

DRCOG Section 5310 Program Management Plan



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A. Introduction

What is the Purpose of this Document?

Denver Regional Council of Governments (DRCOG) became the Designated Recipient of Federal Transit Administration (FTA) Section 5310 program funds for the Denver-Aurora Urbanized Area (UZA) in the Spring of 2020. For this action, DRCOG must detail how it plans to administer the 5310 program in a Program Management Plan (PMP). Therefore, this PMP serves as a guide for DRCOG's policies and procedures for administering the FTA's Section 5310: Enhanced Mobility of Seniors and Individuals with Disabilities program. The PMP is intended to facilitate both DRCOG's management and FTA oversight by documenting the procedures and policies for administering these programs in a single document. This PMP details how a project is selected, incorporated into the appropriate documents for federal funding, contracted, and managed.

There are two basic functions for this PMP:

- It expresses strategic focus, and
- It serves as a mechanism for scheduling the use of time and resources over the life of DRCOG being the Designated Recipient for the FTA Section 5310 program.

This Plan helps DRCOG, as a Designated Recipient and pass-through entity, achieve the following by being a guide for managing the FTA Section 5310 program in governing the following activities:

- Staffing the program appropriately;
- Managing program resources efficiently;
- Ensuring compliance with both federal and internal requirements;
- Establishing measurable program outcomes and fund subawards that will contribute to achieving those outcomes;
- Selecting subrecipients;
- Monitoring subawards;
- Providing effective technical assistance;
- Evaluating program results; and
- Laying the groundwork for improving management of subsequent award cycles.

Section 5310 projects for the Denver-Aurora Urbanized area must be within the area in yellow as shown in **Figure 1**.

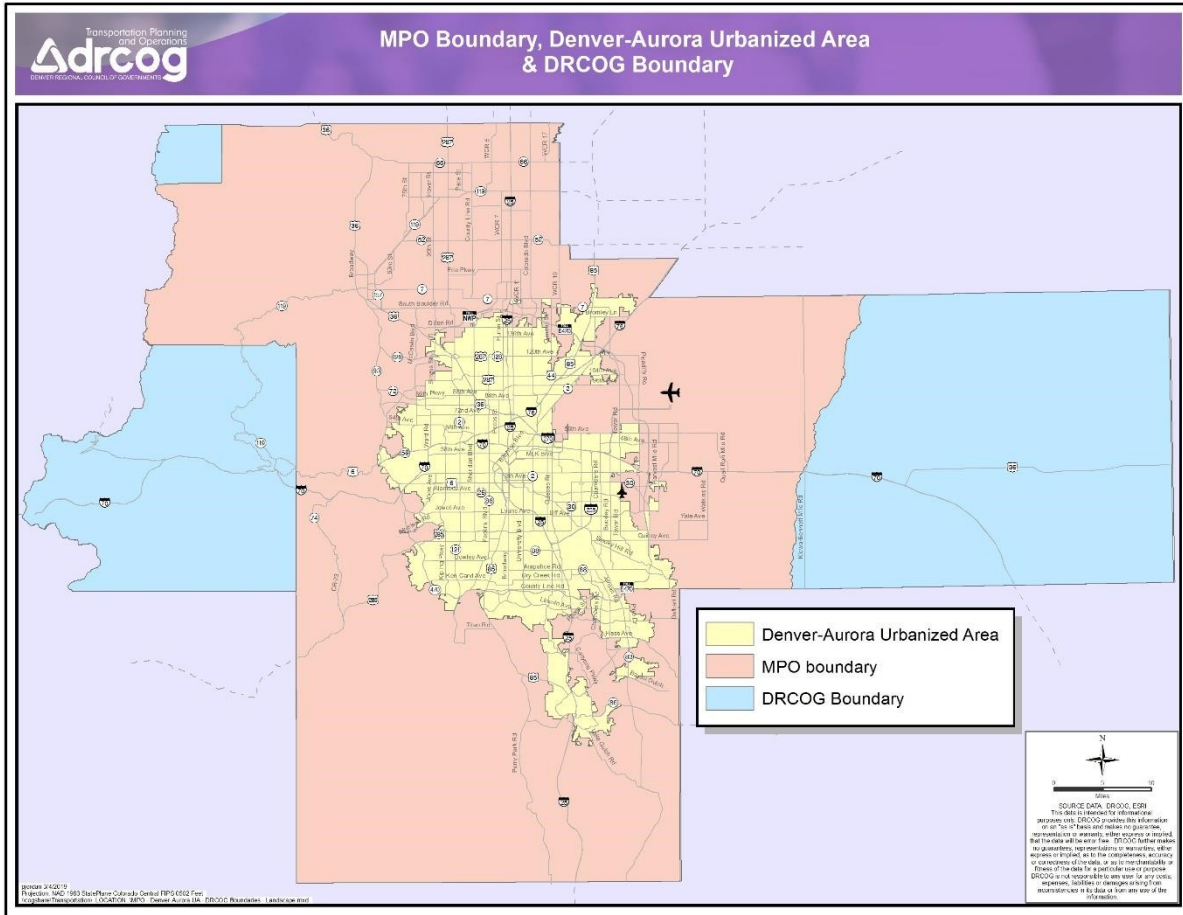


Figure 1- MPO Boundary, Denver-Aurora UZA & DRCOG Boundary

DRCOG Coordinated Public Transit Human Services Transportation Plan

If this PMP is DRCOG’s guide for managing the FTA Section 5310 program, then the Coordinated Public Transit Human Services Transportation Plan (Coordinated Transit Plan) is the blueprint. FTA requires that projects selected under the FTA Section 5310 grant program come from the Coordinated Transit Plan. The policies, goals, outcomes, and measures for the FTA Section 5310 program and for mobility improvements for vulnerable populations like older adults and individuals with disabilities are rooted in the Coordinated Transit Plan. DRCOG updated its Coordinated Transit Plan in 2018 ([Chapter 6 of the 2040 Metro Vision Regional Transportation Plan \(MVRTP\)](#)). The Coordinated Transit Plan is a locally developed plan that identifies transportation needs in the DRCOG region, provides strategies for meeting those needs, and prioritizes transportation services and projects for funding and implementation. The Plan inventories existing transit services and identifies fiscally constrained and envisioned transit service and system needs for the DRCOG region. It looks at both general public transit and human service transportation. These services are not mutually exclusive. For example, while many older adults and individuals with disabilities will be served by transit modes specifically designed for their needs, many more will use general public transit. The plan integrates transit modes intended for specific populations and for the general public.

The purpose of the Coordinated Transit Plan is to improve mobility for older adults, individuals with disabilities, low-income individuals, and others with mobility challenges. Existing service providers are identified, service gaps are forecasted, and strategies are developed to address mobility needs. The Plan also addresses the following FTA requirements, including:

- An assessment of available services that identifies current transportation providers (public, private, and non-profit);
- An assessment of transportation needs for individuals with disabilities and older adults (This assessment can be based on the experiences and perceptions of the planning partners, on more sophisticated data collection efforts, and known gaps in service.);
- Strategies, activities, or projects to address the identified gaps between current services and needs, as well as opportunities to achieve efficiencies in service delivery, and
- Priorities for implementation based on resources, time, and feasibility for implementing specific strategies and activities identified.

FTA Section 5310 project applications are scored based upon the extent to which they are derived from this Plan. Applications with no nexus to the Plan are not eligible for funding through the FTA Section 5310 program.

B. DRCOG Background

DRCOG is one of the nation’s three oldest councils of governments. Representatives of our region’s counties, cities and towns work together to make life better for their communities. They are guided by the Metro Vision regional growth and development plan, which defines goals and actions needed to ensure the region remains a great place to live, work and play.

Mission Statement

The Denver Regional Council of Governments is a planning organization where local governments collaborate to establish guidelines, set policy and allocate funding in the areas of:

- Transportation and Personal Mobility,
- Growth and Development, and
- Aging and Disability Resources.

The governing body for DRCOG is the Board of Directors made up of officials representing each of the participating member governments. It also includes at least one non-voting member each from CDOT (appointed by the governor) and from the Denver Regional Transportation District (RTD). The DRCOG Board is the policy body for the Metropolitan Planning Organization (MPO).

DRCOG serves the following three key functions for the Denver region:

- as the Federally designated MPO for the Denver region;
- as the Regional Planning Commission; and
- as the Federally designated area agency on aging (AAA) (This excludes Boulder and Weld County who have their own AAA).

As the designated MPO for the Denver region, DRCOG is a federally mandated and federally funded transportation policy-making organization made up of representatives from local government and governmental transportation authorities. Two committees assist DRCOG staff and Board in their MPO duties: The Transportation Advisory Committee (TAC) and the RTC. The RTC is a permanent committee that prepares and forwards policy recommendations to the DRCOG Board. DRCOG Board policy actions that differ from the RTC recommendation must be referred to the committee for reconsideration. The TAC is a permanent committee that assists the RTC and the DRCOG Board by reviewing the work of the transportation planning process.

DRCOG serves as a Regional Planning Commission for the Denver Region based on *Colorado Revised Statutes* § 30-28-106. As such, DRCOG makes and adopts a regional plan for the physical development of the territory within the boundaries of the region known as Metro Vision.

DRCOG is the Area Agency on Aging (AAA) for much of the Denver Region. Boulder and Weld Counties have their own AAAs. The key responsibilities of this function are the following:

- Administering federal and state grant funding authorized under the Older Americans Act (OAA) of 1965 and Older Coloradans Act;
- Creating and implementing a four-year Area Plan on Aging to establish service priority areas;
- Serving as visible advocates on behalf of older adults; and
- Providing the region's Long-Term Care Ombudsman Program.

