



New Hampshire Department of Transportation

Compliance Field Guide
Version 1.1
August 6, 2013

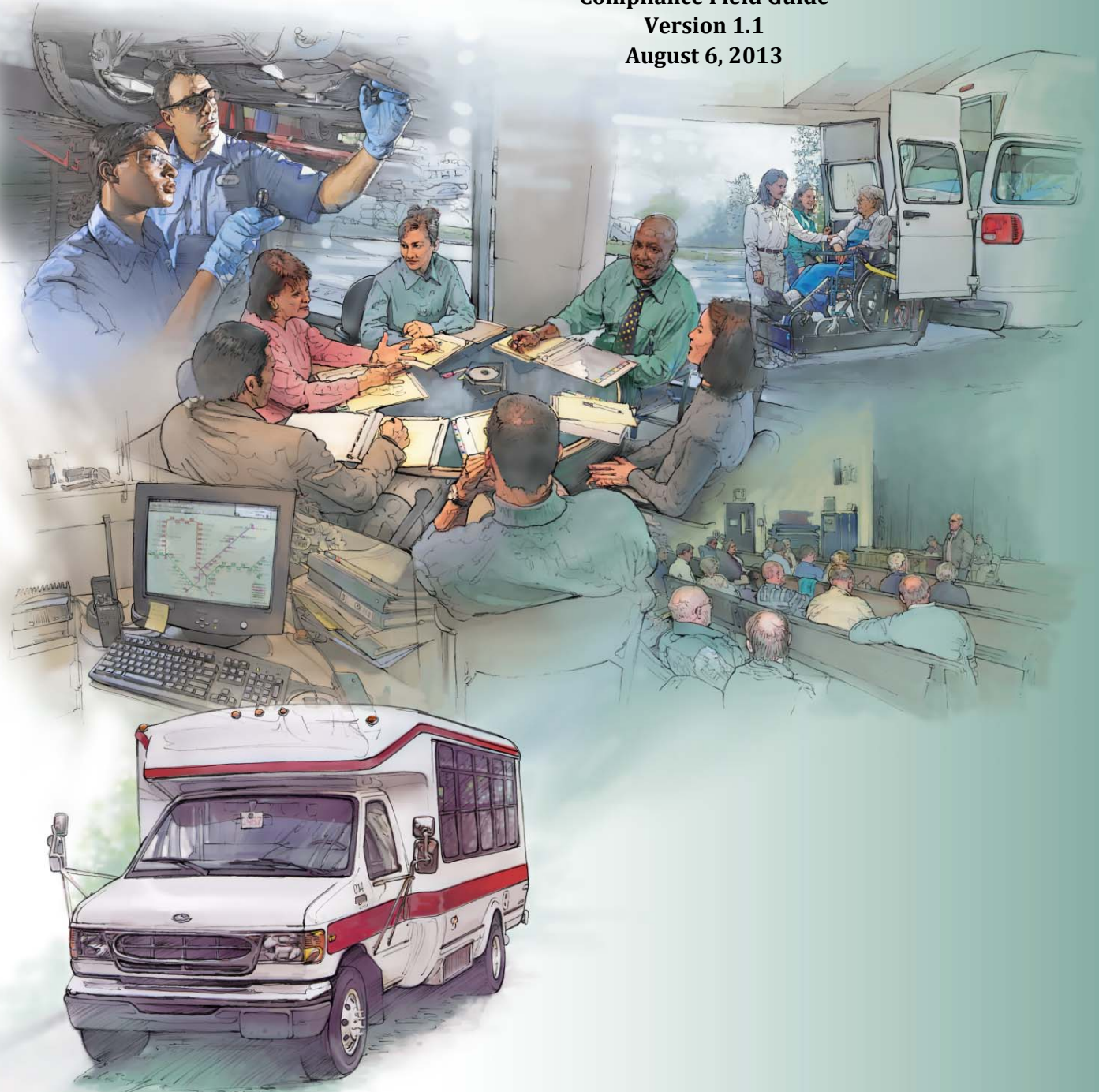


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Introduction

NHDOT Compliance Monitoring Program

Goal

The goal of the New Hampshire Department of Transportation Compliance Monitoring Program (CMP) is to provide a consistent and thorough review of the compliance practices of NHDOT subrecipients that receive Federal funding under 49 U.S.C. §5311.

Scope of the Review

The NHDOT Compliance Monitoring Program Field Guide is designed to assist the state and public transportation providers assess how transit agencies in New Hampshire meet the varied compliance requirements imposed by the Federal Transit Administration (FTA) and New Hampshire Department of Transportation (NHDOT).

The purpose of the on-site review is to assess how agency management is complying with Federal and state laws, rules, requirements, and regulations. The overall goal of the program is to improve the agency's compliance with applicable regulations while strengthening managements' abilities in these areas.

The review will be organized into 10 major areas, encompassing:

1. Program Management
2. Selection and Eligibility
3. Financial Management
4. Operations Management
5. Procurement
6. Use and Maintenance of Project Equipment
7. Civil Rights
8. Americans with Disabilities Act
9. Charter and School Bus
10. Miscellaneous Topics

Data collection to support the Compliance Review will be conducted in two stages: (1) a desk review, conducted by the consultant based on the submittal of requested data by the transit system; and (2) information gathered during a one-day site visit to the project.

Desk Review

The review process kicks-off with notification via letter or e-mail from NHDOT that the system has been scheduled for a compliance review. The letter will outline the scope and parameters of the review and request that the subrecipient provide data in advance of the compliance review team's site visit.

Agencies will be given approximately 30 days to provide information requested for the desk review. All information is to be submitted electronically to a secure cloud server. Requested data is documented in that “Desk Review Data Request” Form.

Site Visit

NHDOT and the transit system will mutually determine the dates for the site review. While on-site, the review team may need to interview a range of persons including, but not necessarily limited to, the individuals who perform the following functions:

- Transit manager
- Governing board chair
- Advisory board chair
- Operations manager
 - Customer service
 - Scheduling
 - Dispatch
- Maintenance manger
- Fiscal director
- Human resources director
- Procurement manager
- Training supervisor

The site visit will begin with an entrance interview. During this session, the review consultant and NHDOT staff will review the scope of the review and provide an opportunity for system personnel to ask questions about the review.

Depending upon the complexity of the transit system, NHDOT envisions that the site review will take approximately eight hours.

At the conclusion of the review, an exit conference will be held. The review consultant will be prepared to discuss preliminary findings and discuss potential remediation strategies.

The Compliance Review Report

Following the desk review, analysis of documents, interviews with agency staff, and inspection of records, equipment, or procedures done during the site visit, the review consultant will prepare draft and final reports. The report will contain findings in each topical category subject to each review. Findings may include:

- The grantee/operator is in compliance with FTA and IDOT requirements;
- The grantee/operator is not in complete compliance with state requirements;
- The grantee/operator is in compliance, however, an advisory recommendation to improve adherence to a regulation or improve the management of the transit program is provided.

Depending upon the severity and potential impact of a finding, a period of remedy will be permitted, ranging from 30 to 180 days. Generally, findings that impact system safety and/or civil rights will have a relatively short remedy timeframe (30 days). Findings with less impact or that have that have a required public hearing and/or approval process will be provided with a longer remedy period.

Draft Report

The draft Compliance Monitoring Program report will be organized by subject matter, consistent with the organization of the State Management Review workbook. Some subject areas may be consolidated for efficiency in the on-site review process.

Within 45 days after the site review, the review consultant will issue the draft compliance report. The report will provide narrative on the following subject areas:

- ◆ Overview of the process
- ◆ Participants in the process
- ◆ An overview of the general compliance elements of each subject
- ◆ The results of the review in each subject area
- ◆ Identification of deficiencies in the subject area
- ◆ Recommended remedial actions
- ◆ Timeframe for subrecipient remedy.

At the end of each report, all compliance findings will be summarized in tabular form.

The draft report will be submitted to NHDOT for review concurrent with the issuance to the subrecipient.

Review and Response

The subrecipient will have 30 days to review the draft final report.

During this review period, the subrecipient may present additional information regarding compliance actions in the event the subrecipient disagrees with a review finding. Any such rebuttals will be mutually reviewed by NHDOT and the review consultants so that a final determination may be made.

The subrecipient will have opportunity to begin remedy of the finding. To the extent possible, NHDOT will encourage subrecipient to utilize the review period to prepare remedies for identified compliance deficiencies.

The subrecipient's response, along with all proposed remedial actions that may have been accomplished during the review period, will be submitted to the review consultant for determination of potential closure of the finding.

Final Report

Following receipt of the subrecipient's response, the review consultant will issue the Final Report.

The final report will document which findings have been satisfactorily addressed and closed during the review period. For all remaining open findings, the subrecipient will have agreed to the proposed timeframe for remedy and will initiate work on remedial actions pursuant to that schedule.

The review consultant will be responsible for monitoring subsequent remedial actions and findings closure after issuance of the final report. The review consultant will report to NHDOT any subrecipient who fails to remediate any finding within the specified timeline for further action.

Resolution of Compliance Findings

During the remediation period, NHDOT expects the transit system to satisfactorily resolve all compliance finding. During the period, the review consultant will be available to assist the system; provide examples of policies, procedures, and best practices; and review system proposals for remedy.

The review consultant, working closely with NHDOT staff, will monitor the subrecipient's status toward the closure of all findings.

Desk Review Item Checklist

Yes N/A Document

Program Management

 Copies of Any Subcontracts with Lower Tier Operators

Financial Management

 Subrecipient's chart of accounts
 Indirect cost allocation plans and cognizant agency approval letter
 Written financial management policies and procedures

Procurement

 Copies of written procurement policies
 Copies of code of conduct governing personnel involved in procurement (if not included in written procurement policy)
 Non-accessible vehicle acquisition certification
 Copies of third party contracts arising from all formal procurements, last three years
(Note: if there are multiple instances of formal procurements, contact the review team and seek clarification on the submittal)
 For locally conducted procurements, copies of procurement documents, including IFB, RFP, or purchase orders and vendor lists, bid tabulations, etc. *(Note: if there are multiple instances of formal procurements, contact the review team and seek clarification on the submittal)*

Civil Rights

 Description(s) of any lawsuits or complaints alleging discrimination in service delivery filed within last year along with statement of resolution/outcome
 Summary of all civil rights complaints, last three years
 Copy of EEO program (If the subrecipient receive more than \$1,000,000 in Federal assistance or employ more than 50 employees)
 Copy of DBE Program and Goals (If the subrecipient has more than \$250,000 (exclusive of vehicle purchases) in contracting opportunities)

Use and Maintenance of Project Equipment

 Vehicle fleet roster with funding source designation, date of acquisition, accessibility status, and "designed to transport" capacity
 Transit equipment inventory
 Blank pre-trip vehicle inspection form
 Vehicle lease agreements, if any
 Equipment/vehicle disposition procedures
 Preventive maintenance plans and schedules
 Buy America certifications, if applicable
 Pre-award and post-delivery audits (if applicable)
 Copies of vendor provided Bus Testing certifications (approval page only)

Yes N/A Document

Americans with Disabilities Act (ADA)

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Complementary paratransit plan, if applicable |
| <input type="checkbox"/> | <input type="checkbox"/> | Copies of any complaints filed against the subrecipient alleging discrimination on the basis of disability in service delivery (filed within last year) along with statement of resolution/outcome |
| <input type="checkbox"/> | <input type="checkbox"/> | Service brochures and other system information made available to the public |
| <input type="checkbox"/> | <input type="checkbox"/> | Copy and description of fare structure employed by the subrecipient |
| <input type="checkbox"/> | <input type="checkbox"/> | ADA related service and operating policies |

Charter and School Bus

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Copies of charter reports, last year |
| <input type="checkbox"/> | <input type="checkbox"/> | Copies of contracts with all entities that purchase contract service from the system (if available) |

Section 1. Program Management

Legal Authority

Subrecipients must have the legal capacity to receive Federal and state grants. Subrecipients must be eligible under the specific requirements of the FTA programs. The authority to take necessary actions and responsibility on behalf of the subrecipients must be properly delegated and executed. This means that:

- Subrecipients must have designated a body legally responsible for the overall organization, management, and operation of the transportation system.
- The officials acting on behalf of subrecipients must have the appropriate authority. This is usually documented in an authorizing resolution passed by the governing body.

1. What is the name of the designated body legally responsible for the overall organization, management, and operation of the transit system?

2. What is the name or title of the person or persons with the authority to act on behalf of the transit system?

3. What is the source of that authority? Does the system have a Governing Board approved authorizing resolution?

Certifications and Assurances

To receive a grant under Section 5311, NHDOT must annually assure FTA that the State and subrecipients meet certain requirements. NHDOT should maintain adequate files documenting the basis for all assurances which it makes to FTA. Each fiscal year, FTA publishes the required certifications and assurances in the *Federal Register* and updates the certifications and assurances in the TEAM system.

This notice indicates which certifications and assurances apply to all grantees or to certain kinds of awards, and which are required for grants under specific sections.

NHDOT must electronically submit the appropriate certifications and assurances each fiscal year for all active grants and new grants that it expects FTA to make during that fiscal year. Subrecipients should use the most recent version of the current year notice for a list of required certifications and assurances FTA has issued.

4. Has the transit system submitted the properly completed the Annual Certifications and Assurances? Is the document up-to-date?

5. Were they signed by an authorized official with the proper authority?

6. Was the submission verified by an Opinion of Counsel?

Governance

All NHDOT grant recipients must be legally constituted and have a governing board, structured according to the organizational status of the agency. Governing boards, in addition to providing the legal authority to enter into an agreement with NHDOT, must provide appropriate oversight of the financial affairs of the organization and approve all key policies of the agency (e.g., procurement policies). If the governing delegates any of these responsibilities, the reviewer should examine such delegation authority.

There is no specific FTA requirement on governing boards; however, some FTA requirements include approval actions by the governing board. These policies include DBE, Title VI, and Drug and Alcohol regulations.

7. What is the governing body of the organization?

8. How often does this body meet?

9. Is there documented evidence that this body deliberates on key management issues facing the transit system?

10. Has the governing board delegated grants management responsibilities to other parties, such as key employees of the organization?

Yes No

If "Yes," is there a governing board resolution or other appropriate action that approves this delegation of authority?

Yes No

Control Environment

An agency's overall control environment sets the tone of the organization and influences the control consciousness of its employees. To successfully address risks and achieve its objectives, agency management must institute various control activities, such as segregation of duties, physical controls, and a system of approvals.

11. Are agency employees skilled and trained to perform the duties associated with their particular job functions (e.g., daily management of staff, accounting functions, delivery of services)?

Yes No

If "Yes," describe how the agency ensures that individuals with the proper training and credentials are assigned job duties.

12. How does management remain abreast of the requirements of laws and regulations pertinent to the transit grant programs?

13. Is there a formal (written) conflict of interest policy or code of conduct in effect?

Yes No

Who is covered by this policy?

Yes	No	Covered Individuals
<input type="checkbox"/>	<input type="checkbox"/>	a. Employees
<input type="checkbox"/>	<input type="checkbox"/>	b. Officers of the organization
<input type="checkbox"/>	<input type="checkbox"/>	c. Board members
<input type="checkbox"/>	<input type="checkbox"/>	d. Immediate family members of a, b, c above
<input type="checkbox"/>	<input type="checkbox"/>	e. Agents/contractors of the organization
<input type="checkbox"/>	<input type="checkbox"/>	f. Prospective employees

14. How does the agency management convey the message that integrity cannot be compromised? How is this communicated to employees? Does the policy cover Board members?

Section 2. Selection and Eligibility/Eligible Services

Overview

States and subrecipients must be eligible under the specific requirements of the FTA programs and have the legal, financial, and technical capacity to carry out the proposed program of projects.

This section of the NHDOT Compliance Program Manual will address eligibility requirements by program.

1. What are the Federal funds received by this subrecipient during the last three years (check all that apply)?

Section 5311
 Section 5317

Section 5311(f)
 Section 5310

Section 5316
 Section 5309

Section 5311

States and subrecipients must be eligible under the specific requirements of the FTA programs and have the legal, financial, and technical capacity to carry out the proposed program of projects.

