

# **Job Access and Reverse Commute (JARC) & New Freedom Program Management Plan**



The Northeast Ohio Areawide Coordinating Agency (NOACA) is a public Organization serving the counties of and municipalities & townships within Cuyahoga, Geauga, Lake, Lorain and Medina (covering an area with 2.1 million people). NOACA is the agency designated or recognized to perform the following functions:

- **Serve as the Metropolitan Planning Organization (MPO), with responsibility for comprehensive cooperative and continuous planning for highways, public transit, and bikeways, as defined in the Transportation Equity Act for the 21st Century.**
- **Perform continuous water quality, transportation-related air quality and other environmental planning functions.**
- **Administer the area clearinghouse function, which includes providing local government with the opportunity to review a wide variety of local or state applications for federal funds.**
- **Conduct transportation and environmental planning and related demographic, economic and land use research.**
- **Serve as an information center for transportation and environmental and related planning.**
- **At NOACA Governing Board direction, provide transportation and environmental planning assistance to the 172 units of local, general purpose government.**

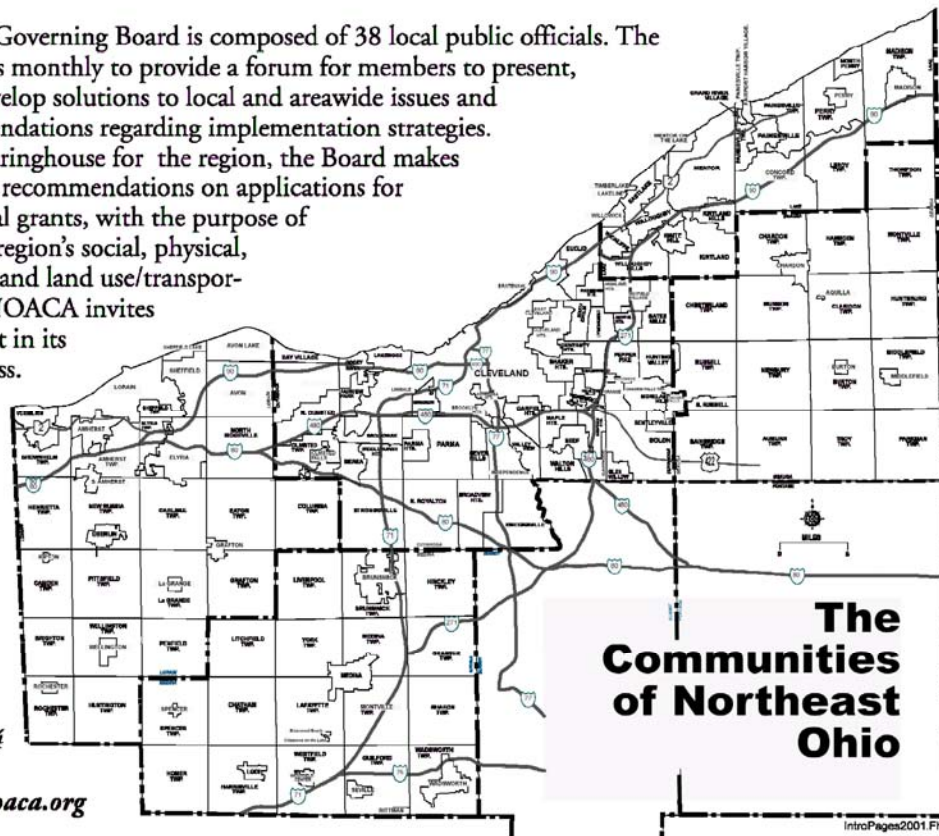
The NOACA Governing Board is composed of 38 local public officials. The Board convenes monthly to provide a forum for members to present, discuss and develop solutions to local and areawide issues and make recommendations regarding implementation strategies. As the area clearinghouse for the region, the Board makes comments and recommendations on applications for state and federal grants, with the purpose of enhancing the region's social, physical, environmental and land use/transportation fabric. NOACA invites you to take part in its planning process.

Feel free to participate, to ask questions and to learn more about areawide planning. For more information, call:

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# **Job Access and Reverse Commute (JARC) & New Freedom Program Management Plan**

**July 2008**

Prepared by

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## ***Introduction***

This Program Management Plan (PMP) describes the Northeast Ohio Areawide Coordinating Agency's (NOACA) policies and procedures for administering the Job Access and Reverse Commute (JARC; 49 U.S.C. 5316) and New Freedom (49 U.S.C. 5317) programs as designated recipient for the Cleveland Urbanized Area (UZA).

