

TDOT SUBRECIPIENT REVIEW PROCESS

1. Subrecipient to Upload Desk Review Documents

Following receipt of this notification letter package, each subrecipient will be given **20 days** to upload the requested documents via the file transfer protocol (FTP) site of TDOT's reviewing contractor, RLS & Associates, Inc.

You can access RLS' FTP site by navigating to downloads.rlsandassoc.com, and entering the following login credentials:

Username: Username

Password: password

The listing of requested desk review material appears as a table at the end of this document. Your timely submission of these items will enable the reviewer(s) to focus on providing technical assistance relating to potential compliance issues while on-site.

2. Site Visit

Each site visit will begin with an entrance conference, during which the objectives and scope of the review, stakeholder roles, and overall schedule will be discussed. It is anticipated that the site visit will be conducted in-person over four business days. A proposed site visit schedule is included in this notification letter package.

While on-site, the review team will use TDOT's Subrecipient Compliance Review Field Guide as a tool to lead conversations and ensure that all relevant compliance topics are addressed. While this document was primarily developed for use by TDOT and its reviewing contractor, it is included with this notification letter package (as a separate attachment) to support your organization in preparing for this review.

At the conclusion of each site visit, TDOT and RLS will hold an exit conference to discuss compliance observations, summarize the technical assistance provided, and outline subsequent steps in the review process. Written copies of the exit conference notes will be provided to the subrecipient's management as well as other stakeholders in attendance.

3. Draft Report

Within the 35 days following the site visit, TDOT will issue a draft version of your organization's compliance report. The report will be prepared according to a standardized format and include a discussion of each compliance finding, the relevant regulatory citations, the required corrective action, and the timeframe for remedy. Additionally, each report will contain a summary of all technical assistance delivered, along with electronic copies of all resources that were shared with the subrecipient. Further, the report may identify best practices surrounding any issues that do not rise to the level of a compliance deficiency, but represent potential areas for improvement.

Upon receiving the draft compliance report, your organization will have **30 days** to review the document and provide any comments to TDOT and RLS. During this period, the TDOT and RLS review team will remain available to answer questions about the findings and provide any

additional technical assistance needed to ensure your organization is well-equipped to successfully address deficiencies.

4. TDOT to Issue Final Report to Subrecipient

Following the receipt of any draft report comments your organization may have, TDOT will issue the final version of the compliance report. Any findings that your organization was able to remedy prior to the writing of the final report will be noted as closed. Any open findings will identify a specific timeframe for remedy.

5. Subrecipient to Submit Corrective Actions to TDOT/RLS

During the 90 days following receipt of the final report, your organization will be tasked with submitting any material needed to address compliance deficiencies to the TDOT and RLS review team for evaluation. If the corrective action is determined to cure the deficiency, then the finding will be closed. If additional corrective action is required, the review team will work with your organization to discuss barriers and solutions to closing the finding.



Subrecipient Compliance Review Field Guide

(Updated April 2024)

Agency Name

City, TN

Site Visit Date(s):

Date, 2024

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Overview

This Field Guide document was developed to support the Tennessee Department of Transportation (TDOT) in exercising compliance oversight of its rural Human Resource Agency/Development District and tourist locality subrecipients. Additional information regarding TDOT's subrecipient review process can be found in the Notification Letter package as emailed to each subrecipient approximately 40 days prior to the scheduled start of their site visit.

While this Field Guide was primarily developed for use by TDOT and its reviewing contractor (RLS & Associates, Inc.), it is also provided to each subrecipient in advance of the site visit to aid in their preparation.

The questions herein are phrased so an affirmative response (i.e., "yes") is generally an indicator of compliance, while a negative response (i.e., "no") is generally an indicator of non-compliance.

Following the subrecipient's upload of the requested desk review material, the Lead Reviewer will populate this Field Guide with preliminary comments and compliance observations. Any outstanding documentation, information, and/or specific questions that will require follow-up during the site visit should be noted.

Program Management

TDOT subrecipients must be able to implement FTA-funded projects in accordance with the grant application, FTA Master Agreement, State contracts, and all other applicable laws and regulations, using sound management practices.

Requested desk review documents:

- System brochures and/or rider guides
- Organization chart
- Agreements with operating contractors and/or lower-tier subrecipients, if any

Note that the desk review documents requested in connection with Program Management are intended to provide the review team with relevant context surrounding the subrecipient's transit program. The questions in this section are intended to be discussed during the site visit and do not necessarily correspond to a specific desk review document.

Question	Reviewer Comments
<i>Subtopic: Staffing and Training</i>	
1. Do the subrecipient's employees have the necessary training and ability to successfully perform their jobs? If so, does the subrecipient maintain a current record of each employee's training history and certifications?	
2. Does the subrecipient stay aware of and regularly participate in mandatory and elective training opportunities offered by TDOT and/or its partners?	
<i>Subtopic: Unresolved Review/Audit Findings</i>	
3. Has the subrecipient successfully resolved all deficiencies and findings stemming from previous oversight reviews, investigations, and/or audits?	
<i>Subtopic: Project Management</i>	
4. Has the subrecipient successfully delivered its FTA projects (e.g., construction of facilities, rolling stock purchases) according to scheduled milestones and without significant delays?	
<i>Subtopic: Lobbying</i>	
5. If the subrecipient conducted any lobbying activities, did it: • ensure that only local funds were used to lobby for transit purposes? • file with TDOT the Standard Form-LLL, "Disclosure Form to Report Lobbying" and any necessary updates?	