Other DRCOG Human Service Transportation Funding

DRCOG Area Agency on Aging

The DRCOG Area Agency on Aging (DRCOG AAA) administers Older Americans Act/Older Coloradans Act funds for projects in an eight-county portion of the DRCOG region: Adams, Arapahoe, Broomfield, Clear Creek, Denver, Douglas, Gilpin, and Jefferson Counties. Boulder and Weld each operate their own AAA.

As required by the Older Americans Act (OAA), the Denver region's [Area Plan on Aging](#) is carried out through programs provided directly by the AAA and through contracts with community-based agencies to provide a continuum of services. The AAA has many options to help older adults 60+, their families, and caregivers remain independent in the community, including information and referral services, case management, transportation, home-delivered meals, senior centers, legal services and more through its network of funded providers. Approximately, \$2.5 million annually is appropriated to transportation for older adults. This includes providing operating assistance to non-profit and local government partners and subsidizing bus passes and ride-shares for clients.

TIP Set Aside for Human Service Transportation

In the summer of 2018, a set-aside of \$4 million over four years for Human Service Transportation (HST) was adopted as part of the [FY 2020-2023 TIP Policy](#). The new HST set-aside directly addresses the Board adopted 2020-2023 TIP focus area of improving mobility infrastructure and services for vulnerable populations.

The HST set-aside provides a dedicated funding source to improve mobility for vulnerable populations, including older adults, low-income individuals, veterans, and individuals with disabilities. This set-aside is

intended to complement FTA 5310 and Older Americans Act/Older Coloradans Act dollars by funding identified needs that are underfunded or underserved by those sources.

In 2019, DRCOG conducted a joint call for projects with CDOT's Division of Transit & Rail for the following two funding sources:

- FY 2020 Human Service Transportation (HST) set-aside (DRCOG), and
- FY 2020 Denver-Aurora UZA FTA 5310 (CDOT).

As part of this process, CDOT and DRCOG issued a call for applications using a single Notice of Funding Availability (NOFA) (Appendix B) and a single application process through CDOT's online portal called COTRAMS. Applications for both funding sources were evaluated by a panel made up of DRCOG and CDOT staff plus staff from other agencies, including Mile High Connects, the Colorado Department of Public Health and the Environment, and Denver Veterans Services.

All projects which are selected for these funding sources are incorporated into the Transportation Improvement Program (TIP). FTA 5310 funds for the Denver-Aurora UZA and Small UZAs within DRCOG Boundaries (Boulder, Louisville-Lafayette, and Longmont) are currently administered by the Colorado Department of Transportation (CDOT). Projects selected for these pots of money are also incorporated into the DRCOG TIP. When DRCOG becomes the Designated Recipient for FTA 5310 in the Denver-Aurora UZA, the projects will continue to be incorporated into the DRCOG TIP.

DRCOG staff anticipate incorporating all three pots of money (Section 5310, the HST and OAA funds) into one call for projects soon. This would enable funding decisions to be made more holistically. It would also allow for uniform contract terms making project administration more streamlined for both subrecipients and DRCOG.

C. FTA Requirements

In order to receive funding, FTA requires Designated Recipients to follow a Coordinated Transit Plan and this document: the 5310 Program Management Plan (PMP). The Coordinated Transit Plan is a locally developed plan that identifies transportation needs in the DRCOG region, provides strategies for meeting those needs, and prioritizes transportation services and projects for funding and implementation. DRCOG produces and maintains the Coordinated Transit Plan. The PMP states the policies and procedures for administering the Section 5310 program.

FTA also requires federally funded projects be included in the DRCOG Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP). DRCOG includes all selected 5310 projects in the DRCOG TIP and coordinates with the Colorado Department of Transportation (CDOT) to have them included in the STIP.

Transfer of Funds

Per the requirements of the FAST Act, 5310 funds apportioned to large UZAs may not be transferred to other areas. Transfer of 5310 funds to other programs is also not permitted (C 9070.1G, p.III-6). However, States can transfer funds from rural areas to UZAs of less than 200,000 in population, if the Governor certifies that all objectives of the Section 5310 program are being met in rural areas. DRCOG

will ensure that all Section 5310 funds are expended on projects for eligible activities within the boundaries they were intended.

Coordination

Transportation planning for the Denver region is a continuing, cooperative and comprehensive process. The Denver Regional Council of Governments (DRCOG), RTD, and Colorado Department of Transportation (CDOT) are the primary partners in this process. A Metropolitan Planning Agreement (MPA) forms and directs this partnership. A regularly updated document, [Transportation Planning in the Denver Region](#), provides details on how the process currently works.

As the MPO for a nine plus-county transportation planning region in and around Denver, DRCOG is federally mandated and funded to plan, program, and coordinate federal transportation funds. To do this DRCOG not only coordinates and collaborates with CDOT and RTD, but also with each of its member jurisdictions throughout the Denver Region, other stakeholders, and the general public.

Public and stakeholder participation is essential in preparing the Coordinated Transit Plan. Older adults; individuals with disabilities; representatives of public, private and nonprofit transportation and human service providers; and other members of the public actively participate in developing this plan. Staff receive valuable input from key partners, including the Denver Regional Mobility and Access Council (DRMAC), RTD and CDOT. A variety of techniques are used to provide information and solicit public comment, including public forums and meetings, surveys, and community planning sessions. Please refer to the [Coordinated Transit Plan](#) for more information about transit coordination.

Coordination is also at the heart of a project that DRCOG currently manages: Ride Alliance. This project is funded by a federal grant (Veterans Transportation and Community Living Initiative or VTCLI). The goal of the project is to facilitate better coordination of transportation providers in the region through technology and provide a seamless way for veterans and other vulnerable populations to access transportation, information and community services. Project partners are collaborating to improve upon and put into use a prototype of a human service transportation trip exchange. The prototype was designed by several human service transportation providers in the northwestern portion of the Denver region, other stakeholders, and consultants, with funding from a Mobility Services for All Americans (MSAA) grant.

A veterans-focused pilot for initial implementation of the Ride Alliance project is anticipated for the first half of 2020. During this pilot, participating transportation providers will use a newly created trip exchange to share trips with a focus on providing more rides for veterans. After the pilot, participants will continue to use the trip exchange through a collaborative effort to reduce trip denials and increase efficiency in the provision of human service transportation in the Denver region. It is estimated that there will be a cost of approximately \$53,000 annually to maintain this system. DRCOG plans to set this sum aside from each annual allocation of Section 5310 funding to cover those costs. DRCOG may also decide to set aside additional Section 5310 funding to cover other costs associated with implementing this project such as mobility management staffing to administer the trip exchange. Any funds set aside for a DRCOG led project will be specifically proposed ahead of the call for projects. Proposals of this type will be required to have consent from the DRCOG Technical Advisory Committee, Regional Transportation Committee, and Board of Directors.

Section 5310 Program Management

The Section 5310 program management will be provided by AAA with support from multiple divisions within DRCOG, including the Transportation Planning and Operations Division (TPO), and the Administration and Finance office. AAA will provide the program management and general review of projects with support from TPO. Administration and Finance will provide overall program financial compliance and contract management.

Procurement

DRCOG will collect documentation that the required steps of the procurement process are completed based on Section G. This documentation will be collected in DRCOG's contracts and reimbursement system.

Financial Management

DRCOG maintains financial reporting and accounting records based on all applicable guidelines. All systems and procedures for financial management shall comply with 49 CFR 18.20, the "Common Rule."

DRCOG develops contracts with approved subrecipients. These contracts include a detailed scope of work and budget. For projects including capital elements, the type of equipment, its intended use, and the useful life must be included. For operational assistance scopes of work, the clients, service area, time-period for operating expenses (e.g., January 1, 2020 – December 31, 2020), and other pertinent information must be included. Subrecipient agreements will not be signed by DRCOG and the subrecipient until the grant has been executed and FTA funds have been secured. However, DRCOG may grant pre-award authority, or the option for subrecipients to incur expenses before the FTA grant has been secured, at its sole discretion and when in the interests of the program and allowable under FTA Guidelines in FTA C 9070.1G

Accounting Systems

The DRCOG Accounting system shall establish and maintain accounts in a manner consistent with 2 CFR 200 and in accordance with applicable provisions of 23 CFR 172. Expenditures shall be in conformance with the standards for allowability of costs set forth in 2 CFR 200 and the contract cost principles and procedures set forth in the Federal Acquisition Regulation system.

DRCOG maintains a system of controls over subrecipient monitoring. As a part of the subrecipient monitoring, DRCOG requires sufficient documentation to be provided as support for pass-through expenditures. DRCOG shall also monitor the matching effort and project budgets.

Property Management

DRCOG will coordinate with CDOT for the procurement of vehicles, facilities, and other capital items for DRCOG's 5310 program. These items are governed by the CDOT State Management Plan. Recipients of vehicles are required to follow all pertinent management procedures and restrictions of the program management plan of the procuring agency (e.g., CDOT, DRCOG, etc.).

DRCOG will maintain an inventory of capital assets in DRCOG's contracts and reimbursement system. This will be updated annually. DRCOG will coordinate with CDOT to help maintain and update the CDOT Asset Management Plan as it relates to DRCOG subrecipient assets.