### **Purpose**

The PMP has been developed to facilitate NOACA's management and Federal Transit Administration (FTA) oversight of JARC and New Freedom funds for the Cleveland UZA. It is designed to ensure that NOACA, as designated recipient, fulfills all federal statutes and regulations for these grant programs.

### **Statutory Authority**

On August 10, 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act, a Legacy for Users (SAFETEA-LU) was authorized, providing \$286.4 billion in guaranteed transportation funding for Federal Fiscal Years (FY) 2005-2009. Of that authorization, \$52.6 billion was dedicated to federal transit programs. The JARC and New Freedom programs are authorized under this act.

To assist states and local areas, FTA developed circulars for the JARC and New Freedom programs that provided detail on the purpose of the programs, coordinated planning requirements, and grant management. Also contained within the circulars is federal guidance on development of the PMP. This document provides information on each of the topics listed in the program circulars for plan content.

## ***Program Goals and Objectives***

NOACA seeks to eliminate barriers and improve transportation options in Northeast Ohio for older adults, individuals with disabilities, and people with low income through the coordination of resources and efforts of public transit operators, human service agencies, and other transportation providers. Furthermore, NOACA will encourage the efficient and effective use of resources by eliminating gaps and redundancies in transportation services.

As designated recipient, NOACA will certify that all projects that receive funding in the Cleveland UZA from the JARC and New Freedom programs were subject to an open and fair competitive selection process and are consistent with the goals of the Coordinated Public Transit-Human Services Transportation Plan for Northeast Ohio ("Coordinated Plan"). The following tiered list of transportation goals is listed in Section 6 of the Coordinated Plan. It will be used during the competitive selection process to prioritize funding for projects seeking JARC or New Freedom funds in the Cleveland UZA. Projects may address one or more of the goals of the Coordinated Plan.

#### **Top Tier Priorities:**

- Improve Coordination of Services
- Reduce Costs for Transportation Providers
- Reduce Costs for End Users

#### **Second Tier Priorities:**

- Improve Outreach, Education & Travel Training
- Improve Weekend and Evening Service
- Improve Last-minute Transportation Options

### Third Tier Priorities:

- Improve Paratransit Services
- Improve Safety
- Improve Out-of-County Service

Selected projects will address identified gaps in service and unmet transportation needs listed in the Coordinated Plan, and will further the overall goals of the JARC or New Freedom programs. The JARC program seeks “to improve access to transportation services to employment and employment related activities for welfare recipients and eligible low-income individuals and to transport residents of urbanized areas and nonurbanized areas to suburban employment opportunities.”<sup>1</sup> The New Freedom program was designed “to provide additional tools to overcome existing barriers facing Americans with disabilities seeking integration into the work force and full participation in society.”<sup>2</sup>

### ***Roles and Responsibilities***

As required by SAFETEA-LU, all urbanized areas with populations greater than 200,000 must have a designated recipient named by the chief executive officer of the state to handle the competitive selection process and administrative functions for the JARC and New Freedom programs. Also mandated beginning with Federal Fiscal Year 2007, any project that receives funding through the JARC, New Freedom, or Elderly Individuals and Individuals with Disabilities (49 U.S.C. 5310) programs must be derived from a Locally Developed, Coordinated Public Transit-Human Services Transportation Plan.

NOACA is the Metropolitan Planning Organization (MPO) representing state, county, city, village, and township officials for the five Northeast Ohio counties of Cuyahoga, Geauga, Lake, Lorain, and Medina. In August 2006, the NOACA Transit Council, consisting of representatives from all transit agencies in the region, requested that NOACA serve as the designated recipient for JARC and New Freedom funds in the Cleveland UZA and act as the lead agency for developing the Coordinated Plan. The NOACA Governing Board passed resolution 2006-043 in November 2006 agreeing to these responsibilities, and NOACA was named designated recipient by Governor Ted Stickland for JARC and New Freedom funds for the Cleveland UZA on June 8, 2007.