<i>The use of Federal funds for lobbying is prohibited. If lobbying services for transit purposes are procured with non-Federal funds, the subrecipient is required to submit the disclosure form, OMB Standard Form LLL (Rev.7-97), to TDOT for forwarding to FTA.</i>	
Subtopic: TDOT Required Postings	
6. Does the subrecipient display the following Comptroller’s statement in a prominent place, located near the passageway through which the public enters, as a sign at least eleven inches (11") in height and seventeen inches (17") in width? <i>“Notice: this Agency is a recipient of taxpayer funding. If you observe an Agency director or employee engaging in any activity which you consider to be illegal, improper, or wasteful, please call the State Comptroller’s toll-free hotline: 1-800-232-5454.”</i>	
7. Does the subrecipient display the following statement in all notices, informational pamphlets, press releases, research reports, signs, and similar public notices prepared and released by the subrecipient in relation to its TDOT grant award? <i>“This project is funded under a grant contract with the State of Tennessee, Department of Transportation.”</i>	

Financial Management and Capacity

TDOT subrecipients must have financial policies and procedures; an organizational structure that defines, assigns and delegates fiduciary authority; and financial management systems in place to manage, match, and charge only allowable costs to the award. If applicable, the subrecipient must conduct Single Audits, as required by 2 CFR Part 200, and provide financial oversight of lower-tier subrecipients.

Requested desk review documents:

- Chart of accounts
- Financial management policies and procedures
- Indirect cost rate plan and approval letter, if applicable
- Most recent single audit report, if applicable
- Back up documentation, as requested, for: general ledger expenses on at least two invoices, indirect cost rate calculation and/or reconciliation, program income
- Description of how and when fare cash counting occurs

Question	Reviewer Comments
Subtopic: Single Audit	
1. If the subrecipient met the Single Audit threshold in its most recently completed fiscal year (expending \$750,000 or more in Federal awards), were there any Single Audit findings related to the use of FTA and/or TDOT funding? <i>See FTA Circular 5010.1E, Ch. VI, Section 8</i>	
Subtopic: Written Policies/Procedures	
2. Does the subrecipient have written financial policies and procedures? If so, do they address determining the allowability of costs as required by 2 CFR Part 200? <i>See 2 CFR 200.403 for a listing of factors affecting the allowability of costs</i>	
Subtopic: Accounting Practices	
3. Does the subrecipient have a chart of accounts that is sufficiently detailed to distinguish between capital, operating, and administrative expenses? <i>This requirement stems from 2 CFR 200.302(b)</i>	
4. Does the subrecipient regularly monitor actual expenses against its approved budget?	

<i>This requirement stems from 2 CFR 200.302(b)</i>	
Subtopic: Reimbursement	
5. Does the subrecipient submit reimbursement requests to TDOT in a timely manner and with the required supporting documentation?	
6. Does the subrecipient calculate the net project cost correctly (no more than ½ the operating expenses, after fare revenues are credited and ineligible costs deducted)? <i>See FTA Circular 9040.1G, Ch. III, Section 4; Also note that 5311 funding for both capital and operating expenses related to COVID-19 may be eligible as 100% Federal share</i>	
7. If the subrecipient seeks reimbursement of indirect costs under any Federal grant award, does the subrecipient either: a) charge the de minimis indirect cost rate of 10%, or b) have a current cost allocation plan or indirect cost rate approved by its cognizant agency? <i>See FTA Circular 5010.1E, Ch. VI, Section 6</i>	
8. If the subrecipient has any employees whose time is split between multiple programs, are personnel charges to grant awards based on actual, after-the-fact work activity (i.e., not based on estimates)?	
9. Does the subrecipient ensure that reimbursement for travel-related expenses is requested according to Tennessee’s Travel Regulations? (link) <i>Note that Tennessee’s reimbursement rates may differ from those set by the U.S. General Services Administration (GSA)</i>	
Subtopic: Financial Capacity	
10. Does the subrecipient have the financial capacity to: • match and manage FTA grant funds? • cover cost overruns and operating deficits through long-term, stable sources?	

<i>This question is intended to be discussed during the site visit</i>	
11. Is the subrecipient's local match generated from eligible non-DOT sources? <i>Eligible sources include Medicaid contract revenue, state or local appropriations, dedicated tax revenue, private donations, net income derived from advertising and/or concessions, and in-kind or contributed services; See 2 CFR 200.306</i>	
Subtopic: Documentation of Costs	
12. Is the subrecipient maintaining adequate documentation of costs? <i>TDOT will select at least two invoices for a "deep-dive" review, which will involve examining documentation related to expenses that were reimbursed based on the subrecipient's general ledger. Such expenses typically include: salaries and wages, fringe benefits, rent, insurance, vehicle operating, and preventative maintenance. Potential ineligible expenses will also be noted.</i> <i>The review team will also examine indirect cost rate documentation and implementation.</i> <i>Additionally, the review team will perform a "deep-dive" review of sampled Program Income quarterly reports.</i>	
13. Does the subrecipient lease any real property? If so: • how are lease records maintained and who is responsible for maintaining this documentation? • what is the process for ensuring that the documents are up to date (current written extensions, renewals, etc.)?	
Subtopic: Cash Management	
14. Does the subrecipient adequately ensure the timely deposit of cash receipts to prevent fraud or loss, as well as sufficient separation of functions to provide adequate checks and balances in the cash handling process?	

<i>See FTA Circular 5010.1E, Ch. VI, Section 2</i> <i>Review team will observe cash counting if possible, ideally in multiple counties if applicable.</i>	
15. If the subrecipient sells monthly passes, passes for multiple rides, or similar paper tickets: • are they stored in a secure location to prevent theft or other misuse? • are they serialized to help track distribution and use?	