2. What is the organizational status of the subrecipient (*check one only*):

- Governmental agency
 Private nonprofit corporation
 Indian tribal organization
 Private, for profit provider of transportation under contract to an FTA recipient or subrecipient

3. Has the subrecipient demonstrated the technical capacity to administer a Section 5311 grant?

4. Are the transit services operated by the subrecipient open to the general public?

5. Does the subrecipient provide other types of services using project equipment? Are these services incidental to the provision of transit services? Does the system have a cost allocation method in place to ensure that such services are paid for in full (and not billed to the Section 5311 program)?

6. Does the subrecipient provide service in urbanized areas? If so, has the subrecipient developed a cost allocation methodology to ensure that Section 5311 funds are used to only benefit residents of nonurbanized areas?

Section 3. Financial Management

Overview

As a primary recipient of FTA funds and as the State agency designated to administer such funds for public transit activities, NHDOT will manage the fiscal elements of these programs in accordance with its existing procedures, FTA guidelines, and other applicable state and Federal regulations.

All subrecipients are required to establish and maintain an accounting system to which all transportation-related costs, revenues and operating costs are recorded so that they may be clearly identified, easily traced and substantially documented. The fully allocated cost of the public transit program must be clearly identified regardless of the operational nature of the agency.

Pre-Award Audit

Receipt of a NHDOT grant obligates the grantee to use funds it receives as specified in the project application and grant agreement. Execution of the grant agreement establishes a partnership between NHDOT and the subrecipient wherein NHDOT assumes an oversight role in the use of grant funds and retains a vested interest in the unused grant balances, improperly applied funds, and property and facilities purchased or otherwise acquired under the grant. Subrecipients, lower tier operators, and third party contractors are responsible for establishing and maintaining adequate internal control over all their functions that relate to project administration and execution of the project. These control systems must adhere to: applicable Federal requirements outlined in the Common Rule (49 CFR part 18 and 49 CFR part 19), OMB Circular A-87, program specific program guidance contained in State Management Plan and appropriate FTA Circular, and other requirements as may be established by NHDOT.

Both 2 CFR part 225 (formerly OMB Circular A-87), Cost Principles for State, Local, and Indian Tribal Governments, and 2 CFR part 230 (formerly OMB Circular A-122), Cost Principles for Nonprofit Organizations, indicate that reports reflecting the distribution of activity of each employee must be maintained of all staff members whose compensation is charged, in whole or in part, directly to (a grant) award. Additionally, the report must reflect an after-the-fact determination of actual activity of each employee. Budget estimates (i.e., estimates determined before the services are performed) do not qualify as support for charges to (grant) awards. The use of percentage time allocations of staff in their charges of time is not permissible under the cost principles of either local government or nonprofit organizations. Time charged to any Federal award must:

- Reflect after-the-fact determination of actual activity;
- Account for the total activity of the employee;
- Be signed by the individual employee; and
- Be prepared at least monthly and coincide with one or more pay periods.

Financial records, supporting documentation, and all other records pertinent to a grant must be retained by the subrecipient and must be made readily available to authorized representatives including

NHDOT, for a period of three (3) years from the date of project completion and final payment under the agreement has been rendered.

If any litigation, claim, or audit is started before the expiration of the three-year period, the records must be retained beyond three (3) years, until all litigation, claims, or audit findings involving the records have been resolved.

1. Is the subrecipient's chart of accounts sufficiently detailed to accumulate project revenues and expenses in detail?

Yes No

2. Is the chart of accounts sufficiently detailed to distinguish between project capital, operating, and administrative expenses?

Yes No

3. Is the subrecipient's accounting system capable of generating reports to ensure the timely collection of revenues and grant receipts?

Yes No

4. Are the personnel responsible for recording financial transactions, generating reports, and ensuring the accuracy of financial data suitably trained to perform these functions?

Yes No

5. Does the subrecipient adhere to requirements that all financial records pertaining to an NHDOT grant be retained for three (3) years following the final payment and/or audit (whichever comes later)?

Yes No

6. Does the subrecipient have written financial management procedures?

Yes No

7. Federal cost principles (2 CFR part 225 and 2 CFR part 230) requires that all costs incurred under a grant must be "reasonable and necessary." Does the subrecipient have a process in place to determine reasonable and necessary costs prior to making the expenditure?

Yes No

If "Yes," what are these procedures?

8. How does the subrecipient ensure that costs claimed under a Federal grant award are not included as a cost or used to meet cost sharing or matching requirements of any other Federally-financed program in either the current or a prior period?

9. Financial capacity is measured by a subrecipient's ability to handle a number of functions, including the following management elements (check if the subrecipient demonstrates sufficient managerial ability to):

- Match and Manage FTA Grant Funds
- Cover Cost Overruns
- Cover Operating Deficits through Long-Term, Stable Sources
- Maintain and Operate Federally Funded Equipment
- Conduct Annual A-133 Audits

Indirect Costs

Indirect costs are those: (a) incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. The term "indirect costs," applies to costs of this type originating in the grantee department, as well as those incurred by other departments in supplying goods, services, and facilities.

There is no universal rule for classifying certain costs as either direct or indirect under every accounting system. A cost may be direct with respect to some specific service or function, but indirect with respect to the Federal award or other final cost objective. Therefore, it is essential that each item of cost be treated consistently in like circumstances either as a direct or an indirect cost.

Where an accumulation of indirect costs will ultimately result in charges to a Federal award, a cost allocation plan is required.

Amounts not recoverable as indirect costs or administrative costs under one Federal award may not be shifted to another Federal award, unless specifically authorized by Federal legislation or regulation.

For organizations that seek reimbursement of indirect costs under their Federal grant awards, an indirect cost rate proposal must be prepared annually and submitted to the cognizant Federal agency,

an agency designated by OMB as responsible for reviewing, negotiating, and approving indirect cost rate. In the absence of a designated cognizant agency, the Federal funding source providing the most significant amount of funding will typically serve as the cognizant agency. In cases where funds first flow to a primary recipient to a subrecipient, the primary recipient may review, negotiate, and approve indirect cost rate proposals (this scenario describes the relationship between NHDOT and its subrecipients).

10. Does the subrecipient claim reimbursement of indirect costs in its claims for reimbursement under its Federal grant awards?

Yes No

If "Yes" to Question 8, has the subrecipient submitted the plan for approval to a cognizant Federal agency or NHDOT?

Yes No

If "Yes," which agency approved the Cost Allocation Plan (CAP)?

11. Is the Cost Allocation Plan (CAP) updated annually?

Yes No

What is the date on the latest approved CAP? Date:

12. Are claims for reimbursement of indirect costs made in accordance with the latest approved indirect cost rate?

Yes No

Internal Controls

Subrecipients are responsible for establishing and maintaining adequate internal controls over all of their functions that affect implementation of a grant. For proper management of grants, these controls must be used by each grantee in all of its operating, accounting, financial, and administrative systems. To ensure proper accountability for grant funds, internal controls must be integrated with the management systems used by the grantee to regulate and guide its operations.

13. Subrecipients must demonstrate that it has certain policies, procedures, and protocols in place to demonstrate that it has sufficient internal controls over financial management.

Yes	No	Requirement
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient have written grants administration policies that govern organizational control of its activities?
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient's formal organizational structure clearly define, assign, and delegate appropriate authority for all duties?
<input type="checkbox"/>	<input type="checkbox"/>	Given the size of the organization, is there sufficient segregation of duties in financial management functions to ensure that adequate internal checks and balances exist?
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient have a system of organizational planning to determine financial, property, and personnel resource needs?
<input type="checkbox"/>	<input type="checkbox"/>	Are there sufficient checks and balances in place to prevent illegal or unauthorized transactions or acts?
<input type="checkbox"/>	<input type="checkbox"/>	Do the subrecipient's information systems reliably provide needed operating and financial data for decision-making and performance review?
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient have any type of internal audit functions to ensure that grant funds are expended properly?
<input type="checkbox"/>	<input type="checkbox"/>	Are the subrecipient's personnel properly qualified for their assigned responsibilities, duties, and functions? Are education, training, experience, competence, and integrity considered in assigning work?
<input type="checkbox"/>	<input type="checkbox"/>	Are the subrecipient's expenditures controlled so that construction, equipment, goods, and services are acquired and received as contracted for (as to quality, quantity, price, and time of delivery)?
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient exercise sufficient control over real property, equipment, expendables, and funds to prevent misuse, misappropriation, waste, or unwarranted deterioration or destruction?

14. How is the security of financial data maintained? Who has access to records? How often is the financial system backed-up?

Budget Controls

Subrecipients are responsible for monitoring expenditures or outlays and must compare these outlays to budgeted amounts for each grant or subgrant. Financial information must be related to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the grant or subgrant agreement. If the unit cost data are required, estimates based on available documentation will be accepted whenever possible.

Applicable Office of Management and Budget (OMB) cost principles, as stated in 2 CFR parts 225 and 230, agency program regulations, and the terms of grant and subgrant agreements will be followed in determining the allowability and allocability of costs.

Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contracts, and subgrant award documents.

15. How is the budget developed? Who is responsible for developing the budget?

16. Who is responsible for approving the budget?

17. Who is responsible for ensuring that costs are consistent with the project budget and the limitations set forth in the grant agreement?

18. Who is responsible for determining cost allowability? Are budget officials knowledgeable about Federal cost principles governing cost allowability?

19. How is the budget managed throughout the fiscal year? Does the accounting system generate periodic reports regarding revenues, expenses, budget variances, etc.? Who receives these reports? How are the reports used by transit management?

20. What role does the governing board play in monitoring the organization's budget?

21. What is the subrecipient's fiscal year?

Start date (current year) _____ End date (current year) _____

22. What is the subrecipient's basis of accounting?

- Cash Basis
- Modified Accrual Basis
- Accrual Basis
- Other (Describe) _____

23. If the subrecipient provides service under contract to human service agencies, what is the frequency for issuing invoices to the contracting organizations? What is the typical aging cycle on such receivables?

24. What procedures does the subrecipient have in place to track and collect on aged receivables?

25. Does the subrecipient provide credit cards to its employees?

- Yes No

If "Yes," are their written policies in place governing the use of such cards?

- Yes No

Do these policies provide sufficient protection against fraud and abuse? Is there sufficient separation of function to detect fraud and misuse of agency credit cards?

- Yes No

Documentation of Costs

Normally, supporting documentation consists of receipts, invoices, vouchers, contracts, leases, etc. There are special requirements for the documentation of personnel expenses, particularly those employees whose time is split between (a) more than one Federal award; (b) a Federal award and a non-Federal award; (c) an indirect cost activity and a direct cost activity; (d) two or more indirect activities which are allocated using different allocation bases; or (e) an unallowable activity and a direct or indirect cost activity.

26. Does the subrecipient maintain proper supporting documentation for routine purchases?

Yes No

27. How does the subrecipient support personnel charges made to Federal grants?

If personnel meet the conditions listed in the introduction of this section, do the impacted personnel maintain personal activity reports consistent with OMB requirements?

Yes No

If "Yes," do the reports:

Yes	No	Personal Activity Report or Equivalent Document Must:
<input type="checkbox"/>	<input type="checkbox"/>	Reflect an after-the-fact distribution of the actual activity of each employee.
<input type="checkbox"/>	<input type="checkbox"/>	Account for the total activity for which each employee is compensated.
<input type="checkbox"/>	<input type="checkbox"/>	Prepared at least monthly and must coincide with one or more pay periods.
<input type="checkbox"/>	<input type="checkbox"/>	Must be signed by the employee.

Cash Management

Subrecipient must periodically reconcile grant accounts, reconcile bank records with financial system records, ensure the timely deposit of cash receipts to prevent fraud or loss, and ensure sufficient separation of function to provide adequate checks and balances in the cash handling process.

28. Describe the process in which the transit systems receives cash and checks from NHDOT and or other entities that purchase service.

29. How often are receipts deposited to the bank?

30. Does a person other than the individual who conducts the accounting function verify the cash receipts listing against the deposit slips?

Yes No

31. Document the following elements associated with fare collection:

Are there written procedures governing fare collection?

Yes No

How often are revenues pulled from system vehicles/fareboxes?

Where are farebox revenue counts conducted?

Is this location secure? Who has access?

How are the counts posted to the agency's general ledger?

Are farebox counts reconciled against driver logs?

Yes No

32. What steps has the organization taken to protect itself from theft, fraud, or loss? Are employees who handle cash bonded? Is there insurance to cover loss or theft?

33. Does the subrecipient sell passes, pass books, or paper tickets? What controls are in-place to prevent misuse or abuse of the passes?

34. Is there a petty cash fund?

Yes No

If yes, are there written policies and procedures in place for petty cash expenditures which include how it may be used and who is eligible to withdraw funds?

Yes No

35. Who is response for check writing?

Are two original signatures required on all checks?

Yes No Other

If "Other," please explain:

36. Are check signers authorized by the governing board?

Yes No

37. Are bank accounts reconciled on a regular basis?

Yes No

38. Does the organization have written policies regarding the payment of travel expenses incurred by employees who travel away from their duty station on agency business?

Yes No

Financial and Program Reporting

NHDOT requests that subrecipients bill for expenses incurred under the grant(s) on a monthly basis and that performance reports be submitted on a quarterly basis.

39. What is the frequent of report submission to NHDOT?

40. Do the reports include a statement of revenues and expenditures for each quarter, including documentation of local match contributions?

Yes No

41. Does the subrecipient the subrecipient utilize monthly financial reports and/or variance reports to monitor budget adherence?

Yes No

42. In reporting service data what methods are used to collect and validate the accuracy of reported data?

Local Match

Federal and state grants awarded by NHDOT may require match or local participation in the share of project costs. The amount of local match is specified in the grant agreement.

Examples of local sources that may be used for the local share include: State or local funds; dedicated tax revenues; private donations; and net income generated from advertising and concessions. Additionally, revenues derived from a service agreement with a State or local social service agency or a private social service organization may be used to meet the local matching share, even if the source of those funds was another Federal program.

Subrecipients may count non-cash shares such as donations, volunteered services, or in-kind contributions toward the local match only if the recipient formally documents the value of each non-cash share, and if this value represents a cost that would otherwise be eligible under the project. The net project cost must include the value of any in-kind contributions included in net project cost to the extent it is used as local match.

43. What are the sources funds being used to generate the local match? Are these sources non-Federal as defined above?

Yes No Check all that apply:

Statutorily Defined Sources:

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | State or local appropriations |
| <input type="checkbox"/> | <input type="checkbox"/> | Dedicated tax revenue |
| <input type="checkbox"/> | <input type="checkbox"/> | Other Cash |
| <input type="checkbox"/> | <input type="checkbox"/> | Private donations |
| <input type="checkbox"/> | <input type="checkbox"/> | Net income derived from advertising and/or concessions |

Other Federal Funds That are Unrestricted in Their Use as Match:

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Funds received from a service agreement with a State or local social service agency or a private social service organization |
| <input type="checkbox"/> | <input type="checkbox"/> | Federal Lands Highway Program |
| <input type="checkbox"/> | <input type="checkbox"/> | Other ¹ |

In-Kind or Contributed Services:

- | | | |
|--------------------------|--------------------------|------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | In-Kind ² |
| <input type="checkbox"/> | <input type="checkbox"/> | Volunteer ² |

¹ Verify there are no restrictions on use as match.

² See next section to verify allowability as in-kind or volunteer service.

44. Are the funds cited above verified as not being included as a cost or used to meet cost sharing or matching requirements of any other Federal award in either the current or a prior period, except as specifically provided by Federal law or regulation?

Yes No

45. Is the subrecipient generating sufficient local match for all FTA grants?

Yes No

In-Kind or Contributed Services

Non-cash shares such as donations, volunteered services, or in-kind contributions are eligible to be counted toward the local match only if the value of each is formally documented and supported. Additionally, any donation or volunteer service must represent a cost which would otherwise be eligible under the project.

NHDOT allows donated or volunteer services to be furnished to a nonprofit organization by professional and technical personnel, consultants, and other skilled and unskilled labor. The value of the donations may be used to meet the local match requirements, but may not be claimed for reimbursement.

These are conditions governing the use of donations and/or volunteer services. Such items and services: (a) verifiable from the recipient's records; (b) not included as contributions for any other Federally-assisted project or program; (c) necessary and reasonable for proper and efficient accomplishment of project or program objectives; (d) allowable under the applicable cost principles; (e) not paid by the Federal Government under another award, except where authorized by Federal statute to be used for cost sharing or matching; and (f) provided for in the approved budget when required by the Federal awarding agency; and (g) conform to other provisions of OMB Circular A-110, as applicable.