### **Role of the Designated Recipient**

As designated recipient, NOACA will manage all aspects of JARC and New Freedom grants in the large urbanized area and perform a variety of administrative functions. The following list of designated recipient responsibilities is outlined by FTA in its JARC and New Freedom program circulars:

- Conduct an areawide competitive selection process;
- Certify a fair and equitable distribution of funds resulting from the competitive selection process;
- Certify that each project selected for funding was derived from the Coordinated Plan;
- Certify that the Coordinated Plan was developed through a process that included representatives of public, private, and non-profit transportation and human services providers and participation by the public;
- Manage all aspects of grant distribution and oversight for subrecipients receiving funds under JARC and New Freedom; and
- Submit reports as required by FTA.

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<sup>1</sup> U.S. Department of Transportation, Federal Transit Administration, FTA Circular 9050.1: The Job Access and Reverse Commute (JARC) Program Guidance and Application Instructions, May 1, 2007, II-1.

<sup>2</sup> U.S. Department of Transportation, Federal Transit Administration, FTA Circular 9045.1: The New Freedom Program Guidance and Application Instructions, May 1, 2007, II-1.

## ***Coordination***

As an MPO, NOACA encourages a collaborative, regional approach to transportation planning and implementation. NOACA's Governing Board, committees, sub-committees, and councils function through representation and participation from a variety of stakeholders from the five-county region. Additionally, NOACA staff members regularly attend outside meetings and workshops given by area agencies and groups to promote better coordination.

For major agency plans, programs, and studies, NOACA's Public Involvement Program, in accordance with SAFETEA-LU, seeks to provide early and continuing involvement with the public, including all citizens, affected public agencies, transportation agency employees, community organizations and other interested parties.<sup>3</sup> NOACA is committed to engaging the traditionally underserved, including, but not limited to, low-income and minority populations. NOACA's policy is to reach out proactively to the regional community, informing the public and encouraging its participation.

Coordination of resources and efforts is emphasized in the Coordinated Plan. The plan was developed through participation from a wide variety of stakeholders that included health and human service agencies, transit agencies, users of transportation services, private transportation providers, community groups, employers, advocacy groups, and members of the general public. The process of developing the Coordinated Plan encouraged increased communication between various stakeholders, including transit operators and human service agencies.

As part of the JARC and New Freedom application, project sponsors are asked to describe any coordination efforts that they have been involved in or will employ for the project. Coordination is heavily weighted in the project application to ensure that projects that are selected are consistent with the intent of the Coordinated Plan.

## ***Eligible Recipients***

All applicants must ensure that they will be able to meet all federal requirements, including those listed in the FY 2008 Certifications and Assurances, required by FTA's Urbanized Area Formula Grant Program (Section 5307). The project's service area must be completely or partially within the Cleveland UZA to be eligible for funding through NOACA's competitive selection process. For projects outside of this area, sponsors should contact the Ohio Department of Transportation's (ODOT) Office of Transit. ODOT is the designated recipient for all small urbanized and nonurbanized areas throughout the state, even those within the NOACA planning area. Projects in the Lorain-Elyria small urbanized area must apply for funding through ODOT.

## ***Eligible Subrecipients***

For both JARC and New Freedom programs the following entities are eligible to apply for funds for projects in the Cleveland UZA:

- Private non-profit organizations
- State and local government authorities
- Public operators of public transportation services
- Private operators of public transportation services

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<sup>3</sup> NOACA's most recent Public Involvement Program, approved in March 2006, is available online at: <http://www.noaca.org/pip2006.pdf>.

### **Eligible Direct Recipients**

The competitive selection process may result in JARC and/or New Freedom awards to transit agencies in the NOACA region. The Greater Cleveland Regional Transit Authority and Laketran currently receive Urbanized Area Formula Grant (Section 5307) funds from FTA and, if selected, are eligible to become direct recipients of these awards. As such, these transit operators may enter into a supplemental agreement with NOACA whereby they may access and administer their project grants directly.

### ***Local Share and Local Funding Requirements***

NOACA will follow federal guidelines for determining eligible local matching share for JARC and New Freedom projects. Depending on whether a project is for capital, planning, or operating, the sponsor will be required to provide between 20 percent and 50 percent of the program cost as local match or share. Fare revenue or user fees generated on the service are not eligible to be used as part of the local share. Applicants are asked to provide the source of local share that will be used for the project.

Exceptions to local match requirements are for vehicle-related equipment and facilities required by the Clean Air Act (CAA) or the Americans with Disabilities Act of 1990 (ADA), which carry a 90 percent federal share and 10 percent local share. Only the incremental cost of the equipment or facility required by the CAA or ADA is covered at this increased federal share.

