



COLORADO
Department of Transportation

**DIVISION OF
TRANSIT AND RAIL
STATE MANAGEMENT PLAN**

**APPENDIX A
FTA PROGRAMS**

Section 5310 • Section 5311 • Section 5339
Section 5307 • Section 5304 • Section 5312



COLORADO
Department of Transportation

DIVISION OF TRANSIT AND RAIL STATE MANAGEMENT PLAN

APPENDIX A | FTA PROGRAMS

A1. Section 5310

Draft August 2019

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FTA Circular: FTA C 9070.1G: Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions
Rules and Regulations by the Colorado Department of Transportation for Implementation of the Section 5310 Program of the Federal Transit Laws, 49 U.S.C. Section 5300 et seq, 2 CCR 603-2

A1. SECTION 5310

The Section 5310 Program (49 United States [U.S.] Code [U.S.C.] 5310) provides funds to improve mobility for seniors and individuals with disabilities by removing barriers to transportation service and expanding transportation mobility options. This program supports transportation services planned, designed, and carried out to meet the special transportation needs of seniors and individuals with disabilities. Section 5310 funds are apportioned to the states by a formula based on the number of seniors and people with disabilities in the state according to the latest available U.S. Census data.

Documents that govern how the Colorado Department of Transportation (CDOT) administers Section 5310 funds include:

- Federal Transit Administration (FTA) Circular 9070.1G:
https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/C9070_1G_FINAL_circular_4-20-15%281%29.pdf
- FTA Website Overview: <https://www.transit.dot.gov/funding/grants/enhanced-mobility-seniors-individuals-disabilities-section-5310>
- Rules and regulations by CDOT for implementation of the Section 5310 program:
<https://www.codot.gov/programs/transitandrail/transit/transit-grant-programs/grant-information/transit-unit-state-guidance-for-grants/Rules5310.pdf/view>

A1.1 Program Goals and Objectives

The following goals were established for CDOT in its Section 5310 policy and programs:

- Provide quality transportation in Colorado to meet the needs of seniors, persons with disabilities, and other transportation-disadvantaged persons, especially those without ready access to other means of transportation.
- Preserve and upgrade existing transportation services and facilities, and encourage new and innovative forms of transportation.
- Ensure that private sector transportation operators, minority organizations, disadvantaged business enterprises, and the public have the maximum feasible opportunity to participate in the design, provision and evaluation of public transportation services.
- Maximize the degree of coordination at both the state and local level in the provision of transportation services.
- Ensure a fair and equitable distribution of the Section 5310 funds across the state.

- Encourage services to be made widely available and not directly or indirectly limited to a particular client or population group.

A1.2 Roles and Responsibilities

The parts of CDOT’s organization that are involved in the administration of FTA and state transit funds are listed in the following table.

Acronyms and Abbreviations:

CDOT = Colorado Department of Transportation	FTA = Federal Transit Organization
CRBRC = Civil Rights and Business Resource Center	MPO = Metropolitan Planning Organization
DAF = Division of Accounting & Finance	OFMB = Office of Financial Management & Budget
DTD = Division of Transportation Development	STIP = Statewide Transportation Improvement Program
DTR = Division of Transit and Rail	TIP = Transportation Improvement Program
FFATA = Federal Funding Accountability and Transparency Act	TPR = Transportation Planning Region
FFR = Federal Financial Report	TRAC = Transit and Rail Advisory Committee

CDOT Organization	Role
DTR	Primary entity responsible for the management of FTA funds and for the oversight of subrecipients that are the operating entities throughout the state who perform the work.
Transportation Commission	Approves high-level policy criteria and transit metrics by which transit funds are evaluated and allocated. Adopts statewide plans related to transit, including the STIP. Approves DTR’s annual budget and recommended project awards.
Executive Director	Reviews/approves FTA award amendments and award appeals, if required
Office of Policy and Governmental Relations	Submits CDOT lobbying certifications.
DAF	<p><u>OFMB</u>: Sets CDOT’s budget structure, prepares and approves STIP, approves FTA and state transit pool funds,</p> <p><u>Accounting</u>: Enters financial information into CDOT’s financial management system (SAP), manages the drawdown of federal funds, performs the FFR and FFATA reporting.</p> <p><u>Business Office</u>: Updates STIP, manages the accounts payable functions for all subaward agreements builds budgets in SAP, approves subrecipient reimbursement request, reconciles project budgets, approves final reimbursement request to FTA.</p> <p><u>Office of Procurement</u>: Sets CDOT procurement policies, maintains master subrecipient subaward agreements, reviews and executes subaward agreements, reviews subrecipient procurement processes for compliance with federal requirements and required federal clauses.</p>

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CDOT Organization	Role
CRBRC	Develops CDOT’s civil rights programs and policies, provides DTR guidance on civil rights requirements, oversees subrecipients’ compliance with civil rights requirements in providing services and third-party contracting, maintains CDOT and subrecipients’ required civil rights documentation
Division of Audit	Approves subrecipient cost allocation plans or indirect cost rates.
Office of Communications	Issues public notices of public comment periods for statewide planning process, issues statements of project awards
CDOT DTD (supported by TRAC)	Conducts statewide planning process, coordinates with MPOs and TPRs regarding TIPs and STIP
CDOT Regions	Participate in statewide planning process, manage Region transit construction projects

The Division of Transit and Rail’s (DTR) direct access to the CDOT Executive Director to perform duties and functions under CDOT and the Executive Director is established in state law CRS 24-1-127.7(3)(e), CRS 24-1-103 through 105, and CRS 43-1-117.5.

Federal law, 49 Code of Federal Regulations (CFR) 26.25 requires that CDOT’s Disadvantaged Business Enterprise (DBE) Liaison Officer has direct, independent access to the Chief Executive Officer concerning DBE program matters. CDOT meets this requirement under a notice of Assurance of Direct and Independent Access executed January 2016 by CDOT’s Executive Director.

A1.2.1 Division of Transit and Rail

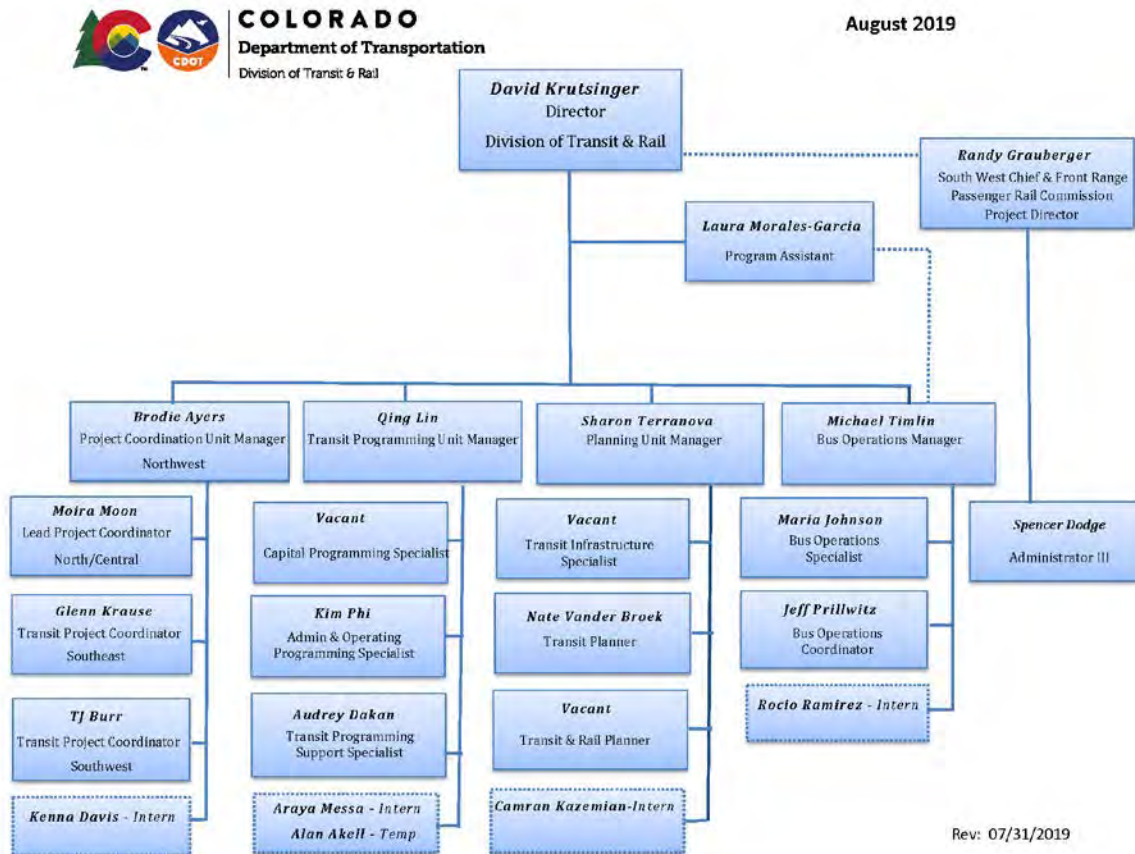
The DTR organization is shown in Figure A1.1.

Individual units within DTR have the following general responsibilities:

- **Planning Unit:** This group oversees the statewide planning process related to transit, and oversees distribution of federal and transit funds.

- **Programming Unit:** This group conducts and oversees the application process, award of projects, development and execution of the subaward agreement, and budgeting of federal and state funds.
- **Project Coordination Unit:** This group provides oversight and technical assistance to subrecipient agencies during the project and oversees the project close-out process.
- **Bus Operations Unit:** This group is responsible for regional, interregional, and intercity bus programs (Bustang and Outrider operations, Funding Advancement for Surface Transportation and Economic Recovery Act (FASTER) Operating assistance, and FTA 5311(f) programs).

Figure A1.1. DTR Organizational Chart



A1.2.2 Advisory Committees

There are several advisory committees that participate in CDOT's transit and rail planning processes, as described in the following sections. As required by the FTA, CDOT encourages minority participation in its advisory committees.

A1.2.2.1 Transportation Commission's Transit & Intermodal Committee

The state's transportation system is managed by CDOT under the direction of the Transportation Commission. The commission comprising 11 commissioners who represent specific districts. Each commissioner is appointed by the Governor, confirmed by the Colorado Senate, and serves a 4-year term. To provide continuity, the commissioners' term expiration dates are staggered every 2 years. Under state law, the powers and duties of the Transportation Commission include:

- Formulating general policy with respect to the management, construction, and maintenance of public highways and other transportation systems in the state.
- Advising and making recommendations to the Governor and the General Assembly relative to transportation policy; and promulgating and adopting CDOT's budgets and programs, including construction priorities and approval of extensions or abandonments of the state highway system. The General Assembly appropriates the administrative budget for CDOT.

The Transit and Intermodal Committee is one of three Standing Committees created by the Transportation Commission, as set forth in 2CCR 601-11, Rules Governing Practice and Procedures of the Transportation Commission of Colorado (<https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=6937&fileName=2%20CCR%20601-11>). The Chairman of the Transportation Commission with consent of the full Commission, appoints at least three but no more than five members of the Commission who meet periodically with executive management and the DTR Director to review transit and rail policies and practices.

A1.2.2.2 Statewide Transportation Advisory Committee

The Statewide Transportation Advisory Committee (STAC) advises CDOT and the Transportation Commission on the needs of the transportation system in Colorado and reviews and comments on all Regional Transportation Plans, and the Statewide Transportation Plan. STAC membership includes Colorado's 15 urban and rural Transportation Planning Regions (TPR) and 2 Indian Tribes. Voting representatives are selected by the 5 Metropolitan Planning Organizations (MPO), 10 rural Regional Planning Commissions, plus the Southern Ute and the Ute Mountain Ute Indian Tribes in southwest Colorado.

<https://www.codot.gov/programs/planning/planning-partners/stac.html>

A1.2.2.3 DTR's Transit and Rail Advisory Committee

The Transit and Rail Advisory Committee (TRAC) works with DTR to develop and promote the DTR's vision, policies, and priorities for transit and rail services in Colorado. The committee's 18 members are representatives from public and private transit providers, Class I and Shortline railroads, interest groups, CDOT TPRs, counties, cities and the general public. TRAC subcommittees are formed as needed to address specific issues, for example FTA Section 5310/5311 distribution, performance asset management, Bustang/Rural Regional Bus, and the Statewide Transit Plan (SWTP) implementation.

<https://www.codot.gov/about/committees/trac>

A1.2.2.4 Southwest Chief & Front Range Passenger Rail Commission

The Southwest Chief & Front Range Passenger Rail Commission was created by Senate Bill 17-153 in May 2017. It has 11 voting members (MPOs, Freight Railroads, Regional Transportation District, Passenger Rail Advocacy, Local Leaders, and others) and 3 non-voting members (Amtrak, Cheyenne Chamber of Commerce, and CDOT). It has two purposes: (1) to preserve and improve the existing Amtrak Southwest Chief service through track maintenance and other improvements, and (2) to facilitate the development of a passenger rail service along the greater I-25 corridor. Information about this Commission is located at

<https://www.codot.gov/about/southwest-chief-commission-front-range-passenger-rail>.

A1.3 State and Local Coordination

Every 5 years DTR completes an SWTP to establish a framework for creating an integrated statewide transit system that meets the mobility needs of Coloradans, while minimizing duplication of services and leveraging limited funds. The plan also meets state and federal planning requirements and guides CDOT's transit investments, project processes, and actions over the short-, mid-, and long-term. The SWTP includes needs, funding, and recommendations across the entire state. The Plan also integrates Regional Transit Plans for each of the state's ten rural TPRs, inclusive of coordinated public transit Human Services Transportation Plans. Local transit agencies in rural areas that are not part of an MPO are encouraged to work with the appropriate rural planning region regarding transit needs. The SWTP is located at: <https://www.codot.gov/programs/colorado-transportation-matters/other-cdot-plans/transit/transit>.

Part of DTR's application process requires the subrecipient to demonstrate that the project has been coordinated at the local level through Regional Coordinating Councils or Local Coordinating Councils.

CDOT's Chief Engineer participates in a statewide Strategic Action Planning Group on Aging (SAPGA), which makes recommendations to the governor and state legislature about issues related to an aging population—transportation included.

A1.4 Eligible Subrecipients

CDOT is the designated recipient for the Denver/Aurora large Urbanized Area (UZA; over 200,000), as chosen by the Governor in 2014. Two additional large UZAs in Colorado (Cities of Fort Collins and Colorado Springs) are direct recipients of Section 5310 funds and manage their Section 5310 programs in coordination with their MPOs, under the oversight of FTA Region 8.

CDOT is also the designated recipient for Small UZAs (50,000 to 200,000) and Rural areas (under 50,000).

Eligible subrecipients include private nonprofit organizations, states, or local government authorities, or operators of public transportation for transportation services targeted to meet the needs of seniors and persons with disabilities. Applicants must be one of the following to be eligible for “traditional” 5310 funds (mobility management projects):

- A private non-profit organization directly providing transportation services;
- A local public body approved by the State (CDOT) to coordinate services for seniors and individuals with disabilities; this approval must be requested in advance and should demonstrate how the public body is coordinating with others in its area; or
- A local public body certifying that it serves a region where no private non-profit organization is available. Public bodies must seek this certification prior to applying and must demonstrate due diligence in attempting to identify any local private nonprofit entity that is or might be interested in providing services for seniors and individuals with disabilities.

Applicants must be one of the following to be eligible for “Non Traditional” Other 5310 funds (operating projects):

- A private non-profit organization.
- A state or local governmental authority.
- An operator of public transportation that receives a Section 5310 award indirectly through a recipient.

A1.5 Local Share and Local Funding Requirements

All projects funded through these programs require some form of local match and sufficient operating funds to operate and maintain FTA-funded programs and projects. The federal share of eligible capital projects may not exceed 80%, and may not exceed 50% for operating assistance. For mobility management projects, the required local match percentage is 20% of expenses.

Local match may consist of any non-Department of Transportation (DOT) federal funds, such as Medicaid, Older Americans Act funding, or other funds that may be used for transportation; local tax revenues; local general operating funds; donations; or in-kind goods and services.

Local match may only be used once; that is, the same Older Americans Act funds may not be used for a 5311 application and a 5310 application. Local entities may choose to overmatch, meaning their portion of the total project budget may exceed 50% for operating and 20% for administration or mobility management projects.

In-kind goods and services may be used for the local share. If in-kind goods and services are used for local match, they must have direct relevance to the project being matched. For example, volunteer driver hours may be used as part of the local match under Section 5310 operating if the volunteer drivers are providing service to seniors and persons with disabilities.

Fuel in lieu of contributed funding is not considered in-kind when the fuel is used solely for the provision of transportation under one of the operating projects. The cost of the fuel is considered contributed income and may be used as cash local match.

A1.5.1.1 Sliding Scale Share

Colorado is one of 14 states under 23 U.S.C. 120(b) that are allowed to have higher federal share rates for capital projects under the 5310 program. Because of the limited amount of funding available and because the state faces an increased demand for capital and operating assistance, CDOT policy is to not use the sliding scale match and to limit the federal share to the standard match for all 5310 projects.

A1.5.2 Project Selection Criteria and Method of Distributing Funds.

A1.5.2.1 Eligible Projects

5310 projects must be targeted toward meeting the transportation needs of seniors and individuals with disabilities, although they may be used by the general public on an incidental basis. It is not sufficient that seniors and individuals with disabilities are included (or assumed to be included) among the people who will benefit from the project.

CDOT provides FTA operating assistance funds for three categories:

- **Rural** (less than 50,000 population)—Open to agencies in all non-urbanized, rural areas of Colorado.
- **Small Urbanized** (50,000 to 200,000 population)—Open to agencies in Boulder, Lafayette-Louisville-Erie, Longmont, Pueblo, Greeley, and Grand Junction.

- **Large Urbanized** (greater than 200,000 populations)—Denver (The other two large urbanized areas [Fort Collins and Colorado Springs] have chosen to administer their own Section 5310 funds.)

A1.5.2.2 Consolidated Capital Projects Call

Every year CDOT pools (consolidates) funds from federal and state programs and conducts a single competitive application process for local capital projects.

A1.5.2.2.1 Selection Criteria

Projects for these programs are evaluated based on the type of project—that is, revenue vehicles (rolling stock); facilities, design, and equipment; or studies—and whether the project is for replacement or expansion (new) vehicles. Evaluation metrics (or criteria) for each type of project are listed below.

For Replacement of Revenue Vehicles

Metric 1: *The vehicle's State of Good Repair (SGR):* Age, Mileage, Usage, Readiness, including how the vehicle's replacement is projected and prioritized within the agency's Asset Management Plan; higher mileage vehicles will be scored higher than lower mileage units. Older vehicles, beyond minimum useful life standards, are scored higher than newer vehicles, with special considerations allowed for "lemons" or irreparable damage due to accident, etc.

Metric 2: Higher scoring will be awarded to applicants that can demonstrate a good state of repair through effective, documented, formal preventive maintenance programs or Transit Asset Management programs, and to those that have and follow a capital replacement plan.

For Expansion of Revenue Vehicles

Metric 1: *Demonstrated Need and Readiness:* Higher scoring will be awarded to projects that clearly demonstrate the need for the expanded service in terms of documented ridership or need studies and community support, that demonstrate an effective business case and can demonstrate they are truly ready to implement and sustain the expansion.

Metric 2: *Special Considerations:* For vehicle requests, applicants with a lower fleet spare ratio, who have a capital replacement plan and follow sound asset management practices, who can show strong institutional commitment, and who can show a strong financial commitment (higher local match ratio), will be scored more strongly.

For Facilities, Design, and Equipment

Metric 1: *Readiness and Demonstrated Timetable:* Higher priority will be given to those that are shovel ready (i.e., National Environmental Policy Act [NEPA] clearance finalized, at least 30% design completed, and site location selected and purchased), and to the completion of existing projects.

Metric 2: Project Purpose, Cost Savings, and Efficiency: Higher priority will be given to those projects that: have a high degree of local and regional support; well-developed and defensible business case, and support or provide significant transit operational and utilization benefits.

Metric 3: Special Considerations. Higher scoring in this area will be given to those projects that demonstrate they were developed in partnership with the local community. In the case of requests for the expansion of existing facilities, higher scoring will be applied if the project demonstrates the need for the facility and for growth in the program it supports. Agencies that adequately demonstrate institutional commitment, funding, financial capacity, and capability to sustain the service and project over time will be also be scored more strongly.

Civil Rights Requirements. In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part." Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, "The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin." For purposes of this requirement, "facilities" does not include bus shelters, as these are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. In order to comply with the regulations:

The recipient must complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Recipients shall engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.

A1.5.2.3 Local Transit Operating, Administrative, and Mobility Management; and Statewide Operating

Every year CDOT pools (consolidates) funds from several programs and conducts a competitive application process for local transit operating, administrative, mobility management, and statewide operating projects. Examples of these projects include operating assistance for general public transit, operating assistance for specialized transit, mobility managers, travel training, etc.

A1.5.2.3.1 5310 Operating

Under Moving Ahead for Progress in the 21st Century Act (MAP-21) legislation, Congress merged the 5317 New Freedom program into the Section 5310 program. As a result of this merger of programs, activities eligible under the New Freedom program, including operating funds for projects that serve seniors or people with disabilities beyond the minimum Americans with Disabilities Act (ADA) requirements—are now eligible under Section 5310 for Large Urban and Small Urban regions.

In rural and small urban areas, the legislation requires that at least 55% of Section 5310 funds be available for capital projects that are “traditional” Section 5310 projects (e.g., capital purchases, mobility management) while the remaining 45% can be used for other capital and operating projects that were previously associated with the New Freedom program.

Under the FTA Section 5310 program, the costs necessary to operate, maintain, and manage a transportation system are considered eligible operating expenses. Operating expenses usually include such costs as driver salaries, fuel, and items having a useful life of less than one year

Operating funds under the Section 5310 program require a 50% local match and agencies must show that they have the required funding to match FTA funds.

Applicants must show that there is both a service need and a financial need for funding and outline how their program specifically meets the specified criteria.

A1.5.2.3.2 Section 5310 Mobility Management

This classification covers applications to fund the following types of projects:

- Purchased transit service
- Operating a transportation brokerage to coordinate service providers
- Providing information and referral services and/or resources
- Operating one call-one click systems and/or call centers
- Supporting local partnerships that coordinate transportation services, such as Regional Coordinating Councils and Local Coordinating Councils
- Staffing for the development and implementation of coordination plans
- Providing travel training and trip planning activities

Projects funded in this category require a 20% local match and are consistent with definitions developed under MAP-21.

Mobility Management Description

This category covers projects designed to enhance the mobility of individuals within a region. Funds may be used to hire staff to provide mobility services, purchase transportation for individuals needing to travel in a region, marketing of mobility services for a region,

coordination efforts within a region, or other services designed to enhance the mobility of Coloradoans.

The Colorado Mobility and Access Coalition describes Mobility Managers as individuals who “plan and manage activities and projects that improve coordination among transportation providers and those who need transportation. Mobility Management assists moving any individual using a range of transportation options, with a focus on effectiveness and cost-efficiency. Mobility Management seeks and leverages a variety of funds and partnerships to connect resources and needs in a sustainable manner.”

Mobility management is customer focused, serves a vital role in improving access for citizens, especially those who are elderly or have disabilities, and assists transportation providers in making the best use of scarce resources. Through the distribution of Section 5310 funds for Mobility Management, CDOT is committed to leveraging resources to maximize and enhance access to transit.

Mobility management activities are intended to build coordination between existing health and human service agencies, employment services, and public transportation providers, with the result of expanding the availability of service. Funding may be used for salaries, benefits, and related program expenses.

Subrecipients requesting funds for mobility management must demonstrate that they have and will use a range of transportation options and providers, working together cooperatively in a partnership.

Travel Training

Projects in this category consist of efforts designed to transition persons with disabilities from specialized ADA services onto regular fixed route services. These projects must operate within an area where a fixed route program and its complementary paratransit program exist. They typically operate in areas where other mobility management services are available. Funding may be used for salaries of trainers, purchase of travel training services, development of travel training materials, or the purchase of fixed route tickets or passes needed for one-on-one training.

Brokerage Operations

Funding for these services is limited to agencies that broker transportation trip requests. The applicant may be one of the providers as long as they identify the other participants in the brokerage and indicate the approximate percentage of trips they anticipate providing themselves. In addition, the applicant must show the processes by which they broker requests.

A1.5.2.4 Coordinated Planning

Title 49 U.S.C. 5310, as amended by MAP-21, requires a recipient of Section 5310 funds to certify that projects selected for funding under this program are included in a locally

developed, coordinated public transit-human services transportation plan and that the plan was developed and approved through a process that included participation by seniors; individuals with disabilities; representatives of public, private, nonprofit transportation and human service providers; and other members of the public. FTA strongly encourages coordination and consistency between the local coordinated public transit-human service transportation plan and metropolitan or statewide transportation planning processes, as described in 23 CFR part 450 and 49 CFR part 613.

During the application process, DTR staff verify that proposed projects are part of the applicable TPR plans or the coordinated human services plans prepared by the MPOs. CDOT's statewide planning process includes the required participation and coordination for the projects eligible for 5310 funds.

DTR allows the use of Section 5310 funded vehicles in a coordinated setting with Section 5311 funded programs, so long as the service being provided is primarily for seniors and persons with disabilities, and provided general public ridership is approximately no more than 20%. A subrecipient is responsible for ensuring compliance with this requirement and for tracking ridership data to support this assertion

A1.5.2.5 Geographical Distribution

DTR undertakes a geographic equity analysis as part of the SWTP update process every 4 years that ensures that each part of the state, as defined by the TPR, receives an equitable share of FTA funding. In addition, geographic equity is one of the criteria used to award projects under the Calls for Projects.

DTR enlists the assistance of the Denver Regional Council of Governments (DRCOG) in soliciting, evaluating, and selecting projects in the Denver/Aurora UZA. To avoid duplicative awards and facilitate a fair and equitable distribution of funds statewide, DTR coordinates with the MPOs of the Fort Collins and Colorado Springs large UZAs by sharing information about project requests. DTR coordinates with these entities so that state-managed funds like FASTER do not compete with or supplant regionally managed funds.

DTR seeks to award Section 5310 funds for capital equipment to no more than one organization within a geographic area. Exceptions can be made in more heavily populated communities where there are multiple providers that agree to work closely together under a coordination agreement; and when a lead agency applies on behalf of a second agency and there is a formal arrangement for administering the project.

A1.5.2.6 Application Evaluation and Scoring

DTR staff reviews the applications to ensure that minimum eligibility requirements are met. Any applicant not meeting the criteria is contacted by DTR and given the opportunity to respond to the finding of ineligibility.

For all projects, an evaluation committee made up of CDOT staff (DTR, Division of Transportation Development [DTD], the Policy and Government Relations Office, Civil Rights & Business Resource Center) evaluates and scores applications. In selecting projects for funding, consideration is given to geographic distribution.

The evaluation committee has two to three weeks to review applications and prioritize projects. The committee compiles scores and puts together a recommended prioritized award list.