Fair market value of contributed or volunteer labor must be computed based on the regular rates paid for similar work in other activities of the organization or, in cases where the kinds of skills involved are not found in other activities of the organization, the rates used must be consistent with those paid for similar work in the labor market in which the organization competes for such skills. Under any circumstance, the value of these services is not reimbursable either as a direct or indirect cost under Federal grant awards; rather this value may only be used as local match.

46. Does the subrecipient utilize contributions or donations to meet part of the match share of NHDOT grants?

Yes No

47. How did the subrecipient assign fair market value to the donated or contributed service?

48. Are the services or items donated necessary and reasonable for proper and efficient accomplishment of project or program objectives?

Yes No

49. Did the subrecipient use the value of the donation only as local match?

Yes No

Program Income

Program Income is gross income received by a subrecipient that is directly generated by a grant supported activity, or earned only as a result of the grant funded project during the grant period (the time between the effective date of the grant and the ending date of the grant reflected in the final financial report).

Program income includes income: (a) from fees for services performed; (b) from the use or rental of real or personal property acquired with grant funds; (c) from payments of principal and interest on loans made with grant funds; and (d) tax credits. Program income may not be used to reduce the local share of the grant in the year in which it was earned, but may be used in future grants. Net income from advertising and revenues from a contract with a state or local social service agency or a private social service agency represent a special case and may be used in the year in which it was earned. The income from contract services may not be used as match if the original source of payment for the contract is another FTA grant.

Fares are not considered program income and must be deducted from total operating costs to determine the net cost of service.

50. Does the subrecipient generate program income?

Yes No

If "Yes," what is the source of this program income?

If "Yes," has the subrecipient retained the revenues for use in the transit program?

Yes No

If other than advertising and contract income, has the subrecipient used the program income for the local share in a year other than the year in which the income was earned?

Yes No

51. Did the subrecipient report the program income and its use to NHDOT as appropriate?

Yes No

A-133 Audit

Subrecipients expending \$500,000 or more in Federal financial assistance from all sources in the subrecipient's fiscal year must prepare a single audit pursuant to OMB Circular A-133.

Additionally, NHDOT requires that subrecipients entering into lower tier subcontracts require those lower tier contractors to also adhere to the requirements of A-133. Subrecipients are obligated to ensure that these terms are contractually stipulated in the lower tier agreement and that the lower tier contractor provides NHDOT a copy of the A-133 audit.

Subrecipients and lower tier contractors are responsible for prompt resolution of all audit findings and recommendations. This responsibility requires that the subrecipient:

- Promptly evaluate the report;
- Determine the appropriate follow-up actions and establish a date for their completion;
- Directly submit report to NHDOT; and
- Complete all required actions within the established period of time.

Subrecipients receiving less than \$500,000 in Federal funds must submit to the Public Transit Division a copy of any annual audit, if conducted (for example, Municipal Audits) covering the funds expended under current grant agreements with NHDOT.

If a finding relates to an NHDOT grant, NHDOT requires the subrecipient to take follow-up action to resolve the finding. NHDOT will review the remedial action and/or remedy and close the finding or work with other state agencies to ensure closure.

52. Did the subrecipient receive more than \$500,000 in Federal funds annually (from all sources) during any of the last three fiscal years?

Yes No

If "Yes," did the subrecipient prepare an A-133 audit?

Yes No

53. Does the most recent audit report contain any findings relative to the subrecipient's use of NHDOT/FTA funds?

Yes No

If "Yes," did the subrecipient send a copy of the audit findings to NHDOT?

Yes No

54. Did the subrecipient resolve all transit-related findings?

Yes No

If "Yes," did the subrecipient submit a remedial action plan to NHDOT?

Yes No

Section 4. Operations Management

Overview

Many questions in this section do not relate to a specific compliance topic; rather, the questions relate to the operational efficiencies and effectiveness in the system's various operational policies. This section addresses organization and staffing, transit operations, scheduling, dispatching, customer service, safety and security, operations planning, marketing, complaint management, and service evaluation.

Organization and Staffing

The subrecipient is responsible for ensure it has the managerial and technical capacity to carry out the NHDOT grant. The transit agency is responsible for ensuring that it has sufficient personnel assigned to the various transit functions (administration, operations, and maintenance) to ensure successful delivery of public and coordinated human services transportation.

1. What are the direct staff commitments to the various transit functions:

Fixed Route		Demand Response	
FTEs	Function	FTEs	Function
_____	Administration	_____	Administration
_____	Operations	_____	Operations
_____	Maintenance	_____	Maintenance
_____	Non-Vehicle Maintenance	_____	Non-Vehicle Maintenance

2. Examine the organization chart. Has the subrecipient and/or operator dedicated sufficient human resources to carry out all responsibilities of the transit system?

Yes No

3. Are there written job descriptions for all positions?

Yes No

4. Are there any commitment of other agency or organizational personnel who performs functions on behalf of the transit agency indirectly (*e.g.*, they also perform functions other than transit)?

Yes No

If "Yes," describe these individuals and what functions do they provide?

Operations

Fixed Route Operations

5. If the system operates fixed route services, what types of services are offered?

- | Yes | No | Check all that apply: |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Non-commuter bus (traditional fixed routes) |
| <input type="checkbox"/> | <input type="checkbox"/> | Commuter bus |
| <input type="checkbox"/> | <input type="checkbox"/> | Intercity bus |
| <input type="checkbox"/> | <input type="checkbox"/> | Route/point deviation with deviations limited to certain riders |

6. What is the maximum number of vehicles used in revenue fixed route service?

_____ Vehicles

7. How are operators assigned to vehicle runs?

8. Is there an extraboard or some additional staffing that must report for duty to ensure that all routes depart the garage on-time at pull-out?

- Yes No

If "No," how does the system ensure that there are a sufficient number of operators to run scheduled services?

9. How does the system measure on-time performance?

Does the system have any standards for on-time fixed route operations?

10. Does the system have a system of on-street supervision?

Yes No

11. Does the system have a system of regular on-board ride checks?

Yes No

If "Yes," how frequently are such checks conducted?

12. What is the extent of operating training prior to being permitted to drive independently on a fixed route?

Hours	Training Component
_____	Classroom Training
_____	Behind the Wheel Training

13. What components make up the operator's training?

Yes	No	Check all that apply:
<input type="checkbox"/>	<input type="checkbox"/>	Agency policies and procedures
<input type="checkbox"/>	<input type="checkbox"/>	Defensive driving
<input type="checkbox"/>	<input type="checkbox"/>	Passenger relations
<input type="checkbox"/>	<input type="checkbox"/>	Accident procedures
<input type="checkbox"/>	<input type="checkbox"/>	Evacuation and emergency procedures
<input type="checkbox"/>	<input type="checkbox"/>	Behind the wheel orientation
<input type="checkbox"/>	<input type="checkbox"/>	ADA requirements
<input type="checkbox"/>	<input type="checkbox"/>	Customer service

Yes	No	Check all that apply:
<input type="checkbox"/>	<input type="checkbox"/>	Other (specific) _____
<input type="checkbox"/>	<input type="checkbox"/>	Other (specific) _____
<input type="checkbox"/>	<input type="checkbox"/>	Other (specific) _____

14. Does the agency keep training records and documentation of each employee's training history?

Yes No

15. How are driver schedules developed?

16. What are the maximum time limits on work hours (spread time) for bus operators imposed by the transit system?

Demand Response Operations

17. What modes of demand response services are operated?

Yes	No	Check all that apply:
<input type="checkbox"/>	<input type="checkbox"/>	ADA complementary paratransit
<input type="checkbox"/>	<input type="checkbox"/>	Route/point deviation with deviations for the general public
<input type="checkbox"/>	<input type="checkbox"/>	Other demand responsive service

18. What are the maximum number of vehicles used in paratransit revenue service?

_____ Vehicles

19. How are operators assigned to vehicle runs?

20. How does the system ensure that are sufficient number of drivers available to handle all runs?

21. What are the maximum time limits on work hours (spread time) for paratransit operators imposed by the transit system?

22. If both modes are operated, is the work force divided between fixed route and demand response operations?

Yes No

If “Yes,” then answer the following questions for demand response operators as well, otherwise move on to the next section.

23. What is the extent of operating training prior to being permitted to drive independently on a fixed route?

Hours	Training Component
_____	Classroom Training
_____	Behind the Wheel Training

24. What components make up the operator’s training?

Yes	No	Check all that apply:
<input type="checkbox"/>	<input type="checkbox"/>	Agency policies and procedures
<input type="checkbox"/>	<input type="checkbox"/>	Defensive driving
<input type="checkbox"/>	<input type="checkbox"/>	Passenger relations
<input type="checkbox"/>	<input type="checkbox"/>	Accident procedures
<input type="checkbox"/>	<input type="checkbox"/>	Evacuation and emergency procedures
<input type="checkbox"/>	<input type="checkbox"/>	Behind the wheel orientation
<input type="checkbox"/>	<input type="checkbox"/>	ADA requirements
<input type="checkbox"/>	<input type="checkbox"/>	Customer service
<input type="checkbox"/>	<input type="checkbox"/>	Other (specific) _____
<input type="checkbox"/>	<input type="checkbox"/>	Other (specific) _____
<input type="checkbox"/>	<input type="checkbox"/>	Other (specific) _____

25. Does the agency keep training records and documentation of each employee's training history?

Yes No

26. How are driver schedules developed?

Volunteers

27. Does the transit system rely on volunteers to deliver public transit and/or coordinated human services transportation?

Yes No

If "Yes," does the transit system describe any training program for volunteers?

Scheduling

Scheduling is the process of taking trip reservations and assigning the trip to vehicle tours in an efficient fashion. Scheduling can be manual, computer-assisted, or fully automated.

28. Does the system have a dedicated phone line for transportation reservations?

Yes No

How are callers greeted? Is there a standard script?

Yes No

Does the greeting connote public transportation (rather than an agency) service?

Yes No

29. Does the system record all requests for service (even if the trip request is not scheduled)?

Yes No

30. Does the system record all denied requests for service and record the reason for denial?

Yes No

31. What are the hours and days in which the system accepts telephone reservations?

Start Time	End Time	Day
_____	_____	Weekdays
_____	_____	Saturday
_____	_____	Sunday

32. What is the capacity of the phone system?

Number	Element
_____	Number of reservation phone lines
_____	Number (in FTEs) of dedicated reservationists

What happens if existing phone lines are busy?

Based on observation, does the system have sufficient telephone capacity?

Yes No

33. Does the system accept subscriptions?

Yes No

If "Yes," are there any limitations on subscription reservations?

34. How are reservations accepted?

- | Check | Reservation |
|--------------------------|--|
| <input type="checkbox"/> | Reservations are written on slips of paper and given to the scheduler |
| <input type="checkbox"/> | Reservations are recorded on a board (blackboard, whiteboard, etc.) |
| <input type="checkbox"/> | Reservations are entered into an Office Suite application |
| <input type="checkbox"/> | Reservations are entered into an automated scheduling and dispatch software system |
| <input type="checkbox"/> | Other (describe): _____ |

35. When are schedules developed?

36. Who develops the schedule?

37. How are schedules developed?

- | Yes | No | Check all that apply: |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Manually developed |
| <input type="checkbox"/> | <input type="checkbox"/> | Computer assisted |
| <input type="checkbox"/> | <input type="checkbox"/> | Fully automated (name software and version): _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Fully automated with manual manipulation |
| <input type="checkbox"/> | <input type="checkbox"/> | Other (specific) _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Other (specific) _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Other (specific) _____ |

38. Are base schedules ever re-optimized?

- Yes No

If "Yes," when was the last time this occurred?

39. How are schedules communicated to drivers?

40. Has the scheduler undergone any special training appropriate to duties?

Yes No

If "Yes," what was this training?

Dispatching

Dispatching is the process of controlling the movement of revenue vehicles. This includes on-going communication with vehicles in revenue service, ensuring that schedules are being operated on-time, responding to real-time conditions such as traffic delays and vehicle break-downs, and providing guidance to revenue vehicles in emergency situations.

41. Does the transit system have a dedicated dispatch function?

Yes No

If "Yes," what are the hours of operation for system dispatching?

Start: _____ End: _____

42. Does dispatch operate during all hours when vehicles are in revenue service?

Yes No

43. What method of communication is used between dispatch and drivers?

Yes No Check all that apply:

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Cell phones |
| <input type="checkbox"/> | <input type="checkbox"/> | Two-way mobile communication using 12.5 kHz efficiency technology |
| <input type="checkbox"/> | <input type="checkbox"/> | Two-way mobile communication using 150-512 MHz radio bands |
| <input type="checkbox"/> | <input type="checkbox"/> | Mobile data terminals/computers (MDTs/MDCs) |
| <input type="checkbox"/> | <input type="checkbox"/> | Other (specific)_____ |

If using mobile two-way radio communications, has the system transitioned to 12.5 kHz technology prior to the January 1, 2013 FCC narrowband deadline?

Yes No

44. Does the system have written procedures for various operating scenarios (break-downs, accidents, etc.) to be used by dispatch personnel to handle emergency situations?

Yes No

45. Have dispatch personnel undergone any special training appropriate to duties?

Yes No

If "Yes," what was this training?

Safety and Security

NHDOT and FTA have authority to withhold financial assistance from a subrecipient failing to correct a condition which PTD believes "creates a serious hazard of death or injury." FTA's authority to investigate is permissive, not mandatory. Certain transit providers may be subject to Federal Motor Carrier Safety Regulations and State Motor Carrier Regulations. NHDOT expects equipment to be adequately maintained and operated in a safe manner.

46. Does the transit agency have a safety and security program?

Yes No

If "Yes," does the agency have a regular program of employee training on the safety program?

Yes No

47. Does the transit agency perform an annual safety inspection for all grant acquired vehicles?

Yes No

48. Does the transit agency have a program and procedure in place to report all vehicle accidents to NHDOT?

Yes No

If “Yes,” does this system specify that all accidents involving a fatality are reported within one (1) day and that follow-up documentation is submitted within three (3) business days?

Yes No

49. If required, does the operator and agency file a New Hampshire Traffic Accident and Insurance Report with DMV within 72 hours?

Yes No

50. For organizations that are covered by FMCSA drug and alcohol regulations (not FTA), does the agency conduct the requisite post-accident testing?

Yes No

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Section 5. Procurement

Overview

Subrecipients must comply with all federal, state and local laws, ordinances, regulations and policies regarding procurement and contracting. Circular 4220.1F documents the FTA's procurement requirements. Subrecipients who are public entities will follow the requirements that apply to state and local governments, called the Common Rule, 49 CFR Part 18, and nonprofit agencies will comply with 49 CFR Part 19. Both types of agencies will also comply with the following requirements:

All governmental subrecipients follow State procurement procedures. However, because of differences between 49 CFR part 18 and 49 CFR part 19 (the Common Rule), FTA third party contracting requirements are fewer for States and subrecipients that are local or tribal governments than for subrecipients that are private non-profit organizations.

Subrecipients that are governmental authorities such as local or Indian tribal governments must comply with the same Federal requirements governing State procurements. NHDOT is responsible for ensuring that subrecipients are aware of and comply with Federal requirements. These procurement practices must, at a minimum, comply with five specific Federal requirements contained in FTA Circular 4220.1F. These include the following: (1) for rolling stock, a five year limitation on contract period of performance; (2) a requirement for full and open competition; (3) a prohibition against geographic preferences; (4) the use of Brooks Act procedures for procurement of architectural and engineering services if the State has not adopted a statute governing procurement of such services; and (5) inclusion in contracts of all Federal clauses required by Federal statutes and Executive Orders and their implementing regulations.

Subrecipients that are private for-profit organizations must comply with FTA procurement requirements contained FTA Circular 4220.1F for procurements conducted with Federal funds. NHDOT is responsible for ensuring that private for-profit subrecipients are aware of and comply with these additional requirements.

Capital equipment is defined as a tangible item with an aggregated purchase price of \$5,000 or more and with a useful life of at least one year. For all equipment, subrecipients are responsible for maintaining appropriate equipment records, including a method of assigning a property tag number to each item; performing a periodic inventory (at least every two years); safeguarding the equipment from misuse and abuse; maintaining the equipment in useful, safe condition; and following appropriate disposal procedures when the item is no longer needed or has exceeded its useful life.

Standards of Conduct

The Common Grant Rules require each recipient to maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts.

