Subrecipient Monitoring Procedures

Houston Metropolitan Transit Authority of Harris County
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SUBRECIPIENT STATUS

As a prime recipient and pass-through entity of federal awards, Houston METRO is required to ensure that subrecipients comply with certain federal requirements. A subrecipient is any entity that receives FTA or state assistance through Houston METRO, rather than from the FTA or state directly. The term "subrecipient" also includes the term "subgrantee," but does not include "third party contractor" or "third party subcontractor."

Simply stated a subrecipient can be designated by the direct recipient or grantee whereas contractors must be selected through a competitive procurement process. The procurement process is more rigorous for contractors while the administrative monitoring requirements are greater when working with subrecipients.

A contractor is an individual or firm (either non-profit or for-profit) which is paid with federal funds by the grantee in return for the delivery or performance of specific services. This contractor normally provides similar goods or services to many different purchasers as part of its regular business and operates in a competitive environment. When the contractor finishes its job, it walks away from the project (having been paid a fair price for quality work) and has no further vested interest in the project. By the same token, the grantee retains its interest or ownership in the project. In most instances, a contractor is simply a vehicle to carry out project activities which the grantee is not capable of undertaking.

A subrecipient, on the other hand, is an organization that is provided federal funds by a grantee (or direct recipient), for its own use in carrying out agreed-upon, eligible activities. Naturally, the organization which receives this funding is undertaking activities which are supported by the grantee. Such an organization is authorized, by virtue of its articles of incorporation charter, and/or experience, to undertake the activities for which it will receive federal funding. It does not have to be procured in the same manner as a contractor; in fact, such an organization may be, and usually is, "designated" by the grantee.

There are typically three kinds of subrecipients:

1. Governmental non-profits, which are public agencies, commissions, or authorities that are created by the grantee government;
2. Private Non-profits, which are incorporated under the non-profit statutes of state law, and frequently having 501(c) (3) status under IRS); or,
3. Less frequently, a private for-profit which can carry out special activities.

GRANT PROGRAMS ROLE AND RESPONSIBILITIES

The following general procedures outline the roles and responsibilities of grant management in determining federal subrecipients and reporting on those subrecipient awards.

GRANT SETUP

After a subrecipient project has been selected by the Project Evaluation, the project is approved by the Houston METRO Board of Directors, included in the Houston Galveston Area Council (H-GAC) Transportation Program (TIP), the State Transportation Program (STIP) and grant application executed with the Federal Transit Administration (FTA), an Interlocal Agreement (ILA) is executed. All awards over $25,000 are also filed in the Federal Sub-Award
Reporting System.
Grant Programs staff will notify the Grant Accountant the grant has been awarded, provide a budget worksheet outlining the FTA Activity Line (ALI) items, provide a unique six-digit accounting grant extension code that designates a federally funded grant project, activity and Catalog of Federal Domestic Assistance (CFDA) number. Spending cannot begin on a grant-funded project until the grant and Interlocal Agreement have been executed.

GRANT PROGRAMS ROLES AND RESPONSIBILITIES
Grant Programs monitors subrecipient activities as necessary to ensure that federal awards are used for authorized purposes; are in compliance with laws, regulations agreements; and performance goals are achieved. Once grants are awarded, it is important that Grant Programs staff properly administer the grants. Specifically, Grant Programs need to ensure that grant funds are used for intended purposes, in accordance with laws and regulations, and will lead to agree upon results. Effective grant management increases the likelihood that grants will contribute to agency goals. When managing grants, Grant Programs staff should address:

1. Obtaining Interlocal Agreements (ALIs).
2. Monitoring the financial status of grants.
3. Ensuring results through milestone and performance reporting.
4. Working with the subject area experts to complete required subrecipient monitoring

All reimbursement requests are fully documented and reviewed prior to the disbursement of funds.

INTERLCOAL AGREEMENT
In any situation where Houston METRO receives funding from FTA, there must be a fully executed grant agreement. Houston METRO cannot release funds without executed grant and interlocal agreements.

Grant Programs is responsible for understanding the agreements and ensuring that both Houston METRO and the subrecipient fulfill the grant agreements. The agreement needs to have enough information to allow the Grant Programs staff to provide adequate contract oversight. Grant Programs is responsible for drafting a subrecipient contract for review and approval by Legal. The Agreement is specific for the FTA funding program and is the mechanism for grant management including Houston METRO access to the subrecipient’s records and financial statements.

Once the interlocal agreement is executed, Grant Programs will retain one agreement and the other sent to the subrecipient.

FISCAL MONITORING
The timely receipt of financial records and reports from grantees is necessary for Grant Programs to effectively monitor the financial status of grants. Ineffective grant monitoring increases the risk of improper payments and untimely grant expenditures and may result in the misuse or waste of funds. Grant Programs has various tools to monitor the financial status of grants. Fiscal monitoring includes, but is not limited to:

- Reviewing bills, invoices or other fiscal documentation;
- Comparing budgets and/or budget limits to actual costs;
- Obtaining reasonable documentation that services charged to the grant were actually delivered according to the contract;
- Comparing bills with supporting documentation to determine that costs were allowable, necessary and/or allocable, according to the policies of the federal program.

When reviewing invoices Grant Programs verifies that the charges:

- Occurred after the beginning of the grant;
- Are allowable under the grant;
- Supported with adequate documentation; and
- Are not duplicate charges.

For adequate documentation the invoice submitted to Grant Programs must have enough information so that someone unrelated to the grant could determine that the charges were appropriate.

**ROLLING STOCK**

A subrecipient purchasing revenue service rolling stock with FTA funds must ensure that pre-award and post-delivery audits are complete before the recipient enters into a formal contract for the purchase of such rolling stock and after rolling stock is delivered to the subrecipient. Internal Audit may perform pre-award and post-delivery audits. Grant Programs must coordinate with Internal Audit to ensure that the audits are performed. If the Grant Programs is to perform these audits Grant Programs is responsible to verify that the following certifications are on file with the subrecipient.

If a grant involves capital expenditures, the Grant Programs is responsible for obtaining the following certifications and forwarding the completed certifications to the Grant Compliance Analyst. Certifications are located in Attachment A.

**Pre-Award and Post-Delivery Buy America Certification**

This certification states that the subrecipient maintains either a (1) FTA letter granting a waiver to the rolling stock to be purchased from Buy America requirements, or (2) had an independent audit.

The independent audit would ensure that the rolling stock purchase meets Buy America requirements. The subrecipient must maintain records that component and subcomponent parts of the rolling stock to be purchased identified by manufacturer of the parts, their country of origin and costs; and the location of the final assembly point for the rolling stock, including a description of the activities that will take place at the final assembly point and the cost of final assembly.

**Pre-Award Purchaser’s Requirements Certification**

This certification is kept on file by the recipient and states that (1) The rolling stock the recipient is contracting for is the same product described in the purchaser's solicitation specification; and (2) The proposed manufacturer is a responsible manufacturer with the capability to produce a vehicle that meets the recipient’s specification set forth in the recipient’s solicitation.

**Post-Delivery Purchaser’s Requirement Certification**

This certification is kept on file by the recipient and states that a resident inspector (other than an agent or employee of the manufacturer) was at the manufacturing site throughout the period of manufacture of the rolling stock to be purchased and monitored and completed a report on the manufacture of such rolling stock.

After reviewing the report and visually inspecting and road testing the delivered vehicles, the vehicles meet the...
contract specifications.

The inspectors report includes the following:

(1) Provide accurate records of all vehicle construction activities; and
(2) Address how the construction and operation of the vehicles fulfills the contract specifications.

Manufacturer's Federal Motor Vehicle Safety Standard Self-Certification

If federal motor vehicle standards do not apply, the recipient must provide a certification from the manufacturer stating such. If the standards do apply, a recipient shall keep on file its certification that it received, both at the pre-award and post-delivery stage, a copy of the manufacturer's self-certification information that the vehicle complies with relevant Federal Motor Vehicle Safety Standards.

PROGRAMMATIC MONITORING

Programmatic monitoring compares actual service delivery with the description of performance objectives and measures as identified in the contract. Program monitoring may include any or all of the following:

- Reviewing the service provisions of the contract to determine what the recipient is to provide and the desired quality;
- Reviewing the contractor’s reports and other materials to determine if services are being provided;
- Interviewing direct delivery staff and others to determine if services are being performed according to the contract; and
- Conducting on-site reviews, when appropriate, to check the nature and quality of the services being provided.

Written documentation pertaining to contractor performance, such as progress reports, site visit reports, payment and expenditure data, memoranda of verbal discussions, and written correspondence, should be maintained and reviewed to ensure satisfactory progress.

PERFORMANCE REPORTING

Grant Programs is responsible for FTA quarterly financial and milestone reporting. Subrecipient site visits are planned on an annual basis. Grant Programs maintains documentation on subrecipient monitoring activities performed.

CLOSEOUT

When the project is complete, a final report must be filed with FTA. The final report includes the actual completion dates for all the project milestones listed in the grant application, a final financial status report and list of assets purchased with the grant.

Houston METRO must initiate close-out of a grant when all approved activities are completed and/or applicable federal funds expended. For grants containing several projects, Grant Programs staff works with the subrecipient to complete the close-out report.

All close-out documentation must be submitted within 90 days of the completion of all activities in the grant. This
requires notifying FTA by letter or e-mail that the grant is ready for close-out. Grant Programs staff will electronically submit the following in TEAM/TRAMS as part of the grant close-out process:

1. Final budget reflecting actual project costs by scope and activity;
2. Final FSR;
3. Final narrative Milestone Progress Report (MPR) indicating the actual completion dates of each ALI; a discussion of each ALI contained in the final budget and list of project property purchased under the grant;
4. Request to deobligate any unexpended balance of Federal funds; and
5. Any other reports required as part of the terms and conditions of the grant.

**GRANT PROGRAMS RESPONSIBILITIES**

As a steward of public funds, Houston METRO is responsible for ensuring that grant funds are used properly and organizations comply with all of the requirements associated with receiving state and/or federal grant funds. Houston METRO is dedicated to working together with subrecipients to provide technical assistance and guidance in meeting those requirements. Grant Programs staff performs ongoing activities in addition to conducting annual compliance reviews and other issue specific reviews as necessary.

**ONGOING DUTIES**

Grant Programs staff monitors subrecipient activities as necessary to ensure that federal awards are used for authorized purposes; are in compliance with laws, regulations agreements; and performance goals are achieved. To do so, the Grant Programs staff must understand the subrecipient’s environment, systems, and controls sufficiently to identify the level and methods of monitoring required. The level of monitoring should appropriately reflect the level of risk or exposure that exists from sub-granting the funds.

This section discusses the tools the Grant Programs staff uses in assessing and measuring program compliance, and provides an overview of the reporting requirements associated with the funds being managed. To help ensure compliance with state and federal laws as well as program requirements, the Grant Programs Staff regularly:

- Reviews grants
- Assesses risk
- Reviews grant charges
- Provides ongoing communication and training

**REGULAR GRANT REVIEWS**

Grants Program staff review all documentation associated with each reimbursement request. Reimbursements are monthly or quarterly. Staff is in constant contact with subrecipients for the duration of the grant and provides additional assistance as necessary.

**RISK ASSESSMENT**

Throughout the grant cycle, the Grant Program Staff evaluates subrecipients to determine the level of assistance and oversight necessary to ensure compliance with grant requirements. When completing the risk assessment the
Grant Program Staff factors in:

- Grant sources and amounts;
- Financial audits and findings;
- Past site review and findings; and
- Quarterly performance reports.

The cumulative risk level determines the level of review.

1. High Risk – Detailed compliance review and site visit
2. Moderate Risk – Detailed compliance review, site visit discretionary based on prior compliance reviews.
3. Low Risk – Compliance review optional with written justification.

If the subrecipient is determined to be low risk, they will still be subject to review if there are changes in federal regulations or guidance or national trends indicate that a review focus is necessary. For example, review focus areas could be procurement and contracting, and equal employment opportunity (EEO). If a subrecipient is low risk they would still be subject to a review of procurement and contracting (if applicable) and EEO.

**GRANT CHARGE REVIEWS**

All reimbursements require supporting documentation and are reviewed for:

- Compliance with grant award;
- Compliance with Houston METRO policy and procedures;
- Federal language in agreements; and
- Supporting documentation.

Other areas will be sampled during a site visit.

**ONGOING COMMUNICATION, EDUCATION, AND TRAINING**

Grant Programs staff provides regular support and guidance to subrecipients and Houston METRO staff to assist with understanding federal requirements and practical ways to be in compliance with grant requirements. As part of this communication Grant Programs identifies areas that need clarification and training. Grant Programs prepares written guides for subrecipients and researches compliance for management.

**ANNUAL FINANCIAL AUDIT REVIEW**

Subrecipients that receive $500,000 in a fiscal year or $750,000 after 2015 or more in federal funds in any year (from all federal sources) must have an annual single audit or program specific audit conducted by an independent audit in accordance with OMB Circular A-133 prior to 2015 and 2CFR200 thereafter. The FTA specifically requires audits when the total of FTA funds expended are equal to or greater than $500,000 in a fiscal year or $750,000 after 2015.

Grant recipients are required to submit a copy of their OMB Circular A-133 audit to Grant Programs who will review the audit to identify any issues which will be reviewed during a site visit. After 2015, the Single Audits will be retrieved by Grant Programs form the Federal Audit Clearinghouse Internet Data Entry System. Grant Programs will also use audit results to determine the level of additional review required in the site visit(s).
instances where an A-133 or 2CFR200 audit is required but not yet complete for the fiscal year, the Grant Program staff must follow-up to ensure they receive the audit when complete. All subrecipients are also required to provide a copy of the current annual audit. If the subrecipient does not receive an annual financial audit of any kind, the subrecipient is a higher risk and compliance review and site visit including a review of financial records will be performed.

The financial audit review is documented in the site visit form.

**ANNUAL COMPLIANCE REVIEWS**

Houston METRO conducts periodic compliance reviews of subrecipients to ensure that they are in compliance with grant requirements. These reviews ensure that the subrecipient has adequate financial systems and is properly using grant funds. The Grant Compliance Analyst will perform annual compliance reviews of high risk and/or high profile grants in accordance with the risk assessment. Prior to a review, the Grant Compliance Analyst will contact the Project Manager to discuss any concerns or issues. During the site visit, the Grant Compliance Analyst will review compliance with grant agreements and federal requirements. An example of an annual compliance review is located in Attachment B: Subrecipient Monitoring Compliance Review.