After the committee evaluates the project according to the criteria included in the Notice of Funding Availability, each project is ranked according to its project type and score. Because of limited available funding, CDOT continues to put an emphasis on a fix-it-first approach—that is, giving higher priority to the replacement and refurbishment of buses, facilities, and equipment, rather than on new or expansion capital or planning projects. This does not mean, however, that expansion or planning projects are not funded—only that an applicant seeking funding for expansion projects must make a very strong case, with documented justification and evidence of sustainability, in order for the project to be considered.

A1.5.2.6.1 Operating and Mobility Management Projects

Applicant merit scoring and weighting are based on the following factors for Operating and Mobility Management projects:

Financial Need (30%)

- Lack of funding sources available to the applicant.
- Good faith efforts to obtain funds for the project from non-FTA sources (e.g., Title III of the Older Americans Act and Medicaid reimbursements).
- Economic condition of the applicant's service area.
- Level and amount of local commitment to transit.
- Reasonableness of costs to operate and administer the project.
- Amount of available revenue, including contract and earmarked funds.
- Portion of costs covered by local funds.

When evaluating financial justification, the Evaluation Committee compares estimated project costs and revenues in light of a three-year cost history. Inflation and service expansion are considered.

Service Justification (30%)

- Lack of appropriate public transportation alternatives.

- Transit dependency of the population in the applicant's service area, particularly the extent to which the proposed project serves elderly or disabled persons, persons without a car, or low-income persons.
- Extent to which the applicant provides service to other organizations; the numbers of riders and types of trips provided.
- Size of an applicant's service area.
- Other relevant factors, including congestion mitigation and air quality improvement.

Coordination/Effectiveness (40%)

This is the extent to which an applicant demonstrates that it has coordinated with other organizations to promote the service and reduce service duplication, overlapping service areas, and conflicts. The Evaluation Committee will also evaluate how the proposed/selected activities will advance efficiencies in, accessibility to, and/or the effectiveness of transportation services provided to seniors and individuals with disabilities. The coordination of services evaluation is separate from the threshold requirement for projects to be derived from a local human services transportation plan. Factors to be considered are:

- Extent which coordination reduces operating expenses, number of vehicles used and lead time for passenger scheduling.
- Extent which the applicant works with community organizations (e.g., Chambers of Commerce, human service agencies) to promote the service and make it more efficient.
- Lack of duplication or overlap with transit services provided by others.
- An applicant's good faith efforts to coordinate with private for profit operators.
- The performance measure(s) listed for each activity demonstrates your ability to improve your clients' quality of life and can also indicate the quality of change that was produced by your activity.
- Scoring priority is given to those agencies that provide transportation opportunities to a wider population.

Applications are given a score of 0 to 3.0 in 1/4-point increments for each element. The element score is then weighted based on the above criteria and added together to derive the total merit score. For example, an application receiving a 2.0 on financial need, a 2.5 on service need, and a 3.0 on coordination would score as follows:

- 2.0 x 0.3 = 0.60
- 2.5 x 0.3 = 0.75
- 3.0 x 0.4 = 1.20

A1.5.2.6.2 Capital Projects

Applicant merit scoring and weighting are based on the following factors for capital projects:

Project selection is based on FTA minimum useful life guidelines for buses and related facilities, and FTA program guidance, including asset management principles. Furthermore, Policy Directive 14 puts performance goals in place for the overall preservation of the statewide transportation system.

For Replacement of Revenue Vehicles

Metric 1: *The vehicle's SGR:* Age, Mileage, Usage, Readiness, including how the vehicle's replacement is projected and prioritized within the agency's Asset Management Plan; higher-mileage vehicles will be scored higher than lower mileage units. Older vehicles, beyond minimum useful life standards, are scored higher than newer vehicles, with special considerations allowed for "lemons" or irreparable damage due to accident, etc.

Metric 2: Higher scoring will be awarded to applicants that can demonstrate a good SGR through effective, documented, formal preventive maintenance programs or Transit Asset Management programs, and to those that have and follow a capital replacement plan.

For Expansion of Revenue Vehicles

Metric 1: *Demonstrated Need and Readiness:* Higher scoring will be awarded to projects that clearly demonstrate the need for the expanded service in terms of documented ridership or need studies and community support, that demonstrate an effective business case, and that can demonstrate they are truly ready to implement and sustain the expansion.

Metric 2: *Special Considerations:* For vehicle requests, applicants with a lower fleet spare ratio (i.e., less than 20%), who have a capital replacement plan and follow sound asset management practices, who can show strong institutional commitment, and who can show a strong financial commitment (higher local match ratio), will be scored more strongly.

For Facilities, Design, and Equipment

Metric 1: *Readiness and Demonstrated Timetable:* Higher priority will be given to those new projects that are shovel ready (i.e., NEPA clearance finalized, at least 30% design completed, and site location selected and purchased), and to the completion of existing projects.

Metric 2: *Project Purpose, Cost Savings, and Efficiency:* Higher priority will be given to those projects that have a high degree of local and regional support; are well-developed with a defensible business case; and support or provide significant transit operational and utilization benefits.

Metric 3: *Special Considerations.* Higher scoring in this area will be given to those projects that demonstrate they were developed in partnership with the local community. In the case of requests for the expansion of existing facilities, higher scoring will be applied if the project demonstrates the need for the facility and for growth in the program it supports. Agencies

that adequately demonstrate institutional commitment, funding, financial capacity, and capability to sustain the service and project over time will be also be scored more strongly.

Civil Rights Requirements. In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part." Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, "The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin." For purposes of this requirement, "facilities" does not include bus shelters, as these are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. In order to comply with the regulations.

The recipient must complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Recipients shall engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.

For Planning Studies

Metric 1: *Project Purpose and Demonstrated Need:* The project does not qualify for FTA Section 5303 or 5307 (in urbanized areas) or 5304 funding (in rural areas), it is relevant to other transit agencies in the state, it has been vetted with the local transit provider, and the study is ready to proceed upon award. In rare cases, Section 5304 rural planning funds may be awarded to urbanized areas that consider rural-to-urban services.

A1.6 Annual Program of Projects Development and Approval Process

From the final list of subawards for a given Call for Projects, DTR develops a Program of Projects (POP) for each FTA program. The POP includes a brief description of the projects; identifies each subrecipient and indicates whether they are governmental authorities or private nonprofit agencies; and lists total project costs and federal share of each project. The POP summarizes the available and applied funds for the program and the sources of funding for each parent award and project within the parent award (FTA, local match, local in-kind match). Additional detail on each project includes specific information about the agency, award status, civil rights compliance status, and contract identifiers in the CDOT accounting system.

DTR then assembles an award application in FTA's Transit Award Management System (TrAMS) based on the POP. The award application includes the following minimum information:

- Fiscal Year (FY) of funding and whether Program Requirements are met
- Period of Performance
- Statewide Transportation Improvement Program (STIP)/Transportation Improvement Program (TIP)/Unified Planning Work Program
- Project Locations
- Activity line Item and Budget Line Information, Federal and Local match ratio
- Local Match Sources
- Vehicle Useful Life, fuel Type and Quantities
- Local Transportation Human Service Coordination Plan for 5310 projects
- Milestones
- NEPA Requirements

FTA reviews the POP and application for compliance, then approves and releases the funds to CDOT. This process is illustrated in Flowchart A1-1 FTA Award Application.

A1.7 State Administration, Planning, and Technical Assistance

DTR uses no more than 10% allowable allocation of Section 5310 funding, in combination with its \$1 million of FASTER administrative funds, to administer its programs, manage its planning process, and provide technical assistance.

A1.8 Transfer of Funds

The transfer of Section 5310 funds to and from other programs is allowed for the following:

- CDOT may transfer Section 5310 funds to Section 5311 or Section 5307 programs if the funds will remain unobligated at the beginning of the 90-day period before the end of the federal fiscal year.
- Surface Transportation Programs, Congestion Mitigation and Air Quality (CMAQ) funds, and other eligible flexible funds may be transferred from the Federal Highway Administration to the Section 5310 program for capital needs. Procedures related to flexible funding are outlined in FTA Circular 9040.1.G, Appendix D. DTR makes decisions about transferring funds in conjunction with local area transit providers, the area MPO, and the State Highway Engineer's office; transfers must be approved by the CDOT Executive Director.
- CDOT may use 5310 funds apportioned for Small and Rural UZAs for projects serving another area if all the objectives of the 5310 program are being met in the specified areas. This requires a certification from the governor (or the governor's designee) after CDOT consults with responsible local officials, publicly owned operators of public transportation,

and nonprofit providers in the area from which the funds to be transferred were originally apportioned.

- CDOT can transfer small UZA or rural allocations to large UZAs but not the other way around.

All contractual, procurement and payment procedures must follow state and federal guidelines. Notification to FTA of the intent to transfer funds is in accordance with FTA Circular 9070.1G.

A1.9 Private Sector Participation

CDOT issues its calls for projects using a broad advertising approach to ensure applications are competitive. Public involvement processes must be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement throughout the transportation planning and programming process.

In CDOT's continued commitment to the involvement of private enterprise in the provision of mass transit services, to the maximum extent feasible, the following applies:

- Applicants must provide reasonable notice to transportation providers regarding proposed services and opportunities for their participation in such services.
- Applicants must provide, in each application, certified receipts of letters that applicant sent to private for-profit transportation providers notifying them of all applicable public hearings and coordinated meetings.
- To ensure that all interested persons, businesses, and agencies have been notified of an applicant's intention to provide transportation services, and that they have adequate opportunity to comment, applicant must issue a public notice describing its proposed services. The notice should invite any interested private operator within the service area to comment, or request a public hearing, on the proposed services by written notice to the subrecipient. A minimum of a 15-day response time must be provided.
- Subrecipients may purchase service from private sector transportation providers as well as public providers. Under such arrangements, certain special conditions apply to the purchase of service agreement, depending on the funding used to provide such services.
- Subrecipients must ask permission, in writing, from CDOT/DTR to use Purchase Service Contracts. CDOT/DTR must approve the proposed purchase of service contracts prior to execution by the subrecipient.

A1.10 Civil Rights

CDOT's Civil Rights and Business Resource Center's (CRBRC) mission is to promote equal access to and participation in CDOT programs and activities. Additionally, the CRBRC collaborates with CDOT Regional Civil Rights Offices and various CDOT program staff to foster equality in CDOT's transportation contracting processes.

Within the CRBRC is the role of the Title VI Specialist/Civil Rights Liaison for DTR. This position works with DTR to implement and monitor compliance with the FTA's civil rights requirements, including Title VI, Equal Employment Opportunity, and DBE.

CRBRC and DTR monitor subrecipient compliance with FTA civil rights regulations through the following:

- Including civil rights requirements in each Call for Projects.
- Oversight of third-party contracting procedures.
- Review of subrecipient websites.
- Review of the subrecipient's programs prior to awarding funds.
- Requiring subrecipients to submit updated programs to DTR through Colorado Transit & Rail Awards Management System (COTRAMS) annually with certifications and assurances, or as required.
- Review of program documents during scheduled Subrecipient Information Request (SIR) and Site Review process every 3 years.
- Technical assistance and training to subrecipients in the development of and execution of their programs, including minority applicants and those serving minority or traditionally underserved populations.
- Assistance in resolving complaints.
- Filing required reports to FTA.

A1.11 Section 504 and Americans with Disabilities Act Reporting

DTR and CRBRC jointly oversee subrecipient compliance with ADA requirements. They must ensure that all vehicles acquired with FTA funds are equipped, maintained, and operated in accordance with 49 CFR Parts 27, 37 and 38, unless certification of equivalent service is filed annually, and that service provided does not discriminate against individuals with disabilities. Newly constructed facilities, including joint use stops and depots for intercity bus transportation, must comply with ADA accessibility standards.

Agencies receiving FTA funding under Section 5310 that provide demand responsive service are required to submit a Certification of Equivalent Service to DTR prior to procuring any inaccessible vehicle, which DTR must file with FTA. The certification is valid for 1 year. A sample Certification is available as an attachment to FTA Circular 4710.1. If DTR and CRBRC determine that a subrecipient presents a risk in this category, an ADA review may be performed.

In addition, CRBRC participates in the SIR and Site Review Process every 3 years. A subrecipient's ADA Program is part of this review.

A1.12 Program Measures

Program Measures Reports are required from subrecipients that have active 5310 projects. These reports ask for updates on program performance. These include:

- Traditional Section 5310 Projects
 - Gaps in service filled
 - Ridership
- Other Section 5310 Projects
 - Service improvements
 - Physical improvements
 - Ridership
- A client story or success story

Subrecipients must submit these quarterly reports in COTRAMS; DTR then submits the reports to FTA using TrAMS.

In addition, DTR monitors subrecipient use/expenditures of funds and progress in completing the awarded projects through the monthly reimbursement requests.

A1.13 State Program Management

Once an executed subaward agreement is in place, CDOT/DTR is responsible for oversight of the subrecipient agency and its implementation of the project. Oversight includes monitoring, training, and technical support for subrecipient agencies to support them in compliance with federal and state regulations and guidelines associated with receiving and disbursing funds.

When subrecipient agencies enter into contracts with contractors and subcontractors to perform work funded by FTA or state transit funds, the subrecipient agencies are responsible for oversight and compliance of the contractors and subcontractors with federal and state regulations and guidelines.

DTR utilizes the Comprehensive Review Guide, updated annually by the FTA, as a guide to conduct oversight. The most current Comprehensive Review Guide can be found through a link on FTA’s Program Oversight web page (<https://www.transit.dot.gov/regulations-and-guidance/program-oversight/program-oversight>).

A1.13.1 Baseline Activities

DTR Project Coordinators and subrecipients have responsibilities related to ongoing oversight and participating in oversight activities. Subrecipients are expected to participate in baseline activities, unless deemed not required by DTR. Baseline activities are outlined in Table 1.

Table A1.1. Baseline Activities

	Activity	Subrecipient	DTR
	COTRAMS = Colorado Transit & Rail Awards Management System LCC = Local Coordinating Council RCC = Regional Coordinating Council RTAP = Rural Transit Assistance Program CASTA = Colorado Association of Transit Agencies		NTD = National Transit Database DTR = Division of Transit and Rail FTA = Federal Transit Administration TrAMS = Transit Award Management System
Daily/Weekly	Customer Service and COTRAMS support		Assist subrecipients as requested
	Reimbursement Requests for Capital projects (COTRAMS)	Submit	Approve
Monthly	Transit Conference Calls	Participate and contribute	Prepare for and conduct
	Informal Site Reviews	Prepare for and participate	Schedule and conduct
	Reimbursement requests for Admin/Operating and Mobility Management projects (COTRAMS)	Submit	Review and approve
Quarterly	Local Coordinating Council (LCC) and Regional Coordinating Council (RCC) meetings	Attend	Attend as needed
	RTAP and other training opportunities	Attend	Schedule and conduct
	CASTA committees	Participate and attend	Participate and attend
	Risk assessments (COTRAMS)	Complete	Complete
	Quarterly Reports (Section 5311 and Section 5311[f] recipients)*	Prepare	Review
	Program Measures Reports (Section 5310 recipients)**	Prepare	Review
Annually (spring)	Transit Open Houses	Attend	Prepare for and conduct

Table A1.1. Baseline Activities

COTRAMS = Colorado Transit & Rail Awards Management System		NTD = National Transit Database	
LCC = Local Coordinating Council		DTR = Division of Transit and Rail	
RCC = Regional Coordinating Council		FTA = Federal Transit Administration	
RTAP = Rural Transit Assistance Program		TrAMS = Transit Award Management System	
CASTA = Colorado Association of Transit Agencies			
	Activity	Subrecipient	DTR

*Quarterly Reports are designed to assist 5311 and 5311(f) subrecipients capture the service information quarterly that they are required to report annually in the National Transit Database (NTD). Subrecipients that have active 5311 and 5311(f) projects must complete these reports in COTRAMS quarterly.

** Program Measures Reports are required from subrecipients that have active 5310 projects. These reports ask for updates on program performance: gaps in service filled and ridership. Subrecipients are encouraged to include a client story or success story, as these are important to share with the FTA. Subrecipients must complete these quarterly in COTRAMS; DTR then submits the reports to FTA using TrAMS.

A1.13.2 Subrecipient Information Request and Site Review Process

All subrecipients are required complete the SIR and participate in the Site Review Process at least once as a new subrecipient, unless otherwise decided by DTR management. The SIR is adapted from the FTA’s Comprehensive Review Guide that covers the range of requirements for all FTA programs in the following areas:

- Legal (Lobbying)
- Financial Management and Capacity
- Technical Capacity
- Satisfactory Continuing Control
- Maintenance
- Procurement
- DBE
- Title VI
- ADA General
- ADA Complementary Paratransit
- Equal Opportunity Employer
- School Bus
- Charter Bus
- Drug and Alcohol Program

The SIR may be completed differently by agencies because some areas are only applicable to certain funding sources or for certain types of projects. The process is illustrated in Flowchart A1-2 Subrecipient Information Request (SIR) and Site Review and includes the following:

Pre-Review. Project Coordinators send notifications to the agencies scheduled to have a Site Review. The notification stating the purpose of the SIR according to the risk-based and SIR oversight policy. A site review date is agreed upon and scheduled. The subrecipient receives a

SIR custom created for the agency made up of questions for the subrecipient to answer and a request for copies of the subrecipient's program documents. The notification includes a deadline to return the completed SIR and upload the requested documents to COTRAMS.

Desk Review. Project coordinators complete an Internal SIR document that captures their comments on the subrecipient's SIR and documents submission. Based on the review of the provided documentation, the Project Coordinator develops questions, highlights areas of concern, and identifies additional areas for discussion, such as upcoming projects and needs. A detailed agenda for the Site Visit is sent to the subrecipient prior to the scheduled Site Visit.

Site Visit. The Site Visit view is typically a one-day meeting with facility and/or bus tours, as appropriate. The reviews are an opportunity for the Project Coordinator and the subrecipient to review projects, help subrecipient reach compliance requirements, identify opportunities for improvement, answer questions, and identify future needs. Attendees include the agency executive staff, the Project Coordinator, and representatives from other CDOT/DTR programs, as needed (Transit Asset Management, Civil Rights, Audit, Business Office, Drug & Alcohol program, Rural Transit Assistance Program [RTAP], CDOT Regional Planner, and others). Subrecipients are responsible for ensuring that pertinent staff members are available.

Site visits begin with an entrance conference stating the purpose of the review and a reminder that the informal "findings" are a reflection on CDOT's oversight. Site visits follow the pre-arranged agenda and leave ample time for the in-person checklist, especially checking maintenance records. A typical Site Visit checklist is included as Attachment A1-1 Subrecipient Information Request (SIR) and Site Review Checklist. The Site Visit ends with an exit conference to review the notes taken during the Site Visits and clarify any next steps.

Post-Review: The Project Coordinator sends a follow-up letter declaring whether or not the subrecipient is in compliance; and documenting observations, recommendations, and conclusions. Follow-up actions required by the subrecipient are also identified, including, if needed, additional training and technical assistance or a corrective action plan with a timeline.

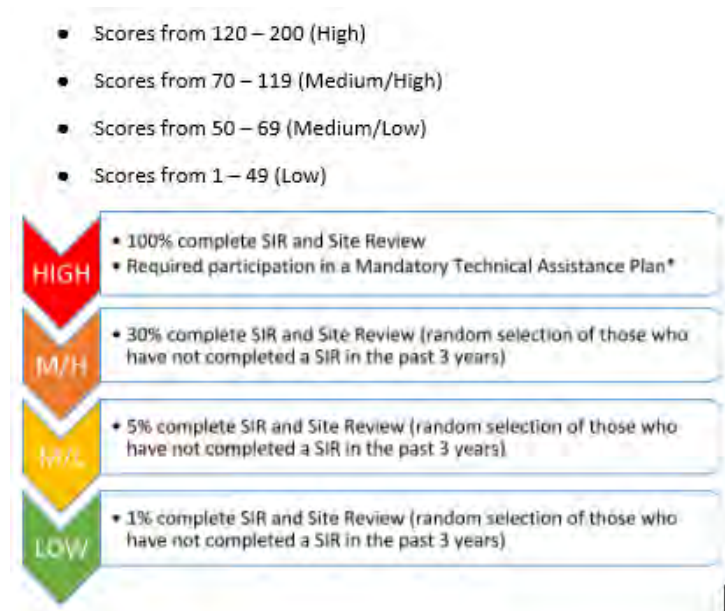
A1.13.2.1 Frequency and Level of Oversight

After the initial SIR and Site Review, the frequency and level of oversight are based on the results of the scores of the Risk Assessment completed by the subrecipient and DTR in COTRAMS after an award. The Risk Assessment process is described in Chapter 3 (Section 3.5.1). DTR’s objective is to provide the appropriate level of oversight based on the risk assessment scores and the needs of the specific agency.

The combined numerical score from the Risk Assessment corresponds to High, Medium/High, Medium/Low, and Low level of oversight. DTR uses the Low to High ratings to determine how often a Subrecipient is asked to

complete the SIR and participate in a Site Review. The percentage of subrecipients at the different risk levels participating in the SIR and Site Review is illustrated in Figure A1.2.

Figure A1.2. Subrecipients Participating in SIR



A1.13.3 Federal Transit Administration Certifications and Assurances

To ensure compliance with other federal requirements, subrecipients are required to sign federal Certifications and Assurances for FTA Assistance Programs. A subrecipient applying for assistance under any FTA program must annually submit Certifications and Assurances that are applicable to the subrecipient’s award during the current federal fiscal year.

FTA issues a list of required certifications and assurances for each fiscal year. The FY 2018 list available at <https://www.transit.dot.gov/funding/grants/grantee-resources/fta-fiscal-year-2018-certifications-and-assurances> and is included as Attachment A1-2 FTA FY 2019 Certifications and Assurances. Some certifications and assurances apply to all applicants. Others are required from applicants requesting more than \$100,000 in federal assistance or depend on the type of applicant or project.

A1.13.3.1 Program Documents

In addition to the annual Certifications and Assurances, DTR requires subrecipients to maintain Program Documents on file in COTRAMS. These documents are specifically requested and reviewed by Project Coordinators during the SIR and Site Review process; however, subrecipients are expected to have updated documents in COTRAMS on an ongoing basis. These documents cover all of the applicable areas of review in the FTA’s Comprehensive

Review Guide (<https://www.transit.dot.gov/regulations-and-guidance/program-oversight/program-oversight>).

Individual FTA programs require additional submittals. Specific program requirements are detailed in SMP Appendix A (FTA Programs) and Appendix B (Non-Federal Transit Funds).

Finally, there are Civil Rights requirements related to Civil Rights programs for both CDOT and subrecipients. These are described in Chapter 5.

A1.13.3.2 Remedies for Noncompliance

Remedies for a subrecipient's noncompliance with the statutes, regulations, or the terms and conditions of the award or the executed subaward agreement are set forth in 2 CFR 200 (<https://www.govinfo.gov/content/pkg/CFR-2014-title2-vol1/pdf/CFR-2014-title2-vol1-part200.pdf>). If CDOT determines that a subrecipient is not complying with the general or specific terms of an award, CDOT may impose additional conditions to the award, as described in 2 CFR 200.207, or take additional actions, as detailed in 2 CFR 200.338. Rules pertaining to noncompliance are defined in CDOT's executed subaward agreement with the subrecipient in the Breach of Agreement and Remedies sections. CDOT's standard subaward agreement is included as Attachment A1-3 CDOT Standard Subaward Agreement.

A1.13.4 Project Amendments

Subrecipients are responsible for reporting to DTR whenever one or more of the following occurs:

- Budget or schedule changes
- Milestone or completion dates were not met
- Identification of problem areas and how the problems will be resolved
- Expected impacts and the efforts to recover from delays

DTR takes proactive steps to address issues on projects that are not meeting performance standards, including identifying resources for subrecipient project managers, identifying specific issues causing the delay, and providing a date certain by which time requirements must be met.

CDOT works with a subrecipient to obtain FTA's prior approval of proposed changes, then amend the subaward agreement to extend the end date or adjust awarded amount to reflect the approved changes. The process DTR uses to amend a capital project is shown in Flowchart A1-3 Amendment for Capital Project.

A1.13.5 Subaward (Project) Performance Schedule

The subrecipient is responsible for meeting the schedule requirements included in the executed subaward agreement and reporting through COTRAMS on meeting milestones. The

DTR Project Coordinator confirms on a regular basis that the project is performing on schedule. If it falls behind schedule, Project Coordinator notifies the DTR Unit Manager and DTR Director of the underperforming project, and a plan is developed to remediate or terminate the project.

The DTR Unit Managers and the DTR Director monitors schedule changes, with the goal of efficiently addressing underperforming projects and taking proactive steps to close out the projects in a timely manner.

A1.13.6 Invoicing and Reimbursement

A1.13.6.1 Governing Policies

The federal Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly called Uniform Guidance) is the authoritative set of rules and requirements for federal awards and project management (<https://www.grants.gov/learn-grants/grant-policies/omb-uniform-guidance-2014.html>). In addition, specific requirements are outlined in FTA Circular 5010.1E Award Management Requirements, which is included as an Appendix to the State Management Plan (SMP) and can be found in: <https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/32136/5010-1e-circular-award-management-requirements-7-21-2017.pdf>. Requirements for invoicing and reimbursement are also covered in 2 CFR 200.

The State of Colorado “Fiscal Rules” govern the administrative procedures for reviewing and accepting all requests for reimbursement, and are stricter in some instances than required by federal law. The state fiscal rules are available from the Office of the State Controller at <https://www.colorado.gov/pacific/osc/alpha-index-6#F>

A1.13.6.2 DTR Reimbursement to Subrecipients

According to state fiscal rules, CDOT will not reimburse subrecipients for expenses incurred prior to the date of subaward agreement execution, unless the agreement contains a 60-day retroactivity clause (typically operating project). Under an executed subaward agreement, a subrecipient must first incur costs before submitting an invoice for reimbursement.

Reimbursement Requests may be held for payment due to any breach of the executed subaward agreement, i.e., lack of reporting or other documented noncompliance with the grant agreement terms.

A1.13.6.2.1 Eligible Expenses

According to federal and state policies, CDOT pays all reasonable and fully and accurately documented requests for reimbursement within 30-45 calendar days of submittal. If the documentation is incomplete or there are ineligible expenses in the invoice, the process may take longer.

Eligible expenses are defined in an exhibit to the executed subaward agreement titled Verification of Payment checklist and vary depending on the type of project. Information about how to submit documentation for reimbursement is outlined in the COTRAMS Manual.

Supporting documentation for the expenses and payment of expenses includes, but is not limited to, accounting records, such as cancelled checks, paid bills with receipts, or other proof-of-payment; payroll; time and attendance records; contracts; and subaward documents. Some programs have specific requirements related to documentation.

A1.13.6.2.2 Invoicing/Reimbursement Request Schedule

CDOT requires subrecipients to submit reimbursement requests in a timely fashion and regularly, according to the executed agreement.

