



**Washington State  
Department of Transportation**

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# **Consolidated Grant Guidebook**

M 3130

Updated: March 2022

**Public Transportation Division**  
Public Transportation Programs

**Americans with Disabilities Act (ADA) Information:** This material can be made available in an alternate format by emailing the Office of Equal Opportunity at [wsdotada@wsdot.wa.gov](mailto:wsdotada@wsdot.wa.gov) or by calling toll free, 855-362-4ADA(4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.

**Title VI Notice to Public:** It is the Washington State Department of Transportation's (WSDOT) policy to assure that no person shall, on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of its programs and activities. Any person who believes his/her Title VI protection has been violated, may file a complaint with WSDOT's Office of Equal Opportunity (OEO). For additional information regarding Title VI complaint procedures and/or information regarding our non-discrimination obligations, please contact OEO's Title VI Coordinator at (360) 705-7090.

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# Change log

The table below shows sections in the guidebook that WSDOT has changed since last publication. The list does not include minor proofing edits.

| Date         | Chapter     | Section  | Description   |
|--------------|-------------|--|---|
| Oct.<br>2021 | Chapter 1   | Grant agreement funds, Calculating match ratio and Eligible matching funds | Clarified eligible matching funds   |
|              |             | Grant records retention  | Clarified capital vehicle and equipment and capital construction grant records retention schedule. Includes grant records subrecipients must retain.  |
|              |             | Civil rights   | Substantially clarified which subrecipients equal employment opportunity and Title VI laws, rules and regulations apply to. Includes subrecipient responsibilities and how WSDOT holds subrecipients accountable to responsibilities. |
|              |             | Labor compliance, Labor law posters in the workplace                       | Clarified required posters.   |
|              |             | Disadvantaged Business Enterprises requirements                            | Clarified which subrecipients must report. Includes requirements for vehicle purchases.   |
|              |             | Complaints   | Moved section and clarified required procedures and tracking for specific complaint types based on subrecipient funding.  |
|              |             | Audits   | Clarified and included a certification requirement for subrecipients that do not meet single audit threshold.   |
|              |             | Ethics policies  | Clarified which subrecipients must have a written policy.   |
|              |             | Accident reporting   | Clarified the WSDOT contact a subrecipient should notify in case of an accident.  |
|              |             | Program compliance and project reporting, Risk assessments                 | Clarified WSDOT's process.  |
|              | Site visits | Clarified WSDOT's process and frequency of site visits.                    |   |
|              | Chapter 2   | In-kind match  | Clarified eligible matching funds.  |
|              | Chapter 3   | General procurement requirements   | Clarified requirements.   |
|              |             | Vehicle procurement  | Clarified requirements.   |
|              |             | Post-delivery audit  | Clarified inspection and road test requirements.  |
|              |             | Managing vehicles and equipment, minimum use                               | Clarified requirements.   |
|              |             | Change of use, Considerations for transfers to a different service area    | Clarified requirements.   |

| Date       | Chapter      | Section  | Description   |
|------------|--------------|--|---|
| Oct. 2021  | Chapter 4    | Match requirements for all projects & Match requirements for federally funded projects         | Separated and clarified requirements. Developed new section.  |
|            |              | Eligible direct expenses   | Clarified requirements based on subrecipient funding.   |
|            |              | Permit requirements  | Eliminated “Considerations for utilities and third parties” section and merged guidance to broader section.   |
|            | Appendix A   | Quarterly progress report  | WSDOT will develop guidance as the agency develops GMS guidance.  |
|            | Appendix B   | Reimbursement requests   | WSDOT will develop guidance as the agency develops GMS guidance.  |
|            | Appendix C   | Report submittal/email register  | WSDOT will develop guidance as the agency develops GMS guidance.  |
|            | Chapter 3    | General procurement requirements   | Eliminated floor plans as a required submission. Clarified Buy America requirements for equipment.  |
|            |              | Vehicle procurement, Choosing your procurement method  | Clarified process for remaining grant funds.  |
|            |              | Vehicle procurement, Requirements for purchasing from a state cooperative procurement contract | Eliminated floor plans as a required submission. Clarified requirements for parties notified of purchase order.   |
|            |              | Vehicle procurement, Requirements for conducting your own vehicle and equipment procurement    | Clarified requirements for equipment procurement.   |
| March 2022 | Throughout   | -  | Updated the term “reimbursement request” to “claim.”  |
|            |              | -  | Updated the term “quarterly progress report” to “quarterly status report.”  |
|            | Introduction | -  | Clarified project types under the Consolidated Grant Program.   |
|            | Chapter 1    | Civil rights, Title VI   | Clarified that Titled VI requirements apply to all Federal Transit Administration (FTA)-funded projects. Removed information for obtaining a Title VI policy/plan template. WSDOT does not currently have a template. |
|            |              | Program compliance and project reporting, Claims   | Updated guidance to indicate that claims must be submitted to GMS.  |
|            |              | Program compliance and project reporting, Quarterly status reports                             | Updated guidance to indicate that quarterly progress reports must be submitted to GMS.  |
|            |              | Site visits  | Clarified elements for all site visits.   |
|            |              | Site visits, Expectations during site visits   | Clarified that civil rights polices include Title VI and Equal Opportunity Employment requirements.   |
|            |              | Site visits, Preparing for a site visit, review or inspection                                  | Added “project manager” as required staff.  |



| Date          | Chapter                                       | Section                                  | Description   |
|---------------|---|--|---|
| March<br>2022 | Chapter 2                                     | Required records                         | Added Title VI compliance records (for FTA-funded projects only).                           |
|               | Appendix A                                    | Other reports, National Transit Database | Clarified WSDOT's process for reporting   |
|               |   | Quarterly status reports                 | Clarified that only state-formula-funded projects are exempt from quarterly status reports. |
|               | Appendix G                                    | -  | Updated contact for requesting forms.   |
|               | WSDOT Public Transportation Division contacts | -  | Updated division contacts   |

# Introduction

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## About this guidebook

WSDOT developed this guidebook to provide you with a resource for managing state and federal funds awarded through the agency's Consolidated Grant Program. The guidebook is also a resource for managing Surface Transportation Program funds transferred into the Section 5311 program and Section 5339 federal discretionary funds awarded through WSDOT's Public Transportation Division.

WSDOT is committed to the success of your grant-funded project and the effective management of state and federal funds. As such, it is important that you and WSDOT work from a common set of principles and resources, outlined in this guidebook.

You may use this guidebook as a reference tool throughout the life of your grant-funded project. This guidebook offers guidance and direction for maintaining compliance with the laws and regulations associated with state and federal public transportation funding.

WSDOT reviews and updates this guidebook every two years and may make interim updates. When updates occur, WSDOT will notify organizations with current Consolidated Grant Program grant agreements. Additionally, WSDOT will post an updated version of the guidebook to the Public Transportation Division website at [www.wsdot.wa.gov/transit](http://www.wsdot.wa.gov/transit).

This guidebook does not supersede any Consolidated Grant Program grant agreement. If any sections of this guide are inconsistent with the terms and conditions of your agreement, you are contractually bound to follow the agreement.

Contact the assigned WSDOT contact (i.e., community liaison or project manager) listed on the front of your grant agreement for more information on managing Consolidated Grant Program-funded projects.

Your assigned WSDOT contact listed on your Consolidated Grant Program agreement will be your primary point of contact throughout the life of your Consolidated Grant Program-funded project. See [WSDOT Public Transportation Division contacts](#) for your technical assistance needs.

## About the Consolidated Grant Program

The Consolidated Grant Program awards funding to:

- Improve public transportation within and between rural communities.
- Provide transportation services between cities.
- Purchase new buses and other equipment.
- Offer public transportation services to seniors and persons with disabilities.

State and federal funding support the program.

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## Federal grant programs Included in the Consolidated Grant Program

### Statewide Planning (Section 5304)

Statewide Planning (Section 5304) provides funding and procedural requirements for multimodal transportation planning.

### Enhanced Mobility of Seniors and Individuals with Disabilities (Section 5310)

The Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310) provides formula funding to states for assisting primarily private nonprofit groups in meeting the transportation needs of older adults and people with disabilities when transportation services provided are unavailable, insufficient, or inappropriate for meeting these needs.

### Formula Grants for Rural Areas (Section 5311)

The Formula Grants for Rural Areas Program (Section 5311) provides capital, planning, and operating assistance to states to support public transportation in rural areas with populations of less than 50,000, where many residents often rely on public transit to reach their destinations.

Additionally, in the event that a county lead agency awards [Surface Transportation Program](#) funds to a rural public transportation provider, the funding must be transferred to Section 5311.

### Bus and Bus Facilities Infrastructure Investment Program (Section 5339)

The Bus and Bus Facilities Infrastructure Investment Program (Section 5339) makes federal resources available to states and direct recipients to replace, rehabilitate, and purchase buses and related equipment, and construct bus-related facilities, including technological changes or innovations to modify low- or no-emission vehicles or facilities.

## State Programs Included in the Consolidated Grant Program

### Paratransit/Special Needs

Nonprofit competitive and transit formula funding to sustain and expand services to persons with disabilities, seniors, children and people in rural areas.

### Rural Mobility

Competitive and transit formula funding to support rural and small urban areas. Includes funds based on sales tax expenditures, including money spent in county areas outside of the transit agency service area.

This chapter outlines requirements, best practices and general guidelines for all projects. Requirements that apply only to federally funded projects are marked with an asterisk (\*) next to the heading.

See chapters 2, 3 and 4 for requirements, best practices and general guidelines specifically for operating, planning, mobility management, capital vehicle, and capital construction projects.

## Grant agreement

WSDOT expects you to carry out your grant-funded project as described in your application for funding and the scope of work and budget in the grant agreement.

To ensure project compliance, it is important that you read the entire grant agreement, understand the clauses, and confirm the accuracy of the scope of work and budget.

## Project change requests

Occasionally, changes to projects are necessary.

You cannot change your project without written approval from WSDOT. All aspects of the grant agreement will remain in effect until WSDOT provides written approval of any change. In many cases, changes will require a formal amendment to the grant agreement.

### **Project change request process**

You must submit all project change requests via email to your assigned WSDOT contact listed on your Consolidated Grant Program agreement.

Change requests must include:

- Specific information about the proposed change (i.e., scope, schedule, budget).
- Comparisons to existing grant commitments.
- Reasons for the change.
- Expected benefits and costs of the change.
- Effects of the change for stakeholders.
- An explanation of how the revised project scope will better meet the needs of your organization and the community you serve.

You may also include information about other potential changes you considered but rejected.

Before submitting a project change request, WSDOT recommends that you contact, collaborate with, and obtain input from organizations and entities potentially affected by your proposed change. Your assigned WSDOT contact listed on your Consolidated Grant Program agreement is available to assist you with this process.

Examples of project changes include, but are not limited to:

#### **Scope of Work**

- Service modification: schedule and route changes (e.g., shifting service from midday to morning or weekday to weekend, altering a route).
- Change in the number, type or size of vehicles you intend to purchase.

#### **Budget**

- Change to the overall project budget.
- Change to the funding for a phase of work (for capital construction projects only).

#### **Assignment**

- Transferring grant responsibilities from one organization to another.
- Shifting grant funds between projects.

Most of the changes listed above require an amendment to your grant agreement. All amendments to grant agreements require approval by:

- WSDOT Public Transportation Division Grants and Community Partnerships Manager (operating, mobility management and planning projects)

--OR--

- WSDOT Public Transportation Division Capital Programs and Business Services Manager (capital vehicle and construction projects)

Some amendments require approval or consultation at a higher level, such as the WSDOT Public Transportation Division Director or their designee.

## **Grant agreement funds**

Grant agreement funds include the federal, state, and local match funds that you will use toward the total project costs. Contractor's funds represent your share of the total project costs. The total federal, state, and local share of the grant funding is located on the front page of your grant agreement.

However, each project in your grant agreement may have a different match requirement depending on the funding sources awarded. WSDOT will hold you to the match ratio identified for each project. Additionally, WSDOT will only reimburse your organization for the total grant funds shown in the project budget or the grant percentage share, whichever is less.