Many potential sources for local share are available and include any non-Department of Transportation federal funds that may be used for transportation, foundation grants, donations, in-kind contributions, and state or local funds. Appendix B of the Coordinated Plan provides additional information to applicants on sources that may provide local share.

### ***Project Selection Criteria and Method of Distributing Funds***

NOACA will conduct a competitive selection process to distribute funds fairly and equitably for the JARC and New Freedom programs in the Cleveland UZA. Applications and selection criteria were developed by NOACA with assistance from the Coordinated Plan Working Group that guided development of the Coordinated Plan. Copies of the grant applications and instruction documents, including scoring criteria, are available upon request.

NOACA will conduct its competitive selection process in accordance with FTA program guidance and Title VI of the Civil Rights Act. Public notification of the availability of funds will be provided to ensure equal access for all interested applicants. A description of how and when projects will be selected, including scoring criteria, will be provided to make the process open and transparent to applicants.

All projects selected for JARC or New Freedom funding must be derived from, or consistent with, the goals of the Coordinated Plan. Both grant applications include a self certification that the project was derived from the plan, and applicants must describe how the project relates to its goals and strategies. Information on outreach activities and the planning process used to develop the Coordinated Plan is available within the plan document on NOACA's Web site.

Sponsors of projects selected for funding will be required to certify compliance with all applicable FTA and federal requirements, including the appropriate annual Certifications and Assurances.

## ***Annual Program of Projects (POP) Development and Approval Process***

NOACA will conduct the JARC and New Freedom competitive selection process for the Cleveland UZA in compliance with federal guidance. The process will be fair and open, and will allow for equal access by interested applicants. NOACA will publicize the availability of funding through a variety of outlets including:

- Press releases to NOACA's media list;
- Legal notices in area newspapers;
- Email and direct mail notification to the stakeholder list developed during the coordinated planning process;
- NOACA's Web site, which will also include the program information, grant applications, and instruction and overview document that includes detailed scoring criteria information and the process by which applications are selected; and
- An application workshop explaining the purpose of the JARC and New Freedom programs, eligible use of funds, eligible subrecipients, and the scoring and grant award process.

NOACA will convene a JARC and New Freedom Task Force consisting of individuals with sufficient expertise to review, score, and recommend JARC and New Freedom grant projects to the NOACA Governing Board. The task force will develop a prioritized list of recommended projects that will be forwarded to NOACA's Transportation Advisory Committee (TAC) for approval. After TAC approval, the list will be forwarded to the NOACA Governing Board. The Governing Board will make the final determination on recipients of JARC and New Freedom grants for the Cleveland UZA prior to projects being advanced as Category A in the Program of Projects submission to FTA. The Board will select projects that are consistent with NOACA's transportation goals and the goals of the Coordinated Plan. All NOACA Governing Board and TAC meetings are open to the public, are publicized through press releases and meeting notices, and are conducted in accordance with the State of Ohio's Open Meetings Act.

Individual JARC and New Freedom projects approved by the NOACA Governing Board will be added as a technical amendment to the Transportation Improvement Program (TIP), the four-year, fiscally-constrained program of federally-supported transportation projects for the region, which currently lists JARC and New Freedom at the aggregate program level. Upon addition to the TIP, projects will likewise be added at the project level to the State Transportation Improvement Program (STIP).

## ***Administration, Planning and Technical Assistance***

Up to 10 percent of the apportionments for the JARC and New Freedom programs may be used, at a 100 percent federal match, for administration expenses. NOACA has used a portion of this allocation to pay for staff time and expenses to develop the Coordinated Plan, and anticipates using up to the 10 percent limit for the following activities:

- Updating the Coordinated Plan as needed;
- Developing and updating the PMP;
- Conducting the competitive selection process;
- Providing technical assistance to applicants and subrecipients;
- Contracting with subrecipients; and
- Grant management, ongoing administration, and monitoring of subrecipients.

## ***Transfer of Funds***

Following FTA guidance, should any current recipients of the Urbanized Formula Grant Program (Section 5307) apply and be selected during the competitive selection process, NOACA will allow these recipients to apply directly to FTA for JARC and/or New Freedom funds. In this event, the direct recipient must enter into a supplemental agreement with NOACA. Section 5307 recipients that elect to become direct recipients of JARC and/or New Freedom funds will then be responsible for all reporting and certifications. A letter will be sent to inform the FTA regional administrator of any transfer of funds, along with the fiscal year of apportionment, the amount of funds to be transferred, and the selected projects for which they will be used.

