

DRAFT – VERSION 2

# INDIANAPOLIS URBANIZED AREA Program Management Plan

For

Section 5310 Enhanced Mobility of Seniors and Individuals with  
Disabilities Program



Indianapolis Public Transportation Corporation  
Administrative Offices  
1501 W. Washington Street  
Indianapolis, Indiana 46222

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The Program Management Plan is created by IPTC Staff, referencing all applicable federal, state, and local statutes and regulations.

<b>Version</b>	<b>Date</b>	<b>Notes</b>
1.0	September 1, 2022	New draft of PMP
2.0	September 19, 2022	Draft of PMP for County Connect

As required, the Federal Transit Administration approved this plan on XXXX, XXXX. A copy of the approval can be requested from the Section 5310 Program Administrator.

## INTRODUCTION

This Program Management Plan (PMP) has been prepared to outline the protocol and procedures for administering the Federal Transit Administration (FTA) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program in the Indianapolis Urbanized Area.

This Indianapolis Urbanized Area Program Management Plan (PMP) meets the requirements of FTA for program management plans as set forth in the Enhanced Mobility of Seniors and Individuals with Disabilities (Section 5310) Program Circular, FTA C 9070.1G (July 7, 2014). This PMP describes the process by which the Indianapolis Public Transportation Corporation (IPTC) implements the Section 5310 Program within Indianapolis Urbanized Area.

The Enhanced Mobility of Seniors and Individuals with Disabilities Program is a result of the Moving Ahead for Progress in the 21st Century Act (MAP-21) transportation bill which was enacted in 2012. MAP-21 blended the former Elderly Individuals and Individuals with Disabilities Program (Section 5310) and the New Freedom Program (Section 5317) into one program and renamed it Enhanced Mobility of Seniors and Individuals with Disabilities Program. The new Section 5310 Program as amended, authorizes grants for the activities previously authorized under two separate grant programs. Subsequent surface transportation bills, Fixing America's Surface Transportation (FAST) Act (2015) and the Investment in Infrastructure and Jobs Act (2021) continued the program.

The New Freedom Program was introduced as a new program authorized under the previous transportation bill Safe, Accountable, Flexible, Efficient Transportation Act, a Legacy for Users (SAFETEA-LU) which was enacted on August 10, 2005. New Freedom grew out of the New Freedom Initiative introduced by the Administration and recognized that individuals who are transportation-disadvantaged face different challenges in accessing services depending on whether they live in urban, rural, or suburban areas. New Freedom assisted with meeting these challenges by providing funds for new public transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act of 1990 (ADA).

The previous Section 5310 program (Elderly Individuals and Individuals with Disabilities Program) was a long-standing discretionary capital assistance program that was established in 1975. The program provided funding for capital assistance to eligible entities whose program improved mobility for elderly individuals and individuals with disabilities throughout the country.

Locally-designated recipients in urbanized areas with a population of 200,000 or more administer the formula-based Enhanced Mobility of Seniors and Individuals with Disabilities Program.

On December 6, 2012, the Governor of Indiana designated the Indianapolis Public Transportation Corporation (IPTC) also known as IndyGo to be the Designated Recipient responsible for administering the Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310 Program) grant allocations for the Indianapolis Urbanized Area. IPTC receives these federal funds annually for distribution to eligible subrecipients.

For more information please contact a program representative with the contact information below:

Grants - Subrecipient Help

Indianapolis Public Transportation Corporation

1501 West Washington Street

Indianapolis, IN 46222

help-subrecipient@indygo.net

## PROGRAM GOALS AND OBJECTIVES

The goal of the Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310) is to improve mobility for seniors and individuals with disabilities throughout the country, by removing barriers to transportation services and expanding the transportation mobility options available.

The Enhanced Mobility of Seniors and Individuals with Disabilities Program, as amended by MAP-21, requires that recipients of Section 5310 funds certify that projects selected for funding under this program are included in a locally developed, coordinated public transit -human services transportation plan. The coordinated plan should be prepared through a process that is consistent with the applicable metropolitan or statewide planning process. Projects should also be in the Transportation Improvement Program (TIP), and State Transportation Improvement Program (STIP).

As the designated recipient for the Indianapolis Urbanized Area, IPTC will also continue to coordinate with the state (Indiana Department of Transportation), designated metropolitan planning organization (Indianapolis Metropolitan Planning Organization), regional (Central Indiana Regional Transportation Authority) officials to ensure that the Enhanced Mobility of Seniors and Individuals with Disabilities Program initiatives remain in line with and complementary to the objectives and goals for transportation planning and services for seniors and individuals with disabilities in the Indianapolis urban area.

IPTC will also engage the input of elected officials through their inclusion in public stakeholder forums and any coordinated community transportation plans developed and updated for use with these programs.

### Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program

The Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program is a formula-based federal grant program that provides funding for capital and operating projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, unavailable or inappropriate. Section 5310 provides that no less than 55% of the apportioned funds be made available for projects requiring capital assistance. Projects that were formerly eligible for funding under the New Freedom Section 5317 Program will now be eligible for consideration under the new Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program. These eligible projects included public transportation projects that exceed the requirements of the American with Disabilities Act (ADA) of 1990; and alternatives to public transportation that assist people with disabilities with transportation.

## DEFINITIONS

The following definitions are provided as they relate to IPTC’s implementation of the Enhanced Mobility of Seniors and Individuals with Disabilities Program:

- a. **Access to Jobs Project:** A project relating to the development and maintenance of transportation services designed to transport seniors or individuals with disabilities to and from jobs and activities related to their employment.
- b. **Accessible Taxi:** An accessible taxi is a vehicle that is used by a private provider of on-demand transportation service to the public that is regulated and licensed for such use by the municipality, county or other government entity. An accessible taxi is one which has the capacity to accommodate a passenger who uses a “common wheelchair” as defined under 49 CFR 37.3, at a minimum, while remaining in their personal mobility device inside the vehicle, and meets the same requirements for lifts, ramps, and securement systems specified in 49 CFR part 38, subpart B.
- c. **Americans with Disabilities Act (ADA):** Public Law 336 of the 101st Congress, enacted July 26, 1990. The ADA prohibits discrimination and ensures opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation.
- d. **Competitive Selection Process:** A process to choose which projects will be funded based on standard evaluation criteria applied to each project. Projects are not guaranteed funding year to year. As the Designated Recipient of FTA funds, the process is conducted by IPTC for the Indianapolis Urbanized Area (population more than 200,000) in the State of Indiana. The projects selected must be derived from a Locally Developed, Coordinated Public Transit-Human Services Transportation Plan.
- e. **Demand Responsive Service:** Service which operates in response to calls from passengers to the transit operator. Vehicles are dispatched to pick up passengers and transport them to their destinations. The vehicles do not operate over a fixed route or on a fixed schedule. Routes change every day depending on the demand.
- f. **Designated Recipient:** A designated recipient is responsible for distribution of funds and compliance with applicable rules and regulations. In 2012 Governor Mitchell Daniels designated the Indianapolis Public Transportation Corporation (IPTC) as the designated recipient of FTA Enhanced Mobility of Seniors and Individuals with Disabilities (Section 5310) funds for the Indianapolis urban area, population more than 200,000.
- g. **Eligible Low-Income Individual:** An individual whose family income is at or below 150% of the poverty line (as that term is defined in Section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that Section (for a family of the size involved).
- h. **Equipment:** is defined as tangible, non-expendable, personal property having a useful life of more than one year and a unit price of \$300 or more. Typically, equipment includes such items as major spare parts, computer systems, communication system major maintenance tools, passenger shelters, etc.
- i. **Fixed Route Service:** Designated public transportation service in which a vehicle is operated along a prescribed route according to a fixed schedule.
- j. **Grantee:** An eligible subrecipient, which submitted, and received approval of a Section 5310 application to IPTC.
- k. **Human Service Transportation:** Transportation services provided by or on behalf of a human service agency to provide access to agency services and/or to meet the basic,



day-to-day mobility needs of transportation-disadvantaged populations, especially individuals with disabilities, older adults, and people with low incomes.