1. Does the subrecipient maintain written standards of conduct governing the performance of its employees that are engaged in the award and administration of contracts?

Yes No

2. Does the written policy cover employees, officers, agents, or board members, or their immediate family members, partners, or organizations that employ or is about to employ any of the foregoing individuals? Does the standard of conduct preclude such persons from participating in the selection, award, or administration of a contract supported with FTA financial assistance if there is a conflict of interest, real or apparent?

Yes No

3. Does the written policy deal with the acceptance of gifts?

Yes No

4. Does the written policy address penalties, sanctions, or other disciplinary action for violation of such standards by the recipient's officers, employees, agents, board members, or by contractors or subrecipients or their agents?

Yes No

Third Party Contracting Capacity

As part of the subrecipient's obligation to maintain adequate technical capacity to carry out its project and comply with the Common Grant Rules, the subrecipient's third party contracting capability must be adequate to undertake its procurements effectively and efficiently in compliance with applicable Federal, State, and local requirements. The Common Grant Rules require the recipient to maintain a contract administration system to ensure that it and its third party contractors comply with the terms, conditions, and specifications of their contracts or purchase orders and applicable Federal, state, and local requirements. If the subrecipient lacks qualified personnel within its organization to undertake the various procurement tasks, such as drafting specifications, evaluating contracts, or performing internal audits for the recipient, NHDOT expects the recipient to acquire the necessary services from sources outside the recipient's organization. When using outside sources, the recipient should take appropriate steps to prevent or mitigate organizational conflicts of interest that would result in conflicting roles that might bias a contractor's judgment or would result in unfair competitive advantage.

5. Does the subrecipient have written procurement policies?

Yes No

6. Do these policies address the following elements:

- | Yes | No | Elements |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Use of clear, performance based specifications that use non-restrictive terms and requirements and incorporate “brand name or equal” terms when specific references cannot be avoided? |
| <input type="checkbox"/> | <input type="checkbox"/> | Internal procedures that result in an assessment of the subrecipient’s need for the property or services? |
| <input type="checkbox"/> | <input type="checkbox"/> | The acceptance, to the extent practicable and economically feasible, of products and services dimensioned in the metric system of measurement? |
| <input type="checkbox"/> | <input type="checkbox"/> | Preference, to the extent practicable and economically feasible, for products and services that conserve natural resources, protect the environment, and are energy efficient? |
| <input type="checkbox"/> | <input type="checkbox"/> | Include race-neutral considerations with respect to DBE participation? |

7. If the subrecipient or operator is a public entity, does the transit system follow a locally adopted and procurement policy that has been approved by the governing board?

- Yes No

Are the approved procedures used on all publicly sponsored procurements by the governmental agency or are the procedures uniquely applied to transit system procurements?

- The transit system uses its own procurement policies.
 The transit system uses local government procurement policies.

8. Does the subrecipient incorporate required Federal terms and conditions in procurement specifications and contracts?

- Yes No

9. Does the subrecipient maintain a written history of every procurement?

- Yes No

Does this history include the following elements?

- Documentation for basis of the procurement method used.
 Documentation for the contract type used.
 Documentation of the basis for vendor selection.
 Justification for the contract cost or price.
 Other documents as necessary, commensurate with the size and complexity of the procurement itself, so that compliance with applicable standards can be documents.

10. Does the subrecipient’s procurement policy permit access to records by the NHDOT or the Comptroller General, or any of their representatives, access to and the right to examine and inspect all records, documents, and papers, including contracts, related to any FTA project financed with Federal assistance authorized by 49 U.S.C. Chapter 53?

Yes No

11. Does the subrecipient have in place a methodology to ensure it acquires only quantities it needs for transit services?

Yes No

12. Has the subrecipient undertaken any procurements in the last three years where it split the quantities to take advantage of small purchase procedures?

Yes No

If "Yes," was the purpose of breaking the purchase into smaller quantities to permit DBEs greater opportunity to participate?

Yes No

13. What steps does the subrecipient use to ensure that awards are only made to “responsible” contractors?

Does the subrecipient consider the following elements in this determination?

- Contractor integrity
- Compliance with public policy
- Record of past performance
- Financial and technical resources

14. Does the subrecipient apply DOT’s debarment and suspension requirements to itself and each third party contractor at every tier if the estimated cost of the contract is \$25,000 or greater?

Yes No

15. If the third party contract will exceed \$100,000, does the subrecipient obtain a lobbying certification, and if applicable, a lobbying disclosure from a prospective third party contractor?

Yes No

16. Does the recipient use sound business judgment in establishing and extending a contract's period of performance?

Yes No

Does the subrecipient adhere to FTA limitations in the five year limitation in the period of performance on rolling stock and replacement part contracts?

Yes No

Purchase Methods

Most subrecipient purchases will be micro purchases, or purchases under \$5,000. Micro-purchases are relatively simple in terms of required procedures and may be made without obtaining competitive quotes. These purchases are exempt from FTA's Buy America requirements. Davis-Bacon prevailing wage requirements, however, will apply to construction contracts exceeding \$2,000, even though the recipient uses micro-purchase procurement procedures. The transit operator's governing board may set lower thresholds for micro-purchases in compliance with local law or otherwise as it considers appropriate.

NHDOT anticipates that subrecipients will distribute micro-purchases equitably among qualified suppliers. Subrecipients, however, are not permitted to divide or reduce the size of its procurement merely to come within the micro-purchase limit. The only documentation requirement for micro-purchases is a determination that the price is fair and reasonable and a description of how the recipient made its determination. In micro purchase, the subrecipient is not required to provide its rationale for the procurement method used, selection of contract type, or reasons for contractor selection or rejection.

Above \$5,000, transit systems may use "small purchase" procedures. Small purchase procedures may be used to acquire services, supplies, or other property valued at more than the micro-purchase threshold but less than the Federal simplified acquisition threshold. Again, the governing board may set a lower threshold.

When using small purchase procedures, the subrecipient must obtain price or rate quotations from an adequate number of qualified sources and, like micro-purchases, may not divide or reduce the size of its procurement to avoid the additional procurement requirements applicable to larger acquisitions.

The subrecipient is responsible for preparing the bid contract and specification, advertising and soliciting bids, receiving and reviewing bids, and awarding the contract to the lowest responsible and responsive bidder.

A Request for Proposals (RFP) is the method generally used when conditions are not appropriate for the use of sealed bids. If the RFP method is used, the following requirements apply:

- The request must identify all evaluation factors and their relative importance, including cost as a factor. Please note that cost may not be used as an evaluation factor for architectural and engineering services, in accordance with the Brooks' Amendment;
- Any bonding requirements or other evidence of financial responsibility must be stipulated;
- Solicitation of an adequate number of qualified vendors must occur;
- The subrecipient must have a written method for conducting technical evaluation for the proposals; and
- Contract award will be made to the responsible vendor whose proposal is determined in writing to be the most advantageous to the program.

Micro Purchases

17. Do the subrecipient's written purchase policies recognize micro-purchases?

Yes No

18. If the subrecipient undertakes micro purchases, does the agency:

Yes	No	Action
<input type="checkbox"/>	<input type="checkbox"/>	Distribute micro-purchases equitably among qualified suppliers?
<input type="checkbox"/>	<input type="checkbox"/>	Break the purchase into smaller quantities or reduce the size of its procurement merely to come within the micro-purchase limit?
<input type="checkbox"/>	<input type="checkbox"/>	Break the purchase into smaller quantities or reduce the size of its procurement merely to come within the micro-purchase limit?
<input type="checkbox"/>	<input type="checkbox"/>	Maintain documentation on the procurement to NHDOT standards?
<input type="checkbox"/>	<input type="checkbox"/>	Make a determination that the price is fair and reasonable and a description of how the recipient made its determination?

Small Purchases

19. Do the subrecipient's written purchase policies recognize small purchases?

Yes No

If "Yes," what is the small purchase threshold?

If the subrecipient undertakes small purchases, does the agency:

Yes	No	Action
<input type="checkbox"/>	<input type="checkbox"/>	Solicit quotes from a minimum of three suppliers?
<input type="checkbox"/>	<input type="checkbox"/>	Document the quotes in writing and attach the written quote to the purchase requisition/order?
<input type="checkbox"/>	<input type="checkbox"/>	Maintain documentation on the procurement to NHDOT standards?
<input type="checkbox"/>	<input type="checkbox"/>	Break the purchase into smaller quantities or reduce the size of its procurement merely to come within the micro-purchase limit?
<input type="checkbox"/>	<input type="checkbox"/>	Make awards to the low responsive and responsible vendor?

Formal Purchase

20. Do the subrecipient's written purchase policies recognize formal purchases that require competitive bids/proposals?

Yes No

If "Yes," do the policies set a threshold for use of formal procedures at levels less than that set by New Hampshire code (\$150,000)?

Yes No

If "Yes," does the agency ensure:

Yes	No	Action
<input type="checkbox"/>	<input type="checkbox"/>	The solicitation is consistent with an approved item in the NHDOT grant agreement?
<input type="checkbox"/>	<input type="checkbox"/>	The purchase description has a clear and concise description of the good or service to be acquired?
<input type="checkbox"/>	<input type="checkbox"/>	The solicitation document clearly states the terms and conditions that the offeror must fulfill to be deemed a responsible offeror?
<input type="checkbox"/>	<input type="checkbox"/>	The agency receives written quotes in response to its solicitation documents?
<input type="checkbox"/>	<input type="checkbox"/>	The procurement documents contain no provisions that would restrict full and open competition?
<input type="checkbox"/>	<input type="checkbox"/>	The project has made positive efforts to utilize disadvantaged business enterprises?

21. Has the subrecipient conducted any formal purchases by sealed bids during the last three (3) years?

Yes No

If "Yes," what procurement method was used:

- Sealed bid (Invitation for Bid)
- Competitive Proposals (RFP)

If sealed bids were used, did the solicitation meet the following conditions for the use of this procurement method?

Yes	No	Action
<input type="checkbox"/>	<input type="checkbox"/>	A complete, adequate, precise, and realistic specification or purchase description was developed?
<input type="checkbox"/>	<input type="checkbox"/>	Two or more responsible bidders are willing and able to compete effectively for the business?
<input type="checkbox"/>	<input type="checkbox"/>	The procurement could be concluded with a firm, fixed price contract?
<input type="checkbox"/>	<input type="checkbox"/>	The successful bidder was selected on the basis of price and those price-related factors listed in the solicitation including, but not limited to, transportation costs, life cycle costs, and discounts expected to be taken?
<input type="checkbox"/>	<input type="checkbox"/>	No discussions with bidders were held after bids were received as award was based on price and price-related factors alone?

22. Review selected procurement bid documents. Based on this review, did the bid documents meet the following requirements (*check all that apply*)?

Yes	No	Action
<input type="checkbox"/>	<input type="checkbox"/>	Did the solicitation contain all applicable contractual terms and conditions?
<input type="checkbox"/>	<input type="checkbox"/>	Were bids solicited from an adequate number of qualified suppliers?
<input type="checkbox"/>	<input type="checkbox"/>	Was the advertising period at least 21 days?
<input type="checkbox"/>	<input type="checkbox"/>	Were all bids kept sealed and secured until the published time and date of opening?
<input type="checkbox"/>	<input type="checkbox"/>	Were bids opened public with one or more witnesses at the designated place and time?
<input type="checkbox"/>	<input type="checkbox"/>	Were the names of each bidder and the amount of each bid read aloud then tabulated on bid summary forms?
<input type="checkbox"/>	<input type="checkbox"/>	Was the tabulation available to public inspection?
<input type="checkbox"/>	<input type="checkbox"/>	Were bids accepted unconditionally without alteration or correction?
<input type="checkbox"/>	<input type="checkbox"/>	In evaluating bids, did the selection committee consider any factors not identified in the IFB?
<input type="checkbox"/>	<input type="checkbox"/>	If all bids were rejected, was there a sound, documented business reason noted in the procurement history file?

23. Has the subrecipient conducted any formal purchases by competitive negotiation during the last three (3) years?

Yes No

If "Yes," did the solicitation meet the following conditions for the use of this procurement method?

Yes	No	Prerequisite
<input type="checkbox"/>	<input type="checkbox"/>	There was a need for discussion with prospective offerors in order to determine the final scope of work?
<input type="checkbox"/>	<input type="checkbox"/>	There was uncertainty over the number of potential qualified suppliers?
<input type="checkbox"/>	<input type="checkbox"/>	Price alone was not the determinative factor in vendor selection?

24. Did the competitive negotiation meet the following requirements (*check all that apply*)?

Yes	No	Action
<input type="checkbox"/>	<input type="checkbox"/>	Was the RFP publicly advertised?
<input type="checkbox"/>	<input type="checkbox"/>	Were all evaluation factors and their relative importance specified in the RFP?
<input type="checkbox"/>	<input type="checkbox"/>	Were proposals solicited from an adequate number of qualified sources?
<input type="checkbox"/>	<input type="checkbox"/>	Did the subrecipient use a specific evaluation methodology to conduct the technical review of proposals received?
<input type="checkbox"/>	<input type="checkbox"/>	Was award made to the responsible offeror whose proposal was deemed most advantageous to the subrecipients program with price and other factors considered?
<input type="checkbox"/>	<input type="checkbox"/>	Were any negotiations conducted as part of the evaluation process?
<input type="checkbox"/>	<input type="checkbox"/>	If negotiations were conducted, did the subrecipient keep price information of competitors confidential?

Special Requirements for Formal Purchases

FTA's enabling legislation at 49 U.S.C. Section 5325(b)(1) requires the use of the qualifications-based procurement procedures contained in the "Brooks Act," 40 U.S.C. Sections 1101 through 1104, to acquire architectural and engineering (A/E) services. These same requirements also apply to program management, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping and related services. The nature of the work to be performed and its relationship to construction, not the nature of the prospective contractor, determine whether qualifications-based procurement procedures may be used as described below.

The recipient must use qualifications-based procurement procedures not only when contracting for A/E services, but also for other services listed in 49 U.S.C. Section 5325(b)(1) that are directly in support of, directly connected to, directly related to, or lead to construction, alteration, or repair of real property.

25. Has the subrecipient conducted any formal purchases to acquire architectural/engineering services or related services during the last three (3) years?

Yes No

If "Yes," did the solicitation follow the requirements of the Brooks Act (*check all that apply*)?

Yes	No	Prerequisite
<input type="checkbox"/>	<input type="checkbox"/>	Was the evaluation of offerors based on qualifications?
<input type="checkbox"/>	<input type="checkbox"/>	Was price excluded as a factor in the evaluation and ranking of offerors?
<input type="checkbox"/>	<input type="checkbox"/>	Were initial negotiations conducted only with the most qualified offeror?
<input type="checkbox"/>	<input type="checkbox"/>	If price negotiation with the most qualified vendor did not produce a fair and reasonable price, did the subrecipient conduct negotiations with successive offerors in descending order until a contract award was made to the offeror whose price the recipient believed was fair and reasonable?

Other Than Full and Open Competition

Normally, the recipient must provide for full and open competition when soliciting bids or proposals. The Common Grant Rule for governmental recipients, however, acknowledges that under certain circumstances, a recipient may conduct procurements without providing for full and open competition.

26. Has the subrecipient undertaken any “sole source” procurements during the last three (3) years?

Yes No

If yes, did the subrecipient evaluate the procurement prior to making a sole source purchase to determine unique capability or availability?

Yes No

If “Yes,” were the following factors present (*check all that apply*)?

Yes	No	Prerequisite
<input type="checkbox"/>	<input type="checkbox"/>	The offeror demonstrated a unique or innovative concept or capability not available from another source?
<input type="checkbox"/>	<input type="checkbox"/>	There were patent or data rights restrictions that precluded competition?
<input type="checkbox"/>	<input type="checkbox"/>	Was this a follow-on contract for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in substantial duplication of costs that are not expected to be recovered through competition?
<input type="checkbox"/>	<input type="checkbox"/>	Was this a follow-on contract for the continued development or production of a highly specialized equipment and major components thereof, when it is likely that award to another contractor would have resulted in unacceptable delays in fulfilling the recipient’s needs?

27. Has the subrecipient undertaken any procurement (bid or proposal) where there was only a single offer?

Yes No

If “Yes,” did the subrecipient undertake a post procurement investigation that revealed:

The single bid was caused by conditions beyond the subrecipient’s control.
 The single bid was caused by conditions within the subrecipient’s control.