## ***Private Sector Participation***

Private providers of public transportation services and employers were invited to participate in the coordinated planning process through direct mail, advertisements, and public notices and advertisements in area newspapers, and these participants will be among the many stakeholders that will be contacted for the JARC and New Freedom call for applications. NOACA's public involvement policy provides the opportunity for continuing involvement throughout transportation planning and programming process.

## ***Civil Rights***

NOACA and its subrecipients will certify compliance with all necessary requirements of Title VI, Equal Employment Opportunity (EEO), and Disadvantaged Business Enterprise (DBE) laws and regulations prior to contract execution and annually thereafter while receiving federal funding. All subrecipients will be required to enter into a legal subagreement contract with NOACA that outlines expectations and obligations for Title VI, EEO, and DBE compliance.

NOACA agrees to comply, and assures the compliance of each subrecipient, with all applicable civil rights statutes and implementing regulations including the following:

- Nondiscrimination in Federal Public Transportation Programs (49 U.S.C. 5332). Prohibits discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibits discrimination in employment or business opportunity;
- Nondiscrimination - Title VI:
  - Title VI of the Civil Rights Act of 1964, as amended, (42 U.S.C. 2000d et seq.). Prohibits discrimination on the basis of race, color, or national origin;
  - US DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act" (49 CFR Part 21);
  - The current FTA Circular 4702.1, "Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients;"
  - Executive Order No. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (42 U.S.C. 4321 note) and US DOT Notice, "Order to Address Environmental Justice in Minority Populations and Low-Income Populations" (62 FR 18377, Apr. 15, 1997);
  - Executive Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency" (42 U.S.C. 2000d-1 note) and US DOT Notice, "DOT Policy

Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons" (70 FR 74087, Dec. 14, 2005);

- Equal Employment Opportunity. Provides equal employment opportunity (EEO) requirements of Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e), and 49 U.S.C. 5332;
- Nondiscrimination on the Basis of Sex. Requires compliance with all applicable requirement of Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. 1681 et seq.), with implementing US DOT regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (49 CFR Part 25);
- Nondiscrimination on the Basis of Age. Requires compliance with all applicable requirements of the Age Discrimination Act of 1975, as amended, (42 U.S.C. 6101 et seq.);
- Nondiscrimination on the Basis of Disability. Requires compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended (29 U.S.C. 794) and the Americans with Disabilities Act of 1990 (ADA), as amended (42 U.S.C. 12101 et. seq.); and
- Disadvantaged Business Enterprise (DBE). Requires compliance with SAFETEA-LU Section 1101(b), 23 U.S.C. Section 101 note and US DOT regulations, "Participation by DBEs in Department of Transportation Financial Assistance Programs" (49 CFR Part 26).

## **Title VI**

As a federal funding recipient from the FTA and federal DOT, NOACA is required by federal law (FTA Circular 4702.1A) to complete Title VI documentation related to compliance of Title VI of the Civil Rights Act of 1964. This document includes more detail on policies and procedures for complying with Title VI, including complaint investigation procedures, environmental justice, and LEP. NOACA updated and submitted its Title VI Report to FTA in October 2007 to be in compliance with new civil rights requirements. While a direct recipient of funding, NOACA must update this report every four years. A Title VI Program Compliance Review is also completed for ODOT on an annual basis.

## **Equal Employment Opportunity**

In compliance with Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e), and 49 U.S.C. 5332, NOACA does not discriminate against any employee or applicant for employment because of race, national origin, religion, disability, age, gender or sexual orientation. NOACA will take affirmative action to ensure that applicants and employees are treated with equality regarding recruitment, employment, upgrading, demotion or transfer; layoff or termination; rates of pay or other forms of compensation; and selection for training including internship. Notices of the provisions of this non-discrimination clause are posted in a conspicuous place, are posted to the agency Web site<sup>4</sup>, and are available to employees as well as applicants for employment.

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

NOACA has a DBE Program in place in accordance with regulations of the US Department of Transportation, 49 CFR Part 26.<sup>5</sup> It is the policy of NOACA to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT and FTA assisted contracts. It is also NOACA's policy to:

- Ensure nondiscrimination in the award and administration of DOT and FTA assisted contracts;
- Create a level playing field on which DBE's can compete fairly for DOT and FTA-assisted contracts;
- Ensure that the DBE program is narrowly tailored in accordance with applicable law; and

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<sup>4</sup> NOACA's EEO policy is available online at: <http://www.noaca.org/eoo.html>.