Delay in submitting invoices may result in the subrecipient being considered a higher-risk agency and more stringent requirements may be placed on the agency. For example, the agency may be required to provide additional or more detailed documentation in its reimbursement requests. Or, the agency may be required to clear the backlog of invoices before CDOT will approve future applications from the agency.

The process for reimbursement for capital projects is illustrated in Flowchart A1-4 Capital Project Reimbursement Request.

A1.13.7 Procurement Policies and Procedures

A1.13.7.1 CDOT Direct Procurements

CDOT's Procurement and Contract Services office oversees CDOT's direct procurement of goods and services in accordance with State of Colorado Procurement Code and Fiscal Rules. This includes procurement of professional architectural and engineering services, as well as services that do not require an architectural or engineering license. Resources are available at <https://www.codot.gov/business/procurement-and-contract-services>.

The State of Colorado procurement policies and procedures are located here: <https://www.colorado.gov/pacific/osc/procurement-resources> and described further in the following documents:

- Procurement Code (Title 24, Article 101 to Article 112), modernized under Colorado House Bill 17-1051.
(<https://advance.lexis.com/container?config=0345494EJAA5ZjE0MDIyYy1kNzZkLTRkNzktYTkxMS04YmJhNjBINWUwYzYKAFBvZENhdGFsb2e4CaPI4cak6laXLCWyLBO9&crd=de9a576c-afd4-46c2-8253-d5e72996d564>)
https://www.colorado.gov/pacific/sites/default/files/2017A_1051_signed.pdf

- State of Colorado Procurement Code of Ethics and Guidelines
<https://www.colorado.gov/pacific/sites/default/files/State%20of%20Colorado%20Procurement%20Code%20of%20Ethics%20and%20Guidelines.pdf>
- State of Colorado Procurement & Fiscal Rules
(<https://www.sos.state.co.us/CCR/NumericalCCRDclList.do?deptID=14&deptName=100,800%20Department%20of%20Personnel%20and%20Administration&agencyID=40&agencyName=101%20Division%20of%20Finance%20and%20Procurement>)

A1.13.7.2 Professional Services Contracts

In Colorado, procurement of professional architectural and engineering services is governed under The Brooks Act. Professional services that are not performed by a licensed architect or engineer are considered “personal services.” CDOT’s Procurement Office conducts the procurement process in collaboration with DTR for these types of services according to the Procurement Code and State of Colorado Procurement & Fiscal Rules. The selection is generally made based on meeting minimum requirements and that are outlined in an Invitation for Bid (IFB) or Request for Proposal (RFP).

CDOT’s process for this type of procurement is documented in Flowchart A1-5 Personal Services Procurement. A sample RFP is included as Attachment A1-4 Sample Personal Services RFP.

A1.13.7.3 Competition

All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards set forth in 2 CFR 200.319 and Title 49 U.S.C. 5325(a) (<https://www.gpo.gov/fdsys/pkg/USCODE-2009-title49/pdf/USCODE-2009-title49-subtitleIII-chap53-sec5325.pdf>). CDOT encourages full and open competition.

For its direct procurements, CDOT advertises in the Rocky Mountain Bid System and has an open prequalification process for consultants and contractors wishing to do business with CDOT.

A1.13.7.4 Contracting with Small and Minority Businesses, Women’s Business Enterprises, and Labor Surplus Area Firms

In accordance with 49 CFR Part 26, CDOT seeks to ensure non-discrimination in the award and administration of DOT-assisted contract and to create a level playing field on which DBEs can compete fairly for DOT-assisted contracts.

Detailed information about CDOT’s DBE Program and requirements for subrecipients regarding DBE contracting are provided in Chapter 5 of the SMP.

A1.13.7.5 Third-Party Procurements

As recipients of federal funds used in third-party procurements, CDOT and its subrecipients must comply with the State of Colorado Procurement Code for non-federal procurements, as well as the federal procurement standards outlined in 2 CFR § 200.318 General Procurement Standards through 2 CFR § 200.326 Contract Provisions. Subrecipients must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible (2 CFR 200.321).

CDOT and its subrecipients are also responsible for ensuring that all of its contracts or subcontracts made in connection with FTA transit funds comply with provisions described in Appendix II to Part 200— Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

Subrecipients must track all prime contractors and subcontractors, including DBEs, on all awarded, in process, and closed FTA-funded contracts.

DTR's policies and procedures related to third-party procurements are outlined in Attachment A1-5 DTR Quick Procurement Guide.

A1.13.7.5.1 DTR Oversight of Third-party Procurements

In its oversight role, DTR monitors and oversees subrecipient purchases of goods and/or services using FTA and state funds to confirm that the procurements are conducted in compliance with applicable state and federal regulations. Subrecipients must incorporate DBE nondiscrimination language into procurement documents and awarded contracts.

DTR coordinates, as needed, with the CDOT Procurement and Contract Services office throughout the procurement process. The Procurement Office reviews the statement of work/specifications; makes recommendation on type of procurement; and drafts and reviews the procurement subaward agreement, Purchase Orders, and associated documentation. The Procurement Office conducts annual training for subrecipients on CDOT procurement procedures. In addition, DBE civil rights requirements related to procurement are coordinated with the CRBRC in accordance with 49 CFR part 26.

A1.13.7.5.2 Subrecipient Written Procurement Procedures

Subrecipients are required to have written procurement procedures that conform to applicable state and local regulations, as well as the federal law and the standards set forth in 2 CFR § 200.318 General Procurement Standards through 2 CFR § 200.326 Contract Provisions.

Below is a list of what should be included in a subrecipient's written procedures for third-party procurements:

- DBE policy or goal
- Identified dollar thresholds, specifically for sealed bids/competitive process

- Description of management of payment to contractors
- A protest and appeal process
- Standards of conduct
- Graduated purchasing authority (what employee can authorize what type of purchase?)
- Policy for the documentation of responsibility determinations (prior to the award, the bidders are checked for integrity, compliance, past performance, etc.)

A1.13.7.5.3 Subrecipient Third-Party Procurement Process

Subrecipients are required to submit required documentation in COTRAMS for Project Coordinator's review and approval at each step of the third-party procurement process. The procurement process is explained in detail in Attachment A1-5 DTR Quick Procurement Guide.

An overview of the Procurement process is illustrated in Flowchart A1-6 Third-Party Procurement. Requirements for the submittals are detailed in the following sections.

Prepare Independent Cost Estimate

Subrecipients must prepare an Independent Cost Estimate prior to conducting a procurement process. This helps to determine the appropriate procurement method and the special requirements for it, as outlined in 2 CFR 200.320.

Determine Procurement Method

A Project Coordinator is available to assist a subrecipient in determining which procurement method to use. Procurements may be conducted by an individual agency or through a joint procurement with multiple agencies with common specifications.

Requirements for the different procurement methods can be referenced in Attachment A1-5 DTR Quick Procurement Guide.

Procurement Forms

DTR follows a 4-step Procurement Approval process in COTRAMS, where the following forms are collected. These forms are more fully explained in Attachment A1-5 DTR Quick Procurement Guide.

- PCR: Procurement Concurrence Request
- PA: Purchase Authorization
- NA: Notice of Acceptance and Vehicle Checklist
- SA: Security Agreement

Post-Procurement Administrative Requirements

The subrecipient must include the following items in its procurement records and make them available for the Project Coordinator upon request.

- Record of any debriefing with proposers

- Record of any protest and subrecipient response

Retention Requirement for Procurement Documentation

A subrecipient must keep written documentation of each procurement process for 3 years following completion of the project/procurement or project closeout.

The FTA's Procurement Best Practices Manual recommends that agencies maintain records for 3 years following project completion. Some examples of documentation to maintain in a written record of procurement history could include:

- Purchase request, acquisition planning information and other pre-solicitation documents
- Rationale for the method of procurement (i.e. RFP, IFB, Sole Source)
- Independent cost estimate
- Copy of the solicitation, all addenda and all amendments
- List of sources solicited
- Copies of published notices of proposed contract action
- An abstract of each offer or quote
- Reasons for contractor selection or rejection
- Determination that contractor is responsive and responsible
- Determination that price is fair and reasonable including an
- Analysis of the cost and price data
- Required internal approvals for award
- Notice of award
- Notice to unsuccessful quoters or offerors and record of any debriefing
- Record of any protest
- Required insurance documents, if any, and
- Notice to proceed

A1.13.8 Project Close-Out

Upon completion of the project—after the purchase of the goods for capital projects or at the end of the service period for operating or mobility management agreements as provided in 2 CFR § 200.343 and within 30 days of the final invoice paid—the subrecipient must submit a project closeout form through COTRAMS and notify the Project Coordinator to close the project. The executed subaward agreement includes the required project close-out elements or other project deliverables.

DTR's process for this is shown in Flowchart A1-7 Project Closeout.

CDOT's policy is to close out projects and FTA awards as soon as practicable and deobligate and reobligate unspent funds such that "older money" from these closed awards is used first for new projects.

The Project Coordinator verifies that the subrecipient has completed all of its responsibilities related to the project. Examples include:

- Final report and Quarterly reports submitted to DTR.
- Vehicle title on file with DTR.
- Copy of completed plan, if applicable for planning projects.

When a project is closed out, terminated or partially terminated, the recipient is responsible for compliance with the requirements in 2 CFR § 200.344 Post-Close Out Adjustments and Continuing Responsibilities.

A1.13.9 Construction Projects

Construction projects each have a specific schedule and milestones as part of the subaward agreement. The subrecipient/contractor must follow the requirements set forth in the CDOT SMP and the Local Agency Manual, as it applies. The Local Agency manual can be found at: https://www.codot.gov/business/designsupport/bulletins_manuals/2006-local-agency-manual

Project Coordinators, working with their subrecipients, confirm on a regular basis that the project is performing on schedule. If the project falls behind schedule, the Project Coordinator notifies the Project Coordination Unit Manager and the DTR Director of the underperforming project. At that point, a plan will be developed to remediate or terminate the project.

A1.14 Reporting Requirements

In addition to the Program Measures Report listed in Section A1.12, DTR reports the following information on behalf of its subrecipients:

- Annual POP Status Report. An updated POP, as well as any significant civil rights issues, notable accomplishments, or difficulties with projects are reported by October 30 of each year.
- Milestone Progress Reports. Revisions and status updates on projects including revised completion dates by Monthly Progress Report line item. Reports are due by October 30 annually and may be required quarterly.
- Federal Financial Report. Accrual reports for each project within the federal programs are provided by October 30 of each year and may be required quarterly.
- National Transit Database (NTD). For those agencies receiving Section 5310 funds, CDOT reports transit asset management SGR performance measures and targets on behalf of agencies participating in the Group Transit Asset Management (TAM) Plan.
- DBE Reports. These are the semi-annual DBE reports required of all FTA funding recipients.

A1.15 Other Provisions

To ensure compliance with other federal requirements, subrecipients are required to sign federal Certifications and Assurances for FTA assistance programs. A subrecipient applying for assistance under any FTA program must annually submit Certifications and Assurances that are applicable to the subrecipient's award during the current federal fiscal year.

All subrecipients are required complete the SIR and participate in the Site Review Process at least once as a new subrecipient, unless otherwise decided by DTR management. The SIR is adapted from the FTA's Comprehensive Review Guide that covers the range of requirements for all FTA programs in the following areas:

- Legal (Lobbying)
- Financial Management and Capacity
- Technical Capacity
- Satisfactory Continuing Control
- Maintenance
- Procurement
- DBE
- Title VI
- ADA General
- ADA Complementary Paratransit
- Equal Opportunity Employer
- School Bus
- Charter Bus
- Drug and Alcohol Program

In addition to the annual Certifications and Assurances, DTR requires subrecipients to maintain Program Documents on file in COTRAMS. These documents are specifically requested and reviewed by Project Coordinators during the SIR and Site Review Process, but subrecipients are expected to have updated documents in COTRAMS on an ongoing basis. These documents cover all of the applicable areas of review in the FTA's Comprehensive Review Guide (<https://www.transit.dot.gov/regulations-and-guidance/program-oversight/program-oversight>).

Environmental protection requirements are reviewed during the pre-award phase of the application process, where DTR confirms that the required environmental clearances for the project have been obtained.

Buy America provisions, and pre-award and post-delivery reviews are confirmed through DTR's oversight of the subrecipient's procurement processes. Review and approval occurs with a

PCR, PA, and NA—which the subrecipient is required to submit through COTRAMS for DTR’s approval.

Restrictions on lobbying are included as part of the subaward agreement and are reaffirmed through annual Certifications and Assurances submittals through COTRAMS.

DTR has contracted with a drug and alcohol program consultant that works directly with subrecipients to comply with the regulations. The consultant is responsible for subrecipient training, compliance monitoring, and technical assistance. The consultant monitors the subrecipient testing programs throughout the year. Subrecipients are required to report program testing results in the FTA’s Drug & Alcohol Testing Management Information System (DAMIS) by March 15 for the prior year. DTR and the consultant work with subrecipients to make sure the reports are accurately submitted by the annual deadline.



COLORADO
Department of Transportation

DIVISION OF TRANSIT AND RAIL STATE MANAGEMENT PLAN

APPENDIX A | FTA PROGRAMS *A2. Section 5311*

Draft August 2019

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- Attachment A2-2. FTA FY 2019 Certifications and Assurances
- Attachment A2-3. CDOT Standard Subaward Agreement
- Attachment A2-4. Sample Personal Services RFP
- Attachment A2-5. DTR Quick Procurement Guide

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- Flowchart A2-7. Personal Services Procurement
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- Flowchart A2-9. Project Closeout

Additional Attachments

FTA Circular: FTA C 9040.1G: Formula Grants for Rural Areas: Program Guidance and Application Instructions

Rules and Regulations by the Colorado Department of Transportation for Implementation of the Section 5311 Program of the Federal Transit Laws, 49 U.S.C. Section 5300 et seq, 2 CCR 603-1

Resolution #TC-18-03-03 FTA Section 5311 and FASTER Distribution Methodology

A2. SECTION 5311, 5311(F), 5311(B)(3)

The Section 5311 Rural Public Transportation program, including its sub programs, the Section 5311(b)(3) Rural Transit Assistance Program (RTAP) and the Section 5311(f) intercity bus (ICB) program, are designed to provide administrative, operating, and capital assistance to transportation providers in rural areas (less than 50,000 population).

Documents that govern how the Colorado Department of Transportation (CDOT) administers Section 5311 funds include:

- Federal Transit Administration (FTA) Circular 9040.1G:
https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Circular_9040_1Gwith_index_-_Final_Revised_-_vm_10-15-14%281%29.pdf
- FTA Website Overview: <https://www.transit.dot.gov/rural-formula-grants-5311>
- Rules and regulations by the Colorado Department of Transportation for implementation of the Section 5311 program:
<https://www.codot.gov/programs/transitandrail/transit/transit-grant-programs/grant-information/transit-unit-state-guidance-for-grants/Rules5311.pdf/view>

A2.1 Program Goals

FTA's goal of the Section 5311 program is to enhance the access of people in rural areas to health care, shopping, education, recreation, public services and employment by encouraging the development, maintenance, improvement, and use of public transportation services.

CDOT's Division of Transit and Rail (DTR) has established the following policies for its programs for general public transportation in rural areas.

- Provide quality public transportation in Colorado to meet the needs of the general traveling public, especially those without ready access to other means of transportation.
- Provide for transit needs of special groups, particularly elderly persons, persons with disabilities, minority and low-income persons, and other transportation disadvantaged persons.
- Preserve and upgrade existing transportation services and facilities, and encourage new and innovative forms of transportation.
- Ensure that private sector transportation operators, minority organizations, disadvantaged business enterprises and the public have the maximum feasible opportunity to participate in the design, provision, and evaluation of public transportation services.

- Maximize the degree of coordination at both the state and local level in the provision of transportation services.
- Ensure a fair and equitable distribution of the Section 5311 funds across the state.
- Ensure that services are made widely available and not directly or indirectly limited to a particular client or population group.

A2.2 Roles and Responsibilities

The parts of CDOT’s organization that are involved in the administration of FTA and state transit funds are listed in the following table.

Acronyms and Abbreviations:

CDOT = Colorado Department of Transportation	FTA = Federal Transit Organization
CRBRC = Civil Rights and Business Resource Center	MPO = Metropolitan Planning Organization
DAF = Division of Accounting & Finance	OFMB = Office of Financial Management & Budget
DTD = Division of Transportation Development	STIP = Statewide Transportation Improvement Program
DTR = Division of Transit and Rail	TIP = Transportation Improvement Program
FFATA = Federal Funding Accountability and Transparency Act	TPR = Transportation Planning Region
FFR = Federal Financial Report	TRAC = Transit and Rail Advisory Committee

CDOT Organization	Role
DTR	Primary entity responsible for the management of FTA funds and for the oversight of subrecipients that are the operating entities throughout the state who perform the work.
Transportation Commission	Approves high-level policy criteria and transit metrics by which transit funds are evaluated and allocated. Adopts statewide plans related to transit, including the STIP. Approves DTR’s annual budget and recommended project awards.
Executive Director	Reviews/approves FTA award amendments and award appeals, if required
Office of Policy and Governmental Relations	Submits CDOT lobbying certifications.

Acronyms and Abbreviations:

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FFATA = Federal Funding Accountability and Transparency Act	TPR = Transportation Planning Region
FFR = Federal Financial Report	TRAC = Transit and Rail Advisory Committee

CDOT Organization	Role
DAF	<p><u>OFMB</u>: Sets CDOT’s budget structure, prepares and approves STIP, approves FTA and state transit pool funds,</p> <p><u>Accounting</u>: Enters financial information into CDOT’s financial management system (SAP), manages the drawdown of federal funds, performs the FFR and FFATA reporting.</p> <p><u>Business Office</u>: Updates STIP, manages the accounts payable functions for all subaward agreements builds budgets in SAP, approves subrecipient reimbursement request, reconciles project budgets, approves final reimbursement request to FTA.</p> <p><u>Office of Procurement</u>: Sets CDOT procurement policies, maintains master subrecipient subaward agreements, reviews and executes subaward agreements, reviews subrecipient procurement processes for compliance with federal requirements and required federal clauses.</p>
CRBRC	Develops CDOT’s civil rights programs and policies, provides DTR guidance on civil rights requirements, oversees subrecipients’ compliance with civil rights requirements in providing services and third-party contracting, maintains CDOT and subrecipients’ required civil rights documentation
Division of Audit	Approves subrecipient cost allocation plans or indirect cost rates.
Office of Communications	Issues public notices of public comment periods for statewide planning process, issues statements of project awards
CDOT DTD (supported by TRAC)	Conducts statewide planning process, coordinates with MPOs and TPRs regarding TIPs and STIP
CDOT Regions	Participate in statewide planning process, manage Region transit construction projects

DTR’s direct access to the CDOT Executive Director to perform duties and functions under CDOT and the Executive Director is established in state law CRS 24-1-127.7(3)(e), CRS 24-1-103 through 105, and CRS 43-1-117.5.

Federal law, 49 Code of Federal Regulations (CFR) 26.25, requires that CDOT's Disadvantaged Business Enterprise (DBE) Liaison Officer has direct, independent access to the Chief Executive Officer concerning DBE program matters. CDOT meets this requirement under a notice of Assurance of Direct and Independent Access executed January 2016 by CDOT's Executive Director.

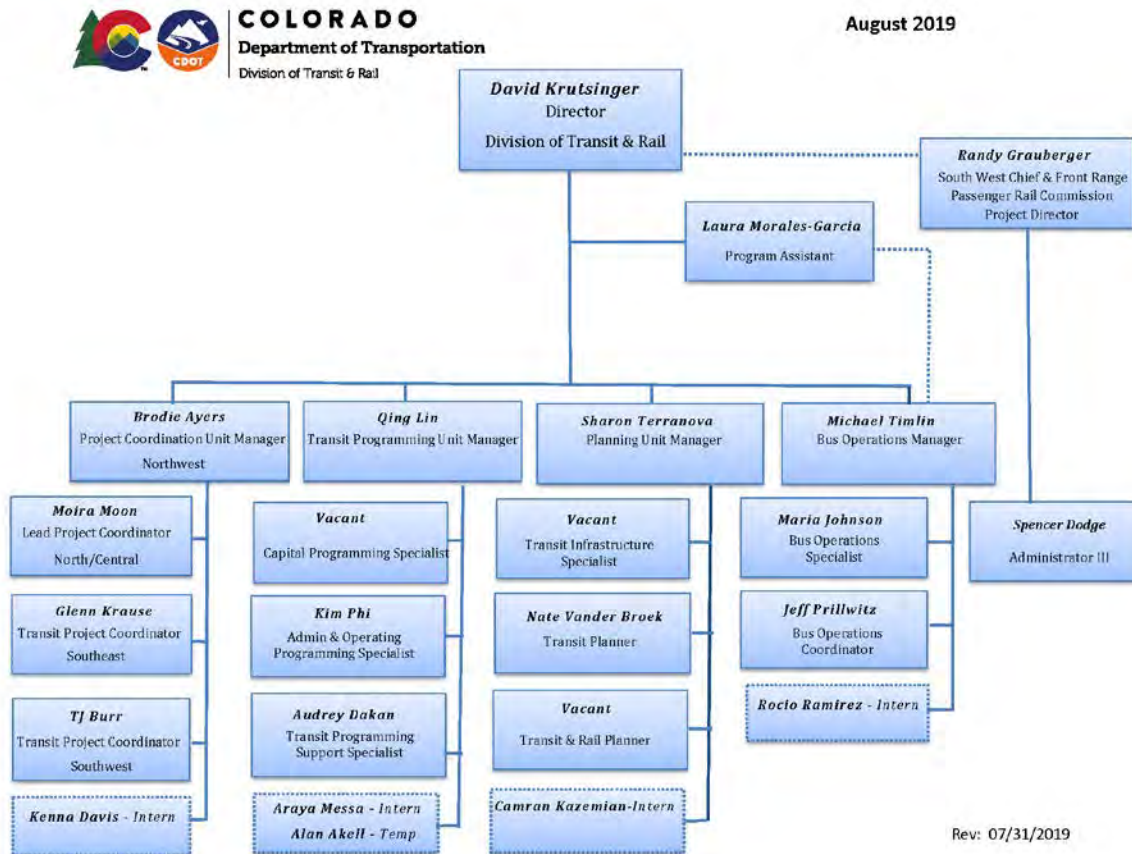
A2.2.1 Division of Transit and Rail

The DTR organization is shown in Figure A2.1.

Individual units within DTR have the following general responsibilities:

- **Planning Unit:** This group oversees the statewide planning process related to transit, and oversees distribution of federal and transit funds.
- **Programming Unit:** This group conducts and oversees the application process, award of projects, development and execution of the subaward agreement, and budgeting of federal and state funds.
- **Project Coordination Unit:** This group provides oversight and technical assistance to subrecipient agencies during the project and oversees the project close-out process.
- **Bus Operations Unit:** This group is responsible for regional, interregional, and ICB programs (Bustang and Outrider operations, Funding Advancement for Surface Transportation and Economic Recovery Act (FASTER) Operating assistance, and FTA 5311(f) programs).

Figure A2.1. DTR Organizational Chart



A2.2.2 Advisory Committees

There are several advisory committees that participate in CDOT’s transit and rail planning processes, as described in the following sections. As required by the FTA, CDOT encourages minority participation in its advisory committees.

A2.2.2.1 Transportation Commission and the Transit and Intermodal Committee

The state’s transportation system is managed by CDOT under the direction of the Transportation Commission. The commission comprising 11 commissioners who represent specific districts. Each commissioner is appointed by the Governor, confirmed by the Colorado Senate, and serves a 4-year term. To provide continuity, the commissioners’ term expiration dates are staggered every 2 years. Under state law, the powers and duties of the Transportation Commission include:

- Formulating general policy with respect to the management, construction, and maintenance of public highways and other transportation systems in the state.
- Advising and making recommendations to the Governor and the General Assembly relative to transportation policy; and promulgating and adopting CDOT's budgets and programs, including construction priorities and approval of extensions or abandonments of the state highway system. The General Assembly appropriates the administrative budget for CDOT.

The Transit and Intermodal Committee is one of three Standing Committees created by the Transportation Commission, as set forth in 2CCR 601-11, Rules Governing Practice and Procedures of the Transportation Commission of Colorado (<https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=6937&fileName=2%20CCR%20601-11>). The Chairman of the Transportation Commission with consent of the full Commission, appoints at least three but no more than five members of the Commission who meet periodically with executive management and the DTR Director to review transit and rail policies and practices.

A2.2.2.2 Statewide Transportation Advisory Committee (STAC)

The Statewide Transportation Advisory Committee (STAC) advises CDOT and the Transportation Commission on the needs of the transportation system in Colorado and reviews and comments on all Regional Transportation Plans and the Statewide Transportation Plan. STAC membership includes Colorado's 15 urban and rural Transportation Planning Regions (TPR) and 2 Indian Tribes. Voting representatives are selected by the 5 Metropolitan Planning Organizations (MPO), 10 rural Regional Planning Commissions, plus the Southern Ute and the Ute Mountain Ute Indian Tribes in southwest Colorado.

<https://www.codot.gov/programs/planning/planning-partners/stac.html>

A2.2.2.3 DTR's Transit and Rail Advisory Committee

The Transit and Rail Advisory Committee (TRAC) works with DTR to develop and promote the DTR's vision, policies, and priorities for transit and rail services in Colorado. The committee's 18 members are representatives from public and private transit providers, Class I and Shortline railroads, interest groups, CDOT TPRs, counties, cities and the general public. TRAC subcommittees are formed as needed to address specific issues—for example, FTA Sections 5310/5311 distribution, performance asset management, Bustang/Rural Regional Bus, and the Statewide Transit Plan (SWTP) implementation.

<https://www.codot.gov/about/committees/trac>

A2.2.2.4 Southwest Chief & Front Range Passenger Rail Commission

The Southwest Chief & Front Range Passenger Rail Commission was created by Senate Bill 17-153 in May 2017. It has 11 voting members (MPOs, freight railroads, Regional Transportation District, passenger rail advocacy, local leaders, and others) and 3 non-voting members

(Amtrak, Cheyenne Chamber of Commerce, and CDOT). It has two purposes: (1) to preserve and improve the existing Amtrak Southwest Chief service through track maintenance and other improvements, and (2) to facilitate the development of a passenger rail service along the greater I-25 corridor. Information about this Commission is located at <https://www.codot.gov/about/southwest-chief-commission-front-range-passenger-rail>.

A2.3 State and Local Coordination

Every 5 years DTR completes an SWTP to establish a framework for creating an integrated statewide transit system that meets the mobility needs of Coloradans, while minimizing duplication of services and leveraging limited funds. The plan also meets state and federal planning requirements and guides CDOT's transit investments, project processes, and actions over the short-, mid-, and long-term. The SWTP includes needs, funding, and recommendations across the entire state. The Plan also integrates Regional Transit Plans for each of the state's ten rural TPRs, inclusive of coordinated public transit Human Services Transportation Plans. Local transit agencies in rural areas that are not part of an MPO are encouraged to work with the appropriate rural planning region regarding transit needs. The SWTP is located at: <https://www.codot.gov/programs/colorado-transportation-matters/other-cdot-plans/transit/transit>.