Audits and Management or Financial Reviews

DRCOG will maintain an accurate cost-keeping system for all costs incurred in connection with any FTA-funded project and shall produce for examination books of account, bills, invoices and other vouchers, or certified copies thereof if originals are lost, at such reasonable time and place as may be designated by DRCOG, FTA or a designated Federal representative and shall permit extracts and copies thereof to be made during the contract period and for three years after the final FTA-DRCOG audit is completed, resolved and closed.

DRCOG affords a representative of DRCOG, FTA, or any authorized representative of the Federal government, reasonable facilities for examination and audits of the cost account records, shall make such returns and reports to a representative as may be required, shall produce and exhibit such books, accounts, documents and property as the representative may desire to inspect, and shall in all things aid them in the performance of audit duties.

DRCOG shall be responsible for meeting the audit requirements of 2 CFR 200, or any revision or supplement thereof. 2 CFR 200 Subpart F states that when expenditures of total federal awards, whether pass-through or direct, exceed \$750,000 in a fiscal year, a single audit is required. Passthrough monies from DRCOG shall be separately identified on the Subrecipients' Schedule of Expenditures of Federal Awards as reported in their financial audit.

DRCOG will contract with a third-party auditing firm with expertise on FTA regulations to perform annual audits of all subrecipients. DRCOG staff will participate in the audits and review the findings, if any, with the subrecipients. These audits will be streamlined by incorporating other funding sources, when applicable.

Program Management Plan Updates

All 5310 Program Management Plan revisions, other than minor updates, must be approved by the RTC and the DRCOG Board of Directors. DRCOG may concurrently ask FTA for input or review.

Goals and Strategies

Many of the goals and strategies behind DRCOG becoming the Designated Recipient for 5310 stem from policy adopted by DRCOG Board of Directors. Others come from the DRCOG Coordinated Transit Plan. There is significant overlap in both.

In July of 2018 the DRCOG Board adopted Policy on [Transportation Improvement Program \(TIP\) Preparation: Procedures for Preparing the 2020-2023 TIP](#). This document includes policy priorities set by the DRCOG Board of Directors for projects funded through the TIP. It includes three TIP Focus Areas to guide investments:

1. Improve mobility infrastructure and services for vulnerable populations (including improved transportation access to health services);
2. Increase reliability of existing multimodal transportation network; and
3. Improve transportation safety and security.

The intent of the focus areas is to support implementation of the policies and programs established in Metro Vision and the MVRTP.

While each of the three focus areas above will likely be addressed in Section 5310 projects, there will be a specific focus on the first one. The document states the following about this focus area:

Mobility is a key component of helping vulnerable populations (such as older adults, minority, low income, individuals with disabilities, and veterans) maintain their independence and quality of life. With the region’s rapidly aging population, transportation is also a key component to helping older adults age in place. Improving mobility infrastructure and services for vulnerable populations may be attained through funding transit service and other physical infrastructure that improve or expand access to regional services and/or facilities. Projects/programs may include, but are not limited to:

- sidewalk improvements that assist in fulfilling a community’s ADA transition plan,
- new or expanded transit services, including call-n-Ride,
- technology-facilitated improvements, such as shared mobility services, and
- street design elements to optimize human performance (e.g., pedestrian improvements at intersections, curb radius, signage, devices for lane assignment, etc.).

Further, the DRCOG Coordinated Transit Plan identifies needs, gaps, and strategies related to Section 5310 and other human service transportation programs including the following:

- Transportation ranked as a top service priority for older adults and individuals with disabilities;
- Affordable fares, especially for older adults, individuals with disabilities and/or low incomes;
- More cross-jurisdictional trips, better trip coordination, and more accessibility;
- Better regional coordination to build on improving local coordination;
- Demand for transportation will increase as the population increases and ages;
- Expand volunteer driver programs;
- Continue to work with DRMAC to implement the Transportation Coordination Systems project and other technological improvements;
- Accessible and understandable transportation information and referral services;
- Increase service areas, frequency, service hours (nights and weekends) where gaps exist;
- Increase transportation options for quality of life trips such as hair appointments and social visits;
- Improve access to healthcare for non-emergent visits;
- Make sure that veterans have access to transportation;
- Removing Barriers to Ride Fixed Route such as:
 - Infrastructure improvements,
 - Transit supportive land use,
 - First and last Mile connections,
 - Travel training,
 - Affordable fares programs,
 - Improve access to employment, and

- Pilot new technology and practices to improve mobility;
- Fund transit projects that address identified needs and FTA program guidelines;
- Spend local, regional, state, and federal funds more efficiently;
- Increase human service transportation coordination efforts;
- Address cross-jurisdictional, cross service boundary, and interregional trips;
- Implement trip exchange initiatives from transportation studies; and
- Improve access to key services such as healthcare and employment through coordination.

Performance Based Planning

Performance-based planning and programming applies performance management principles to transportation system policy and investment decisions, providing a link between management and long range decisions about policies and investments that an agency makes in its transportation system.

Performance-based planning and programming is a system-level, data-driven process to identify strategies and investments. Long-range planning helps to define key goals and objectives and to analyze and evaluate strategies and scenarios for meeting goals. Connecting performance measures to goals and objectives through target setting provides a basis for understanding and sharing information with stakeholders and the public.

The objectives-driven, performance-based approach to planning for operations is an example of performance-based planning focused on one area: operations. The same processes and principles are used in both planning for operations and performance-based planning. The planning for operations approach falls under the larger planning activity of performance-based planning. By expanding the objectives-driven, performance-based approach for operations to other areas such as safety, asset management, freight, and others, a region or State can build a comprehensive performance-based planning process.

With the 2012 passage of the Federal surface transportation legislation, "Moving Ahead for Progress in the 21st Century Act" (MAP-21), performance-based planning has taken on even greater significance. MAP-21 calls for statewide and metropolitan planning processes to incorporate a more comprehensive performance-based approach to decision making. The Fixing America's Surface Transportation Act (FAST Act) of 2015 continued the performance management and performance-based planning and programming requirements of MAP-21 with minor changes.

DRCOG is currently working on the 2050 Metro Vision Regional Transportation Plan which will include the Coordinated Transit Plan. The next iteration of the Coordinated Transit Plan will include targets and measures developed through performance-based planning. These targets and measures will be used to evaluate the success of the FTA Section 5310-funded projects.

D. Authority & Responsibility

FAST Act Statutory Authority and Program History

On December 4, 2015, President Obama signed the Fixing America's Surface Transportation (FAST) Act (Pub. L. No. 114-94) into law. The FAST Act authorizes \$305 billion over fiscal years 2016 through 2020 for highway, highway and motor vehicle safety, public transportation, motor carrier safety, hazardous materials safety, rail, and research, technology, and statistics programs.

The FAST Act requires projects selected for funding under Section 5310 to be “derived from a locally developed, coordinated public transit-human services transportation plan” and that the plan be “developed through a process that includes representation of public, private, and nonprofit transportation and human services providers.”

FTA requires projects funded in the FTA 5310 program come from in the Coordinated Transit Plan. However, FTA maintains flexibility in how projects appear in the Coordinated Plan. Programs and projects may be identified as strategies, activities, or specific projects addressing an identified service gap or transportation coordination objective articulated and prioritized in this plan. For example, a proposed 5310 project to expand transportation services for individuals with disabilities is consistent with the section of the Coordinated Transit Plan defining the needs for expanded services for that population.

Funding for Program Administration, Planning and Technical Assistance

DRCOG, when it becomes the designated recipient of 5310 funding, may apply up to 10% of each yearly apportionment to support program administration, planning and technical assistance. DRCOG will make use of these administrative funds to offset administrative program oversight costs related to the development and maintenance of a coordinated transit plan, technical assistance to potential applicants, and maintenance of the management plan, processing of grant applications, and administration of the grants.

E. Pre-Award Activities and Programming Process

This section discusses the programming process including eligible activities, subrecipients, the local match requirements, project selection, and the implementation mechanism.

Project Funding Evaluation and Selection Process

Applications for the 5310 program will be completed based on the criteria and eligibility requirements stated for the program. Applications will be reviewed once a year, currently in the Spring. All applications must be submitted on or before the determined due date. Applications received after the deadline will be reviewed and may be considered for the current call time permitting or considered in the next funding cycle.

Plan for Solicitation

Notice of Funding Availability

DRCOG will disseminate information regarding potential Section 5310 funds and how to apply. Application information will be listed on the DRCOG website. Additionally, DRCOG will send notices to stakeholders and current and previous grantees providing similar information. All public notices, access to information and dissemination of materials will be in accordance with guidelines stated in the DRCOG *Public Engagement Plan: People-Centered Planning, Projects and Services* (<https://drcog.org/sites/default/files/resources/CAM-RP-PUBLICENGAGE-19-05-15.pdf>).

Application Form

Application forms for Section 5310 funding will be updated to optimize the selection process. The application forms (Traditional-Capital and Other/New Freedom-Capital & Operations) will be posted on the DRCOG website.

The application process follows a predetermined set of requirements developed by DRCOG staff and approved by the Regional Transportation Committee and DRCOG Board of Directors. These requirements delineate the competitive project selection timeline and are determined before the call for projects. During this process, a draft Notice of Funding Availability (NOFA) will be shared with the committees.

An application for the Section 5310 funding is made available to potential candidates on request and is on the DRCOG website. TAC, RTC, and the DRCOG Board of Directors all review project funding recommendations from a panel consisting of staff from local, regional, and state agencies and other stakeholders plus DRCOG staff. This panel will be tasked with evaluating project applications for FTA 5310 and other human service transportation related funding that DRCOG administers. Approval from both RTC and the Board are required for funding to be awarded.