The compliance review template will change year to year depending on audit results, past compliance reviews, changes in service, requirement updates, or national trends. If any issues are identified during the site review, Grant Programs staff will follow up with the subrecipient to ensure that the issues are adequately addressed. As part of this effort, Grant Programs staff will prepare detailed policies and procedures and provide training to subrecipients in areas of non-compliance.

This section outlines federal requirements that Grant Programs staff will review during site visits.

**GOVERNANCE**

Many subrecipients are smaller, non-profit organizations, where the board plays a vital role in ensuring adequate operational oversight. As part of the governance review, Grant Programs staff reviews the prior year of board minutes and bylaws, to determine the level of engagement and oversight. During this review the minority representation table and board recruitment procedures will be reviewed for Title VI requirements.

**FINANCIAL MANAGEMENT**

Financial management is one of the most important practices in the management of federal funds. By reviewing subrecipient financial management, Grant Programs staff verifies that subrecipients have effective control and accountability for federal funds. During the site visit, Grant Programs staff will review financial management practices to provide reasonable assurance that:

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1 In accordance with FTA Circular 4220.1F Third Party Contracting Requirements, FTA Circular 5010.1D Grant Management Requirements, and 49 CFR Section 18.37 Subgrants.

2 Certain grant programs may have additional compliance requirements that will be reviewed during a site visit.
Proper records are maintained for equipment acquired with federal awards, equipment is adequately safeguarded and maintained, disposition or encumbrance of any equipment or real property is in accordance with federal requirements, and the federal awarding agency is appropriately compensated for its share of any property sold or converted to non-federal use.

Program income is correctly earned, recorded, and used in accordance with the program requirements.

During invoice review for reimbursement, Grant Programs staff will verify that:

- Federal awards are expended only for allowable activities and that the costs of goods and services charged to Federal awards are allowable and in accordance with applicable principles.
- Reimbursement is requested only after costs have been incurred.
- Contractors and subcontractors were properly notified of the Davis-Bacon Act requirements and the required certified payrolls were submitted to the non-Federal entity, if applicable.
- Federal funds are used only during the authorized period of availability.

MATCHING
Grant programs often have matching requirements. Documentation of local match is part of the application and project team evaluation of the project for funding. Grant Programs will validate the local match is properly calculated and valued during the reimbursement review.

PERFORMANCE MONITORING
Grant Programs staff often has performance measures. Performance will be reported in the FTA Quarterly Milestone reports.

SUBRECIPIENT ELIGIBILITY
Subrecipient eligibility is determined during the application review process by the project evaluation team.

CIVIL RIGHTS
Subrecipients must not discriminate based on race, color, national origin, religion, sex, sexual orientation, marital status, age or disability. To verify compliance with civil rights laws and regulations, Human Resource staff reviews equal employment opportunity (EEO) and affirmative action policies and procedures, Title VI plans and updates, and accessibility.

Equal Employment Opportunity Program
Subrecipients and contractors that receive capital or operating assistance in excess of $1 million, or planning assistance in excess of $250,000, and employ 50 or more transit-related employees, must submit an EEO plan to Grant Programs. The plan will be forwarded to the Houston METRO EEO representative, who will review and approve the program.

Title VI
Subrecipients are required to develop a Title VI policy that describes how they will ensure non-discrimination to limited English proficiency, minority, and low-income populations in their services. As a designated recipient of FTA funds, Houston METRO receives, administers, and allocates funds to subrecipients and is responsible for documenting compliance with Title VI. Houston METRO’s responsibilities include monitoring subrecipient compliance with Title VI, collecting and reviewing Title VI documents, including subrecipient Title VI data to FTA, and providing assistance and support to subrecipients.
To assist with the requirement, the *Subrecipient’s Guide to Title VI Compliance* was developed to help subrecipients understand the requirements (Attachment C). If a subrecipient is not in compliance with Title VI regulations, the METRO Human Resource staff will work with the subrecipient to ensure compliance. This includes providing data, information, guidance, and support for the full development and formal adoption of the subrecipient Title VI program components. A subrecipient Title VI work plan is included for guidance (Attachment D).

To track Title VI compliance, the Human Resource staff will:

- Document subrecipient compliance with the general requirements.
- Collect and maintain subrecipient Title VI program documents on a designated schedule.
- Forward subrecipient Title VI information as requested by the FTA.

**Disadvantaged Business Enterprise**

If a subrecipient awards more than $100,000 in federal funds to one contractor in a calendar year, that subrecipient is required to have a Disadvantaged Business Enterprise (DBE) program. The Small Business/DBE staff will review subrecipient awards of federal funds to determine if they need to have a DBE program. If the subrecipient does not have a DBE program, the Small Business/DBE staff will work with the subrecipient to ensure that a DBE program is created that meets requirements. If the agency has a DBE program, it must be submitted to METRO’s Disadvantaged Business Enterprise Liaison Officer (DBELO) for review and approval. (Please see attachment F).

**Accessibility**

Titles II and III of the Americans with Disabilities Act of 1990 (ADA) provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service, including complementary paratransit service. When a subrecipient contracts for fixed route service, including commuter bus service, all of the buses used in the service must be accessible.³ Demand response, or vanpool systems, are also subject to equivalent service requirements. A vehicle that an individual with disabilities can use must be made available to and used by a vanpool in which such an individual chooses to participate.

The METROLift staff will ensure that subrecipients comply with the ADA requirements when:

- Training drivers;
- Acquiring new, used or remanufactured vehicles or when remanufacturing vehicles;⁴
- Providing equivalent service when acquiring non-accessible vehicles for general public demand-responsive service;⁵
- Maintaining vehicles and facilities that are required, to make them accessible to and usable by persons with disabilities, including wheelchair users; and
- Constructing transit facilities.

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³ Public operators of fixed route systems open to the general public are required to provide complementary paratransit or other special service to persons with disabilities that are comparable to the level of service provided to individuals without disabilities who use the fixed route system.

⁴ All vehicles purchased must be ADA accessible unless the agency certifies that equivalent service is provided.

⁵ Equivalent services includes: response time, fares, geographic area of service, hours and days of service, availability of information, reservations capability, constraints on capacity or service availability, and restrictions priorities based on trip purpose.
**PROCUREMENT AND CONTRACTING**

Houston METRO is responsible for ensuring that subrecipient compliance with procurement and contracting rules. Subrecipients are required to have written procurement procedures that comply with state federal law to include specific required clauses in FTA- funded procurements, verify that contractors are not suspended or debarred, and that if applicable, Buy America provisions are followed.

Procurement staff will verify that the subrecipient procurement procedures are in compliance with FTA Circular 4220.1F, Third Party Contracting Guidance. Additionally, Procurement staff will review procurements and contracting to ensure policies and procedures were followed, contractors were not suspended or debarred, all federal clauses were included in the procurement and contract, and that if applicable Buy America provisions were followed.

**Suspension and Debarment**

FTA grantees not only are required to certify that they are not excluded from federally assisted transactions, but also are required to ensure that none of the grantee’s “principals”: subrecipients, and third-party contractors and subcontractors are debarred, suspended, ineligible or voluntarily excluded from participation in federally assisted transactions. This requirement only applies to awards greater than $25,000. To prevent fraud, waste, and abuse in state and federal transactions, persons or entities, which by defined events or behavior, potentially threaten the integrity of federally administered programs are excluded from participating in FTA-assisted programs.

**Lobbying**

Recipients of federal grants and contracts exceeding $100,000 must certify compliance with P.L. 101-121, Section 319, Restrictions on Lobbying, before they can receive funds. In addition, grantees are required to impose the lobbying restriction provisions on their contractors. This requirement applies to awards greater than $100,000.

**CAPITAL EXPENDITURES**

When a grant includes authorization for capital expenditures, Grant Programs Staff in conjunction with Procurement will review compliance with Buy America, prevailing wage, equipment and real property management, maintenance procedures, and equipment compliance certifications. Requirements are presented below:

**Prevailing Wage**

The prevailing wage Davis-Bacon and related acts, apply to contractors and subcontractors performing on federally funded or assisted contracts in excess of $2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Davis-Bacon Act and Related Act contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. The Davis-Bacon Act prevailing wage provisions apply to the “Related Acts,” under which federal agencies assist construction projects through grants, loans, loan guarantees, and insurance.

For prime contracts in excess of $100,000, contractors and subcontractors must also, under the provisions of the Contract Work Hours and Safety Standards Act, as amended, pay laborers and mechanics, including guards and watchmen, at least one and one-half times their regular rate of pay for all hours worked over 40 in a workweek.
The overtime provisions of the Fair Labor Standards Act may also apply to DBA-covered contracts.

**Equipment and Real Property Management**

Provide reasonable assurance that proper records are maintained for equipment acquired with federal awards, equipment is adequately safeguarded and maintained, disposition or encumbrance of any equipment or real property is in accordance with Federal requirements, and the Federal awarding agency is appropriately compensated for its share of any property sold or converted to non-Federal use.

**Maintenance Procedures**

All Section 5307, Section 5309, Section 5337, Section 5339, Section 5310, Section 5316 and Section 5317 grant recipients must keep federally funded equipment and facilities in safe, operating order. Recipients must have policies and procedures to maintain vehicles. Recipients must maintain in operative condition those features of facilities and vehicles that are required to make the vehicles and facilities readily accessible. ADA accessibility features must be repaired promptly if they are damaged or out of order. Recipients must establish a system of regular and frequent maintenance checks of lifts sufficient to determine if they are operative.

**Equipment Compliance Certification**

Section 5307, Section 5309, Section 5311, Section 5337, and Section 5339 recipients and their contractors must have a drug and alcohol testing program in place for all safety sensitive employees. Section 5310, Section 5316, and Section 5317 are not subject to FTA’s Drug and Alcohol testing rules, but must comply with the Federal Motor Carrier Safety Administration rule for employees who hold Commercial Drivers Licenses. If a grantee uses a contract service provider or maintenance provider to perform safety sensitive functions, these contractors also are subject to the provisions of these regulations. For transit agencies that use volunteer drivers, the volunteers are not subject to testing.

**Drug and Alcohol Testing (Safety Sensitive Employees)**

FTA drug and alcohol testing requirements apply to subrecipients with safety sensitive employees that receive FTA funds under Sections 5307, 5309, 5337, 5339 or 5311, except where funds are exclusively for facilities or planning and the subrecipient does not fund operations. Houston METRO is responsible for passing through drug and alcohol testing requirements, providing technical assistance in understanding and meeting the requirements, and overseeing the drug and alcohol programs of subrecipients, contractors, subcontractors, and lessees with safety-sensitive employees.

6 The FTA-mandated drug and alcohol testing program is separate from and in addition to the provisions of the Drug-Free Workplace Act (DFWA).
Houston METRO’s Drug and Alcohol oversight program is administered by the safety division. Prior to conducting a site visit Grant Programs staff contacts the safety division to determine if the subrecipient has been reviewed. The Safety Division prepares, maintains, and submits the annual (Management Information System) MIS reports to FTA. The annual MIS reports includes Section 5307, 5309, 5337, 5339 and 5311 subrecipients, contractors, subcontractors, and lessees with safety sensitive employees.

**SCHOOL BuSSERVICES**

If applicable, Grant Programs will discuss the following restrictions with subrecipients. Section 5307, Section 5309, Section 5337, Section 5339, Section 5310, Section 5316 and Section 5317 grant recipients, and their contractors, cannot engage in school bus operations (providing vehicles or facilities) exclusively for the transportation of students and school personnel in competition with private school bus operators. In no case can federally funded equipment or facilities be used to provide exclusive school bus service. \(^7\)

**CHARTER SERVICES**

If applicable, Grant Programs will discuss the following restrictions with subrecipients. Section 5307, Section 5309, Section 5337, Section 5339, Section 5310, Section 5316 and Section 5317 recipients and their contractors, are prohibited from using federally-funded equipment or facilities to provide charter service, except on an incidental basis; and then, only when one or more of the seven exceptions set forth in the charter service regulation in 49 CFR Section 604.9 (b) apply. Other conditions include recovering the fully allocated cost of the service and putting the revenues earned back into your transportation Program. \(^8\)

**ISSUE SPECIFIC COMPLIANCE REVIEWS**

During the annual compliance review, risk assessment, or grant charge reviews, Grant Programs staff may identify certain compliance areas where subrecipients need additional assistance. Grant Programs will research the topic area and levels of compliance to prepare documents and processes necessary to facilitate further review assistance. If subrecipients need training or guidance translating federal requirements, Grant Programs Staff may prepare documents for compliance; for example a *Subrecipient’s Guide to Title VI Compliance* (Attachment B) was prepared to aid with understanding federal requirements related to Title VI. After guidance is distributed, Grant Programs and appropriate METRO staff will meet with subrecipients to assist with developing a plan (Attachment C) for compliance.

**ANNUAL CERTIFICATION LETTER OF COMPLIANCE**

Grant Programs Staff is responsible for sending and reviewing the annual certification letter (and supporting documentation) for proper completion and signature. Grant Programs staff should follow-up as appropriate with the subrecipient on exceptions or when no responses are provided. Annual Certification Letter of Compliance is in Attachment I.

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\(^7\) This prohibition does not apply to school “tripper service.” Tripper service is defined as regularly scheduled mass transportation service open to the public, which is designed or modified to accommodate the needs of school students and personnel. Such service must be open to the public, must serve regular transit stops, and must be delineated on route schedules and maps. Vehicles may not display a “school” sign.

\(^8\) Charter services means transportation using buses or vans or facilities, funded with FTA grants, which are provided to a group of persons who because of common purpose, have acquired exclusive use of the vehicle or service. The group operates under a single contract, at a fixed charge for the vehicle or service; and the group travels together under an itinerary either specified in advance or modified after the trip begins.
ATTACHMENT A: MONITORING FORMS

PRE-AWARD PURCHASER’S REQUIREMENTS CERTIFICATION

As required by Title 49 of the CFR, Part 663-Subpart B, certifies that the vehicle(s) listed below is/are the same product(s) described in the recipient’s solicitation specification and that the proposed manufacturer is a responsible manufacturer with capability to produce a vehicle that meets the specifications.

Vehicle Description: ________________________________

VIN: ________________________________

Registered Owner: ________________________________

Security Interest Holder: ________________________________

ODOT - PTD Agreement Number: ________________________________

Date: ________________________________

Signature: ________________________________

Title: ________________________________

Recipient Agency: ________________________________

Address: ________________________________

City, State, Zip Code: ________________________________
PRE-AWARD BUY AMERICA COMPLIANCE CERTIFICATION

As required by Title 49 of the CFR, Part 663-Subpart B, ____________________________ is satisfied that the vehicle/equipment to be purchased from the vendor listed below meet(s) the requirements of Section 165(b)(3) of the Surface Transportation Assistance Act of 1982 as amended. The recipient listed below has reviewed documentation provided by the manufacturer, which lists (1) the proposed component and sub-component parts of the vehicle/equipment identified by the manufacturer, country of origin and cost; and (2) the proposed location of the final assembly point for the vehicle/equipment, including a description of the activities that took place at the final assembly point and the cost of final assembly.