Maintenance

TDOT subrecipients must keep FTA-funded vehicles, equipment, and facilities in good operating condition. Additionally, subrecipients must adequately maintain ADA accessibility features on all vehicles, equipment, and facilities; See FTA Circular 5010.1E, Ch. IV, Section 4(n)(4).

Requested desk review documents:

- Vehicle maintenance plan
- Blank pre-trip vehicle inspection form, if not part of maintenance plan
- Vehicle fleet roster
- Facility maintenance plan (if constructed or renovated with FTA/TDOT funding)
- Insurance policy(ies)

Question	Reviewer Comments
<i>Subtopic: Vehicles and Equipment</i>	
1. Does the subrecipient have a written maintenance plan for its FTA-funded vehicles? If so, does the maintenance plan have an effective date and include all required elements as evidenced by TDOT's maintenance plan review checklist?	
2. Does the subrecipient perform at least 80% of scheduled vehicle maintenance on-time as defined by its vehicle maintenance plan? If so, what process does the subrecipient use to track and monitor maintenance activity? <i>See FTA Circular 5010.1E, Ch. IV, Section 4(n)(4)</i>	
3. Does the subrecipient complete pre-trip inspection forms prior to placing a vehicle in service? If so: • are accessibility features inspected (e.g., wheelchair lifts/ramps)? • are vehicles found to have accessibility or safety-related defects immediately removed from service and repaired before returning to service? <i>This requirement stems from 49 CFR 37.163</i>	
4. Does the subrecipient perform the required annual inspection of each FTA/TDOT-funded vehicle? <i>Note that the annual inspection may be conducted by the subrecipient using TDOT's Basic Vehicle Inspection Sheet or by TennCare</i>	

5. If the subrecipient had any vehicles out of service for more than 30 days, did it notify TDOT by using the Out of Service Request Form?	
6. Did inspection of a subrecipient vehicle used in revenue service show the following elements? ☐ Fire extinguisher with current tag ☐ Bloodborne pathogen kit ☐ First aid kit ☐ Accessibility features in working order ☐ Tires having adequate tread <i>Additionally, the reviewer should document any damage or significant wear to the interior and exterior of the vehicle(s)</i>	
7. Was a sampling of subrecipient equipment available for inspection (if applicable)? <i>The review team should select a sample of FTA/TDOT-funded equipment from the subrecipient's inventory and complete TDOT's Basic Equipment Inspection Sheet for each.</i>	
Subtopic: Real Property	
8. If the subrecipient has any FTA-funded facilities (including bus shelters): • does it have a written maintenance plan detailing a system of periodic inspections of the facilities and facility-related equipment? • does the maintenance plan document include an effective date? • does the maintenance plan address specific mission critical and safety items? • does the subrecipient maintain adequate records detailing facility maintenance activity? <i>See FTA Circular 5010.1E, Ch. IV, Section 4(n)(4)</i>	
9. If the subrecipient has any FTA-funded facilities (including bus shelters), did the subrecipient and TDOT complete the required TERM Real Property Assessment Form?	
Subtopic: Incidental Use	

10. If the subrecipient allows incidental use of any FTA-funded vehicles, equipment, or real property: • does the incidental use NOT interfere with the intended use of the asset and the subrecipient's ability to maintain satisfactory continuing control? • does the subrecipient track and fully recapture all mileage and costs related to the incidental use? <i>See FTA Circular 5010.1E, Ch. IV, Section 4(e)(3)</i>	
Subtopic: Warranty	
11. Has the subrecipient implemented a system for tracking warranty issues and actively pursuing warranty claims? <i>See FTA Circular 5010.1E, Ch. IV, Section 4(n)(4)(c)</i>	
Subtopic: Disposition	
12. If the subrecipient disposed of an asset acquired in whole or part using FTA or TDOT funding, did the subrecipient: • obtain TDOT approval prior to the disposition of the asset? • return the proceeds of the disposition to FTA/TDOT if the asset had a market value of more than \$5,000 (per unit)? <i>See FTA Circular 5010.1E, Ch. IV, Section 4(o)</i>	
Subtopic: Inventory	
13. Does the subrecipient maintain an inventory of all FTA/TDOT-funded assets? If so, does the inventory contain the following elements? ☐ Description of the property ☐ Serial or identification number ☐ Title holder ☐ Acquisition date and cost ☐ Percentage of Federal participation ☐ Grant source ☐ Location ☐ Use and condition	

<i>This requirement stems from 2 CFR 200.313(d)(1); See also FTA Circular 5010.1E, Ch. IV, Section 4(n)(1)</i>	
Subtopic: Insurance	
14. Does the subrecipient maintain the following insurance coverage? ☐ Bodily injury or death of any one person in any one accident, occurrence, or act at a minimum of \$300,000 per person ☐ Bodily injury or death of all persons in any one accident, occurrence, or act at a minimum of \$700,000 per accident ☐ Injury to or destruction of property of others in any one accident at a minimum of \$100,000 <i>This requirement is applicable to rural transit providers and stems from the Tennessee Governmental Tort Liability Act (TN Code § 29-20-101 et seq. (2021))</i>	
15. Does the subrecipient have procedures for identifying any FTA-funded buildings located in a special flood hazard area (100-year flood zone)? <i>While such procedures are not required to be in writing, the subrecipient must have an established process for identifying and periodically re-evaluating if any FTA-funded buildings are located in a special flood hazard area. This should include review of FEMA flood maps, available at:</i> https://msc.fema.gov/portal/home	
16. If the subrecipient has any FTA-funded buildings located in a special flood hazard area, does it carry sufficient flood insurance? <i>Flood insurance coverage must be in an amount at least equal to the Federal investment (less estimated land cost) or equal to the maximum limit of coverage under the National Flood Insurance Act of 1968, which is currently \$500,000 per building and \$500,000 for the contents of each building.</i>	

Transit Asset Management (TAM)

TDOT Section 5311 subrecipients are considered Tier II providers that must either participate in a group TAM plan or develop their own TAM plan.