Part of DTR's application process requires the subrecipient to demonstrate that the project has been coordinated at the local level through Regional Coordinating Councils or Local Coordinating Councils.

CDOT's Chief Engineer participates in a statewide Strategic Action Planning Group on Aging (SAPGA), which makes recommendations to the governor and state legislature about issues related to an aging population—transportation included.

A2.4 Eligible Recipients

Eligible subrecipients include states and local governmental authorities, nonprofit organizations, and operators of public transportation that receive FTA funds indirectly through a recipient.

The FTA Section 5311 program is available to public and private nonprofit agencies, as well as tribal governments, providing public transportation in rural areas.

The recipient or subrecipient must operate a year-round general public demand response or fixed route service in rural regions of Colorado, clearly promoting that service as open to the public.

CDOT expects that new applicants will have recently completed a study that demonstrates the need for transit service and that explores alternatives for expanding service under an

existing transit provider. The new applicant must provide operational plans and a multiyear budget that forecasts operational, administrative, and capital expenses, along with a long-term funding source. DTR staff are available to assist a new applicant in completing the required documentation.

All applicants are required to meet certain minimum (threshold) criteria to be considered for an award of funds. A new applicant (potential subrecipient) must submit a New Applicant Questionnaire that includes an overview of the agency's transit services, legal standing, financial management and capacity, technical capacity, asset management plan, procurement procedures, and civil rights policies. The agency must demonstrate that it meets minimum requirements in financial and managerial capability and capacity for managing awarded funds, as well as demonstrate that it has the resources necessary to operate the project on an ongoing basis. The applicant must also be willing to follow federal and state guidelines for third-party procurements. Should an applicant not meet these threshold criteria, DTR is available to work with the agency to meet the criteria and become eligible to apply for funds.

A2.5 Eligible Services and Services Areas

Service types include fixed-route, demand responsive, and deviated fixed service. In the application, applicants are required to select one of the following application types:

- **General public rural operating/administrative.** This funding is for rural agencies (less than 50,000 population) that provide transit service that is available to the general public. Agencies may seek administrative (reimbursed up to 80% of eligible costs) and operating (reimbursed up to 50% of eligible costs after deducting operating revenues). The recently approved Section 5311 Funding Distribution Methodology (see the Additional Attachments to this document) outlines the eligible funding amount for each agency. The applicant is asked to enter the amount of funding eligible to the agency in 2020, and then provide a budget to match this amount.
- **Purchased transit services for general public rural operating.** This funding is for rural agencies (less than 50,000 population) that contract out all of their operating service. The applicant is asked to enter the amount of funding eligible to the agency in 2020 and enter information about the contractor/subcontractor, such as the name of the provider, type of service provided, location of service, and estimated contract amount.

A2.6 Eligible Assistance Categories

Eligible project costs under the Section 5311 program are determined in accordance with Office of Management and Budget (OMB) Circular A-875, OMB Circular A-122, and 2 CFR PART 200 subparts A-F, FTA Circular 9040.1G, and guidance issued by DTR. Project costs are categorized as capital, operating, or administrative expenses.

FTA Section 5311 eligible operating activities are as follows:

- Operating expenses may include, but are not limited to: fuel, oil, driver salaries and fringe benefits, dispatcher salaries, and fringe benefits.
- Administrative costs may include, but are not limited to, general administrative expenses (e.g., salaries of the project director, secretary, and bookkeeper); marketing expenses; insurance premiums or payments to a self-insurance reserve; office supplies; facilities and equipment rental; standard overhead rates; and the costs of administering drug and alcohol testing.

A2.7 Local Share and Local Funding Requirements

The Section 5311 program requires a local/state match. Eligible sources of the local match are outlined in FTA Circular C 9040.1G.

For FTA Section 5311 Operating projects, the local match is 50% of the net operating costs. Only net operating expenses—i.e., those expenses that remain after the provider subtracts operating revenues (e.g., farebox revenues, rider donations, bus advertising) from eligible operating expenses—are eligible for assistance. For Section 5311 Administration projects, the required local match percentage is 20% of expenses.

The federal share of eligible capital projects may not exceed 80%, and may not exceed 50% for operating assistance. For mobility management projects, the required local match percentage is 20% of expenses.

The operator must identify the type and amount of the in-kind match in the project budget submitted as part of its application. The in-kind match is approved by DTR as part of the subaward agreement and submitted to the FTA as part of the documentation for the FTA Award Application.

Local match may consist of any non-Department of Transportation (DOT) federal funds, such as Medicaid, Older Americans Act funding, or other funds that may be used for transportation; local tax revenues; local general operating funds; donations; or in-kind goods and services.

Local match may only be used once; that is, the same Older Americans Act funds may not be used for a Section 5311 application and a 5310 application. Local entities may choose to overmatch, meaning their portion of the total project budget may exceed 50% for operating and 20% for administration or mobility management projects.

In-kind goods and services may be used for the local share. If in-kind goods and services used for local match, they must have direct relevance to the project being matched. For example, volunteer driver hours may be used as part of the local match under 5310 operating if the volunteer drivers are providing service to seniors and persons with disabilities.

Fuel in lieu of contributed funding is not considered in-kind when the fuel is used solely for the provision of transportation under one of the operating projects. The cost of the fuel is considered contributed income and may be used as cash local match.

A2.7.1 Sliding Scale Share

Colorado is one of 14 states under 23 United States Code (U.S.C.) 120(b) that are allowed to have higher federal share rates for capital projects under the Section 5311 program. Because of the limited amount of funding available and because the state faces an increased demand for capital and operating assistance, CDOT policy is to not use the sliding scale match and to limit the federal share to the standard match for all Section 5311 projects.

A2.8 Project Selection Criteria and Method of Distributing Funds.

A2.8.1.1 Application Evaluation and Scoring

Section 5311 funds are announced through the DTR's annual Call for Capital Projects and Call for Local, Administrative, Operating, and Mobility Management Projects.

DTR staff reviews the applications to ensure that minimum eligibility requirements are met. Any applicant not meeting the criteria is contacted by DTR and given the opportunity to respond to the finding of ineligibility.

An evaluation committee made up of CDOT staff (DTR, Division of Transportation Development (DTD), the Policy and Government Relations Office, Civil Rights & Business Resource Center) evaluates and scores applications. In selecting projects for funding, consideration is given to geographic distribution.

The evaluation committee has two to three weeks to review applications and prioritize projects. The committee compiles scores and puts together a recommended prioritized award list.

After the committee evaluates the project according to the criteria included in the Notice of Funding Availability, each project is ranked according to its project type and score. Because of limited available funding, CDOT continues to put an emphasis on a fix-it-first approach—that is, giving higher priority to the replacement and refurbishment of buses, facilities, and equipment, rather than on new or expansion capital or planning projects. This does not mean, however, that expansion or planning projects are not funded—only that an applicant seeking funding for expansion projects must make a very strong case, with documented justification and evidence of sustainability, in order for the project to be considered.

In spring 2018, CDOT's Transportation Commission approved an updated funding methodology for the Section 5311 program that will be used for Fiscal Year (FY) 2019. The new

methodology was conceived by a subcommittee of the TRAC, which consisted of transit providers and other interested transit organizations. The new methodology consists of the following steps:

1. Divide the operating funds into two pools: the “Base” pool (Section 5311 funds, currently around \$8 million) and the “Equity” pool (\$2 million in FASTER funds).
2. Funds in the Base pool are allocated according to agency size, continuing what was approved in spring 2017.
 - Agencies are divided into five categories as determined by the agency’s size (calculated using the agency’s revenue miles, revenue hours, number of trips, and budget).
 - Depending on the agency’s size, the agency would be eligible to receive a base award up to a specific percentage of their operating budget, known as their budget factor. The table below shows the five categories and their associated budget factors. As shown in the table, agencies in the Very Small category will receive a base award equal to 50% of their operating budget, while agencies in the Large category will receive a base award equal to 14% of their budget.

Table A2.1. Base Pool Allocations

Category	Budget Factor
Very Small	50%
Small	45%
Medium	21%
Large	14%
Very Large	3-4%

3. Funds in the Equity pool are allocated according the demographic factors that represent transit need. Providers that have a greater number of transit dependent individuals within their service area will receive a higher award.

Under this new approach, several agencies are eligible for an award increase. However, local agencies will be expected to provide the same level of local match and not to substitute federal funds for local funds. A transition plan will be implemented to help any of the agencies proposed to receive an increase or decrease of funds with the needed time to adjust to the changes in funding. During the transition, awards will grow at a maximum of 10% per year over a 5-year period. For agencies whose funding will decrease, agencies will decrease by no more than a 3% per year. If any money remains “on the table” in a given year, after review of the applications, the residual money will be placed in a reserve account for new

agencies or unexpected growth of existing agencies. Once that pool is adequately funded, CDOT will provide flexibility for how leftover funds could be spent (e.g., capital needs).

A2.8.1.2 Coordinated Planning

Title 49 U.S.C. 5310, as amended by Moving Ahead for Progress in the 21st Century Act (MAP-21), requires a recipient of Section 5311 funds to certify that projects selected for funding under this program are included in a locally developed, coordinated public transit-human services transportation plan and that the plan was developed and approved through a process that included participation by seniors; individuals with disabilities; representatives of public, private, nonprofit transportation and human service providers; and other members of the public. FTA strongly encourages coordination and consistency between the local coordinated public transit-human service transportation plan and metropolitan or statewide transportation planning processes, as described in 23 CFR part 450 and 49 CFR part 613.

During the application process, DTR staff verify that proposed projects are part of the applicable TPR plans or the coordinated human services plans prepared by the MPOs. CDOT's statewide planning process includes the required participation and coordination for the projects eligible for Section 5311 funds.

DTR allows the use of Section 5310 funded vehicles in a coordinated setting with Section 5311 funded programs, so long as the service being provided is primarily for seniors and persons with disabilities, and provided general public ridership is approximately no more than 20%. A subrecipient is responsible for ensuring compliance with this requirement and for tracking ridership data to support this assertion

A2.8.1.3 Geographical Distribution

DTR undertakes a geographic equity analysis as part of the SWTP update process every 4 years that ensures that each part of the state, as defined by the TPRs, receives an equitable share of FTA funding. In addition, geographic equity is one of the criteria used to award projects under the Calls for Projects.

DTR enlists the assistance of the Denver Regional Council of Governments (DRCOG) in soliciting, evaluating, and selecting projects in the Denver-Aurora Urbanized Area (UZA). To avoid duplicative awards and facilitate a fair and equitable distribution of funds statewide, DTR coordinates with the MPOs of the Fort Collins and Colorado Springs large UZAs by sharing information about project requests. DTR coordinates with these entities so that state-managed funds like FASTER do not compete with or supplant regionally managed funds.

A2.8.1.4 Title VI

Representatives from the Civil Rights & Business Resource Center (CRBRC) participate on the Evaluation Committee and provide the Title VI perspective. DTR also works with each TPR to ensure that awarded projects fit within their Regional Transit Plans.

A2.8.1.5 Tribal Governments

The Southern Ute Indian Tribe and the Ute Mountain Ute Tribe are the two federally recognized sovereign Tribal nations in Colorado. Currently, neither tribe participates in the Tribal Transit Program.

The major transit service in the area is the Road Runner Transit Dial-a-Ride Bus Replacement. The Road Runner Transit Dial-a-Ride bus service started as a part of Southern Ute Community Action Program (SUCAP), which provided three round trips services when it first began. Today, there are three different transportation services that help serve older residents and people with mobility needs. Two of the three transit services, Ignacio Area Dial-a-Ride and Deviated Fixed Route services operate under Road Runner Transit. While the third transit service is a part of the Road Runner Stage Lines. It is a daily inter-city bus service that covers a total of 237 miles one way, from Durango to Grand Junction, and travels through Cortez and Telluride. The development of the Road Runner Transit Dial-a-Ride bus service has helped rural residents in southwestern Colorado access needed resources more regularly. The Road Runner Transportation trip purposes recorded show that transit users were able to access medical, shopping, nutritional, and social resources, the highest ridership was seen for employment and/or educational purposes.

A2.9 Intercity Bus Transportation (Section 5311[f])

FTA requires that states commit 15% of their Section 5311 funds to develop, support, and promote a network of ICB transportation services, unless the governor certifies that ICB needs are being met in its state, after consultation with affected ICB providers. As part of its commitment to a fully integrated transportation network in Colorado, CDOT supports the operation of a statewide, ICB service. Presently, DTR is committing at the 15% or higher level of its funds and expects to do so into the future.

DTR awards Section 5311(f) funds to private, for profit ICB providers that operate on predetermined routes under CDOT's Bustang Outrider brand.

A2.9.1 Section 5311(f) Planning

CDOT and DTR prepare two plans that scope the needs for intercity and regional bus route needs throughout the state. Both of these plans are developed with input from transit agencies, ICB providers, and the Bustang/Rural Regional Bus Subcommittee of CDOT's TRAC.

The **Colorado Intercity and Regional Bus Network Plan** guides the development of bus services for both intercity and regional bus routes. The plan is anticipated to be updated every 5 years. The 2014 plan:

- Identified goals for the development of the intercity and regional bus network/routes.

- Identified station and connectivity needs.
- Defined preferred routes for intercity and regional bus services.
- Identified a phased implementation plan for the intercity and regional bus routes.
- Identified policy, performance, and financing issues associated with implementing the preferred routes.

The **Statewide Transit Plan** establishes the framework for an integrated transit system across Colorado, which includes bus services. In addition to extensive outreach conducted every 4 years as part of the plan update process, the SWTP integrates needs and recommendations from the Regional Transit Plans prepared by each of the state's ten rural TPRs. Bus route needs are included in the planning process.

A2.9.1.1 Methodology for Assessing Intercity Bus Mobility Needs

DTR uses a multistep process to assess the need for additional ICB services in the state.

First, there is a density ranking of potential transit-dependent persons. The system is divided by block groups, each block group is then ranked relative to the rest of the block groups. The ranking system is informed by four user categories that demonstrated need, including young adults, older adults, persons living below the poverty rate, and auto-less households. Block groups that demonstrated moderate or high need were determined to be potential candidates for additional ICB mobility services.

Next, to identify the specific corridors that could serve these potential locations, existing intercity and regional bus networks were mapped. The mapped bus network was analyzed further through 10-mile and 25-mile buffer zones centered around existing ICB stops. Communities situated outside of the 10-mile buffer zone, and who are not served by any form of local transit able to connect to an ICB service, were designated as candidates for new routes.

The next step filtered out regions with fewer than 2,500 people.

The final step of the ICB mobility needs assessment focused on feasibility. Each identified location was analyzed according to transfer options and travel and wait times. This served as a second filter for towns that did not have a reasonable transit connection. The result of the latest 2014 assessment was a list of 13 towns that demonstrated substantial need for additional or new ICB mobility services. Further research was required to determine actual routes that would help serve these stops and towns identified in the assessment.

A2.9.1.2 Consultation

CDOT meets FTA's Section 5311(f) requirement for consultation to identify bus routes and bus mobility needs in the state by coordinating with the Bustang/Rural Regional Bus

Subcommittee of CDOT's TRAC, ICB providers to the Outrider program, community service organizations, Greyhound Lines, and the public.

A2.9.2 Section 5311(f) Eligible Applicants

CDOT is developing the Bustang Outrider intercity transportation service to reinstate former Greyhound Line routes and provide meaningful connections between rural areas and urban centers. ICB providers receive Section 5311(f) funds administered by CDOT and operate under the Bustang Outrider brand. Eligible ICB operators for Section 5311(f) funds are public/nonprofit carriers and private for profit transportation providers. The providers must operate a demand response or fixed route at least 3 days per week year-round in a rural region.

Applicants must comply with all federal and state regulations and federal drug and alcohol testing, and must submit required program documents as a condition of the award.

A2.9.3 Section 5311(f) Application

The application and award process for Section 5311(f) funds is shown in Flowchart A2-1 Section 5311(f) Planning through Award.

Section 5311(f) funds are announced through DTR's annual Call for Capital Projects and Call for Local, Administrative, Operating, and Mobility Management Projects. Carriers interested in applying for Section 5311(f) funds are encouraged to contact the DTR Bus Operations Unit. If two or more private carriers are interested in submitting an application for the same route, the Bus Operations Unit may issue a Request for Proposal (RFP) under a competitive bid. For public or non-profit carriers, the RFP process is waived.

All interested providers must submit an application through the Colorado Transit & Rail Awards Management System (COTRAMS).

CDOT expects that new applicants will have recently completed a study that demonstrates the need for transit service and that explores alternatives for expanding service under an existing transit provider. The new applicant must provide operational plans and a multiyear budget that forecasts operational, administrative, and capital expenses along with a long-term funding source. DTR staff are available to assist a new applicant in completing the required documentation.

A2.9.4 Section 5311(f) Local Match

The Section 5311(f) program requires a local match of 50% of net operating costs. The operator must identify the type and amount of the in-kind match in the project budget submitted as part of its application. The in-kind match is approved by DTR as part of the subaward agreement and submitted to the FTA as part of the documentation for the FTA Award Application.

There are two options available to operators who are not able to provide a local match on their own: Greyhound Lines unsubsidized miles and Transportation Development Credits.

Greyhound Lines donates unsubsidized miles to projects it approves to support the local match. Greyhound approves an operator's request for in-kind miles based on a review of the operator's policies that must meet these requirements:

- A 5- to 7-day per week fixed route service.
- Route provides a meaningful connection to the network.
- Operator has an interline ticket agreement and interstate operating authority.

If Greyhound does not approve the request, DTR can apply Transportation Development Credits on behalf of the operator to meet the match. This process is shown in Flowchart A2-2 FASTER Local and Regional Bus Planning through Award.

A2.9.5 Section 5311(f) Award

The Bus Operations Unit, in consultation with the TRAC subcommittee, evaluates the applications based on:

- Operating route (meaningful connection to the statewide network)
- Ridership data
- Amount of funding available
- Operating costs

Awards to public/nonprofit providers are under a 1-year subaward agreement, with an option for 4 additional years. Awards to private operators are under a 5-year subaward agreement. Subsequent renewals are based on performance. Subaward agreements specify ridership goals and that the operator must meet 20% of farebox recovery.

All Section 5311(f) contracts are subaward agreements, not operating contracts. Selected providers must have an adequate and CDOT-approved operating plan and Americans with Disabilities plan. They must also submit selected performance results monthly.

A2.9.6 Section 5311(f) Reporting Requirements

ICB providers are responsible for reporting on operation and performance measures, which DTR reports to the Transportation Commission quarterly.

For Section 5311(f), CDOT ensures it meets the connectivity objective by measuring revenue service miles, using 2014 as the base year of measurement. CDOT addresses the maintenance objective by verifying continued maintenance or improvement of existing conditions. Existing or additional mobility needs are identified by tracking Outrider demand, aligning with TRAC

work and the SWTP, and encouraging TPR input. When needs are identified, more work will be done to identify new possible routes/route expansion and to track ridership.

Additional reporting requirements outlined in the operator's subaward agreement include Milestone Progress Reports, DBE reporting, monthly reimbursement requirements, and National Transit Database (NTD) reporting.

A2.10 Annual Program of Projects Development and Approval Process.

From the final list of subawards for a given Call for Projects, DTR develops a Program of Projects (POP) for each FTA program. The POP includes a brief description of the projects; identifies each subrecipient and indicates whether they are governmental authorities or private nonprofit agencies; and lists total project costs and federal share of each project. The POP summarizes the available and applied funds for the program and the sources of funding for each parent award and project within the parent award (FTA, local match, local in-kind match). Additional detail on each project includes specific information about the agency, award status, civil rights compliance status, and contract identifiers in the CDOT accounting system.

DTR then assembles an award application in FTA's Transit Award Management System (TrAMS) based on the POP. The award application includes the following minimum information:

- Fiscal year of funding and whether program requirements are met
- Period of performance
- Statewide Transportation Improvement Program/Transportation Improvement Program/Unified Planning Work Program
- Project locations
- Activity line item and budget line information, federal and local match ratio
- Local match sources
- Vehicle useful life, fuel type and quantities
- Milestones
- National Environmental Policy Act Requirements

FTA reviews the POP and application for compliance, then approves and releases the funds to CDOT. This process is illustrated in Flowchart A2-3 FTA Award Application.

A2.11 Transfer of Funds

The transfer of Section 5311 funds to and from other programs is allowed for the following:

- The Governor of the State of Colorado or his/her designee (CDOT/DTR) may transfer funds from the Section 5307 Program for non-urbanized areas to the Section 5311 Program. Funds

from the Section 5311 Program may also be transferred to small urban Section 5307 systems. DTR staff determine the need for flexibility in utilizing both funding sources. DTR consults affected area transit providers when considering transfer decisions. When Section 5307 funds are transferred to Section 5311, any capital or operating assistance limitations applicable to the Section 5307 apportionment apply to the transferred funds.

- Surface Transportation Programs, Congestion Mitigation and Air Quality (CMAQ) funds, and other eligible flexible funds may be transferred from the Federal Highway Administration to the FTA Section 5311 program for capital needs. Procedures related to flexible funding are outlined in FTA Circular 9040.1.G, Appendix D. DTR makes decisions about transferring funds in conjunction with local area transit providers, the area MPO, and the State Highway Engineer's office; transfers must be approved by the CDOT Executive Director.

All contractual, procurement and payment procedures must follow state and federal guidelines. Notification to FTA of the intent to transfer funds will be in accordance with FTA Circular 9040.1G.

A2.12 State Administration and Technical Assistance

DTR uses its 10% allowable allocation of Section 5311 funding, in combination with its \$1 million of FASTER administrative funds, to administer its programs, manage its planning process, and provide technical assistance. DTR does not use any RTAP funds for administrative purposes. All RTAP funds are contracted to the vendor to administer the RTAP program.

A2.13 State RTAP

As required by FTA Circular 9040.1G, CDOT is responsible for providing technical assistance, support, and training to its rural providers through the RTAP. In order to achieve this goal, CDOT publishes an RFP every 5 years to identify a company or organization to assist CDOT with this program.

A2.13.1 Program Goals

The goals of the RTAP program are to:

- Promote the safe and effective delivery of public transportation in rural areas and to make more efficient use of public and private resources.
- Foster the development of state and local capacity for addressing the training and technical assistance needs of the rural transportation community.
- Improve the quality of information and technical assistance available through the development of training, technology, and technical assistance resource materials.

- Facilitate peer-to-peer self-help through the development of local networks of transit professionals
- Support the coordination of public, private, specialized, and human service transportation services.
- Build a national database on the rural segment of the public transportation industry.

To achieve these goals, CDOT provides the following:

- A statewide transit resources library, housed at the Colorado Association of Transit Agencies (CASTA).
- Training opportunities by providing regional and statewide training courses, including at the CASTA spring and fall conferences.
- Scholarship opportunities for rural providers to attend in- and out-of-state training opportunities.
- Peer-to-peer networking opportunities for sharing best practices, developing mentoring opportunities, and encourage regional sharing of resources.
- A statewide transit and transportation resource directory to encourage and facilitation networking opportunities. Access to this information is not limited to either members of CASTA or rural providers. Individuals and entities seeking to access any of these services should contact DTR for more information.

A2.13.2 Eligible Recipients and Eligible Projects

Eligible recipients of RTAP funds are states, local governments, and providers of rural transit services.

A2.13.3 Rural Transit Assistance Program Committee

To assist in ensuring that these efforts meet the needs of its rural transit providers, CDOT has established an RTAP Committee, composed of rural area members, which meets at least four times per year to provide guidance on training topics, discuss issues of importance to rural providers, and maintain input on policy decisions relevant to the Section 5311 program.

Each year, DTR works with its RTAP Committee to identify assistance needs of its rural partners. This training curriculum is then presented to the contractor and negotiations then occur to determine the specific course catalog for the year. This catalog is subject to change based on changes in demand for training, the availability of training through other resources, and the state's ability to partner with other organizations to provide this assistance.

A2.13.4 Federal/Local Matching Requirements

The ratio of the local match requirements is 100:0.

A2.14 Private Sector Participation

CDOT issues its calls for projects using a broad advertising approach to ensure applications are competitive. Public involvement processes must be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement throughout the transportation planning and programming process.

In CDOT's continued commitment to the involvement of private enterprise in the provision of mass transit services, to the maximum extent feasible, the following applies:

- Applicants must provide reasonable notice to transportation providers regarding proposed services and opportunities for their participation in such services.
- Applicants must provide, in each application, certified receipts of letters that Applicant sent to private for-profit transportation providers notifying them of all applicable Public hearings and coordinated meetings.
- To ensure that all interested persons, businesses, and agencies have been notified of an applicant's intention to provide transportation services, and that they have adequate opportunity to comment, Applicant must issue a public notice describing its proposed services. The notice should invite any interested private operator within the service area to comment, or request a public hearing, on the proposed services by written notice to the subrecipient. A minimum of a 15-day response time must be provided.
- Subrecipients may purchase service from private sector transportation providers as well as public providers. Under such arrangements, certain special conditions apply to the purchase of service agreement, depending on the funding used to provide such services.
- Subrecipients must ask permission, in writing, from CDOT/DTR to use Purchase Service Contracts. CDOT/DTR must approve the proposed purchase of service contracts prior to execution by the subrecipient.

A2.15 Civil Rights

CDOT's CRBRC's mission is to promote equal access to and participation in CDOT programs and activities. Additionally, the CRBRC collaborates with CDOT Regional Civil Rights Offices and various CDOT program staff to foster equality in CDOT's transportation contracting processes.

Within the CRBRC is the role of the Title VI Specialist/Civil Rights Liaison for DTR. This position works with DTR to implement and monitor compliance with the FTA's civil rights requirements, including Title VI, Equal Employment Opportunity, and DBEs.

CRBRC and DTR monitor subrecipient compliance with FTA civil rights regulations through the following:

- Including civil rights requirements in each Call for Projects.
- Oversight of third-party contracting procedures.
- Review of subrecipient websites.
- Review of the subrecipient's programs prior to awarding funds.
- Requiring subrecipients to submit updated programs to DTR through COTRAMS annually with certifications and assurances, or as required.
- Review of program documents during scheduled Subrecipient Information Request (SIR) and Site Review Process every 3 years.
- Technical assistance and training to subrecipients in the development of and execution of their programs, including minority applicants and those serving minority or traditionally underserved populations.
- Assistance in resolving complaints.
- Filing required reports to FTA.

A2.16 Maintenance

A2.16.1 Vehicle Maintenance

CDOT requires that a subrecipient receiving funds to purchase vehicles have a vehicle maintenance plan. This plan outlines how to maintain the rolling stock assets. FTA allows subrecipients discretion in determining the appropriate intervals for preventative maintenance inspections to accommodate manufacturer recommendations, current conditions, etc. However, whatever is outlined in the preventative maintenance plan for vehicles should be followed.