<sup>5</sup> For additional information, see NOACA's Disadvantaged Business Enterprise policy, available online at: <http://www.noaca.org/dbe.pdf>.

- Ensure that only firms that fully met 49 CFR Part 26 eligibility standards are permitted to participate as DBEs.

NOACA's overall goals are 12 percent for DOT contracts and 7 percent for FTA-assisted contracts that go through the Requests for Proposal (RFP) process. For projects that do not require an RFP, NOACA actively seeks quotes from recognized DBEs using available DBE vendor lists.

Any subrecipient that receives planning, capital, and/or operating assistance from FTA and will award a contract in excess of \$250,000 during a fiscal year is required to establish a DBE Program that outlines how it will encourage participation in contracting from entities that are led by minorities and/or women. NOACA does not anticipate exceeding this threshold during the first competitive selection round.

### ***Section 504 and ADA Reporting***

NOACA agrees to comply, and assures compliance of each third party contractor and each subrecipient at any project tier, with the applicable laws and regulations for nondiscrimination on the basis of disability as required by Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended (29 U.S.C. 794), and the Americans with Disabilities Act of 1990 (ADA), as amended (42 U.S.C. 12101 et. seq.). Subrecipients will be required to certify compliance with Section 504 and the ADA as part of the grant agreement with NOACA. NOACA's Title VI Report and Public Involvement Program (PIP) detail discrimination complaint procedures.

### ***Program Measures***

NOACA will collect project-level program measure data and report this information annually to FTA for its overall program reporting to the Office of Management and Budget (OMB). Both qualitative and quantitative indications, such as the number of rides provided or expansion in geographic coverage area, for JARC and New Freedom projects funded will be reported. Capturing this information allows FTA to assess the impact of the programs nationally.

Reporting and data collection measures for the JARC and New Freedom programs will be detailed in the subagreements with subrecipients. Direct recipients will be responsible for all project grant management and reporting requirements. Program measures that will be required of subrecipients on at least a quarterly basis are:

#### **JARC:**

- Actual or estimated number of jobs that will be accessed as a result of geographic or temporal coverage of the project, and
- Actual or estimated number of one-way trips that will be provided as a result of the project.

#### **New Freedom:**

- Actual or estimated number of one-way trips that will be provided to individuals with disabilities;
- Increases or enhancements related to geographic coverage, service quality, and/or service times that impact the availability of transportation services for individuals with disabilities; and
- Additions or changes to the environmental infrastructure (e.g., transportation facilities, sidewalks, etc.), technology, or vehicles that impact the availability of transportation services.



## ***Designated Recipient Program Management***

NOACA will administer all JARC and New Freedom grants for subrecipients in the Cleveland UZA. All reporting and financial transactions will be managed through FTA's Transportation Electronic Award and Management (TEAM) and Electronic Clearing House Operation Web (ECHO-Web) systems. Any transit agency receiving Section 5307 funds that is awarded JARC or New Freedom funds in NOACA's competitive selection process may opt to become a direct recipient of these grants by completing the supplemental agreement in TEAM-Web, and will be responsible for all project grant management; NOACA will be released from any liability pertaining to direct recipient grants.

NOACA will develop and execute grant subagreements with each subrecipient selected to receive funding from the JARC or New Freedom programs detailing reporting requirements and containing all applicable certifications and assurances. The amount, type (capital, operating, or planning), and time period of the funding award will be included in this contract; any expenses incurred in excess of the budgeted amounts are the sole responsibility of the subrecipient and are not eligible for reimbursement.

NOACA will conduct its program management in compliance with the provisions of 49 CFR Part 18, known as the "Common Rule." Subrecipients that are public providers of public transportation will also follow these requirements and subrecipients that are private organizations (whether non-profit or for-profit) will follow the requirements of 49 CFR Part 19.

The JARC and New Freedom Programs Project Manager, or her designee, will be responsible for processing all reports, plans, and certifications required by FTA. The Project Manager will oversee all aspects of grant management and subrecipient compliance with federal requirements through regular review of invoices, reports, correspondence, and periodic site visits.

### **Procurement**

Subrecipients will be required to certify compliance with all federal requirements for fair and open competitive procurement processes, including 49 CFR 18.36 and FTA Circular 4220.1E, "Third-Party Contracting Requirements." Equipment purchases may be conducted directly by the subrecipient, with NOACA oversight and prior written authorization, or through an existing term contract through another governmental agency or ODOT, if eligible. Additional procurement information is available in the FTA "Best Practices Procurement Manual."