### **Match requirements**

Local match represents your share of the total project cost.

The matching requirement for each project may vary depending upon the level of matching funds identified in your original grant application, the source of funding (i.e., state or federal) and subsequent agreement.

The specific local match for the project will be on the first page of the agreement.

## Calculating match ratio

WSDOT calculates your match ratio using the following formula:

$$\text{Match ratio} = \frac{(\text{Dollar value of match pledged})}{(\text{Total project cost})}$$

As an example, if your total project cost is \$100,000 and you pledged \$35,000 in local funds or in-kind contributions for the project, the local match would be 35 percent with a grant share of 65 percent.

For operating projects, WSDOT applies local match to the net expenses after deducting fares, donations in lieu of fares and ineligible costs.

## Eligible matching funds

Eligible matching funds may include:

- Local tax revenues, such as sales tax receipts.
- Funds from other public agencies.
- Private donations, excluding passenger donations in lieu of fares.
- Advertising revenue.
- Corporate or foundation grants.
- State funds received from agencies other than WSDOT.
- In-kind goods and services, including donated labor (operating, mobility management and planning projects only).
- Revenue from other grants awarded to your organization.
- Other funds from your organization not related to the passenger services provided under the project (i.e., freight).
- Reserve funds or retained earnings from your organization.
- Contract revenue.

### **Considerations for federal matching funds**

You may use federal funds from any source to meet match requirements for state-funded grant projects.

You may use non-U.S. Department of Transportation federal funds (including funds passed through a state social service agency to meet match requirements for FTA-funded grant projects).

**Note:** As an exception to this rule, grant funds received under the Federal Lands Highway Program ([23 USC Section 202](#)) are eligible to use as match.

For more information on local match, contact our financial team at [PTDinvoices@wsdot.wa.gov](mailto:PTDinvoices@wsdot.wa.gov).

## Grant records retention

You must retain:

- Operating, mobility management and planning grant records for six years beyond the end of the grant period.
- Capital vehicle and equipment grant records throughout the useful life of the vehicle or equipment and for six years thereafter.
- Capital construction grant records throughout the useful life of the facility and for six years thereafter.

Grant records include, but are not limited to:

- Financial records.
- Procurement documentation (capital projects only).
- Discrimination and misconduct complaints.
- Drug and alcohol testing records.

For records not directly related to the grant-funded project, consult the Washington Secretary of State's records retention schedule and [transit records retention schedule](#) for the specific requirements.

As a condition of receiving state and federal funds through WSDOT, you may be required to participate in an audit conducted by the State Auditor's Office or FTA. WSDOT recommends that you establish record retention guidelines that conform to the State Auditor's Office and FTA requirements. See [Audits](#) for more information.

## Coordination and community outreach

Working directly with the community and coordinating with other service providers are crucial elements of any public transportation project. Both efforts provide valuable opportunities for collaboration to help your project better serve local communities.

Additionally, good coordination and outreach efforts build community support and a sense of personal ownership of the project. Because of this, engaging a wide variety of people in your project through community outreach is a worthwhile objective.

Community outreach is often a required element of grant-funded projects, especially if you receive federal funds. Additionally, community outreach is especially vital in developing new services.

Regardless of whether you receive state or federal funding, if you hold public meetings for your project you will be required to document questions and comments, and your responses. This is especially important for areas where public opinion could potentially affect your project. For technical assistance in meeting specific requirements, contact assigned WSDOT contact listed on your Consolidated Grant Program agreement.

## Coordinated Public Transit-Human Services Transportation Plans

To receive funding from the Consolidated Grant Program, the Coordinated Public Transit-Human Services Transportation Plans for your project's service area must identify the need for your project. Metropolitan planning organizations and regional transportation planning organizations develop these plans.

WSDOT provides funding each biennium for planning agencies to complete and/or update their Coordinated Public Transit-Human Services Transportation Plans. Through the plans, regional planning agencies complete a local ranking process for grant applications.

Stakeholders to the development of Coordinated Public Transit-Human Services Transportation Plans include:

- Senior service centers
- Community action programs
- Local Medicaid brokers
- Local transit systems
- Groups representing special needs or minority populations
- WorkFirst local planning areas
- Private sector stakeholders

You should participate in your local planning agency's Coordinated Public Transit-Human Services Transportation Plan process throughout the term of your grant agreement. This way, you can help to keep them informed of your project's impact on the needs identified in the last Coordinated Public Transit-Human Services Transportation Plan and other needs that may have developed in your community.

See [wsdot.wa.gov/transit/planning#RegionalHumanServicesTransportationPlans](https://wsdot.wa.gov/transit/planning#RegionalHumanServicesTransportationPlans) or contact your assigned WSDOT contact listed on your Consolidated Grant Program agreement for the latest Coordinated Public Transit-Human Services Transportation Plan template.

## Minimum marketing requirements

Marketing your service is a vital practice and an important tool to ensure your project's success. Based on your grant funding, you may be required to market to target populations. Grant programs with required targeted markets include:

- **Section 5310**  
Seniors and persons with disabilities.
- **Section 5311**  
The general public in rural areas (depending on the scope of your project you may also be required to market your services to low-income residents in need of access to employment or employment-related services).
- **State Paratransit/Special Needs**  
Persons with special transportation needs, such as mobility issues that prevent driving.
- **State Rural Mobility**  
The general public in rural areas.



You can market your services in a variety of ways:

- Publishing flyers, schedules and service-area maps (in multiple languages when appropriate and in accordance with Title VI) and distributing them throughout your community.
- Possible locations for flyers include, but are not limited to:
  - Medical facilities
  - Community centers
  - Grocery stores
  - Senior centers
  - Places of worship
  - Food banks
  - Shopping centers
  - Libraries
  - City halls
  - Schools
  - Chambers of commerce
- Developing and distributing trip planners that instruct riders how to reach popular destinations.
- Posting schedules on your website.
- Encouraging local media to feature or advertise your services.
- Placing appropriate signage on agency vehicles indicating that the service is open to the public and including a phone number to call for information.

WSDOT staff are available to provide assistance in developing marketing materials. Contact assigned WSDOT contact listed on your Consolidated Grant Program agreement for more information.

## Civil rights

All Consolidated Grant Program subrecipients must comply with state and local laws concerning equal employment opportunity and nondiscrimination. This includes the Washington Law Against Discrimination ([RCW 49.60](#)) and guidance provided about this law from the Washington State Human Rights Commission [www.hum.wa.gov/employment](http://www.hum.wa.gov/employment).

Federally funded grant subrecipients must also comply with all federal civil rights laws and regulations concerning equal employment opportunity and nondiscrimination (i.e., Title VI). These laws require you to ensure:

- Nondiscrimination in employment, contracting, membership on policy or advisory committees, and any services you provide.
- That your services are accessible to everyone.

Additional guidance for federally funded grant subrecipients is in the following sections.

## \*Equal Employment Opportunity

If you receive federal funding, you must follow the [FTA Circular 4704.1A](#), Equal Opportunity Program Guidelines for Grant Recipients and ensure your organization does not discriminate against any of your employees, applicants or subcontractors because of their:

- Race, color, religion or national origin.
- Sex, including gender identity, sexual orientation and pregnancy.
- Marital status or family-with-children status.
- Age, disability, genetic information, or HIV/AIDS and Hepatitis C status.
- Veteran/military status.
- Any other protected class status.

### **Equal Employment Opportunity plan**

If your organization meets one or both of the following criteria, you must have a written equal employment opportunity plan that complies with FTA Circular 4704.1A:

- Employ 50 or more transit-related employees and request/receive more than \$1,000,000 in federal capital or operating assistance in the previous federal fiscal year.<sup>1</sup>
- Employ 50 or more transit-related employees and request/receive more than \$250,000 in federal planning assistance in the previous federal fiscal year.<sup>2</sup>

You must submit a copy of your equal employment opportunity plan to WSDOT for approval. You must also update your plan every four years.

If your organization employs less than 50 transit-related employees and receives any amount of federal funding, a written equal employment opportunity plan is not required.

### **Compliance with equal employment opportunity laws, rules and regulations**

**All organizations regardless of number of transit-related employees amount of federal funding received must comply with all equal employment opportunity laws, rules and regulations.**

Compliance includes, but is not limited to:

- Posting notices of your equal employment opportunity policy/materials in areas frequented by staff.
- Conducting periodic equal employment opportunity training for all employees and managers, particularly for all new supervisors and managers within 90 days of hiring.
- Ensuring all recruitment ads state your organization is an equal employment opportunity employer.
- Establishing a process for monitoring, tracking, investigating, and addressing equal employment opportunity complaints.

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<sup>1</sup> October-September of the previous year.

<sup>2</sup> Ibid.

**\*Title VI**

Title VI of the Civil Rights Act of 1964 prohibits federal subrecipients from discriminating based on race, color and national origin. This includes the denial of meaningful access for people with limited English proficiency in the provision of your services.

If you receive federal funding you must adhere to Title VI laws, rules and regulations (i.e., 42 USC 2000d, 49 CFR 53, 49 CFR 1.51, 49 CFR 21, 28 CFR 42.401). Additionally, you must follow FTA Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients.

**Title VI policy/plan**

Every three years, you must submit a Title VI policy/plan, including a language access plan with a four-factor analysis addressing limited English populations in your service area, to WSDOT for review and approval.

For more information on required elements of this plan, see FTA Circular 4702.1B and 49 CFR Part 21.

**Conducting outreach to limited English proficiency populations**

Title VI requires agencies receiving federal assistance to provide meaningful access to programs and activities to persons with limited English proficiency. Information about required elements of a Title VI policy language access plan and how to conduct a four-factor analysis are in FTA Circular 4702.1B Chapter III. Visit [www.lep.gov](http://www.lep.gov) and [www.census.gov](http://www.census.gov) for additional resources for gathering demographic data and guidance about conducting outreach.

Title VI requires you to track your outreach activities to limited English proficiency populations. You must subsequently report these activities to WSDOT on your quarterly progress reports.

Examples of locations or groups to conduct outreach, solicit input from and conduct marketing/information-sharing with limited English proficiency populations include, but are not limited to:

- Your drivers/operators, dispatchers, and customer service representatives.
- Your social media outlets.
- Local/regional social services agencies.
- Schools and community centers.
- Health care facilities.
- Ethnic, immigrant and refugee community groups.
- Religious gathering places.
- Stores, markets and restaurants, particularly those that cater to limited English proficiency populations.

### **Additional Title VI required activities**

Additional Title VI required activities include, but are not limited to:

- Providing a level and quality of transportation service without regard to race, color or national origin.
- Ensuring your programs and activities do not have a highly disproportionate effect on minority and low-income populations. Affected factors include human health, environmental, social or economic.
- Providing all affected populations full and fair participation in decision-making.
- Preventing denial, reduction or delay of benefits to activities benefiting minority or low-income populations.
- Posting your organizations Title VI notice in areas where customers will encounter it, such as on the agency's website, in public areas of the agency's administrative offices, at stops/stations or in vehicles.
- Translating vital documents, including your organizations Title VI notice and complaint form into all languages identified in your Title VI plan.
- Reporting Title VI complaints, investigations and lawsuits to WSDOT in your quarterly progress reports.
- Ensuring your subcontractors comply with your Title VI policy/plan.

**Note:** Neutral policies or practices that result in discrimination or disparate effects violate Title VI unless your organization can demonstrate those policies or practices are justified and there is no less discriminatory alternative.

### **\*Disadvantaged Business Enterprises requirements**

The FTA requires organizations that receive federal funds to make efforts to purchase items from disadvantaged business enterprises (DBE) or use DBE services for all activities funded under their grant ([49 CFR Part 26](#)).

A DBE is a for-profit small business that is:

- At least 51 percent owned and operated by one or more individuals who are socially and economically disadvantaged.
- Certified as a DBE (not only as a minority or women owned business).

**Note:** the DBE certification differs from other certifications by the Washington Office of Minority and Women's Business Enterprise. An organization may be certified by the office and not be a DBE. Organizations certified as women owned or minority owned are not necessarily DBEs.