Requested desk review documents:

- TAM plan (group or individual)

Question	Reviewer Comments
1. Does the subrecipient participate in a group TAM plan? <u>If YES, please identify the group plan sponsor and confirm subrecipient's Accountable Executive and then skip to the next section (procurement). If NO, please continue through the remaining TAM questions.</u>	
2. If the subrecipient has opted to develop its own TAM plan, does it include the following required elements? • an inventory for all assets used in the provision of public transportation and having an acquisition value over \$50,000, including those owned by third parties • a condition assessment of all assets in the recipient's asset inventory for which it has direct capital responsibility • an investment prioritization that ranks projects to improve or manage the state of good repair over the horizon period, includes all capital assets for which the recipient has direct capital responsibility (not just federally funded assets), and is at least at the asset class level • a description of analytical processes or decision-support tools to estimate capital investment needs over time and develop investment prioritization <i>This requirement stems from 49 CFR 625.25(b)</i>	
3. Has the subrecipient designated an Accountable Executive who is responsible for ensuring that a TAM plan is developed and implemented? <i>This requirement stems from 49 CFR 625.25(a)(3)</i>	

4. Does the subrecipient set annual state of good repair performance targets for the following asset categories: equipment, rolling stock, infrastructure (rail providers only), and facilities? <i>This requirement stems from 49 CFR 625.45</i>	
5. Did the subrecipient make its TAM plan and related information available to TDOT? <i>This requirement stems from 49 CFR 625.53</i>	

Procurement

TDOT subrecipients must maintain written procurement procedures which reflect applicable State and local laws and regulations, as well as conform to applicable Federal law and the standards identified in 2 CFR Part 200 and FTA Circular 4220.1F.

Please note that Circular 4220.1F has not been updated to reflect all current provisions of the Uniform Administrative Requirements, 2 CFR Part 200. Until an updated circular is issued, when there is a conflict between guidance contained in 4220.1F and the Uniform Administrative Requirements, the Uniform Administrative Requirements supersede Circular 4220.1F.

Requested desk review documents:

- Procurement policy
- Standards of conduct, if not part of procurement policy
- Protest procedures, if not part of procurement policy
- List of FTA-funded procurements since the last TDOT compliance review

Question	Reviewer Comments
<i>Subtopic: Written Policies/Procedures</i>	
1. Does the subrecipient have a procurement policies and procedures document that reflects the requirements of FTA Circular 4220.1F and 2 CFR 200? If so, does this document indicate the effective date? <i>Note that TDOT has developed a procurement policy checklist that can be used to confirm the required elements</i>	
2. Do the subrecipient's procurement policies and procedures explicitly state that all solicitations must: • Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured, and • identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals? <i>The two elements above are required to be in writing per 2 CFR 200.319(d)</i>	
3. Does the subrecipient maintain written standards of conduct for its representatives engaged in the selection, award, and administration of FTA-funded contracts?	

<i>This requirement stems from 2 CFR 200.318(c)</i>	
4. Does the subrecipient have and follow written procurement protest procedures? <i>This requirement stems from 2 CFR 200.318(k)</i>	
Subtopic: Procurement Methods	
5. If the subrecipient made any micro purchases (\$10,000 and below), did it document that the price was fair and reasonable as well as the basis for this determination (e.g., personal knowledge, current catalog or price list, commercial market advertisement)? <i>Note that subrecipients are free (and often required) to maintain lower/more restrictive thresholds than those at the Federal level, which are reflected in this Field Guide</i>	
6. If the subrecipient made any small purchases (more than \$10,000 to \$250,000), did it: • obtain price quotations from an adequate number of qualified sources (i.e., at least two)? • maintain a written procurement history commensurate with the size and complexity of the purchase? • include the relevant FTA-required contract clauses and certifications? <i>See TDOT's Procurement Clauses and Certifications Checklist (document 050)</i> • ensure that contracts are awarded only to responsive and responsible contractors? <i>See TDOT's Procurement Evaluation/Award Checklist (document 030)</i>	
7. If the subrecipient made any formal purchases (above \$250,000), did it: • prepare an Independent Cost Estimate (ICE) prior to the receipt of bids or proposals? • issue a formal solicitation (typically involves purchase through use of sealed bids – IFBs – or competitive proposals – RFPs)?	

• conduct a cost or price analysis after the receipt of bids or proposals? • maintain a written procurement history that includes: the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price? • include the relevant FTA-required contract clauses and certifications in the solicitation? <i>See TDOT's Procurement Clauses and Certifications Checklist (document 050)</i> • ensure that contracts are awarded only to responsive and responsible contractors? <i>See TDOT's Procurement Evaluation/Award Checklist (document 030)</i>	
8. If the subrecipient made any sole source awards (i.e., items or services that are only available from a single source), did it develop a written sole source justification as well as a cost analysis to determine the reasonableness of the price? <i>See FTA Circular 4220.1F Ch. VI, Section 3(i)(1)(b)</i>	
9. If the subrecipient received only one response to a solicitation, did it make a written determination that competition was adequate (i.e., the reason for receiving a single response was out of the subrecipient's control) prior to making the award? <i>This should include a review of the solicitation for undue restrictiveness as well as a survey of potential sources that chose not to submit a bid or proposal; See FTA Circular 4220.1F Ch. VI, Section 3(i)(1)(b)(2)</i>	
10. If the subrecipient participated in any joint procurements, was it a situation in which the subrecipient partnered with another purchaser from the outset to use a single solicitation and enter into a single contract?	