Allocation of Emergency Relief Funding

During the Coronavirus pandemic, the federal government passed various emergency relief bills. The Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) and the American Rescue Plan Act (ARPA) allocated funding to FTA Section 5310 programs. As a designated recipient DRCOG will allocate these funds to eligible subrecipients and projects under the section 5310 program in accordance with FTA guidance. CRRSAA and ARPA funds will be allocated proportionately to operating and mobility management projects awarded funding during the immediately preceding call for projects for 5310 funding. This current method of allocation does not waive DRCOG's right to issue a call for projects for any additional emergency relief funding apportioned to the 5310 programs.

Eligibility

Eligible Subrecipients

Specific criteria must be met for subrecipients to be eligible for 5310 funding:

- Projects must be submitted by eligible organizations within the DRCOG region and within the boundaries of the Denver-Aurora UZA.
- The FAST Act designates two separate project types within the 5310 program. These have differing eligible subrecipients: "Traditional" and "Other". Table 2 provides a summary of the eligible activities and subrecipients by 55% "Traditional" and 45% "Other".
- Projects must meet the intent of DRCOG's Long Range Transportation Plan as required by federal law and USDOT regulations.
- Project must demonstrate consistency with the goals of the Coordinated Transit Plan at the time of application.
- Projects must have a minimum match of 20 percent for capital (15 percent for Americans with Disabilities Act (ADA) compliant vehicles and facilities) and 50 percent for operations of local (nonfederal) funding as required by the FAST Act.

Following selection, projects will be incorporated into the Transportation Improvement Program (TIP) and the Program of Projects (POP) will be attached to the Coordinated Transit Plan. DRCOG will ensure the 55/45 split for each year is achieved as applications are reviewed, approved and programmed during the development of the Program of Projects (POP).

Eligible Activities

The 5310 Circular, FTA C 9070.1G (6/6/14), provides very specific guidance on eligible activities and subrecipients. At least **55%** of the apportionment must be spent on “Traditional” capital projects, such as those public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable. And up to **45%** of the apportionment may be utilized for “Other/New Freedom” types of projects that are:

- Public transportation projects that exceed the requirements of the ADA,
- Public transportation projects that improve access to fixed-route service and decrease reliance by individuals with disabilities on complementary paratransit, and/or
- Alternatives to public transportation that assist seniors and individuals with disabilities.

* Note- Operating assistance for required ADA complementary paratransit service is not an eligible expense for the 45% “Other/New Freedom” category (C 9070.1G, p. III-15).

This prescribed eligibility list is partly due to the merging of New Freedom activities into the traditional Section 5310 program. But this adds a level of complexity to determining eligible activities, especially considering the 55% threshold is a floor, meaning a **minimum of at least 55%** must be spent on the “Traditional” capital projects. A detailed summary of eligible activities by category type are shown in Table 2.

Per the requirements of the FAST Act, government agencies using Section 5310 funds for traditional projects must either:

- Be approved by the state to coordinate services for seniors and individuals with disabilities, or
- Certify to the governor that there are no nonprofit corporations readily available in the area to provide the service

Other/New Freedom projects do not carry this requirement and can be undertaken by any eligible subrecipient.

Table 1- Summary Table of Eligible Activities and Subrecipients 55% “Traditional” Capital Projects

Activities	Eligible Subrecipients
<p>A. <u>Rolling stock and related activities for Section 5310funded vehicles</u></p> <ol style="list-style-type: none"> 1. Acquisition of expansion or replacement buses or vans, and related procurement, testing, inspection, and acceptance costs; 2. Vehicle rehabilitation or overhaul; 3. Preventative maintenance; 4. Radios and communication equipment; and 5. Vehicle wheelchair lifts, ramps, and securement devices. <p>B. <u>Passenger facilities related to Section 5310-funded vehicles</u></p> <ol style="list-style-type: none"> 1. Purchased and installation of benches, shelters, and other passenger amenities <p>C. <u>Support facilities and equipment for Section 5310 funded vehicles</u></p> <ol style="list-style-type: none"> 1. Extended warranties that do not exceed the industry standard; 2. Computer hardware and software; 3. Transit-related intelligent transportation systems (ITS); 4. Dispatch systems; and 5. Fare collection systems. <p>D. <u>Lease of equipment when lease is more cost effective than purchase</u></p> <p>E. <u>Acquisition of transportation services under a contract, lease, or other arrangement. This may include acquisition of ADA-complementary paratransit services when provided by an eligible recipient or subrecipient. Both capital and operating costs associated with contracted serve are eligible capital expenses. User-side subsidies are considered one form of eligible arrangement.</u></p> <p>F. <u>Support for mobility management and coordination programs among public transportation providers and other human service agencies providing transportation. Mobility management is an eligible capital cost. Eligible activities include the following:</u></p> <ol style="list-style-type: none"> 1. Operating transportation brokerages to coordinate service providers, funding sources, and customer needs; 2. Coordinating transportation services for older adults, individuals with disabilities, and individuals with low incomes; 	<p>Private Non-Profit Organizations State or Local Governmental Authorities that are either:</p> <ul style="list-style-type: none"> • Approved by a state to coordinate services for seniors and individuals with disabilities; or • Certify that there are no non-profit organizations readily available in the area to provide the service

<ol style="list-style-type: none"> 3. Supporting local partnerships that coordinate transportation services; 4. Staffing for the development and implementation of coordination plans. 5. Providing travel training and trip planning activities for customers; 6. Developing and operating traveler call centers to coordinate travel information, manage eligibility requirements, and arrange customer travel; and 7. Planning and implementing the acquisition and purchase of intelligent transportation technologies to operate a coordinated system. 	
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Table 2- Summary Table of Eligible Activities and Subrecipients: 45% "Other/New Freedom" Types of Projects

Activities	Eligible Subrecipients
<p>A. <u>Public transportation projects (capital only) planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable</u></p> <p>B. <u>Public transportation projects (capital and operating) that exceed requirements of the ADA.</u></p> <ol style="list-style-type: none"> 1. Enhancing paratransit beyond minimum requirements of the ADA; 2. Expansion of paratransit service parameters beyond the ¼ mile required by the ADA; 3. Expansion of current hours of operation for ADA paratransit services that are beyond those provided on the fixed-route services; 4. The incremental cost of providing same day service; 5. The incremental cost (if any) of making door-to-door service available to all eligible ADA paratransit riders, but not on a case-by-case basis for individual riders in an otherwise curb-to-curb system; 6. Enhancement of the level of service by providing escorts or assisting riders through the door of their destination; 7. Acquisition of vehicles and equipment designed to accommodate mobility aids that exceed the dimensions and weight ratings established for wheelchairs under the ADA regulations and labor costs of aids to help drivers assist passengers with oversized wheelchairs; 	<ul style="list-style-type: none"> • Private Non-Profit Organizations • Public Transportation Operators • State or Local Governmental Authorities • Private Taxi Companies (providing shared ride taxi service)

<ul style="list-style-type: none"> 8. Installation of additional securement locations in public buses beyond what is required by the ADA; 9. Accessible “feeder” service (transit service that provides access) to other modes, for which complementary paratransit service is not required under the ADA. <p>C. <u>Public transportation projects (capital and operating) that improve access to fixed-route service and decrease reliance by individuals with disabilities on ADA-complementary paratransit service.</u></p> <ul style="list-style-type: none"> 1. Making accessibility improvements to transit and intermodal stations not designated as key stations. 2. Travel training <p>D. <u>Public transportation alternatives that assist seniors and individuals with disabilities with transportation (capital and operating).</u></p> <ul style="list-style-type: none"> 1. Purchasing vehicles to support accessible taxi, ride-sharing, and/or vanpooling programs. 2. Supporting the administration and expenses related to voucher programs for transportation services offered by human service providers. 3. Supporting volunteer driver and aide programs. 	
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Local Share and Local Funding Requirements

Section 5310 funds are offered for capital purchases of vehicles with 80% of the cost provided by Federal funding. Operations funds can be offered directly to the subrecipient or through Third Party Contracts at a maximum of 50% Federal funds. Additionally, operations can be capitalized through “capitalized cost of contracting” at the 80/20 capital split; however, specific conditions must be met before this can be approved by DRCOG. A breakdown of the Section 5310 matching funds requirements is displayed in Table 3.

Table 3- Section 5310 Funds Matching Requirements

Types of Funding	Federal Grant/Local Match
Capital (Including Mobility Management)	85/15 for ADA compliant vehicles and facilities 80/20 for all other capital purchases and mobility management
Operating	general operations- 50/50 capitalized cost of contracting- 80/20
Planning	80/20
Administration	100/0

All local match funds for Section 5310 must be provided from sources other than those provided by the U.S. Department of Transportation. Such sources may include:

- State or local appropriations
- Other non-transportation federal funds that are eligible to be used for transportation, i.e.:
 - Temporary Assistance for Needy Families (TANF)
 - Medicaid
 - Employment training programs
 - Rehabilitation services
 - Administration on Aging
- Tax revenues
- Private donations
- Revenues for human service contracts
- In-kind donations such as volunteered services, as long as the value of the donations are documented and supported and are a cost that would otherwise be eligible under the program. (DRCOG must confirm the in-kind local match is appropriate. This will be done on a case by case basis)
- Income from contracts to provide human service transportation or other net income generated by social service agencies

Project Selection

Application Review

Before project scoring, an initial analysis of the applications will be conducted by DRCOG staff. This analysis will include reviewing the applications to make sure they address needs, gaps, and strategies identified in the DRCOG Coordinated Transit Plan including geographic gaps. It will also include an equity analysis. DRCOG will maintain a project review panel to assist with scoring and evaluating projects. For a balanced perspective in project selection, this panel will include internal and external participants. Internal participants will be from multiple divisions within DRCOG. External participants will be experts representing various public and non-profit agencies such as the Colorado Department of Public Health and the Environment, Mile High Connects, and AARP. This panel will provide recommendations for RTC and the DRCOG Board to consider. Please see step six in **Table 4** for more details.