Vehicle Description: ________________________________

VIN: ________________________________

Registered Owner: ________________________________

Security Interest Holder: ________________________________

ODOT - PTD Agreement Number: ________________________________

Date: ________________________________

Signature: ________________________________

Title: ________________________________

Recipient Agency: ________________________________

Address: ________________________________

City, State, Zip Code: ________________________________
POST-DELIVERY PURCHASER’S REQUIREMENTS CERTIFICATION

As required by Title 49 of the CFR, Part 663-Subpart C, after visually inspecting and road testing the contract vehicle(s) certifies that the vehicle(s) listed below meet(s) the contract specifications.

Vehicle Description: ________________________

VIN: ________________________

Registered Owner: ________________________

Security Interest Holder: ________________________

ODOT - PTD Agreement Number: ________________________

Date: ________________________

Signature: ________________________

Title: ________________________

Recipient Agency: ________________________

Address: ________________________

City, State, Zip Code: ________________________
POST-DELIVERY BUY AMERICA COMPLIANCE CERTIFICATION

As required by Title 49 of the CFR, Part 663-Subpart C, certifies that it is satisfied that the vehicles(s) received, described below meet(s) the requirements of Section 165(b)(3) of the Surface Transportation Assistance Act of 1982 as amended. The recipient has reviewed documentation provided by the manufacturer, which lists (1) the proposed component and sub-component parts of the vehicle(s) identified by the manufacturer, country of origin and cost; and (2) the proposed location of the final assembly point for the vehicle(s), including a description of the activities that took place at the final assembly point and the cost of final assembly.

Vehicle Description: ____________________________
VIN: ____________________________
Registered Owner: ____________________________
Security Interest Holder: ____________________________
ODOT - PTD Agreement Number: ____________________________

Date: ____________________________
Signature: ____________________________
Title: ____________________________
Recipient Agency: ____________________________
Address: ____________________________
City, State, Zip Code: ____________________________
POST-DELIVERY BUS TESTING AND FMVSS CERTIFICATION

The undersigned ________________________________ grantee certifies that the vehicle obtained in this procurement complies with 49 U.S.C. A 5323(c) and FTA’s implementing regulation of 49 CFR, Part 665.

The undersigned understands that misrepresenting the testing status of a vehicle acquired with Federal financial assistance may subject the undersigned to civil penalties as outlined in the Department of Transportation’s regulation on Program Fraud Civil Remedies, 49 CFR, and Part 31. In addition, the undersigned understands that FTA may suspend or debar a manufacturer under the procedures in 49 CFR, Part 29.

The undersigned also certifies that the vehicle described below meets all Federal Motor Vehicle Safety Standards (FMVSS) which are applicable to this type of vehicle. This also certifies that any modifications to the vehicle have not violated the integrity of the structure, design, or systems that have been tested to conform to the FMVSS for this vehicle.

Vehicle Description: ____________________________________________
VIN: _________________________________________________________
Registered Owner: _____________________________________________
Security Interest Holder: _________________________________________
ODOT - PTD Agreement Number: _________________________________
Date: _________________________________________________________
Signature: _____________________________________________________
Title: _________________________________________________________
Recipient Agency: ______________________________________________
Address: ______________________________________________________
City, State, Zip Code: ___________________________________________
Capital Item Requirements Form

1. Has applicant inventoried Capital Items it has purchased with federal monies and sent the inventory to Houston METRO?
   - Yes  
   - No

2. Has applicant notified Houston METRO of the sale or transfer of capital items and reported the use of sale proceeds?
   - Yes  
   - No

3. Has applicant maintained all records relating to Capital Items for three years after disposition?
   - Yes  
   - No

4. Has applicant listed the Houston METRO on the vehicle title as security interest holder?
   - Yes  
   - No

5. For leased vehicles, has applicant recorded the lease on the vehicle title, in accordance with ODOT DMV procedures?
   - Yes  
   - No

6. Has applicant used Houston METRO’s procedures for disposal of a capital item?
   - Yes  
   - No

7. Has applicant ensured that facilities and real property will be used for the originally authorized purpose by use of a restrictive deed covenant, as feasible and appropriate?
   - Yes  
   - No
# ATTACHMENT B: SUBRECIPIENT MONITORING COMPLIANCE REVIEW

## Subrecipient Monitoring 2016 Compliance Review

### Grant Information

### Governance

Many subrecipients are smaller non-profit organizations where the board plays a vital role in ensuring adequate operational oversight.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Review bylaws.</td>
<td></td>
</tr>
<tr>
<td>2. Review the last year of board minutes.</td>
<td></td>
</tr>
</tbody>
</table>

### Financial Management

All Section 5307, Section 5309, Section 5310, Section 5316, Section 5317, Section 5337 and Section 5339 recipients must have legal, managerial, financial and technical capability to carry out FTA programs and to receive and disburse federal funds. Financial systems must be sufficient to prepare reports and track grant funds. All subrecipients are required to submit annual Single Audit and Financial audit reports.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. If subrecipient receives more than $750,000 in federal funds annually obtain 2CFR200 Audit. Prior to 2015, $500,000 threshold, A-133 Audit.</td>
<td></td>
</tr>
<tr>
<td>a. Notify subrecipient that in 2015 the threshold is increased to $750,000.</td>
<td></td>
</tr>
</tbody>
</table>
2. Review A-133 or 2 CFR 200 Audit and note any issues.
   a. If subrecipient does not meet threshold review annual audit.
   b. If an annual audit is not performed review current financial statements.

3. Speak with management and accounting staff to determine if the accounting “system” contains enough detail to ensure that charges to the grant are appropriate. For example:
   - Are charges coded to the grant? If they have a cost accounting system, review coding to feel comfortable that charges are coded to the appropriate grant. If there is not a cost accounting system, walk through how they know that the grant is only being charged for appropriate expenses.
   - Do the accountants appear to have sufficient knowledge and experience with grant accounting?
   - Do different people review and authorize grant costs prior to preparing and submitting invoices to Houston METRO for payment?
   - Does management review supporting documentation of grant cost information?
   - Are management and staff aware of the allowable uses of grant funds?
   - Is accounting staff aware of allowable and unallowable expenditures?
   - Is the grant interlocal available to accounting staff for reference?

4. Invoices and backup documentation are reviewed in detail prior to reimbursement to ensure that costs were incurred after the grant was awarded.
**Matching**

Provide reasonable assurance that matching requirements are met using only allowable funds or costs which are properly calculated and valued.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Subrecipients compliance with match requirements are during the Reimbursement process.</td>
<td></td>
</tr>
</tbody>
</table>

**Performance Monitoring**

The one measure established for the JARC/New Freedom/Enhanced Mobility for Seniors Program:

a. Actual or estimated number of rides (as measured by one-way trips) provided as a result of the JARC/New Freedom/Enhanced Mobility for Seniors Program projects implemented in the quarter is included in the FTA Quarterly Milestone Report.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Review performance reports during Quarterly Updates.</td>
<td></td>
</tr>
<tr>
<td>2. Review supporting documentation for reports and determine Report accuracy.</td>
<td></td>
</tr>
<tr>
<td>3. Assess whether performance measures are being achieved.</td>
<td></td>
</tr>
</tbody>
</table>

**Subrecipient Eligibility**

Provide reasonable assurance that only eligible individuals and organizations receive assistance under federal award programs, that subawards are made only to eligible subrecipients, and that amounts provided to or on behalf of eligible individuals or groups of individuals were calculated in accordance with program requirements. (FTA C 9070.1G). This is done during the application process.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Result</th>
</tr>
</thead>
</table>
| 1. Determine if the subrecipient is eligible. According to FTA C 9070.1G 5310 eligible subrecipients are:  
  • Private non-profit organizations;  
  • State or local governmental authorities; and  
  • Operators of public transportation services, including public transportation that receives a Section 5310 grant indirectly through a recipient. |        |
**Equal Employment Opportunity Program**

Subrecipients and contractors that receive capital or operating assistance in excess of $1 million, or planning assistance in excess of $250,000, and employ 50 or more transit-related employees, must submit an EEO plan to the Grant Compliance Analyst, who will forward the plan to the Houston METRO EEO representative, who will review and approve the program.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Determine if the requirement is applicable.</td>
<td></td>
</tr>
<tr>
<td>2. If applicable, contact the Houston METRO EEO representative to ensure an EEO plan was reviewed and approved.</td>
<td></td>
</tr>
<tr>
<td>a. If applicable and a plan was not submitted to Houston METRO, obtain the plan and forward to the EEO representative for review and approval.</td>
<td></td>
</tr>
<tr>
<td>b. If applicable and an EEO plan is not in effect refer subrecipient to the EEO representative.</td>
<td></td>
</tr>
</tbody>
</table>

**Title VI**

All Section 5307, Section 5309, Section 5337, Section 5339, Section 5310, Section 5316, and Section 5317 grantees must ensure that no person in the United States, on the grounds of race, color, creed, national origin, sex, age, or disability be excluded from participating in, denied the benefits of, or be subject to discrimination under any project, program or activity funded in whole or in part through these section grants. Subrecipients that receive federal funds are required to comply with Title VI laws and regulations, including FTA Circular 4702.1B which requires subrecipients to submit the following information:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Determine if the subrecipient has a Title VI plan and verify the following elements or FTA Approval:</td>
<td></td>
</tr>
<tr>
<td>a. Public Notice</td>
<td></td>
</tr>
<tr>
<td>b. Complaint Procedure</td>
<td></td>
</tr>
<tr>
<td>c. Complaint Form</td>
<td></td>
</tr>
<tr>
<td>d. List or log of all transit related Title VI complaints, investigations, and lawsuits.</td>
<td></td>
</tr>
<tr>
<td>e. Public Participation Plan</td>
<td></td>
</tr>
<tr>
<td>f. Language Assistance Plan</td>
<td></td>
</tr>
<tr>
<td>g. Minority Representation Table</td>
<td></td>
</tr>
<tr>
<td>h. Title VI Equity Analysis if the subrecipient constructed</td>
<td></td>
</tr>
</tbody>
</table>
a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.

1. If operating a fixed route service plans and policies.

### Disadvantaged Business Enterprises (DBE)

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.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Determine if the requirement is applicable.</td>
<td></td>
</tr>
<tr>
<td>2. If applicable, review the DBE program.</td>
<td></td>
</tr>
</tbody>
</table>

### Accessibility/ADA

There are various federal requirements that protect the rights of disabled individuals to use public transportation services. Americans with Disabilities Act of 1990 (ADA) specifically requires that public transportation facilities and services must be made accessible to individuals with disabilities.

<table>
<thead>
<tr>
<th>Requirement</th>
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</tr>
</thead>
<tbody>
<tr>
<td>1. Fixed Route System - When a subrecipient contracts for fixed route service, including commuter bus service, all of the buses used in the service must be accessible. All vehicles purchased must be ADA accessible unless a waiver has been obtained from FTA.</td>
<td></td>
</tr>
<tr>
<td>2. Demand Response System - Verify that services conform to “equivalent service” requirements. All vehicles purchased must be ADA accessible unless the agency certifies that equivalent service is provided.</td>
<td></td>
</tr>
<tr>
<td>a. Response Time</td>
<td></td>
</tr>
<tr>
<td>b. Fare</td>
<td></td>
</tr>
<tr>
<td>c. Area of Service</td>
<td></td>
</tr>
<tr>
<td>d. Hours of Service</td>
<td></td>
</tr>
<tr>
<td>e. Availability of Information</td>
<td></td>
</tr>
<tr>
<td>f. Reservations</td>
<td></td>
</tr>
<tr>
<td>g. Constraints</td>
<td></td>
</tr>
</tbody>
</table>

1 FTA Policy, 49 U.S.C. Section 5301(d), Section 503 of the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act of 1990 (ADA), as amended, 49 CFR Parts 37 and 38.

2 Comparable or “equivalent service” includes: response time, fares, geographic area of service, hours and days of service, availability of information, reservations capability, constraints on capacity or service availability, and restrictions priorities based on trip purpose.
1. Determine if FTA grant funds are used to contract with others. If the subrecipient does not contract using federal funds inform them to contact Houston METRO for assistance if they decide to contract as there are specific contracting and procurement requirements. If using federal funds for contracts review:
   a. Written Standards of Conduct addressing personal conflicts of interest, acceptance of gifts, and violations.
   b. FTA Self Certification
   c. Use of contract administration system

3. Drivers should also be trained in how to provide services to and protect the rights of disabled individuals.

4. When constructing transit facilities subrecipients must make the facilities ADA accessible.

### Procurement and Contracting

Section 5307, Section 5309, Section 5337, Section 5399, Section 5310, Section 5316, and Section 5317 grant recipients that are local governments must have procurement procedures that comply with federal requirements as stipulated in FTA Circular 4220.1F or revisions thereof, along with provisions of FTA’s Master Grant Agreement, as applicable when awarding and administering FTA-assisted contracts. Any pass thru agreement shall include the FTA language, which maybe be modified to include changes to and incorporate any new rules and regulations, as applicable. To the extent that the subgrantee contracts with third parties, the subgrantee is required to include in their contracts the clauses required by federal statutes and executive orders and their implementing instructions.

<table>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>1. Determine if FTA grant funds are used to contract with others. If the subrecipient does not contract using federal funds inform them to contact Houston METRO for assistance if they decide to contract as there are specific contracting and procurement requirements. If using federal funds for contracts review:</td>
<td></td>
</tr>
<tr>
<td>a. Written Standards of Conduct addressing personal conflicts of interest, acceptance of gifts, and violations.</td>
<td></td>
</tr>
<tr>
<td>b. FTA Self Certification</td>
<td></td>
</tr>
<tr>
<td>c. Use of contract administration system</td>
<td></td>
</tr>
<tr>
<td>2. Review written procurement policies and procedures. Procedures should address:</td>
<td></td>
</tr>
<tr>
<td>a. Solicitations</td>
<td></td>
</tr>
<tr>
<td>b. Necessity</td>
<td></td>
</tr>
<tr>
<td>c. Lease versus Purchase</td>
<td></td>
</tr>
<tr>
<td>d. Metric Usage</td>
<td></td>
</tr>
<tr>
<td>e. Environmental and Energy Efficiency Preferences</td>
<td></td>
</tr>
<tr>
<td>f. Procurement Methods</td>
<td></td>
</tr>
</tbody>
</table>
3. If the subrecipient contracted for A&E and related services verify that Qualifications Based Procurement were used.