A subrecipient must submit its vehicle maintenance plan in COTRAMS. DTR reviews the plans during the SIR and Site Review Process. DTR also collects a sampling of oil change records to check for a 10% deviation or lower from the determined interval during the Site Visit.

As a best practice, a vehicle maintenance plan could include the following:

- Maintenance procedures for wheelchair lifts and other accessibility features.

- System of periodic inspections policy.
- Reference to the manufacturer's minimum maintenance requirements.
- Preventative maintenance performed at certain intervals.

A2.16.2 Facility and Equipment Maintenance

All program-funded facilities must have a written facility and equipment maintenance plan and develop and implement adequate maintenance procedures that keep the property in good condition. Facility and equipment maintenance plans are collected in COTRAMS and reviewed during the SIR and Site Review Process. The plan should describe a system of periodic inspections and preventative measures to be performed at certain defined intervals.

As a best practice, a facility and equipment maintenance plan could include the following:

- A form or checklist, a schedule and dates of periodic inspection (typical inspection areas would include roof, flooring, plumbing and electrical panels).
- A maintenance schedule for installed equipment, appliances, and furnishings, based on manufacturer recommendations for each item or system (for example, heating, ventilation, and air conditioning equipment).
- A process for managing and monitoring any facility related warranties, including installed equipment.
- A procedure for follow-up repairs arising from building inspections, as well as for unplanned equipment breakdowns of installed equipment and documentation, such as a form (example: work order) or online system for recording the repairs.

A2.17 Charter Program

Details about the FTA charter service regulations and reporting requirements (49 CFR Part 60) are available at: <https://www.transit.dot.gov/regulations-and-guidance/access/charter-bus-service/charter-bus-service-regulations-0>.

Subrecipients are prohibited from using federally funded equipment and facilities to provide charter service if a registered private charter operator expresses interest in providing the service. Recipients are allowed to operate community-based charter services excepted under the regulations.

The regulations define charter service as:

- Transportation provided at the request of a third party for the exclusive use of a bus or van for a negotiated price.

- Transportation provided to the public for events or functions that occur on an irregular basis or for a limited duration. In addition, a premium fare is charged that is greater than the usual or customary fixed-route fare, or the service is paid for in whole or in part by a third party.

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

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

The charter regulations do not apply to equipment that is fully funded with local funds, is stored in a locally funded facility, and is maintained only with local funds. A complete segregation is necessary to avoid the application of these requirements to charter services operated with locally owned vehicles.

A2.17.1 Charter Service Exemptions

Certain charter services are not considered charter service and require no notification to registered charter providers, record-keeping, quarterly reporting, or other requirements. These services, which are more fully described in the FTA Comprehensive Review Guide for Triennial and State Management Reviews. The most current Comprehensive Review Guide can be found through a link on FTA's Program Oversight web page (<https://www.transit.dot.gov/regulations-and-guidance/program-oversight/program-oversight>):

- Transportation of employees, contractors, and government officials
- Private charter operators
- Emergency preparedness planning and operation
- Section 5310, 5311, 5316 and 5317 recipients
- Emergency response
- Recipients in non-urbanized areas

A2.17.2 Community-Based Charter Services

Certain community-based charter services are considered exempt from the charter bus regulations. These services have administrative, record-keeping, and reporting requirements, as listed in Error! Reference source not found..

Table A2.2. Charter Service Exceptions (49 CFR Part 604)

Exception	Notification to Registered Charter Providers	Trip Record Keeping	Quarterly Reporting	Other Requirements
Government officials on official government business	Yes (if the recipient petitions the Administrator for additional charter service hours)	Yes	Yes	<p>If additional charter service hours are needed (beyond the 80 annual service hours allowed), the recipient must petition the Administrator. The petition must include:</p> <ul style="list-style-type: none"> – Date and description of the official government event and the number of charter service hours requested – Explanation of why registered charter providers in the geographic service area cannot perform the service (e.g., equipment, time constraints, or other extenuating circumstances) – Evidence that the recipient has sent the request for additional hours to registered charter providers in its geographic service area
Qualified Human Service Organization	No	Yes	Yes	Evidence that the Human Service Organization receives funding, directly or indirectly, from the programs listed in Appendix A of the charter regulation or was registered at least 60 days before the date of the first request.
Leasing FTA-funded equipment and drivers	No	Yes	Yes	Evidence that registered charter provider has exhausted all of the available vehicles of all registered charter providers in the recipient’s geographic service area
When no registered charter provider responds to	Yes	Yes	Yes	None

Table A2.2. Charter Service Exceptions (49 CFR Part 604)

Exception	Notification to Registered Charter Providers	Trip Record Keeping	Quarterly Reporting	Other Requirements
notice from a recipient				
Agreement with registered charter provider	Yes (if a newly registered charter provider joined the Urbanized Area after the initial agreement)	No	No	Properly executed agreements with all registered charter providers in recipient's geographic service area
Petitions to the Administrator	Yes	No	No	Recipient must demonstrate how it contacted registered charter providers and how the recipient will use the registered charter providers in providing service to the event. Recipient must also certify that it has exhausted available registered charter providers' vehicles in the area

A2.17.3 Reporting

All recipients that operate charter service under an authorized exception are required to maintain notices and records for at least 3 years and report to the FTA quarterly. The records must include a clear statement identifying which exception the recipient relied upon when it provided the charter service.

- Government officials (49 CFR Part 604.6)
- Qualified human service organizations (49 CFR Part 604.7)
- Leasing (49 CFR Part 604.8)
- No response from a registered charter provider (49 CFR Part 604.9)

Recipients must post the required records on the FTA charter website within 30 days of the end of each calendar quarter. Charter service hours include time spent transporting passengers, time spent waiting for passengers, and "deadhead" hours.

The recipient reports for itself and its subrecipients, contractors, and lessees except subrecipients that are also direct FTA recipients for Section 5307 formula funds. Reports are only required for quarters during which charter service was provided. An FTA Charter Service Quarterly Exceptions Reporting Form and the instructions are available for downloading at <https://www.transit.dot.gov/regulations-and-guidance/access/charter-bus-service/charter-bus-service-regulations-0>.

A2.18 Section 504 and Americans with Disabilities Act Reporting

DTR and CRBRC jointly oversee subrecipient compliance with Americans with Disabilities Act (ADA) requirements. They must ensure that all vehicles acquired with FTA funds are equipped, maintained, and operated in accordance with 49 CFR Parts 27, 37 and 38, unless certification of equivalent service is filed annually, and that service provided does not discriminate against individuals with disabilities. Newly constructed facilities, including joint use stops and depots for ICB transportation, must comply with ADA accessibility standards.

Agencies receiving FTA funding under Section 5310 that provide demand responsive service are required to submit a Certification of Equivalent Service to DTR prior to procuring any inaccessible vehicle, which DTR must file with FTA. The certification is valid for 1 year. A sample Certification is available as an attachment to FTA Circular 4710.1. If DTR and CRBRC determine that a subrecipient presents a risk in this category, an ADA review may be performed.

In addition, CRBRC participates in the SIR and Site Review Process every 3 years. A subrecipient's ADA Program is part of this review.

A2.19 National Transit Database Reporting

FTA's NTD records the financial, operating and asset condition of transit systems to track the industry and provide public information and statistics. FTA subrecipients receiving funding from Section 5311 are required to report directly annually to the NTD in uniform categories. Reported items include total annual revenue; sources of revenue; total annual operating costs; total annual capital costs; fleet size and type, and related facilities; revenue vehicle miles; and ridership. As the state agency responsible for administering Section 5311 funds, CDOT is responsible for ensuring that the subrecipient data is compiled and submitted to the NTD and for reviewing the reports for accuracy.

A2.20 State Program Management

Once an executed subaward agreement is in place, CDOT/DTR is responsible for oversight of the subrecipient agency and its implementation of the project. Oversight includes monitoring, training, and technical support for subrecipient agencies to support them in compliance with federal and state regulations and guidelines associated with receiving and disbursing funds.

When subrecipient agencies enter into contracts with contractors and subcontractors to perform work funded by FTA or state transit funds, the subrecipient agencies are responsible for oversight and compliance of the contractors and subcontractors with federal and state regulations and guidelines.

DTR utilizes the Comprehensive Review Guide, updated annually by the FTA, as a guide to conduct oversight. The most current Comprehensive Review Guide can be found through a link on FTA’s Program Oversight web page (<https://www.transit.dot.gov/regulations-and-guidance/program-oversight/program-oversight>).

A2.20.1 Baseline Activities

Project Coordinators and subrecipients have responsibilities related to ongoing oversight and participating in oversight activities. Subrecipients are expected to participate in baseline activities, unless deemed not required by DTR. Baseline activities are outlined in Table A2.3.

Table A2.3. Baseline Activities

	Activity	Subrecipient	DTR
Daily/Weekly	Customer Service and COTRAMS support		Assist subrecipients as requested
	Reimbursement Requests for Capital projects (COTRAMS)	Submit	Approve
Monthly	Transit Conference Calls	Participate and contribute	Prepare for and conduct
	Informal Site Reviews	Prepare for and participate	Schedule and conduct
	Reimbursement requests for Admin/Operating and Mobility Management projects (COTRAMS)	Submit	Review and approve
Quarterly	LCC and RCC meetings	Attend	Attend as needed
	RTAP and other training opportunities	Attend	Schedule and conduct
	CASTA committees	Participate and attend	Participate and attend
	Risk assessments (COTRAMS)	Complete	Complete
	Quarterly Reports (Section 5311 and Section 5311[f] recipients)*	Prepare	Review
	Program Measures Reports (Section 5310 recipients)**	Prepare	Review
Annually (spring)	Transit Open Houses	Attend	Prepare for and conduct

*Quarterly Reports are designed to assist 5311 and 5311(f) subrecipients capture the service information quarterly that they are required to report annually in the National Transit Database (NTD). Subrecipients that have active 5311 and 5311(f) projects must complete these reports in COTRAMS quarterly.

** Program Measures Reports are required from subrecipients that have active 5310 projects. These reports ask for updates on program performance: gaps in service filled and ridership. Subrecipients are encouraged to include a client story or success story, as these are important to share with the FTA. Subrecipients must complete these quarterly in COTRAMS; DTR then submits the reports to FTA using TrAMS.

A2.20.2 Subrecipient Information Request and Site Review

All subrecipients are required complete the SIR and participate in the Site Review Process at least once as a new subrecipient, unless otherwise decided by DTR management. The SIR is adapted from the FTA's Comprehensive Review Guide (<https://www.transit.dot.gov/regulations-and-guidance/program-oversight/program-oversight>) that covers the range of requirements for all FTA programs in the following areas:

- Legal (Lobbying)
- Financial Management and Capacity
- Technical Capacity
- Satisfactory Continuing Control
- Maintenance
- Procurement
- DBE
- Title VI
- ADA General
- ADA Complementary Paratransit
- Equal Opportunity Employer
- School Bus
- Charter Bus
- Drug and Alcohol Program

The SIR may be completed differently by agencies because some of the areas are only applicable to certain funding sources or for certain types of projects. The process is illustrated in Flowchart A2-4 Subrecipient Information Request (SIR) and Site Review Process and includes the following:

Pre-Review. Project Coordinators send notifications to the agencies scheduled to have a Site Review. The notification stating the purpose of the SIR according to the risk-based and SIR oversight policy. A site review date is agreed upon and scheduled. The subrecipient receives a SIR custom created for the agency made up of questions for the subrecipient to answer and a request for copies of the subrecipient's program documents. The notification includes a deadline to return the completed SIR and upload the requested documents to COTRAMS.

Desk Review. Project Coordinators perform a Desk Review of the subrecipient's SIR and documents, and then complete an internal SIR document that captures their comments (and comments from the CRBRC review). Based on the review, the Project Coordinator develops questions, highlights areas of concern, and identifies additional areas for discussion, such as upcoming projects and needs. A detailed agenda for the Site Visit is sent to the subrecipient prior to the scheduled Site Visit.

Site Visit. The Site Visit view is typically a one-day meeting with facility and/or bus tours, as appropriate. The reviews are an opportunity for the Project Coordinator and the subrecipient to review projects, help subrecipient reach compliance requirements, identify opportunities for improvement, answer questions, and identify future needs. Attendees include the agency executive staff, the Project Coordinator, and representatives from other CDOT/DTR programs, as needed (Transit Asset Management, Civil Rights, Audit, Business Office, Drug & Alcohol program, RTAP, CDOT Regional Planner, and others). Subrecipients are responsible for ensuring that pertinent staff members are available.

Site Visits begin with an entrance conference stating the purpose of the review and a reminder that the informal “findings” are a reflection on CDOT’s oversight. Site Visits follow the pre-arranged agenda and leave ample time for the in-person checklist, especially checking maintenance records. A typical Site Visit checklist is included as Attachment A2-1 Subrecipient Information Request (SIR) and Site Review Checklist. The Site Visit ends with an exit conference to review the notes taken during the Site Visits and clarify any next steps.

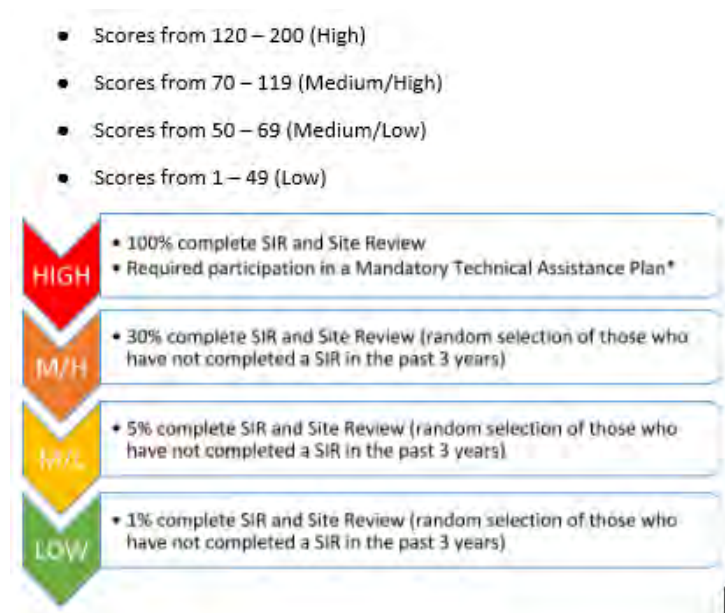
Post-Review: The Project Coordinator sends a follow-up letter declaring whether or not the subrecipient is in compliance; and documenting observations, recommendations, and conclusions. Follow-up actions required by the subrecipient are also identified, including, if needed, additional training and technical assistance or a corrective action plan with a timeline.

A2.20.2.1 Frequency and Level of Oversight

After the initial SIR and Site Review, the frequency and level of oversight are based on the results of the scores of the Risk Assessment completed by the subrecipient and DTR in COTRAMS after a project award. The Risk Assessment process is described in Chapter 3 (Section 3.5.1). DTR’s objective is to provide the appropriate level of oversight based on the risk assessment scores and the needs of the specific agency.

The combined numerical score from the Risk Assessment corresponds to High, Medium/High, Medium/Low, and Low level of oversight. DTR uses the Low to High ratings to determine how often a Subrecipient is asked to

Figure A2.2. Subrecipients Participating in SIR



complete the SIR and participate in a Site Review. The percentage of subrecipients at the different risk levels participating in the SIR and Site Review is illustrated in Figure A2.2.

A2.20.3 FTA Certifications and Assurances

To ensure compliance with other federal requirements, subrecipients are required to sign federal Certifications and Assurances for FTA Assistance Programs. A subrecipient applying for assistance under any FTA program must annually submit Certifications and Assurances that are applicable to the subrecipient's award during the current federal fiscal year.

FTA issues a list of required certifications and assurances for each fiscal year. The FY 2019 list available at <https://www.transit.dot.gov/funding/grantee-resources/certifications-and-assurances/certifications-assurances> and is included as Attachment A2-2 FTA FY 2019 Certifications and Assurances. Some certifications and assurances apply to all applicants. Others are required from applicants requesting more than \$100,000 in federal assistance or depend on the type of applicant or project.

A2.20.3.1 Program Documents

In addition to the annual Certifications and Assurances, DTR requires subrecipients to maintain Program Documents on file in COTRAMS. These documents are specifically requested and reviewed by Project Coordinators during the SIR and Site Review Process; however, subrecipients are expected to have updated documents in COTRAMS on an ongoing basis. These documents cover all of the applicable areas of review in the FTA's Comprehensive Review Guide (<https://www.transit.dot.gov/regulations-and-guidance/program-oversight/program-oversight>).

Individual FTA programs require additional submittals. Specific program requirements are detailed in SMP Appendix A (FTA Programs) and Appendix B (Non-Federal Transit Funds).

Finally, there are Civil Rights requirements related to Civil Rights programs for both CDOT and subrecipients. These are described in Chapter 5.

A2.20.3.2 Remedies for Noncompliance

Remedies for a subrecipient's noncompliance with the statutes, regulations, or the terms and conditions of the award or the executed subaward agreement are set forth in 2 CFR 200 (<https://www.govinfo.gov/content/pkg/CFR-2014-title2-vol1/pdf/CFR-2014-title2-vol1-part200.pdf>). If CDOT determines that a subrecipient is not complying with the general or specific terms of an award, CDOT may impose additional conditions to the award, as described in 2 CFR 200.207, or take additional actions, as detailed in 2 CFR 200.338. Rules pertaining to noncompliance are defined in CDOT's executed subaward agreement with the subrecipient in the Breach of Agreement and Remedies sections. CDOT's standard subaward agreement is included as Attachment A2-3 CDOT Standard Subaward Agreement.

A2.20.4 Project Amendments

Subrecipients are responsible for reporting to DTR whenever one or more of the following occurs:

- Budget or schedule changes.
- Milestone or completion dates were not met.
- Identification of problem areas and how the problems will be resolved.
- Expected impacts and the efforts to recover from delays.

DTR takes proactive steps to address issues on projects that are not meeting performance standards, including identifying resources for subrecipient project managers, identifying specific issues causing the delay, and providing a date certain by which time requirements must be met.

CDOT works with a subrecipient to obtain FTA's prior approval of proposed changes, then amend the subaward agreement to extend the end date or adjust awarded amount to reflect the approved changes. The process DTR uses to amend a capital project is shown in Flowchart A2-5 Amendment for Capital Project.

A2.20.5 Subaward (Project) Performance Schedule

The subrecipient is responsible for meeting the schedule requirements included in the executed subaward agreement and reporting through COTRAMS on meeting milestones. The DTR Project Coordinator confirms on a regular basis that the project is performing on schedule. If it falls behind schedule, Project Coordinator notifies the DTR Unit Manager and DTR Director of the underperforming project, and a plan is developed to remediate or terminate the project.

The DTR Unit Managers and the DTR Director monitors schedule changes, with the goal of efficiently addressing underperforming projects and taking proactive steps to close out the projects in a timely manner.

A2.20.6 Invoicing and Reimbursement

A2.20.6.1 Governing Policies

The federal OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly called Uniform Guidance) is the authoritative set of rules and requirements for federal awards and project management (<https://www.grants.gov/learn-grants/grant-policies/omb-uniform-guidance-2014.html>). In addition, specific requirements are outlined in FTA Circular 5010.1E Award Management Requirements, which is included as an Appendix to the State Management Plan (SMP) and can be found in: [DRAFT August 2019](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-</p></div><div data-bbox=)

[innovation/32136/5010-1e-circular-award-management-requirements-7-21-2017.pdf](https://www.colorado.gov/pacific/osc/alpha-index-6#F).

Requirements for invoicing and reimbursement are also covered in 2 CFR 200.

The State of Colorado “Fiscal Rules” govern the administrative procedures for reviewing and accepting all requests for reimbursement, and are stricter in some instances than required by federal law. The state fiscal rules are available from the Office of the State Controller at <https://www.colorado.gov/pacific/osc/alpha-index-6#F>

A2.20.6.2 DTR Reimbursement to Subrecipients

According to state fiscal rules, CDOT will not reimburse subrecipients for expenses incurred prior to the date of subaward agreement execution, unless the agreement contains a 60-day retroactivity clause (typically operating projects). Under an executed subaward agreement, a subrecipient must first incur costs before submitting an invoice for reimbursement.

Reimbursement Requests may be held for payment due to any breach of the executed subaward agreement, i.e., lack of reporting or other documented noncompliance with the subaward agreement terms.

A2.20.6.2.1 Eligible Expenses

According to federal and state policies, CDOT pays all reasonable and fully and accurately documented requests for reimbursement within 30-45 calendar days of submittal. If the documentation is incomplete or there are ineligible expenses in the invoice, the process may take longer.

Eligible expenses are defined in an exhibit to the executed subaward agreement titled Verification of Payment checklist and vary depending on the type of project. Information about how to submit documentation for reimbursement is outlined in the COTRAMS Manual.

Supporting documentation for the expenses and payment of expenses includes, but is not limited to, accounting records, such as cancelled checks, paid bills with receipts, or other proof-of-payment; payroll; time and attendance records; contracts; and subaward documents. Some programs have specific requirements related to documentation.

A2.20.6.2.2 Invoicing/Reimbursement Request Schedule

CDOT requires subrecipients to submit reimbursement requests in a timely fashion and regularly, according to the executed agreement.

Delay in submitting invoices may result in the subrecipient being considered a higher-risk agency and more stringent requirements may be placed on the agency. For example, the agency may be required to provide additional or more detailed documentation in its reimbursement requests. Or, the agency may be required to clear the backlog of invoices before CDOT will approve future applications from the agency.

The process for reimbursement for capital projects is illustrated in Flowchart A2-6 Capital Project Reimbursement Request.

A2.20.7 Procurement Policies and Procedures

A2.20.7.1 CDOT Direct Procurements

CDOT's Procurement and Contract Services office oversees CDOT's direct procurement of goods and services in accordance with State of Colorado Procurement Code and Fiscal Rules. This includes procurement of professional architectural and engineering services, as well as services that do not require an architectural or engineering license. Resources are available at <https://www.codot.gov/business/procurement-and-contract-services>.

The State of Colorado procurement policies and procedures are located here: <https://www.colorado.gov/pacific/osc/procurement-resources> and described further in the following documents:

- Procurement Code (Title 24, Article 101 to Article 112), modernized under Colorado House Bill 17-1051.
(<https://advance.lexis.com/container?config=0345494EJAA5ZjE0MDIyYy1kNzZkLTRkNzktYTkxMS04YmJhNjBINWUwYzYKAFBvZENhdGFsb2e4CaPI4cak6laXLCWyLBO9&crId=de9a576c-afd4-46c2-8253-d5e72996d564>)
https://www.colorado.gov/pacific/sites/default/files/2017A_1051_signed.pdf
- State of Colorado Procurement Code of Ethics and Guidelines
<https://www.colorado.gov/pacific/sites/default/files/State%20of%20Colorado%20Procurement%20Code%20of%20Ethics%20and%20Guidelines.pdf>)
- State of Colorado Procurement & Fiscal Rules
(https://www.sos.state.co.us/CCR/NumericalCCRDclList.do?deptID=14&deptName=100_800%20Department%20of%20Personnel%20and%20Administration&agencyID=40&agencyName=101%20Division%20of%20Finance%20and%20Procurement)

A2.20.7.2 Professional Services Contracts

In Colorado, procurement of professional architectural and engineering services is governed under The Brooks Act. Professional services that are not performed by a licensed architect or engineer are considered "personal services." CDOT's Procurement Office conducts the procurement process in collaboration with DTR for these types of services according to the Procurement Code and State of Colorado Procurement & Fiscal Rules. The selection is generally made based on meeting minimum requirements and that are outlined in an Invitation for Bid (IFB) or RFP.

CDOT's process for this type of procurement is documented in Flowchart A2-7 Personal Services Procurement. A sample RFP is included as Attachment A2-4 Sample Personal Services RFP.

A2.20.7.3 Competition

All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards set forth in 2 CFR 200.319 and Title 49 U.S.C. 5325(a) (<https://www.gpo.gov/fdsys/pkg/USCODE-2009-title49/pdf/USCODE-2009-title49-subtitleIII-chap53-sec5325.pdf>). CDOT encourages full and open competition.

For its direct procurements, CDOT advertises in the Rocky Mountain Bid System and has an open prequalification process for consultants and contractors wishing to do business with CDOT.

A2.20.7.4 Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms

In accordance with 49 CFR Part 26, CDOT seeks to ensure non-discrimination in the award and administration of DOT-assisted contract and to create a level playing field on which DBEs can compete fairly for DOT-assisted contracts.

Detailed information about CDOT's DBE Program and requirements for subrecipients regarding DBE contracting are provided in Chapter 5.

A2.20.7.5 Third-Party Procurements

As recipients of federal funds used in third-party procurements, CDOT and its subrecipients must comply with the State of Colorado Procurement Code for non-federal procurements, as well as the federal procurement standards outlined in 2 CFR § 200.318 General Procurement Standards through 2 CFR § 200.326 Contract Provisions. Subrecipients must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible (2 CFR 200.321).

CDOT and its subrecipients are also responsible for ensuring that all of its contracts or subcontracts made in connection with FTA transit funds comply with provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

Subrecipients must track all prime contractors and subcontractors, including DBEs, on all awarded, in process, and closed FTA-funded contracts.

DTR's policies and procedures related to third-party procurements are outlined in Attachment A2-5 DTR Quick Procurement Guide.

A2.20.7.5.1 DTR Oversight of Third-Party Procurements

In its oversight role, DTR monitors and oversees subrecipient purchases of goods and/or services using FTA and state funds to confirm that the procurements are conducted in compliance with applicable state and federal regulations. Subrecipients must incorporate DBE nondiscrimination language into procurement documents and awarded contracts.

DTR coordinates, as needed, with the CDOT Procurement and Contract Services office throughout the procurement process. The Procurement Office reviews the statement of work/specifications; makes recommendation on type of procurement; and drafts and reviews the procurement subaward agreement, Purchase Orders, and associated documentation. The Procurement Office conducts annual training for subrecipients on CDOT procurement procedures. In addition, DBE civil rights requirements related to procurement are coordinated with the CRBRC in accordance with 49 CFR part 26.

A2.20.7.5.2 Subrecipient Written Procurement Procedures

Subrecipients are required to have written procurement procedures that conform to applicable state and local regulations, as well as the federal law and the standards set forth in 2 CFR § 200.318 General Procurement Standards through 2 CFR § 200.326 Contract Provisions.

Below is a list of what should be included in a subrecipient's written procedures for third-party procurements:

- DBE policy or goal
- Identified dollar thresholds, specifically for sealed bids/competitive process
- Description of management of payment to contractors
- A protest and appeal process
- Standards of conduct
- Graduated purchasing authority (what employee can authorize what type of purchase)
- Policy for the documentation of responsibility determinations (prior to the award, the bidders are checked for integrity, compliance, past performance, etc.)

A2.20.7.5.3 Subrecipient Third-Party Procurement Process

Subrecipients are required to submit required documentation in COTRAMS for Project Coordinator's review and approval at each step of the third-party procurement process. The procurement process is explained in detail in Attachment A2-5 DTR Quick Procurement Guide.