As a recipient of federal funds, WSDOT is required to establish a three-year goal based on its own contracting opportunities and those of its grantees. WSDOT reports to the FTA on this goal, in part, by using the information provided in the DBE section of the quarterly progress report submitted by grantees.

**Note:** WSDOT's DBE goal is 5.58 percent until further notice.

You may set your own DBE goal, but you must justify how you arrived at the goal and explain if you do not meet it. You are required to make a good faith effort to use DBEs whenever purchasing or contracting with grant funds. See [Appendix D](#) for more information about good faith efforts.

Grantees are not required to purchase from a DBE if the price of the product or service is significantly higher than that of other vendors. However, federal procurement rules allow you to break up your procurement into smaller increments for the purpose of boosting your DBE participation rate.

For transit vehicle purchases, FTA addresses DBE requirements at the manufacturer level by maintaining a [list of eligible transit vehicle manufacturers](#). Vehicles must be purchased from eligible transit vehicle manufacturers to qualify for federal reimbursement.

WSDOT staff are available to work with you to ensure that you are taking the proper measures needed to meet your obligations under federal DBE regulations and provide technical assistance in your community to potential DBEs if needed. Contact your assigned WSDOT contact listed on your Consolidated Grant Program agreement for more information.

### **Disadvantaged Business Enterprises Plan requirements**

If you expect to award contracts with a combined total of \$250,000 or more in a calendar year using FTA funding (excluding vehicle purchases), you are required to establish a DBE plan.

You may either adopt WSDOT's DBE Plan or establish your own.

If you plan to adopt WSDOT's DBE Plan, you must:

- Notify WSDOT of your intentions and discuss potential contracting opportunities.
- Send a copy annually of your board's acceptance of WSDOT's DBE Plan.
- Work with the appropriate WSDOT staff members to ensure that your projects are included in WSDOT's DBE goal.
- Report to WSDOT on DBE purchases and good faith efforts made.

If you plan to establish your own DBE Plan, you must:

- Develop and establish DBE purchasing goals.
- Obtain WSDOT approval of your DBE Plan.
- Report to WSDOT on DBE purchases and good faith efforts.

If you are not required to have a DBE Plan, you are still required to make a good faith effort to use DBEs whenever purchasing or contracting with grant and report these efforts to WSDOT. See [Disadvantaged Business Enterprises reporting](#) and [Good faith effort](#) for more information.

### **Another option for a Disadvantaged Business Enterprises Plan**

If you meet the contracting threshold because of a specific project, such as a facility project, you may petition FTA to establish a project-specific DBE goal.

If you plan to choose this option, contact the FTA Region X Civil Rights Officer at 206-220-7954.

If FTA approves you for this option, request a letter from FTA indicating approval and send it to your assigned WSDOT contact listed on your Consolidated Grant Program agreement.

## Disadvantaged Business Enterprises reporting

Regardless of whether a plan is required, you must report on all federally funded purchases, list DBEs used and explain good faith efforts made. However, the type of report will depend on what type of project you have.

### If you adopted your own plan and have a direct grant relationship to FTA:

1. Submit reports directly to FTA using the Transit Award Management System.
2. Send a copy of the report to WSDOT at [PTDreports@wsdot.wa.gov](mailto:PTDreports@wsdot.wa.gov).

If you report directly to FTA and intend to include funds received through WSDOT in this report, you must notify WSDOT and FTA of your intentions.

### If you adopted WSDOT's plan or are only required to make a good faith effort:

Submit reports quarterly directly to WSDOT using the form provided with your quarterly progress report. See quarterly reporting for the form and instructions.

## Good faith effort

A good faith effort is the process of taking appropriate measures toward using DBE vendors in purchasing and procurement with federal funds.

Examples of good faith efforts include:

- Researching DBE vendors for your projected contracted work and purchases.
- Encouraging DBE vendors to submit a bid or quote when advertising for contracted goods or services.
- Placing advertisements in any local minority newspapers.
- Actively seeking DBE vendors by obtaining the [Washington State Office of Minority and Women's Business Certified Firms Directory](#) or contacting equivalent agencies in neighboring states.
- Encouraging eligible businesses to become DBE certified.
- Participating in local DBE outreach forums.
- Documenting your procedures when seeking DBE vendors, and/or your reasoning for not selecting any DBE vendors.

If your agency rejects a bid from a DBE vendor based on price, your procurement policy should state the threshold you used to consider the price competitive (i.e., quotes from DBE vendors within a determined percentage of other bids will be considered competitive with price quotes from non- DBE vendors).

See [Appendix D](#) for further guidance about good faith efforts.

## Employee conduct and preventing harassment

Harassment in the workplace violates Washington state human rights laws (RCW 49.60).

WSDOT requires that you establish a written policy to keep the work environment free from harassment, coercion and intimidation *in any form*. This requirement is not limited to sexual harassment. It also includes practices or actions that may create an uncomfortable or hostile work environment. Your policy should include, but is not limited to, the following elements:

- A definition of behavior constituting harassment, intimidation or coercion.
- The process for filing a claim.
- The process used to investigate a claim.
- Disciplinary action and corrective measures you will take.

Your assigned WSDOT contact listed on your Consolidated Grant Program agreement will review your policy and assist in making it compliant.

## Americans with Disabilities Act requirements

It is important that the services you provide to the public and your hiring practices comply with the ADA and do not discriminate against persons with disabilities.

This section provides an overview of federal and state laws regarding employment and services to persons with disabilities. These laws include:

- [49 CFR Part 27](#) – Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance
- [49 CFR Part 37](#) – Transportation Services for Individuals with Disabilities
- [49 CFR Part 38](#) – Accessibility Specifications for Transportation Vehicles
- [RCW 49.60.030](#) – Freedom from Discrimination – Declaration of Civil Rights

Federal law requires that you do not exclude any person from participation in or benefits of any program or activity that receives or benefits from federal financial assistance solely based on a disability. This applies to employment opportunities and services provided by your organization.

State law provides additional rights to people with disabilities. These rights include:

- The right to obtain and hold employment without discrimination.
- The right to full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement.

Regardless of the type of grant funds you receive, you are required to comply with all federal and state laws prohibiting discrimination based on disability. This means that you must provide equal access to program services and facilities to people with disabilities.

For questions about ADA requirements, contact your assigned WSDOT contact listed on your Consolidated Grant Program agreement.

## Employment requirements

Title I of the ADA prohibits discrimination in employment and requires employers to provide reasonable accommodation. This applies to all aspects of the employment process including job advertising, interviews, applications and post-offer medical examinations.

### ***Job advertisements and applications***

You should write job applications in a clear and understandable language and explain position qualifications clearly.

You should not include language that individuals or organizations may perceive as exclusionary. As an example, avoid placing physical requirements on a position that are not necessary for a person to perform the job.

You should include a statement indicating that your organization is an Equal Opportunity Employer.

### ***Interviews***

You may not ask disability-related questions or conduct a medical examination until after you have extended a conditional job offer. Your questions must also be specific to the applicant's ability to perform a specific task or job function.

### ***Post-offer medical exam***

Once you have extended a conditional job offer and before work starts, you may ask disability-related questions as long as you ask the same questions of all prospective employees in the particular job class.

### ***Reasonable accommodation***

A reasonable accommodation is a modification or adjustment to a job, the work environment or the way your organization usually does things to enable a qualified individual with a disability to enjoy an equal employment opportunity.

Examples of reasonable accommodations include, but are not limited to:

- Purchasing a computer magnification tool for an employee with vision impairments.
- A special chair or an elevated workstation for a person with a disability.
- Rearranging the office area, workstations and employee rest rooms so that a person in a wheelchair can gain access.

## Passenger service requirements

The services you provide to persons with disabilities must be equal to those provided to persons without disabilities.

You must be in full compliance with the ADA on the first day of the project and remain in compliance for the duration of the project.

Below are some of the things you need to keep in mind to ensure your service is accessible to people with disabilities.



**Lifts and securements**

You must have lifts or ramps and securement devices available for people with disabilities. You should also have a system of regular and frequent maintenance checks in place for these devices.

The lift or ramp should be tested prior leaving to pick up passengers to ensure it is operable. If your lift or securement devices become inoperable, you must provide alternate transportation to passengers with disabilities.

**Facilities**

All of your public facilities must be accessible to people with disabilities. This includes bus stops and transit centers.

**Stop announcements**

You must audibly announce stops at transfer points, major intersections and destination points.

**Accessible communication**

You must make bus schedules, signage and other communication to the public available in an accessible format when requested.

**Complementary paratransit**

Complementary paratransit is a service required by the ADA for individuals with disabilities who are unable to use fixed route transportation systems. The service must be comparable to the level of service you provide to individuals without disabilities who use the fixed route system.

If you operate fixed route service, to ensure compliance with the ADA, you must also provide complementary paratransit service for individuals who are unable to use the fixed route service. Your complementary paratransit service must:

- Provide service within three-quarters of a mile of the fixed-route corridor.
- Have fares that are no more than twice the fare of your fixed route.
- Have an established eligibility criteria and procedure for determining eligibility for the service.
- Take measures to avoid service denials and maintain a system to monitor and track service denials.
- Accept requests for reservations during normal business hours on a next-day basis.
- Operate on the same days and hours as your fixed route.

**Note:** You are not required to provide complementary service for routes designated as commuter/express service or university service.

### **Deviated fixed route**

Deviated fixed route is service that operates along a fixed route at generally fixed times but may deviate from the route to collect or drop off passengers who have requested the deviation.

- You must clearly communicate to the public through outreach/marketing materials (i.e., bus schedules, websites) how the service differs from fixed route and paratransit service.
- Your service must meet the following criteria to qualify as deviated fixed route:
- The service must allow customers to request a route deviation, typically by calling in advance.
- You must have procedures in place for managing requests for deviations and denials, if any.
- Following a route deviation, the vehicle must return to the point on the route at which it deviated.
- You must clearly indicate deviated fixed route service on bus timetables, marketing materials and websites. You must also provide the telephone number and process to follow for requesting a route deviation.
- You must indicate the distance/coverage area that the bus will deviate for passenger pickup and drop.
- All marketing materials must indicate who is eligible for deviated fixed-route service.
- You must document all route deviations (e.g., driver trip log/manifest) and keep these on file.

### **Service animals**

A service animal is any guide dog, signal dog or other animal individually trained to work or perform tasks for an individual with a disability. This includes, but is not limited to:

- Guiding individuals with vision impairments.
- Alerting individuals with hearing impairments to intruders or sounds.
- Providing minimal protection or rescue work.
- Pulling a wheelchair.
- Fetching dropped items.

Under the ADA, you are required to allow service animals to accompany persons with disabilities on passenger service vehicles and in your facilities. Additionally, it is discriminatory to ask for the certification, registry of a service animal or a demonstration of work performed by the service animal. A driver or rider's fear of or allergy to an animal is not a justifiable reason to disallow a service animal.

### **Differences between a service animal and a pet**

It can be very difficult to tell the difference between a service animal and a pet. Service animals are not required to have certification papers or wear a collar or harness; it is a violation of the ADA to require this form of documentation/identification.

If you are not certain whether an animal is a service animal or a pet, you may ask the customer if the animal is a service animal. If the customer responds that it is a service animal, the animal must be accommodated as long as it is under the control of the customer at all times.

## Complaints

To maintain credibility and the ability to continue as a grantee of WSDOT, you should address all written complaints in a timely manner.

Regardless of the funding you receive, you must have procedures that address your course of action and track all complaints related to ADA.

If you receive federal funds, you must also have procedures that address your course of action and track all complaints related equal employment opportunity and Title VI.

### Procedures for complaints

You must develop and incorporate procedures for complaints into your organization's administrative and personnel policies. Procedures for complaints should include:

- Requirement that all complaints be put in writing and include the alleged offense and circumstances.
- Explanation on how you will investigate the complaint, including confidentiality considerations and a timeline.
- Corrective action process.
- Method for issuing findings.
- Explanation of how you will notify the person filing the complaint of the findings and corrective measures taken.
- Information for the complainant to appeal the agency's decision about their complaint.
- Retention schedule for the working file for each complaint received (this file must be retained for six years beyond the end of your project).