Budget Review

Some form of cost analysis will be conducted on each application, with a more thorough evaluation for the projects recommended for funding. The purpose of this analysis is to determine whether the subrecipient understands the financial aspects of the proposed project and has developed reasonable estimates of costs involved in performing the project. This review will take place during steps four and six in **Table 4** and will include a review of proposed source of local matching funds

Making Funding Decisions

Grant application review is intended to be advisory and does not replace the responsibility of passthrough entity officials to make the actual funding decision. In this case, the recommendations of the review panel will be reviewed by the DRCOG Transportation Advisory Committee (TAC). The TAC will make their own recommendations to the RTC and DRCOG Board of Directors. The TAC may agree with the review panel's recommendations or amend them. The projects and budgets approved by RTC and the Board must match. Please see step seven in **Table 4** for more details.

Assessing Risk

When evaluating applications, federal awarding agencies are required by 2 CFR 200.205 to conduct a risk assessment. Pass-through entities, however, must comply with 2 CFR 200.331, which does not require a pre-award risk assessment. Pass-through entities are provided the flexibility to conduct the risk assessment at any point during the grant life cycle.

DRCOG chooses to conduct a risk assessment during the selection process as noted in step five of the application process in **Table 4**. DRCOG also reserves the right to conduct a risk assessment at any other time during the grant cycle.

Award Procedures

Successful applicants will receive an informal notice in writing of selection of their project for funding. Unsuccessful applicants will receive written notification with the reasons why their application was not approved. Applicants not awarded funding may reapply in the future. A formal list of awards will be approved by the DRCOG Board of Directors and RTC.

An applicant that is aggrieved by a grant determination may file an appeal. The following is DRCOG’s procedure:

1. Appeals from unsuccessful applicants must be filed in writing directly to the DRCOG AAA Division Director, 1001 17th St., Suite 700, Denver, CO 80202 within 30 calendar days of the date the date of notice. Appeals not received within 30 calendar days of the date of notice will not be considered.
2. The written appeal must include specific grounds for appeal and related supporting documentation.
3. Written notice of the resolution shall be sent to the applicant within 15 business days of DRCOG receiving the appeal. This notice shall include:
 - a. A summary of the concern or issue;
 - b. The results of the investigation into the appeal and the resolution of the concern; and
 - c. Notification to the complainant of his/her right to appeal the decision if he/she is dissatisfied with the resolution, and instructions for filing such an appeal.
4. If the applicant does not accept the decision, they may request a hearing pursuant to the provisions of Section 24-4-104, C.R.S., as amended, of the State of Colorado Administrative Procedures Act. If a hearing is requested, it will be conducted in accordance with 24-4-105 C.R.S., as amended, before an administrative law judge. The request for a hearing must be made within 60 calendar days after an applicant is notified of the Department's decision. If a subsequent hearing overturns a DRCOG decision, DRCOG may take action to modify its decision and awards, which may include revisions to other awards, if necessary, to comply with the ruling but reserves its right to appeal.

The following table shows the steps in the application and approval process:

Table 4: Steps in the Application Process

Step Number	Step	Additional Information
1.	Potential applicants must attend a mandatory pre-application workshop	
2.	Identify the project concept and begin early discussions with DRCOG staff (strongly encouraged, not required)	
3.	Submit a letter of intent	<p>With a multi-step application process, interested applicants should submit a letter of intent and include applicant's contact information, a project description and estimated project cost. Supplemental materials will be accepted if they contribute to the understanding of project being proposed.</p>
4.	Letter of intent discussion	<p>DRCOG staff will review the letter of intent and request additional information as needed. Applicants will be contacted by staff to discuss the proposal before next steps are taken. This will include screening of project proposals for eligibility, identification of potential partners and or project links, and an opportunity to discuss proposed project outcomes. If the letter of intent is accepted, sponsors will be invited to apply.</p>

<p>5.</p>	<p>Invited applicants apply</p>	<p>Applications should be submitted along with letters of support from impacted or participating entities. The application requires a mandatory Risk Assessment form to be submitted along with the application. Small infrastructure projects requiring CDOT concurrence (projects on a state highway or within the state rights-of-way) must provide an official CDOT response with the application submittal. Small infrastructure projects requiring RTD concurrence (projects involving RTD service, within RTD rights-of-way, or otherwise in need of RTD involvement) must provide an official RTD response with the application submittal.</p>
<p>6.</p>	<p>Project review, scoring and recommendation</p>	<p>DRCOG will maintain a project review panel to assist with scoring and evaluating projects. Participants may include staff from DRCOG divisions:</p> <ul style="list-style-type: none"> • Transportation Planning and Operations • Regional Planning and Development • Communications and Marketing (Way to Go) • Area Agency on Aging, and/or • Executive Office <p>Membership may also include participation from other agencies such as the following:</p> <ul style="list-style-type: none"> • Mile High Connects; • Colorado Department of Public Health and the Environment, and • AARP. <p>Once received, project applications will be:</p> <ul style="list-style-type: none"> • Reviewed for eligibility based on the requirements for 5310 funding • An equity analysis of all eligible applications will be conducted prior to project scoring • Forwarded for further review or rejected based on eligibility

		<p>Eligible projects will then be:</p> <ul style="list-style-type: none"> • Reviewed, scored, and rated on criteria listed in Tables 5, 6, and 7 • Reviewed by TAC • Approved by RTC and the DRCOG Board of Directors and RTC • Programmed in the DRCOG TIP based on funding availability <p>Each member of the panel will review the applications and assign points to the criteria based on information contained in the project application forms. The panel will convene to discuss the applications and reach consensus on the final criteria points and total score for each project. The panel will recommend a list of projects to be funded. The recommended list of projects will be taken through DRCOG committees for review and final approval by RTC and the DRCOG Board of Directors.</p>
7.	Applicants are notified about approved projects	<p>Each applicant will receive informal and formal notice on whether their project was funded and whether it was funding at the requested amount. Aggrieved applicants will have the option to appeal the decision as outlined above.</p>

The following tables show project selection criteria. The criteria in **Table 5** is 70% of the score based on two measures broken up by category. **Table 6** and **Table 7** show additional criteria based on project type. These two tables make up the final 30% of the score.

Table 5: Project Selection Criteria

Category	Description	Scoring	Weight
Compatibility with the DRCOG Coordinated Transit Plan	The extent to which the completed planning proposal moves toward being an actionable/implement able project derived from the DRCOG Coordinated Transit Plan.	<p>low – the project is minimally derived from the Plan.</p> <p>medium – the project is derived from many of the needs, gaps, and strategies related to Section 5310 and other human service transportation programs identified in the Coordinated Transit Plan. In addition, the project sponsor is a participant at some level in Ride Alliance.</p> <p>high – the project is not only derived from many of the needs, gaps, and strategies related to Section 5310 and other human service transportation programs identified in the Coordinated Transit Plan but personifies the spirit of the Plan as well. In addition, the project sponsor regularly coordinates with transportation providers, local governments, and other stakeholders in the provision of services and the application details a plan for coordination for the proposed scope of work and participates at a high level in Ride Alliance</p>	65
Innovation and Transferability	The extent to which the project involves an innovative practice or technique and/or potential transferability of project process or products.	<p>low – no potential for outcome to provide proof of concept for a process or practice. No transferability locally or regionally.</p> <p>medium – limited potential for outcome to provide proof of concept for a process or practice. Concept may prove transferrable to other projects locally or regionally.</p> <p>high – strong potential for outcome to provide proof of concept for a process or practice including potential transferability to other projects locally and regionally</p>	5

Table 6: Additional Criteria Based on Project Type- Capital Projects (Weight 15%)

Sub Category	Metrics
Replacement of Revenue Service Vehicles	<p>Metric 1: The vehicle’s State of Good Repair (SGR) - Age, Mileage, Usage, Readiness, including how the vehicle’s replacement is projected and prioritized within the agency’s or Group Asset Management Plans; higher mileage vehicles will be scored higher than lower mileage units</p> <p>Metric 2: Higher scoring will be awarded to applicants that can demonstrate a good state of repair through effective, documented, formal preventive maintenance programs or Transit Asset Management programs, and to those that have and follow a capital replacement plan</p>
Expansion of Revenue Service Vehicles	<p>Metric 1: Demonstrated Need and Readiness: Higher scoring will be awarded to projects that clearly demonstrate the need for the expanded service in terms of documented ridership or need studies and community support, that demonstrate an effective business case and can demonstrate they are truly ready to implement the expansion</p> <p>Metric 2: Special Considerations: For vehicle requests, applicants with a lower fleet spare ratio, who have a capital replacement plan/asset management plan, who can show strong institutional commitment, and who can show a strong financial commitment (higher local match ratio), will be scored more strongly.</p>
Facilities, Design, and Equipment	<p>Metric 1: Readiness and Demonstrated Timetable: Higher priority will be given to those that are shovel ready (NEPA clearance finalized, at least 30% design completed, and site location selected and purchased), and to the completion of existing projects.</p> <p>Metric 2: Project Purpose, Cost Savings, and Efficiency: Higher priority will be given to those projects that: have a high degree of local and regional support; well developed and defensible business case, and support or provide significant transit operational and utilization benefits.</p> <p>Metric 3: Special Considerations. Higher scoring in this area will be given to those projects that demonstrate they were developed in partnership with the local community. In the case of requests for the expansion of existing facilities, higher scoring will be applied if the project demonstrates the need for the facility and for growth in the program it supports. Agencies that adequately demonstrate institutional commitment, funding, financial capacity, and capability to sustain the service and project over time will be also be scored more strongly.</p>

