe.dot.gov

Grantee Requirements

FTA requires each employer to establish a policy that defines its Drug and Alcohol Testing Program and requires the entity's governing body to formally adopt the policy. An entity's governing body is the board of directors or highest-ranking officials. The person who is primarily responsible for implementing and managing the program usually guides development of the initial draft of the policy and presents it to the governing body for review and approval. It is generally useful to involve top management officials, union officials (if the employees are represented) and local legal counsel in reviews of the draft policy.

The policy must show proof of governing board adoption. Some entities include a header on their entire document that contains the policy number, adoption date, and appropriate signature. Other common methods include a page documenting meeting minutes, or a formal adoption page complete with signatures. Another method is to include it as an appendix.

Although policies must be changed, readopted, and redistributed to reflect significant regulatory revisions, policy re-adoption is not necessary for minor regulatory changes. The same applies to minor changes in the policy statement such as the name of the entity's new Drug and Alcohol Program Manager, Medical Review Officer (MRO), Substance Abuse Professional (SAP), collection site, or testing laboratory. Such changes are often included in an appendix and described in a form distributed to safety-sensitive employees.

Policy Statement

At a minimum, transportation operators and their subcontractors must adopt a policy which details the prohibited behaviors, testing requirements, identified sources of assistance for substance abuse problems, and the consequences for refusal to take tests and for positive drug and alcohol results.

Employee and Supervisor Education

Transportation operators must have a training program for all employees in safety sensitive positions that are compliant with the regulation. Employees must be trained prior to assuming their duties. The policy must include a community service "hot - line" telephone number and the name of a person where employees can obtain assistance. In addition, supervisors who have the responsibility and authority to refer employees for testing under reasonable cause must receive additional training in manifestations and behavioral cues indicative of drug and alcohol use and abuse.

Your application should contain a list of managers who completed supervisor training. The application package also includes Substance Abuse Program Implementation Checklist that must be completed by continuing project applicants.

Substance Abuse Testing Program

Section 5311 recipients must be in compliance with the FTA Drug & Alcohol Testing Program. Transportation operators must test employees who perform safety sensitive functions for the use of five prohibited drugs: marijuana, cocaine, opiates, phencyclidine, and amphetamines and for alcohol. There are potentially six conditions which testing is mandatory:

Pre-employment and/or Pre-duty - Testing for drugs and the receipt of a negative test result is required prior to an employee performing in a safety sensitive position and before a current employee is transferred into a safety sensitive position.

Reasonable Cause - Testing is required when an employee in a safety sensitive function is observed by a trained supervisor to be exhibiting behavior indicative of drug or alcohol abuse. Reasonable Cause testing for drugs may be done anytime a safety sensitive employee is on duty. Reasonable Cause testing for alcohol may only be done just prior to, during or immediately after an employee has performed a safety sensitive duty.

Post - Accident - Testing is mandatory when an accident results in a fatality or when an individual involved in the accident is transported for medical treatment, or any vehicle is towed from the site of the accident.

Random: The random selection of employees is conducted in a scientific manner from a pool of safety sensitive employees ensuring that the employee has the same chance of being selected for testing every time there is a random selection done; The random testing rate is set by the FTA and the testing must be spread over 12 months, unpredictable, and unannounced. Testing must be performed immediately upon notification of the employee.

Should the agency choose to retain the employee who refuses to test or has a positive drug or alcohol test result, the following additional conditions require testing of the employees:

Return-to-Duty - Testing of the employee is required after a policy violation resulting in a positive drug or alcohol test or the refusal to test. If the employer wants to return the employee to safety sensitive duties the employee must be evaluated by a Substance Abuse Professional (SAP) and once the SAP recommends the employee is ready to return to duty a negative drug and/or alcohol test must be required by the employer.

Follow-up-Testing - Any employee who has tested positive on a drug test or .04 or greater on an alcohol test must be evaluated by a Substance Abuse Professional. Upon the completion of the return to duty testing requirement, the SAP will prescribe the number of unannounced tests in addition to the usual conditions of testing that must be performed. The tests must be a minimum of 6 within the first 12 months of returning to work and can continue up to 60 months.