Additionally, you must communicate personnel policies to all employees and ensure their understanding of the types of behavior that are unacceptable, as well as corrective actions that may occur should they exhibit these behaviors.

### Tracking complaints

You must track complaints received by your organization in your quarterly progress report.

You must also track and report to WSDOT any complaints that develop into investigations or lawsuits.

The information you must collect and report includes, but is not limited to:

- Date of the complaint, investigation or lawsuit filing.
- A summary of the allegations.
- The status of the complaint, investigation or lawsuit.
- Actions taken by your organization.
- Actions taken by organizations to whom you forwarded the complaint, investigation or lawsuit.

## Sensitive Information

As a public transportation provider and employer, you often deal with confidential information about employees and customers. There are certain laws and regulations that restrict the type of information that you can release. Additionally, some entities that provide matching funds to your organization may require specific policies for sensitive or confidential information.

### Customer's right to confidentiality

Customers may confide in a trusted public transportation service employee, and the employee may be tempted to share this information with others.

To avoid violating the customer's right to confidentiality, it is important for all employees to safeguard the release of a customer's personal information.

Below is an example of a violation of confidentiality and recommended actions to avoid such violations:

#### Violation

A public transportation employee repeats information received about a customer's medical condition to persons other than the supervisor.

#### Recommended practice

Employees should only share concerns about customers with their supervisor, not with other coworkers, family or friends. Additionally, employees should only share information the supervisor needs to know with the supervisor.

Employees should not share names of individuals receiving service from a program with anyone outside your organization.

Unless it is necessary to obtain needed services and the rider has given written consent, employees should not share information about a rider. If a rider is not able to give permission to share information for his/her well-being, the employee and their supervisor should use their best judgment to share only the information needed to provide services.

Public transportation employees are required to share information in some circumstances. This applies to suspected abuse of children or vulnerable adults. If an employee suspects abuse, they should convey this information to their supervisor. The employee must not share the information with other employees, family or friends.

### Employee's right to confidentiality

Public transportation employees are often required to share confidential information with your Human Resources department or with their supervisor and manager. These individuals may also receive information about employee medical conditions in the event of a request for personal leave or from the results of a drug and alcohol test. Your organization's representatives must not share this information with anyone that is not authorized under federal or state regulations to receive it.

You must establish clear procedures to address how your organization may or may not share sensitive information with others to avoid violating an employee's right to confidentiality.

## Labor compliance

Basic requirements for complying with federal labor regulations include, but are not limited to:

- [29 USC Chapter 8](#) – Fair Labor Standards Act
- [40 USC Chapter 37](#) – Contract Work Hours and Safety Standards Act
- [49 USC Section 5333\(b\)](#) – Labor Standards (Sections 5310 and 5311 only)

### Fair Labor Standards Act and Contract Work Hours and Safety Standards Act

The Fair Labor Standards Act and the Contract Work Hours and Safety Standards Act provisions ([29 USC Chapter 8](#) and [40 USC Chapter 37](#), respectively) establish basic wage standards for employees.

The areas that apply to your organization are:

#### 1. Minimum wage

At a minimum, you must pay all employees the current federal minimum wage or state minimum wage, whichever is higher.

Current federal minimum wage information is available for the [United States Department of Labor](#).

Current state minimum wage information is available from the [Washington State Labor and Industries](#).

#### 2. Overtime

You must pay nonprofessional employees at a rate of one and one-half times their normal pay for all hours worked beyond 40 hours per week.

Some types of employees are exempt from overtime payment requirements. However, you should not assume that the exemptions apply to your employees. It is always best to refer directly to the Fair Labor Standards Act to determine what course of action to take.

#### 3. Health and safety

You must not place employees in work environments that are unsanitary or unnecessarily hazardous or dangerous to their health or safety.

### \*Labor Standards

Labor Standards ([49 USC Section 5333\(b\)](#); also known as Section 13(c) Special Warranty, Labor Protections) requires that you make fair and equitable arrangements to protect the rights of public transportation employees when you use federal funds to acquire, improve, or operate a general public transportation service.

Labor Standards ensures that no transportation worker is terminated or position worsened because of an FTA-funded project. While these protections apply primarily to your employees, they also cover the employees of any other transportation providers operating in your service area.

Labor Standards applies only to organizations awarded projects under Sections 5310 and 5311.

The [U.S. Department of Labor](#) provides detailed information about Labor Standards requirements. You may also find specific federal laws and rules relating to Labor Standards in [49 USC Section 5333\(b\)](#) and [29 CFR Part 215](#).

### **Labor Standards claims filed against organizations**

If a transportation employee feels that they lost their job or their position was worsened because of your organization's FTA-funded project, the employee or a union representing the employee has the right to file a claim with the U.S. Department of Labor.

If the department rules in favor of the employee's claim, it is your responsibility to make any necessary financial, employment, training or retraining accommodations for the employee. The department may also impose a fine.

Below are examples of circumstances where an employee may file a claim:

#### **Your organization's employees**

Example: FTA awards your organization a project to purchase a new dispatch system. Because of the purchase, you only need two dispatchers instead of three dispatchers. Subsequently, you lay off one dispatcher.

Example: FTA awards your organization a project to purchase a minibus to replace a large bus. However, your organization pays minibus drivers less than it pays drivers of large buses. As a result, you reduce one driver's pay.

#### **Employees of other transportation providers**

Example: FTA awards your organization a project to provide transportation service in a new area. As a result, there is a decline in another provider's service and the other provider terminates an employee.

## **Labor law posters in the workplace**

Labor law posters are important because they inform workers and employers of their rights and responsibilities.

You are required to post labor law posters visibly in a common area in the workplace. WSDOT employees will verify your compliance with legal requirements for labor law posters during site visits.

You are required to post the following labor law posters:

#### **Federal posters**

- "Employee Rights Under the Fair Labor Standards Act" poster
- "Job Safety and Health: It's the Law" poster
- "Employees Rights and Responsibilities Under the Family Medical Leave Act" poster (required for private employers with 50 or more employees and all transit agencies regardless of size)
- "Equal Employment Opportunity is the Law" poster
- "Employee Polygraph Protection Act Notice" poster
- "Your Rights under the Uniformed Services Employment and Reemployment Rights Act (with minimum wage announcement)" notice/poster
- "New Health Insurance Marketplace Coverage Options and Your Health Coverage" notice

### State posters

- “Job Safety and Health Law” poster
- “Your Rights as a Worker” poster
- “Notice to Employees – If a Job Injury Occurs” poster
- “State Unemployment Benefits” poster
- “State Minimum Wage” poster

You can order most posters at no charge from their issuing agency (e.g., Washington Department of Labor and Industries, Equal Employment Opportunity Commission, U.S. Department of Labor).

## \*Charter Service

FTA’s Charter Bus Service Regulations ([49 CFR Part 604](#)) protects private-charter operators from unauthorized competition from FTA grant recipients.

Under the regulations, with limited exceptions and exemptions, public transportation providers who receive federal funds are restricted from operating charter services.

If your organization receives federal funds for any projects, you must follow specific procedures, including reporting on these services. Consult with your assigned WSDOT contact listed on your Consolidated Grant Program agreement before agreeing to proceed with any charter operations.

The regulations define charter service as follows:

- 1. Transportation provided at the request of a third party for the exclusive use of a bus or van for a negotiated price. The following features may be characteristics of charter service:**
  - A third party pays a negotiated price for the group.
  - A third party collects any fares charged to individual members of the group.
  - The service is not part of the regularly scheduled service or is offered for a limited time.
  - A third party determines the origin and destination of the trip as well as scheduling.
- 2. Transportation provided to the public for events or functions that occur on an irregular basis or for a limited duration and:**
  - Charges a premium fare that is greater than the usual or customary fixed route fare.
  - OR --
  - A third party pays for the service in whole or in part.
  - See [Appendix E](#) for examples of services that do not meet the definition of charter service and additional information such as regulation exemptions and exceptions, and some sample situations.

## \*Private sector participation

Organizations may not use FTA funds to operate in direct competition with existing private transportation providers. Additionally, organizations receiving FTA funds must allow private transportation providers to participate in the project to the maximum extent feasible (49 USC Section 5315).

FTA does not prescribe a specific private sector participation process. However, organizations are required to have an established process to ensure private providers in the area are aware of the agency's intentions. You can accomplish this through coordination of efforts or by holding a public hearing prior to:

Submitting a grant application for the project.

- Publishing a legal notice or an advertisement.
- Sending a written notice directly to private providers.

In each case, you should request a response from the providers.

If you are expanding service and this results in a decline in business for a private sector provider, you, WSDOT, FTA or the U.S. Department of Labor may receive a complaint alleging unfair competition or a claim under Labor Standards ([49 USC Section 5333\(b\)](#)). See [Labor Standards](#) for more information.

## Complaints of unfair competition

You are required to have a written policy and procedures in place to track, investigate and respond to any complaints received related to unfair competition. The procedures must include the following elements:

- Persons assigned the responsibility of receiving, investigating and responding to complaints of unfair competition.
- An appeals process if the individual or organization filing the complaint is unsatisfied with the response.
- A mediator or mediation panel in the appeals process that does not include your organization's employees or board members.

If either party is unsatisfied with the mediator's decision, they may appeal the decision to WSDOT. The appellant must file their appeal with the WSDOT director of public transportation or designee within 30 days of the mediator's decision and include the following:

- An original signature of the chief executive officer of the entity filing the appeal.
- The grounds under which they are filing the appeal.
- A copy of the mediator's decision.

Additionally, the appellant must send a copy of their appeal to the other party involved and to WSDOT.

WSDOT will review the mediator's decision and the procedures followed from the time you received the initial complaint to the decision. Following review, WSDOT will issue an appeal determination.



## \*School bus provisions

Organizations awarded FTA funds may not provide school bus transportation services in competition with privately owned operators unless FTA approves the service under an allowable exemption.

School bus transportation services are provided exclusively for school students, personnel and equipment. School bus transportation is not open to the general public.

This does not preclude organizations from providing service to students, so long as the service is open to the general public and not designed specifically to meet the needs of the school(s).

See [49 CFR Part 605](#) for more information. You may also contact assigned WSDOT contact listed on your Consolidated Grant Program agreement to determine how to provide services without violating school bus provisions.

## Financial management

Regardless of the funding sources assigned to your project, WSDOT requires all organizations to follow the cost principles standards and administrative requirements outlined in:

- **Public agencies, tribes and private nonprofits:** Office of Management and Budget requirements under [2 CFR Part 200](#) and [2 CFR 1201](#).
- **Third-party agreements and private for profit:** [48 CFR Part 31](#).

## Audits

### \*Required single audits

If you spend federal funds totaling \$750,000 or more in a single fiscal year (regardless of the federal funding source), you must perform a single audit that meets the requirements of Office of Management and [2 CFR Part 200.501](#).

Your organization type may determine what entity will perform your audit. The State Auditor's Office audits public agencies. All other organizations must secure the services of a private audit firm or certified public accountant.

The same audit firm or certified public accountant that provides your general accounting services cannot perform your audit.

You must complete and submit your audit to WSDOT within nine months of the end of your organization's fiscal year.

Submit your audit by email to [PTDreports@wsdot.wa.gov](mailto:PTDreports@wsdot.wa.gov).

If your organization received a federal subaward, but did not exceed the single audit threshold, you must submit a certification within nine months of the end of your organization's fiscal year.

Contact [Steven Meyeroff](#), FTA compliance administrator at [steven.meyeroff@wsdot.wa.gov](mailto:steven.meyeroff@wsdot.wa.gov) or 520-820-5389 for questions about audits and to request a certification form.

## Other audits

If you hire a subcontractor for services using grant funds, the subcontractor may also be subject to an audit or inspection.