4. For federally assisted construction contracts ensure these requirements have been met:
   a. Bonding – bid guarantee, performance bond, payment bond, etc.
   b. Seismic Safety
   c. Value Engineering
   d. EEO
   e. Prevailing Wage (Davis Bacon)

5. JARC has specific requirements for the purchase of steel, iron, and other manufactured products. If any such items were procured ensure the Buy America standards were followed.

6. JARC has specific requirements for Disadvantaged Business Enterprises (DBE) and Procurement of Vehicles and Facilities.

7. Select a sample of contracts and review:
   a. Procurement History – procurement method, contract type, contractor selection, cost or price, reasonable documentation.
   b. Compliance with written policies.
   c. Compliance with federal contracting requirements.
   d. Compliance with grant specific requirements.
   e. Authorized signatories.
   f. Payments not made prior to contract execution.
   g. Existence of applicable federal clauses in contracts.
   h. Debarment was verified (also see next section)
   i. Lobbying Certificate and Disclosure
j. Nondiscrimination clauses (EEO, nondiscrimination based on sex, age, disability)

**Suspension and Debarment**

Applies to awards greater than $25,000. To prevent fraud, waste, and abuse in state and federal transactions, persons or entities, which by defined events or behavior, potentially threaten the integrity of federally administered programs are excluded from participating in FTA-assisted programs. State and FTA grantees not only are required to certify that they are not excluded from federally assisted transactions, but also are required to ensure that none of the grantees “principals” subrecipients, and third-party contractors and subcontractors are debarred, suspended, ineligible or voluntarily excluded from participation in federally assisted transactions.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Determine if the requirement is applicable.</td>
<td></td>
</tr>
<tr>
<td>2. If applicable, determine which of the three ways the subrecipient could utilize to determine if contractors were debarred, suspended or ineligible.</td>
<td></td>
</tr>
<tr>
<td>a. Check ELPS;</td>
<td></td>
</tr>
<tr>
<td>b. Collect a certification from the prospective awardee;</td>
<td></td>
</tr>
<tr>
<td>or</td>
<td></td>
</tr>
<tr>
<td>c. Add a clause or condition to the third party contract.</td>
<td></td>
</tr>
</tbody>
</table>

**Lobbying**

Applies to awards greater than $100,000. Recipients of federal grants and contracts exceeding $100,000 must certify compliance with P.L. 101-121, Section 319, Restrictions on Lobbying, before they can receive funds. In addition, grantees are required to impose the lobbying restriction provisions on their contractors.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Determine if the requirement is applicable.</td>
<td></td>
</tr>
<tr>
<td>2. If applicable, verify how the subrecipient ensures and monitors for compliance with this regulation</td>
<td></td>
</tr>
<tr>
<td>3. If applicable, review annual lobbying certification.</td>
<td></td>
</tr>
</tbody>
</table>
School Bus Services

Section 5307, Section 5309, Section 5337, Section 5339, Section 5310, Section 5316 and Section 5317 grant recipients, and their contractors, cannot engage in school bus operations (providing vehicles or facilities) exclusively for the transportation of students and school personnel in competition with private school bus operators. In no case can federally funded equipment or facilities be used to provide exclusive school bus service.3

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Determine if the requirement is applicable.</td>
<td></td>
</tr>
<tr>
<td>2. If applicable, discuss compliance with subrecipient.</td>
<td></td>
</tr>
</tbody>
</table>

Charter Services

Section 5307, Section 5309, Section 5337, Section 5339, Section 5310, Section 5316 and Section 5317 recipients and their contractors, are prohibited from using federally-funded equipment or facilities to provide charter service, except on an incidental basis; and then, only when one or more of the seven exceptions set forth in the charter service regulation in 49 CFR Section 604.9 (b) apply. Other conditions include recovering the fully allocated cost of the service and putting the revenues earned back into your transportation program.4

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Result</th>
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</thead>
<tbody>
<tr>
<td>1. Determine if the requirement is applicable.</td>
<td></td>
</tr>
<tr>
<td>2. If applicable, discuss compliance with subrecipient.</td>
<td></td>
</tr>
</tbody>
</table>

Drug Free Workplace5

Section 5307, Section 5309, Section 5337, Section 5339, Section 5311 recipients and their contractors must have a drug and alcohol testing program in place for all safety sensitive employees. Section 5310, Section 5316, and Section 5317 are not subject to FTA’s Drug and Alcohol testing rules, but must comply with the Federal Motor Carrier Safety Administration rule for employees who hold Commercial Drivers Licenses. If a grantee uses a contract service provider or maintenance provider to perform safety sensitive functions, these contractors also are subject to the provisions of these regulations. For transit agencies that use volunteer drivers, the volunteers are not subject to testing.

3 This prohibition does not apply to school “tripper service.” Tripper service is defined as regularly scheduled mass transportation service open to the public, which is designed or modified to accommodate the needs of school students and personnel. Such service must be open to the public, must serve regular transit stops, and must be delineated on route schedules and maps. Vehicles may not display a “school” sign.

4 Charter services means transportation using buses or vans or facilities, funded with FTA grants, which are provided to a group of persons who because of common purpose, have acquired exclusive use of the vehicle or service. The group operates under a single contract, at a fixed charge for the vehicle or service; and the group travels together under an itinerary either specified in advance or modified after the trip begins.

5 The FTA-mandated drug and alcohol testing program is separate from and in addition to the provisions of the Drug-Free Workplace Act (DFWA).
1. Determine if the requirement is applicable.

2. If applicable, coordinate with Safety to determine if any onsite visits or other verifications have been completed by Houston METRO, which can be relied upon to confirm compliance.

### Drug and Alcohol Testing (Safety Sensitive Employees)

Section 5307, Section 5309, Section 5337, Section 5339, Section 5311 recipients must have a drug and alcohol testing program in place for all safety sensitive employees. If a grantee uses a contract service provider or maintenance provider to perform safety sensitive functions, these contractors also are subject to the provisions of these regulations. For transit agencies that use volunteer drivers, the volunteers are not subject to testing.

1. Determine if the requirement is applicable.

2. If applicable, coordinate with Safety to determine if any onsite visits or other verifications have been completed by Houston METRO, which can be relied upon to confirm compliance.
Capital Expenditures
When a grant that includes authorization for capital expenditures, review the following:

Prevailing Wage - Davis Bacon Act
Provide reasonable assurance that contractors and subcontractors were properly notified of the Davis-Bacon Act requirements and the required certified payrolls were submitted to the non-Federal entity.

The Davis-Bacon and related acts, apply to contractors and subcontractors performing on federally funded or assisted contracts in excess of $2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Davis-Bacon Act and Related Act contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. The Davis-Bacon Act prevailing wage provisions apply to the “Related Acts,” under which federal agencies assist construction projects through grants, loans, loan guarantees, and insurance. For prime contracts in excess of $100,000, contractors and subcontractors must also, under the provisions of the Contract Work Hours and Safety Standards Act, as amended, pay laborers and mechanics, including guards and watchmen, at least one and one-half times their regular rate of pay for all hours worked over 40 in a workweek. The overtime provisions of the Fair Labor Standards Act may also apply to DBA-covered contracts.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Determine if the requirement is applicable.</td>
<td></td>
</tr>
<tr>
<td>3. If applicable, review compliance with the Davis Bacon Act.</td>
<td></td>
</tr>
</tbody>
</table>

Equipment and Real Property Management
Provide reasonable assurance that proper records are maintained for equipment acquired with federal awards, equipment is adequately safeguarded and maintained, disposition or encumbrance of any equipment or real property is in accordance with Federal requirements, and the Federal awarding agency is appropriately compensated for its share of any property sold or converted to non-Federal use.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Determine if the requirement is applicable.</td>
<td></td>
</tr>
<tr>
<td>2. If applicable, review compliance.</td>
<td></td>
</tr>
</tbody>
</table>
## Maintenance Procedures

All Section 5307, Section 5309, Section 5337, Section 5339, Section 5310, Section 5316, and Section 5317 grant recipients must keep federally funded equipment and facilities in safe, operating order. Recipients must have policies and procedures to maintain vehicles. Recipients must maintain in operative condition those features of facilities and vehicles that are required to make the vehicles and facilities readily accessible. ADA accessibility features must be repaired promptly if they are damaged or out of order. Recipients must establish a system of regular and frequent maintenance checks of lifts sufficient to determine if they are operative.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Determine if requirement is applicable.</td>
<td></td>
</tr>
<tr>
<td>2. If applicable, verify compliance with the “General Vehicle Condition Checklist” in attachment A.</td>
<td></td>
</tr>
</tbody>
</table>

## Equipment Compliance Certification

Section 5307, Section 5309, Section 5337, Section 5339, Section 5310, Section 5316, and Section 5317 grantees using federal or state funds to purchase vehicles are required to conduct pre-award and post-delivery reviews to confirm Buy America, purchaser’s requirements, and Federal Motor Vehicle Safety Standards (FMVSS) and certify compliance for all revenue service rolling stock procurements. Recipients must keep documentation showing they complied when procuring revenue rolling stock. A grantee must ensure than any state or federally funded, contractor operated equipment is controlled.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Result</th>
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</thead>
<tbody>
<tr>
<td>1. Determine if requirement is applicable.</td>
<td></td>
</tr>
<tr>
<td>2. If applicable, determine if payment for vehicles is not made until pre-award and post-delivery reviews are documented. Verify that pre-award and post-delivery certifications were submitted.</td>
<td></td>
</tr>
<tr>
<td>3. If applicable, determine whether the subrecipient has made any recent purchases of rolling stock. Verify that pre-award and post-delivery certifications were submitted.</td>
<td></td>
</tr>
</tbody>
</table>
General Vehicle Condition Checklist

Agency: ___________________ Year: ___________ Make: _______________
License: __________________ VIN: _______________ Date: ____________

1. **Exterior Condition** - (paint condition, body damage, cleanliness)
   - [ ] Excellent  [ ] Good  [ ] Fair  [ ] Poor  [ ] Needs Immediate Attention
   Comments: ____________________________________________

2. **Lights, Mirrors, Glass** - (breaks, cracks, non-functioning lights)
   - [ ] Excellent  [ ] Good  [ ] Fair  [ ] Poor  [ ] Needs Immediate Attention
   Comments: ____________________________________________

3. **Interior** - (upholstery, safety belts, floor, door operation, lights, cleanliness)
   - [ ] Excellent  [ ] Good  [ ] Fair  [ ] Poor  [ ] Needs Immediate Attention
   Comments: ____________________________________________

4. **Engine Running** - (difficulty starting, excessive noise, visible exhaust, noticeable odors [other than diesel exhaust], evidence of oil leaks on ground)
   - [ ] Excellent  [ ] Good  [ ] Fair  [ ] Poor  [ ] Needs Immediate Attention
   Comments: ____________________________________________

5. **Tires** - (visibly worn, sidewall cuts or cracks, appear under-inflated)
   - [ ] Excellent  [ ] Good  [ ] Fair  [ ] Poor  [ ] Needs Immediate Attention
   Comments: ____________________________________________

6. **Wheelchair Lift/Ramp** - (operates properly, no exposed hazards, cleanliness)
   - [ ] Excellent  [ ] Good  [ ] Fair  [ ] Poor  [ ] Needs Immediate Attention
   Comments: ____________________________________________

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The Subrecipient's Guide to Title VI Compliance

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</table>
Introduction

An entity receiving federal funds, either directly from the Federal Transit Administration (FTA) or Houston METRO, must not discriminate based on race, color, national origin, religion, sex, sexual orientation, marital status, age or disability in accordance with applicable law.

This guide addresses discrimination based on Title VI of the 1964 Civil Rights Act. Title VI states, “No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

If a subrecipient is found in violation of Title VI Houston METRO (and subrecipient) may lose its federal funding. FTA primary recipients and subrecipients of FTA funds are required to comply with all applicable provisions of FTA Circular 4702.1B “Title VI Requirements and Guidelines For Federal Transit Administration Recipients” (“Circular”). While this Subrecipient Guide to Title VI Compliance sets forth general requirements of the Circular, it is intended to be a summary of those general requirements, and not exhaustive. Subrecipients are responsible for reviewing and ensuring compliance with all applicable Circular requirements.

Houston METRO Responsibilities

As a designated recipient of FTA funds, Houston METRO receives, administers, and allocates funds to subrecipients and is responsible for documenting compliance with Title VI. Houston METRO’s responsibilities include monitoring subrecipient compliance with Title VI, collecting and reviewing Title VI documents, including subrecipient Title VI data to FTA, and providing assistance and support to subrecipients.

It is important to note that if a subrecipient is not in compliance with Title VI then Houston METRO is also not in compliance. If a subrecipient is not in compliance with Title VI regulations Houston METRO will work with the subrecipient to ensure compliance. This includes providing data, information, guidance, and support for the full development and formal adoption of the subrecipient Title VI plan.

To track Title VI compliance Houston METRO will:

- Document subrecipient compliance with the general requirements.
- Collect and maintain subrecipient Title VI program documents on a designated schedule.
- Forward subrecipient Title VI information as requested by the FTA.

Subrecipient Responsibilities

If any of your programs or activities receives federal funding then all of your programs and activities must comply with Title VI. Any agency receiving federal funds either directly from FTA or indirectly through Houston METRO or both, must:

- Ensure that the level and quality of public transportation service is provided in a nondiscriminatory manner;
- Promote full and pair participation in public transportation decision making without regard to race, color, or national origin;
- Ensure meaningful access to transit-related programs and activities by persons with limited English
Proficiency;

• Prepare and submit a Title VI Program; and

• Prepare an annual Title VI Report.

Title VI Program

Subrecipients must submit a Title VI Program to Houston METRO within 30 days of their grant award (grants awarded after September 1, 2014) and every three years after initial submission on April 30th.