The FTA requirements and standards apply to the procurement of all supplies, equipment, and services funded by FTA. Prior to entering into any third subagreement, lease, or third party contract, subrecipients must review the "Excluded Parties Listing System" at <http://epls.gov/>.

### **Financial Management**

NOACA maintains financial management systems for financial reporting, accounting records, internal controls, and budget controls subject to standards specified in state laws enforced by the Auditor of State.

Subrecipients must agree to establish and maintain an accounting system that accurately tracks and itemizes project costs by line item. All accounting records and other supporting papers should be kept by the subrecipient for a minimum of three years from the date of the final payment. These records should be made available to NOACA, auditors, or the FTA upon request.

## **Property Management**

Subrecipients are responsible for all normal maintenance and upkeep on any vehicles or equipment purchased with JARC or New Freedom funds. The subagreement that NOACA will enter into with the subrecipient will outline vehicle and equipment use and requirements.

NOACA will maintain an inventory of all JARC and New Freedom property purchased and will request periodic reports from subrecipients to keep this inventory current. NOACA staff may also perform site visits to inspect vehicles and equipment.

## **Vehicle Use**

FTA encourages maximum use of vehicles funded under the JARC or New Freedom programs. Vehicles are to be used first for program related needs for which the grant is made and then to meet other transportation needs of other federal programs or project needs, provided that they do not interfere with the project activities originally funded. If any vehicles are to be removed from service prior to the end of their useful life, the subrecipient must notify NOACA prior to doing so.

## **Maintenance & Disposition**

Vehicles and equipment must be maintained in good operating order and subrecipients must follow the manufacturer's suggested maintenance schedules. NOACA and its subrecipients will follow all required vehicle and equipment management and disposition procedures and guidance under the common rule found in 49 CFR 18.32 and applicable guidance in the current FTA Circular 9030.1.

## **Accounting Systems**

The subrecipient must agree to establish and maintain for the project either a separate set of accounts or separate accounts within the framework of an established accounting system that can be identified with the project. The subrecipient also agrees to maintain all checks, payrolls, invoices, contracts, vouchers, orders, or other accounting documents related in whole or in part to the project so that they may be clearly identified, readily accessible, and available to NOACA or FTA upon request.

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 designated recipient, U.S. Secretary of Transportation, the Comptroller General of the United States, and, to the extent appropriate, the State, or their authorized representatives.

## **Audit**

The Ohio Auditor of State conducts an annual single audit of NOACA. This audit is conducted in compliance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in "Government Auditing Standards" issued by the Comptroller General of the United States; and OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

Subrecipients receiving greater than \$500,000 annually in federal funding are responsible for obtaining annual audits at either the grant or organization level that are consistent with the requirements of OMB Circular A-133. A copy of this audit must be submitted to NOACA, and any audit findings must be resolved by the subrecipient.

## **Close-out**

Close-out of projects will occur within 90 days after all funds are expended and all work activities for the projects are completed. NOACA will also initiate program of projects (POP) close-out with FTA within 90 days after all work activities for the program of projects are completed. A final financial status report, final budget, and final POP will be submitted to FTA.

## **Grant Management & Project Monitoring**

The project budget outlining costs, the maximum eligible amount of federal assistance, the specific tasks covered, and the estimated cost of each task will be approved by FTA, and will be referred to as the Approved Project Budget. FTA approval is required when cumulative transfers of funds between total direct cost categories exceed 10 percent of the total budget. An amendment to the Approved Project Budget requires the issuance of a formal amendment to the subagreement contract.

All funding for JARC or New Freedom project expenses is provided on a reimbursement basis. Subrecipients may bill NOACA for reimbursement no more frequently than monthly by submitting to the project manager detailed invoices with requisite backup documentation. The project manager will process each invoice through the ECHO-Web system and NOACA's accounting department. NOACA will strive to reimburse invoices that contain all required information within 60 days.

Subrecipients will be required to submit to NOACA on a periodic basis, to be outlined in the subagreement, certain project data, budget, and statistical information. This information will allow NOACA to properly monitor subrecipients for compliance with federal requirements. Subrecipients will be required to contact NOACA immediately if they experience any material project or budget changes from what was outlined in the original project application or subagreement.