Additionally, as a condition of receiving state or federal funds through WSDOT, you may be required to participate in an audit conducted by the State Auditor's Office or FTA. These agencies usually conduct these audits when they are reviewing WSDOT. However, if WSDOT identifies specific issues affecting your grant awards, WSDOT may conduct an audit of all of your grant-funded projects, including past awards. These audits may be based on, but are not limited to:

- Your projects scope of work.
- Your organization's financial records.
- State and federal laws and regulations referenced in your agreement with WSDOT.

Federal audits may take place during the course of your project and up to three years beyond the end of your agreement with WSDOT.

## \*Ethics policies

If you receive FTA funding for any projects, you are required to develop and implement policies and procedures specific to the ethical conduct of your employees, officers, board members or agents (2021 FTA Master Agreement, Section 4). The policies must include:

- Written standard of conduct/code of ethics.
- Debarment and suspension.
- Bonus or commission.
- Restrictions on lobbying.
- Employee political activity.
- False or fraudulent statements and claims.

While this section applies to organizations receiving FTA funds, WSDOT considers the policies outlined in this section best practices for all grantees.

## Standard of conduct/code of ethics

A code of ethics establishes standards of conduct for your employees, officers, board members or agents involved with your FTA project. If you receive FTA funding, you must have a written ethics policy.

Your code of ethics must cover the following:

### 1. Gifts and gratuities

Employees, officers, board members or agents of your organization may not accept or solicit gifts, gratuities, favors or anything having monetary value from current or potential subcontractors. However, minimum rules may be set where a gift is unsolicited and of nominal value.

### 2. Personal conflict of interest

Employees, officers, board members or agents of your organization may not participate in the selection, award or administration of a contract if there is a perceived or real conflict of interest.

A conflict of interest arises when an employee, officer, board member or agent of your organization has a financial or other interest in an entity submitting a bid or quote or an entity that your organization selects for an award. A conflict of interest arises under the same circumstances if the entity is owned or operated by the employee, officer, board member or agent, or:

- Any member of their immediate family.
- Their business partners.
- Any organization that employs or will soon employ them.

### 3. Organizational conflict of interest

Organizational conflicts of interest exist when the nature of work to be performed under a proposed contract, without some restrictions on future activities, may result in an unfair advantage to a specific contractor or impair their objectivity in managing the subcontract.

Examples of organizational conflicts of interest include, but are not limited to:

- Not disclosing information related to an upcoming call for projects to all potential bidders at the same time.
- Obtaining assistance from a potential subcontractor in developing specifications or a Request for Proposals (RFP).

### 4. Identification and prevention of conflicts of interest

All employees, officers, board members or agents of your organization must take steps to avoid the appearance of a real or apparent conflict of interest and report any potential conflict immediately.

### 5. Penalties for violations of the code of ethics

Your written code of ethics must include penalties, sanctions or other disciplinary actions for violations of its code or standards by employees, officers, board members or agents of your organization.

## Debarment and suspension

If you are using FTA funds for a third-party contract, you cannot award a contract to debarred or suspended contractors or subcontractors ([FTA Circular 4220.1F](#), Chapter IV). You must retain documentation and verification of the selected contractor's eligibility to participate.

You may determine if a contractor or subcontractor has been debarred or suspended, using the [General Service Administration's System for Award Management](#). To document your determination, you may take a screen print of your search results. You do not have to register or login to use the system.

## Bonus or commission

In addition to the code of ethics, you must implement procedures to ensure that you do not pay a bonus or commission to anyone for obtaining the award of a grant project.

## Restrictions on lobbying and employee political activity

You must not allow your employees and representatives to use resources paid for with grant funds for political purposes. This includes, but is not limited to:

- Posting personal campaign posters on grant-funded equipment and facilities.
- Charging copying costs of political materials to a grant project.
- Using grant-funded resources to support or oppose a current ballot measure.

You must have policies in place to ensure that no one in your organization uses federal funds for lobbying in connection with the award of an FTA project. Additionally, if your organization uses any of its own funds for lobbying purposes, you are required to report these lobbying activities to the FTA on the [General Service Administration's Form SFLLL](#).

## False or fraudulent statements and claims

All information you provide to WSDOT must be accurate and complete. There are severe penalties for falsifying information concerning a grant-funded project.

## \*Drug and alcohol program

If you receive Section 5311, Section 5339 or Surface Transportation Program funds, you are required to have a drug and alcohol program that complies with [49 CFR Part 40](#) and [49 CFR Part 655](#).

If you do not receive FTA funding but operate vehicles requiring a commercial driver license, your drug and alcohol program must be conducted in accordance with the Federal Motor Carrier Services Administration under [49 CFR Part 40](#) and [49 CFR Part 382](#). Visit [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov) for more information about Federal Motor Carrier Services Administration requirements.

For detailed drug and alcohol program compliance information, the FTA publishes comprehensive implementation guidelines and a best-practices guide that include sample policies and forms at [transit-safety.fta.dot.gov/DrugAndAlcohol](http://transit-safety.fta.dot.gov/DrugAndAlcohol).

WSDOT's Public Transportation Division has also established a drug and alcohol compliance website with links to compliance tools at [wsdot.wa.gov/transit/grants/manage](http://wsdot.wa.gov/transit/grants/manage).

WSDOT staff will provide technical assistance through oversight visits and training. Additionally, when the FTA updates drug and alcohol regulations, WSDOT will provide guidance on any changes you may need to make to your program. WSDOT is also available for technical assistance at your request. Contact Molly Hughes, public transportation safety administrator, at [molly.hughes@wsdot.wa.gov](mailto:molly.hughes@wsdot.wa.gov) or 206-716-1146 for more information.

## Drug and alcohol testing policy

A drug and alcohol testing policy must guide your drug and alcohol program.

If you receive FTA funding for any projects, you must develop and implement a drug and alcohol testing policy that applies to all safety-sensitive employees and immediate supervisors. Your organization's board must adopt this policy. Once adopted, you must submit the policy to WSDOT for approval.

FTA regulations are specific about the minimum contents of the drug and alcohol testing policy, detailed in [49 CFR Part 655](#). Your policy must clearly differentiate the portions covered under FTA regulations versus those covered under your organization's own authority. You may do this by underlining or italicizing the portions that are under your organization's authority.

To assist you in this process, the FTA developed a Drug and Alcohol Policy Builder. The policy builder allows you to develop a customized drug and alcohol misuse policy that complies with FTA regulations.

## Employees subject to drug and alcohol testing

You must perform drug and alcohol tests on all employees performing safety-sensitive duties.

The FTA defines safety-sensitive duties as:

- Operating a passenger service vehicle, whether or not the vehicle is currently in service.
- Operating a vehicle that requires a commercial driver license.
- Controlling dispatch or movement of a vehicle.
- Performing maintenance on a passenger service vehicle.
- Carrying a firearm for security purposes.
- Volunteering if the work requires a commercial driver's license or if receiving payment that exceeds the amount of expenses.

## Prohibited substances included in testing

Your testing program must test for the following drugs:

- Marijuana
- Cocaine
- Opioids (including Hydrocodone, Hydromorphone, Oxymorphone and Oxycodone)
- Amphetamines (including Methylenedioxymethamphetamine (commonly referred to as MDMA) or Ecstasy)
- Phencyclidine
- Alcohol

**Note:** Even though the medical and recreational use of marijuana is legal in Washington state, FTA and United State Department of Transportation regulations still prohibit any use of marijuana.

## Prescriptions and over-the-counter medications

The FTA does not currently require you to include over-the-counter medicines and prescriptions in your drug and alcohol program. However, some medicines and prescriptions cause side effects that can create safety issues. For this reason, FTA strongly recommends that you include information about the use of prescriptions and over-the-counter medicines and prescriptions in your drug and alcohol testing policy.

To assist you in developing policies and practices and educating employees about the use of over-the-counter medicines and prescriptions, FTA developed a [Prescription/Over-the-Counter Medication Tool Kit](#).

## Conducting drug and alcohol tests

The FTA requires you to perform the following types of drug and alcohol tests:

- Pre-employment<sup>3</sup>
- Random
- Reasonable suspicion
- Post-accident
- Return-to-duty
- Follow-up

See FTA's implementation guidelines and [49 CFR Part 655](#) for detailed information about each situation.

If you have a zero-tolerance policy, you are not required to conduct return-to-duty or follow-up testing. However, if you hire someone who violated any U.S. Department of Transportation drug and alcohol regulations while working for a previous employer, you must ensure that the person has completed a treatment program recommended by their previous employer's substance abuse professional and make arrangements for required follow-up testing.

**Note:** If an applicant is compliant with the return-to-duty process, you cannot exclude the applicant from employment eligibility solely based on the prior violation.

## Pre-employment testing requirements

Pre-employment testing requirements apply to all applicants for safety-sensitive positions, including:

- New applicants.
- Current employees transferring into a safety-sensitive position.
- Employees that have been on leave for 90 or more days and removed from your random testing pool.

You must perform the following three actions during the hiring process:

- 1. Ask the prospective employee if they have ever tested positive or refused to test on any pre-employment drug or alcohol test administered by an employer covered by U.S. Department of Transportation drug and alcohol regulations.**

If the employee answers yes, you must ensure that they have completed the return-to-duty requirements found in 49 CFR Part 40, Subpart O.

- 2. Obtain written consent from applicants to request drug and alcohol testing information from previous U.S. Department of Transportation regulated employers that had had employed the individual within the previous two years. If, in the past two years, the applicant worked for an organization covered by U.S. Department of Transportation drug and alcohol regulations you must attempt to obtain all drug and alcohol testing information from the prior employer.**
- 3. Obtain a negative test result prior to placing the individual in safety-sensitive duty.**

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<sup>3</sup> FTA regulation allows but does not require pre-employment alcohol tests.

See [FTA's Drug and Alcohol Program Implementation Guidelines](#) or [49 CFR Part 40.25](#) for detailed information about the six testing types.

**Note:** You may also conduct pre-employment alcohol testing, so long as you identify the testing in your policy and treat all applicants the same.

### If an employee tests positive

If a safety-sensitive employee receives a confirmed positive drug test or tests positive for alcohol with a concentration of .04 or greater, you must immediately remove them from safety-sensitive duty and refer them to a qualified substance abuse professional.

You must not allow an employee to return to a safety-sensitive duty until you receive a confirmed negative test result, and the substance abuse professional has approved them to return to duty. See FTA's drug and alcohol program implementation guidelines [49 CFR Part 40, Subpart O](#) for detailed information on the return-to-duty process.

Additionally, if an employee tests positive for alcohol with a concentration of between .02 – .039, you must remove the employee from safety-sensitive duty until the individual tests with a concentration below .02 or until the employee's next duty shift, but not fewer than 8 hours following the test.

### Drug and alcohol training

All of your safety-sensitive employees must receive 60 minutes of training on the effects of drug and alcohol use in the workplace. This training must also include information about your drug and alcohol testing program and policy. FTA produced a new employee training video, available at [transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/DrugAwarenessVideo](https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/DrugAwarenessVideo).

Additionally, any supervisors or other employees (such as dispatchers) in your organization authorized to make reasonable suspicion determinations must receive:

- 60 minutes of training on the physical, behavioral and performance indicators of probable drug use.
- 60 minutes of training on the physical, behavioral and performance indicators of probable alcohol misuse.

Finally, drug and alcohol program managers in your organization should also receive training on FTA drug and alcohol program requirements. This training is available through the Transportation Safety Institute website at [www.tsi.dot.gov](http://www.tsi.dot.gov).

Contact Molly Hughes, public transportation safety administrator, at [molly.hughes@wsdot.wa.gov](mailto:molly.hughes@wsdot.wa.gov) or 206-716-1146 for more information about drug and alcohol training.

### Service agent oversight

You will work with a variety of service agents to comply with FTA drug and alcohol requirements, including medical review officers, substance abuse professionals and collection sites.

You must periodically review the practices of your service agents to ensure that they comply with [49 CFR Part 40](#).

WSDOT can provide tools to assist you in the review of service agents. Contact Molly Hughes, public transportation safety administrator, at [molly.hughes@wsdot.wa.gov](mailto:molly.hughes@wsdot.wa.gov) or 206-716-1146 for more information.

## Drug and alcohol testing reporting

You are required to submit an annual report on your drug and alcohol testing results to the [Drug and Alcohol Management Information System](#).