Table 7: Additional Criteria Based on Project Type- Operating and Mobility Management Projects (Weight 15%)

Criteria	Factors Considered
Financial Need	<ul style="list-style-type: none"> • lack of funding sources available to the applicant; • good faith efforts to obtain funds for the project from non-DOT sources; • economic condition of the applicant’s service area and/or clients served; • level and amount of local commitment to transit; • reasonableness of costs to operate and administer the project • amount of available revenue, including contract and earmarked funds; and • portion of costs covered by local funds.
Service Justification	<ul style="list-style-type: none"> • lack of appropriate public transportation alternatives; • transit dependency of the population in the applicant’s service area, particularly the extent to which the proposed project serves elderly or disabled persons, persons without a car, or low-income persons, veterans, and other vulnerable populations; • extent to which the applicant provides service to other organizations; the numbers of riders and types of trips provided; • size of an applicant’s service area; and • other relevant factors, including congestion mitigation and air quality improvement.
Coordination/Effectiveness	<ul style="list-style-type: none"> • extent which coordination reduces operating expenses, number of vehicles used and lead time for passenger scheduling; • extent to which the applicant works with community organizations (e.g., Chambers of Commerce, human service agencies) to promote the service and make it more efficient; • lack of duplication or overlap with transit services provided by others; • an applicant’s good faith efforts to coordinate with private for-profit operators; and • the performance measure(s) listed for each activity demonstrates its ability to improve your clients’ quality of life and can also indicate the quality of change that was produced by your activity.

Project Implementation

Subaward Agreement

The subaward agreement is the legal document that binds the subrecipient and DRCOG, the passthrough entity, to the conditions of the award.

The document establishes:

- What will be done,
- How it will be completed,
- Who will do it,
- When it will be done,
- How much it is estimated to cost, and
- Any special terms and conditions that apply to the award.

This agreement serves two functions:

- It lays out the terms of compliance, and

- It sets expectations for performance.

Upon accepting the award, the subrecipient must comply with any conditions imposed upon the award by the federal government and DRCOG, as the pass-through entity. During this stage DRCOG and subrecipient staff shall negotiate a scope of work and budget based on the information submitted in the application. After this negotiation, both parties shall execute an agreement that includes the scope of work, budget, and all applicable legal authorities. This agreement shall also include all administrative requirements including those related to invoicing and reimbursement.

Applicable Legal Authorities

All applicable requirements are a necessary element of any subaward agreement. The requirements that apply to subawards are authorizing statute, program regulations, national policy requirements, and administrative regulations.

The applicable authorities are the following:

- The federal statute authorizing the grant program (49 U.S.C 5310) and any other federal directly affecting performance of the award (including the Federal Funding Accountability and Transparency Act (FFATA), as applicable);
- Program regulations;
- National policy requirements;
- Administrative regulations, cost principles, and audit requirements, i.e., agency implementation of the 2 Code of Federal Regulations (CFR) 200 (2 CFR 200); and
- Applicable laws and regulations.

Financial Terms and Conditions

The subaward establishes the understanding of the financial requirements, including payment and reporting, during and after the period of performance. 2 CFR 200 contains several flow-through requirements related to payments, cost sharing, and program income. Clauses required by federal statutes and executive orders and their implementing regulations, such as those found in 2 CFR 200. These clauses include the following:

- Which reports must be submitted and how often;
- Payment mechanism and method;
- Cost-sharing requirements; and
- Program income treatment.

Award Conditions

Funding provided to local government sponsors should not replace existing local funding for staff. Applicants should not request funding for projects, activities, or services that are currently performed by other agencies or government entities. Applicants should not request funding for projects, activities, or services that are currently performed by, or may compete with, the private sector. All project scopes of work are subject to review and approval by DRCOG.

Each applicant awarded funds will sign and enter into a contract with the DRCOG to implement the project depending on the type, location and other characteristics of the project. DRCOG is the ultimate steward of these federal funds. DRCOG will specify requirements for status reporting and

reimbursement requests. Each awarded project sponsor will be required to attend reimbursement training that defines the documentation required for tracking expenses and requesting reimbursement. Project sponsors will work with DRCOG, CDOT, RTD (as appropriate), and FHWA/FTA to ensure that the project is being implemented in accordance with federal requirements.

F. Post-Award Responsibilities

Monitoring

Monitoring is an essential task for pass-through entities. Not only is monitoring required by 2 CFR 200.331(d), but monitoring is also the process that ensures successful grant performance.

DRCOG shall continually monitor 5310 subrecipients. DRCOG staff will review invoices from 5310 grantees to ensure they comply with applicable regulations and are submitted for eligible expenses. If invoices do not match regulations, they will be rejected and will be investigated further. If DRCOG determines a project is no longer compliant with the 5310 program, funds will be taken from the subrecipient.

DRCOG will perform an evaluation annually providing program measures and other applicable information including tracking of funding and the remaining apportionment balances. DRCOG will use the 5310 Program Checklist found in Appendix A to ensure DRCOG is taking all appropriate measures in administering and managing the 5310 program. The results from this checklist will be included in the annual evaluation document.

Progress Reporting

2 CFR 200.328(b) requires that non-construction progress reports contain the following:

- A comparison of actual accomplishments with the goals and objectives established for the period
- Where project output can be quantified, a computation of the cost per unit of output
- Reasons why goals and objectives were not met, if appropriate
- Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs

Subrecipients will be required to prepare progress reports on a quarterly basis. These reports will begin based on the date agreements or contracts are signed with subrecipients and will continue until the project is closed out. In addition to applicable items from 2 CFR 200.328(b), progress reports will also include the following Section 5310 specific program measures (C 9070.1G, p.II-2.), as applicable:

Traditional Section 5310 Projects

1. **Gaps in Service Filled.** Provision of transportation options that would not otherwise be available for seniors and individuals with disabilities measured in numbers of seniors and people with disabilities afforded mobility they would not have without program support as a result of traditional Section 5310 projects implemented in the current reporting year.
2. **Ridership.** Actual or estimated number of rides (as measured by one-way trips) provided annually for individuals with disabilities and seniors on Section 5310– supported vehicles and

services as a result of traditional Section 5310 projects implemented in the current reporting year.

Other Section 5310 Projects

1. **Increases or enhancements** related to geographic coverage, service quality, and/or service times that impact availability of transportation services for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.
2. **Additions or changes** to physical infrastructure (e.g., transportation facilities, sidewalks, etc.), technology, and vehicles that impact availability of transportation services for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.
3. **Actual or estimated number of rides** (as measured by one-way trips) provided for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.

The next update of the Coordinated Transit Plan (anticipated Spring 2021 adoption) will include additional performance measures. These measures shall also be reported on, as applicable, in future progress reports.

Subrecipients will also be required to report on an annual basis their efforts in purchasing from DBE vendors and a vehicle condition report. Subrecipients will also be responsible, as applicable and appropriate, for submitting vehicle information on an annual basis. A form will be provided upon award and includes subrecipient's name, address and phone number; vehicle year, make, and model; date accepted; included equipment; location; grant number; federal percentage share; date last inspected, recorded mileage, maintenance schedule, and condition; type of funding used for the purchase; the useful life of the vehicle either based on FTA Circular 5010 or the Manufacturer, and other information used by DRCOG for program review and reporting. The information obtained from these reports will become part of the inventory record along with the title and certificate of collision insurance coverage. Vehicles must be maintained in accordance with the subrecipient's own vehicle maintenance plans. To ensure that the vehicles are properly maintained, DRCOG randomly reviews vehicle maintenance records and physically inspects vehicles as part of the on-site visits. These visits are conducted annually.

Final Status Report

All subrecipients are required to maintain records which adequately identify the source and application of funds provided for financially assisted activities. An accurate, current, and complete disclosure of the financial results of financially assisted activities must be submitted to the DRCOG. Reports will be prepared using the accrual method of accounting.

Certifications and Assurances

All applicants must comply with various Federal requirements. These certifications and assurances, which are required to be signed by an authorized agency official, are part of the solicitation documents or application package and are to be submitted with the completed application of applicants. If an application is approved, these certifications and assurances become part of the subrecipient's contract with DRCOG

DRCOG, when submitting a grant application to the FTA, is also required to execute certifications and assurances both on behalf of DRCOG and covering its subrecipients. DRCOG agrees to comply with all requirements of the Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements and pass those requirements to subrecipients as appropriate.

Site Visits

DRCOG and/or authorized representatives will perform on-site project monitoring visits with subrecipients receiving grant assistance. Site visits will be conducted using checklists which outline account and record keeping requirements in compliance with 2 CFR 200; the regulatory requirements for receipt of federal funds; vehicle inventory and maintenance records if the subrecipient received capital assistance and compliance with the FTA Drug and Alcohol testing regulations.