## **Reporting Requirements**

NOACA must fulfill multiple FTA reporting requirements as designated recipient in addition to triennial reviews by FTA's Office of Oversight, which include an inspection of documentation on file with FTA, a site visit to the designated recipient's office to assess compliance with accounting and grant management requirements, along with visits to the subrecipient locations. All reports are uploaded to the TEAM system electronically. Appendix D of the Coordinated Plan contains an overview of the reports that NOACA expects to complete in its role as the designated recipient for the Cleveland UZA.

## ***Other Provisions***

### **Environmental Protection**

FTA has stated that most projects and activities funded through the JARC and New Freedom programs do not normally involve significant environmental impacts and are termed "categorical exclusions (CEs)." Projects that have been categorically excluded are exempt from the requirement to prepare an environmental document. NOACA will certify to FTA in the annual Certifications and Assurances that all projects in its application for JARC or New Freedom funds are CEs under 23 CFR 771.117(c) unless otherwise noted.

For projects that will likely qualify as a CE under 23 CFR 771.117(d), including projects involving construction or expansion of facilities, NOACA and its subrecipients will provide documentation to FTA for approval that clearly demonstrates that the stated conditions or criteria are met and that no significant adverse effects will result from the project. For any projects awarded JARC or New Freedom funding found not to be a CE, NOACA and its subrecipients will consult with FTA to complete all necessary documentation and reviews to conform to applicable environmental protections as required.

## **Buy America**

NOACA and its subrecipients must comply with the Buy American provision applicable to FTA grants. FTA funds may not be obligated unless steel, iron, and manufactured products used in FTA-funded projects are produced in the United States. Rolling stock must be assembled in the United States and have a 60 percent domestic content to be considered a United States product. Subrecipients that need to purchase more than 10 rolling stock vehicles for use in JARC or New Freedom services must conduct pre-award and post-delivery reviews to ensure compliance with specifications and Buy America requirements.

## **Pre-award & Post-delivery Reviews**

In order to improve compliance with Buy America requirements, grantee bid specifications, and Federal Motor Vehicle Safety Standards, FTA requires pre-award and post-delivery reviews of revenue passenger rolling stock when purchases exceed 10 vehicles in a large urbanized area (purchase of unmodified minivans, in any quantity, is not subject to this review requirement). In the event that JARC or New Freedom funds are awarded to any one subrecipient in any given year for acquisition of more than 10 vehicles, NOACA and its subrecipients will follow all required pre-award and post-delivery requirements outlined by FTA in its manual, "Conducting Pre-Award and Post-Delivery Reviews for Bus Procurements."

## **Restrictions on Lobbying**

As a recipient of more than \$100,000 in FTA assistance, NOACA certifies that it will not use federal assistance to pay the costs of influencing any officer or employee of a federal agency, member of Congress, officer of Congress, or employee of a member of Congress in connection with JARC or New Freedom grants, and will require any subrecipients receiving more than \$100,000 to complete FTA's Certification on Lobbying prior to contract execution. Any subrecipient or third party contractor must comply with applicable federal lobbying restrictions.

## **Prohibition on Exclusive School Transportation**

FTA funds may not be used for exclusive school bus transportation for school students and school personnel. Subrecipients will be required to comply with 49 U.S.C. 5323(f) and FTA regulation, "School Bus Operations" (49 CFR Part 605), wherein they must agree to only engage in school transportation operations in competition with private school transportation operators to the extent permitted by 49 U.S.C. 5323(f) and federal regulations. A violation of this agreement may require corrective measures and the imposition of penalties, including debarment from the receipt of further federal assistance for transportation. NOACA does not operate vehicles and does not directly provide transportation services.

## **Drug & Alcohol Testing**

Subrecipients that receive only JARC, New Freedom, or Elderly Individuals and Individuals with Disabilities Program assistance are not subject to FTA Drug and Alcohol testing rules, but are required to comply with the Federal Motor Carrier Safety Administration (FMCSA) rule for employees who hold Commercial Driver's Licenses (49 CFR Part 382). Subrecipients will be required to certify compliance with these rules prior to contract execution and annually thereafter.

In accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.), and 49 CFR Part 32, FTA requires that all direct recipients (subrecipients are excluded) maintain a drug-free workplace for all employees and have an ongoing drug-free awareness program. NOACA maintains an alcohol and drug-free workplace and has an anti-drug policy in accordance with the Drug-Free Workplace Act of 1988.