**Your annual drug and alcohol testing report is due to WSDOT annually by March 1.** This allows WSDOT to review and accept your report prior to the March 15 federal deadline.

WSDOT Drug and Alcohol Program staff will email to you login information and instructions for the report between December and January of each year.

**Note:** If you receive funding directly to FTA, contact WSDOT Drug and Alcohol Program staff for instructions.

## Drug and alcohol reporting to the Washington State Department of Licensing

Regardless of whether or not you receive federal funds, if your drivers are required to have a commercial driver license, you must report positive test results for these employees to the Washington State Department of Licensing on the [Positive/Refused Drug/Alcohol Test Report by Employer form](#).

For employees covered under [49 CFR Part 655](#), you must report positive test results to the Department of Licensing under the following circumstances only:

- The positive result is from a pre-employment test.
- You terminate the driver or they resign.
- Any grievance processes are completed, up to but not including union arbitration.
- At the time of termination or resignation, the driver had not been cleared to return to safety-sensitive functions.

You must submit the form to the Department of Licensing within three days of the above circumstances occurring. For the purposes of [RCW 46.25](#), test refusals are considered positive test results.

In addition to the reporting requirement, state law requires you to use specific language in your policy and in the contract with your medical review officer.

**Note:** The Medical Review Officer must report positive test results and other violations for employees covered under 49 CFR Part 382 within three days of the test result.

## Purchasing policies

You must maintain written purchasing policies (sometimes called a purchasing procedures or procurement policy). WSDOT must approve your purchasing policies in advance of any purchases under your grant. Your policy, at a minimum, should include the following considerations.

### Graduated purchasing authority

Graduated purchasing authority means dollar thresholds for purchases related to employee positions.

The following example describes purchasing authority thresholds. Your thresholds may differ.

- Drivers may make purchase of vehicle supplies up to \$100, such as fuel.



- Receptionists may purchase items costing less than \$100, such as office supplies. You may reimburse them with petty cash.
- Department managers may authorize purchases of items or services costing between \$100 and \$3,000.
- The general manager may authorize purchases of items or services costing between \$3,000 and \$10,000.
- The board must approve purchases above \$10,000.

### Dollar thresholds for competitive purchasing and a formal bidding process

WSDOT follows FTA requirements and thresholds for the different types of procurement.

You may set lower thresholds for purchases under your own purchasing policy. However, you must follow your own policy if your policy is more restrictive (i.e., lower dollar thresholds) than the FTA requirements and thresholds. If your policy is less restrictive than the FTA requirements and thresholds, you must use the FTA requirements to be eligible for reimbursement.

**Note:** You may not split procurement elements solely to bring your procurements below the FTA bid threshold.

The Office of Management and Budget Memorandum M-18-18 identifies the latest procurement thresholds. Current thresholds are below. Additional third-party contracting guidance is available in [FTA Circular 4220.1F](#).

#### Micro-purchases

Micro-purchases are purchases up to \$10,000.

For micro-purchases, you may acquire services or equipment valued up to \$10,000 without necessarily obtaining competitive quotations.

For micro-purchases, you must document that the purchase price was “fair and reasonable” and provide a description of how you made this determination.

#### Small purchases

Small purchases are purchases greater than \$10,000 but less than \$250,000.

For all small purchases, you must obtain documented price or rate quotes from an adequate number of qualified sources. WSDOT recommends at least three quotes.

**Note:** All purchases \$150,000 or more must comply with FTA’s Buy America requirements.

#### Large purchases

Large purchases are equal to or greater than \$250,000. These purchases require a formal bid process.

Procedures for large purchases include, but are not limited to:

- Sealed bids (formal advertising)
  - RFP
  - Invitation for bids (IFB)
- Two-step procurement procedures

WSDOT must concur with your procurement bid documents prior to solicitation.

Please send solicitation documents to your assigned WSDOT contact listed on your Consolidated Grant Program agreement well in advance of the proposed solicitation date.

### Protest and appeals process

Your purchasing policy must include a procedure that allows bidders and prospective bidders who are dissatisfied with your process to protest and appeal the award of a contract.

At a minimum, your protest and appeals process should include:

- Considerations for pre-award and post-award protests.
- A prescribed timeline for bidders to file complaints with your organization during the procurement process.
- The types of information that must be contained in the protest and appeals actions.

## Travel expenses

### In-state travel expenses

Travel expenses incurred by your employees are eligible for reimbursement through your grant if the trip is directly related to the project. The rate used to reimburse employees must not exceed the current per diem and lodging rates for state employees. Rates specific to areas of the state are available from the Washington State Office of Financial Management at [www.ofm.wa.gov/accounting/administrative-accounting-resources/travel](http://www.ofm.wa.gov/accounting/administrative-accounting-resources/travel).

Additionally, WSDOT will only reimburse for the cost of coach seats on airplane flights and economy class vehicle rentals.

Travel to counties bordering Washington state is considered in-state travel.

### Out-of-state travel

Most out-of-state travel is not eligible for reimbursement. However, the trip expenses may be eligible if an out-of-state trip directly relates to your project (i.e., training, vehicle inspection). The rate used to reimburse employees must not exceed the government rates published by the [U.S. General Services Administration](http://www.gsa.gov).

To be eligible, you must submit a written request to your assigned WSDOT contact listed on your Consolidated Grant Program agreement prior to taking the trip. Your request must describe:

- The purpose of the trip.
- How the trip will benefit your project.

WSDOT will send a letter of approval or denial for the trip to your organization. You should keep this letter in your project file.

WSDOT will only reimburse for the cost of coach seats on airplane flights and economy class vehicle rentals.

## Ineligible travel expenses

Travel expenses for board members to attend agency meetings (as part of their board duties) are not eligible for reimbursement.

Travel expenses reimbursed through a scholarship from the Rural Transit Assistance Program are not eligible for reimbursement.

## Contracting using grant funds

If you contract out any portion of your grant-funded services or issue contracts for other goods or services with your grant funds, there are certain clauses that must be in your third-party contracts. These include, but are not limited to:

- General compliance assurance.
- Accounting and inspection requirements.
- Labor provisions.

You must submit any third-party operations contracts to WSDOT for review prior to execution. Compliance can often be achieved by simply appending an exhibit of the required clauses to the contract.

For complete requirements, refer to the *Assignment and Subcontracts* section of your grant agreement. The flow-down requirement for federally-funded contracts is detailed in [FTA Circular 4220.1F](#).

Contact your assigned WSDOT contact listed on your Consolidated Grant Program agreement for assistance with third-party contracts.

**Note:** Contracts for purchased services (e.g., delivery/courier service; herbicide application; recycling/disposal/litter pickup service; vehicle inspection, lubricating, and repair services) paid with federal funds must also comply with all federal procurement rules identified in [Chapter 3](#). WSDOT must review and, depending on the contract value, pre-approve any bid solicitations and subsequent subcontracts.

## Transit asset management plans

The [Moving Ahead for Progress in the 21st Century \(MAP-21\)](#) requires grantees receiving FTA funds to develop and implement transit asset management plans. Additionally, state law ([RCW 35.84.060](#), [RCW 36.56.121](#), [RCW 36.57A.191](#), [RCW 81.112.086](#) and [RCW 47.04.082](#)) requires transit agencies to develop transit asset management plan as a condition of receiving state funds.

**Note:** Transit asset management plans recertification is due February 15 every other year on an odd-year basis.

Visit [wsdot.wa.gov/transit/grants/apply-manage-your-grant](http://wsdot.wa.gov/transit/grants/apply-manage-your-grant) or contact WSDOT Asset Management and Vehicle Maintenance Plans staff for more information about Transit Asset Management Plans.

## A note on vehicle maintenance plans

If you receive state funds for vehicles, see [Chapter 3: Annual asset inventory](#) for more information on inventory requirements relevant to vehicle maintenance plans.

[WSDOT's Guide to Preparing Your Vehicle Maintenance Plan](#) is also available as a reference guide for Vehicle Maintenance Plan requirements.

## Public transportation agency safety plans

The public expects you to provide safe and reliable public transportation. Agency safety plans help to document how you intend to deploy safe and reliable public transportation. They may also reduce your safety risks and, subsequently, reduce your organization's insurance rates.

FTA requires agency safety plans for urban and small urban transit providers (49 CFR Part 673). The plan must contain the following elements:

- Safety management policy
- Safety risk management
- Safety assurance
- Safety promotion
- Safety performance targets

A template for bus transit containing these elements is available at [www.transit.dot.gov/regulations-and-guidance/safety/public-transportation-agency-safety-program/ptasp-template-bus](http://www.transit.dot.gov/regulations-and-guidance/safety/public-transportation-agency-safety-program/ptasp-template-bus).

**Note:** Rural transit, nonprofit and for-profit providers are exempt from FTA's agency safety plan requirements. However, WSDOT considers developing and maintaining an agency safety plan as a best practice. Additionally, your insurance provider may require you to have a plan.

WSDOT does not currently oversee FTA-required agency safety plans for the bus mode, nor does the state provide a different template than the FTA version.

Contact the [Washington State Transit Insurance Pool](#) for bus operations and vanpool safety best practice guides. Also, review the FTA agency safety plan guidance at [www.transit.dot.gov/PTASP](http://www.transit.dot.gov/PTASP).

## Emergency Management Plan

An integral portion of your system safety plan is your emergency management plan.

Managing and responding to emergencies is a multifaceted issue. The roles your employees will take during an emergency depend on the type of emergency and whether it is internal or external to your organization. For this reason, it is necessary to have an emergency management plan in place and to train your employees on necessary actions to take. Your plan should include the following elements.

### Internal emergencies

No matter how many safety precautions you take, your organization may be involved in an emergency such as a traffic collision.

You should develop procedures for the following internal emergencies:

- Fire or smoke
- Collisions
- Loss of power
- Evacuations
- Disabled or stalled fleet vehicles
- Disruption of service
- Infrastructure damage
- Hazardous materials
- Serious vandalism, criminal acts and terrorism
- Medical emergencies
- Extreme weather, earthquakes and other natural disasters

This list is not all-inclusive.

## State and regional emergencies

Public transportation providers can play an integral role in responding to emergencies. This is particularly true in an emergency involving evacuations or the transportation of emergency response workers. The role of public transportation providers will differ based on the type of emergency.

WSDOT encourages you to develop relationships with local emergency response agencies. In rural areas, emergency response agencies are typically part of county government. In urban areas, they are often part of municipal government. In some areas, emergency response managers may be unaware of the services, resources and/or assistance you can provide.

You should also work with local hospital and nursing facilities to ensure mutual understanding of your role in their emergency response plan.

In order for your organization to assist in these emergencies, it is vital that you encourage your employees to take measures to ensure their families are prepared for all types of emergencies. Employees who are worried about their family are of little use to you during an emergency. The Washington State Emergency Management Department has tools and resources to assist you in preparing our employees.

Many public transit systems are part of the [WSDOT Emergency Response Mutual Aid Agreement](#). This agreement facilitates aid provided between the transit agencies in the agreement and WSDOT.

## System security plan

Security is important to the public transportation industry. Even though you are not required to have a formal system security plan, WSDOT encourages you to develop a plan that includes the following considerations to protect yourself and the passengers you serve.

### Crime prevention

Public transportation providers are at risk for various types of crime (e.g., theft, vandalism, assault or other illegal activities). These crimes can occur on or around your premises or vehicles. When they occur, these crimes present challenges for your organization. Taking precautionary steps can dramatically reduce the risk of their occurrence.

WSDOT recommends that you develop and implement policies and procedures covering:

- Violence in the workplace.
- Vehicle and facility security.
- Reporting crimes to the proper authorities.
- Restricting access to your organization's facility.
- Parking vehicles in locked areas.
- Providing training to employees on your crime prevention policies and procedures.

## Passenger code of conduct

WSDOT highly recommends that you develop and implement a written passenger code of conduct. You should distribute the code of conduct to all employees and passengers.

When developing your code of conduct, it is important that it includes reasonable expectations that are not discriminatory.