<i>Unlike cooperative procurements/state contracts, a joint procurement cannot be conducted for the purpose of accommodating additional purchasers that subsequently choose to participate in the contract; See FTA Circular 4220.1F Ch. V, Section 3</i>	
11. If the subrecipient participated in any “piggyback” procurements, was it a situation in which the subrecipient was assigned unneeded contract rights or options stemming from another purchaser inadvertently acquiring excess due to changed circumstances or honest mistakes?	
<i>Subtopic: Rolling Stock</i>	
12. Did the subrecipient purchase any rolling stock with FTA/TDOT money during the past three years? <u>If YES, please continue through the remaining procurement questions. If NO, you may skip to the next section (ADA).</u>	
13. If the subrecipient used Section 5339 funding to conduct a stand-alone procurement (i.e., not part of a state contract or joint/cooperative procurement) of fewer than five buses in FY 2022 or later, did it prepare a written justification for not using an authorized “innovative procurement tool?” <i>49 USC 5339 requires FTA recipients and subrecipients to use the innovative procurement tools authorized under section 3019 of the FAST Act to the extent practicable</i>	
14. Does the subrecipient maintain the required pre-award and post-delivery certifications in connection with each rolling stock purchase? <i>Three certifications (Buy America, Purchaser’s Requirements, and Federal Motor Vehicle Safety Standards (FMVSS)) are required at the pre-award stage as well as the post-delivery stage. Note that rolling stock procurements of \$150,000 or less are not subject to Buy America requirements but they must still comply with the pre-award and post-delivery Purchaser’s Requirements and FMVSS audits; See 49 CFR Part 663</i>	

15. Did the subrecipient receive or obtain a copy of the Altoona Bus Testing Report before final acceptance of the vehicle(s)? <i>This requirement stems from 49 CFR 665.7</i>	
Subtopic: Telecommunications	
16. How does the subrecipient procure telecommunications equipment and services (e.g., cellular phones, tablets, data plans)? <i>Note that Tennessee's current statewide contract for cellular devices and services expires 10/31/2024. The Central Procurement Office aims to have a new contract in effect by 11/1/2024</i>	

Americans with Disabilities Act (ADA)

Titles II and III of the Americans with Disabilities Act of 1990 provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service, including complementary paratransit service.

Requested desk review documents:

- ADA-related service and operating policies
- ADA complaint process and form
- Complementary paratransit application, if applicable

Question	Reviewer Comments
Subtopic: ADA-Related Complaints	
1. Does the subrecipient have a process for addressing ADA complaints that incorporates due process standards and provides for prompt and equitable resolution? If so, does the subrecipient advertise the process for filing an ADA-related complaint through means such as its website and rider guides? <i>The requirements for ADA-related complaints are found at 49 CFR 37.17, and call for the subrecipient to publicize the name or title, address, telephone number, and email of an employee designated to coordinate ADA compliance. It should be noted that subrecipients can use the same process for accepting and investigating ADA and Title VI complaints by having one discrimination complaint form that covers both ADA and Title VI. The form, however, must clearly identify and distinguish the two statutes.</i>	
2. Does the subrecipient retain ADA-related complaints for at least one year and a summary of all ADA-related complaints for at least five years? <i>The record retention requirements for ADA complaints are found at 49 CFR 27.121(b)</i>	
3. Has the subrecipient received any ADA-related complaints since the previous compliance review? If so, did the subrecipient inform TDOT of the complaint(s)?	
Subtopic: Provision of Service Requirements	

4. Does the subrecipient make reasonable modifications in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability or to provide program accessibility to their services? If so, does the subrecipient advertise the availability of reasonable modifications through means such as its website and rider guides? <i>U.S. DOT ADA regulations require the subrecipient to establish a process wherein the public may request reasonable modifications when necessary to avoid discrimination on the basis of disability, unless making such modifications would fundamentally alter the nature of the service or create a direct threat to the health or safety of others. The requirements for reasonable modifications are found at 49 CFR 37.169</i>	
5. Does the subrecipient make public information and communications concerning transportation services available in accessible formats, upon request? If so, does the subrecipient advertise the availability of information in accessible formats through means such as its website and rider guides? <i>The requirements for accessible formats are found at 49 CFR 37.167(f)</i>	
6. Does the subrecipient permit service animals to accompany passengers with disabilities aboard vehicles and in facilities? <i>49 CFR 37.3 defines service animal as any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability</i>	
7. Does the subrecipient provide service to persons using respirators, concentrators, and/or portable oxygen? <i>This requirement stems from 49 CFR 37.167(h)</i>	
8. If the subrecipient has a policy governing the denial of transportation services due to rider conduct, does the policy hold that:	

• refusal of service may occur only in situations where a rider engages in violent, seriously disruptive, or illegal conduct; or represents a direct threat to the health or safety of others? • refusal of service to an individual with disabilities shall not occur solely because the individual's disability results in involuntary behavior that may offend, annoy, or inconvenience others? <i>The requirements surrounding denial of service are found at 49 CFR 37.5(h)</i>	
9. If the subrecipient provides demand response service and has a process to suspend riders who establish a pattern or practice of missing scheduled trips (i.e., a "no-show" policy): • does the standard for establishing a pattern or practice of missed trips consider the frequency of rides and no-shows (as opposed to a simple number threshold)? • are suspensions for a reasonable period of time? <i>A reasonable suspension for a first instance of a pattern or practice of no-shows might be a few days to a week, while subsequent offenses may justify longer suspensions. FTA generally considers suspensions longer than 30 days to be excessive.</i> <i>The requirements for "no-show" suspension of service are associated with complementary paratransit and can be found at 49 CFR 37.125(h); It should be noted that many organizations providing demand response only also maintain no-show policies</i>	
10. If the subrecipient provides demand response service, does it either: a) provide the service with a 100% accessible vehicle fleet, or b) provide a level of service to persons with disabilities that is equivalent to the level of service it provides to persons without disabilities?	