The Title VI program consists of:

A. Title VI Public Notice
B. Title VI Complaint Procedure
C. Title VI Complaint Form
D. Transit-related Title VI Complaints, Investigations, and Lawsuit List
E. Public Participation Plan
F. Language Assistance Plan
G. Minority Representation Table

If constructing a facility the Title VI Program must also include:

H. Title VI Facility Location Equity Analysis

If providing fixed route service, the Title VI Program must also include:

1. Fixed Route Service Standards
2. Fixed Route Service Policies

Annual Title VI Report

In addition to the triennial Title VI Program certain components must be provided to Houston METRO on an annual basis. By April 30th each year subrecipients must submit the following documents to Houston METRO:

1. Transit-related Title VI Complaints, Investigations, and Lawsuit List
2. Public Participation Plan
3. Title VI Facility Location Equity Analysis (if constructing a facility)
4. Fixed Route Service Standards (if providing fixed route service)

Subrecipient Title VI Program and Report Details

Subrecipients that provide demand response service, including vanpools, general public paratransit, ADA complementary transit, and nonprofits that receive 5310 funds solely to serve their own clientele (i.e. closed door service) are only required to submit a Title VI Program and annual Title VI Report. The following sections describe the components of a Title VI Program.
Public Notice

Subrecipients must inform customers and the public of their rights under the Title VI regulations by posting the Title VI Notice. If you have LEP requirements the notices must be posted in the other language(s) as well.

The public notice must include:

- A statement that the agency operates programs without regard to race, color, or national origin.
- Information on how to request additional; information about the agencies Title VI obligations. This includes how to file a complaint and the location of the complaint form.
- Information on how to request Title VI information in another language.

The notice must be posted in the following locations:

- Agency website
- Agency public areas (reception, public meeting rooms, etc.)

Best practice guidance also suggests that posting or printing in other areas such as:

- Vehicles (buses, vans, rail, cars)
- Transit Shelters and Stations
- Ride Guides
- Bus Schedules

Public Notice Q&A

Q1: Can the notice include other protected classes (religion, age, gender, non-disability, etc.)?
A1: Yes, as long as race, color, and national origin are included.

Q2: Our agency has a non-discrimination policy, does this cover Title VI?
A2: It depends. The policy, procedures, and/or program must specifically prohibit discrimination based on race, color, and national origin to include Title VI protections. Further, many nondiscrimination policies are personnel related and a Title VI the program must be for the public to use.

Complaint Procedure

Subrecipients must have a clear and consistent procedure for responding to customer complaints on Title VI issues. If you have LEP requirements the notices must be posted in the other language(s) as well.

The procedure must be made available upon request and should include:

- An explanation of which specific issues are covered by the procedure
- How to file a complaint (including timelines and access to a complaint form)
- Where to submit the complaint
- How the agency will respond to the complaint (including timelines)
- How the complainant will be informed of the investigation results (if applicable)
- Notice that the complainant may file the complaint directly with the FTA (including FTA contact information)
• An internal system or log for tracking the Title VI complaints (including issue description, dates, findings, etc.)
• How language access will be provided

The complaint procedure must be posted on the agency website and made available in hard copy at the main office.

### Complaint Procedure Q&A

**Q:** Our agency has a discrimination complaint procedure; can the same procedure be used for Title VI?

**A:** Yes. In the section that identifies the specific issues that are covered by the procedure race, color, and national origin must be included.

### Complaint Form

Subrecipients must provide a customer complaint form. If you have LEP requirements the notices must be posted in the other language(s) as well. The form must include fields for:

- Complainant’s name and contact information
- Identification of the Title VI protected class(es) (race, color, national origin) involved in the complaint
- Date(s) of the alleged discrimination
- Explanation of the alleged discriminatory act or behavior

The complaint form must be posted on the agency website and made available in hard copy at the main office.

### Complaint Form Q&A

**Q:** Our agency has a discrimination complaint form; can the same form be used for Title VI?

**A:** Yes. In the area where the protected class(es) are identified there must be an area to identify race, color, national origin. Additionally, the same form can be used if the alleged discrimination covers multiple protected classes.

### Transit-related Title VI Complaints, Investigations, and Lawsuit List

Subrecipients must maintain a list or log of all transit related Title VI complaints, investigations, and lawsuits. This list must be submitted to Houston METRO annually by April 30th. The list must include dates, summary of allegation(s), status, action(s) taken, and outcome (if resolved).
Public Participation Plan

Subrecipients must provide opportunities to the public to be involved in proposed transportation decisions and must have a written Public Participation Plan explicitly describing proactive strategies, procedures, and desired outcomes of their public participation activities. This plan must be submitted to Houston METRO annually by April 30th.

Simply stated, FTA wants proof that you thought about how to include customers in your decision making process and would like to know how well you executed the plan. The plan can be as simple or complicated as the agency decides and various examples are provided at the end of this document.

Examples of items/methods used in the public participation plan are customer surveys that inform transportation planning, participation in Public Transit-Human Service Coordinated Plan or other local and statewide planning research, outreach methods to local employers, customer satisfaction or needs surveys, or involvement in decision making process of implementing demand or fixed route services.

Language Assistance Plan

Subrecipients must have a written Language Assistance Plan. Subrecipients must take reasonable steps to ensure meaningful access to benefits, services, information for individuals who are limited English proficient (LEP). To determine if an individual is entitled to language assistance and what services are appropriate the DOT has created an assessment tool – the Four Factor Analysis.

Four Factor Analysis

1. Demography – What is the number or proportion of LEP persons served and the languages spoken in the service area?
2. Frequency – How often do LEP persons come into contact with the service or program?
3. Importance – How does he program, service, or activity affect people’s lives?
4. Resources and Costs – What funding and resources are available for LEP outreach?

The Language Assistance Plan must include the following:

- Results of the Four Factor Analysis, including LEP population(s) served
- Description of how language services are provided, by language
- Description of how LEP persons are informed of the availability of language assistance services
- Description of how the plan is reviewed and updated
- Description of how employees are trained to provide language assistance
**LEP Safe Harbor**

The Safe Harbor stipulation was created to provide access to vital written documents to non-English users who because of small numbers may not meet the threshold for providing language access services as identified in the Language Assistance Plan. Safe Harbor requires a written translation of vital documents (ADA, paratransit eligibility forms, and Title VI complaint forms) for each LEP group that meets the threshold (5% or 1,000 individuals, whichever is less).

---

**Language Assistance Plan Q&A**

Q1: How do I find out what LEP populations we serve?
A1: The Census provides information online at the following link: [http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml](http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml). If you need additional demographic information Houston METRO can assist you.

Q2: At what point does the agency provide LEP services to populations in our service area?
A2: If specific LEP populations exceed 5% or 1,000 individuals the agency must provide written document translation services.

---

**Minority Representation Table**

Subrecipients with transit-related, non-elected planning boards, advisory councils, or committees selected by the subrecipient must provide a table depicting the membership of those organizations broken down by race. Subrecipients must also include a description of efforts made to encourage participation of minorities on these boards, councils, and committees.

---

**Minority Representation Table Q&A**

Q: We have numerous boards and committees; do we need to collect this data for each?
A: The table is only required for transportation related boards and committees.

---

**Facility Location Equity Analysis**

If a subrecipient is planning to acquire land to construct storage facilities, maintenance facilities, or operations centers they must not discriminate on the basis of race, color, or national origin, against persons who may, as a result of the construction, be displaced from their homes or businesses.

During the planning phase the subrecipients must perform an equity analysis prior to site selection to ensure that the location is selected in a non-discriminatory manner. If the selected location results in disparate treatment the subrecipient must show substantial legitimate justification for locating the facility there and evidence that there are no alternative locations.
Equity Analysis Q&A

Q1: Only part of the facility is being funded with FTA funds, do we need to perform an equity analysis?
A1: Yes, if any FTA funds are used in the construction of storage facilities, maintenance facilities, or operations centers an equity analysis must be performed prior to site selection.

Q2: Site planning was conducted years before we knew we would be awarded FTA funds for a portion of the operation center construction, how would we perform an equity analysis if we are starting construction?
A2: FTA Circular 4702.1B was in effect October 2012 and the requirement did not exist in previous FTA circulars; as a result the equity analysis is required for projects that began after October 2012. If the planning phase started after October 2012, please contact Houston METRO so we can help you mitigate this issue.

Fixed Route Service Standards
Subrecipients providing fixed route service must determine frequency of services, age and quality of vehicles assigned to routes, quality stations serving different routes, or the location of routes in a non-discriminatory manner. This must be submitted to Houston METRO annually by April 30th.

Service standards include the following:
- Vehicle load for each mode
- Vehicle headway for each mode
- On time performance for each mode
- Service availability for each mode

Fixed Route Service Policies
Subrecipients providing fixed route service must determine the distribution of transit amenities or vehicle assignments for each mode in a non-discriminatory manner. Subrecipients must develop written policies for transit amenities and vehicle assignments. Although there may be different policies for different modes of transportation, amenities policies address how amenities are distributed in a way that ensures that all riders have equal access to amenities. Vehicle assignment policies must be based on vehicle and/or service type.
Definitions

**Amenities**
items of comfort, convenience, and safety which are available to the general riding public such as seating, shelters, canopies, signs, maps, schedules, escalators, elevators, and waste receptacle.

**Color**
Skin color or complexion

**Demand Response System**
Any non-fixed route system of transporting individuals that requires advanced scheduling including services provided by public entities, non-profits, and private providers. An advance request for service is a key characteristic of demand response service.

**Designated Recipient**
Any entity designated by the chief executive officer of a state, responsible local officials, or publicly owner operators of public transportation to receive and apportion grant funds made by Congress or FTA.

**Direct Recipient**
Any public agency authorized to receive program funds directly from FTA.

**Discrimination**
An intentional or unintentional action through which a person, solely because of race, color, national origin, religion, or gender has been subjected to unequal treatment under a program or activity receiving federal financial assistance.

**Disparate Impact**
A facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where the recipient’s policy or practice lacks a substantial legitimate justification and where there exists one or more alternatives that would serve the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin.

**Disparate Treatment**
Actions that result in circumstances where similarly situated persons are intentionally treated differently (i.e., less favorably) than others because of their race, color, or national origin.

**Fixed Route**
Public transportation service provided in vehicles operated along pre-determined routes according to a fixed schedule.

**Limited English Proficient**
Persons for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English.

**Minority Persons**
Include the following:
(1) American Indian and Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
(2) Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
(3) Black or African American, which refers to people having origins in any of the Black racial groups of Africa.
(4) Hispanic or Latino, which includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
(5) Native Hawaiian or Other Pacific Islander, which refers to people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minority Population</td>
<td>Any readily identifiable group of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient populations (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.</td>
</tr>
<tr>
<td>National Origin</td>
<td>A person’s, or his or her ancestors, place of birth. Can be viewed as the heritage, nationality group, lineage, or country of birth of the person or the person’s ancestors before their arrival in the United States. People who identify their origin as Hispanic, Latino, or Spanish may be of any race.</td>
</tr>
<tr>
<td>Race</td>
<td>A social classification of people which includes, at a minimum, White, Black or African American, American Indian or Alaska Native, Asian, Native Hawaiian or other Pacific Islander.</td>
</tr>
<tr>
<td>Subrecipient</td>
<td>An agency receiving grant funds through Houston METRO or another designated recipient (e.g. Texas Department of Transportation).</td>
</tr>
</tbody>
</table>
Internet Resources


Houston METRO Civil Rights  http://www.ridemetro.org/Pages/TitleVIComplaintProcess.aspx

Houston METRO Contact

Send your Title VI materials to:

Marilyn Moore
1900 Main Street
P.O. Box 61429
Houston, Texas 77208-1429
(713) 739-4855
marilyn.moore@ridemetro.org
Title VI Notice Sample

Title VI Notice

[Subrecipient]

[Subrecipient] operates its programs with regard to race, color, national origin, religion, sex, sexual orientation, marital status, age or disability in accordance with applicable laws, including Title VI of the Civil Rights Act of 1964 and ORS Chapter 659A.

To request additional information on Tualatin Shuttle’s Title VI non-discrimination requirements, or if any person believes that they have been aggrieve by an unlawful discriminatory practice under Title VI or other applicable law and would like to file a complaint, contact us at [subrecipient phone] or email [subrecipient email]. For more information visit [subrecipient Title VI website].

A complaint may also be filed directly with the Federal Transit Administration: Office of Civil Rights, Attn: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

If information is needed in another language contact [subrecipient language services]

The last sentence should be included in any language(s) spoken by LEP populations meeting the Safe Harbor threshold.
Title VI Complaint Procedure Sample

Any person who believes he/she has been aggrieved by an unlawful discriminatory practice on the basis of race, color or national origin by [subrecipient] may file a complaint by completing and submitting [subrecipient] Title VI Complaint form.

[Subrecipient] investigates complaints received no more than 180 days after the alleged incident. [Subrecipient] will process complaints that are complete. Once a completed complaint is received, [Subrecipient] will review it to determine jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by [subrecipient].

[Subrecipient] will generally complete an investigation within 90 days from receipt of a completed complaint form. If more information is needed to resolve the case, [subrecipient] may contact the complainant. Unless a longer period is specified by [Subrecipient], the complainant will have ten (10) days from the date of the letter to send requested information to the [subrecipient] investigator assigned to the case. If [subrecipient] investigator is not contacted by the complainant or does not receive the additional information within the required timeline, [subrecipient] may administratively close the case. A case may be administratively closed also if the complainant no longer wishes to pursue their case.

After an investigation is complete, [subrecipient] will issue a letter to the complainant summarizing the results of the investigation, stating the findings and advising of any corrective action to be taken as a result of the investigation. If a complainant disagrees with [subrecipient] determination, he/she may request reconsideration by submitting a request in writing to [subrecipient] Director within seven (7) days after the date of [subrecipient’s] letter, stating with specificity the basis for the reconsideration. The Director will notify the complainant of his decision either to accept or reject the request for reconsideration within 10 days. In cases where reconsideration is granted, the Director will issue a determination letter to the complainant upon completion of the reconsideration review.
Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form or need information in alternative formats, please let us know.

Complete and return this form to [subrecipient Title VI complaint address]

1. Complainant’s Name: ____________________________________________
2. Address: ______________________________________________________
4. Telephone Number (home): ______________ (business): ____________
   Electronic Mail Address: _________________________________________
5. Are you filing this complaint on your own behalf? ______. If not, please supply the name and relationship of the person for whom you are complaining:
   ____________________________________________
   Please explain why you have filed for a third party:
   ____________________________________________

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party. ______________________________________

6. Which of the following best describes the reason you believe the discrimination took place? Was it because of your (check any box that applies):
   a. Race:  □
   b. Color: □
   c. National Origin: □

7. What date did the alleged discrimination take place?

8. In your own words, describe the alleged discrimination. Explain what happened and what policy, program, activity or person you believe was discriminatory.