- l. **Individual With a Disability:** The term ‘individual with a disability’ means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use effectively, without special facilities, planning, or design, public transportation service or a public transportation facility. 49 U.S.C. 5302(a)(5).
- m. **Large Urbanized Areas:** An area with a population over 200,000. Also known as a transportation management area.
- n. **Locally Developed, Coordinated Public Transit-Human Services Transportation Plan:** A locally-developed plan that identifies the transportation needs of individuals with disabilities, older adults, and people with low incomes, provides strategies for meeting those local needs, and prioritizes transportation services for funding and implementation. The plan must include an area no smaller than a county. All Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310) projects must be derived from these locally developed plans.
- o. **Non-profit Organization:** A corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. 501(c) that is exempt from taxation under 26 U.S.C. 501(a) or one that has been determined under State law to be non-profit and for which the designated State agency has received documentation certifying the status of the non-profit organization.
- p. **Program Manager:** IPTC staff designated as the individual responsible for the administration and compliance of Section 5310.
- q. **Program of Projects:** A list of projects to be funded in a grant application submitted to FTA by a designated recipient. The program of projects lists the sub-recipients and indicates whether they are private non-profit agencies, public bodies, or private providers of transportation service, and designates the areas served (including rural counties). In addition, the program of projects includes a brief description of the projects, total project cost, and Federal share for each project, and the amount of funds used for program administration from the 10% allowed.
- r. **Reverse Commute:** A project designed to transport residents of urbanized areas and other than urbanized areas to suburban employment opportunities.
- s. **State Transportation Improvement Program (STIP):** A statewide document that includes all projects to be implemented within a four-year period in an urbanized area with a population over 50,000.  
**Transportation Improvement Program (TIP):** A locally-approved short-range transportation plan that reflects the program of publicly funded transportation improvements for the Metropolitan Planning Organization region.

## ROLES AND RESPONSIBILITIES

### Federal Transit Administration (FTA)

The FTA is the federal oversight agency. With headquarters in Washington, D.C., FTA is responsible for: providing overall policy and program guidance for the Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310); allocating funds annually to

the States; developing and implementing financial management procedures; initiating and managing program support activities; and conducting national program review and evaluation.

The FTA Region V Office in Chicago, Illinois is responsible for the day-to-day administration of the programs. Regional office activities include: reviewing and approving state/designated recipient grant applications; obligating funds; working with states/designated recipients to implement the annual program; receiving state certifications and revisions to the program of projects; review and approval of State Management Plans; oversight of state management responsibilities; and overall grant management.

### **Indianapolis Public Transportation Corporation (IPTC)**

IPTC has been designated by the Governor as the agency responsible for the administration of the FTA Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310) within the Indianapolis Urbanized Area.

IPTC’s responsibilities include a fair and equitable distribution of funds, adhering to federal and state program guidelines, notifying eligible applicants about the availability of the program, developing program criteria, soliciting applications, and monitoring and improving coordination of public transportation services at the local and state levels.

The IPTC administration of the Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310) includes, but is not limited to:

- Public notification of funding availability and call for projects
  - Distribution of applications
  - Informational meetings
  - Application review and evaluation
  - Project selection(s) and funding award(s)
  - Executing contracts
- Compliance and performance reviews

### **Indiana Department of Transportation (INDOT)**

INDOT has been designated by the Governor as the agency responsible for the administration of U.S. DOT Federal Transit Administration (FTA) programs, including the Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310), in the non-urbanized areas within the State of Indiana.

### **Indianapolis Metropolitan Planning Organization (IMPO)**

The IMPO is responsible for maintaining the metropolitan transportation plan, the transportation improvement program, air quality analysis, and the congestion management plan for the metropolitan planning area (MPA). The IMPO is comprised of an Executive Committee, a Transportation Policy Committee, and a Transportation Technical Committee, which include member towns, cities, and counties throughout the MPA. IndyGo is a member of the IMPO.

The IMPO may also manage the development of the Public Transit-Human Services Coordinated Transportation Plan, i.e. the Coordinated Plan.

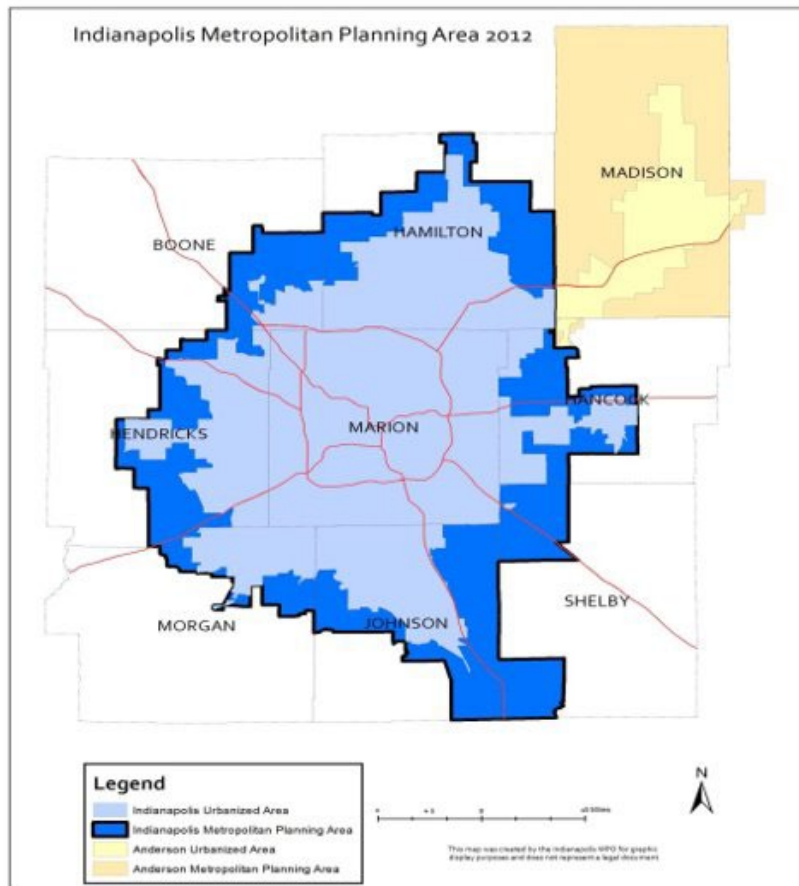
## Coordination and Coordinated Plan

Projects funded through the Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310) must be derived from a locally developed, coordinated public transit-human services transportation plan (Coordinated Plan) as a condition of funding and should be competitively selected.

The Coordinated Plan is a federally required planning document that seeks to describe the existing programs and future needs for the mobility of seniors and individuals with disabilities. The Coordinated Plan is updated every four years with coordination between IMPO, IndyGo, CIRT, and all public and private transit providers in the Indianapolis urbanized area.

The IPTC was a participant in the 2021 update of the Indianapolis Urbanized Area Coordinated Public Transit Human Services Transportation Plan. The plan was updated in October of 2021 with the input and cooperation of area stakeholders, including individuals with disabilities, through a series of public meetings, interviews and through the use of surveys. A copy of the most recent version of this plan is available for viewing on the IPTC website at [www.indygo.net](http://www.indygo.net).

INDOT tasked the IMPO with developing the Coordinated Plan for the Indianapolis Urbanized Area and the Indianapolis Metropolitan Planning Area, which encompasses all or portions of Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, and Shelby counties (see below).



The update to the coordinated plan used the following planning elements:

1. Review of the previous regional coordination plan updates to develop a basis for evaluation and recommendations;
2. Evaluation of existing economic/demographic conditions in each county;
3. Conduct of a survey of the general public. It must be noted that general public survey results are not statistically valid, but are intended to provide insight into the opinions of the local community. The survey also includes distribution to agencies that serve older adults and individuals with disabilities and their consumers. A statistically valid public survey was beyond the scope of this project. However, U.S. Census data is provided to accompany any conclusions drawn based on general public information;
4. Update of the inventory of existing transportation services provided by public, private and nonprofit organizations;
5. Conduct of a virtual meeting for regional stakeholders for the purpose of soliciting input on transportation needs, service gaps, and goals, and implementation strategies to meet these deficiencies;
6. Deploy a survey to begin the prioritization process;
7. Conduct of a second virtual meeting for regional stakeholders for the purpose of prioritizing strategies for implementation and reviewing draft language of goals and strategies;
8. Update of the assessment of unmet transportation needs and gaps in service obtained through meetings, interviews, and surveys; and
9. Development of an updated implementation plan including current goals, strategies, responsible parties and performance measures.