At a minimum, your passenger code of conduct should include items identified as illegal bus conduct under [RCW 9.91.025](#).

## Protecting your organization from acts of terrorism

Public transportation providers should protect themselves from the threat of terrorism.

While public transportation may not be a primary terrorist target at a national level, it is a potential method of delivery of terrorist acts. This is because the services provided by public transportation organizations are typically open to the general public and provide access to highly populated areas, such as shopping malls and multimodal stations.

Unlike the airline industry, your organization cannot send passengers and baggage through a screening system.

The information below will help you protect your organization and the public.

### **Vulnerability assessments**

The first step in protecting your organization from acts of terrorism is identifying your critical assets by conducting a vulnerability assessment. Critical assets are facilities necessary for the safe and efficient operation of your services, without which either your organization could not operate or operations would be significantly hampered.

Typically, vulnerability assessments consist of a rating with points assigned to each of the following elements:

- Critical-asset factors (determining the extent to which a particular asset is critical to your operations).
- Deter-and-defend factors.
- Loss-and-damage consequences.
- Consequences to public service.
- Consequences to the general public.

Training on conducting vulnerability assessments and further information on developing a safety and security plan is available from the [National Transportation Safety Institute](#).

### **Measures to enhance security**

Once you have completed a vulnerability assessment, you should develop and implement a plan to reduce your risk. The method you use will depend on the types of assets you have. Common methods include:

- Restricting access to nonpublic areas of facilities (e.g., operations center, maintenance).
- Periodic vehicle and facility inspections throughout the day/route to identify anything suspicious.
- Awareness training for employees and supervisors.

The contents of your vulnerability assessment safety and security plans are not subject to public disclosure laws under state law ([RCW 42.56](#)).

## Accident reporting

You must notify your assigned WSDOT community liaison within five working days of an accident or incident where a vehicle or equipment sustains disabling damage that requires it to be:

1. Removed from service beyond ten working days for repairs.  
-- OR --
2. Permanently removed from service due to being declared a total loss.  
-- OR --
3. The circumstances of the accident trigger an FTA drug-and-alcohol test

Failure to notify WSDOT within the timeframe identified above will result in WSDOT deeming your organization in breach of contract. This may result in your organization being ineligible to receive future WSDOT public transportation funds.

For complete reporting and repair requirements, see [Chapter 3: Reporting accidents and repairing damage](#).

## Program compliance and project reporting

As a steward of public funds, WSDOT is responsible for ensuring that you use grant funds properly and that you comply with state and federal grant fund requirements associated with receiving state and federal grant funds. WSDOT is dedicated to working together with you to provide technical assistance and guidance in meeting these requirements.

This section discusses the tools WSDOT uses to assess and measure your program's compliance with state and federal law, as well as program requirements. The tools include, but are not limited to:

- In Good Standing Policy
- Risk Assessments
- Reimbursement Requests
- Progress and Statistical Reporting
- Site Visits

This section also provides an overview of the reporting requirements associated with state and federal funds.

### In Good Standing Policy

WSDOT is responsible for administering grant funds in accordance with state and federal laws and regulations. In addition, you as a grant recipient and WSDOT are responsible for oversight and accountability that foster transparency and assist in maintaining public confidence.

You are required to maintain In Good Standing Status to receive grant funds.

### **Performance requirements for determining In Good Standing Status**

Throughout your project, WSDOT staff will evaluate the following indicators to measure your performance:

1. **Compliance with all contractual obligations and satisfactory progress toward project completion, including:**
  - Staying on schedule without unexplained delays.
  - Performing the exact work described in the *Scope of Work* section of your agreement.
  - Maintaining the local match level detailed in the project budget.
2. **Maintaining financial records to support all grant expenses.**
3. **Submittal of accurate and timely progress and statistical reports and claims.**
4. **Full participation during site visits and project reviews with timely responses to any deficiencies noted during the site visit.**
5. **Timely implementation of required actions to address site visit deficiencies.**
6. **Timely and complete responses to any WSDOT communication and requests for information.**
7. **A satisfactory organizational risk assessment.**

### **Consequences for noncompliance**

If you do not meet performance requirements, you will not maintain In Good Standing Status and should one or more consequences from WSDOT, including, but not limited to:

- Suspended payment of grant funds.
- Written warning to your grant project manager, organization executives and board of directors that identifies deficiencies, the necessary remedies and a timeline for those corrections.
- Ineligibility for any additional grant funds within either the current biennium or in future biennia.
- Audit of the organization to determine the extent of compliance with contractual obligations.
- Suspension or termination of the grant contract(s) and loss of grant funds.
- Negotiated return or buyout of any grant-funded capital vehicle, equipment purchase or capital construction project.
- Appropriate legal action.

### **Risk assessments**

Every two years and in accordance with 2 CFR 200.332(b)(1-4), WSDOT conducts risk assessments to evaluate each grantee's risk of noncompliance with the grant requirements. We use the risk assessment results to determine how much technical assistance and oversight may be necessary to help organizations comply with grant requirements.

WSDOT will designate organizations that have a strong record of grant compliance and project delivery as low risk. The benefits of low-risk status may include less frequent site visits.



High-risk status may result in more frequent site visits and a higher level of monitoring between site visits. For example, grantees may be required to provide full back up documentation with their claims.

## Claims

To receive payment for eligible expenses related to your grant agreement, you must complete a claim form and have it signed by an authorized representative of your organization.

See [Appendix B](#) for detailed information on claims.

**Note:** You must submit all claims within 30 days of the billing period to GMS.

WSDOT will withhold payment if your claim is incomplete or inaccurate.

### **Fiscal year closing requirements**

Although WSDOT operates on a biennial schedule for full fiscal closing, the agency also performs an annual closing.

To ensure timely payment, you must submit claims or an estimate of charges by July 15 for any unreimbursed eligible expenses incurred between July 1 and June 30 the following year.

**Note:** WSDOT must receive your final claim within 30 days of the completion of your project or July 15, whichever comes first. Reimbursement requests received after July 15 may not be eligible for payment.

## Quarterly status reports

In addition to submitting claims, you must submit quarterly progress reports.

WSDOT uses data from your quarterly progress reports to inform the public as well as federal, state and local officials about your project's progress. Your assigned WSDOT contact listed on your Consolidated Grant Program agreement also uses the data to evaluate program compliance, project delivery and performance, as well as your needs for technical assistance.

For operating projects, you must submit quarterly progress reports throughout the extent of your grant term even if you have exhausted all your awarded funds.

For capital projects, you must complete quarterly progress reports every quarter up until you receive and WSDOT reimburses you for all capital expenses purchased under the grant.

Upon execution of your grant agreement, WSDOT will provide you with the quarterly progress report templates. Unless otherwise noted, you must complete a separate report for each project funded through the Consolidated Grant Program. See [Appendix A](#) for detailed instructions on completing quarterly progress reports.

Quarterly status reports are due no later than 30 days after the end of each calendar quarter. You must submit your status reports to GMS.

## Other required reports

WSDOT may require you to complete other forms and deliverables during your grant term. These include, but are not limited to:

- Physical Equipment and Facility Inventory Report
- Transit Asset Management Plan
- National Transit Database reporting
- Certifications and Assurances
- Transit Development Plan
- Drug and Alcohol Management Information System reporting
- Charter Service Exception Report.

See [Appendix A](#) for descriptions of each.

## Failure to submit complete and accurate reports and deliverables

If WSDOT does not receive a report or deliverable by the due date or the report or deliverable is incomplete or includes inaccurate information, WSDOT may delay your claims for payment until you deliver an acceptable report or deliverable. As such, payments for the respective quarter or new quarter may be affected.

If you fail to submit required reports and deliverables in full and in the timeframe identified by WSDOT, you may also lose your In Good Standing Status. This may jeopardize funding for your current grant-funded projects and your ability to secure WSDOT grant funds in the future.

## Nonprofit status

If you are a nonprofit agency, you must hold IRS nonprofit status and register with the Washington Office of the Secretary of State. If you are a new private, nonprofit applicant, you should have provided a copy of your IRS Letter of Determination for 501(c) nonprofit status with your application for this biennium's funds.

## Site visits

WSDOT conducts either in person or virtual site visits of all organizations that receive grant funding to ensure compliance with both state and federally funded grant programs.

The purpose of site visits is to:

- Verify your compliance with the regulations associated with the receipt of state and federal funds.
- Review your financial records and processes.
- Review other records associated with your project.
- Review your required written policies.
- Review your preventative maintenance records and inspect your vehicles, equipment and facilities purchased with state and federal funds.
- Confirm the status of your projects.
- Provide you with the opportunity to consult with WSDOT staff.
- Provide you with technical assistance.

Site visits can last up to a full day depending on the type of grants and projects awarded, as well as the issues identified during the visit.

## Frequency of site visits

The frequency of site visits depends on the type of project, the funding source, type of site visit, and your risk scores.

WSDOT often breaks site visits specifically into administrative, financial, and capital components. In addition, organizations receiving federal funds may be subject to drug and alcohol program reviews. Different WSDOT staff members may conduct each component, sometimes on different dates and times.

Below is general information on the frequency of site visits:

- **Operating projects**

WSDOT will perform administrative and financial site visits at least once every four years on active projects based on an organization's risk score.

- **Planning projects**

WSDOT will perform administrative and financial site visits at least once every four years on active projects based on an organization's risk score.

- **Capital vehicle and equipment projects**

WSDOT will perform administrative and capital site visits at least once every four years on active projects as needed based on an organization's risk score through the useful life of the vehicle and/or equipment.

- **Capital construction projects**

WSDOT will perform inspections as needed throughout the life of the project.

- **Drug and alcohol program reviews**

WSDOT will perform a drug and alcohol site visit every biennium as needed based on an organization's risk. This applies only to grantees awarded Sections 5339 and 5311 funding.

## Expectations during site visits

When conducting site visits, WSDOT staff members use a checklist to ensure that they review all requirements. WSDOT expects that you will provide similar oversight of any subcontractors involved with delivering the grant-funded project.

WSDOT will contact you to schedule a site visit. Whenever possible, WSDOT will schedule the visit with at least 30 days' notice. WSDOT will send an email confirming the date of the site visit, identifying your staff members that must be present and requesting any applicable policy updates you may have. If you are a capital vehicle grantee, your email will include the vehicles you must make available for inspection the day of the site visit.

Site visits consist of four separate components:

1. **Administrative review**

- Civil rights (i.e., Title VI and Equal Employment Opportunity) policies and practices.
- General policies.
- Labor posters.
- ADA procedures.

## 2. Financial review

- Financial records to support operating invoices.
- Indirect and in-kind backup.
- Policies related to financial activity.

## 3. Capital review

- Vehicle and equipment inspections.
- Facility inspections (for construction projects only).
- Maintenance records of grant-funded assets.
- Procurement records inspection.

## 4. Drug and alcohol review

- Testing program procedures and management.
- Review documentation of third-party service agents and collectors
- Program records and retention.
- Policy review.

### Maintenance record standards

When conducting capital vehicle site visits, WSDOT will randomly select at least 10 percent of your grant-funded vehicles that WSDOT holds title to for maintenance records review. This applies to all vehicles funded through the Consolidated Grant Program and through any FTA discretionary program.

To be in compliance, you will need to have completed 80 percent of regularly scheduled maintenance on time. WSDOT will compare the on-time performance of maintenance to the standards described in your Transit Asset Management Plan.

### Site visit deficiencies

WSDOT will record any deficiencies found during your site visit and may discuss these with you during the site visit. Within 30 days of the site visit, WSDOT will send you a deficiency letter that will describe the deficiencies, requirements that were not met, and required or recommended actions you need to take to remedy any identified deficiencies.

You must implement all required actions within the timeline specified in the deficiency letter. WSDOT typically requires that you perform follow-up activities (e.g., submission of missing or updated policies to WSDOT) within 60 days of receiving the deficiency letter, though the agency may provide more time if necessary.

Once you address all deficiencies, you must send all required documentation to WSDOT. After WSDOT receives and approves the documentation, WSDOT will send you a letter confirming resolution of any deficiencies identified during the site visit.