Reporting Procedures

Transportation operators must certify compliance and submit reports to ADOT on an annual basis as per 49 CFR Part 40. The reports shall be submitted on the appropriate form and shall consist of the requirements stated within the regulation which includes but is not limited to the number and results of drug and alcohol tests on the forms provided within the federal register or within the FTA implementation Guidelines. Failure to certify compliance or submit the required reports will result in the suspension of your system's eligibility for operating and capital funding.

Implementation in Arizona

When you implement the drug and alcohol regulations, you will affect all aspects of your operation including boards or commissions, the employee, the personnel system, and sub contractors.

If you as the grantee subcontract services, you will be responsible to ensure that sub contractors are in compliance with the regulations that will require monitoring of their programs. In addition, you must also create new contractual relationships with appropriately qualified medical experts and certified drug testing laboratories and certified alcohol testing facilities, equipment and technicians. All Arizona Rural Public Transportation projects will be required to comply with and participate in ADOT's drug and alcohol program.

For those sub-recipients without their own contracted testing programs, ADOT will assist the agency by supplying guidance.

N. Applicant Certifications and Assurances

ADOT's Multimodal Planning Division is responsible for ensuring sub-recipients compliance with applicable Federal requirements. As part of the application package, an updated set of assurances and certifications are provided to each sub-recipient. They are also made a part of the sub-recipients grant contract. All applicants must sign and agree to comply with all of the assurances listed on the application checklist. Two forms are included in Section Five of the Application Packet. The Federal Fiscal Year Certifications and Assurances must be signed by the agencies authorized representative and the agency attorney. The authorized representative only must sign the second, General Assurances.

The updated set of requirements is published annually in the Federal Register as the Fiscal Year Certification and Assurances for Federal Transit Administration Assistance Program. You can access this information through the ADOT Multimodal Planning Division website at: <http://mpd.azdot.gov/transit>.

The ADOT Multimodal Planning Division maintains signed copies of these certifications and assurances to document that the sub-recipients agree to all requirements. In addition, the ADOT Multimodal Planning Division monitors compliance with these provisions as part of its overall management of the program.

O. National Transit Database (NTD)

SAFETEA-LU requires each recipient under the section 5311 program to submit annual rural data through the NTD for each grantee containing information on annual revenue, operations, and service provided. The reporting period is 1 July through 30 June and each grantee must submit their data to ADOT no later than 1 September of each year. Grantees are required to use the report form located on the Multimodal Planning Division webpage to submit their transit data (<http://mpd.azdot.gov/transit>). As the section 5311 recipient, ADOT will compile the rural data and submit to the NTD no later than 28 October.

P. Safety and Security

As part of the Federal Transit Administration (FTA), eligible Section 5311 sub-recipients are required to comply with guidance contained in the Emergency preparedness, Response and Recovery requirements in the FTA Security Initiative. One of the requirements involves the completion of a Safety, Security and Emergency Preparedness Plan (SSEPP). During FY 2007 ADOT-Section 5311 staff is committed to explore coordinated approaches to assist sub-recipients to implement a disaster safety and emergency evacuation plan, with a focus on ensuring business continuity and providing effective evacuation support.

Safety has always been a priority for the Federal Transit Administration (FTA). The FTA has made it clear that all transit systems in the Section 5311 program must identify their role in their respective communities by being ready to respond to a crisis; be it man made or natural disaster. ADOT has the responsibility to insure that written plans are prepared and implemented.

Q. Federal Program Management References

The following references provide guidance for sub-recipient program management and sub-recipient eligibility of the Section 5311 Program, as excerpted from FTA Circular 9070.1D, October 1, 1998, as updated:

1. Federal transit laws, 49 U.S.C. §§ 5301 *et seq.* (Also, 49 U.S.C. Chapter 53).
2. Federal highway and surface transportation laws, Title 23, United States Code (Highways)
3. Transportation Equity Act for the 21st Century, Pub. L. No. 105-178 (1988)
4. Intermodal Surface Transportation Efficiency Act of 1991, Pub. No. 102-240 (1991).
5. Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794.
6. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d.
7. Clean Air Act, as amended, 42 U.S.C. §§ 7401 *et seq.* and scattered sections of 29 U.S.C.
8. Lobbying Restrictions, 31 U.S.C. § 1352.
9. Congressional Declaration of Policy Respecting Insular Areas, 48 U.S.C. § 1469a.
10. Executive Order No. 11246, "Equal Employment Opportunity", as amended by Executive Order no. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. § 2000 (e).
11. Department of Transportation (U.S. DOT) regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 49 C.F.R. Part 18.
12. DOT regulations, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations," 49 C.F.R. Part 19.
13. DOT regulations, "New Restrictions on Lobbying", 49 C.F.R. Part 290, modified as necessary by section 10(b) of the Lobbying Disclosure Act of 1995 (which amends 31 U.S.C. § 1352).
14. DOT regulations, "Participation of Minority Business Enterprises in Department of Transportation Programs," 49 C.F.R. Part 23.
15. DOT regulations, "Nondiscrimination on the basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 C.F.R. Part 27.
16. DOT regulations, "Drug-Free Workplace Requirements (Grants)," 49 C.F.R. Part 29, subpart F.
17. DOT regulations, "Transportation Services for Individuals with Disabilities ("ADA" 49 C.F.R. Part 37).

18. DOT regulations, "Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles," 49 C.F.R. Part 38.
19. FTA regulations, "Capital Leases," 40 C.F.R. Part 639.
20. FTA regulations, "Buy America Requirements," 49 C.F.R. Part 661.
21. FTA regulations, "Pre-Award and Post-Delivery Audits of Rolling Stock purchases," 49 C.F.R. Part 663.
22. FTA regulations, "Bus Testing," 49 C.F.R. Part 665.
23. Joint Federal Highway Administration / FTA regulations, "Planning Assistance and Standards," 23 C.F.R. Part 450 and 49 C.F.R. Part 613.
24. Department of Treasury regulations, "Rules and Procedures for Funds Transfers," 31 C.F.R. part 205.
25. Office of Management and Budget (OMB) Circular A-87, "Cost Principles for State and Local Governments."
26. OMB Circular A-122, Revised, "Cost Principles for Non-Profit Organizations."
27. OMB Circular A-133, Revised, "Audits of States, Local Governments, and Non-Profit Organizations."
28. Government Services Administration (GSA), "Catalog of Federal Domestic Assistance."
29. FTA circular 4220.1E, "Third Party Contracting Requirements," dated April, 2005.
30. FTA circular 5010.1D, "Grant Management Guidelines," dated 11-01-08.
31. FTA "Best Practices Procurement Manual," 10-25-96
32. GSA, "Lists of Parties Excluded from Federal Procurement and Non-Procurement Programs."
33. United States Maritime Regulations "Cargo Preference Requirements," 46 U.S.C. 1421, 46 CFR Part 381
34. Energy Conservation Requirements, 42 U.S.C. 6321 et seq., 49 CFR Part 18
35. Clean Water Requirements, 33 U.S.C. 1251
36. Federal Changes, 49 CFR Part 18
37. Recycled Products, 42 U.S.C. 6962, 40 CFR Part 247, Executive Order 12873
38. Termination, 49 U.S.C. Part 18, FTA Circular 4220.1E
39. Government-Wide Debarment and Suspension, 49 CFR Part 29, Executive Order 12549
40. Breaches and Dispute Resolution, 49 CFR Part 18, FTA Circular 4220.1E
41. Disadvantaged Business Enterprise (DBE), 49 CFR Part 26
42. Program Fraud and False or Fraudulent Statements and Related Acts, 31 U.S.C. 3801 et seq, 49 CFR Part 31, 18 U.S.C. 1001, 49 U.S.C. 5307
43. Incorporation of Federal Transit Administration Terms, FTA Circular 4220.1E
44. Fly America Requirements, 49 U.S.C. 40118, 41 CFR Part 301-10
45. Dependent Guidelines for Federal Transit Administration Recipients 4702.1A
46. DOT order to address Environmental Justice in Minority Populations and Low Income Populations