## ELIGIBLE SUBRECIPIENTS

IPTC will make available not less than 55 percent of Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310) grant funding assistance for those public transportation capital projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, unavailable or inappropriate. The balance of available Section 5310 grant funding will then be designated for projects that were formerly eligible under the New Freedom Section 5317 Program. This includes public transportation projects that exceed the requirements of the American with Disabilities Act (ADA) of 1990; and alternatives to public transportation that assist people with disabilities with transportation.

Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310) grant funding assistance is limited to two categories of subrecipients:

1. Private, non-profit corporations (incorporated in Indiana through the Secretary of State).
2. Eligible local public bodies (defined as a “municipal corporation” in Indiana Code 36-1-2-10) that either are approved by IPTC to coordinate services for seniors and individuals with disabilities; or that certify to IPTC that no non-profit corporations are readily available to provide the proposed service.

Private operators of public transportation are eligible subrecipients, provided that their service provides shared-ride taxi service to the public or to special categories of users (such as seniors or individuals with disabilities) on a regular basis. “Shared-ride” means two or more passengers in the same vehicle who are otherwise not traveling together. Similar to general public and ADA demand response service, every trip does not have to be shared-ride in order for a taxi company to be considered a shared-ride operator, but the general nature of the service must include shared rides.

Local (municipal/State) statutes or regulations, or company policy, will generally determine whether a taxi company provides shared-ride or exclusive-ride service. For example, if the local regulation permits the driver to determine whether or not a trip may be shared, the service is not shared-ride. Similarly, if the regulation requires consent of the first passenger to hire a taxi be obtained before the taxi may take on additional riders, the service is not shared-ride. In essence, services which can be reserved for the exclusive use of individuals or private groups, either by the operator or the first passenger’s refusal to permit additional passengers is not shared-ride but it is exclusive-ride taxi service. Documentation (notarized affidavit) from the taxi company assuring that the company provides shared-ride service is required to determine whether the company qualifies as a sub recipient prior to award.

Taxi companies that provide only exclusive-ride service are not eligible subrecipients; however, they may participate in the Section 5310 program as contractors. Exclusive-ride taxi companies may receive Section 5310 funds to purchase accessible taxis under contract with a designated recipient or eligible subrecipient such as a local government or non-profit organization. The taxi company may hold title to the accessible vehicle(s) as long as the agreement between the designated recipient or subrecipient and the taxi company is sufficient to establish satisfactory continuing control. Acceptable means of establishing satisfactory continuing control could include a designated recipient, or sub recipient’s lien on the vehicle, or contract provisions that require the accessible taxi to be used to provide transportation for seniors and people with disabilities, and that the vehicle may not be removed from service or disposed of prior to the end of its useful life without the express written consent of the FTA recipient or subrecipient.

## FUNDING REQUIREMENTS

### Federal/Local Funding Match

Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310) funding is provided on a matching basis as follows:

- Capital Project – 80% Federal, 20% Local
- Operating Project – 50% Federal, 50% Local

The local share of eligible capital costs shall be not less than 20 percent of the net cost of the activity, and the local share for eligible operating costs shall be not less than 50 percent of the net operating costs.

### Local Match Source

The local share may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local service agency or private social service organization, or new capital. Some examples of these sources of local

match include: State or local appropriations; dedicated tax revenues; private donations; revenue from service contracts; toll revenue credits; and net income generated from advertising and concessions. Non-cash share such as donations, volunteered services, or in-kind contributions is eligible to be counted toward the local match as long as the value of each is documented and supported, represents a capital cost which would otherwise be eligible under the program, and is included in the net project costs in the project budget.

Income from contracts to provide human service transportation may be used either to reduce the net project cost (treated as revenue) or to provide local match for Section 5310 operating assistance. In either case, the cost of providing the contract service is included in the total project cost. No FTA program funds can be used as a source of local match for other FTA programs, even when used to contract for service. All sources of local match must be identified and described in the grant application at the time of grant award.

In addition, the local share may be derived from Federal programs that are eligible to be expended for transportation, other than DOT programs, or from DOT's Federal Lands Highway Program. Examples of types of programs that are potential sources of local match include: employment, training, aging, medical, community services, and rehabilitation services. Specific program information for other types of Federal funding is available at [www.unitedweride.gov](http://www.unitedweride.gov).

## Eligible Activities

The type of activities that will be eligible for each call for projects will be communicated within the call for projects document.

### Capital Activities

Eligible capital projects include the capital cost of contracting for the provision of transit services for seniors and individuals with disabilities and other specialized shared-ride transportation services. The purchase of rolling stock for or the acquisition of ADA complementary paratransit service are eligible capital expenses that may also qualify under the 5310 Program as public transportation capital projects planned, designed, and carried out to meet the specific needs of seniors and individuals with disabilities when fixed-route public transportation is insufficient, unavailable or inappropriate, provided the projects are carried out by eligible sub recipients and these projects are included in the area's coordinated plan.

### Operating Activities

In addition to the above required capital projects, up to 45 percent of the apportionments may be utilized for additional public transportation projects: that exceed the ADA minimum requirements, improve access to fixed route service and decrease reliance by individuals with disabilities on ADA complementary paratransit service, or provide alternatives to public transportation that assist seniors and individuals with disabilities with transportation.

Such projects must be targeted toward meeting the transportation needs of seniors and individuals with disabilities, although the services may also be used by the general public. It is not sufficient that seniors and individuals with disabilities are included (or assumed to be included) among the people who will benefit from the project. FTA encourages projects that are open to the public as a means of avoiding unnecessary segregation of services.

The following activities would be considered eligible projects: Enhanced paratransit beyond the minimum requirements of the ADA; Transit feeder services; Accessibility improvements to

transit and intermodal stations; Travel training; Purchasing equipment to support new accessible taxi, ride share or vanpooling programs; Transportation voucher programs; Mobility management and coordination programs among public transportation and other human service agency transportation programs. Equipment may include but is not limited to: vehicles, software licenses, and hardware (dispatch technology, cell phones, computers). Eligible equipment are program specific.

## FUNDING, APPLICATION PROCESS, EVALUATION CRITERIA AND PROJECT AWARDS

### Available Funding

Available funding is annually determined by IPTC staff based on the FTA's apportionment of Section 5310 funds to the Indianapolis UZA, recent call for project application amounts, and other factors. The total Federal funding level for the program of projects cannot exceed the total amount of Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310) funds apportioned to the Indianapolis UZA.

### Application Process (Call for Projects)

IPTC will conduct the application process for the Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310), including the development and distribution of all applications and selection materials.

Typically, IPTC will conduct an annual Call for Projects (CFP) in the first quarter of the year, announcing the availability of Section 5310 funds and a window for application. Each call for projects includes a mandatory meeting. The mandatory meeting will be conducted by the IPTC Program Manager and any supporting staff. The meeting will review the call for projects and any Title VI information required and allow potential applicants the opportunity to ask questions. The call for projects will outline program requirements and eligible activities for the specific program year. Each year's application will reflect the current call for projects. After the application window has closed and reviews have been completed, IPTC will announce grant awards during the latter part of the second quarter.

### Application Review

IPTC awards grants on a competitive basis. Applications are reviewed based on the requested information presented in the call for projects packet. Prior to evaluating applications based on the Evaluation Criteria, each applicant must demonstrate the following:

- Participation in the locally developed coordination plan,
- That the project was derived from the plan, and
- All requested documents are complete and contained in the application.

Applications are then reviewed with established criteria, including compliance with the locally developed coordination plan, demonstrated financial capacity, adherence with program goals and measures, and administrative, managerial, and operational capability.

IPTC will establish or utilize an existing transportation advisory committee (TAC) to provide review and evaluation of the applicant proposals. This committee will provide endorsement as well as a priority ranking for consideration by the IPTC Program Manager. The IPTC Program

Manager may determine that the TAC consultation is not required and instead utilize the IPTC selection committee.

Projects will be selected beginning with the highest score and continuing with all applications, until all available Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310) funds have been awarded. IPTC reserves the right to partially fund applications and reserves the right not to fund applications, even in instances where there is enough funding to fully fund all applications.