An overview of the Procurement process is illustrated in Flowchart A2-8 Third-Party Procurement. Requirements for the submittals are detailed in the following sections.

Prepare Independent Cost Estimate

Subrecipients must prepare an Independent Cost Estimate prior to conducting a procurement process. This helps to determine the appropriate procurement method and the special requirements for it, as outlined in 2 CFR 200.320.

Determine Procurement Method

A Project Coordinator is available to assist a subrecipient in determining which procurement method to use. Procurements may be conducted by an individual agency or through a joint procurement with multiple agencies with common specifications.

Requirements for the different procurement methods can be referenced in Attachment A2-5 DTR Quick Procurement Guide.

Procurement Forms

DTR follows a 4-step Procurement Approval process in COTRAMS, where the following forms are collected. These forms are more fully explained in Attachment A2-5 DTR Quick Procurement Guide.

- PCR: Procurement Concurrence Request
- PA: Purchase Authorization
- NA: Notice of Acceptance and Vehicle Checklist
- SA: Security Agreement

Post-Procurement Administrative Requirements

The subrecipient must include the following items in its procurement records and make them available for the Project Coordinator upon request.

- Record of any debriefing with proposers
- Record of any protest and subrecipient response

Retention Requirement for Procurement Documentation

A subrecipient must keep written documentation of each procurement process for three years following completion of the project/procurement or project closeout.

The FTA's Procurement Best Practices Manual recommends that agencies maintain records for three years following project completion. Some examples of documentation to maintain in a written record of procurement history could include:

- Purchase request, acquisition planning information and other pre-solicitation documents
- Rationale for the method of procurement (i.e. RFP, IFB, Sole Source)
- Independent cost estimate
- Copy of the solicitation, all addenda and all amendments
- List of sources solicited
- Copies of published notices of proposed contract action

- An abstract of each offer or quote
- Reasons for contractor selection or rejection
- Determination that contractor is responsive and responsible
- Determination that price is fair and reasonable including an analysis of the cost and price data
- Required internal approvals for award
- Notice of award
- Notice to unsuccessful quoters or offerors and record of any debriefing
- Record of any protest
- Required insurance documents, if any, and
- Notice to proceed

A2.20.8 Project Close-Out

Upon completion of the project—after the purchase of the goods for capital projects or at the end of the service period for operating or mobility management agreements as provided in 2 CFR § 200.343 and within 30 days of the final invoice paid, the subrecipient must submit a project closeout form through COTRAMS and notify the Project Coordinator to close the project. The executed subaward agreement includes the required project close-out elements or other project deliverables.

DTR's process for this is shown in Flowchart A2-9 Project Closeout.

CDOT's policy is to close out projects and FTA awards as soon as practicable and deobligate and reobligate unspent funds such that "older money" from these closed awards is used first for new projects.

The Project Coordinator verifies that the subrecipient has completed all of its responsibilities related to the project. Examples include:

- Final report and Quarterly reports submitted to DTR.
- Vehicle title on file with DTR.
- Copy of completed plan, if applicable for planning projects.

When a project is closed out, terminated or partially terminated, the recipient is responsible for compliance with the requirements in 2 CFR § 200.344 Post-Close Out Adjustments and Continuing Responsibilities.

A2.20.9 Construction Projects

Construction projects each have a specific schedule and milestones as part of the subaward agreement. The subrecipient/contractor must follow the requirements set forth in the CDOT SMP and the Local Agency Manual, as it applies. The Local Agency manual can be found online

at: https://www.codot.gov/business/designsupport/bulletins_manuals/2006-local-agency-manual

Project Coordinators, working with their subrecipients confirm on a regular basis that the project is performing on schedule. If the project falls behind schedule, the Project Coordinator notifies the Project Coordination Unit Manager and the DTR Director of the underperforming project. At that point, a plan will be developed to remediate or terminate the project.

A2.21 Other Provisions

DTR completes an annual Subrecipient Service Area Information report for all subrecipients of Section 5311 funds that addresses the requirements of Section 5333(b).

To ensure compliance with other federal requirements, subrecipients are required to sign federal Certifications and Assurances for FTA assistance programs. A subrecipient applying for assistance under any FTA program must annually submit Certifications and Assurances that are applicable to the subrecipient's award during the current federal fiscal year.

All subrecipients are required complete the SIR and participate in the Site Review Process at least once as a new subrecipient, unless otherwise decided by DTR management. The SIR is adapted from the FTA's Comprehensive Review Guide that covers the range of requirements for all FTA programs in the following areas:

- Legal (Lobbying)
- Financial Management and Capacity
- Technical Capacity
- Satisfactory Continuing Control
- Maintenance
- Procurement
- DBE
- Title VI
- ADA General
- ADA Complementary Paratransit
- Equal Opportunity Employer
- School Bus
- Charter Bus
- Drug and Alcohol Program

In addition to the annual Certifications and Assurances, DTR requires subrecipients to maintain Program Documents on file in COTRAMS. These documents are specifically requested

and reviewed by Project Coordinators during the SIR and Site Review Process; however, subrecipients are expected to have updated documents in COTRAMS on an ongoing basis.

Environmental protection requirements are reviewed during the pre-award phase of the application process, where DTR confirms that the required environmental clearances for the project have been obtained.

Buy America provisions, and pre-award and post-delivery reviews are confirmed through DTR's oversight of the subrecipient's procurement processes. Review and approval occurs with a PCR, PA, and NA—which the subrecipient is required to submit through COTRAMS for DTR's approval.

Restrictions on lobbying are included as part of the subaward agreement and are reaffirmed through annual Certifications and Assurances submittals through COTRAMS.

DTR has contracted with a drug and alcohol program consultant that works directly with subrecipients to comply with the regulations. The consultant is responsible for subrecipient training, compliance monitoring, and technical assistance.

The consultant reviews the subrecipient drug and alcohol testing program at a minimum every 3 years. Through review of the policy and records, the consultant confirms that the program meets federal requirements, that there is a compliant process for conducting random tests, that reports are adequate, secure and complete, that post-accident and pre-employment testing are conducted appropriately, and that collection sites meet federal requirements.

Training is provided to new recipients of Section 5307, 5309, 5311, 5316, or 5339 funds, as well as refresher training at the spring and fall Colorado Association of Transit Agencies (CASTA) conferences. The refresher training centers around determining reasonable suspicion for supervisors, training employees on drug and alcohol programs, and best practices for drug and alcohol programs.

The consultant monitors the subrecipient testing programs throughout the year. Subrecipients are required to report program testing results in the FTA's Drug & Alcohol Testing Management Information System (DAMIS) by March 15 for the prior year. DTR and the consultant work with subrecipients to make sure the reports are accurately submitted by the annual deadline.



COLORADO
Department of Transportation

DIVISION OF TRANSIT AND RAIL STATE MANAGEMENT PLAN

APPENDIX A | FTA PROGRAMS *A3. Section 5339*

Draft August 2019

Outline

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Attachments

Attachment A3-1. Subrecipient Information Request (SIR) and Site Review Checklist

Attachment A3-2. FTA FY 2019 Certifications and Assurances

Attachment A3-3. CDOT Standard Subaward Agreement

Attachment A3-4. Sample Personal Services RFP

Attachment A3-5. DTR Quick Procurement Guide

Flowcharts

Flowchart A3-1. FTA Award Application

Flowchart A3-2. Subrecipient Information Request (SIR) and Site Review Process

Flowchart A3-3. Amendment for Capital Project

Flowchart A3-4. Capital Project Reimbursement Request

Flowchart A3-5. Personal Services Procurement

Flowchart A3-6. Third-Party Procurement

Flowchart A3-7. Project Closeout

Additional Attachments

FTA Circular: FTA C 9030.1E: Urbanized Area Formula Program: Program Guidance and Application Instructions

FTA Circular: FTA C 5100.1: Bus and Facilities Formula Program: Program Guidance and Application Instructions

A3. FTA SECTION 5339—BUS AND BUS FACILITIES FORMULA GRANT

The purpose of the Section 5339 program is to provide capital funding to replace, rehabilitate, and purchase buses and related equipment, and to construct bus-related facilities. The program is also available for supporting clean fuel projects and to advance transit-related technology.

Documents that govern how the Colorado Department of Transportation (CDOT) administers Section 5339 funds include:

- Federal Transit Administration (FTA) Circular 5100.1.
https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Final_FTA_C_5100_4-16-15.pdf
- FTA website Overview: <https://www.transit.dot.gov/bus-program>

A3.1 Program Goals and Objectives

CDOT awards funds under the Section 5339 program to eligible subrecipients for the purpose of financing capital bus and bus-related projects that support the continuation and expansion of public transportation services in the Colorado.

A3.2 Roles and Responsibilities

The parts of CDOT’s organization that are involved in the administration of FTA and state transit funds are listed in the following table.

Acronyms and Abbreviations:

CDOT = Colorado Department of Transportation	FTA = Federal Transit Organization
CRBRC = Civil Rights and Business Resource Center	MPO = Metropolitan Planning Organization
DAF = Division of Accounting & Finance	OFMB = Office of Financial Management & Budget
DTD = Division of Transportation Development	STIP = Statewide Transportation Improvement Program
DTR = Division of Transit and Rail	TIP = Transportation Improvement Program
FFATA = Federal Funding Accountability and Transparency Act	TPR = Transportation Planning Region
FFR = Federal Financial Report	TRAC = Transit and Rail Advisory Committee

CDOT Organization	Role
DTR	Primary entity responsible for the management of FTA funds and for the oversight of subrecipients that are the operating entities throughout the state who perform the work.

Acronyms and Abbreviations:

CDOT = Colorado Department of Transportation	FTA = Federal Transit Organization
CRBRC = Civil Rights and Business Resource Center	MPO = Metropolitan Planning Organization
DAF = Division of Accounting & Finance	OFMB = Office of Financial Management & Budget
DTD = Division of Transportation Development	STIP = Statewide Transportation Improvement Program
DTR = Division of Transit and Rail	TIP = Transportation Improvement Program
FFATA = Federal Funding Accountability and Transparency Act	TPR = Transportation Planning Region
FFR = Federal Financial Report	TRAC = Transit and Rail Advisory Committee

CDOT Organization	Role
Transportation Commission	Approves high-level policy criteria and transit metrics by which transit funds are evaluated and allocated. Adopts statewide plans related to transit, including the STIP. Approves DTR's annual budget and recommended project awards.
Executive Director	Reviews/approves FTA award amendments and award appeals, if required
Office of Policy and Governmental Relations	Submits CDOT lobbying certifications.
DAF	<p><u>OFMB:</u> Sets CDOT's budget structure, prepares and approves STIP, approves FTA and state transit pool funds,</p> <p><u>Accounting:</u> Enters financial information into CDOT's financial management system (SAP), manages the drawdown of federal funds, performs the FFR and FFATA reporting.</p> <p><u>Business Office:</u> Updates STIP, manages the accounts payable functions for all subaward agreements builds budgets in SAP, approves subrecipient reimbursement request, reconciles project budgets, approves final reimbursement request to FTA.</p> <p><u>Office of Procurement:</u> Sets CDOT procurement policies, maintains master subrecipient subaward agreements, reviews and executes subaward agreements, reviews subrecipient procurement processes for compliance with federal requirements and required federal clauses.</p>
CRBRC	Develops CDOT's civil rights programs and policies, provides DTR guidance on civil rights requirements, oversees subrecipients' compliance with civil rights requirements in providing services and third-party contracting, maintains CDOT and subrecipients' required civil rights documentation
Division of Audit	Approves subrecipient cost allocation plans or indirect cost rates.
Office of Communications	Issues public notices of public comment periods for statewide planning process, issues statements of project awards
CDOT DTD (supported by TRAC)	Conducts statewide planning process, coordinates with MPOs and TPRs regarding TIPs and STIP

Acronyms and Abbreviations:

CDOT = Colorado Department of Transportation	FTA = Federal Transit Organization
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FFATA = Federal Funding Accountability and Transparency Act	TPR = Transportation Planning Region
FFR = Federal Financial Report	TRAC = Transit and Rail Advisory Committee

CDOT Organization	Role
CDOT Regions	Participate in statewide planning process, manage Region transit construction projects

The Division of Transit and Rail’s (DTR) direct access to the CDOT Executive Director to perform duties and functions under CDOT and the Executive Director is established in state law CRS 24-1-127.7(3)(e), CRS 24-1-103 through 105, and CRS 43-1-117.5.

Federal law, 49 Code of Federal Regulation (CFR) 26.25 requires that CDOT’s Disadvantaged Business Enterprise (DBE) Liaison Officer has direct, independent access to the Chief Executive Officer concerning DBE program matters. CDOT meets this requirement under a notice of Assurance of Direct and Independent Access executed January 2016 by CDOT’s Executive Director.

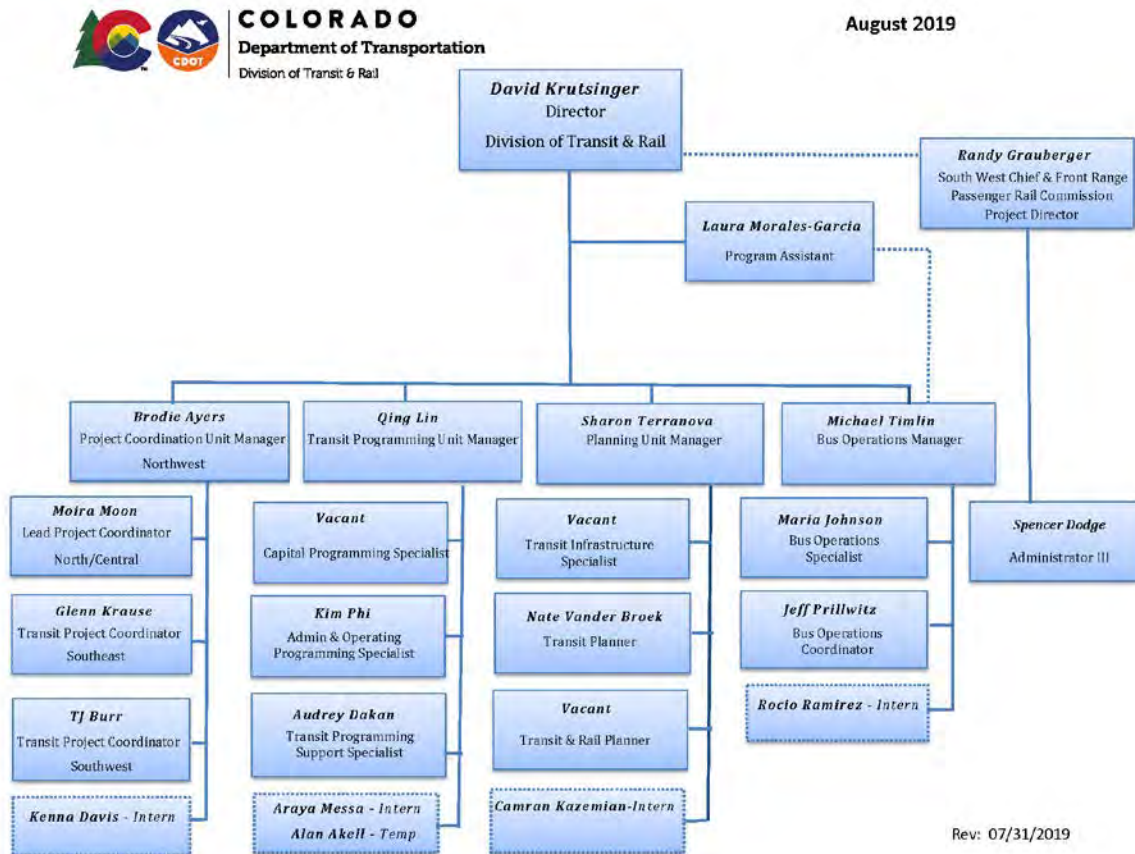
A3.2.1 Division of Transit and Rail

The DTR organization is shown in Figure A3.1.

Individual units within DTR have the following general responsibilities:

- **Planning Unit:** This group oversees the statewide planning process related to transit, and oversees distribution of federal and transit funds.
- **Programming Unit:** This group conducts and oversees the application process, award of projects, development and execution of the subaward agreement, and budgeting of federal and state funds.
- **Project Coordination Unit:** This group provides oversight and technical assistance to subrecipient agencies during the project and oversees the project close-out process.
- **Bus Operations Unit:** This group is responsible for regional, interregional, and intercity bus (ICB) programs (Bustang and Outrider operations, Funding Advancement for Surface Transportation and Economic Recovery Act [FASTER] Operating assistance, and FTA 5311(f) programs).

Figure A3.1. DTR Organizational Chart



A3.2.2 Advisory Committees

There are several advisory committees that participate in CDOT’s transit and rail planning processes, as described in the following sections. As required by the FTA, CDOT encourages minority participation in its advisory committees.

A3.2.2.1 Transportation Commission and the Transit and Intermodal Committee

The state’s transportation system is managed by CDOT under the direction of the Transportation Commission. The commission comprising 11 commissioners who represent specific districts. Each commissioner is appointed by the Governor, confirmed by the Colorado Senate, and serves a 4-year term. To provide continuity, the commissioners’ term expiration dates are staggered every 2 years. Under state law, the powers and duties of the Transportation Commission include:

- Formulating general policy with respect to the management, construction, and maintenance of public highways and other transportation systems in the state.

- Advising and making recommendations to the Governor and the General Assembly relative to transportation policy; and promulgating and adopting CDOT's budgets and programs, including construction priorities and approval of extensions or abandonments of the state highway system. The General Assembly appropriates the administrative budget for CDOT.

The Transit and Intermodal Committee is one of three Standing Committees created by the Transportation Commission, as set forth in 2CCR 601-11, Rules Governing Practice and Procedures of the Transportation Commission of Colorado (<https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=6937&fileName=2%20CCR%20601-11>). The Chairman of the Transportation Commission with consent of the full Commission, appoints at least three but no more than five members of the Commission who meet periodically with executive management and the DTR Director to review transit and rail policies and practices.

A3.2.2.2 Statewide Transportation Advisory Committee (STAC)

The Statewide Transportation Advisory Committee (STAC) advises CDOT and the Transportation Commission on the needs of the transportation system in Colorado and reviews and comments on all Regional Transportation Plans and the Statewide Transportation Plan. STAC membership includes Colorado's 15 urban and rural Transportation Planning Regions (TPR) and 2 Indian Tribes. Voting representatives are selected by the 5 Metropolitan Planning Organizations (MPO), 10 rural Regional Planning Commissions, plus the Southern Ute and the Ute Mountain Ute Indian Tribes in southwest Colorado.

<https://www.codot.gov/programs/planning/planning-partners/stac.html>

A3.2.2.3 DTR's Transit and Rail Advisory Committee

The Transit and Rail Advisory Committee (TRAC) works with DTR to develop and promote the DTR's vision, policies, and priorities for transit and rail services in Colorado. The committee's 18 members are representatives from public and private transit providers, Class I and Shortline railroads, interest groups, CDOT TPRs, counties, cities, and the general public. TRAC subcommittees are formed as needed to address specific issues—for example, FTA Sections 5310/5311 distribution, performance asset management, Bustang/Rural Regional Bus, and the Statewide Transit Plan (SWTP) implementation.

<https://www.codot.gov/about/committees/trac>

A3.2.2.4 Southwest Chief & Front Range Passenger Rail Commission

The Southwest Chief & Front Range Passenger Rail Commission was created by Senate Bill 17-153 in May 2017. It has 11 voting members (MPOs, freight railroads, Regional Transportation District, passenger rail advocacy, local leaders, and others) and 3 non-voting members (Amtrak, Cheyenne Chamber of Commerce, and CDOT). It has two purposes: (1) to preserve and improve the existing Amtrak Southwest Chief service through track maintenance and other improvements, and (2) to facilitate the development of a passenger rail service along

the greater I-25 corridor. Information about this Commission is located at <https://www.codot.gov/about/southwest-chief-commission-front-range-passenger-rail>.

A3.3 State and Local Coordination

Every 5 years DTR completes an SWTP to establish a framework for creating an integrated statewide transit system that meets the mobility needs of Coloradans, while minimizing duplication of services and leveraging limited funds. The plan also meets state and federal planning requirements and guides CDOT's transit investments, project processes, and actions over the short-, mid-, and long-term. The SWTP includes needs, funding, and recommendations across the entire state. The Plan also integrates Regional Transit Plans for each of the state's ten rural TPRs. Local transit agencies in rural areas that are not part of an MPO are encouraged to work with the appropriate rural planning region regarding transit needs. The SWTP is located at: <https://www.codot.gov/programs/colorado-transportation-matters/other-cdot-plans/transit/transit>.

Part of DTR's application process requires the subrecipient to demonstrate that the project has been coordinated at the local level through Regional Coordinating Councils or Local Coordinating Councils.

CDOT's Chief Engineer participates in a statewide Strategic Action Planning Group on Aging (SAPGA), which makes recommendations to the governor and state legislature about issues related to an aging population—transportation included.

A3.4 Eligible Recipients

Eligible recipients of Section 5339 funds include (1) designated recipients that allocate funds to fixed route bus operators, (2) states, and (3) local governmental entities that operate fixed route bus service.

Subrecipients that are public agencies, or private nonprofit organizations engaged in public transportation; including those providing services open to a segment of the general public, as defined by age, disability, or low income, are also eligible recipients of Section 5339 funding.

The FTA Section 5339 program is available to public and private nonprofit agencies, as well as tribal governments, providing public or specialized transportation. Section 5339 funds for the Denver and Colorado Springs areas are administered by their designated recipient agencies, not CDOT.

All applicants are required to meet certain minimum (threshold) criteria to be considered for an award of funds. A new applicant (potential subrecipient) must submit a New Applicant Questionnaire that includes an overview of the agency's transit services, legal standing, financial management and capacity, technical capacity, asset management plan, procurement procedures, and civil rights policies. The agency must demonstrate that it meets

minimum requirements in financial and managerial capability and capacity for managing awarded funds, as well as demonstrate that it has the resources necessary to operate the project on an ongoing basis. The applicant must also be willing to follow federal and state guidelines for third-party procurements. Should an applicant not meet these threshold criteria, DTR is available to work with the agency to meet the criteria and become eligible to apply for funds.

A3.5 Local Share and Local Funding Requirements.

The federal share for capital projects that receive funding under the Section 5339 program may not exceed 80% of the net project cost. Net project cost is that portion of the cost of a project that cannot reasonably be financed from the subrecipient's revenues.

All projects funded through these programs require some form of local match and sufficient operating funds to operate and maintain FTA-funded programs and projects. The federal share of eligible capital costs is 80% of the net capital project cost, unless the subrecipient requests a lower percentage. The Federal share may exceed 80% for certain projects related to the Americans with Disabilities Act (ADA), the Clean Air Act, and certain bicycle projects.

Local match may consist of any non-Department of Transportation (DOT) federal funds, such as Medicaid, Older Americans Act funding, or other funds that may be used for transportation; local tax revenues; local general operating funds; donations; or in-kind goods and services.

A3.6 Transfer of Funds

Section 5339 funds are eligible to be transferred by CDOT to supplement urban and rural formula programs (Section 5307 and Section 5311, respectively). The current policy of the state is to not transfer funds between these programs.

A3.7 Project Selection Criteria and Method of Distributing Funds.

A3.7.1 Eligible Projects

Circular C5100.1 states that Section 5339 funds may be used to subsidize capital projects to replace, rehabilitate and purchase buses, vans, and related equipment, and to construct bus-related facilities. CDOT has prioritized the following as eligible:

- The acquisition of buses for fleet and service expansion
- Bus maintenance and administrative facilities
- The acquisition of vans for fleet and service expansion, including specialized vans and related facilities used to provide ADA complementary paratransit service
- Transfer facilities
- Bus malls
- Acquisition of replacement vehicles

- Bus rebuilds
- Bus overhauls
- Passenger amenities such as passenger shelters and bus stop signs
- Accessory and miscellaneous equipment such as:
 - mobile radio units
 - supervisory vehicles
 - fare boxes
 - computers
 - shop and garage equipment
- Clean Fuels projects
- Introduction of new technology; Examples of transit-related Intelligent Transportation Systems (ITS) projects include:
 - real-time bus arrival information available to passengers through electronic displays at bus stops
 - automatic vehicle locators
 - automated passenger counters
 - vehicle component monitoring (diagnostics)
 - advanced fare payment methods
 - computer-aided dispatching and real-time ridesharing
 - automated information for travelers using more than one mode of transportation
- Costs associated with environmental compliance

NOTE: Planning activities, preventive maintenance activities (other than bus overhauls), and mobility management activities are not eligible under the section 5339 Program.

A3.7.1.1 Consolidated Capital Projects Call

Every year CDOT pools (consolidates) funds from federal and state programs and conducts a single competitive application process for local capital projects.

A3.7.1.1.1 Selection Criteria

Projects for these programs are evaluated based on the type of project—that is, revenue vehicles (rolling stock); facilities, design, and equipment; or studies—and whether the project is for replacement or expansion (new) vehicles. Evaluation metrics (or criteria) for each type of project are listed below.

For Replacement of Revenue Vehicles

Metric 1: *The vehicle's State of Good Repair (SGR):* Age, Mileage, Usage, Readiness, including how the vehicle's replacement is projected and prioritized within the agency's Asset Management Plan; higher mileage vehicles will be scored higher than lower mileage units.

Metric 2: Higher scoring will be awarded to applicants that can demonstrate a good state of repair through effective, documented, formal preventive maintenance programs or Transit Asset Management (TAM) programs, and to those that have and follow a capital replacement plan.

For Expansion of Revenue Vehicles

Metric 1: *Demonstrated Need and Readiness:* Higher scoring will be awarded to projects that clearly demonstrate the need for the expanded service in terms of documented ridership or need studies and community support, that demonstrate an effective business case and can demonstrate they are truly ready to implement and sustain the expansion.

Metric 2: *Special Considerations:* For vehicle requests, applicants with a lower fleet spare ratio, who have a capital replacement plan and follow sound asset management practices, who can show strong institutional commitment, and who can show a strong financial commitment (higher local match ratio), will be scored more strongly.

For Facilities, Design, and Equipment

Metric 1: *Readiness and Demonstrated Timetable:* Higher priority will be given to those that are shovel ready (National Environmental Policy Act [NEPA] clearance finalized, at least 30% design completed, and site location selected and purchased), and to the completion of existing projects.

Metric 2: *Project Purpose, Cost Savings, and Efficiency:* Higher priority will be given to those projects that: have a high degree of local and regional support; well-developed and defensible business case, and support or provide significant transit operational and utilization benefits.

Metric 3: *Special Considerations.* Higher scoring in this area will be given to those projects that demonstrate they were developed in partnership with the local community. In the case of requests for the expansion of existing facilities, higher scoring will be applied if the project demonstrates the need for the facility and for growth in the program it supports. Agencies that adequately demonstrate institutional commitment, funding, financial capacity, and capability to sustain the service and project over time will be also be scored more strongly.