<i>Service equivalency is determined by the following characteristics: response time, fares, geographic area of service, hours and days of service, restrictions or priorities based on trip purpose, availability of information and reservations capability, and any constraints on capacity or service availability; See 49 CFR 37.77(c)</i>	
Subtopic: Complementary Paratransit	
11. Does the subrecipient provide fixed route service? <u>If YES, please proceed to the next question. If NO, please mark the remaining ADA questions as N/A and proceed to the next section (DBE).</u>	
12. Does the subrecipient permit the general public to initiate route deviations as an alternative to providing ADA complementary paratransit service? <u>If YES, please mark the remaining ADA questions as N/A and proceed to the next section (DBE). If NO, please proceed to the next question.</u>	
13. Does the subrecipient's paratransit eligibility determination process meet the following ADA requirements? • If an eligibility decision is not made within 21 days of receipt of a complete application, is presumptive eligibility granted until a decision is made? <i>(See 49 CFR 37.125(c))</i> • Does the subrecipient provide persons who are denied eligibility or given conditional or temporary eligibility a written notice with specific reasons for the decision? <i>(See 49 CFR 37.125(d))</i> • Are applicants notified of the right to an appeal, including: being given at least 60 days to file, an opportunity to be heard, separation of functions, and a written notification of the appeal decision and rationale? <i>(See 49 CFR 37.125(g))</i> • Does the subrecipient provide paratransit service to out-of-town visitors for at least 21 days within a 365-day period when the visitor either (1) presents documentation from their home jurisdiction indicating that they are eligible, or (2) has an apparent disability	

or documentation of the disability? (See 49 CFR 37.127)	
14. Does the subrecipient ensure origin-to-destination service is provided when necessary? <i>Per 49 CFR 37.129(a), ADA complementary paratransit must be “origin-to-destination” service. The basic mode of service can be designated as either door-to-door or curb-to-curb. If the subrecipient’s service is curb-to-curb, it must provide assistance from the vehicle to the first doorway for customers who need additional assistance to complete the trip</i>	
15. Does the subrecipient provide paratransit service within a ¾-mile radius of all fixed routes? <i>The service area requirements for ADA paratransit can be found at 49 CFR 37.131(a).</i>	
16. Does the subrecipient ensure that the fare charged to ADA paratransit riders does not exceed twice the fare that would be charged for a similar trip on the fixed route system? <i>The fare requirements for ADA paratransit can be found at 49 CFR 37.131(c)</i>	
17. Is ADA paratransit service provided to at least one other individual accompanying an eligible passenger? If the eligible passenger travels with a personal care assistant (PCA), is service provided to at least one other individual in addition to the PCA? <i>While companions may be charged the same fare as the eligible individual, PCAs may not be charged a fare; See 49 CFR 37.123(f)</i>	
18. Does the subrecipient adequately monitor its ADA complementary paratransit service for capacity constraints, including: • trip denials • missed trips (by the subrecipient) • on-time performance, and • excessively long trips?	

<i>ADA paratransit capacity constraint requirements can be found at 49 CFR 37.131(f)</i>	
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Disadvantaged Business Enterprise (DBE)

TDOT subrecipients must ensure nondiscrimination in the award and administration of FTA-funded contracts as well as create a level playing field on which DBEs can compete fairly for such contracts.

Requested desk review documents:

- None

Question	Reviewer Comments
1. Does the subrecipient make good faith efforts in their procurement process to ensure DBEs have the maximum opportunity to compete for and perform contracts financed in whole or in part with FTA funds? <i>Note: TDOT maintains a listing of certified DBE firms, which can be accessed here</i>	
2. Does the subrecipient keep a running tally of actual DBE attainments (e.g., payments actually made to DBE firms) in all FTA-funded contracting activities, including micro purchases? <i>This requirement stems from 49 CFR 26.37(c)</i>	
3. Does the subrecipient have a process in place to ensure that DBE reports are submitted to TDOT in an accurate and timely manner?	

Equal Employment Opportunity (EEO)

TDOT subrecipients must ensure that no person shall on the grounds of race, color, religion, national origin, sex, age or disability be excluded from participating in, or denied the benefits of, or be subject to discrimination in employment under any project, program or activity receiving FTA funding.