DRCOG complies with all applicable standards set forth in 2 CFR 200 and guidance in FTA circular 5010.1E-Grant Management Guidelines about financial management system for financial reporting, accounting records, cost standards, internal controls, budget controls and audit requirements.

Non-Compliance

DRCOG will monitor closely all activities by the subrecipient and take corrective actions to resolve any non-compliance issues.

If a subrecipient fails to comply with Federal statutes, regulations or the terms and conditions of a Federal award, DRCOG may impose additional conditions, as described in 2 CFR 200.207. If DRCOG determines that noncompliance cannot be remedied by imposing additional conditions, DRCOG may take one or more of the following actions, as appropriate in the circumstances:

- Temporarily withhold cash payments pending correction of the deficiency by the subrecipient or more severe enforcement action by DRCOG.
- Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
- Wholly or partly suspend or terminate the Federal award.
- Issue a recommendation to FTA to initiate suspension or debarment proceedings as authorized under 2 CFR part 180 and FTA regulations.
- Withhold further Federal awards for the project or program.
- Take other remedies that may be legally available.

G. Additional Subrecipient Requirements

This section describes the process by which the recipient complies with other federal requirements such as environmental protection under the National Environmental Policy Act (NEPA), Buy America provisions, pre-award and post-delivery reviews, restrictions on lobbying, prohibition of exclusive school transportation, and drug and alcohol testing, including the state's procedures for monitoring compliance by subrecipients.

DRCOG will seek a signed certification of compliance pertaining to applicable Certifications and Assurances from 5310 subrecipients. DRCOG, in turn, will include this documentation in the permanent file of the project. DRCOG will also randomly complete audits of subrecipients to ensure compliance with applicable provisions.

Civil Rights

The Denver Regional Council of Governments ("DRCOG") adheres to Title VI of the Civil Rights Act of 1964, a nondiscrimination law which provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Further, DRCOG adheres to other federal nondiscrimination statutes that afford legal protection; specifically: Section 162(a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (gender); Age Discrimination Act of 1975 (age); and Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act of 1990 (disability). DRCOG is committed to ensuring that no person or persons shall, on any statutorily prescribed basis, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity administered by DRCOG. Please see <https://drcog.org/civil-rights%E2%80%94title-vi> for details. Further, DRCOG assures the compliance with these requirements for each third-party contractor at any tier and each subrecipient at any tier under the project.

DRCOG has established a discrimination complaint procedure and form for handling complaints of discrimination.

Each subrecipient will be required to attend an annual workshop on civil rights requirements. DRCOG will seek, from all approved applicants, a written certification of compliance pertaining to Civil Rights, Title VI, Equal Employment Opportunity (EEO), and Disadvantaged Business Enterprise (DBE) regarding the grantee's facility and services. DRCOG will also insist on being informed, in writing, of any lawsuit, litigation or civil rights complaints made against the grantee organization. Additionally, DRCOG will accept, in writing, any updates on the status or outcome of active or pending lawsuits throughout the period of the approved grant. Furthermore, when selecting projects DRCOG will prioritize projects that that serve Environmental Justice (minority and low-income) and other vulnerable populations and areas where transit dependent populations reside but aren't currently served by the transit system.

DRCOG, in turn, will make all documents related to Civil Rights reporting part of the permanent file of the project. The DRCOG Title VI Implementation Plan and program is located on its website at <https://drcog.org/civil-rights%E2%80%94title-vi>.

Section 504 and ADA Reporting

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability by recipients (and also subrecipients) of federal financial assistance. The Americans with Disabilities Act of 1990 (ADA), as amended (42 U.S.C. 12101 et seq.), prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities, as well as imposes specific requirements on public and private providers of transportation.

As in other federal assistance programs, special efforts to meet the transportation needs of disabled persons are confirmed through an ongoing process.

DRCOG will seek, from all approved applicants, a written certification of compliance pertaining to ADA directives. DRCOG, in turn, will make all documents related to ADA reporting part of the permanent file of the project. This documentation will include information regarding the ADA accessibility of vehicles purchased through the 5310 program and executed, contracted assurances for subrecipients. DRCOG

will incorporate the relevant elements Section 5310 program administration into the agency's Title VI Plan. This plan provides the overarching framework for DRCOG's administration of federal funds and programs in compliance with the ADA and other Title VI requirements.

Procurement

Procurement of Capital Asset(s) will comply with subrecipient policies and procedures as long as they at least meet federal guidelines. In addition to the DRCOG requirements outlined below, procedures for purchase of this Capital Asset(s) must be followed and outlined prior to purchase. DRCOG encourages subrecipients to purchase vehicles off the CDOT Vehicle Price Agreement.

The subrecipient agrees to follow the below process or equivalent that meets the federal (2 CFR 1) guidelines for procurement procedure:

1. The first step in the procurement process will be to obtain an Independent Cost Estimate (ICE).
2. The second step will be to obtain a Procurement Concurrence Request (PCR) approval from the DRCOG.
3. Prior to approving purchasing agreement(s) entered into by a selected vendor, the subrecipient shall request a Purchase Authorization (PA) from the DRCOG and submit a copy of the purchase order for the Capital Asset(s) in the supporting documentation submitted to DRCOG.
4. Once the Purchase Authorization (PA) is approved by DRCOG, and the Capital Asset(s) is/are ordered, DRCOG shall be notified by the subrecipient of the agreed upon delivery date. Delivery Date will be included in the supporting documentation submitted to DRCOG.
5. Upon delivery, the subrecipients shall be responsible for ensuring the Capital Asset(s) are inspected and accepted within **fifteen (15) calendar days of delivery**. If defects prevent acceptance of the Capital Asset(s), DRCOG and their subrecipient shall contact the vendor to resolve any defects and notify DRCOG and CDOT if the asset is purchased on the CDOT Vehicle Price Agreement.
6. DRCOG and their subrecipients shall be responsible for reimbursing the selected vendor within **forty-five (45) calendar days after acceptance** of the Capital Asset(s).

Financial Management

The subrecipient must have the financial and managerial capability and capacity to manage any funds awarded, as well as demonstrate that it has the resources necessary to operate the project on an ongoing basis. Section 5310 grants will be awarded on a reimbursement basis. All project related capital and operating expenditures must be incurred locally and reported to DRCOG after the contract has been executed. The appropriate local share requirement (20% capital and 50% operational) must be met before reimbursements will be granted. Therefore, the recipient must have the financial ability and cash flow to incur and pay such costs upfront and not expect immediate reimbursement from DRCOG. The applicant must also be willing and able to follow federal and DRCOG guidelines in procurement, as well as other pertinent regulations and guidelines. Subrecipients must retain the original receipts for all eligible project expenditures and attach them to reimbursement requests. In the case of capital projects, subrecipients will be required to attach copies of vendor invoices to reimbursement requests.

Accounting Systems

The DRCOG Accounting system shall establish and maintain accounts for the project in a manner consistent with 2 CFR 200 and in accordance with applicable provisions of 23 CFR 172. Expenditures

shall be in conformance with the standards for allowability of costs set forth in 2 CFR 200 and the contract cost principles and procedures set forth in 48 CFR Part 1.31.6 of the Federal Acquisition Regulation system.

DRCOG maintains a system of controls over subrecipient monitoring. As a part of the subrecipient monitoring, DRCOG requires sufficient documentation to be provided as support for pass-through expenditures. DRCOG shall also monitor the matching effort and project budgets.

Property Management

DRCOG will coordinate with CDOT for the procurement of vehicles, facilities, and other capital items for DRCOG's 5310 program. These items are governed by the CDOT program management plans. Recipients of these vehicles are required to follow all pertinent management procedures and restrictions of the program management plan of the procuring agency.

Audits and Management or Financial Reviews

DRCOG and the subrecipients maintain an accurate cost-keeping system as to all costs incurred in connection with the subject of the FTA project and shall produce for examination books of account, bills, invoices and other vouchers, or certified copies thereof if originals are lost, at such reasonable time and place as may be designated by DRCOG, FTA or a designated Federal representative and shall permit extracts and copies thereof to be made during the contract period and for three years after the final FTA-DRCOG audit is completed, resolved and closed.

DRCOG and the subrecipients affords a representative of DRCOG, FTA, or any authorized representative of the Federal government, reasonable facilities for examination and audits of the cost account records, shall make such returns and reports to a representative as he may require, shall produce and exhibit such books, accounts, documents and property as the representative may desire to inspect, and shall in all things aid them in the performance of audit duties.

DRCOG and the subrecipients shall be responsible for meeting the audit requirements of 2 CFR 200 or any revision or supplement thereof. 2 CFR 200 Subpart F states that when expenditures of total federal awards, whether pass-through or direct, exceed \$750,000 in a fiscal year, an independent audit is required. Pass-through monies from DRCOG shall be separately identified on the Subrecipients' Schedule of Expenditures of Federal Awards as reported in their financial audit.

Environmental Protection

The President's Executive Order on Environmental Justice expanded upon Title VI of the 1964 Civil Rights Act (42 U.S.C. 2000d-1) when it stated that "each federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."

When determining if a particular program, policy or activity will have disproportionately high and adverse effects on minority and low-income populations, mitigation and enhancement measures and potential offsetting benefits to the affected minority or low-income populations will be taken into account. Other factors that will also be taken into account are comparative impacts, design, and the

number of similar existing system elements in nonminority and non-low-income areas. The evaluation will determine if alternatives studied will be disadvantageous to the population considered.