Civil Rights Requirements. In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part." Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, "The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin." For purposes of this requirement, "facilities" does not include bus shelters, as these

are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. In order to comply with the regulations:

The recipient must complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Recipients shall engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.

A3.7.1.2 Geographical Distribution

DTR undertakes a geographic equity analysis as part of the SWTP update process every 5 years that ensures that each part of the state, as defined by the TPRs, receives an equitable share of FTA funding. In addition, geographic equity is one of the criteria used to award projects under the Calls for Projects.

DTR coordinates with the MPOs of the Fort Collins and Colorado Springs large Urbanized Areas (UZA) by sharing information about project requests. DTR coordinates with these entities so that state-managed funds like FASTER do not compete with or supplant regionally managed funds.

A3.7.1.3 Application Evaluation and Scoring

DTR staff reviews the applications to ensure that minimum eligibility requirements are met. Any applicant not meeting the criteria will be contacted by DTR and given the opportunity to respond to the finding of ineligibility.

An evaluation committee made up of CDOT staff (DTR, Division of Transportation Development [DTD], the Policy and Government Relations Office, Civil Rights & Business Resource Center) evaluates and scores applications. In selecting projects for funding, consideration is given to geographic distribution.

The evaluation committee has two to three weeks to review applications and prioritize projects. The committee compiles scores and puts together a recommended prioritized award list.

After the committee evaluates the project according to the criteria included in the Notice of Funding Availability, each project is ranked according to its project type and score. Because of limited available funding, CDOT continues to put an emphasis on a fix-it-first approach—that is, giving higher priority to the replacement and refurbishment of buses, facilities, and equipment, rather than on new or expansion capital or planning projects. This does not mean, however, that expansion projects are not funded—only that an applicant seeking funding for

expansion projects must make a very strong case, with documented justification and evidence of sustainability, in order for the project to be considered. Annual Program of Projects Development and Approval Process

From the final list of subawards for a given Call for Projects, DTR develops a Program of Projects (POP) for each FTA program. The POP includes a brief description of the projects; identifies each subrecipient and indicates whether they are governmental authorities or private nonprofit agencies; and lists total project costs and federal share of each project. The POP summarizes the available and applied funds for the program and the sources of funding for each parent award and project within the parent award (FTA, local match, local in-kind match). Additional detail on each project includes specific information about the agency, award status, civil rights compliance status, and contract identifiers in the CDOT accounting system.

DTR then assembles an award application in FTA's Transit Award Management System (TrAMS) based on the POP. The award application includes the following minimum information:

- Fiscal Year (FY) of funding and whether Program Requirements are met
- Period of Performance
- Statewide Transportation Improvement Program (STIP)/Transportation Improvement Program (TIP)/Unified Planning Work Program
- Project Locations
- Activity Line Item and Budget Line Information, Federal and Local match ratio
- Local Match Sources
- Vehicle Useful Life, fuel Type and Quantities
- Local Transportation Human Service Coordination Plan for 5310 projects
- Milestones
- NEPA Requirements

FTA reviews the POP and application for compliance, then approves and releases the funds to CDOT. This process is illustrated in Flowchart A3-1 FTA Award Application.

A3.8 Civil Rights

CDOT's Civil Rights and Business Resource Center's (CRBRC) mission is to promote equal access to and participation in CDOT programs and activities. Additionally, the CRBRC collaborates with CDOT Regional Civil Rights Offices and various CDOT program staff to foster equality in CDOT's transportation contracting processes.

Within the CRBRC is the role of the Title VI Specialist/Civil Rights Liaison for DTR. This position works with DTR to implement and monitor compliance with the FTA's civil rights requirements, including Title VI, Equal Employment Opportunity, and DBEs.

CRBRC and DTR monitor subrecipient compliance with FTA civil rights regulations through the following:

- Including civil rights requirements in each Call for Projects.
- Oversight of third-party contracting procedures.
- Review of subrecipient websites.
- Review of the subrecipient's programs prior to awarding funds.
- Requiring subrecipients to submit updated programs to DTR through Colorado Transit & Rail Awards Management System (COTRAMS) annually with certifications and assurances, or as required.
- Review of program documents during scheduled Subrecipient Information Request (SIR) and Site Review Process every 3 years.
- Technical assistance and training to subrecipients in the development of and execution of their programs, including minority applicants and those serving minority or traditionally underserved populations.
- Assistance in resolving complaints.
- Filing required reports to FTA.

A3.9 Section 504 and ADA Reporting

DTR and CRBRC jointly oversee subrecipient compliance with ADA requirements. They must ensure that all vehicles acquired with FTA funds are equipped, maintained, and operated in accordance with 49 CFR Parts 27, 37, and 38, unless certification of equivalent service is filed annually, and that service provided does not discriminate against individuals with disabilities. Newly constructed facilities, including joint use stops and depots for ICB transportation, must comply with ADA accessibility standards.

In addition, CRBRC participates in the SIR and Site Review Process every 3 years. A subrecipient's ADA Program is part of this review.

A3.10 State Program Management

Once an executed subaward agreement is in place, CDOT/DTR is responsible for oversight of the subrecipient agency and its implementation of the project. Oversight includes monitoring, training, and technical support for subrecipient agencies to support them in compliance with federal and state regulations and guidelines associated with receiving and disbursing funds.

When subrecipient agencies enter into contracts with contractors and subcontractors to perform work funded by FTA or state transit funds, the subrecipient agencies are responsible

for oversight and compliance of the contractors and subcontractors with federal and state regulations and guidelines.

DTR utilizes the Comprehensive Review Guide, updated annually by the FTA, as a guide to conduct oversight. The most current Comprehensive Review Guide can be found through a link on FTA's Program Oversight web page (<https://www.transit.dot.gov/regulations-and-guidance/program-oversight/program-oversight>).

A3.10.1 Baseline Activities

DTR Project Coordinators and subrecipients have responsibilities related to ongoing oversight and participating in oversight activities. Subrecipients are expected to participate in baseline activities, unless deemed not required by DTR. Baseline activities are outlined in Table A3.1.

Table A3.1. Baseline Activities

	Activity	Subrecipient	DTR
	COTRAMS = Colorado Transit & Rail Awards Management System LCC = Local Coordinating Council RCC = Regional Coordinating Council RTAP = Rural Transit Assistance Program CASTA = Colorado Association of Transit Agencies		NTD = National Transit Database DTR = Division of Transit and Rail FTA = Federal Transit Administration TrAMS = Transit Award Management System
Daily/Weekly	Customer Service and COTRAMS support		Assist subrecipients as requested
	Reimbursement Requests for Capital projects (COTRAMS)	Submit	Approve
Monthly	Transit Conference Calls	Participate and contribute	Prepare for and conduct
	Informal Site Reviews	Prepare for and participate	Schedule and conduct
	Reimbursement requests for Admin/Operating and Mobility Management projects (COTRAMS)	Submit	Review and approve
Quarterly	Local Coordinating Council (LCC) and Regional Coordinating Council (RCC) meetings	Attend	Attend as needed
	RTAP and other training opportunities	Attend	Schedule and conduct
	CASTA committees	Participate and attend	Participate and attend
	Risk assessments (COTRAMS)	Complete	Complete
	Quarterly Reports (Section 5311 and Section 5311[f] recipients)*	Prepare	Review

Table A3.1. Baseline Activities

COTRAMS = Colorado Transit & Rail Awards Management System		NTD = National Transit Database	
LCC = Local Coordinating Council		DTR = Division of Transit and Rail	
RCC = Regional Coordinating Council		FTA = Federal Transit Administration	
RTAP = Rural Transit Assistance Program		TrAMS = Transit Award Management System	
CASTA = Colorado Association of Transit Agencies			
	Activity	Subrecipient	DTR
	Program Measures Reports (Section 5310 recipients)**	Prepare	Review
Annually (spring)	Transit Open Houses	Attend	Prepare for and conduct

*Quarterly Reports are designed to assist 5311 and 5311(f) subrecipients capture the service information quarterly that they are required to report annually in the National Transit Database (NTD). Subrecipients that have active 5311 and 5311(f) projects must complete these reports in COTRAMS quarterly.

** Program Measures Reports are required from subrecipients that have active 5310 projects. These reports ask for updates on program performance: gaps in service filled and ridership. Subrecipients are encouraged to include a client story or success story, as these are important to share with the FTA. Subrecipients must complete these quarterly in COTRAMS; DTR then submits the reports to FTA using TrAMS.

A3.10.2 Subrecipient Information Request and Site Review

All subrecipients are required complete the SIR and participate in the Site Review Process at least once as a new subrecipient, unless otherwise decided by DTR management. The SIR is adapted from FTA's current Comprehensive Review Guide

(<https://www.transit.dot.gov/regulations-and-guidance/program-oversight/program-oversight>) that covers the range of requirements for all FTA programs in the following areas:

- Legal (Lobbying)
- Financial Management and Capacity
- Technical Capacity
- Satisfactory Continuing Control
- Maintenance
- Procurement
- DBE
- Title VI
- ADA General
- ADA Complementary Paratransit
- Equal Opportunity Employer
- School Bus
- Charter Bus
- Drug and Alcohol Program

The SIR may be completed differently by agencies because some of the areas are only applicable to certain funding sources or for certain types of projects. The process is illustrated in Flowchart A3-2 Subrecipient Information Request (SIR) and Site Review and includes the following:

Pre-Review. Project Coordinators send notifications to the agencies scheduled to have a Site Review. The notification stating the purpose of the SIR according to the risk-based and SIR oversight policy. A site review date is agreed upon and scheduled. The subrecipient receives a SIR custom created for the agency made up of questions for the subrecipient to answer and a request for copies of the subrecipient's program documents. The notification includes a deadline to return the completed SIR and upload the requested documents to COTRAMS.

Desk Review. Project Coordinators complete an Internal SIR document that captures their comments on the subrecipient's SIR and documents submission. Based on the review of the provided documentation, the Project Coordinator develops questions, highlights areas of concern, and identifies additional areas for discussion, such as upcoming projects and needs. A detailed agenda for the site review is sent to the subrecipient prior to the scheduled Site Visit.

Site Visit. The Site Visit view is typically a one-day meeting with facility and/or bus tours, as appropriate. The reviews are an opportunity for the Project Coordinator and the subrecipient to review projects, help subrecipient reach compliance requirements, identify opportunities for improvement, answer questions, and identify future needs. Attendees include the agency executive staff, the Project Coordinator, and representatives from other CDOT/DTR programs, as needed (TAM, Civil Rights, Audit, Business Office, Drug & Alcohol program, Rural Transit Assistance Program (RTAP), CDOT Regional Planner, and others). Subrecipients are responsible for ensuring that pertinent staff members are available.

Site Visits begin with an entrance conference stating the purpose of the review and a reminder that the informal "findings" are a reflection on CDOT's oversight. Site Visits follow the pre-arranged agenda and leave ample time for the in-person checklist, especially checking maintenance records. The site visit ends with an exit conference to review the notes taken during the site visits and clarify any next steps.

Post-Review: The Project Coordinator sends a follow-up letter declaring whether or not the subrecipient is in compliance; and documenting observations, recommendations, and conclusions. Follow-up actions required by the subrecipient are also identified, including, if needed, additional training and technical assistance or a corrective action plan with a timeline.

A3.10.2.1 Frequency and Level of Oversight

After the initial SIR and Site Review, the frequency and level of oversight are based on the results of the scores of the Risk Assessment completed by the subrecipient and DTR in COTRAMS after an award. The Risk Assessment process is described in Chapter 3 (Section 3.5.1). DTR’s objective is to provide the appropriate level of oversight based on the risk assessment scores and the needs of the specific agency.

The combined numerical score from the Risk Assessment corresponds to High, Medium/High, Medium/Low, and Low level of oversight. DTR uses the Low to High ratings to determine how often a Subrecipient is asked to complete the SIR and participate in a Site Review. The percentage of Subrecipients at the different risk levels participating in the SIR and Site Review is illustrated in Figure A3.2.

Figure A3.2. Subrecipients Participating in SIR



A3.10.3 FTA Certifications and Assurances

To ensure compliance with other federal requirements, subrecipients are required to sign federal Certifications and Assurances for FTA Assistance Programs. A subrecipient applying for assistance under any FTA program must annually submit Certifications and Assurances that are applicable to the subrecipient’s award during the current federal fiscal year.

FTA issues a list of required certifications and assurances for each fiscal year. The FY 2019 list available at <https://www.transit.dot.gov/funding/grantee-resources/certifications-and-assurances/certifications-assurances> and is included as Attachment A3-2 FTA FY 2019 Certifications and Assurances. Some certifications and assurances apply to all applicants. Others are required from applicants requesting more than \$100,000 in federal assistance or depend on the type of applicant or project.

A3.10.3.1 Program Documents

In addition to the annual Certifications and Assurances, DTR requires subrecipients to maintain Program Documents on file in COTRAMS. These documents are specifically requested and reviewed by Project Coordinators during the SIR and Site Review Process; however, subrecipients are expected to have updated documents in COTRAMS on an ongoing basis.

These documents cover all of the applicable areas of review in the FTA's Comprehensive Review Guide (<https://www.transit.dot.gov/regulations-and-guidance/program-oversight/program-oversight>).

Individual FTA programs require additional submittals. Specific program requirements are detailed in Appendix A (FTA programs) and Appendix B (state programs).

Finally, there are Civil Rights requirements related to Civil Rights programs for both CDOT and subrecipients. These are described in Chapter 5.

A3.10.3.2 Remedies for Noncompliance

Remedies for a subrecipient's noncompliance with the statutes, regulations, or the terms and conditions of the award or the executed subaward agreement are set forth in 2 CFR 200 (<https://www.govinfo.gov/content/pkg/CFR-2014-title2-vol1/pdf/CFR-2014-title2-vol1-part200.pdf>). If CDOT determines that a subrecipient is not complying with the general or specific terms of an award, CDOT may impose additional conditions to the award, as described in 2 CFR 200.207, or take additional actions, as detailed in 2 CFR 200.338. Rules pertaining to noncompliance are defined in CDOT's executed subaward agreement with the subrecipient in the Breach of Agreement and Remedies sections. CDOT's standard subaward agreement is included as Attachment A3-3 CDOT Standard Subaward Agreement.

A3.10.4 Project Amendments

Subrecipients are responsible for reporting to DTR whenever one or more of the following occurs:

- Budget or schedule changes.
- Milestone or completion dates were not met.
- Identification of problem areas and how the problems will be resolved.
- Expected impacts and the efforts to recover from delays.

DTR takes proactive steps to address issues on projects that are not meeting performance standards, including identifying resources for subrecipient project managers, identifying specific issues causing the delay, and providing a date certain by which time requirements must be met.

CDOT works with a subrecipient to obtain FTA's prior approval of proposed changes, then amend the subaward agreement to extend the end date or adjust awarded amount to reflect the approved changes. The process DTR uses to amend a capital project is shown in Flowchart A3-3 Amendment for Capital Project.

A3.10.5 Subaward (Project) Performance Schedule

The subrecipient is responsible for meeting the schedule requirements included in the executed subaward agreement and reporting through COTRAMS on meeting milestones. The DTR Project Coordinator confirms on a regular basis that the project is performing on schedule. If it falls behind schedule, Project Coordinator notifies the DTR Unit Manager and DTR Director of the underperforming project, and a plan is developed to remediate or terminate the project.

The DTR Unit Managers and the DTR Director monitors schedule changes, with the goal of efficiently addressing underperforming projects and taking proactive steps to close out the projects in a timely manner.

A3.10.6 Invoicing and Reimbursement

A3.10.6.1 Governing Policies

The federal Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly called Uniform Guidance) is the authoritative set of rules and requirements for federal awards and project management (<https://www.grants.gov/learn-grants/grant-policies/omb-uniform-guidance-2014.html>). In addition, specific requirements are outlined in FTA Circular 5010.1E Award Management Requirements, which is included as an Appendix to the State Management Plan (SMP) and can be found at: <https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/32136/5010-1e-circular-award-management-requirements-7-21-2017.pdf>. Requirements for invoicing and reimbursement are also covered in 2 CFR 200.

The State of Colorado “Fiscal Rules” govern the administrative procedures for reviewing and accepting all requests for reimbursement, and are stricter in some instances than required by federal law. The state fiscal rules are available from the Office of the State Controller at <https://www.colorado.gov/pacific/osc/alpha-index-6#F>

A3.10.6.2 DTR Reimbursement to Subrecipients

According to state fiscal rules, CDOT will not reimburse subrecipients for expenses incurred prior to the date of subaward agreement execution, unless the agreement contains a 60-day retroactivity clause (typically operating projects). Under an executed subaward agreement, a subrecipient must first incur costs before submitting an invoice for reimbursement.

Reimbursement Requests may be held for payment due to any breach of the executed subaward agreement, i.e., lack of reporting or other documented noncompliance with the subaward agreement terms.

A3.10.6.2.1 Eligible Expenses

According to federal and state policies, CDOT pays all reasonable and fully and accurately documented requests for reimbursement within 30 to 45 calendar days of submittal. If the documentation is incomplete or there are ineligible expenses in the invoice, the process may take longer.

Eligible expenses are defined in an exhibit to the executed subaward agreement titled Verification of Payment checklist and vary depending on the type of project. Information about how to submit documentation for reimbursement is outlined in the COTRAMS Manual.

Supporting documentation for the expenses and payment of expenses includes, but is not limited to, accounting records, such as cancelled checks, paid bills with receipts, or other proof-of-payment; payroll; time and attendance records; contracts; and subaward documents. Some programs have specific requirements related to documentation.

A3.10.6.2.2 Invoicing/Reimbursement Request Schedule

CDOT requires subrecipients to submit reimbursement requests in a timely fashion and regularly, according to the executed agreement.

Delay in submitting invoices may result in the subrecipient being considered a higher-risk agency and more stringent requirements may be placed on the agency. For example, the agency may be required to provide additional or more detailed documentation in its reimbursement requests. Or, the agency may be required to clear the backlog of invoices before CDOT will approve future applications from the agency.

The process for reimbursement for capital projects is illustrated in Flowchart A3-4 Capital Project Reimbursement Request.

A3.10.7 Procurement Policies and Procedures

A3.10.7.1 CDOT Direct Procurements

CDOT's Procurement and Contract Services office oversees CDOT's direct procurement of goods and services in accordance with State of Colorado Procurement Code and Fiscal Rules. This includes procurement of professional architectural and engineering services, as well as services that do not require an architectural or engineering license. Resources are available at <https://www.codot.gov/business/procurement-and-contract-services>.

The State of Colorado procurement policies and procedures are located here: <https://www.colorado.gov/pacific/osc/procurement-resources> and described further in the following documents:

- Procurement Code (Title 24, Article 101 to Article 112), modernized under Colorado House Bill 17-1051.
(<https://advance.lexis.com/container?config=0345494EJAA5ZjE0MDIyYy1kNzZkLTRkNzktYT>)

[kxMS04YmJhNjBINWUwYzYKAFBvZENhdGFsb2e4CaPI4cak6laXLCWyLBO9&crId=de9a576c-afd4-46c2-8253-d5e72996d564\)](https://www.colorado.gov/pacific/sites/default/files/2017A_1051_signed.pdf)

https://www.colorado.gov/pacific/sites/default/files/2017A_1051_signed.pdf

- State of Colorado Procurement Code of Ethics and Guidelines
<https://www.colorado.gov/pacific/sites/default/files/State%20of%20Colorado%20Procurement%20Code%20of%20Ethics%20and%20Guidelines.pdf>
- State of Colorado Procurement & Fiscal Rules
(<https://www.sos.state.co.us/CCR/NumericalCCRDdocList.do?deptID=14&deptName=100,800%20Department%20of%20Personnel%20and%20Administration&agencyID=40&agencyName=101%20Division%20of%20Finance%20and%20Procurement>)

A3.10.7.2 Professional Services Contracts

In Colorado, procurement of professional architectural and engineering services is governed under The Brooks Act. Professional services that are not performed by a licensed architect or engineer are considered “personal services.” CDOT’s Procurement Office conducts the procurement process in collaboration with DTR for these types of services according to the Procurement Code and State of Colorado Procurement & Fiscal Rules. The selection is generally made based on meeting minimum requirements and that are outlined in an Invitation for Bid (IFB) or Request for Proposal (RFP).

CDOT’s process for this type of procurement is documented in Flowchart A3-5 Personal Services Procurement. A sample RFP is included as Attachment A3-4 Sample Personal Services RFP.

A3.10.7.3 Competition

All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards set forth in 2 CFR 200.319 and Title 49 United States Code 5325(a) (<https://www.gpo.gov/fdsys/pkg/USCODE-2009-title49/pdf/USCODE-2009-title49-subtitleIII-chap53-sec5325.pdf>). CDOT encourages full and open competition.

For its direct procurements, CDOT advertises in the Rocky Mountain Bid System and has an open prequalification process for consultants and contractors wishing to do business with CDOT.

A3.10.7.4 Contracting with Small and Minority Businesses, Women’s Business Enterprises, and Labor Surplus Area Firms

In accordance with 49 CFR Part 26, CDOT seeks to ensure non-discrimination in the award and administration of DOT-assisted contract and to create a level playing field on which DBEs can compete fairly for DOT-assisted contracts.

Detailed information about CDOT’s DBE Program and requirements for subrecipients regarding DBE contracting are provided in Chapter 5.

A3.10.7.5 Third-Party Procurements

As recipients of federal funds used in third-party procurements, CDOT and its subrecipients must comply with the State of Colorado Procurement Code for non-federal procurements, as well as the federal procurement standards outlined in 2 CFR § 200.318 General Procurement Standards through 2 CFR § 200.326 Contract Provisions. Subrecipients must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible (2 CFR 200.321).

CDOT and its subrecipients are also responsible for ensuring that all of its contracts or subcontracts made in connection with FTA transit funds comply with provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

Subrecipients must track all prime contractors and subcontractors, including DBEs, on all awarded, in process, and closed FTA-funded contracts.

DTR's policies and procedures related to third-party procurements are outlined in Attachment A3-5 DTR Quick Procurement Guide.

A3.10.7.5.1 DTR Oversight of Third-party Procurements

In its oversight role, DTR monitors and oversees subrecipient purchases of goods and/or services using FTA and state funds to confirm that the procurements are conducted in compliance with applicable state and federal regulations. Subrecipients must incorporate DBE nondiscrimination language into procurement documents and awarded contracts.

DTR coordinates, as needed, with the CDOT Procurement and Contract Services office throughout the procurement process. The Procurement Office reviews the scope of work/specifications; makes recommendation on type of procurement; and drafts and reviews the procurement subaward agreements, Purchase Orders, and associated documentation. The Procurement Office conducts annual training for subrecipients on CDOT procurement procedures. In addition, DBE civil rights requirements related to procurement are coordinated with the CRBRC in accordance with 49 CFR part 26.

A3.10.7.5.2 Subrecipient Written Procurement Procedures

Subrecipients are required to have written procurement procedures that conform to applicable state and local regulations, as well as the federal law and the standards set forth in 2 CFR § 200.318 General Procurement Standards through 2 CFR § 200.326 Contract Provisions.

Below is a list of what should be included in a subrecipient's written procedures for third-party procurements:

- DBE policy or goal
- Identified dollar thresholds, specifically for sealed bids/competitive process

- Description of management of payment to contractors
- A protest and appeal process
- Standards of conduct
- Graduated purchasing authority (what employee can authorize what type of purchase?)
- Policy for the documentation of responsibility determinations (prior to the award, the bidders are checked for integrity, compliance, past performance, etc.)

A3.10.7.5.3 Subrecipient Third-Party Procurement Process

Subrecipients are required to submit required documentation in COTRAMS for Project Coordinator's review and approval at each step of the third-party procurement process. The procurement process is explained in detail in Attachment A3-5 DTR Quick Procurement Guide.

An overview of the Procurement process is illustrated in Flowchart A3-6 Third-Party Procurement. Requirements for the submittals are detailed in the following sections.

Prepare Independent Cost Estimate

Subrecipients must prepare an Independent Cost Estimate prior to conducting a procurement process. This helps to determine the appropriate procurement method and the special requirements for it, as outlined in 2 CFR 200.320.

Determine Procurement Method

A Project Coordinator is available to assist a subrecipient in determining which procurement method to use. Procurements may be conducted by an individual agency or through a joint procurement with multiple agencies with common specifications.

Requirements for the different procurement methods can be referenced in Attachment A3-5 DTR Quick Procurement Guide.

Procurement Forms

DTR follows a 4-step Procurement Approval process in COTRAMS, where the following forms are collected. These forms are more fully explained in Attachment A3-5 DTR Quick Procurement Guide.

- PCR: Procurement Concurrence Request
- PA: Purchase Authorization
- NA: Notice of Acceptance and Vehicle Checklist
- SA: Security Agreement

Post-Procurement Administrative Requirements

The subrecipient must include the following items in its procurement records and make them available for the Project Coordinator upon request.

- Record of any debriefing with proposers

- Record of any protest and subrecipient response

Retention Requirement for Procurement Documentation

A subrecipient must keep written documentation of each procurement process for 3 years following completion of the project/procurement or project closeout.

The FTA's Procurement Best Practices Manual recommends that agencies maintain records for three years following project completion

(<https://www.transit.dot.gov/funding/procurement/third-party-procurement/best-practices-procurement-manual>). Some examples of documentation to maintain in a written record of procurement history could include:

- Purchase request, acquisition planning information and other pre-solicitation documents.
- Rationale for the method of procurement (e.g., RFP, IFB, Sole Source).
- Independent cost estimate.
- Copy of the solicitation, all addenda and all amendments.
- List of sources solicited.
- Copies of published notices of proposed contract action.
- An abstract of each offer or quote.
- Reasons for contractor selection or rejection.
- Determination that contractor is responsive and responsible.
- Determination that price is fair and reasonable including an analysis of the cost and price data.
- Required internal approvals for award.
- Notice of award
- Notice to unsuccessful quoters or offerors and record of any debriefing.
- Record of any protest.
- Required insurance documents, if any.
- Notice to proceed.

A3.10.8 Project Close-Out

Upon completion of the project—after the purchase of the goods for capital projects or at the end of the service period for operating or mobility management agreements as provided in 2 CFR § 200.343 and within 30 days of the final invoice paid—the subrecipient must submit a project closeout form through COTRAMS and notify the Project Coordinator to close the project. The executed subaward agreement includes the required project close-out elements or other project deliverables.

DTR's process for this is shown in Flowchart A3-7 Project Closeout.

CDOT's policy is to close out projects and FTA awards as soon as practicable and deobligate and reobligate unspent funds such that "older money" from these closed awards is used first for new projects.

The Project Coordinator verifies that the subrecipient has completed all of its responsibilities related to the project. Examples include:

- Final report and Quarterly reports submitted to DTR
- Vehicle title on file with DTR
- Copy of completed plan, if applicable for planning projects

When a project is closed out, terminated or partially terminated, the recipient is responsible for compliance with the requirements in 2 CFR § 200.344 Post-Close Out Adjustments and Continuing Responsibilities.