9. Have you filed this complaint with any other federal, state, or local agency, or with any federal or state court? Yes: □ No: □
If yes, check each box that applies:

Federal agency □  Federal court □  State agency □

State court □  Local agency □

10. Please provide information about a contact person at the agency/court where the complaint was filed.
   Name: ________________________________
   Address: ________________________________
   City: __________________ State: _____ Zip Code: ___________
   Telephone Number:

11. Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

   ____________________________________________  ________________________
   Complainant’s Signature  Date
## List of Transit Related Title VI Complaints, Investigations, and Lawsuit Sample

<table>
<thead>
<tr>
<th>Date</th>
<th>Summary</th>
<th>Status</th>
<th>Action(s) Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Complaints</strong></td>
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<td><strong>Investigations</strong></td>
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<td><strong>Lawsuits</strong></td>
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<td>2.</td>
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</tbody>
</table>
Public Participation Plan Sample

We actively outreach to engage minority and limited English proficient populations in three primary ways.

First, we do direct outreach to program staff at organizations that serve minority and LEP clients (e.g. Immigrant and Refugee Community Organization (IRCO), Native American Youth and Family Center (NAYA), African American Alliance for Home Ownership (AAAH), Self Enhancement Incorporated (SEI), Asian and Pacifica Islander Community Improvement Association (APICIA). We meet with these organizations one-on-one to not only make sure they understand our program, but also so we can learn how our program can best serve their clients.

Second, we attend resource events at sites and in areas where minority and LEP populations are present.

Third, we attend community meetings to engage with service providers who work with minority and LEP clients directly.

Language Assistance Plan Sample

Annually we look at the clients referred to the program and try and anticipate language needs. We are currently able to serve English, Spanish, Vietnamese, Chinese, Tagalog and Urdu. We compile and have available a list of interpretation/translation resources, that we use if we need assistance. When a client in our program has limited English proficiency, we outreach to family and friends of clients for continued support in case management.

Minority Representation Table Sample

<table>
<thead>
<tr>
<th>Population</th>
<th>Caucasian</th>
<th>Latino</th>
<th>African American</th>
<th>Asian American</th>
<th>Native American</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transportation Committee</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Citizen Advisory Council</td>
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<tr>
<td>Bicycle Pedestrian Committee</td>
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</tbody>
</table>
### Title VI Program Action Plan

<table>
<thead>
<tr>
<th>Component</th>
<th>Requirement</th>
<th>Implementation</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Notice</td>
<td>The notice must be posted in the following locations:</td>
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<tr>
<td></td>
<td>• Agency Website</td>
<td></td>
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<td></td>
<td>• Agency Public Areas (reception, public meeting rooms, etc.)</td>
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<td>Best Proactive guidance also suggests that posting or printing in other areas such as</td>
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<td></td>
<td>• Vehicles (buses, vans, rail, cars)</td>
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<tr>
<td></td>
<td>• Transit Shelters and Stations</td>
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<td></td>
<td>• Ride Guides</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>• Bus Schedules</td>
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<tr>
<td></td>
<td>If you have LEP requirements the notices must be posted in the other language(s) as well.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subrecipient</td>
<td>Requirement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------</td>
<td>-------------</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| **Complaint Procedure** | Subrecipients must have a clear and consistent procedure for responding to customer complaints on Title VI issues posted on the website and available in the front office.  
If you have LEP requirements the procedure must be posted in the other language(s) as well. |
| **Complaint Form** | Subrecipients must provide a customer complaint form posted on the website and available in the front office.  
If you have LEP requirements the form must be posted in the other language(s) as well. |
| **Transit Related Title VI Complaints, Investigations, and Lawsuits** | Subrecipients must maintain a list or log of all transit related Title VI complaints, investigations, and lawsuits.  
The list must include dates, summary of allegation(s), status, action(s) taken, and outcome (if resolved). |
| **Public Participation Plan** | Subrecipients must provide opportunities to the public to be involved in proposed transportation decisions and must have a written Public Participation Plan explicitly describing proactive strategies, procedures, and desired outcomes of their public participation activities. |
| **Language Assistance Plan** | The Language Assistance Plan must include the following:  
• Results of the Four Factor Analysis, including LEP population(s) served  
• Description of how language services are provided, by language |
| Minority Representation Table | Subrecipients with transit-related, non-elected planning boards, advisory councils, or committees selected by the subrecipient must provide a table depicting the membership of those organizations broken down by race. |
| Facility Location Equity Analysis | If a subrecipient is planning to acquire land to construct storage facilities, maintenance facilities, or operations centers they must not discriminate on the basis of race, color, or national origin, against persons who may, as a result of the construction, be displaced from their homes or businesses. During the planning phase the subrecipients must perform an equity analysis prior to site selection to ensure that the location is selected in a non- |
| Fixed Route Service Standards and Policies | Subrecipients providing fixed route service must determine frequency of services, age and quality of vehicles assigned to routes, quality stations serving different routes, or the location of routes in a non-discriminatory manner. Service standards include the following:
- Vehicle load for each mode
- Vehicle headway for each mode
- On time performance for each mode
- Service availability for each mode
Subrecipients providing fixed route service must determine the distribution of transit amenities or vehicle assignments for each mode in a non-discriminatory manner. Subrecipients must develop written policies for transit amenities and vehicle assignments. Although there may be different policies for different... |
<table>
<thead>
<tr>
<th>modes of transportation, amenities policies address how amenities are distributed in a way that ensures that all riders have equal access to amenities. Vehicle assignment policies must be based on vehicle and/or service type.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Board Approval</strong></td>
</tr>
</tbody>
</table>
ATTACHMENT E: ANNUAL CERTIFICATION LETTER OF COMPLIANCE

It is the Grant Program’s role to monitor the activities of subrecipients as necessary to ensure that federal awards are used for authorized purposes in compliance with laws, regulations and the provisions of contracts or grant agreements and that performance goals are achieved. Grant Programs staff is responsible for sending and reviewing the annual certification letter (and supporting documentation) for proper completion and signature.

2014 Annual Certification Letter

<table>
<thead>
<tr>
<th>Subrecipient:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorized Representative:</td>
<td></td>
</tr>
<tr>
<td>Funding Program:</td>
<td></td>
</tr>
<tr>
<td>Project:</td>
<td></td>
</tr>
<tr>
<td>Funding Amount:</td>
<td></td>
</tr>
</tbody>
</table>

AUTHORITY OF THE APPLICANT AND AUTHORIZED REPRESENTATIVE

You certify that you are authorized to undertake the following activities on your organizations behalf:

1. Execute and file its application for Federal funds,
2. Execute and file its Certifications, Assurances, and Agreements binding its compliance,
3. Execute Agreements with FTA,
4. Comply with applicable Federal laws and regulations, and
5. Follow applicable Federal guidance.

Initial ________

ADMINISTRATIVE CAPABILITIES

On behalf of your organization, you assure that for every Project described in any application it submits, it has adequate resources to properly plan, manage, and complete its Project, including the:

1. Legal authority to apply for Federal funding,
2. Institutional capability,
3. Managerial capability, and
4. Financial capability (including funds sufficient to pay the non-Federal share of Project cost).
RIGHT TO REVIEW

On behalf of your organization, you assure that the organization will give limited access and the right to examine Project-related materials to entities or individuals, as required, including, but not limited to the:

1. FTA,
2. The Comptroller General of the United States,
3. Houston METRO; and
4. State.

ACCOUNTING SYSTEMS

On behalf of your organization, you assure that the organization will establish a proper accounting system in accordance with generally accepted accounting standards or FTA guidance.

CONFLICTS OF INTEREST

On behalf of your organization, you assure that the organization will establish safeguards to prohibit employees from using their positions for a purpose that results in:

1. A personal or organizational conflict of interest, or personal gain, or
2. The appearance of a personal or organizational conflict of interest or personal gain.

PROJECT GOALS

You assure that following receipt of an FTA award the organization will begin and complete Project work within the time periods that apply.

PROJECT REPORTING

You assure that the organization will furnish progress reports and other information as FTA or Houston METRO may require.

ANNUAL AUDIT

You assure that the organization will perform the financial and compliance audits as required by
the Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards. Recipients receiving more than $500,000 in Federal assistance in any year (from all sources) must have an annual audit conducted by an independent auditor. Grant recipients are required to submit a copy of their OMB Circular A-133 audit to Houston METRO Project Manager and Houston METRO Accounting.

Initial _______

APPLICABILITY OF STATUTES, LAWS, AND REGULATIONS

You assure that you understand and agree with the following:

1. Comply with all applicable Federal statutes and regulations to carry out any FTA funded Project,
2. Comply with terms and conditions of the FTA Grant Agreement or Cooperative Agreement for its Project, including the FTA Master Agreement incorporated by reference and made part of the latest amendment to that Grant Agreement or Cooperative Agreement,
3. Federal laws and regulations may be amended from time to time and those amendments may affect Project implementation,
4. Presidential executive orders and Federal guidance, including Federal policies and program guidance, may be issued concerning matters affecting it or its Project,
5. The most recent Federal laws, regulations, and guidance will apply to its Project, except as FTA determines otherwise in writing,
6. Requirements for FTA programs may vary depending on the fiscal year for which the funding for those programs was appropriated.

Initial _______

NONDISCRIMINATION ASSURANCE

You assure that your organization will comply with the following laws and regulations so that no person in the United States will be denied the benefits of, or otherwise be subjected to, discrimination in any USDOT or FTA funded program or activity (particularly in the level and quality of transportation services and transportation-related benefits) on the basis of race, color, national origin, religion, sex, disability, or age:

1. Federal transit laws, specifically 49 U.S.C. 5332 (prohibiting discrimination on the basis of race, color, religion, national origin, sex, disability, age, employment, or business opportunity);
2. Title VI of the Civil Rights Act of 1964;
3. The Rehabilitation Act of 1973, as amended;
4. The Americans with Disabilities Act of 1990, as amended;
5. U.S. DOT regulations, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964,” 49 CFR part 21;
6. U.S. DOT regulations, specifically 49 CFR parts 27, 37, 38, and 39; and
7. Any other applicable Federal statutes that may be signed into law or Federal regulations that may be promulgated,

Initial _______

You assure that you will comply with nondiscrimination laws and regulations in the manner your organization

1. Conducts each Project,
2. Undertakes property acquisitions, and
3. Operates its Project facilities, including:
   a. Facilities, and
   b. Facilities operated in connection with its Project.

Initial _______

You assure that you will promptly take the necessary actions to carry out this assurance, including:

1. Notifying the public that discrimination complaints about transportation-related services or benefits may be filed with U.S. DOT or FTA, and
2. Submitting information about its compliance with these provisions to U.S. DOT or FTA upon their request.

Initial _______

You assure that you will extend nondiscrimination laws and regulations to each Third Party Participant and agreement, including any:

1. Subrecipient,
2. Transferee,
3. Third Party Contractor or Subcontractor at any tier,
4. Successor in Interest,
5. Lessee, or
6. Other participant in its Project,

Initial _______

As required by U.S. DOT regulations, “Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance,” you assure that your organization will comply with the following prohibitions against discrimination on the basis of disability listed below, of which compliance is a condition of approval or extension of any FTA funding awarded to:
1. Construct any facility,
2. Obtain any rolling stock or other equipment,
3. Undertake studies,
4. Conduct research, or
5. Participate in or obtain any benefit from any FTA administered program, and
6. In any program or activity receiving or benefiting from Federal funding that U.S. DOT administers, no qualified people with a disability will, because of their disability, be:
   a. Excluded from participation,
   b. Denied benefits, or
   c. Otherwise subjected to discrimination.

Initial _______

ANNUAL TITLE VI SUBMISSIONS

Certain Title VI related documents must be provided to Houston METRO on an annual basis. By April 30th each year subrecipients must submit the following documents to Houston METRO:

1. Transit-related Title VI Complaints, Investigations, and Lawsuit List
2. Public Participation Plan
3. Title VI Facility Location Equity Analysis (if constructing a facility)
4. Fixed Route Service Standards (if providing fixed route service)

Certify that your organization will submit the above items to Houston METRO by April 30th.

Initial _______

AMERICANS WITH DISABILITIES

Fixed Route Systems: Public operators of fixed route systems open to the general public are required to provide complementary paratransit or other special service to persons with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route system. All vehicles purchased must be ADA accessible unless a waiver has been obtained from FTA.

Demand Response Systems: Operators of demand response services must conform to “equivalent service” requirements. All vehicles purchased must be ADA accessible unless the agency certifies that equivalent service is provided.

Comparable or “equivalent service” includes: response time, fares, geographic area of service, hours and days of service, availability of information, reservations capability, constraints on capacity or service availability, and restrictions priorities based on trip purpose.

Certify that if providing fixed route or demand response services that the project has met the requirements stated above.

Initial _______
INTERGOVERNMENTAL REVIEW ASSURANCES

As required by USDOT regulations, “Intergovernmental Review of Department of Transportation Programs and Activities,” you assure that you have submitted or will submit each application for Federal funding to the appropriate State and local agencies for intergovernmental review, to facilitate compliance with those regulations.

Initial ________

PROCUREMENT AND PROCUREMENT SYSTEMS

You certify that organizational procurements and its procurement system complies with all Federal laws and regulations in accordance with applicable Federal guidance (FTA Circular 4220.1F, Third Party Contracting Guidance)

Initial ________

SUSPENSION AND DEBARMENT CERTIFICATION

You certify that your organization will comply and facilitate compliance with suspension and debarment regulations and to the best of your knowledge and belief, that

1. Principals and Subrecipients at the first tier are eligible to participate in covered transactions of any Federal department or agency and are not presently:
   a. Debarred,
   b. Suspended,
   c. Proposed for debarment,
   d. Declared ineligible,
   e. Voluntarily excluded, or
   f. Disqualified,

2. Principals and Subrecipients management at the first tier have not within a three-year period preceding its latest application or proposal been convicted or had a civil judgment rendered against any of them for:
   a. Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction, or contract under a public transaction,
   b. Violation of any Federal or State antitrust statute, or
   c. Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making any false statement, or receiving stolen property,

3. Principals and Subrecipients at the first tier are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses listed in the preceding subsection of this Certification,

4. Principals and Subrecipients at the first tier have not had one or more public transactions (Federal, State, or local) terminated for cause or default within a three-year period preceding this Certification,
5. If, at a later time, it receives any information that contradicts the statements of subsections 2.a – 2.d above, it will promptly provide that information to Houston METRO.