## **Evaluation Criteria**

IPTC staff and the Marion County Transportation Advisory Committee (MCTAC) review all applications. The MCTAC consists of local stakeholders and representatives from various agencies involved in senior and individuals with disabled transportation funding and planning. IPTC and the MCTAC will rank applications according to the evaluation criteria stated below. Project applicants will receive notice of their funding status typically by the end of the second quarter.

IPTC will use the criteria in the Appendices to score, prioritize, and award Section 5310 grant applications. Insufficient documentation may merit a "0" poor/incomplete rating.

## **Equitable Distribution of Funds/Project Awards**

IPTC will ensure equitable distribution of benefits among eligible groups, as required by Title VI of the Civil Rights Act, through monitoring the following measures: (1) a verification that the locally developed plan identified minority and low-income areas; (2) a certification and list of agencies participating (or offered an opportunity to participate) in development the coordinated plan; (3) a reference identifying where in the Coordinated Plan that the project is supported by selected and prioritized strategies.

# **ANNUAL PROGRAM OF PROJECTS DEVELOPMENT AND APPROVAL PROCESS**

## **Program of Projects**

IPTC develops an annual calendar for accepting Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310) applications and for developing a Program of Projects (POP). Once the competitive selection process is completed, IPTC staff compiles an approved list of applicants, indicating whether they are public bodies, public transit operators, private nonprofit organizations, etc. Each capital and operating request is listed as a separate line item and the funding amounts are identified. The POP also contains a brief description of the projects, total project costs and Federal share for each project.

the IPTC will submit the transit projects to Indianapolis Metropolitan Planning Organization (IMPO) for inclusion in the current Transportation Improvement Program (TIP) and then the Indiana Department of Transportation (INDOT) for inclusion in the current State Transportation Improvement Program (STIP) per guidance as provided in 23 CFR Part 450 and 49 CFR Part 613.



## **Applicant Award Notification**

All applicants receive written notification of the selection process results (typically within 60 days of the grant application due date).

## **Appeal Process for Applications**

Applicants not receiving approval of their application may appeal the selection decision to the IPTC.

The process for filing an appeal is as follows:

1. Applicants must send, by certified mail, an appeal within 15 calendar days after receiving notification of IPTC's decision.

Mail To: Indianapolis Public Transportation Corporation

Attn: Director of Compliance and Civil Rights

1501 West Washington Street

Indianapolis, IN 46222

2. IPTC will conduct a preliminary review within ten business days, and if necessary, request by certified mail additional information from the applicant;
3. IPTC will allow ten business days for receipt of additional materials;
4. IPTC will make a final decision within 30 calendar days from the receipt of the appeal request, or within 15 business days from the receipt of additional materials;
5. IPTC will notify the applicant in writing within five business days of its final decision.

## **Agreement Execution**

Upon completion of the application review process, IPTC will execute a grant agreement with each selected applicant for approved Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310) funding. The agreement execution process takes approximately 30-45 days. IPTC returns a copy of the fully executed agreement. The agreement must be signed prior to the procurement or delivery of the vehicle/equipment.

Subrecipients will be responsible for meeting all provisions within the subrecipient agreement. Annual monitoring (outlined in Monitoring within this document) will occur to ensure that subrecipients are fulfilling their requirements.

## **PROGRAM ADMINISTRATION**

The Governor of Indiana has designated the Indianapolis Public Transportation Corporation (IPTC) as the designated agency responsible for administering the Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310) grant allocations for the Indianapolis Urbanized Area. To that end, the IPTC will administer the Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310), including developing and distributing applications, conducting the selection process, providing technical assistance during the application process, and continuing through contract execution, service implementation, and

vehicle or equipment purchases. All programs will include monitoring, financial management, audits, and project close-outs.

### **Administrative Costs**

IPTC may use the 10% allowable administrative funds for this administration. There is no local match requirement for administrative costs.

### **Private Sector Participation**

By Federal statute, the public is required to be involved in the transportation planning process. Specifically, private providers must be consulted in developing transportation plans and programs in both urbanized and rural areas. To this end, Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310) applicants are strongly encouraged to establish or utilize existing local public and human service Transportation Advisory Committees (TAC) or boards with private provider participation that would afford an opportunity to these providers for input into plan and project development. Evidence of TAC or board meetings held as a part of the planning and development process will be required as a part of funding consideration.

All applicants are required to notify all public transit and paratransit providers, including private-for-profit providers in their service area, affording them a fair and timely opportunity by the applicant to participate to the maximum extent feasible in the planning and provision of the proposed transit services. Evidence of provider notifications as a part of the planning and development process will be required as a part of funding consideration.

## **CIVIL RIGHTS COMPLIANCE**

### **Equal Employment Opportunity (EEO)**

Pursuant to FTA Circular 4704.1A, IndyGo is also responsible for receiving and reviewing the EEO plans of subrecipients who meet the EEO thresholds and ensuring that its subrecipients and contractors receiving FTA funding to comply with applicable Federal civil rights laws and regulations and to follow applicable Federal guidance regarding nondiscrimination in employment. The required EEO components are outlined in Chapter 3

### **Disadvantaged Business Enterprise (DBE)**

The Disadvantaged Business Enterprise (DBE) Program requires that all recipients of FTA funds be responsible for meeting applicable regulations regarding participation by DBEs in U.S. DOT programs set forth at 49 CFR Part 26, or any revision or supplement thereto. Grantees are required to follow IPTC's DBE program and periodically report DBE participation to IPTC.

### **Title VI**

Pursuant to 49 CFR 21.9(b) and FTA Circular 4702.1B, IndyGo is required to monitor subrecipients for compliance with the regulations of Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color and national origin in any program or activity that receives Federal funds or other Federal financial assistance. Agencies who intend to apply for federal assistance through IndyGo must provide the following documentation:

A copy of the agency's Title VI Notice to Beneficiaries of their Rights Under Title VI and the procedures the public may follow to file a complaint;

A list of Title VI investigations, complaints or lawsuits filed with the agency since the last submittal;

A copy of the agency’s LEP Plan or alternative framework for providing access to services; and

A summary of public outreach undertaken since the last submission and steps to ensure minority access to these activities.

IndyGo may request additional information as needed. Whenever possible, compliance with the Title VI requirements will be verified as part of the Section 5310 funding application process.

## **Section 504 and ADA Reporting**

Section 504 requires recipients of FTA funds to make special efforts to provide transportation that is accessible to individuals with disabilities. Americans with Disabilities Act (ADA) prohibits discrimination in employment and requires that equivalent services are provided to meet the needs of individuals with disabilities.

IPTC monitors grantee compliance with Section 504 and ADA requirements by apprising them of their responsibilities, requiring the appropriate certifications as part of the application process, reviewing their service hours and other operating characteristics to ensure that accessible and equivalent service is being provided, and collecting other documentation of compliance as appropriate as part of site visits.

Each grantee must have a comprehensive system ADA policy that includes but is not limited to:

- Staff training on accessibility issues,

- A service animal policy,

- Staff training on proper use and maintenance of lifts and securement systems,

- A personal care attendant policy,

- Compliant process and policies, and

- Reasonable accommodation policy and process.

## **PROGRAM/PROJECT PERFORMANCE MEASURES**

FTA has established five measures for the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program:

### **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 measures in numbers of seniors and individuals with disabilities afforded mobility they would not have without program support.

(2) Ridership: Actual or estimated number of rides (as measured by one-way trips) provided annually for seniors or individuals with disabilities on Section 5310 supported vehicles and services.

### **Other Section 5310 Projects**

(3) 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.

(4) Physical Improvements: Additions or changes to environmental infrastructure (e.g. transportation facilities, sidewalks, etc.), technology, and vehicles that impact availability of transportation services as a result of project implemented in the current reporting year.

(5) Actual or estimated number of riders (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.

These indicators are targeted to capture overarching program information. IPTC will collect this information for subrecipients of Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program funding. Every year, IPTC staff will update the Program of Projects with basic program information.

## SUBRECIPIENT FAILURE TO COMPLY

IPTC as the Designated Recipient of Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program funding for the Indianapolis area is responsible for making sure that grant funds are expended according to the purposes as defined in the grant agreements.

Failure of sub-recipient grantees to expend funds: as proposed, in full, and/or in a cost conscious and responsible manner; can jeopardize existing funding and future funding considerations.