A3.10.9 Construction Projects

Construction projects each have a specific schedule and milestones as part of the subaward agreement. The subrecipient/contractor must follow the requirements set forth in the CDOT SMP and the Local Agency Manual, as it applies. The Local Agency manual can be found online at: https://www.codot.gov/business/designsupport/bulletins_manuals/2006-local-agency-manual

Project Coordinators working with their subrecipients confirm on a regular basis that the project is performing on schedule. If the project falls behind schedule, the Project Coordinator notifies the Project Coordination Unit Manager and the DTR Director of the underperforming project. At that point, a plan will be developed to remediate or terminate the project.

A3.10.10 Other Provisions

To ensure compliance with other federal requirements, subrecipients are required to sign federal Certifications and Assurances for FTA assistance programs. A subrecipient applying for assistance under any FTA program must annually submit Certifications and Assurances that are applicable to the subrecipient's award during the current federal fiscal year.

All subrecipients are required to complete the SIR and participate in the Site Review Process at least once as a new subrecipient, unless otherwise decided by DTR management. The SIR is adapted from the FTA's Comprehensive Review Guide that covers the range of requirements for all FTA programs in the following areas:

- Legal (Lobbying)
- Financial Management and Capacity
- Technical Capacity
- Satisfactory Continuing Control

- Maintenance
- Procurement
- DBE
- Title VI
- ADA General
- ADA Complementary Paratransit
- Equal Opportunity Employer
- School Bus
- Charter Bus
- Drug and Alcohol Program

In addition to the annual Certifications and Assurances, DTR requires subrecipients to maintain Program Documents on file in COTRAMS. These documents are specifically requested and reviewed by Project Coordinators during the SIR and Site Review process, but subrecipients are expected to have updated documents in COTRAMS on an ongoing basis.

Environmental protection requirements are reviewed during the pre-award phase of the application process, where DTR confirms that the required environmental clearances for the project have been obtained.

Buy America provisions, and pre-award and post-delivery reviews are confirmed through DTR's oversight of the subrecipient's procurement processes. Review and approval occurs with a PCR, PA, and NA—which the subrecipient is required to submit through COTRAMS for DTR's approval.

Restrictions on lobbying are included as part of the subaward agreement and are reaffirmed through annual Certifications and Assurances submittals through COTRAMS.

DTR has contracted with a drug and alcohol program consultant that works directly with subrecipients to comply with the regulations. The consultant is responsible for subrecipient training, compliance monitoring, and technical assistance.

The consultant reviews the subrecipient drug and alcohol testing program at a minimum every 3 years. Through review of the policy and records, the consultant confirms that the program meets federal requirements, that there is a compliant process for conducting random tests, that reports are adequate, secure and complete, that post-accident and pre-employment testing are conducted appropriately, and that collection sites meet federal requirements.

Training is provided to new recipients of Section 5307, 5309, 5311, 5316, or 5339 funds, as well as refresher training at the spring and fall Colorado Association of Transit Agencies (CASTA) conferences. The refresher training centers around determining reasonable suspicion for supervisors, training employees on drug and alcohol programs, and best practices for drug and alcohol programs.

The consultant monitors the subrecipient testing programs throughout the year. Subrecipients are required to report program testing results in the FTA's Drug & Alcohol Testing Management Information System (DAMIS) by March 15 for the prior year. DTR and the consultant work with subrecipients to make sure the reports are accurately submitted by the annual deadline.



COLORADO
Department of Transportation

DIVISION OF TRANSIT AND RAIL STATE MANAGEMENT PLAN

APPENDIX A | FTA PROGRAMS *A4. Section 5304*

Draft August 2019

Outline

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Attachment

FTA Circular: FTA C 8100.1D: Program Guidance for Metropolitan Planning and State Planning and Research Program Grants

A4. SECTION 5304 STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING

Federal transportation planning funds are jointly administered by Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) under the Metropolitan Planning Program (Section 5303 Program) and the State Planning and Research Program (Section 5304 Program). Section 5303 Program funds are awarded to the States and allocated to Metropolitan Planning Organizations (MPO), based on a formula developed with and approved by FTA, for metropolitan or urbanized area (UZA) planning projects, in accordance with 49 United States Code § 5305. Section 5304 Program funds are directly awarded to the States for statewide and nonmetropolitan planning projects. In Colorado, the Colorado Department of Transportation (CDOT) is the designated recipient of Section 5304 Program funds.

The Section 5304 Program provides funding and procedural requirements for multimodal transportation planning that is cooperative, continuous, and comprehensive, resulting in long-range plans and short-range programs of transportation investment priorities. CDOT retains a percentage of annual Section 5304 Program funds to complete statewide planning projects, such as the State Rail Plan and Statewide Transit Plan, and sub-allocates the remaining funds to eligible subrecipients for nonmetropolitan, or rural area, planning projects.

Documents that govern how CDOT administers Section 5304 Program funds include:

- FTA Circular: <https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/regulations-and-guidance/fta-circulars/117736/program-guidance-metropolitan-planning-and-state-planning-and-research-c81001d.pdf>
- FTA website Overview: <https://www.transit.dot.gov/funding/grants/metropolitan-statewide-planning-and-nonmetropolitan-transportation-planning-5303-5304>
- FTA Fact Sheet: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/5303-5304-5305_Program_Metropolitan_and_Statewide_Planning_Fact_Sheet_FINAL.pdf

A4.1 Program Goals

The Division of Transit and Rail (DTR) awards Section 5304 Program funds to subrecipients for planning activities that address the following FTA goals:

- Support the economic vitality of the region, especially enabling global competitiveness, productivity, and efficiency.
- Increase the safety of the transportation system for motorized and non-motorized users.

- Increase the security of the transportation system for motorized and non-motorized users.
- Increase the accessibility and mobility of people and freight.
- Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and state and local planned growth and economic development patterns.
- Enhance the integration and connectivity of the transportation system, across and between modes for people and freight.
- Promote efficient system management and operation.
- Emphasize the preservation of the existing transportation system.
- Improve the resiliency and reliability of the transportation system.

A4.2 Eligible Recipients

Eligible subrecipients of Section 5304 Program funds are Transportation Planning Regions, local governmental authorities, and operators of public transportation systems. DTR generally makes Section 5304 Program funds available for and prioritizes rural area planning projects because planning projects in urbanized areas (with populations over 50,000) are eligible to receive separate funding through the Section 5303 Program.

All applicants are required to meet certain minimum (threshold) criteria to be considered for an award of funds. A new applicant (potential subrecipient) must submit a New Applicant Questionnaire that includes an overview of the agency's transit services, legal standing, financial management and capacity, technical capacity, asset management plan, procurement procedures, and civil rights policies. The agency must demonstrate that it meets minimum requirements in financial and managerial capability and capacity for managing awarded funds, as well as demonstrate that it has the resources necessary to operate the project on an ongoing basis. The applicant must also be willing to follow federal and state guidelines for third-party procurements. Should an applicant not meet these threshold criteria, DTR is available to work with the agency to meet the criteria and become eligible to apply for funds.

A4.3 Federal Share and Local Match

All projects funded through the Section 5304 Program are required to have a sufficient local match. Projects are awarded on an 80% federal, 20% local matching ratio for eligible project costs, though applicants can overmatch and provide more than 20% local match if desired. Local match funds must be cash.

A4.4 Eligible Projects

Funds from the Section 5304 Program can be used for a wide variety of transit-related support activities, including technical assistance, planning, research, demonstration projects, special studies, and other similar projects. Per FTA C 8100.1D, eligible work elements or activities for planning projects include:

- Studies relating to management, planning, operations, capital requirements, economic feasibility, performance-based planning, safety, and transit asset management.
- Evaluation of previously funded projects including Before-and-After Studies.
- Developing and updating the metropolitan planning agreements between the MPO, the State(s), and the providers of public transportation serving the metropolitan planning area.
- Peer reviews and exchanges of technical data, information, assistance, performance-based planning, and related activities in support of planning and environmental analysis among MPOs and other transportation planners.
- Work elements and related activities for planning for multimodal transportation access to transit facilities. This includes planning for improved pedestrian and bicycle access, including transit supportive land use plans.
- Systems planning, scenario planning, and corridor-level alternative analysis.
- Development of 20-year transportation plans, short-range transportation improvement programs (TIPs), and Unified Planning Work Programs.
- Safety, security, and emergency transportation and evacuation planning.
- Coordinated public transit-human services transportation planning.
- Transportation and air quality planning and conformity analysis.
- Public participation in transportation planning including development of the Public Participation Plan.
- Multimodal facilities planning.
- Plan, engineer, design, and evaluate a public transportation project.
- Computer hardware and software needed to support planning work.
- Participation in educational programs for technical staff, as well as executive and board leadership.
- Development of Long-Range Statewide Transportation Plans and Statewide Transportation Improvement Programs.
- Joint development planning.

Eligible work elements and activities do not include capital or operating expenses of public transit systems, or administrative expenses. In general, CDOT does not fund projects where existing staff members will conduct the planning activities; rather, these planning activities should be carried out by outside consultants. An applicant must obtain prior explicit approval from DTR if it wants to use existing staff to carry out the planning project.

A4.5 Application and Evaluation Process

A4.5.1 Call for Projects

DTR releases an annual Notice of Funding Availability, notifying potential applicants of the availability and anticipated amount of Section 5304 Program funds and setting forth guidelines for submitting an application, applicant and project eligibility, evaluation criteria, the purpose of the program, and regulations and processes.

A4.5.2 Evaluation Criteria

A committee of CDOT staff reviews and evaluates each project application. Project evaluation and scoring criteria include, but are not limited to:

- Minimum threshold criteria
 - Application completeness and thoroughness
 - Section 5304 program eligibility
 - Consistency with the Statewide Transit Plan or Regional Transit Plan
- Weighted criteria
 - Project need and readiness
 - Financial need and readiness
 - Consistency with FTA Program Goals
- Additional factors
 - Extent to which a project will serve minority and low-income persons
 - Equitable geographic distribution of project funds across the state

A4.6 Method of Distributing Funds

Section 5304 Program funds are distributed based on current need, as expressed by applicants in their applications, and statewide priorities established by the Colorado Transportation Commission. Awards for Section 5304 Program funds typically range from \$15,000 to \$40,000 (as of 2019), and generally do not exceed \$40,000.

A4.7 Reporting

DTR reports, on behalf of its subrecipients, the following information:

- Annual Program of Projects (POP) Status Report. An updated POP as well as any significant civil rights issues, notable accomplishments, or difficulties with projects are reported by October 30 of each year.
- Milestone Progress Reports. Revisions and status updates on projects including revised completion dates by Monthly Progress Report line item. Reports are due by October 30 annually and may be required quarterly.
- Federal Financial Report. Accrual reports for each project within the federal programs are provided by October 30 of each year and may be required quarterly.
- Disadvantaged Business Enterprise (DBE) Reports. These are the semi-annual DBE reports required of all FTA funding recipients.

A4.8 Other Provisions

To ensure compliance with other federal requirements, subrecipients are required to sign federal Certifications and Assurances for FTA assistance programs. A subrecipient applying for assistance under any FTA program must annually submit Certifications and Assurances that are applicable to the subrecipient's award during the current federal fiscal year. Restrictions on lobbying are included as part of the subaward agreement with the subrecipient and are reaffirmed through annual Certifications and Assurances submittals through the Colorado Transit & Rail Awards Management System (COTRAMS).

All subrecipients are required to participate in project oversight efforts conducted by DTR and their project manager. Oversight materials are adapted from the FTA's Comprehensive Review Guide that covers the range of requirements for all FTA programs in the following areas:

- Legal (Lobbying)
- Financial Management and Capacity
- Technical Capacity
- Satisfactory Continuing Control
- Maintenance
- Procurement
- DBE
- Title VI
- Americans with Disabilities Act (ADA) General
- ADA Complementary Paratransit
- Equal Opportunity Employer
- School Bus
- Charter Bus

- Drug and Alcohol Program

In addition to the annual Certifications and Assurances, DTR requires subrecipients to maintain Program Documents on file in COTRAMS. These documents are specifically requested and reviewed by Project Coordinators during the Subrecipient Information Request (SIR) and Site Review Process; however, subrecipients are expected to have updated documents in COTRAMS on an ongoing basis.

A4.9 Civil Rights

CDOT's Civil Rights and Business Resource Center's (CRBRC) mission is to promote equal access to and participation in CDOT programs and activities. Additionally, the CRBRC collaborates with CDOT Regional Civil Rights Offices and various CDOT program staff to foster equality in CDOT's transportation contracting processes.

Within the CRBRC is the role of the Title VI Specialist/Civil Rights Liaison for DTR. This position works with DTR to implement and monitor compliance with the FTA's civil rights requirements, including Title VI, Equal Employment Opportunity, and DBEs.

CRBRC and DTR monitor subrecipient compliance with FTA civil rights regulations through the following:

- Including civil rights requirements in each Call for Projects.
- Oversight of third-party contracting procedures.
- Review of subrecipient websites.
- Review of the subrecipient's programs prior to awarding funds.
- Requiring subrecipients to submit updated programs to DTR through COTRAMS annually with certifications and assurances, or as required.
- Review of program documents during scheduled SIR and Site Review Process every 3 years.
- Technical assistance and training to subrecipients in the development of and execution of their programs, including minority applicants and those serving minority or traditionally underserved populations.
- Assistance in resolving complaints.
- Filing required reports to FTA.



COLORADO
Department of Transportation

DIVISION OF TRANSIT AND RAIL STATE MANAGEMENT PLAN

APPENDIX A | FTA PROGRAMS

A5. Section 5307

Draft August 2019

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Attachments

Urbanized Area Formula Program: Program Guidance and Application Instructions
FY 2019 5307 Full Year Apportionment

A5. FTA SECTION 5307 – URBANIZED AREA FORMULA GRANTS

The Urbanized Area Formula Funding program (49 United States Code 5307) makes federal resources available to urbanized areas (UZA) and to governors for transit capital and operating assistance in UZAs and for transportation-related planning. An UZA is an incorporated area with a population of 50,000 or more that is designated as such by the United States Department of Commerce, Bureau of the Census.

Documents that govern how the Colorado Department of Transportation (CDOT) administers Section 5307 funds include:

- Federal Transit Administration (FTA) Circular 9030.1E
https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FINAL_FTA_circular9030.1E.pdf
- FTA website Overview: <https://www.transit.dot.gov/funding/grants/urbanized-area-formula-grants-5307>

A5.1.1 Program Goals

FTA apportions Urbanized Area Formula Program funds to UZA and to states to support the continuation and expansion of public transportation services in the United States. Section 5307 supports public transportation by:

- Assisting in the planning, engineering, design, construction, evaluation, and maintenance of public transportation projects, equipment, and facilities.
- Facilitating cooperation between public transportation companies and private companies engaged in public transportation to encourage the planning and establishment of areawide public transportation systems needed for economical and desirable urban development.
- Encouraging mobility management, employment-related transportation alternatives, joint development practices, and transit-oriented development.
- Providing financial assistance to states and local governments to help carry out national goals related to mobility for all, including elderly individuals, individuals with disabilities, and economically disadvantaged individuals.
- Investing in bus and bus-related activities such as replacement, overhaul, and rebuilding of buses.
- Investing in crime prevention, public transportation safety, and security equipment.

A5.1.2 Eligible Recipients

The small UZAs in Colorado eligible for Section 5307 funds are Boulder, Grand Junction, Greeley, Lafayette-Louisville-Erie, Longmont, and Pueblo.

A5.1.3 Eligible Projects

Section 5307 funds can be used for capital projects, operating assistance, job access and reverse commute projects, and transportation-related planning.

A5.1.4 Transfer of Funds

CDOT/ Division of Transit and Rail (DTR) may transfer funds from the Section 5307 Program for non-UZAs to the Section 5311 Program. Funds from the Section 5311 Program may also be transferred to small urban Section 5307 systems.

DTR staff determine the need for flexibility in utilizing both funding sources. DTR consults affected area transit providers when considering transfer decisions. When Section 5307 funds are transferred to Section 5311, any capital or operating assistance limitations applicable to the Section 5307 apportionment apply to the transferred funds.

Section 5307 funds are passed through to identified agencies through a signed letter from the Governor appointee (the current Executive Director of CDOT). CDOT is notified of full year apportionments from the FTA and CDOT has one month's time to return the notification to the FTA. Any changes to the Federal Register's apportionments can be done at this time.

A5.2 Reporting

DTR can report, on behalf of its subrecipients, the following information:

- Transit Asset Management Plan.
- Safety and Security Plans.
- Disadvantaged Business Enterprise (DBE) Reports. These are the Semiannual DBE reports required of all FTA funding recipients.

Subrecipients are required to report directly to the National Transit Database on a yearly basis.

FY 2019 5307 Full Year Apportionment



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION 8
Colorado, Montana,
North Dakota,
South Dakota,
Utah and Wyoming

1961 Stout Street
Suite 13301
Denver, Colorado 80294
(303) 362-2400 (voice)

April 5, 2019

Ms. Shoshana M. Lew
Executive Director
Colorado Department of Transportation
2829 W. Howard Place
Denver, CO 80204

Subject: FY 2019 §5307 Full-Year Apportionment

Dear Ms. Lew:

The *Consolidated Appropriations Act, 2019* made available FTA's formula funding for FY 2019 as authorized by the *Fixing America's Surface Transportation Act of 2015*. On March 15, 2019, FTA posted the full-year apportionments for all FTA programs, including the 49 USC §5307 Urbanized Area Formula funds. FTA's FY 2019 Apportionment Tables are available online at <https://www.transit.dot.gov/funding/apportionments/fiscal-year-2019-apportionment-tables-full-year>.

As you are aware, the governor may distribute §5307 formula funds that have been apportioned for all small urbanized areas (UZAs) among the UZAs in that state. The attached table reflects the full-year funding FTA has made available to UZAs in your state for FY 2019.

Please have the appropriate state official indicate your state's §5307 funds distribution action by completing the attached table and returning it to FTA Region 8 as soon as possible or no later than **Friday May 3, 2019**.

Please contact Ms. CJ Schlis, 303-362-2402 or by email cheryl.schlis@dot.gov should you have questions.

Sincerely,

For Cindy Terwilliger
Regional Administrator

cc: David Krutsinger, Director, Division of Transit and Rail (via email)

Attachment: Colorado FY 2019 5307 Full-Year Apportionment Table

FTA Region 8
FY 2019 49 USC §5307 and §5340 Full-Year Apportionment
Distribution of Funds for Small Urbanized Areas

State of Colorado

Urbanized Area	FTA Apportionment	Governor's Apportionment (if different)
Boulder	\$3,988,240	\$ _____
Grand Junction	\$1,868,119	\$ _____
Greeley	\$2,500,774	\$ _____
Lafayette-Louisville- Erie	\$1,210,629	\$ _____
Longmont	\$2,140,277	\$ _____
Pueblo	\$2,127,429	\$ _____
Total	\$13,835,468	\$ _____

Signature: _____

Title: _____

Date: _____

You may scan and email your signed reply to cheryl.schlis@dot.gov.

Due by Friday May 3, 2019.



COLORADO
Department of Transportation

Office of the Executive Director
2829 West Howard Place, Suite 562
Denver, CO 80204

April 25, 2019

Ms. Cindy Terwilliger, Regional Administrator
Federal Transit Administration, Region VII
1961 Stout Street, Suite 13301
Denver, CO 80294

RE: FY 2019 55307 - Yearly Apportionment

Dear Ms. Terwilliger:

This letter is in response to the letter issued April 5, 2019, concerning the FY 2019 FTA 55307 Governors' apportionments, authorized by *Fixing America's Surface Transportation Act of 2015*, which were published in the Federal Register March 15, 2019. I am responding as the Governor's designee. As per the request, attached is the signed form indicating the distribution of 49 USC 55307 Urbanized Area Formula funding to Small Urbanized Areas (UZAs) in Colorado.

In making the FY 2019 distribution to the UZAs within Colorado, CDOT traditionally follows the apportionments in the Federal Register and makes adjustments if there are unspent funds for previous years. This year there are no unspent funds at this time, so the Federal Register apportionments are hereby submitted on the attached form.

If you have any questions, please call David Kruttsinger, Division of Transit and Rail Director at (303) 757-9008.

Shoshana M. Lew
Executive Director

Attachment

cc: David Kruttsinger, DTR Director, CDOT
Sophie Shulman, Director, Chief of Innovative Mobility, CDOT
Rebecca White, DTD Director, CDOT
Darren Davis, Transit Manager, City of Greeley
Kathy Young, Mesa County RTPO, Grand Valley Transit
Benjamin Valdez, Interim Transit Manager, Pueblo Department of Transportation
Andrea Farley, RTD
Bruce Abel, RTD
Matthew Buck, OFMB, CDOT
Tiffany Gallegos, Region VII, FTA
Brodie Ayers, Transit Project Coordination Unit Manager, CDOT





U.S. Department
of Transportation
**Federal Transit
Administration**

REGION 8
Colorado, Montana,
North Dakota,
South Dakota,
Utah and Wyoming

1961 Stout Street
Suite 13301
Denver, Colorado 80294
(303) 362-2400 (voice)

April 5, 2019

Ms. Shoshana M. Lew
Executive Director
Colorado Department of Transportation
2829 W. Howard Place
Denver, CO 80204

Subject: FY 2019 §5307 Full-Year Apportionment

Dear Ms. Lew:

The *Consolidated Appropriations Act, 2019* made available FTA's formula funding for FY 2019 as authorized by the *Fixing America's Surface Transportation Act of 2015*. On March 15, 2019, FTA posted the full-year apportionments for all FTA programs, including the 49 USC §5307 Urbanized Area Formula funds. FTA's FY 2019 Apportionment Tables are available online at <https://www.transit.dot.gov/funding/apportionments/fiscal-year-2019-apportionment-tables-full-year>.

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Please have the appropriate state official indicate your state's §5307 funds distribution action by completing the attached table and returning it to FTA Region 8 as soon as possible or no later than **Friday May 3, 2019**.

Please contact Ms. CJ Schlis, 303-362-2402 or by email cheryl.schlis@dot.gov should you have questions.

Sincerely,

DAVID L
BECKHOUSE

Digitally signed by DAVID
L BECKHOUSE
Date: 2019.04.05 10:46:57
-06'00'

For Cindy Terwilliger
Regional Administrator

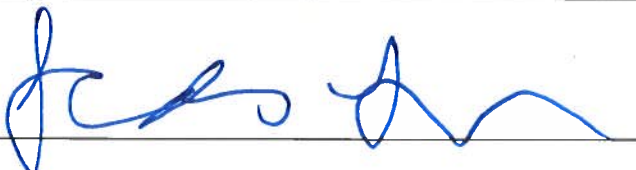
cc: David Krutsinger, Director, Division of Transit and Rail (via email)

Attachment: Colorado FY 2019 5307 Full-Year Apportionment Table

FTA Region 8
FY 2019 49 USC §5307 and §5340 Full-Year Apportionment
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Longmont	\$2,140,277	\$ _____
Pueblo	\$2,127,429	\$ _____
Total	\$13,835,468	\$ _____

Signature:  _____

Title: Executive Director

Date: 5/3/2019

You may scan and email your signed reply to cheryl.schlis@dot.gov.

Due by Friday May 3, 2019.



COLORADO
Department of Transportation

DIVISION OF TRANSIT AND RAIL STATE MANAGEMENT PLAN

APPENDIX A | FTA PROGRAMS

A6. Section 5312

Draft August 2019

Outline

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Attachments

USDOT Fact Sheet: Section 5312 Public Transportation Innovation

A6. FTA SECTION 5312 – PUBLIC TRANSPORTATION INNOVATION

The purpose of Section 5312 funding is to support research activities that improve the safety, reliability, efficiency, and sustainability of public transportation by investing in the development, testing, and deployment of innovative technologies, materials, and processes; carry out related endeavors; and to support the demonstration and deployment of low-emission and no-emission vehicles to promote clean energy and improve air quality. These opportunities are issued directly by the Federal Transit Administration (FTA).

If an agency is not a designated direct recipient and is awarded Section 5312 funds, the Colorado Department of Transportation (CDOT) serves as a pass-through entity and is responsible for providing oversight of the funds.

Documents that govern how CDOT administers Section 5312 funds include:

- FTA website Overview: <https://www.transit.dot.gov/funding/grants/public-transportation-innovation-5312>
- FTA Circular C 6100.1E: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Cir_6100.1E.docx_4.08.2015_%282%29_0.pdf
- FTA Fact Sheet: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/5312_Public_Transportation_Innovation_%28Research%29_Fact_Sheet.pdf

A6.1 Program Goals

FTA awards Section 5312 funds to agencies to advance innovative public transportation research and development.

A6.2 Eligible Recipients

Federal government departments, agencies, and instrumentalities of the government, including federal laboratories; state and local governmental entities; providers of public transportation; private or non-profit organizations; institutions of higher education; and technical and community colleges.

A6.3 Eligible Projects

Eligible activities under Section 5312 include:

- Research
- Innovation and development

- Demonstration, deployment, and evaluation
- Low or no emission vehicle component testing
- Transit cooperative research program

These are fully described in the FTA's Fact Sheet on Section 5312.

A6.4 Federal/Local Match

Federal share: The government share of the cost of a project carried out under this section shall not exceed 80%. However, for the Lo-No Testing, the government share is 50%.

Non-government share: The non-government share of the cost of a project carried out under this section may be derived from in-kind contributions. For the Lo-No Testing, the remaining 50% is to be paid from the fees established and collected.

A6.5 Reporting Requirements

The Division of Transit and Rail (DTR) reports, on behalf of its subrecipients, the following information:

- Milestone Progress Reports. Revisions and status updates on projects including revised completion dates by Monthly Progress Report line item. Reports are due by October 30 annually and may be required quarterly.
- Federal Financial Report. Accrual reports for each project within the federal program are provided by October 30 of each year and may be required quarterly.
- Disadvantaged Business Enterprise (DBE) Reports. These are the semi-annual DBE reports required of all FTA funding recipients.

A6.6 Other Provisions

To ensure compliance with other federal requirements, subrecipients are required to sign federal Certifications and Assurances for FTA assistance programs. A subrecipient applying for assistance under any FTA program must annually submit Certifications and Assurances that are applicable to the subrecipient's award during the current federal fiscal year.

All subrecipients are required complete the Subrecipient Information Request (SIR) and participate in the Site Review Process at least once as a new subrecipient, unless otherwise decided by DTR management. The SIR is adapted from the FTA's Comprehensive Review Guide that covers the range of requirements for all FTA programs in the following areas:

In addition to the annual Certifications and Assurances, DTR requires subrecipients to maintain Program Documents on file in the Colorado Transit & Rail Awards Management System (COTRAMS). These documents are specifically requested and reviewed by Project

Coordinators during the SIR and Site Review Process, but subrecipients are expected to have updated documents in COTRAMS on an ongoing basis.

Environmental protection requirements are reviewed during the pre-award phase of the application process, where DTR confirms that the required environmental clearances for the project have been obtained.

Restrictions on lobbying are included as part of the subaward agreement and are reaffirmed through annual Certifications and Assurances submittals through COTRAMS.