Requested desk review documents:

- EEO program, if applicable

Question	Reviewer Comments
1. If the subrecipient meets the following threshold requirements, did it develop and submit to TDOT a <u>full</u> EEO program? • Employs 100 or more transit-related employees, and • Requests or receives capital or operating assistance in excess of \$1 million in the previous Federal fiscal year, or requests or receives planning assistance in excess of \$250,000 in the previous Federal fiscal year <i>See FTA Circular 4704.1A Ch. 1.4</i>	
2. If the recipient meets the following threshold requirements, did it develop and submit to TDOT an <u>abbreviated</u> EEO program? • Employs between 50-99 transit-related employees, and • Requests or receives capital or operating assistance in excess of \$1 million in the previous Federal fiscal year, or requests or receives planning assistance in excess of \$250,000 in the previous Federal fiscal year <i>See FTA Circular 4704.1A Ch. 1.4</i>	
3. If the subrecipient meets the EEO program threshold, does their program contain the following required elements? ☐ Statement of policy (<i>see FTA Circular 4704.1A Ch. 2.2.1</i>) ☐ Policy dissemination plan (<i>see FTA Circular 4704.1A Ch. 2.2.2</i>) ☐ Designation of personnel responsibility (<i>see FTA Circular 4704.1A Ch. 2.2.3</i>) ☐ Assessment of employment practices (<i>see FTA Circular 4704.1A Ch. 2.2.6</i>)	

☐ Monitoring and reporting plan (<i>see FTA Circular 4704.1A Ch. 2.2.7</i>) ☐ Utilization analysis (<u>full programs only</u>; <i>see FTA Circular 4704.1A Ch. 2.2.4</i>) ☐ Goals and timetables (<u>full programs only</u>; <i>see FTA Circular 4704.1A Ch. 2.2.5</i>)	
4. If the subrecipient meets the threshold for either an abbreviated or full EEO program, is the effective date indicated in the document? <i>FTA requires each subrecipient meeting an EEO threshold to submit to its direct recipient (i.e., TDOT) an updated EEO program every four years, or as major changes occur in the workforce or employment conditions, whichever comes first</i>	
5. Has the subrecipient posted the current EEO statement and pay transparency supplement in a conspicuous and accessible place in the workplace? <i>Note: the current EEO posting is available at: https://www.eeoc.gov/poster; the pay transparency supplement can be accessed here. See also FTA Circular 4704.1A Ch. 2.2.2</i>	
6. Are EEO statements (i.e., the subrecipient “is an equal employment opportunity employer”) included on job applications and employment notices/job postings? <i>See FTA Circular 4704.1A Ch. 2.2.2</i>	

Title VI

TDOT subrecipients must ensure that no person shall, on the grounds of race, color, or national origin, be excluded from participating in, or be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance (without regard to whether specific projects or services are federally funded). Additionally, the subrecipient must ensure that all transit services and related benefits are distributed in an equitable manner.

Requested desk review documents:

- Current Title VI program
- Title VI approval letter from TDOT Civil Rights Office

Question	Reviewer Comments
<i>Subtopic: Title VI Program</i>	
1. Has the subrecipient developed a Title VI program? If so: • Was the Title VI program updated then re-approved by the subrecipient's governing board within the last three years? • Is the effective date of the Title VI program indicated in the document? • Is there documentation evidencing board approval of the program (e.g., board minutes, signature page)? <i>See FTA Circular 4702.1B, Ch. II, Section 5</i>	
2. Does the subrecipient's Title VI program contain the following required elements? ☐ Title VI notice to the public ☐ Title VI complaint procedures and form ☐ List of any transit-related Title VI investigations, complaints, and lawsuits ☐ Public Participation Plan, including information about outreach methods to engage minority and limited English proficient (LEP) populations ☐ Language Assistance Plan for providing language assistance to LEP language groups ☐ A table depicting the membership of non-elected committees and councils, the membership of which is selected by the subrecipient, broken down by race ☐ A Title VI equity analysis if the subrecipient has constructed a facility, such as a vehicle storage facility,	

maintenance facility, operation center, etc. ☐ Service standards, including vehicle load for each mode, vehicle headway for each mode, on time performance for each mode, and service availability for each mode (for fixed route transit providers only) ☐ Service policies, including transit amenities for each mode, vehicle assignment for each mode (for fixed route transit providers) <i>Note: these required elements are typically examined as part of TDOT's Title VI approval process</i>	
Subtopic: Title VI Complaints	
3. Does the subrecipient have a Title VI complaint form as well as procedures for investigating and tracking Title VI complaints? If so, are the complaint form and procedures easily available through the subrecipient's website? <i>See FTA Circular 4702.1B, Ch. III, Section 6, Requirement to Develop Title VI Complaint Procedures and Complaint Form</i>	
4. Has the subrecipient received any Title VI complaints or lawsuits since the previous compliance review? If so, did the subrecipient inform TDOT?	
Subtopic: Notice of Rights	
5. Does the subrecipient notify the public of their rights under Title VI by posting a Title VI notice on its website and in public areas (e.g., stations, stops, on transit vehicles)? If so, does the notice include local (subrecipient), State, and Federal contact information? <i>See FTA Circular 4702.1B, Ch. III, Section 5, Requirement to Notify Beneficiaries of Protection Under Title VI</i>	
Subtopic: Equity Analysis	
6. Has the subrecipient constructed any new transit facilities during the past three years? If so, was a Title VI facility equity analysis completed prior to selection of the site? The	

Title VI equity analysis must include the following required elements: • whether the location of the facility would result in a disparate impact on the basis of race, color, or national origin • outreach consistent with the Language Assistance Plan (LAP) and Public Participation Plan (PPP) to persons potentially impacted by the siting of facilities • upon determination of a disparate impact, the Title VI equity analysis compared the equity impacts of various siting alternatives, implementing the least discriminatory alternative <i>See FTA Circular 4702.1B, Ch. III, Section 13, Determination of Site or Location of Facilities</i>	
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School Bus

TDOT subrecipients are prohibited from providing exclusive school bus service in competition with private school bus operators, unless the service qualifies and is approved by the FTA Administrator under an allowable exemption as defined in 49 CFR Part 605.11.