Cost and Price Analysis

The Common Grant Rules require the subrecipient to perform a cost or price analysis in connection with **every procurement** action, including contract modifications. The method and degree of analysis depends on the facts and circumstances surrounding each procurement, but as a starting point, the subrecipient must make independent estimates before receiving bids or proposals.

The method and degree of analysis depends on the facts and circumstances surrounding each procurement, but as a starting point, the recipient must make independent estimates before receiving bids or proposals.

The recipient must obtain a cost analysis when a price analysis will not provide sufficient information to determine the reasonableness of the contract cost.

28. Is there evidence in the procurement files of purchases that the subrecipient developed a preliminary cost estimate for every procurement?

Yes No

29. In procurement of goods and services where competition was deemed adequate, has the subrecipient conducted a price analysis wherein the entity checks catalog or market prices for the good or service?

Yes No

If "Yes," is the level of effort and documentation commensurate with the scale of the procurement (*e.g.*, micro purchases and small purchases require only simple or abbreviated analysis)?

Yes No

30. In the procurement of professional services, A/E firms, etc., where the offeror submits cost elements that included labor hours, overhead, materials, and related costs, the subrecipient is expected to conduct a cost analysis. Has the subrecipient conducted any type of procurement where a cost analysis would be required?

Yes No

If “Yes,” has the subrecipient analyzed the following elements in its cost analysis (*check all that apply*):

Yes	No	Element
<input type="checkbox"/>	<input type="checkbox"/>	Federal cost principles that define the allowability or allocability of costs
<input type="checkbox"/>	<input type="checkbox"/>	The wage rates and fringe benefits paid to the respective job classifications offered in the bid or proposal
<input type="checkbox"/>	<input type="checkbox"/>	The proposed indirect cost rate to be charged by the firm
<input type="checkbox"/>	<input type="checkbox"/>	The proposed profit rate

31. Does the subrecipient conduct a cost analysis in the following additional situations where a cost analysis is required (*check all that apply*)?

Yes	No	Requirement
<input type="checkbox"/>	<input type="checkbox"/>	Competition was inadequate during a procurement (<i>e.g.</i> , single bid).
<input type="checkbox"/>	<input type="checkbox"/>	All sole source procurements.
<input type="checkbox"/>	<input type="checkbox"/>	For all major change orders on existing contract.

Protests and Disputes

The Common Grant Rules charge the recipient with the initial responsibility to resolve protests of third party contract awards.

Apart from other methods, when the recipient may have to resolve third party contract issues, such as mediation or arbitration, the Common Grant Rule for governmental recipients requires the recipient to have protest procedures. While the Common Grant Rule for non-governmental recipients does not impose a similar requirement on a non-governmental recipient, FTA expects each recipient to have appropriate written protest procedures, as part of its requirement to maintain or acquire adequate technical capacity to implement the project.

The Common Grant Rules charge the recipient with responsibility for evaluating and resolving third party contract disputes.

32. Does the subrecipient have written protest procedures?

Yes No

33. Has the subrecipient had any protests during the last three (3) years?

Yes No

If “Yes,” did the subrecipient notify NHDOT immediately upon notification of a vendor protest?

Yes No

In notifying NHDOT, did the subrecipient provide the following information?

Yes	No	Requirement
<input type="checkbox"/>	<input type="checkbox"/>	A brief description of the protest
<input type="checkbox"/>	<input type="checkbox"/>	The basis of disagreement between the vendor and the subrecipient
<input type="checkbox"/>	<input type="checkbox"/>	If the protest is closed, what was the agreement or decision that was reached
<input type="checkbox"/>	<input type="checkbox"/>	Whether or not the protestant has indicated if appeal to NHDOT will be made

If the protest is open, what is the current status?

If the protest is closed, what was the agreement or decision that was reached?

34. Does the subrecipient have procedures to resolve contract dispute that arise in the administration of third party contracts?

Yes No

35. Has the subrecipient been engaged in any formal contract disputes with third party contractors during the last three (3) years?

Yes No

If "Yes," did the subrecipient notify NHDOT about the nature and status of the dispute?

Yes No

Pre-Award and Post-Delivery Audits

Procurements for vehicles, other than sedans or unmodified vans, must be audited in accordance with 49 CFR part 663, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases." The regulation requires any recipient or subrecipient that purchases rolling stock for use in revenue service with funds obligated after October 24, 1991, to conduct a pre-award and post delivery review to assure compliance with its bid specifications, Buy America requirements, and Federal motor vehicle safety requirements, and to complete specific certifications.

FTA requires grant recipients purchasing a certain number of revenue passenger rolling stock to undertake reviews of the rolling stock both before the award of the contract and following delivery of

the vehicles. The requirement to undertake the pre-award and post-delivery reviews arises from 49 U.S.C. 5323(m) and is specified in FTA regulations at 49 CFR part 663. Compliance must be certified on the Annual List of Certifications and Assurances.

SAFETEA–LU amended this requirement so that procurements of 20 vehicles or fewer, purchased for serving rural areas and cities of less than 200,000 population, are not subject to either review procedure. The procurement of unmodified vans, in any quantity, is not subject to the review requirement.

36. Has the subrecipient, during the last three (3) years, engaged in any single procurement of 20 vehicles or more that was not conducted through state contract?

Yes No

If “Yes,” did the subrecipient complete the pre-award audit required under 49 CFR part 655?

Yes	No	Requirement
<input type="checkbox"/>	<input type="checkbox"/>	Buy America certification
<input type="checkbox"/>	<input type="checkbox"/>	Pre-award purchaser’s certification
<input type="checkbox"/>	<input type="checkbox"/>	FMVSS certification from the manufacturer (if applicable) or manufacturer’s verification that vehicle is not covered

If “Yes,” did the subrecipient complete the post-delivery audit required under 49 CFR part 655?

Yes No

37. For any size vehicle procurement of primary manufacturer standard production and/or unmodified vans not subject to pre- and post-audit, did the subrecipient conduct a visual inspection and road test of the vehicles to determine that the vehicles met the contract specifications?

Yes No

New Model Bus Testing

All new modified bus models must be tested at the FTA sponsored test facility in Altoona, PA, before FTA funds can be expended for their purchase (49 CFR part 665). This requirement applies to all buses and modified vans procured with FTA funds. It does not apply to unmodified vans, including vans with raised roofs or lifts installed in strict conformance with the original equipment manufacturer modification guidelines. A “new bus model” is defined as a model that has not been used in public transportation service in the United States before October 1, 1988, or a model that has been used in such service but which, after September 30, 1988, is being produced with a major change in configuration or components.

38. Has the subrecipient certified that for any vehicle purchased using its own procurement procedures (other than unmodified vans) that it has obtained a copy of the copy of the official bus testing reports from the Altoona, PA bust testing facility?

Yes No

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Section 6. Use and Maintenance of Project Equipment

Overview

NHDOT follows procedures outlined in the State Management Plan to govern use, management, maintenance and disposition of equipment acquired under an NHDOT grant.

All property acquired using Federal funds shall be utilized and disposed of in accordance with the State Management Plan and applicable FTA program circular, FTA Circular 5010.1D (as amended), and 49 CFR part 18/49 CFR part 19. Title to all property purchased with Federal funds shall be vested in the name of the subrecipient.

The subrecipient and/or designated operator shall have the requisite fiscal and technical capacity to carry out the project and be responsible for maintaining required insurance coverage, property records, conducting physical inventories, implementing adequate property control systems, and maintaining the equipment in proper working condition. Documentation must be available upon request.

Federally-funded equipment and facilities must be kept in good operating order. PTD and subrecipients are responsible for vehicles and other equipment financed by state or federal grants. Vehicles must be maintained in good or better condition and must be used for the purposes described in the grant agreement.

Meal delivery or other incidental services provided by the subrecipient cannot conflict with the provision of public transit service or result in a reduction of service to transit passengers.

Real Property

1. Does the subrecipient own any real property that has been acquired under the FTA grant program?

Yes No

If "Yes," does the subrecipient have title to the real property?

Yes No

2. Is the real property being used for transit purposes or purposes otherwise stated in the grant application?

Yes No

If “No,” what is the property being used for?

3. Does the subrecipient use real property for any incidental uses?

Yes No

If “Yes,” describe these incidental uses and determine if these uses generate any program income?

Does the incidental use compromise the use of the real property for transit purposes?

Yes No

Did the subrecipient obtain permission from NHDOT before using real property for incidental purposes?

Yes No

4. Has the subrecipient disposed of real property in the last three years?

Yes No

If “Yes,” did the subrecipient notify NHDOT for disposition instructions?

Yes No

If “Yes,” what steps did the subrecipient use to ensure that it received fair market value for the real property?

5. Has the subrecipient transferred title of real property during the last three (3) years?

Yes No

If “Yes,” did the subrecipient transfer real property to another entity eligible to receive assistance under 49 U.S.C. Chapter 53?

Yes No

Did NHDOT approve of the transfer?

Yes No

Equipment - General

Any property (equipment, furniture and fixtures, vehicles, buildings, and land) purchased with Federal funds valued at \$5,000 or more must be accounted for in the agency’s fixed asset listing. The asset listing is to contain the Federally required information outlined in the Common Rule and generally accepted accounting principles, as appropriate.

6. Does the subrecipient use all equipment acquired with FTA funds in a manner consistent with the original project application or purpose?

Yes No

7. What is the current configuration and fleet size of the public transit fleet?

8. Describe the fleet size and vehicle requirements?

_____ Total fleet size
_____ Number of vehicles in maximum revenue service
_____ Number of spare vehicles
_____ Spare vehicle ratio

Is the spare vehicle ratio reasonable given peak period requirements and the fleet configuration?

Yes No

9. Does the subrecipient have any project equipment that is no longer needed for transportation purposes?

Yes No

If "Yes," has the subrecipient notified NHDOT that the equipment is no longer needed for program purposes?

Yes No

10. Has the subrecipient disposed of any project equipment during the last three years?

Yes No

11. If the subrecipient disposed of any project equipment prior to the end of useful life via a transfer to another project, what methods were used to establish fair market value?

12. Has the subrecipient transferred any project equipment with remaining useful life to another entity?

Yes No

If "Yes," did the subrecipient transfer real property to another entity eligible to receive assistance under 49 U.S.C. Chapter 53?

Yes No

If "Yes," Did NHDOT approve of the transfer?

Yes No

13. Does the subrecipient maintain property/asset records for all equipment acquired with FTA funds?

Yes No

If "Yes," are all the required data elements contained in the inventory record?

Yes	No	Requirement
<input type="checkbox"/>	<input type="checkbox"/>	Description of the property
<input type="checkbox"/>	<input type="checkbox"/>	Serial number or other identification numbers
<input type="checkbox"/>	<input type="checkbox"/>	Source of the property (grant source, program number)
<input type="checkbox"/>	<input type="checkbox"/>	Name of the title holder
<input type="checkbox"/>	<input type="checkbox"/>	Acquisition date
<input type="checkbox"/>	<input type="checkbox"/>	Cost
<input type="checkbox"/>	<input type="checkbox"/>	Percentage of Federal participation in the cost of the property
<input type="checkbox"/>	<input type="checkbox"/>	Location of the equipment

Yes	No	Requirement
<input type="checkbox"/>	<input type="checkbox"/>	Use and current condition
<input type="checkbox"/>	<input type="checkbox"/>	Disposition information (if applicable), including date of disposal and sales price

14. Does the subrecipient lease any project equipment to lower tier contractors?

Yes No

If "Yes," what measures does the subrecipient use to ensure that it exhibits satisfactory continuing control over project equipment?

15. Has the subrecipient suffered any casualty loss of project equipment during the last three years?

Yes No

If "Yes," did the subrecipient receive an insurance settlement?

Yes No

Did the subrecipient request guidance from NHDOT on the procedures for re-investing the settlement proceeds in a replacement vehicle?

Yes No

Maintenance of Equipment and Facilities

Vehicle equipment condition is assessed as new, excellent, good, fair, poor, or out of service. Indicators of vehicle condition can include, but are not limited to, age, mileage, readily visible exterior vehicle condition (visible body damage or deterioration) and interior condition (torn seats, broken fixtures), condition of lights, mirrors and windows, and presence of fluid leaks. PTD expects subrecipients to make necessary repairs to vehicles in a timely manner.

NHDOT's goal is for vehicles and equipment to be used as long as the equipment remains in good, safe condition. NHDOT has the option to take a security interest in tangible assets and, if necessary, foreclose on the assets if they are not properly maintained.

16. How are vehicle maintenance services performed?

- In-house
- Contractors
- Combination of in-house and contractors

If a combination of methods is used, are there specific functions that are contracted out?

- Yes No

If "Yes," describe:

17. Does the subrecipient have a written vehicle maintenance policies and plans that at least meet the minimum inspection schedules and preventive maintenance procedures recommended by the vehicle manufacturer to keep vehicles and components in good condition?

- Yes No

If "Yes," are the maintenance actions and intervals consistent with manufacturer's minimum maintenance requirements for vehicles under warranty?

- Yes No

18. Does the subrecipient's preventive maintenance program also include specific action to ensure that a vehicle's accessibility features, i.e., lifts, ramps, public announcement systems, tie-downs, are maintained in good working order?

- Yes No

19. What procedures does the subrecipient use to track all maintenance activities?

20. What is the subrecipient's schedule for vehicle preventive maintenance (PM) inspections?

21. Are vehicle PM inspections completed on time? Does the review of the maintenance records indicate that at least 80 percent of the inspections are performed on time?

Yes No

22. Does the subrecipient conduct daily pre-trip inspections prior to placing a vehicle in service?

Yes No

If "Yes," how does the system utilize pre-trip deflection reports to make repairs to system vehicles.

23. If a lift is found to be inoperative during pre-trip inspections, is the vehicle taken out of service by the beginning of the next service day and repaired before returning it to service?

Yes No

If "Yes," are appropriate accommodations made for displaced passengers with disabilities?

24. Does the subrecipient operate facilities that were financed by NHDOTY grants?

Yes No

If "Yes," is there a written facility maintenance plan?

Yes No

25. Does the subrecipient insure federally financed facilities?

Yes No

If "Yes," are the coverage levels adequate to protect the Federal interest in the facility?

Yes No

Equipment – Insurance

Under the Common Rule, states set their own insurance requirements for maintenance of all equipment acquired with Federal funds. Insurance coverage must be adequate to protect the Federal interest in the vehicle within the useful life determined by NHDOT.

NHDOT currently requires comprehensive general liability against all claims of bodily injury, death or property damage, in amounts of not less than \$250,000 per claim and \$2,000,000 per occurrence. The subrecipient is responsible for all costs of deductibles. The subrecipient must include the “New Hampshire Department of Transportation” as “Additional Insured” and provide a certificate of insurance documenting NHDOT as an additional insured.

26. How are NHDOT-funded facilities and equipment insured?

27. Are all vehicles covered?

Yes No

If “Yes,” are there any exceptions or riders attached to the policies that would impact use of project equipment in the manner described in the grant application?

Yes No

28. Does the grantee maintain comprehensive and collision insurance on all vehicles with remaining useful life at sufficient levels to protect the remaining Federal interest in the equipment?

Yes No

If no, does the subrecipient have a self-insurance reserve fund sufficient to repay NHDOT for the Federal interest of the vehicle that was subject to the casualty loss?

Yes No

29. Does management periodically review insurance coverage?

Yes No

Equipment – Incidental Use

A rural transit provider may use an FTA-funded vehicle for non-passenger transportation on an occasional or regular basis, such as package delivery, if this incidental use does not result in a reduction of service quality or availability of public transportation service.

Transit service providers receiving assistance under Section 5310 or Section 5311 may coordinate and assist in providing meal delivery service for homebound people on a regular basis, if the meal delivery

services do not conflict with the provision of transit services or result in a reduction of service to transit passengers. NHDOT expects that the nutrition program will pay the operating costs attributable to meal delivery. FTA capital assistance may not be used to purchase special vehicles used solely for meal delivery or to purchase specialized equipment such as racks or heating or refrigeration units related to meal delivery.

30. Does the subrecipient utilize project equipment for use on other projects or programs supported directly or indirectly by the Federal government?

Yes No

31. Does the subrecipient use FTA funded equipment to engage in homebound meal delivery?

Yes No

If "Yes," does the subrecipient have a cost allocation/costing methodology in place to assess the meals program the fully allocated cost of service?