IPTC may amend, repeal, and/or cancel the grant award(s) to a sub-recipient, if IPTC determines that continued disbursing of funding could jeopardize the funding considerations for the Indianapolis urbanized area.

## DESIGNATED RECIPIENT PROGRAM MANAGEMENT

The following sections describe IPTC's program management as it relates to on-going accountability and oversight of the Indianapolis Urbanized Area Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program projects.

### Monitoring

IPTC will maintain regular contact with subrecipients. IPTC will also conduct annual monitoring activities for capital projects, which may include a site visit, to ensure compliance. Operating projects will require monthly reporting requirements and at least one onsite visit.

IPTC will undertake efforts to analyze the compliance practices of its grantees and their subcontractors. This effort involves a comprehensive review of each grantee's practices to determine compliance with federal and state regulations. IPTC will perform compliance reviews through desktop reviews as well as on-site reviews.

#### Reporting – Monthly, Quarterly, or Annual

Depending upon the subrecipient agreement, IPTC will require the subrecipient to submit monthly, quarterly, or annual reports. These reports will be used by the IPTC Program Manager to monitor the use of project funding or equipment.

Based on the monthly, quarterly and/or annual reports, IPTC will evaluate potential problem areas for each grantee. Areas that are identified as possible problem areas will be discussed formally through written means or informally through telephone calls with local representatives for explanation and/or resolution.

Reporting requirements will be clearly communicated to the subrecipients and are available upon request from the IPTC Program Manager.

#### Capital Asset Database

IPTC has developed a capital asset database using the property control records prepared by the grantees. This database is used to track capital assets and dispositions, and to cross check information with other reporting systems. In addition, the database information is used for capital programming, such as determining the number of vehicles reaching the end of their useful life and calculating average prices for certain types of vehicles.

#### Desk Audit

All annual monitoring, conducted by IPTC, should begin with a desk audit or review of the current program and previous years, if applicable. Reviewing the current year's information will help subrecipients familiarize themselves with the intricate details of the service or federal requirements. Reviewing previous applicable program years will give subrecipients more insight into previous compliance shortcomings or success. An audit of the budget and allowed expenses should be performed and results should be noted in the questions asked or comments provided in the Entrance Conference. Addressing compliance issues prior to the in-person visit will allow subrecipients to tailor the information requested from the individual vendor.

After the desk review, a summary of the desk review should be sent to the vendor prior to the onsite visit, along with other documents that the monitor may want to view, such as procurement policy updates, staff changes, or a list of approved claims along with their reported clients for their respective periods. The specific requests will help assist in problem areas.

#### Onsite Visit

IPTC will conduct annual site visits to review compliance of the subrecipient. The site visits will be coordinated with the subrecipients. In conjunction, a desktop review may be conducted. Documents may be requested prior to the visit and questions to be asked will be communicated prior to the site visit.

#### Findings and Concerns

Findings are substantial issues of noncompliance with federal guidelines or their contractual obligations. A finding could mean that a subrecipient failed to locate important documentation, inconsistencies in budget and accounting, civil rights noncompliance, and fraudulent behavior.

Concerns are not substantial issues of noncompliance but are issues that may lead to a compliance issue in the future. Compliance concerns could present themselves as deficiencies but do not yet jeopardize the program and its requirements. Recommended actions should also be provided but are not mandatory.

#### Compliance Review Report

This report will document the findings from the desktop and on-site review and the corrective actions that should be taken to address the findings. Non-compliance items will be noted as well

as any comments in areas where the system is in general compliance. Included will be corrective actions that should be taken to address the areas of non-compliance. Failure to correct areas of non-compliance may result in probationary actions or grant termination in the most severe cases.

## **Audits and Close-Outs**

Local grantees are responsible for securing organization-wide or grant specific audits. All audits performed on grantees under the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program shall be in accordance with Office of Management and Budget, Circular A 133. The closeout of FTA Section 5310 grants will occur after IPTC has received, reviewed, and accepted the audit report(s) and any final grant reports, and notified the grantee of such acceptance.

The legally authorized auditing body for all grantees (units of local government cities, counties, towns, etc.) is the State Board of Accounts. Grantees that contract with private companies for transit service must require that these companies provide them with their annual audit. The grantee is responsible for reviewing all sub contractors' audit reports and appropriately resolving any findings. These sub contractors' audits must be submitted to IPTC for review and acceptance.

IPTC will project closeout with sub-recipients within 90 days after all funds are expended and all work activities for the project are completed. IPTC will initiate program of project (POP) closeout with FTA within 90 days after all work activities for the POP are completed. IPTC will electronically submit a final Financial Status Report (SF 269A), final budget, and final POP via the TEAM system at the time of closeout.

## **Financial Management Accounting Systems and Reporting**

IPTC will adhere to and comply with applicable requirements and standards set forth in 49CFR 18.20(b) of the common rule.

IPTC has an established accounting and reporting system that meets or exceeds FTA requirements for financial management. In addition, all grantees must assure IPTC that each has fiscal control and accounting procedures that will permit preparation of the required reports for the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program as well as a level of expenditures adequate to establish that such funds are used consistent with the rules and requirements of the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program.

These systems will also allow for the accurate, current, and complete disclosure of all financially assisted activities, the establishment and maintenance of accounting records which are supported by source documents such as cancelled checks, paid bills, payrolls, etc. and which adequately identify the source and application of funds provided, the effective control and accountability of cash, real and personal property, and other assets; the comparison of actual expenditures with budgeted amounts, allowing for the development of performance or productivity data and unit cost information, where appropriate; the application of OMB cost principles, agency program regulations, and the terms of sub-recipient's grant agreement to determine the reasonableness, allowance, and allocation of costs; and a procedure for minimizing the time elapsing between the receipt of Federal funds and local disbursement. All of these activities will also be documented and reviewed as part of a project audit and close-out.

IPTC will monitor grantee expenditures, check for eligibility, and conduct periodic site visits of its grantees during which time random invoices will be traced throughout the local accounting system.

All grantees will be required to report financial and operating data on a monthly and annual basis. Milestone reports will also be required for all capital and planning grants. Failure to provide these reports will result in IPTC withholding future reimbursement requests under the grant agreement.

Grantees receiving capital assistance will be required to keep appropriate property control records on all equipment and real property. Grantees will be responsible for submitting these records to IPTC to meet the capital asset reporting requirement. Federal Office of Management and Budget and Federal Transit Administration guidelines are used in meeting this reporting requirement.

## EQUIPMENT MANAGEMENT

### General

Under the common grant rule procedures and requirements for designated recipients and sub-recipients as outlined in 49 CFR 18.32, equipment shall be used by the grantee or sub-grantee in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a federal agency. The grantee or sub-grantee shall also make equipment available for use on other projects or programs currently or previously supported by the Federal Government, providing such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use shall be given to other programs or projects supported by the awarding agency. Notwithstanding the encouragement in Sec. 18.25(a) to earn program income, the grantee or sub-grantee must not use equipment acquired with grant funds to provide services for a fee to compete unfairly with private companies that provide equivalent services, unless specifically permitted or contemplated by Federal statute. When acquiring replacement equipment, the grantee or sub-grantee may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property, subject to the approval of the awarding agency.

Regarding property management, IPTC will require Sub-grantees to adhere to the requirements as outlined in 49 CFR 18.32, which include:

Maintenance of property records detailing description of property, serial or other identification number, source, title holder, acquisition date, cost, percent of federal investment, location, use, condition, and ultimate disposition of property. Maintaining property records and conducting biennial inventory and reconciliation.

Establish safeguards to prevent loss, damage or theft of property. Establish procedures for maintaining property. When selling property establish sale procedures to ensure the highest return.

## Vehicle Useful Life and Replacement Standards

IPTC, as a non-state designated recipient, adheres to the vehicle useful life policy in accordance with FTA Circular 9030.1 for the purposes of evaluating vehicle disposition requests. The useful (service) life policy is meant to ensure that vehicles purchased with federal funds are maintained and remain in transit use for a minimum normal service period. Service life begins on the date the vehicle is placed in revenue service and continues until it is removed from service. Minimum normal service lives for buses and vans are outlined below. The primary criterion in determining the vehicle useful life is mileage. The age of the vehicle will be considered only after the vehicle’s mileage has been determined to be greater than the mileage categories listed below. However, obtaining sufficient miles and years on a vehicle alone does not guarantee federal capital assistance for its replacement. Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program applications are evaluated competitively based on project justification, coordination, fiscal capabilities, and capital project priorities.