Requested desk review documents:

- None

Question	Reviewer Comments
1. If the subrecipient provides school bus service, is it approved by the FTA Administrator under an allowable exemption? <i>49 CFR Part 605.11 defines the following exemptions for school bus service:</i> • <i>the grant recipient operates a school system in its urban area and also operates a separate and exclusive school bus program for that school system; or</i> • <i>private school bus operators in the urban area are unable to provide adequate transportation, at a reasonable rate, and in conformance with applicable safety standards; or</i> • <i>the grant recipient is a state or local public body or agency thereof (or a direct predecessor in interest which has acquired the function of so transporting schoolchildren and personnel along with facilities to be used therefor) who was so engaged in school bus operations</i>	

Charter Bus

TDOT subrecipients are prohibited from using FTA-funded equipment and facilities to provide charter service that unfairly competes with private charter operators. TDOT subrecipients may operate charter only when the service meets a specified exception or exemption as defined in 49 CFR Part 604.

Requested desk review documents:

- Charter reports, if applicable

Question	Reviewer Comments
1. If the subrecipient provides charter bus service using FTA financial assistance, is it done according to an authorized exemption or exception? <i>49 CFR Part 604.2 defines the following <u>exemptions</u>, which are NOT considered charter service:</i> • <i>Transportation of transit employees, contractors, and government officials for the purpose of conducting oversight functions</i> • <i>Service provided by private charter operators that receive FTA financial assistance</i> • <i>Transportation for emergency preparedness planning and operation</i> • <i>Transportation for FTA program purposes under Sections 5310, 5311, 5316, or 5317</i> • <i>Transportation in response to a formally declared emergency</i> • <i>Service provided by subrecipients in non-urbanized areas to and/or from transit training outside their geographic service area</i> <i>49 CFR Part 604.6-11 defines the following <u>exceptions</u>, which are considered charter service and have administrative, record-keeping, and reporting requirements:</i> • <i>Transportation of government officials on official government business</i> • <i>Service to qualified human service organizations</i> • <i>Leasing FTA-funded equipment and drivers to registered charter providers</i>	

• <i>Service when no registered charter provider responds to notice from the subrecipient</i> • <i>Service consistent with an agreement with registered charter providers</i> • <i>Service based on a petition to the FTA Administrator</i>	
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Drug and Alcohol Program

TDOT subrecipients receiving Section 5311 funds that have safety-sensitive employees must have a drug and alcohol testing program in place for such employees. It should be noted that requirements stemming from the Drug-Free Workplace Act, which are separate from the drug and alcohol testing program, apply to direct recipients of FTA funds, but NOT subrecipients, contractors, or lessees.

Requested desk review documents:

- Drug and alcohol testing policy
- List of transit-related employees in safety-sensitive positions
- List of supervisors/individuals tasked with making reasonable suspicion determinations
- MIS reports for the past year

Question	Reviewer Comments
Subtopic: Written Policy	
1. Does the subrecipient have a board-adopted drug and alcohol testing policy? If so: • Is the effective date of the policy indicated in the document? • Is there documentation evidencing board approval of the policy (e.g., board minutes, signature page)? <i>Effective January 1, 2018, amendments to 49 CFR Part 40 required drug and alcohol policy revisions. Namely, policies must rename the drug category "opiates" as "opioids."</i> <i>Also note that effective January 1, 2019, FTA changed its regulation for random testing at 49 CFR 655.45, which increased the minimum rate of random drug testing from 25% to 50% of covered employees. If the subrecipient's policy references specific testing percentages, ensure that they reflect current requirements</i>	
Subtopic: Testing Procedures	
2. Does the subrecipient have documentation to show they are receiving negative USDOT pre-employment drug test results for each individual prior to their performance of safety-sensitive functions? <i>This requirement stems from 49 CFR 40.25</i>	
3. Does the subrecipient request drug and alcohol testing records from employees' prior USDOT covered employers (as applicable)?	

<i>This requirement stems from 49 CFR 40.25</i>	
4. Does the subrecipient provide the minimum required training for all covered employees and supervisors/officers? <i>Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use; See 49 CFR 655.14(a)</i> <i>Supervisors tasked with making reasonable suspicion determinations must receive at least 60 minutes of training on: (1) the physical, behavioral, and performance indicators of probable drug use; and (2) the physical, behavioral, speech, and performance indicators of alcohol misuse (for a total of 120 minutes); See 49 CFR 655.14(b)</i>	
5. Does the subrecipient retain their USDOT drug and alcohol testing records in a secure location with controlled access? <i>This requirement stems from 49 CFR 655.71</i>	
6. Does the subrecipient ensure that annual Management Information System (MIS) reports are submitted via the Drug and Alcohol Management Information System (DAMIS) by March 15 of the following calendar year? <i>This requirement stems from 49 CFR 655.72</i>	
7. Does the subrecipient retain copies of submitted annual MIS reports for a period of five years? <i>This requirement stems from 49 CFR 655.71(b)(1)</i>	
8. Does the subrecipient ensure that all medical review officers, substance abuse professionals, screening test technicians, breath alcohol technicians, and collectors in the drug and alcohol testing program have the required qualifications?	

<i>See 49 CFR 40.121 (MROs), 49 CFR 40.281 (SAPs), 49 CFR 40.211 (STTs and BATs), and 49 CFR 40.33 (collectors)</i>	
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List of Review Attendees

Name	Title/Organization	Phone Number	Email Address
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* Subrecipient's primary point of contact

** Lead Reviewer (contractor)