Initial ________

You certify that your organization will require that each covered lower tier contractor and subcontractor will:

1. Comply and facilitate compliance with the Federal requirements and
2. That each lower tier participant in its Project is not presently declared by any Federal department or agency to be:
   a. Debarred from participation in its federally funded Project,
   b. Suspended from participation in its federally funded Project,
   c. Proposed for debarment from participation in its federally funded Project,
   d. Declared ineligible to participate in its federally funded Project,
   e. Voluntarily excluded from participation in its federally funded Project, or
   f. Disqualified from participation in its federally funded Project, and

Initial ________

LOBBYING

Applicable to subrecipients receiving $100,000 or more in Federal funding for a grant or cooperative agreement. You certify that the lobbying restrictions of this Certification apply to the lobbying activities of the organization, its Principals, and its Subrecipients at the first tier and that to the best of your knowledge and belief that no Federal appropriated funds have been or will be paid by or on its behalf to any person to influence or attempt to influence:

1. An officer or employee of any Federal agency regarding the award of a Federal grant or cooperative agreement, or Federal loan, line of credit, loan guarantee, or loan insurance; or
2. A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a Federal grant or cooperative agreement, or Federal loan, line of credit, loan guarantee, or loan insurance.

Initial ________

You certify that the organization will include the language of this Certification in the award documents for all subawards at all tiers, including, but not limited to:

1. Third party contracts,
2. Subcontracts,
3. Subagreements, and
4. Other third party agreements under a:
5. Federal grant or cooperative agreement, or
6. Federal loan, line of credit, loan guarantee, or loan insurance.

Initial ________

You certify that you understand that This Certification is a material representation of fact that
the Federal government relies on, and you must submit this Certification before the Federal government may award funding and that any person who does not file a required Certification will incur a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Initial ________

ALCOHOL AND CONTROLLED SUBSTANCE TESTING

Grantees receiving FTA funds under Capital Grant, Urbanized Area Formula Grants (includes CMAQ and STP), or Non-Urbanized Area Formula Grant Programs, Section 5316 and Section 5317 must have a drug and alcohol testing program in place for all safety sensitive employees.

Subrecipients that receive only JARC, New Freedom, or Section 5310 assistance are not subject to FTA's Drug and Alcohol testing rules, but must comply with the Federal Motor Carrier Safety Administration rule for employees who hold Commercial Drivers Licenses.

The FTA-mandated drug and alcohol testing program is separate from and in addition to the provisions of the Drug-Free Workplace Act (DFWA). Policy provisions and reporting requirements mandated by that Act are discussed in Section 20 of the Grants Management Workbook (http://www.fta.dot.gov/3909_ENG_HTML.htm).

If a grantee uses a contract service provider or maintenance provider to perform safety sensitive functions, these contractors also are subject to the provisions of these regulations. For transit agencies that use volunteer drivers, the volunteers are not subject to testing.

You certify that your organization and Third Party Contractors to which these testing requirements apply have established and implemented:

1. An alcohol misuse testing program, and
2. A controlled substance testing program.

Initial ________

MAINTENANCE PROCEDURES

Subrecipients must:

1. Keep federally funded equipment and facilities in safe, operating order;
2. Have policies and procedures to maintain vehicles;
3. Maintain in operative condition those features of facilities and vehicles that are required to make the vehicles and facilities readily accessible;
4. Repair ADA accessibility features if they are damaged or out of order; and
5. Establish a system of regular and frequent maintenance checks of lifts sufficient to determine if they are operative.

If applicable, certify that your organization meets the requirements above.

Initial ________

EQUIPMENT COMPLIANCE
Subrecipients using Federal or state funds to purchase vehicles are required to conduct pre-award and post-delivery reviews to confirm Buy America, purchaser’s requirements, and Federal Motor Vehicle Safety Standards (FMVSS) and certify compliance for all revenue service rolling stock procurements. Subrecipients must keep documentation showing they complied when procuring revenue rolling stock. A grantee must ensure than any state or federally funded, contractor operated equipment is controlled. A biennial physical inventory and other control measures are required.

If applicable, certify that your organization meets the requirements above.

Initial ______

SCHOOL BUS SERVICES

Grant recipients, and their contractors, cannot engage in school bus operations (providing vehicles or facilities) exclusively for the transportation of students and school personnel in competition with private school bus operators. In no case can federally funded equipment or facilities be used to provide exclusive school bus service.

Certify that your organization is not engaging in school bus operations.

Initial ______

CHARTER SERVICES

Grant recipients and their contractors, are prohibited from using Federally-funded equipment or facilities to provide charter service. Charter services means transportation using buses or vans or facilities, funded with FTA grants, which are provided to a group of persons who because of common purpose, have acquired exclusive use of the vehicle or service. The group operates under a single contract, at a fixed charge for the vehicle or service; and the group travels together under an itinerary either specified in advance or modified after the trip begins.

Certify that your organization is not engaging in charter services.

Initial ______

Subrecipient signature: __________________________________________ Date__________
ATTACHMENT F:

The Subrecipient’s Guide to Disadvantage Business Enterprise Program Compliance
Introduction

The Metropolitan Transit Authority of Harris County ("METRO") has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. METRO receives Federal financial assistance from the Federal Transit Administration (FTA), and as a condition of receiving this assistance, METRO has signed an assurance that it will comply with 49 CFR Part 26. As a result any entity receiving federal funds, from METRO must comply with METRO’s DBE Program and 49 CFR Part 26.

METRO and its subrecipients are required to comply with all applicable provisions of 49 CFR Part 26. If a subrecipient is found in violation of METRO’s DBE Program and 49 CFR Part 26, they will be eliminated from the Program. While this Subrecipient Guide to Disadvantaged Business Enterprise Program sets forth general requirements of 49 CFR Part 26, it is intended to be a summary of those requirements and not exhaustive. Subrecipients are responsible for reviewing and ensuring compliance with all applicable requirements of METRO’s DBE Program and FTA 49 CFR Part 26.

METRO Responsibilities

As a designated recipient of FTA funds, METRO receives, administers, and allocates funds to subrecipients and is responsible for documenting compliance with 49 CFR Part 26. METRO’s responsibilities include monitoring subrecipient compliance with 49 CFR Part 26, collecting and reporting DBE participation information to the FTA and provide assistance and support to subrecipients.

METRO will work with the subrecipient to ensure compliance with 49 CFR Part 26. This will include providing information, guidance and support for DBE participation reporting. Subrecipients may refer to METRO’s Disadvantaged Business Program by visiting www.ridemetro.org.

To track 49 CFR Part 26 compliance METRO will:
- Review subrecipient’s awards of federal funds to determine if a DBE Program is required
- Assist subrecipient with the development of a DBE Program if needed
- Assist subrecipient with bi-annual DBE participation reporting
- Report subrecipient’s DBE participation to the FTA

Subrecipient Responsibilities

An entity receiving federal funds from METRO must comply with 49 CFR Part 26 and METRO’s DBE Program and must:
- Report bi-annually Disadvantaged Business Enterprise (DBE) activity
- Confirm DBE actual performance on METRO assisted contracts
- Include specific clauses in METRO assisted solicitations and contracts (Exhibit A)
- Develop a DBE Program if applicable.

To assist subrecipients METRO has provided the following:
- Exhibit A – Subrecipient DBE Reporting FAQs
- Exhibit B – Required Contract Clauses
- Exhibit C – DBE Reporting Form and Sample
Exhibit A – Subrecipient DBE Reporting Requirements FAQs

**Question:** Why do I have to report DBE activity on contracts funded by METRO?

**Answer:** As a condition of receiving Federal financial assistance from the Department of Transportation (DOT), METRO has established a race/gender-neutral DBE program and has agreed to comply with 49 Code of Federal Regulations (CFR) Part 26. The regulations require METRO to report DBE participation bi-annually for the periods October – March and April – September. This requirement also applies to METRO’s subrecipients of federal funds.

**Question:** As a subrecipient, what do I have to do to be in compliance with 49 CFR Part 26?

**Answer:** Subrecipients are required to include Prompt Payment, Non-discrimination and Business Assurance clauses (Exhibit B) in their solicitations and contracts and to report DBE participation bi-annually to METRO. Subrecipients must provide METRO with written certification that it has conducted monitoring activities to ensure that the work committed to the DBEs at contract award or subsequently as a result of a contract modification is actually performed by the DBEs to which the work was committed.

**Question:** What is a Disadvantaged Business Enterprise?

**Answer:** Disadvantaged Business Enterprise (DBE) means a for-profit small business concern 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 of such individuals and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it. METRO employs the definition of “socially and economically disadvantaged” as found at 49 CFR Part 26 Section 26.5.

**Question:** How can I tell if a business is a DBE?

**Answer:** Disadvantaged Business Enterprises are certified under the Texas Unified Certification Program (TUCP). The Texas DBE certifying agencies are City of Houston, City of Austin, Corpus Christi Regional Transportation Authority, North Central Texas Regional Certification Agency, South Central Texas Regional Certification Agency and Texas Department of Transportation (DOT). A link to the TUCP DBE certification directory is [http://www.dot.state.tx.us/apps-cg/tucp/default.htm](http://www.dot.state.tx.us/apps-cg/tucp/default.htm). DBE firms can also provide a copy of their certification for your records.

**Question:** What DBE participation do we report to METRO?

**Answer:** On a bi-annual basis you will report the DBE participation on contracts funded by METRO. The reports will include amounts committed to DBEs on contracts awarded during the reporting period, amounts paid to DBEs on active contracts during the reporting period and the final amounts paid to DBEs on contracts closed during the reporting period.

**Question:** How do we report our DBE participation?

**Answer:** Subrecipients will report their DBE participation using METRO’s Assisted Contracts – Uniform Report of DBE Commitment/Awards and Payments (Exhibit C).

**Question:** Do we report participation of firms with any other certifications (HUB, SBE, WBE, MBE, etc.)?

**Answer:** No. CFR 49 Part 26 only applies to Disadvantaged Business Enterprises (DBE)
Question: What if there is no Disadvantaged Business Enterprises (DBE) on our METRO assisted contracts?

Answer: You are still required to report awards/payments and final payment amounts on METRO assisted contracts regardless of DBE participation.

Question: Who do I contact if I have any questions regarding CFR 49 Part 26 regulations and reporting requirements?

Answer: You can contact METRO’s Deputy Chief Procurement Officer and DBE Liaison Officer Kimberly Williams kimberly.williams@ridemetro.org, (713) 739-4992 or Karen Hudson, Director of Office of Small Business karen.hudson@ridemetro.org, (713) 739-6048.

Question: What are the reporting periods and when are the reports due?

Answer: Subrecipients will report DBE participation on METRO assisted contracts awarded, paid and/or closed during the periods October 1st – March 30th and April 1st – September 30th. Reports are due 30 days after the end of each reporting period (April 30th and October 30th).
Exhibit B – Required Contract Clauses

Prompt Payment Clauses:

- **Prompt Payment:** The Prime Contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than five (5) business days from the receipt of each payment the Prime Contractor receives from (Subrecipient).

- **Release of Retainage (if applicable):** The Prime Contractor agrees to release retainage to each subcontractor within thirty (30) days after the subcontractors work is satisfactorily completion. Satisfactory completion of the work in terms of the calculation of the 30 days for release of retention includes, not only completion of scope of work but also, any and all administrative, legal and contract requirements. Subcontractors may petition the Prime Contractor to make the final payment and may notify (Subrecipient) of the request. As (Subrecipient) releases retainage the Prime Contractor is required to immediately (within 15 days) pay the Subcontractor. Any delay or postponement of payment from the above referenced time frame may occur for good cause following written approval of (Subrecipient). This clause applies to both DBE and non-DBE subcontractors.

Nondiscrimination Mandate:

- The Contractor, subrecipient or subcontractor 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 requirements 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 recipient deems appropriate.

Business Assurance Statement:

- The Prime Contractor 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 requirements of 49 CFR Part 26 in the award and administration of DOT assisted contractors. 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 (Subrecipient) deems appropriate.
Exhibit C – Metropolitan Transit Authority of Harris County (METRO) Disadvantaged Business Enterprise Program Reporting Form Awards/Payments/Commitments Form and Sample

<table>
<thead>
<tr>
<th>METRO ASSISTED CONTRACTS - UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. AWARDS/COMMITMENTS MADE DURING THIS REPORTING PERIOD</strong> (total contracts and subcontracts committed during the reporting period)</td>
</tr>
<tr>
<td><strong>A</strong></td>
</tr>
<tr>
<td><strong>Total Dollars</strong></td>
</tr>
<tr>
<td>Prime contracts awarded this period</td>
</tr>
<tr>
<td>Subcontracts awarded/committed this period</td>
</tr>
<tr>
<td>TOTAL</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>B. BREAKDOWN BY ETHNICITY &amp; GENDER</strong></th>
<th>Contracts Awarded to DBEs this Period</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong></td>
<td><strong>B</strong></td>
</tr>
<tr>
<td><strong>Total to DBE (dollar amount)</strong></td>
<td><strong>Total to DBE (number)</strong></td>
</tr>
<tr>
<td><strong>Woman</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Man</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
</tr>
<tr>
<td>Black American</td>
<td></td>
</tr>
<tr>
<td>Hispanic American</td>
<td></td>
</tr>
<tr>
<td>Native American</td>
<td></td>
</tr>
<tr>
<td>Asian-Pacific American</td>
<td></td>
</tr>
<tr>
<td>Subcontinent Asian American</td>
<td></td>
</tr>
<tr>
<td>Non-Minority</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
</tr>
</tbody>
</table>

**C. PAYMENTS ON ONGOING CONTRACTS (report activity of ongoing contracts)**

| **A** | **B** | **C** | **D** | **E** | **F** |
| **Prime and sub-contracts currently in progress** | **Total Number of Contracts** | **Total Dollars Paid** | **Total Number of Contracts with DBEs** | **Total Payments to DBE firms** | **Percent to DBEs** |
| **D. TOTAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD** |
| **A** | **B** | **C** | **D** | **E** | **F** |
| **Number of Contracts Completed** | **Total Dollar Value of Contracts Completed** | **DBE Participation Needed to Meet Goal (Dollars)** | **Total DBE Participation (Dollars)** | **Percent to DBEs** |
| **Race Conscious** | | | | |
| **Race Neutral** | | | | |
| **Total** | | | | |

**Submitted By:**

24. Signature: 25. Phone Number:
## SAMPLE - METRO ASSISTED CONTRACTS UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS

### A. AVAIBLE COMMITMENTS MADE DURING THIS REPORTING PERIOD

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
<th>H</th>
<th>I</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime contracts awarded during this reporting period</td>
<td>Total Dollars on METRO assisted contracts</td>
<td>Total Number of METRO assisted contracts</td>
<td>Total to DBE (dollars)</td>
<td>Total to DBE (number)</td>
<td>Total to DBE - Race Conscious</td>
<td>Total to DBE - Race Conscious (dollars)</td>
<td>Total to DBE - Race Neutral</td>
<td>Total to DBE - Race Neutral (dollars)</td>
</tr>
<tr>
<td>Subcontracts awarded/committed during this reporting period</td>
<td>Total</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Total</td>
<td>C1 + E</td>
<td>D1 + E</td>
<td>C1 + E</td>
<td>D1 + E</td>
<td>C1 + E</td>
<td>D1 + E</td>
<td>C1 + E</td>
<td>D1 + E</td>
</tr>
</tbody>
</table>