IPTC, as a non-state designated recipient, is required to use the definition of the vehicle useful life policy contained in FTA C 5010.1E.

*Table 1 Vehicle Useful Life*

<b>Vehicle Classification</b>	<b>Miles</b>	<b>Years</b>
Light duty vehicles (minivans)	100,000	4
Medium-size, light duty transit bus (cutaways)	150,000	5

The age of the vehicle is calculated from the date the vehicle is placed into service, and not from the vehicle model year. On rare occasions, a grantee may have a vehicle that needs replacement prior to reaching its designated mileage. IPTC will consider these exceptions on a case-by-case basis.

Vehicle useful life may be extended through rebuilds, overhauls, or repowerings. If a subrecipient is considering one of these methods to extend vehicle useful life, please contact IPTC.

The FTA calculates the value of vehicles prior to the end of their minimum normal service life on the basis of a formula using straight-line depreciation. Removal of an FTA-funded vehicle from revenue service before the end of its minimum normal service life, except for reasons of fire, collision, or natural disaster, leaves the grantee liable to FTA for the Federal share of the vehicle's remaining value. Consistent with this policy, the suggested vehicle service life standards stated above in years refer to time in normal service, not time spent stockpiled or otherwise unavailable for regular transit duty.

## Disposition

IPTC will adhere to the federal disposition guidelines as outlined below and in 49 CFR 18.32 (e) regarding the disposition of vehicles, equipment, and/or real property when these items are no longer needed for the original project or program for which they were acquired. Sub-recipients are required to submit written disposition plans, as well as notification of all subsequent disposition actions, to IPTC for review and approval. Income from dispositions must be retained by the sub-recipients for the transit program. IPTC will track equipment transfers in Program of



Project (POP) reports that are submitted to the Federal Transit Administration. Documented evidence that the income is being used for the transit program must be provided to IPTC.

Per 49 CFR 18.32 (e), when original or replacement equipment acquired under the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program grant is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency, disposition of the equipment will be made as follows:

(1) Items of equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold or otherwise disposed of with no further obligation to IPTC or the FTA.

(2) Items of equipment with a current per unit fair market value in excess of \$5,000 may be retained or sold and IPTC and the FTA shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the FTA's share of the equipment, minus \$5,000. For example, if a vehicle is worth \$6,000 and the original local share was 20%, then the subrecipient will keep \$5,000 plus 20% of \$1,000 or \$200; \$800 will be returned to FTA.

(3) In cases where a grantee or sub-grantee fails to take appropriate disposition actions, IPTC may direct the sub-grantee to take excess and disposition actions.

IPTC's preferred method of vehicle disposition is the transfer of vehicles to another IPTC or INDOT grantee. When IPTC is notified that vehicles are available for disposition, a notice of availability of these vehicles will be mailed to all current IPTC and INDOT grantees. The vehicles will be available for 30 calendar days for transfer to other IPTC or INDOT grantees. If no other grantee is interested in the vehicles, then they may be disposed of. FTA requires that the proceeds of any disposition actions be used for public transportation. If other IPTC Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program grantees are interested and obtain a vehicle under this section, IPTC will update the applicable Program of Projects annually, to reflect such equipment transfers.

In the event of loss due to casualty, fire, or theft the insurance settlement may be used toward the replacement of the lost items. An estimate of the insurance settlement must be provided to IPTC to determine the settlement value of the items. If the items are determined to be no longer necessary, then the settlement shall be used for the transit program. Documented evidence that the settlement is being used for the transit program must be provided.

When determining the fair market value for vehicles and equipment the sub-grantee may use the straight-line depreciation method or use the averaging of two independent appraisals. If straight-line depreciation is used for valuing vehicles, then it should be based on the useful life years specified in the previous subsection of this plan. We recommend that all vans be valued based on the straight-line depreciation method.

## **Vehicle and Equipment Use**

IPTC encourages the maximum use of all FTA-funded vehicles. Vehicles purchased with Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program funds will primarily be used for Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities

Program projects, which have been derived from locally developed coordinated plans. However, so long as Section 5310 program needs continue to be met, vehicles can also be used for other Federal Programs. If the original subrecipient no longer needs the vehicle for the purposes for which it was acquired, the vehicle can be kept in use for the Section 5310 program by transferring it to another subrecipient. The transfer will be shown in an IPTC active program of projects. Once the vehicle is no longer needed for Section 5310 program purposes, the vehicle will be used first in connection with other FTA-sponsored activities, and then for activities sponsored by other Federal agencies.

## Vehicle Titles

Titles for vehicles purchased with Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program funds will be held by the subrecipient, including titles to vehicles which are leased to public bodies, private nonprofit, or private for-profit organizations. In cases where it is a financial advantage for the title to be co-held with other State or local governmental entities, e.g., for better insurance rates, to take advantage of bulk purchases of fuel, maintenance and supplies available to those entities, IPTC will permit this practice as long as a written agreement has been executed between the parties assuring the requisite safeguards and control.

IPTC, as the designated recipient of Section 5310 grant funds, will place a lien on all grantee vehicle titles until such time as the vehicle's useful life has been reached or the vehicle is being disposed of (whichever comes first). IPTC will release the lien on such vehicle titles upon receipt of an official correspondence from the grantee requesting release of said title(s).

Vehicles and equipment shall be used in the program for which it was acquired as long as it is needed. This is true even if Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program funding does not continue to fund the program. All grantees are required to submit an "annual certificate of use" for all vehicles and equipment acquired under the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program.

## Non-5310 Vehicle/Equipment Use

The grantee may make vehicles or equipment available for use in other programs or projects currently or previously supported by federal funds. However, this use may not interfere with the work on the program or project for which it was originally acquired. User fees shall be considered in this situation. Federally-funded vehicles and equipment may not be used to provide services for a fee to compete unfairly with private companies.

## Maintenance

Adequate maintenance procedures and programs must be developed to keep vehicles and equipment in good condition. Preventive maintenance programs are required for all Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program funded vehicles.

## Procurement

IPTC Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program procurement practices will comply with five specific Federal requirements contained in the current FTA Circular 4220.1. These include the following:

- For rolling stock, a five-year limitation on contract period of performance;

- A requirement for full and open competition;
- A prohibition against geographic preferences;
- The use of Brooks Act procedures for procurement of architectural and engineering services if IPTC has not adopted a statute governing procurement of such services; and,
- Inclusion in contracts of all Federal clauses required by Federal statutes and Executive Orders and their implementing regulations. These clauses are identified in specific Federal regulations cited in FTA's Master Agreement and incorporated by reference into the grant agreement. Additional technical assistance for third party contracting is available in FTA's "Best Practices Procurement Manual," which can be found online at [http://www.fta.dot.gov/funding/thirdpartyprocurement/grants\\_financing\\_6037.html](http://www.fta.dot.gov/funding/thirdpartyprocurement/grants_financing_6037.html);

Subrecipients that are Governmental Authorities. Subrecipients of States that are governmental authorities such as local or Indian tribal governments must comply with the same Federal requirements governing State procurements. States are responsible for ensuring that subrecipients are aware of and comply with Federal requirements.

Subrecipients that are Private Non-profit Organizations. Subrecipients that are private non-profit organizations must comply with FTA procurement requirements contained in the current FTA Circular 4220.1. States and designated recipients are responsible for ensuring that private non-profit subrecipients are aware of and comply with these additional requirements.

#### Procurement Standards:

- a. Competition: All procurement will be conducted in a manner providing for full and open competition.
- b. Conformance with State and Local Law: Grantees and sub-grantees shall use their own procurement procedures that reflect applicable State and local laws and regulations.
- c. Contract Administration System: Grantees shall maintain a contract administration system that ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- d. Code of Conduct: Grantees must have a written code of conduct governing the performance of their employees engaged in the award and administration of contracts. Employees of the grantee shall not participate in selection, award, or administration of contract supported by federal and state funds if a conflict of interest, real or apparent, is involved.
- e. Purchase Review: Grantees must develop a process for reviewing purchases to avoid unnecessary and duplicate items. Consideration must be given to the most economical approach. Where appropriate, an analysis of lease versus purchase shall be made. All grantees are encouraged to use intergovernmental agreements, where possible.
- f. Intergovernmental Procurement Agreements: To foster greater economy and efficiency, grantees are encouraged to enter into State and local intergovernmental agreements for procurement or use of common goods and services. Grantees are also encouraged to jointly procure goods and services with other grantees.
- g. Use of Excess or Surplus Federal Property: Grantees are encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property, whenever such use is feasible and reduces project costs.