Yes No

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Section 7. Civil Rights

Overview

Federal civil rights requirements are encompassed in laws, regulations, and Executive Orders. The objective of FTA's oversight in this area is to:

- Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
- Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
- Promote the full and fair participation of all affected populations in transportation decision making;
- Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations; and
- Ensure meaningful access to programs and activities by persons with limited English proficiency.

Title VI Requirements Applicable to all Recipients/Subrecipient

Some Title VI elements are the responsibility of NHDOT and are addressed in the project application and/or grant agreement process. Questions in this section are designed to ensure that subrecipients are compliant with new FTA regulations that went into effect October 1, 2012.

1. Has the subrecipient developed a Title VI Program?

Yes No

If "Yes," has it been adopted by the subrecipient's governing board?

Yes No

2. Has the program been submitted to NHDOT?

Yes No

If “Yes,” does the list include the following items?

Yes	No	Required List Elements
<input type="checkbox"/>	<input type="checkbox"/>	A notice to the public that indicates the subrecipient complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI.
<input type="checkbox"/>	<input type="checkbox"/>	A copy of the recipient’s instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form.
<input type="checkbox"/>	<input type="checkbox"/>	A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient since the time of the last submission to NHDOT.
<input type="checkbox"/>	<input type="checkbox"/>	A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission.
<input type="checkbox"/>	<input type="checkbox"/>	A copy of the recipient’s plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance.
<input type="checkbox"/>	<input type="checkbox"/>	A table depicting the racial breakdown of the membership of advisory boards or non-elected planning boards and a description of efforts made to encourage the participation of minorities on such committees or councils.
<input type="checkbox"/>	<input type="checkbox"/>	A narrative or description of efforts the primary recipient uses to ensure subrecipients are complying with Title VI, as well as a schedule of subrecipient Title VI program submissions.

3. Does the notice include the following items?

Yes	No	Requirement
<input type="checkbox"/>	<input type="checkbox"/>	A statement that the agency operates programs without regard to race, color, and national origin.
<input type="checkbox"/>	<input type="checkbox"/>	A description of the procedures that members of the public should follow in order to request additional information on the subrecipient’s nondiscrimination obligations.
<input type="checkbox"/>	<input type="checkbox"/>	A description of the procedures that members of the public should follow in order to file a discrimination complaint against the subrecipient.

4. How has the subrecipient disseminated this notice?

5. Has the subrecipient translated this notice into languages other than English consistent with the subrecipient’s LEP program?

Yes No

6. Does the subrecipient have procedures for investigating and tracking Title VI complaints and for making such complaints available to the public?

Yes No

If "Yes," does the subrecipient have a specific complaint form?

Yes No

7. Has the subrecipient integrated into its established public participation and outreach processes procedures that ensure involvement and participation by minority and LEP populations?

Yes No

If "Yes," describe these activities.

8. Are these efforts effective?

Yes No

Do these effective practices include elements that FTA considers "best practice:"

Yes	No	Best Practices
<input type="checkbox"/>	<input type="checkbox"/>	Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities.
<input type="checkbox"/>	<input type="checkbox"/>	Employing different meeting sizes and formats.
<input type="checkbox"/>	<input type="checkbox"/>	Coordinating with community- and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
<input type="checkbox"/>	<input type="checkbox"/>	Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts.
<input type="checkbox"/>	<input type="checkbox"/>	Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.

Fixed Route Service Providers Only

Most requirements for Title VI apply only to transit providers that operate more than 50 vehicles in fixed route peak service and are located in an urbanized area of 200,000 or more. However, the requirement to establish system-wide standards and policies apply to all providers of fixed route service.

All fixed route transit providers shall set service standards and policies for each specific fixed route mode of service they provide. Fixed route modes of service include but are not limited to, local bus, express bus, and commuter bus.

9. Do the system service standards include:

Yes	No	Best Practices Service Standards
<input type="checkbox"/>	<input type="checkbox"/>	Vehicle load, by fixed mode, by peak and off-peak periods
<input type="checkbox"/>	<input type="checkbox"/>	Vehicle headway
<input type="checkbox"/>	<input type="checkbox"/>	On-time performance
<input type="checkbox"/>	<input type="checkbox"/>	Service availability for each mode

10. Do the system policies include:

Yes	No	Best Practices Policies
<input type="checkbox"/>	<input type="checkbox"/>	Distribution of transit amenities, by mode
<input type="checkbox"/>	<input type="checkbox"/>	Vehicle assignment, by mode

Limited English Proficiency (LEP)

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter. DOT recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Subrecipients should apply four (4) factors to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
- The frequency with which LEP individuals come in contact with the program.
- The nature and importance of the program, activity, or service provided by the recipient to people's lives.
- The resources available to the recipient and costs.

After completing the above four-factor analysis, subrecipients can determine the appropriate "mix" of LEP services required. Subrecipients have two main ways to provide language services: oral interpretation, either in person or via telephone interpretation service, and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.

11. Has the subrecipient assessed and addressed the ability of persons with limited English proficiency (LEP) to use transit services?

Yes No

12. Describe the subrecipient's efforts to provide access to information and services by LEP persons.

Equal Employment Opportunity

A subrecipient must ensure that it does not discriminate in its hiring practices on the basis of race, color, sex (including pregnancy), national origin, creed, or religion. All subrecipients must take affirmative action to ensure that applicants are employed, and that employees, are treated during employment without regard to race, color, creed, national origin, sex, or age. Such action must include, but not be limited to: hiring, promotion or upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, disciplinary actions, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The subrecipient shall have a written affirmative action plan designed to achieve full utilization of minorities and women in all parts of the work force.

Subrecipients must post, in a conspicuous place, and make available to employees and applicants for employment, notices setting forth the subrecipient's EEO policy. These policies must include procedures for filing complaints of discrimination, both internally as well as externally with the Federal Economic Employment Opportunity Commission (EEOC), a local or state human rights commission, and/or NHDOT.

If a subrecipient exceeds size threshold requirements set by FTA, it must prepare an EEO plan and submit this plan to NHDOT every three (3) years.

13. Who is responsible for ensuring that EEO obligations are fulfilled on behalf of the subrecipient?

14. Has the subrecipient posted an EEO statement in a conspicuous and accessible place in the workplace?

Yes No

15. Is the subrecipient's EEO policy included in personnel policies and/or employee handbook?

Yes No

16. Are EEO statements included on the subrecipient's job applications and employment notices/job postings?

Yes No

17. How does the subrecipient ensure non-discrimination for ADA-eligible persons in terms of employment?

If requested, were reasonable accommodations made for hiring a person with disabilities in accordance with Title I of the ADA?

Yes No

If "Yes," describe the accommodation.

18. Were any EEO complaints or lawsuits received in the past three years?

Yes No

If "Yes," describe the nature of the complaint or lawsuit.

Did the subrecipient report the complaint or lawsuit to NHDOT?

Yes No

19. Does the subrecipient exceed the FTA thresholds for preparation of an Affirmative Action Plan:

Yes No

If "Yes," verify the threshold requirements:

- Have 50 or more transit-related employees? AND
- Receive capital or operating assistance in excess of 1 million? OR
- Receive planning assistance in excess of \$250,000?

20. Has the subrecipient submitted the required Affirmative Action Plan to NHDOT?

Yes No Not Applicable

Disadvantaged Business Enterprises (DBE)

The New Hampshire Department of Transportation (NHDOT) is committed to a Civil Rights Program that includes participation of Disadvantaged Business Enterprises (DBEs) in NHDOT contracting opportunities. NHDOT has established a DBE program in accordance with U.S. Department of Transportation (US DOT) regulations 49 CFR Part 26, as revised January 28, 2011.

21. Did the subrecipient have contracting opportunities totaling greater than \$250,000 (excluding vehicle purchases) in contracting opportunities during any of the past three years?

Yes No

If "Yes," did the subrecipient prepare and submit a DBE program to NHDOT?

Yes No

22. Even if the subrecipient is not required to prepare and submit a DBE program, does the subrecipient include the requisite contract language as directed by NHDOT in all subcontracts?

Yes No

23. Does the subrecipient have mechanisms in place to ensure that prime contractors pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment made to the prime contractor?

Yes No

24. Does If the subrecipient utilizes a DBE, has the subrecipient properly counted and reported the expenditure to NHDOT?

Yes No

25. Has the subrecipient purchased any vehicles using local procurement procedures (e.g., not through state contract)?

Yes No

If "Yes," did the subrecipient verify that the vehicle manufacturer has made the requisite certification to FTA regarding DBE commitment?

Yes No

26. Does the subrecipient submit DBE reports to NHDOT in a timely manner?

Yes No

27. If the subrecipient is required to prepare a DBE program, does the program include the following elements (*check all that apply*)?

Yes	No	Requirement
<input type="checkbox"/>	<input type="checkbox"/>	A policy statement that expresses the organization's commitment to its DBE program, states its objectives, and outlines responsibilities for its implementation.
<input type="checkbox"/>	<input type="checkbox"/>	Did the subrecipient circulate the policy statement throughout the organization and to the DBE and non-DBE business communities that perform work on DOT-assisted contracts?
<input type="checkbox"/>	<input type="checkbox"/>	Did the subrecipient designate a DBE liaison officer, who has direct, independent access to the Chief Executive Officer concerning DBE program matters?
<input type="checkbox"/>	<input type="checkbox"/>	Is the liaison officer responsible for implementing all aspects of the DBE program? Does the subrecipient have adequate staff to administer the program in compliance with the regulations?
<input type="checkbox"/>	<input type="checkbox"/>	Has the subrecipient investigated the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community and made reasonable efforts to use these institutions?
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient encourage prime contractors to use such institutions?
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient rely on NHDOT certified DBEs?
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient certify firms?
<input type="checkbox"/>	<input type="checkbox"/>	Has the subrecipient made any determination that DBE firms are over concentrated in a certain type of work? If yes, has the grantee devised appropriate strategies to address this over-concentration?
<input type="checkbox"/>	<input type="checkbox"/>	Has the subrecipient developed a monitoring and enforcement mechanism?
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient's program include an element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors?

Section 8. Americans with Disabilities Act (ADA)

Overview

Under U.S. Department of Transportation (USDOT) Americans with Disabilities Act of 1990 (ADA) regulations, public and private transportation providers are required to operate services in a way that does not discriminate against persons with disabilities. The regulations include general nondiscrimination provisions that apply to all types of agencies and services. There are also provisions that apply just to certain types of agencies and services. For example, public fixed route operators are required to make on-board stop announcements to keep riders oriented to their location. They are also required to have a system in place at stops served by multiple routes that allows riders to identify the bus they need to catch, or drivers to identify which riders are waiting to catch their bus. Public fixed route operators also must provide ADA complementary paratransit service to individuals who cannot use the fixed route due to their disability.

Commuter bus service is exempted from this requirement. As defined in 49 CFR part 37.3, commuter bus service is “characterized by service predominantly in one direction during peak periods, limited stops, use of multi-ride tickets, and routes of extended length, usually between the central business district and outlying suburbs. Commuter bus service may also include other service, characterized by a limited route structure, limited stops, and a coordinated relationship to another mode of transportation.” Similarly, intercity bus service may resemble commuter bus service in that there is no attempt to comprehensively cover a service area, it has a limited route structure, limited origins and destinations, and limited purposes of travel, and therefore, the obligation to provide ADA complementary paratransit may not apply. However, other relevant requirements of 49 CFR parts 27, 37, and 38 do apply to intercity bus service.

When a public entity enters into a contract or other arrangement or relationship (including grants or subgrants) with a private entity to operate fixed route or demand-responsive service, the public entity shall ensure that the ADA obligations are met, including any ADA complementary paratransit requirements (49 CFR part 37.23). The nature of the arrangement between the public entity and the private intercity operator would determine whether 49 CFR part 37.37 or 49 CFR part 37.23 applies.

Services Classification

Compliance responsibilities will vary depending upon the type of entity providing the service. The regulations recognize three types of entities as follows:

Public entities include city, town, county, or state governments, or special authorities created under public law such as transit authorities.

Private, primarily engaged entities include private companies whose primary business is transportation. This includes private taxi companies, van or bus companies, or private intercity bus companies. This category includes private, non-profit agencies whose main business is transportation.

Private, not primarily engaged entities are private companies or organizations, including non-profit organizations, whose primary business is something other than transportation, but who provide transportation as a secondary or support service. This includes human service agencies that operate transportation services as a secondary or support service.

Compliance responsibilities will also vary depending on the type of transportation service provided by the subrecipient. Several types of service that are particularly relevant to these reviews are:

Fixed route system means a system of transporting individuals (other than by aircraft), including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including, but not limited to, specified public transportation service, on which a vehicle is operated along a prescribed route according to a fixed schedule.

Commuter bus service means fixed route bus service, characterized by service predominantly in one direction during peak periods, limited stops, use of multi-ride tickets, and routes of extended length, usually between the central business district and outlying suburbs. Commuter bus service may also include other service, characterized by a limited route structure, limited stops, and a coordinated relationship to another mode of transportation.

Demand responsive system means any system of transporting individuals, including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including but not limited to specified public transportation service, which is not a fixed route system.

Route Deviation, Point Deviation, or Flex-Bus systems, which do not have prescribed routes, or which allow for on-request deviations off of prescribed routes, are considered types of demand responsive systems if the on-request, off-route deviations are available to all riders. If off-route deviations are made only for certain individuals, such as persons with disabilities, these types of services are considered fixed route.

ADA complementary paratransit is a specific type of demand responsive service that is required of public entities that provide non-commuter fixed route service.

Entity Classification and Service Mode

To determine compliance responsibilities, the review must determine the type of entity and service modes delivered.

1. Based on the articles of incorporation or enabling legislation, identify the type of subrecipient under review:
 - Public entity
 - Private entity, primarily engaged in transportation
 - Private entity, not primarily engage in transportation

2. Evaluate the scope of services and determine all modes of service operated by the subrecipient. For each subrecipient, check all the primary and sub-modes that apply:

- Fixed route
 - Non-commuter bus
 - Commuter bus
 - Inter-city bus
 - Route/point deviation with deviations limited to certain riders
- Demand Response
 - ADA complementary paratransit
 - Route/point deviation with deviations for the general public
 - Other demand responsive service

Nondiscrimination - All Providers

No entity shall discriminate against an individual with a disability in connection with the provision of transportation service. Except for very specific circumstances, service policies cannot keep individuals with disabilities from benefiting equally from the transportation services provided. Possible exceptions are if providing the service would fundamentally change the nature of the service provided (e.g., exclusive ride versus shared-ride), or if providing the service would present a “direct threat” (i.e., a safety threat to **others**, not the person with the disability). Examine all public information related to the transportation services provided, including Rider Guides, operating policies and procedures, service bulletins, employee training materials, etc. for any policies or requirements that could discriminate against or limit service to persons with disabilities.

Denying Service

In general, policies should not cause service to be denied to persons with disabilities. Policies can only call for a denial of service if the situation or behavior is illegal, violent, or seriously disruptive. To be illegal, there must be an established law prohibiting the behavior, not just a common standard of appropriate behavior. Seriously disruptive behaviors must be significant, not just annoying or unpleasant.

3. Following are examples of common policies that discriminate against persons with disabilities. Determine if the subrecipient engages in any of these actions, or has any other policies that discriminate:

Yes	No	Requirement
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient have policies that impose any special charges for individuals with disabilities, including wheelchair users?
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient deny service to any individual because its insurance company conditions coverage or rates?
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient require that wheelchairs have working brakes, be “in good working condition,” or place any other restrictions on mobility devices? (Exception: situation that poses a “direct threat to others.”)

Yes	No	Requirement
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient have policies that suggest a denial of service for rude behavior, swearing, or other behaviors that do not rise to illegal or seriously disruptive?
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient require individuals with disabilities to use designated priority seats?
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient require persons traveling in securement areas to wear seat belts or shoulder straps when all other passengers do not have the same requirement?
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient require wheelchair users to wear a body belt when traveling up and down on the lift?
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient policy prohibit respirators or portable oxygen supplies (Exception: items that are prohibited under applicable Department of Transportation rules on the transportation of hazardous materials—49 CFR subtitle B, chapter 1, subchapter C.)
<input type="checkbox"/>	<input type="checkbox"/>	Does the subrecipient have any other policy that could discriminate against persons with disabilities?

4. Does the subrecipient have a policy for dealing with individuals who engage in violent, seriously disruptive, or illegal conduct?