### B. BREAKDOWN BY ETHNICITY & GENDER

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contracts Awarded to DBE(s) this Period</td>
<td>Total to DBE (dollars)</td>
<td>Total to DBE (number)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Women</td>
<td>Men</td>
<td>Total</td>
<td>Women</td>
<td>Men</td>
</tr>
<tr>
<td>Black American</td>
<td>A11=B1</td>
<td>#</td>
<td>#</td>
<td>D1=B1</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>A12=B1</td>
<td>#</td>
<td>#</td>
<td>D1=B1</td>
</tr>
<tr>
<td>Native American</td>
<td>A13=B1</td>
<td>#</td>
<td>#</td>
<td>D1=B1</td>
</tr>
<tr>
<td>Asian/Pacific American</td>
<td>A14=B1</td>
<td>#</td>
<td>#</td>
<td>D1=B1</td>
</tr>
<tr>
<td>Subcontinent/Asian American</td>
<td>A15=B1</td>
<td>#</td>
<td>#</td>
<td>D1=B1</td>
</tr>
<tr>
<td>Non-Minority</td>
<td>A16=B1</td>
<td>#</td>
<td>#</td>
<td>D1=B1</td>
</tr>
<tr>
<td>Total</td>
<td>Total A11-B15</td>
<td>Total D1-B15</td>
<td>Total A11-B15</td>
<td>Total D1-B15</td>
</tr>
</tbody>
</table>

### C. PAYMENTS ONGOING CONTRACTS (report status of ongoing contracts)

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime and sub contracts currently in progress</td>
<td>Total Number of Contracts - METRO assisted</td>
<td>Total Dollars Paid on METRO assisted contracts</td>
<td>Total Number of Contracts with DBE from A10</td>
<td>Total Payments to DBE firms: Prime and Subcontractor on METRO assisted contracts</td>
<td>Percent to DBE</td>
</tr>
</tbody>
</table>

### D. TOTAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race Conscious</td>
<td>Number of Contracts Completed - METRO assisted</td>
<td>Total Dollar Value of Contracts Completed - METRO assisted</td>
<td>DBE Participation Needed to Meet Goal (Dollars)</td>
<td>Total DBE Participation (Dollars) from METRO assisted contracts listed in B10</td>
<td>Percent to DBE</td>
</tr>
<tr>
<td>Race Neutral</td>
<td>#</td>
<td>S</td>
<td>NA</td>
<td>S</td>
<td>NA</td>
</tr>
</tbody>
</table>

### E. TOTALS

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime and sub contracts currently in progress</td>
<td>#</td>
<td>S</td>
<td>#</td>
<td>S</td>
</tr>
</tbody>
</table>

### Submitted By

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
</tr>
</thead>
</table>
January 2014

Dear METRO Grant Recipient:

Congratulations on receiving a grant through the Metropolitan Transit Authority of Harris County (METRO). As a recipient of federal funds there are certain provisions that are required. One of those provisions is compliance with the Federal Disadvantaged Business Enterprise Program.

The Disadvantaged Business Enterprise (DBE) Program is designed to assist small businesses in competing on contracts secured with federal funds. METRO’s Office of Small Business has responsibility for administering the DBE program and ensuring compliance by grant recipients. The Office of Small Business is here to assist you in complying with the federal DBE program. The attached documents include the forms you’ll need to complete and a “Frequently Asked Questions” sheet that will hopefully address most questions.

If you need additional assistance please do not hesitate to contact the METRO Office of Small Business by reaching Kimberly J. Williams, Vice President & DBE Liaison Officer at 713-739-4992 or kimberly.williams@ridemetro.org or Karen Hudson, Director, 713-739-6052 or Karen.Hudson@ridemetro.org.

Sincerely,

Kimberly J. Williams, J.D.
Vice President
METRO Office of Small Business
**ATTACHMENT G:**

**Metropolitan Transit Authority**

**Equal Employment Opportunity (EEO) Program**

**Subrecipient Monitoring Checklist**

Subrecipient: ____________________________ Date: ______________________

METRO Representative: _____________________________________________

Company Representative: ____________________________________________

### Preliminary Questions

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Do you receive capital or operating assistance in excess of $1 million?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Do you receive planning assistance in excess of $250,000?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Do you employ 50 or more transit-related employees?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*(Please note: If yes to questions (1) or (2) and (3) you are required to have an EEO program.)*

<table>
<thead>
<tr>
<th>Audit Items</th>
<th>MET</th>
<th>Incomplete</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAP is being communicated with staffing representatives, hiring managers,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>and senior management members</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Company EEO policy is being distributed to external recruitment sources,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>community organizations, universities, etc.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EEO complaint process is being communicated to employees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applicant flow report</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New hire report</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Terminations report</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Promotions report</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A log of internal and external EEO charges and investigative files are</td>
<td></td>
<td></td>
</tr>
<tr>
<td>being maintained</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current EEO posters are visible in your facilities</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Other:  
Other:  

Signature of Company Representative: ____________________ Date: ____________ 
Title: ________________________________________________
## Title VI Subrecipient Monitoring Checklist

<table>
<thead>
<tr>
<th>Component</th>
<th>Requirement</th>
<th>Status</th>
</tr>
</thead>
</table>
| Public Notice                      | The notice must be posted in the following locations:  
   • Agency Website  
   • Agency Public Areas (reception, public meeting rooms, etc.)  
   Best Proactive guidance also suggests that posting or printing in other areas such as  
   • Vehicles (buses, vans, rail, cars)  
   • Transit Shelters and Stations  
   • Ride Guides  
   • Bus Schedules  
   If you have LEP requirements the notices must be posted in the other language(s) as well. | "M"-Met "P"-Pending |
| Complaint Procedure                | Subrecipients must have a clear and consistent procedure for responding to customer complaints on Title VI issues posted on the website and available in the front office.  
   If you have LEP requirements the procedure must be posted in the other language(s) as well. |         |
| Complaint Form                     | Subrecipients must provide a customer complaint form posted on the website and available in the front office.  
   If you have LEP requirements the form must be posted in the other language(s) as well. |         |
<p>| Transit Related Title VI Complaints, Investigations, and Lawsuits | Subrecipients must maintain a list or log of all transit related Title VI complaints, investigations, and lawsuits. |         |</p>
<table>
<thead>
<tr>
<th><strong>Public Participation Plan</strong></th>
<th>Subrecipients must provide opportunities to the public to be involved in proposed transportation decisions and must have a written Public Participation Plan explicitly describing proactive strategies, procedures, and desired outcomes of their public participation activities.</th>
</tr>
</thead>
</table>
| **Language Assistance Plan**  | The Language Assistance Plan must include the following:  
  - Results of the Four Factor Analysis, including LEP population(s) served  
  - Description of how language services are provided, by language  
  - Description of how LEP persons are informed of the availability of language assistance services  
  - Description of how the plan is reviewed and updated  
  - Description of how employees are trained to provide language assistance |
| **Minority Representation Table** | Subrecipients with transit-related, non-elected planning boards, advisory councils, or committees selected by the subrecipient must provide a table depicting the membership of those organizations broken down by race. |
| **Facility Location Equity Analysis** | If a subrecipient is planning to acquire land to construct storage facilities, maintenance facilities, or operations centers they must not discriminate on the basis of race, color, or national origin, against persons |
who may, as a result of the construction, be
displaced from their homes or businesses.

During the planning phase the subrecipients
must perform an equity analysis prior to site
selection to ensure that the location is selected
in a non-discriminatory manner. If the selected
location results in disparate treatment the
subrecipient must show substantial legitimate
justification for locating the facility there and
evidence that there are no alternative locations.

<table>
<thead>
<tr>
<th>Fixed Route Service Standards and Policies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subrecipients providing fixed route service must determine frequency of services, age and quality of vehicles assigned to routes, quality stations serving different routes, or the location of routes in a non-discriminatory manner.</td>
</tr>
</tbody>
</table>

Service standards include the following:
- Vehicle load for each mode
- Vehicle headway for each mode
- On time performance for each mode
- Service availability for each mode

Subrecipients providing fixed route service
must determine the distribution of transit amenities or vehicle assignments for each mode in a non-discriminatory manner.

Subrecipients must develop written policies for transit amenities and vehicle assignments. Although there may be different policies for different modes of transportation, amenities policies address how amenities are distributed in a way that ensures that all riders have equal access to amenities.

Vehicle assignment policies must be based on vehicle and/or service type.

<table>
<thead>
<tr>
<th>Board Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>For all transit providers (including</td>
</tr>
</tbody>
</table>
subrecipients) the Title VI program must be approved by the transit provider’s board of directors.

Signature of Subrecipient Representative:____________________
Date:____________________
Title:_______________________________________________
ATTACHMENT I:

AMERICANS WITH DISABILITIES ACT (ADA)
Sub-recipient Monitoring Questionnaire

To be completed by the METRO subrecipient on an annual basis.

Basic Requirement: Titles II and III of the Americans with Disabilities Act of 1990

(ADA) provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service, including complementary paratransit service.

1. Does your agency have the capacity to ensure compliance with the ADA? Are employees trained to proficiency in ADA requirements? Please complete the table below.

<table>
<thead>
<tr>
<th>Responsibility (e.g., overseeing the ADA complementary paratransit program, training, processing complaints)</th>
<th>Number of Staff</th>
<th>Number of Staff with Less Than Three Years Experience in Their Position</th>
<th>Staff Vacancies</th>
<th>Type/Frequency and Method of Training for Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program Oversight</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADA Compliance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Complaint Intake</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial Oversight</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Customer Appeals</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scheduling</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service Supervision</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintenance Quality Assurance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle Procurement</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2. In the last year, has your agency purchased or leased any new or used bus vehicles for use in fixed route service?
   • If yes, were all of the vehicles accessible?

3. In the last year, has your agency remanufactured any existing buses (or acquired any remanufactured buses) for use in fixed route service?
   • If yes, are the vehicles readily accessible to people with disabilities, including those who use wheelchairs?
   • If no, provide the results of the engineering analysis demonstrating a significant adverse impact on the integrity of the vehicle as required under 49 CFR 37.75(c), 37.83 (c), or 37.89(c).

4. If your agency contracts for fixed route service, including commuter bus service, how does your agency know that the buses used for the service are accessible?

5. In the last year, has your agency purchased or leased any new inaccessible vehicles for demand-responsive service, including route deviation service? If yes, provide the documented analysis of equivalent service and the date of the analysis.
   • When was the certification of equivalent service filed?
   • How does the grantee monitor its own and its subrecipients’ compliance with equivalent service provisions?

6. Has your agency constructed or altered any facilities in the last year? If so, how did your agency ensure that the facility meets the appropriate accessibility requirements under DOT ADA regulations?

7. For facilities constructed by your agency that did not meet the requirements of 49 CFR 37.9 and 49 CFR 37.41, provide documentation sufficient to support the determination that the facility was made accessible to the maximum extent feasible as defined under 49 CFR 37.41(b).
8. For facilities altered by your agency that did not meet the requirements of 49 CFR 37.9 and 49 CFR 37.43, provide documentation to support the determination that the facility was made accessible to the maximum extent feasible as defined under 49 CFR 37.43(b).

9. For facilities altered by your agency, where an area containing a primary function as defined in 49 CFR 37.43(c) was altered, and for which the path of travel to and from the altered area is not accessible and was not otherwise replaced or altered, provide documentation that the cost of alterations required to the path of travel were disproportionate to the overall alterations in terms of cost and scope as defined in 49 CFR 37.43(e).

10. What are your agency’s procedures and policies, including those prescribed in bus operator training manuals, for (1) making stop announcements on fixed route vehicles, and (2) providing a means of route identification at stops served by multiple vehicles and multiple routes?
   - How does the grantee ensure that operators are following these policies?
   - How does the grantee monitor performance of vehicle operators and, where appropriate, the annunciator system?

11. What are your agency’s procedures and policies, including those in bus operator training manuals, governing the following DOT ADA requirements:
   - Requesting that persons sitting in priority seats and any fold-down seats over the securement area vacate those seats when a person with a disability needs to use them?
   - Transport of any wheelchair that does not exceed the capacities of the vehicle and its equipment (lifts/ramps)?
   - Lift/ramp deployment at any stop?
   - Service to persons using respirators, concentrators, or portable oxygen?
   - Time allowed for persons with disabilities to board/dismount a vehicle?

12. How does your agency provide public information/communications in accessible formats?
   - In what formats is information regarding transportation services available?
13. How are DOT ADA service requirements, including those listed above, communicated to employees, contractors, and lessees?

14. How does your agency monitor adherence to these requirements or otherwise enforce their implementation, including personnel disciplinary actions?

15. How does your agency ensure that personnel, contractors, and lessees are trained to proficiency so that they operate vehicles and equipment safely, and properly assist and treat individuals with disabilities who use the service with respect, courtesy, and sensitivity?

16. How does your agency ensure that accessible elements of transit buildings and facilities, such as elevators, ramps, and accessible routes, are maintained in operative condition?
   - When an elevator is out of service, how does the grantee accommodate individuals who rely on the elevator?

17. How does your agency ensure that the annunciator system is maintained in working condition?
   - Are vehicles with an inoperative annunciator system placed into service?

18. How does your agency ensure that vehicles with inoperative lifts or ramps are not placed into service?

19. What is the policy with regard to lift and ramp failures while the vehicle is in service?
   - Are operators required to report failures immediately?
   - Is alternative accessible service provided to persons with disabilities as required?
   - Are lifts and ramps repaired within the timeframes required by the DOT ADA regulation prior to returning the vehicle to service? How does the grantee know?
   - Are sufficient accessible spare vehicles available to enable the grantee, contractors, and lessees to meet the timeframes?

20. Does your agency provide route deviation service as its method for demand-responsive service? If yes:
   - Does the service deviate for people with and without disabilities?
   - Is the service publicly advertised as route deviation service?
21. How does your agency ensure that route deviation service meets the requirements for general public demand-responsive service?

22. Are there any lawsuits alleging discrimination on the basis of disability by your agency? If so, identify parties to suits and issues.

23. What are the procedures for tracking and resolving complaints filed with your agency? Who handles the complaints?

24. What are your agency’s standards for the prompt and equitable resolution of complaints?

25. What are the document retention policies for complaints?