- h. Use of Value Engineering in Construction Contracts. Grantees are encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lowest cost.
- i. Awards to Responsible Contractors. Grantees shall make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
- j. Written Record of Procurement History: Grantees shall maintain records detailing the history of all procurements. At a minimum this should include the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.
- k. Use of Time and Materials Type Contracts: Grantees will use time and material type contracts only:
  - I. After a determination that no other type of contract is suitable; and
  - II. If the contract specifies a ceiling price that the contractor shall not exceed except at its own risk.
- l. Responsibility for Settlement of Contract Issues/Disputes: Grantees are responsible for resolving all contractual and administrative issues arising out of procurement. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the grantee of any contractual responsibility under its contracts. Violations of law should be referred to the proper local authority having jurisdiction.
- m. Written Protest Procedures: Grantees must have protest procedures to handle and resolve disputes relating to their procurement and shall in all instances disclose information regarding the protest to IPTC. A protester must exhaust all administrative remedies with the grantee before pursuing protest with IPTC. Reviews of protests by IPTC will be limited to a grantee's failure to have or follow its protest procedures, or its failure to review a complaint or protest.
- n. Contract Term Limitations: Grantees shall not enter into any contract for rolling stock or replacement parts with a period of performance exceeding five (5) years inclusive of options. All other types of contracts (supply, service, leases of real property, revenue and construction, etcetera) should be based on sound business judgment. Grantees are expected to be judicious in establishing and extending contract terms no longer than minimally necessary to accomplish the purpose of the contract. Additional factors to be considered include competition, pricing, fairness and public perception. Once a contract has been awarded, an extension of the contract term length that amounts to an out-of-scope change will require a sole source justification.

### *Purchasing and Leasing*

Most purchases and leases (procurement) made under the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program will be made through Sealed Bid (formal advertising) method. All procurement must be conducted in accordance with I.C. 5-22-7 Competitive Bidding, which has in most respects replaced I.C. 36-1-9 Purchasing and Leasing.

Copies of all Indiana Codes related to procurement are available in Vol. II of the Section 5311 Program Manual.

- a. Annual Purchases & Leases Over \$25,000: Purchasing by Sealed Bids is required by state law (I.C. 5-22-7). The formal advertisement (notice) must be published in accordance with Indiana Code 5-3-1 Publication of Notices. Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the lowest responsible and responsive bidder. In addition to the published notice, IPTC strongly recommends direct solicitation to known vendors. The grantee is responsible for preparing the bid contract and specification, advertising and soliciting bids, receiving and reviewing bids, and awarding the contract to the lowest responsible and responsive bidder. An exception to the sealed bid requirement is for the development of specifications. A grantee may request proposals (using competitive procurement methods) for the development of specifications which will lead to a sealed bid procurement. The need to request proposals must be documented by the grantee and approved by the grantee's executive officer and IPTC. The resulting specification shall be subsequently issued for bid.

Annual Purchases and Leases Under \$25,000: Purchases and leases under \$25,000 are considered small purchases, therefore relatively simple and informal procurement methods may be used. Grantees are allowed two options under this situation: If the grantee has small purchase procedures which meet the intent of I.C. 5-22-8, or which are stricter, then the grantee's procedures may be followed.

- I. If the grantee does not have small purchase procedures, they may invite quotes from at least three vendors known to deal in the type of purchase or lease being made. A copy of the specification should be mailed to the vendor not less than seven days before the time for receiving written quotes.
- II. The grantee may purchase or lease in the open market without inviting or receiving quotes. However, IPTC does not recommend the use of option 2 except under emergency or severe time constraint situations.

Request for Proposals: Request for Proposals (RFP) is the method generally used when conditions are not appropriate for the use of sealed bids and it is allowed by State law. One situation mentioned earlier is for the development of specifications. Also, a grantee may use the RFP method for the procurement of architectural, engineering, and land surveying services. Services of architects, engineers, and land surveyors must be procured in accordance with Indiana Code 5-16-11.1.

If this method is used, the following requirements apply:

The request must identify

(a) All evaluation factors and their relative importance, including cost as a factor. Please note that cost may not be used as an evaluation factor for architectural and engineering services, in accordance with the federal Brooks' Amendment.

(b) Any bonding requirements or other evidence of financial responsibility.

(2) Solicitation of an adequate number of qualified vendors.

(3) Grantee must have a method for conducting technical evaluation for the proposals.

(4) Contract award will be made to the responsible vendor whose proposal is most advantageous to the program.

d. Sole Source Procurement: Grantees may purchase or lease parts for machinery or equipment that can only be purchased from the manufacturer of the machinery or equipment without advertising or bids.

e. Pre-award and Post-delivery Audits of Vehicle Purchases: Grantee must certify to IPTC that it will conduct a pre-award and post-delivery audit of vehicles purchased with FTA funds. The three sections of both audits are: Buy American, Bid Specifications, and Federal Motor Vehicle Safety Standards. **INDOT has produced a guide to meeting these regulations. It is called A Guide to The FTA's Pre-award and Post-delivery Audits of Rolling Stock Purchases and copies may be requested from INDOT. Documentation of all pre-award and post-delivery audits must be submitted to INDOT.**

(1) Pre-award Audits: The grantee must ensure that audits are complete before the grantee enters into a formal purchase contract for vehicles.

(a) Buy America: For vehicle purchases in excess of \$100,000, the grantee must review documentation from the bidder as to the cost of the vehicle's major components and primary sub-components, their country of origin, the location of final assembly, and any activities that will take place at the location. Cost information is used to determine whether a vehicle meets the Buy America regulation; 60% of the vehicles' components must be domestically produced. All information resulting from this audit must be kept on file by the grantee. If the vehicle does not have to meet Buy America regulations, then the grantee must have the federal waiver letter on file. This audit shall not be done by the bidder or manufacturer. The grantee must do the necessary review and certification or hire an independent third-party contractor to conduct the review and certification.

(b) Bid Specification: The grantee must assure that the vehicle(s) proposed is the same vehicle(s) as described in the bid specifications. Also, they must certify that the bidder is a "responsive manufacturer with the capability to produce" the specified vehicle. If a grantee is purchasing eleven or more vehicles, they must also provide a resident inspector on-site where the vehicles are being manufactured. This inspector must certify that they were on-site throughout the manufacturing process, monitored the vehicles' manufacturing, and must prepare a report about the manufacturing process.

(c) Federal Motor Vehicle Safety Standards: If the vehicles being purchased are subject to FMVSS, the Grantee must ask for a certification from the bidder stating this fact. This bidder's self-certification must be kept on file. If the vehicles are not subject to FMVSS, the bidder must provide a certification stating this. This certification must also be kept on file by the grantee. Therefore, the burden of proof is on the bidder to comply with this regulation.

(2) Post-delivery Audits: The grantee must ensure that audits are complete before vehicle titles are transferred to the grantee.

(a) Buy America: This is a certification that Buy America regulations (after change orders or other revisions) are still being met. If the vehicle does not have to meet Buy America regulations, then the grantee must have the waiver letter on file.

(b) Bid Specification: This audit is to assure that the delivered vehicle(s) conform to the contract specifications. It must make sure that any change orders have been considered in the review. Road testing is required as a part of the audit review.

For procurement of eleven vehicles or more, the grantee must certify that the resident inspector was on-site throughout the manufacturing period and monitored the manufacturing process. A copy of the resident inspector's report must be kept on file.

(c) Federal Motor Vehicle Safety Standards: The grantee must maintain on file the FMVSS certification by the bidder. If the vehicle(s) is not subject to FMVSS, then the grantee must maintain on file the bidder's certification that the FMVSS does not apply.