Yes No

If “Yes,” are supervisors, dispatchers, and vehicle operators trained on this policy?

Yes No

Is there an appropriate appeal policy for any service refusals?

Yes No

Attendant Policies

Individuals with disabilities should be allowed to travel with attendants. Attendants cannot be required, though, except if service could otherwise be refused for illegal, violent or seriously disruptive behavior.

5. Does the subrecipient allow persons with disabilities to travel with attendants?

Yes No

If “Yes,” does definition of attendant extend beyond assistance during travel to also include assistance at destination?

Yes No

6. Are any claimed attendants allowed (*i.e.*, no registration of only certain persons who can be attendants)?

Yes No

7. Are persons with disabilities allowed to travel without attendants, even if they indicate they sometimes use attendants (Exception: Caregiver or guardian requests that attendant always be present, or documented past behavior allows refusal and person/caregiver agree to use attendant to mitigate issues)?

Yes No

Questions for Demand Response Systems

If entities operating demand response services plan to purchase vehicles that are not accessible, they must first make a determination that the services they will be providing (after the purchase of the inaccessible vehicle or vehicles) are “equivalent.” Therefore, if entities have inaccessible vehicles as part of their fleet that were purchased since the issuance of the regulations, the services they provide must be “equivalent.” Equivalency is defined by specific criteria (noted below). If inaccessible vehicles are purchased, certification of equivalency must also be provided to NHDOT.

Service Equivalency

8. **Service Area:** Consider the service area and how accessible and inaccessible vehicles are distributed throughout the area. Are persons with disabilities who need an accessible vehicle able to travel throughout the area on an equivalent basis to all other riders?

Yes No

9. **Response Time:** Consider the advance notice requirement to use the service. If accessible vehicles are operated separate from or different from inaccessible vehicles, consider the advance notice required for use of each type of vehicle. Is the same (or lesser) advance notice required of riders with disabilities who need and use accessible vehicles?

Yes No

10. **Fares:** Consider the fares charged for the service. Note if there are different costs to riders who need and use accessible vehicles versus those who can use inaccessible vehicles. Is the fare the same (or lower) for riders with disabilities who need to use accessible vehicles?

Yes No

11. **Days and Hours:** Consider the days and hours of operation of the service. Note if there are any differences in days and hours based on the accessibility of the vehicles. Are the days and hours the same (or greater) for persons with disabilities who need and use accessible vehicles?

Yes No

12. **Trip Purpose:** Consider the types of trips that are provided by the subrecipient. Note if there are any differences in policy about trip purpose for service provided with accessible versus inaccessible vehicles. Are persons with disabilities able to travel for the same purposes (or more) than individuals who do not need accessible vehicles?

Yes No

13. **Capacity Constraints (Part 1):** Consider if trip requests are sometimes denied for lack of capacity, or if waiting lists or trip caps are employed due to capacity limitations. Examine trip denials records, waiting lists, or other documentation to determine if persons with disabilities who need to use accessible vehicles are denied or wait-listed more frequently than other riders.

Are there any trip denials, or are wait lists or trip caps used?

- Yes, Trip Denials
- Yes, Wait Lists
- Yes, Trip Caps
- No

If there are denials, wait lists, or trip caps, are persons with disabilities who need to use accessible vehicles denied/wait-listed, capped at the same (or lower) rate than other riders?

Yes No

Note what information or data the system develops and uses to compare the level of trip denials, wait lists, or trip caps for persons with disabilities and for other riders to allow for this type of comparison and analysis.

14. **Capacity Constraints (Part 2):** Examine records of service quality (on-time performance, on-board ride times). Consider if there are differences in service quality for trips provided to riders who need to use accessible vehicles versus other riders. Consider if the number and percentage of accessible vehicles in the system suggests that there could likely be problems responding to late trips in an equivalent way throughout the service area. Do persons with disabilities, including persons who need to use accessible vehicles receive the same (or better) level of service?

Yes No

Note what information or data the system develops and uses to compare the level of service (on-time performance, on-board ride times) for persons with disabilities and for other riders to allow for this type of comparison and analysis.

15. **Information and Reservations Capacity:** Consider the service information that is provided and the trip reservations capacity (hours of call-taking, accessibility of information and phone services). If information and reservations are different for using accessible versus inaccessible vehicles, note the differences. Is information and communications provided in accessible formats, and are persons with disabilities who need an accessible vehicle able to get information and reservations assistance in an equivalent way?

Yes No

16. Has the subrecipient acquired vehicles in the last three (3) years?

Yes No

If "Yes," were the vehicles accessible pursuant to 49 CFR part 38 standards?

Yes No

If "No," did the subrecipient, before any procurement of an inaccessible vehicle, file with NHDOT the required certificate that it provides equivalent service meeting the equivalent service of 49 CFR part 37.77(c)?

Yes No

Questions for Route/Point Deviation Systems – Demand Response

17. Are off-route deviations provided for all riders?

Yes No

If "Yes", answer Questions 18-22 below. If "No", the system does not qualify as demand responsive and must be evaluated as a fixed route system. The fixed route section of the checklist should be completed. ADA complementary paratransit service must also be provided and that section of the checklist must be completed.

18. Are off-route deviations provided throughout the defined service area all along the route?

Yes No

19. Do riders who request deviations pay the same fare as riders who walk to stops to use the service?

Yes No

20. Do riders who request deviations experience the same “response time” as riders who walk to stops to use the service (i.e., advance reservation for deviations equal to the route headway)?

Yes No

21. Are off-route deviations accepted during all days and hours that the service is operated?

Yes No

22. Do riders who request deviations experience the same “capacity constraints” as riders who walk to stops to use the system (i.e., no trip denials, the same on-time performance and on-board ride time)?

Yes No

23. In the opinion of the reviewer, based on the description of services and responses to the questions above, are deviation services well designed and result in customer centric services with few or no trip denials?

Yes No

Questions for Fixed Route Systems – Fixed Route Service

24. Examine policies and training materials related to on-board stop announcements. Also examine lists that identify which stops are to be announced by route. Does the material indicate that stops are to be announced at transfer points with other fixed routes, other major intersections and destination points, and intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location?

Yes No

If “Yes,” does the material indicate that stops are to be announced anytime at the request of a passenger with a disability?

Yes No

25. Does the subrecipient provide a means by which an individual with a visual impairment or other disability can identify the proper vehicle to enter or be identified to the vehicle operator as a person seeking a ride on a particular route?

Yes No

26. **On-Board Stop Announcement Observations:** Ride a random sample of fixed routes. For each route observed, identify the stops that are supposed to be announced and record how many are announced. Also record if the announcements are audible throughout the vehicle. Make the observations as discretely as possible (unannounced and before doing driver interviews). Record results below.

Number of routes observed _____
Total number of stops required to be made _____
Total number of stops actually made _____
Total number audible _____

27. **Vehicle Identification System Information:** Examine policies and training materials related to vehicle identification (e.g., external vehicle/route announcements). Does the material require that drivers make external announcements at all stops served by more than one route?

Yes No

Are these announcements to be made any time there are waiting passengers and not just when there is a passenger that the driver feels has a vision disability (e.g. white cane or service animal)?

Yes No

28. **Vehicle Identification System Observations:** Identify a random sample of stops served by more than one route (transfer centers). Observe buses arriving at these locations and record how many vehicle identification announcements are made. Also record if the announcements are audible to passengers waiting throughout the stop area. Record results below.

Number of stops observed _____
Total number of bus pull-ins observed _____
Total number of drivers that identified vehicles _____
Total number that were audible _____

Questions for Fixed Route Systems – Complementary Paratransit

This portion of the checklist should be completed if the subrecipient operates any non-commuter fixed route services, or if route/point deviation services are operated where off-route deviations are made only for some riders (not all riders).

Complementary Paratransit Plan

29. Did the subrecipient prepare a complementary paratransit plan prior to implementing fixed route service (or doing the initial period of complementary paratransit implementation: 1991 to 1997)?

Yes No

30. Has the subrecipient made any policy and/or service changes to its complementary paratransit plan since adoption?

Yes No

If "Yes," did the subrecipient utilize its outreach and consultation process prior to implementing these changes?

Yes No

Eligibility Determination

31. Does the system have a process for certifying the eligibility of persons for complementary paratransit services?

Yes No

Is this function performed in-house or contracted to a third party?

Yes No

Describe the method used to determine eligibility.

32. Is information concerning the application process available in alternative formats upon request?

Yes No

33. Are ADA complementary paratransit eligibility decisions made within 21 days of receipt of a complete application? Examine the log of recent determinations (or a sample of files). What percent of determinations take longer than 21 days from receipt of a complete application?

_____ % ≤ 21 days
_____ % > 21 days

Does public and/or application information indicate that if determinations are not made within 21 days that service will be provided until a determination is made?

Yes No

If some determinations take longer than 21 days, is presumptive eligibility granted and service provided until a determination is made?

Yes No

34. Are persons whose eligibility is limited (denied, conditioned, only temporary) given a written statement with specific reasons for the denial (not a standard statement or statement that person “can use fixed route”), and notice of their right of appeal?

Yes No

35. Does the appeals process adhere to DOT ADA regulations (opportunity to be heard, separation of function, decision within 30 days, and written notification of decision, with a reason for it)? Note: Concerning “opportunity to be heard,” a request for appeal can be required to be in writing, but appellants cannot be required to submit in writing the reasons for their appeal or why they feel the decision was not correct. This type of information can be provided if appellant chooses, but can’t be required.

Yes No

If appeals are not decided within 30 days of being heard, is presumptive eligibility granted and service provided until a decision is made?

Yes No

Are appeals heard and decided by an individual or individuals who have not been involved in the initial decision, and who do not have a direct line of authority to those who made the initial decision (i.e., separation of authority)?

Yes No

Personal Care Attendants, Companions, and Visitors

36. Does the subrecipient provide free complementary paratransit service to Personal Care Attendants (PCAs)?

Yes No

37. Does the subrecipient provide complementary paratransit service to companions (always one, and others on a space available basis)?

Yes No

38. Does the subrecipient provide complementary paratransit to visitors for up to 21 days in a 365-day period?

Yes No

If “Yes,” does this include individuals determined ADA eligible by other transit systems, as well as individuals who do not have ADA paratransit eligibility from other areas?

Yes No

For individuals who do not have ADA paratransit eligibility from another transit system, is documentation of disability only required when the disability is not “apparent?”

Yes No

Suspensions

39. Does the subrecipient have a process in place to suspend eligibility for eligible users who establish a pattern or practice of missing scheduled trips?

Yes No

When adopting this policy, did the subrecipient utilize its consultative and outreach process with the disability community before adopting the policy?

Yes No

40. Does the policy consider both the absolute number of no-shows, as well as the frequency of no-shows when determining if there is a “pattern and practice” of abuse of the service?

Yes No

41. If late cancellations are counted along with no-shows, are late cancellations the “operational equivalent” of no-shows (*e.g.*, cancels within 1-2 hours of scheduled pick-ups, but not further in advance)?

Yes No

42. Does the public information describing the policy note that no-shows and late cancellations beyond the rider's control will not be counted and explain how to provide this information if charged with a no-show or late cancellation?

Yes No

If "Yes," are riders first notified of the no-shows and late cancellations recorded against them, and given a chance to explain or dispute them before a decision is made to suspend?

Yes No

43. If a suspension is issued, is the rider notified of their right to an appeal, and does this appeal process conform to the requirements that apply to eligibility appeals?

Yes No

44. If riders are charged for no-shows and/or late cancellations, is this only in lieu of a suspension?

Note: Charges can only be proposed as an alternative to a suspension and only after there has been a "pattern and practice" of abuse and a suspension has been issued.

Yes No

Service Criteria

45. **Service Area:** Examine public information describing the ADA paratransit service. Compare any service area maps to maps of fixed routes. Is ADA paratransit service provided, at a minimum, to all areas within $\frac{3}{4}$ of a mile of non-commuter fixed routes?

Yes No

Are small areas surrounded by service corridors also served?

Yes No

Does the ADA paratransit service area cross all boundaries unless there is a specific legal bar prohibiting agency vehicles from crossing a boundary?

Yes No

46. **Response Time:** Examine public information describing the ADA paratransit service. Note the advance notice requirements and the days and hours of trip reservations. Can trip requests be made up on a "next day" basis on all days that precede a day of service (including Sundays and holidays)?

Yes No

Are trip reservations taken during typical administrative business hours?

Yes No

47. **Fares:** Examine public information describing the ADA paratransit service. Compare ADA paratransit fares to base, non-discounted, adult fares on the fixed route service. Are ADA paratransit fares no more than twice the base adult fixed route fares? Note: Consider all fixed routes, including any free shuttle or circulators that may exist.

Yes No

48. **Days and Hours of Service:** Examine public information describing the ADA paratransit service. Compare the days and hours of operation to the earliest pickup times and latest drop-off times on all fixed route schedules. Is ADA paratransit service provided, at a minimum, during all the days and hours that fixed route service is provided?

Yes No

49. **Trip Purposes:** Examine public information describing the ADA paratransit service. Does it indicate that all trip purposes are served?

Yes No

Are all trip requests taken and scheduled the same, without trip purpose priorities?

Yes No

50. **Capacity Constraints:** Examine recent service delivery data, particularly trip denials, missed trips, on-time pickup and drop-off performance, on-board ride times, and telephone hold times. Also examine how each of these measures of performance is defined and the goal or standard for each. Does the subrecipient have a goal to have zero trip denials?

Yes No

Are trips with pickups more than one hour from the time requested counted as trip denials?

Yes No

51. Does the service operate without a substantial number of trip denials?

Yes No

Number of denials in last year: _____

52. Is the service operated without a waiting list and without trip caps?

Yes No

What is the goal/standard for missed trips? _____

53. Are missed trips defined to not include trips not taken within the pickup window (which should be no-shows)?

Yes No

Does the service operate without a substantial number of missed trips?

Yes No

54. What is the percent of scheduled trips that were missed in the last year: _____

55. What is the on-time pickup window and the goal/standard for on-time pickups? _____

Does the service operate without a substantial number of significantly late pickups?

Yes No

% of pickups that were late in last year: _____

56. What is the on-time drop-off window and the goal/standard for on-time pickups?

Does the service operate without a substantial number of significantly late drop-offs?

Yes No

% of drop-offs that were late in the last year: _____

57. How are excessively long trips defined, and what is the goal/standard for on-board travel times?

Is this standard consistent with FTA guidance (*i.e.*, comparable to similar trips by fixed route)?

Yes No

58. Does the service operate without a substantial number of excessively long rides?

Yes No

% of trips with excessively long ride times: _____

59. What is the goal/standard for telephone hold times in reservations and dispatch (if separate)?

Is this standard reasonable (*e.g.*, average hold times < 1 minute, or 95% of all calls answered within 3 minutes)?

Yes No

Does the service operate without excessive telephone hold times?

Yes No

Passenger Assistance

60. Does the subrecipient provide origin-to-destination service in its complementary paratransit program? (Either door-to-door service, or door-to-door as needed. Only curb-to-curb service does not meet this requirement.)

Yes No

If door-to-door as needed service is provided, is the need for assistance considered for each trip requested, not just in the eligibility process?

Yes No

Subscription Caps

61. If there are capacity constraints, does the subrecipient monitor, by time of day, subscription rates and are these rates no more than 50% of capacity at any hour?

Yes No

All Service Providers

62. How does the subrecipient keep lifts and other accessibility features on system vehicles in working order?

When a vehicle is removed from revenue service, does the subrecipient take reasonable steps to accommodate individuals with disabilities who were scheduled on that vehicle?

Yes No

63. Are vehicle operators trained to immediately report that a lift is not in working order?

Yes No

64. Are vehicles removed from revenue service when it is reported that a lift is not in working order?

Yes No

65. Are vehicles repaired promptly and within the five day period for nonurbanized areas?

Yes No

66. Does the subrecipient transport all wheelchairs and occupants if the lift and vehicle can physically accommodate them, unless doing so is inconsistent with legitimate safety requirements?

Yes No

67. Does the subrecipient “do the best it can” to secure mobility devices, but not deny riders because the mobility devices they are using cannot be secured to the satisfaction of the driver or agency?

Yes No

68. Does the subrecipient permit standees to use the lift?

Yes No

69. Does the subrecipient require scooter users or wheelchair passengers to transfer to another seat?

Yes No

70. Do the subrecipient's operators assist individuals with disabilities with the use of securement systems, ramps, and lifts?