However, any program, policy or activity that has the potential for disproportionately high and adverse effects on the affected populations will only be carried out if there is a substantial need for the program, policy or activity based on overall public interest; or alternatives that would have less adverse effects have either adverse social, economic, environmental or human health impacts that are more severe or would involve increased costs of an extraordinary magnitude.

In addition, any federal funded projects must comply with the National Environmental Policy Act. DRCOG will work with subrecipients proposing to use Section 5310 funds for any construction-related projects to ensure that the NEPA requirements are met in advance of approving the project for funding.

Restrictions on Lobbying

Recipients of federal grants from any source exceeding \$100,000 annually must certify that they have not and will not use federally appropriated funds for lobbying.

Prohibition of Charter and School Bus Service

As defined by the FTA, "Charter Service" means transportation provided to a group of persons who travel together under an itinerary specified in advance or modified after having left the place of origin. Title 49 USC 5323(d) places limits on the charter services that federally-funded public transportation operators may provide. Title 49 USC 5323(f) places limits on school transportation that federally-funded public transportation operators may provide. 5310 grantees are prohibited from using this program's funds to provide charter service or school service.

Drug and Alcohol Testing

Recipients or subrecipients that only receive 5310 assistance are not subject to FTA Drug and Alcohol testing rules but must comply with the Federal Motor Carrier Safety Administration rule for employees to hold Commercial Drivers' Licenses (49 CFR part 382).

Section 5310 recipients and subrecipients that also receive funding under one of the covered FTA programs (Section 5307, 5309, or 5311) should include any employees funded under Section 5310 projects in their testing program (C 9070.1G, p. VIII-9).

Buy America

FTA's Buy America requirements prevent obligating an amount that may be appropriated to carry out its program for a project unless "the steel, iron, and manufactured goods used in the project are produced in the United States" (49 U.S.C. § 5323(j)(1)). FTA's Buy America requirements apply to third-party procurements by FTA grant recipients. A grantee must include in its bid or request for proposal (RFP) specification for procurement of steel, iron or manufactured goods (including rolling stock) an appropriate notice of the Buy America provision and require, as a condition of responsiveness, that the bidder or offeror submit with the bid or offer a completed Buy America certificate in accordance with 49 CFR §§661.6 or 661.12.

Under limited circumstances, FTA may waive Buy America requirements if the agency finds that:

- application of Buy America is inconsistent with the public interest;
- the steel, iron, and goods produced in the U.S. are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; or
- including domestic material will increase the cost of the overall project by more than 25 percent for rolling stock.

The process for seeking a waiver is set forth in 49 CFR part 661. Grantees are encouraged to apply for a waiver as soon as possible and to provide detailed requests to expedite FTA's review. FTA's determinations on waiver requests are published in the Federal Register for notice and comment.

When procuring rolling stock, which includes train control, communication, traction power equipment, and rolling stock prototypes, the cost of the components and subcomponents produced in the U.S. must be:

- more than 60 percent for FY2016 and FY2017
- more than 65 percent for FY2018 and FY2019
- more than 70 percent for FY2020 and beyond

Final assembly for rolling stock also must occur in the U.S. Additionally, rolling stock procurements are subject to the pre-award and post-delivery Buy America audit provisions set forth in 49 U.S.C. § 5323(m) and 49 CFR part 663.

Unlike rolling stock, manufactured goods must be 100-percent produced in the U.S. A manufactured good is considered produced in the United States if: (1) All of the manufacturing processes for the product take place in the United States; and (2) All of the components of the product are of U.S. origin. A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents. 49 CFR 661.5(d). FTA has issued a number of Buy America guidance letters discussing manufactured goods.

Program Income

Program income means gross income earned by the non-Federal entity that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance except as provided in 2 CFR 200.307 paragraph (f). (See 2 CFR 200.77 Period of performance.) Program income includes but is not limited to income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations, or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts, and interest earned on any of them. See also 2 CFR 200.407 Prior written approval (prior approval). See also 35 U.S.C. 200-212 "Disposition of Rights in Educational Awards" applies to inventions made under Federal awards.

Recipients are encouraged to earn income to defray program costs where appropriate. FTA's program income policy for state, local governments, Indian tribes, and for institutions of higher learning and nonprofit organizations are at 2 CFR § 200.307 as modified by 2 CFR § 1201.80. The "Program Income" provisions of 2 CFR § 1201.80 supersede the "Program Income" provisions of 2 CFR § 200.80, and as

further described in the latest FTA Master Agreement. FTA recognizes program income to be gross income earned by the recipient, or subrecipient, that is directly generated by a supported activity, or earned only as a result of the federal Award during the period of performance, Page VI-12 FTA C 5010.1E per 2 CFR § 200.77. The federal awarding agency (FTA) or pass-through entity (DRCOG) must include start and end dates of the period of performance in its Award.

Please refer to FTA Circular FTA C 5010.1E for further details.

Asset Inventory

Subrecipients receiving funds for vehicle or other capital purchases are required to maintain a transit asset inventory and Transit Asset Management Plan (TAM). An asset inventory is a register, repository or comprehensive list of an agency's assets and specific information about those assets. It is intended to provide consistent information across all asset classes to support enterprise-level business processes, including capital programming and operations and maintenance budgeting. It is the responsibility of the agency to determine what should be included in the asset inventory, how the inventory should be organized, and the critical information that is needed to manage the items in the asset inventory over their lifecycle.

Agencies that are categorized as Tier II agencies (based on the FTA final rule 49 CFR Parts 625 and 630) may elect to participate in the CDOT TAM or maintain their own. Agencies that are categorized as Tier I agencies must maintain their own inventory and TAM and satisfy additional requirements per the FTA final rule.

Close out

After the project has been completed in accordance with the written agreement between DRCOG and the subrecipient, DRCOG will close out the contract. If this is the last project within a grant in FTA's grant management system, then that grant will also be closed out.

Record Retention

The subrecipient must agree to retain all data, documents, reports, records, contracts, and supporting materials relating to the project throughout the course of the grant and for a period of three years after the date of the final expenditure report submission to FTA. This information may be accessed by the DRCOG, U.S. Secretary of Transportation, the Comptroller General of the United States, and, to the extent appropriate, the State, or their authorized representatives.

Maintenance and Disposition

Vehicles and equipment must be maintained in good operating order and subrecipients must follow the manufacturer's suggested maintenance schedules. Subrecipients will follow all required vehicle and equipment management and disposition procedures and guidance in FTA Circular 5010.12 and CFR 200.

H. Expectations of DRCOG as a Designated Recipient and Pass-Through Entity

Accountability in a Pass-Through Context

Pass-Through- Program Relationships and Accountability

Reporting and transparency requirements reflect the expectation that federal agencies must be able to account for the performance of every grant dollar. These expectations flow to non-federal entities,

especially pass-through entities. As a Designated Recipient for the FTA Section 5310 program, DRCOG's pass-through responsibilities will include the following:

- Complying with all requirements of federal awards, including those on executive compensation and whistleblower protections (2 Code of Federal Regulations (CFR) 200.300 (b))
- Notifying FTA, as the federal awarding agency, when a subaward is terminated.

Appendix

5310 Program Checklist

This checklist is reviewed on an annual basis to ensure compliance with all applicable Federal regulations.

- Confirm all pertinent information is on the DRCOG website
 - Coordinated Transit Plan
 - Program Management Plan
 - Associated Committee Agendas and Minutes
 - 5310 Notices of Funding Availability
- Seek written certification of compliance pertaining to the following, from all 5310 subrecipients
 - Civil Rights
 - Title VI
 - Equal Employment Opportunity (EEO)
 - ADA directives
 - Disadvantaged Business Enterprise (DBE)
- Prioritize projects that are located within Environmental Justice areas and areas where transit dependent populations reside
- Complete an annual 5310 program evaluation using the federal program measures

Traditional Section 5310 Projects

- _____ **Gaps in Service Filled.** Provision of transportation options that would not otherwise be available for seniors and individuals with disabilities measured in numbers of seniors and people with disabilities afforded mobility they would not have without program support as a result of traditional Section 5310 projects implemented in the current reporting year
- _____ **Ridership.** Actual or estimated number of rides (as measured by one-way trips) provided annually for individuals with disabilities and seniors on Section 5310– supported vehicles and services as a result of traditional Section 5310 projects implemented in the current reporting year

Other Section 5310 Projects

- _____ **Increases or enhancements** related to geographic coverage, service quality, and/or service times that impact availability of transportation services for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year
- _____ **Additions or changes** to physical infrastructure (e.g., transportation facilities, sidewalks, etc.), technology, and vehicles that impact availability of transportation services for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year
- _____ **Actual or estimated number of rides** (as measured by one-way trips) provided for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year
- DRCOG will verify subrecipients have a written drug free policy, non-smoking and no texting while driving policy

List of Acronyms

AAA- Area Agency on Aging

ADA- Americans with Disabilities Act (1990)

CDOT- Colorado Department of Transportation

DRCOG- Denver Regional Council of Governments

FAST Act- Fixing America’s Surface Transportation Act

FTA- Federal Transit Administration

MPA- Metropolitan Planning Area

MPO- Metropolitan Planning Organization

PMP- Project Management Plan

STIP- Statewide Transportation Improvement Program

TAC- DRCOG Technical Advisory Committee

TIP- Transportation Improvement Program

RTC- DRCOG Regional Transportation Committee

RTD- Denver Regional Transportation District

UZA- Urbanized Area