(d) Bus Testing: Any new bus model must be tested at the FTA test facility in Altoona, Pennsylvania in accordance with federal regulation 49 CFR PART 665. This requirement covers all medium and heavy-duty body-on-chassis and purpose-built buses of 25 feet or greater. The grantee must require that the bidder/manufacture provide the testing report before final acceptance of the vehicle(s). It is the grantee's responsibility in dealing with the bidder/manufacture to determine if the vehicle is subject to these requirements. FTA and the manufacturer pay the cost of testing.

### 3. IPTC Review

All bid contracts, invitation for bids, and request for proposals for purchases or leases of \$25,000 or greater must be submitted to the IPTC Section 5310 Program Manager for review. In addition, grantees must make all technical specifications available for review, when it is determined that such a review is needed to ensure that the purchase or lease specified is consistent with the grant award. Also, grantees must make available all procurement documentation upon request by IPTC.

## **Satisfactory Continuing Control**

Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program grantees must maintain satisfactory continuing control over facilities and equipment and ensure that they are used in transit service. A grantee must demonstrate control and use as required in FTA Circular 5010.1C. IPTC will monitor these stipulations through the annual compliance reviews. Any change in the use of vehicles or equipment must be approved by IPTC.

1. Management Requirements: The grantee shall provide management records of all vehicles and equipment based on the following, as a minimum effort:

a. Vehicle and equipment control records must be maintained. These records shall include:

(1) description of vehicle or equipment;

- (2) serial or identification number;
- (3) purchase date and price;
- (4) source of property;
- (5) title holder (owner);
- (6) federal participation;
- (7) physical location;
- (8) current use and condition;
- (9) disposal data; and
- (10) disposal price.

b. A physical inventory of vehicles and equipment must be taken and the results reconciled with the control records at least every two years. A grantee must maintain a listing of a vehicle inventory, peak vehicle requirements and active vehicles.

c. A control system must be developed to safeguard against loss, damage, or theft of vehicles and equipment. Each grantee is required to maintain adequate insurance coverage as required by federal, state and local law.

d. Adequate maintenance procedures and programs must be developed to keep vehicles and equipment in good condition. Preventive maintenance programs are required for all Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program funded vehicles.

## Property Management

Sub-recipients must provide management records of all vehicles and equipment, including a physical inventory which is reconciled a minimum of every two years. Said inventory must contain a description of the vehicle or equipment, serial or identification number, purchase date and price, source of property, title holder (owner), federal participation, physical location, current use and condition, and disposal data. In addition, sub-recipients must indicate their peak vehicle requirements and denote active vehicles on the listing.

A control system must be developed to safeguard against loss, damage, or theft of vehicles and equipment. Each grantee is required to maintain adequate insurance coverage as required by federal, state and local law.

## OTHER PROVISIONS

IPTC will execute the annual certifications and assurances with the submission of the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program, Program of Projects. All FTA Section 5310 applicants are required to execute and submit all required certifications and assurances as outlined in FTA C 9045.1 and FTA C 9050.1. IPTC will monitor compliance with all of these provisions during the application process and as part of site visits throughout the operation of the project. Further clarification on specific provisions is offered below.



## **Exclusive School Transportation**

Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program applicants are not permitted to provide exclusive school bus service and will indicate this by executing the appropriate agreement as part of their grant contract.

## **Drug-Free Workplace Requirements**

IPTC is in compliance with the Drug-Free Workplace requirements and annually reconfirms its compliance as required by the Drug-Free Workplace Act of 1988.

## **Drug and Alcohol Testing**

IPTC Sub-recipients that receive only Section 5310 will comply with the Federal Motor Carrier Safety Administration (FMCSA) rule for employees who hold Commercial Driver's Licenses (49 CFR part 382).

## **Restrictions on Lobbying**

All Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program applicants are required to execute the restrictions on lobbying certification. IPTC will monitor conformance with Federal Restrictions on Lobbying through on-site compliance review questions, in addition IPTC will review all applicable procurement documents for the presence of the Lobbying Certification. Lobbying restrictions apply to grants, contracts, and cooperative agreements involving \$100,000 or more (Section 319 of Public Law 101-121).

## **MISCELLANEOUS REQUIREMENTS**

### **Section 5333(b)**

Requires the applicant to comply with applicable labor requirements and protective provisions for employees of surface transportation providers. Title 49 U.S.C. 5333(b) requires that the interests of employees affected by assistance under most FTA programs shall be protected under arrangements the Secretary of Labor concludes are fair and equitable. Employee protections under Section 5333(b) are required for the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program.

### **Charter Rule**

FTA applicants are prohibited from providing any charter service using FTA-funded equipment or facilities if there is at least one private charter service operator willing and able to provide that service that the applicant is proposing to provide. There are seven exceptions that are explained in the rule, 49 CFR Part 604.

IPTC does not allow Charter Service.

### **Commercial Driver's License**

All drivers of vehicles designed to transport more than 16 persons (including the driver) must have a commercial driver's license (CDL). Mechanics that drive the vehicles must also have a CDL.

## **Lease Versus Buy Considerations**

Capital funds may be used to lease capital assets from another party in cases where it is determined that leasing would be more cost effective than either purchasing or constructing the asset. Cost effectiveness comparisons must be conducted in accordance with 49 CFR Part 639.

## **FTA Safety Jurisdiction**

Failure to correct any condition FTA believes "creates a serious hazard of death or injury" will result in loss of federal assistance.

## **PROGRAM MANAGEMENT PLAN REVISIONS AND UPDATES**

IPTC will review and may modify the PMP on the following occasions:

1. When the Coordinated Plan is updated;
2. When significant changes occur to the Section 5310 program;
3. When significant changes occur in IPTC's program administration; or
4. As needed, as determined by the IPTC Program Manager.

All updates and revisions of the Section 5310 Program Management Plan will be published and available for downloading on the IPTC website. Stakeholders and the general public will be able to access the PMP by visiting the IPTC website at [www.indygo.net](http://www.indygo.net).

## **Minor Changes**

If one of the conditions to review and modify the PMP only results in minor changes, (e.g., grammatical errors) these changes will be communicated to IPTC planning partners. The new PMP will be sent to FTA and posted on the IPTC website.

## **Major Changes**

If one of the conditions to review and modify the PMP results in significant changes to the administration of Section 5310, planning partners and Region V FTA will be included. Prior to finalization of the document, the planning partners and Region V FTA will be offered an opportunity to review and provide comments. The new PMP will not be finalized until the appropriate authority at FTA approves the new PMP.

## APPENDIX A: CAPITAL PROJECT SELECTION CRITERIA

The following is the capital project selection criteria. Applications must first be complete and demonstrate a connection to the Coordinated Plan prior to evaluation.

Criteria	Total Points Available	Section in Application	Notes
Clearly outlines the project purpose	5	Section III, A	
Project helps address an identified gap/need	5	Section III, A	
Provides a clear need for expansion / replacement vehicles and equipment	5	Section III, A	Provides background information for expansion (e.g., denials) and/or condition/UL of vehicles or equipment.
Provided Copy of Adequate Maintenance Plan	2	Section IV, A	
Plan for driver training is adequate	2	Section IV, A	
Documented Ability to Meet Local Match	2	Section IV, B	
Operating Budget is Adequate	2	Section IV, C	
Participated in TAC	2	Section VI, A	
Provided Examples of Coordination	5	Section VI, B	
Performance Indicators – Cost per Trip	5	Section IV, A	
Performance Indicators – Cost per Mile	5	Section IV, A	
<b>TOTAL POINTS</b>	<b>40</b>		

## APPENDIX B: OPERATING PROJECT SELECTION CRITERIA

Applications must be complete and demonstrate a connection to the Coordinated Plan prior to evaluation.

Criteria	Total Points Available	Section in Application	Notes
Clearly outlines the project purpose	5	Section III, A	
Project helps address an identified gap/need	5	Section III, A	
Provides a Need for the Operating Request	5	Section III, A	
Provided Copy of Operational Plan	4	Section IV, A	
Documented Ability to Meet Local Match	2	Section IV, B	
Operating Budget is Adequate	2	Section IV, C	
Participated in TAC	2	Section VI, A	
Provided Examples of Coordination	5	Section VI, B	
Performance Indicators – Cost per Trip	5	Section IV, A	
Performance Indicators – Cost per Mile	5	Section IV, A	
<b>TOTAL POINTS</b>	<b>40</b>		