Yes No

71. Does the subrecipient permit service animals on system vehicles?

Yes No

Is the subrecipient's service animal policy consistent with regulatory requirements? (The policy should not require certification of training, should not inappropriately limit type of animal—except emotional support or comfort animal, or animal that cannot be trained to assist.)

Yes No

72. Does the subrecipient make available to individuals with disabilities adequate information concerning transportation services?

Yes No

73. Does the subrecipient permit a passenger who uses a lift to disembark from a vehicle at any designated stop, unless the lift cannot be deployed, the lift will be damaged if it is deployed, or temporary conditions at the stop, not under the control of the entity, preclude the safe use of the stop by all passengers?

Yes No

74. Does the subrecipient ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities?

Yes No

Facilities

75. Has the subrecipient constructed any new facility to be used in providing designated public transportation services so that the facility is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs?

Yes No

Has the subrecipient undertaken any alterations of an existing facility or a part of an existing facility used in providing designated public transportation services in a way that affects or could affect the usability of the facility or part of the facility, the entity shall make the alterations (or ensure that the alterations are made) in such a manner, to the maximum extent feasible, that the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon the completion of such alterations?

Yes No

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Section 9. Charter and School Bus

Overview

The Federal Transit Administration was established by the Urban Mass Transportation Act of 1964 (UMT Act, the Act). The Act provided funds for “mass transportation” purposes, defined as: “transportation by bus or rail or other conveyance, either publicly or privately owned, serving the general public (but not including school buses or charter or sightseeing service) and moving over prescribed routes.” This provision illustrates the balance Congress sought to strike between the public and private sectors of the economy. Congress acted to provide Federal funding for the continued existence of urban fixed route providers by enacting a capital program to acquire private transit companies and establish new public transportation agencies. The charter services provided by private companies were still profitable; accordingly, Congress excluded charter service from the definition of “mass transportation.”

"Charter service" means, but does not include demand response service to individuals:

- (1) *Transportation provided by a recipient at the request of a third party for the exclusive use of a bus or van for a negotiated price. The following features may be characteristic of charter service:*
 - (a) *third party pays the transit provider a negotiated price for the group;*
 - (b) *Any fares charged to individual members of the group are collected by a third party;*
 - (c) *The service is not part of the transit provider's regularly scheduled service, or is offered for a limited period of time; or*
 - (d) *A third party determines the origin and destination of the trip as well as scheduling; or*

- (2) *Transportation provided by a recipient to the public for events or functions that occur on an irregular basis or for a limited duration and:*
 - (a) *A premium fare is charged that is greater than the usual or customary fixed route fare;*
or
 - (b) *The service is paid for in whole or in part by a third party.*

New regulations provide for both exemptions and exceptions to the regulations. FTA excludes from charter regulation coverage recipients of four funding programs (Section 5310, Section 5311, Section 5316, and Section 5317) if the service is considered for “program purposes.” FTA defines this term as: *"...transportation that serves the needs of either human service agencies or targeted populations (elderly, individuals with disabilities, and or low income individuals)."*

No FTA grantee or operator of project equipment is permitted to engage in exclusive school bus operations using buses, facilities or equipment funded under the Act. Note: FTA considers Head Start to be human service agency transportation (not school bus transportation for purposes of 49 CFR part 605).

Charter Service

1. Does the subrecipient provide charter service?

Yes No

2. Can all of the subrecipient's services be called "program" transportation?

Yes No

3. Does the subrecipient operate any services that are defined in the federal regulations as exempt service as defined in 49 CFR part 604.2?

Yes No

If yes, describe the charter service provide.

4. Does the subrecipient operate any services that are defined in the Federal regulations as exceptions as defined in 49 CFR part 604.5 - 604.11?

Yes No

If yes, describe the charter service provided.

If "Yes," does the subrecipient prepare and submit the requisite charter reports to NHDOT?

Yes No

Does the subrecipient have a policy on the retention of charter records?

Yes No

5. Has the subrecipient ever requested a charter exception from FTA?

Yes No

6. How does the subrecipient price charter services? Does the agency have a cost allocation methodology to estimate the actual cost of charter service?

Yes No

7. Does the subrecipient provide charter services using non-FTA funded vehicles?

Yes No

School Bus Service

8. Does the subrecipient provide transportation to/from school for school children?

Yes No

Is the transport of school children to/from school done on an exclusive basis (e.g., in demand response mode is the run built entirely on school children)?

Yes No

9. Does the subrecipient provide any tripper services?

Yes No

10. If the system provides exclusive school bus service does it meet any of exemptions specified in the regulations?

Yes No

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Section 10. Miscellaneous Provisions

Overview

In addition to the program-specific requirements and guidance provided in this circular, FTA grantees are held to a number of FTA-specific and other Federal requirements.

Public Hearing Requirements

The public hearing requirement in 49 U.S.C. 5323(b) for capital projects was changed by SAFETEA-LU. The new provision associates more clearly the public involvement and hearing requirements for capital projects with the environmental review required by the National Environmental Policy Act (NEPA) and its implementing regulations. It also broadens the requirement to apply to all capital projects (as defined in Section 5302). Now, the grant applicant must provide an adequate opportunity for public review and comment on a capital project, and, after providing notice, must hold a public hearing on the project if the project affects significant economic, social, or environmental interests. These requirements will be satisfied through compliance with the NEPA requirements for a public scoping process, public review and comment on NEPA documents, and a public hearing on every draft environmental impact statement (EIS). FTA will also require a public hearing on environmental assessments (EAs) that have a high probability of being elevated to EISs ensuring that the applicant has complied with the public hearing requirement to include in the environmental record for the project.

Under 49 U.S.C. 5323(b), any application for a project that will “substantially affect a community, or the public transportation service of a community,” shall include a certification to the effect that the applicant has:

- Provided an adequate opportunity for public review and comment on the project;
- After providing notice, held a public hearing on the project if the project affects significant economic, social, or environmental interests;
- Considered the economic, social, and environmental effects of the project; and
- Found that the project is consistent with official plans for developing the community.

1. Has the subrecipient applied for capital in the last three (3) years?

Yes No

If “Yes,” did the subrecipient provide an adequate opportunity for public review and comment on the project?

Yes No

2. Did the project affect significant economic, social, or environmental interests?

Yes No

If yes, did the subrecipient go through the environmental (NEPA) process to determine impacts?

Yes No

If yes, did the subrecipient hold the requisite public hearing?

Yes No

Did the hearing include the following elements:

- Concise description of the proposed project
- Published in a newspaper of general circulation in the geographic area the project will serve
- Combination of in-house and contractors

Did the subrecipient submit the public comments obtained at the hearing to NHDOT in order for the state to forward comments to FTA?

Yes No

Environmental Protection

FTA's environmental impact regulation (49 CFR part 622) requires different levels of analysis and documentation for the various types of projects funded through its programs. Most projects and activities funded through the Section 5311 program do not normally involve significant environmental impacts. Such projects are termed "categorical exclusions (CEs)" in FTA's procedures because they are types of projects which have been categorically excluded from the requirement to prepare an environmental document. In the annual certifications and assurances, NHDOT must assure FTA that all the projects in the application are CEs under 23 CFR 771.117(c) unless otherwise noted. FTA's regulation classifies categorically excluded actions and projects into two groups.

The first group, described at 23 CFR 771.117(c), contains activities and projects which have very limited or no environmental effects at all, such as planning and technical studies, preliminary design work, program administration, operating assistance, and transit vehicle purchases. Because environmental impacts of these activities are either nonexistent or minimal, no environmental documentation is required.

The second group of projects, described at 23 CFR 771.117(d), which normally qualify for a CE, are projects involving more construction and greater potential for off-site impacts. As this process is carefully monitored by FTA and NHDOT, compliance monitoring through the CMP process is minimal.

3. What was the scope of activities undertaken with FTA financial assistance during the last three years? (Check all that apply)

- Planning or technical studies
- Preliminary design work
- Program administration
- Operating assistance
- Transit vehicle purchases

4. Based on the activities undertaken by the project, do all project activities undertaken in the last three (3) years fall into the provisions of the “first” group of activities that require no environmental documentation?

- Yes No

If “No,” describe the project activity.

Clean Air

The principal CAA requirement with which FTA-funded projects must comply is the transportation conformity process. The conformity requirements are contained in an Environmental Protection Agency (EPA) regulation (40 CFR part 93) and they apply in areas that currently violate one or more of the national ambient air quality standards (nonattainment areas) and also in areas that once violated the standards but have since been re-designated to attainment status by EPA (so-called maintenance areas).

5. Is the subrecipient’s project service area in a nonattainment area?

- Yes No

If “Yes,” is NHDOT aware of this status?

- Yes No

6. Is the subrecipient’s project service area in a maintenance area?

- Yes No

If "Yes," is NHDOT aware of this status?

Yes No

Private Sector Participation

Federal law requires the public to be involved in the transportation planning process and specifically requires that private providers be provided an opportunity to be consulted in developing transportation plans and programs in both urban and rural areas. 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.

Under the requirements of 49 U.S.C. 5323(a)(1) States or local governmental authorities may use FTA funds to operate public transportation service in competition with or in addition to transportation service provided by an existing public transportation company, only if the grantee "provides for the participation of private companies engaged in public transportation to the maximum extent feasible."

7. How does the subrecipient assure that private transportation companies are consulted in the development of transportation plans and programs?

Are the actions of the subrecipient proactive?

Yes No

8. How does the subrecipient assure that private transportation companies are engaged in public transportation service delivery to the maximum extent feasible?

Labor Protection

Title 49 U.S.C. 5333(b) requires that the interests of employees affected by assistance under most FTA programs shall be protected under arrangements the Secretary of Labor concludes are fair and equitable. Title 49 U.S.C. 5311(b) requires that the Department of Labor (DOL) use "a special warranty

that provides a fair and equitable arrangement to protect the interests of employees” in order for the Section 5311(i) requirements to apply to Section 5311.

9. Has the subrecipient executed the Special Warranty?

Yes No

10. Is the execution current?

Yes No

Drug-Free Workplace Act

In accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 *et seq.*) and 49 CFR part 32, each grantee is required to maintain a drug-free workplace for all employees and to have an anti-drug policy and awareness program.

The grant applicant must agree that it will provide a drug-free workplace and comply with all requirements of 49 CFR part 32. However, these provisions apply only to States or tribes as FTA’s direct grantees and do not extend to subrecipients.

If a subrecipient is also a direct recipient of FTA funds, then coverage of this topic would be included in the Triennial Review; NHDOT will not duplicate FTA efforts in this regard.

11. Is the subrecipient a direct recipient of any FTA funds that would trigger applicability of the Drug-Free Workplace Act?

Yes No

If “No,” proceed to the Drug and Alcohol Testing Section.

Drug and Alcohol Testing

In the interest of safety of transit operations, recipients of funding from the 5307 Urbanized Area Formula Program, 5309 Capital Program, 5311 Nonurbanized Area Formula Program, and other programs as determined by the Secretary are required by 49 U.S.C. 5331 to establish drug and alcohol testing programs. The purpose of the testing program is to help prevent accidents, fatalities, and injuries resulting from misuse of alcohol or the use of prohibited drugs by employees who perform safety-sensitive functions. Grant recipients identified above must also certify annually that they are in compliance with the U.S. DOT and FTA regulations concerning drug and alcohol testing (49 CFR part 40 and 655.) Compliance with the regulations is a condition of FTA funding. Where applicable as discussed

below, recipients of FTA funding are required to comply with Federal Railroad Administration (FRA) regulations and to Federal Motor Carrier Safety Administration (FMCSA) and United States Coast Guard (USCG) regulations concerning drug and alcohol programs.

States must annually certify on behalf of their Section 5311 subrecipients. Standard language for certification of compliance with the regulations appears in 49 CFR part 655 Subpart I. Recipients or subrecipients that receive only Job Access and Reverse Commute (JARC), New Freedom, or Section 5310 assistance are not subject to FTA’s drug and alcohol rules, but must comply with the FMCSA drug and alcohol testing rule for employees who hold Commercial Driver’s Licenses.

FTA’s rule requires testing of employees who perform a safety-sensitive function, which is defined in 49 CFR 655.4. The rule requires the following six types of testing: pre-employment for drugs (including transfer from a non-safety-sensitive position to a safety sensitive position); reasonable suspicion; random; post-accident; return-to-duty; and follow-up.

The rule requires each employer to establish and implement a substance abuse prevention program consisting primarily of a testing program but with elements requiring training, educating, and evaluating safety-sensitive employees. The rule requires the development of a detailed policy statement that must be distributed to all safety-sensitive employees and employee organizations. In addition, the 49 CFR part 655 Subpart D establishes alcohol concentration levels and prohibited behavior, and employers are directed to take specific action on the basis of the level of alcohol concentration.

12. Does the subrecipient have a drug and alcohol program and policy statement as required by FTA drug and alcohol regulations?

Yes No

If “Yes,” what is the date of the policy?

Does the policy reflect the most recent regulatory updates to 49 CFR parts 40 and 655?

Yes No

13. Did the subrecipient’s governing board approve the most recent policy update?

Yes No

14. Have the subrecipient’s transit supervisors responsible for making reasonable suspicion testing decisions all received the requisite additional training?

Yes No

If "Yes," is this training appropriately documented in the respective employee's training file?

Yes No

15. Has the subrecipient had any new hires in safety sensitive positions?

Yes No

If "Yes," is the required 60 minutes of training provided in a timely manner?

Yes No

If "Yes," is this training appropriately documented in the respective employee's training file?

Yes No

16. Does the subrecipient maintain documentation and periodically verify that all professions (MROs, SAP, etc.) are appropriately and currently certified to perform their respective functions?

Yes No

17. Has the subrecipient had any drug test cancelled due to an error on the part of the urine collector or had an alcohol test cancelled due to an error on the part of the BAT?

Yes No

If "Yes," does the subrecipient have documentation that the urine collector or BAT has completed error correction training?

Yes No

18. Is the subrecipient conducting all required drug and alcohol tests?

Yes No

19. Describe the subrecipient's process for random test selection.

If "Yes," do the random tests meet the following requirements?

- | Yes | No | Criteria: |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Are the tests spread randomly throughout the selection period (<i>e.g.</i> , throughout the week, month, quarter)? |
| <input type="checkbox"/> | <input type="checkbox"/> | Are the employees notified only immediately before the test? |
| <input type="checkbox"/> | <input type="checkbox"/> | Are tests spread throughout the service day? |

20. How many employees are classified as safety-sensitive?

How many tests were performed?

_____ Alcohol (10%) _____ Drug (25%)

Did the subrecipient conduct the requisite number of tests?

- Yes No

21. **Pre-Employment Tests.** Does the subrecipient conduct pre-employment tests as follows:

- | Yes | No | Criteria: |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Does the subrecipient ensure that it has a verified negative pre-employment test result prior to the performance of safety-sensitive duties by a new employee? |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the subrecipient document the date that it received the verified negative test results and the date the employee began performing safety-sensitive duties? |
| <input type="checkbox"/> | <input type="checkbox"/> | If a potential safety-sensitive employee has worked for a USDOT-regulated employer within the last two years, does the subrecipient obtain written consent from the prospective employee to contact the previous employer to obtain drug and alcohol records? |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the subrecipient release drug and alcohol information to employers when a request is submitted and authorized by a previous employee within 30 days of receipt of the request? |

22. **Post-Accident Tests.** Does the subrecipient conduct post-accident tests as follows:

- | Yes | No | Criteria: |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Does the subrecipient document accidents and record the decision to test or not test for each accident? |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the subrecipient only conduct drug and alcohol tests when the accident has met FTA thresholds? |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the subrecipient ensure that alcohol tests are conducted within 8 hours and drug tests are conducted within 32 hours following the accident? |

Yes

No

Criteria:

Does the subrecipient document the reason an alcohol test is not conducted within 2 hours following the accidents?

23. Does the subrecipient maintain drug and alcohol testing records in a secure location?

Yes No

24. Does the subrecipient maintain drug and alcohol testing records for the length of time as required by the regulation?

Yes No

25. Does the subrecipient have any subcontractors who perform safety sensitive functions?

Yes No

If "Yes," are all such positions (with the exception of maintenance subcontractors) subject to drug and alcohol testing?

Yes No

How does the subrecipient monitor subcontractor adherence to the regulation?