Refer to your grant agreement or see [In Good Standing Policy](#) for more information regarding the consequences of noncompliance.

## Preparing for a site visit, review or inspection

Prior to your site visit, you should review the list of questions on the administrative, financial or capital site visit checklist provided to you by your assigned WSDOT contact listed on your Consolidated Grant Program agreement and submit requested documents and information to WSDOT.

**Note:** A negative response to a checklist question does not necessarily mean that you are not in compliance.

Additionally, you should ensure that the appropriate staff are available during the entire site visit including, but not limited to the following:

- General manager.
- Operations manager.
- Project manager.
- Finance director (for financial site visits).
- Drug and alcohol program manager (for drug and alcohol program reviews).
- Maintenance director (for capital project reviews).

This chapter outlines requirements, best practices and general guidelines for operating, planning and mobility management projects.

Regardless of project type, you must also follow the requirements, best practices and general guidelines found in [Chapter 1](#).

### Operating projects

WSDOT awards operating grant funds to support passenger transportation services.

WSDOT will reimburse you for actual eligible expenses, less passenger fares and donations, and revenue provided by your organization as local match for the project. Your expenses may include both direct and indirect costs (if approved by WSDOT).

To qualify for reimbursement, you must have an operating deficit. See [Operating deficit](#) for more information.

### Planning projects

WSDOT awards grant funds for a variety of planning purposes for meeting the public transportation needs of a community.

WSDOT reimburses planning projects for actual eligible expenses, less revenue provided by your organization to support the local match for the project.

### Mobility management projects

WSDOT awards grant funds for a variety of mobility management activities, such as travel training, trip coordination and 2-1-1 call centers and more.

WSDOT reimburses mobility management projects for actual eligible expenses such as staff compensation, outreach materials, program overhead and purchased services, less revenue provided as local match.

### In-kind match

In-kind match is the fair market value of goods and services donated to your organization by a third party to support your project. Examples include labor, rental space, equipment, and other goods and services that are either fully donated or discounted to support the project.

You may use in-kind contributions directly benefitting your operating, mobility management and planning project as match. The value of in-kind services must be formally documented, supported and represent the fair market value cost that would otherwise have been paid by your organization for expenses that are eligible under the grant.

If your project uses in-kind match as grant agreement funds, you must submit documentation describing the method for establishing the value of in-kind contributions as part of your application for the Consolidated Grant Program. WSDOT must approve the in-kind match prior to use.

**Note:** To be eligible as match, the value of the in-kind contributions must also be included as an expense for your project.

See [Chapter 1: Grant agreement funds](#) for more information.

## Eligible services

The scope of work in your grant agreement with WSDOT outlines the eligible services under each project, including eligible geographic area and service modes (i.e., fixed route, demand response). It is imperative that you read the *Scope of Work* in your agreement to ensure that it covers the services you will provide. Only services identified in the grant agreement are eligible for reimbursement.

Additionally, changes to your project require a formal process. See [Chapter 1: Project change request process](#) for more information.

## Documenting project costs

WSDOT uses [Office of Management and Budget Circular 2 CFR 200](#) as the standard when assessing your documentation of project costs.

To comply you must be able to clearly identify the costs charged to the project, and revenues used to support the project, within your accounting system. To accomplish this, you may keep a separate set of accounts or a subaccount within your accounting system. In addition, if you have multiple transportation projects, you may use a cost allocation plan to distribute the costs between projects. If you use a cost allocation plan, WSDOT must approve it. Additionally, your accounting records must include:

- 1. Vouchers or purchase orders prepared for all payments made to vendors.**
  - Vouchers must identify:
  - Goods or services purchased.
  - Name of the vendor from which you made the purchase.
  - Name of the program(s) charged for the expenses.
- 2. Timesheets for each employee charging directly to the project must include the hours spent working on the project.**
- 3. Documentation for in-kind contributions.**

If your matching funds include in-kind contributions, the values must be consistent with the in-kind plan submitted with your application or amended plan approved by WSDOT. You must retain documentation supporting the goods and services received, including:

- Names of the individuals and/or organizations that provided the goods or services.
- Signed volunteer time sheets that include the hours worked and the type of services they provided.
- Statements from the organization(s) who donated the goods stating the value of the goods or services provided.

## Required records

As indicated in [Chapter 1: Grant records retention](#), WSDOT expects you to keep project records to document project activities and costs. Your record keeping procedures must comply with [2 CFR Part 200](#).

Additionally, WSDOT requires you to retain information related to your operating, mobility management or planning project including, but not limited to:

- Ridership numbers and ridership trends.
- Operating hours and miles.
- Schedule reliability.
- Revenue miles.
- Marketing materials.
- Schedules.
- DBE purchasing efforts (for FTA-funded projects only).
- Community outreach and coordination efforts
- Program income.
- Charter services.
- Any information helpful in showing the success of the project.

WSDOT may ask you to produce this information for quarterly reports, site visits, reviews or inspections.

## Volunteer drivers

Many organizations rely on volunteer drivers to provide services to the general public and persons with special transportation needs.

If you use volunteer drivers, you are required to have a volunteer driver policy.

Establishing a volunteer driver policy and operating a volunteer driver program can be challenging. To assist you, the Community Transportation Association of the Northwest published [Volunteer Drivers: A Guide to Best Practices](#). The guide outlines various requirements and provides information on best practices, including the minimum requirements for the approved use of personal automobiles for passenger transportation services. These include, but not limited to:

- A valid state license and registration.
- Fully functioning heating and ventilation systems.
- Fully functioning, clean and accessible seat belts that meet state and federal guidelines.
- Functioning doors and handles on all doors.
- An accurate speedometer and odometer.
- Windows free from cracks. Drivers must ensure that any windshield chips are properly sealed and do not hinder vision.
- Functioning interior lighting within the passenger compartment.
- Adequate sidewall padding and ceiling covering.
- Two exterior rear view mirrors (one on each side of the vehicle).



- Seats that are not damaged or broken and are in good working order. Seats must be free from protruding sharp edges.
- Functioning lights, turn signals and windshield wipers.
- Tires with tread depth that exceeds state minimum requirements.

## Eligible direct expenses

Eligible direct expenses are those that directly relate to your project. In addition, the expenses must be necessary to carry out the project and the amounts reasonable.

Examples of direct expenses include, but are not limited to:

- Driver and dispatcher wages and benefits.
- Administrative costs directly related to the project and not included in an indirect cost plan.
- Vehicle fuel.
- Vehicle maintenance costs.
- Purchased transportation services.
- Marketing and public outreach for the project.
- Other supplies and materials.

**Note:** Purchase of service contracts, including purchased transportation services, are subject to procurement requirements identified in chapters 1 and 3. You should competitively award your purchase of service contracts. You must submit any resulting contracts to WSDOT for concurrence prior to execution with your vendor. Contact your assigned WSDOT contact listed on your Consolidated Grant Program agreement to ensure your contract includes all necessary clauses and provisions.

There are conditions on certain types of expenses. The following information will assist with determining eligible expenses.

### Personal vehicle mileage for volunteers

Occasionally, you may use volunteers to transport the general public and persons with special needs. This is an eligible direct expense if all of the following conditions exist:

- You have a written policy in place regarding the use and reimbursement of volunteer drivers using their own vehicles.
- Volunteers are under a contract with your organization.
- Trips provided by volunteers do not conflict with local taxi operations.
- You encourage shared rides.
- You approve and dispatch rides in advance of the trip.
- You reimburse volunteers at a mileage rate that does not exceed the current state mileage rate.

## Travel expenses

### **Eligible expenses**

In-state travel expenses incurred by your employees are eligible for reimbursement if the trip is directly related to the project. The rate used to reimburse employees must not exceed the current per diem and lodging rates for state employees.

As a general rule, out-of-state travel is not eligible for reimbursement. However, the trip expenses may be eligible if an out-of-state trip directly relates to the project. To be eligible, you must submit a written request to your assigned WSDOT contact listed on your Consolidated Grant Program agreement to taking the trip.

See Chapter 1: Travel expenses for more information.

### **Ineligible expenses**

Travel expenses for board members to attend agency meetings (as part of their board duties) are not eligible for reimbursement.

Travel expenses reimbursed through a scholarship from the Rural Transit Assistance Program are not eligible for reimbursement.

## Audit expenses

Your audit expenses are typically eligible for reimbursement. However, you must reasonably distribute the costs across all the programs your organization operates. If you receive federal funds through either WSDOT or another funding organization, additional audit requirements may apply.

See [Chapter 1: Audits](#) for additional information on federal audit requirements.

## Employee leave

Employee paid leave is an eligible expense. However, there are eligibility conditions depending on how you account for leave:

### **If you charge leave to the grant as employees earn leave:**

- Have a cash-out policy regarding earned and unused leave.
- An employee must be able to receive a cash payment in the event that they leave your organization while still having a paid leave balance.
- Establish a cash reserve (funded leave pool) or funded accrual covering the dollar value of paid leave earned by employees.

### **If you charge employee leave to the grant as employees take leave:**

WSDOT considers leave balance paid at the time the employee leaves your organization as severance pay and is only allowable as an indirect cost spread across all activities of your organization. You may not charge severance pay as a direct expense to your grant.

Additionally, you may not charge catastrophic leave as a direct expense to your grant. WSDOT defines catastrophic leave as leave paid to an employee for an extended period (i.e., four or more months).

## Lease of passenger service vehicles or facilities

Expenses associated with leasing passenger service vehicles or other related facilities are only eligible if the expenses are identified in the grant application budget or otherwise approved in advance by WSDOT.

## Depreciation

Depreciation spreads the actual cost of a capital asset over its predetermined useful life.

In general, depreciation is an eligible operating grant expense. However, certain conditions apply:

- Depreciation on assets purchased in whole or in part with state or federal grant funds is not eligible.
- You must place the applicable revenue received for the depreciation expense into a capital reserve account.

For the purposes of grant-funded operating projects, the depreciation method used must be consistent with [2 CFR 200.436](#). FTA requires straight-line depreciation of capital assets.

Capital assets are any tangible items that:

- Have a useful life expectancy of more than one year.
- Have a unit price of at least \$5,000.
- You may approve a dollar threshold less than \$5,000. For the grant-funded projects, you must use a threshold of \$5,000 or the threshold in your policy, whichever amount is less.
- Maintained in physical inventory records.

## Indirect expenses

Indirect costs are expenses that benefit your organization as a whole and that you cannot directly attribute to specific projects. Typically, indirect expenses include:

- Administrative salaries and benefits (i.e., management, human resources and accounting personnel, etc.).
- Office supplies.
- Utilities.
- Phone services.
- Rent.

These costs are eligible only if you share them between all of your programs or projects. The method used to allocate the costs must be consistently applied and based on either a documented cost allocation plan or indirect cost rate.

Cost allocation plans must be consistent with 2 CFR 200 and submitted to WSDOT for approval.

If you have an indirect cost plan and rate, your cognizant agency (the agency you receive the most federal grant funding from) must approve the plan prior to charging it to your grant. Additionally, you must update your indirect cost plan annually using your organization's most current financial records.

## Ineligible expenses

Some expenses are ineligible for reimbursement under your grant agreement even if you incurred them during the normal course of business. Unallowable costs include, but are not limited to:

- Fines.
- Bad debt.
- Alcoholic beverages.
- Advertising and public relations costs not directly associated with the project.
- Costs of fundraising.
- Contributions to reserve accounts.

See [2 CFR Part 200](#) for more allowable and unallowable costs.

### Guidelines for the sale of advertising space

WSDOT encourages you to find additional resources to support your projects. One way you can accomplish this is by selling advertising space on your vehicles, shelters or stations. You can also use advertising revenues as a match for your project.

If you decide to sell advertising space on your vehicles, shelters or stations, you must have policies indicating the types of advertisements that are acceptable to post. Some basic guidelines for your policy include:

- Avoid advertisements that may be offensive or controversial including, but not limited to alcoholic beverages, tobacco products and political issues.
- Post political campaign posters only if you have given equal opportunity to all candidates or positions. Additionally, it is illegal to use public resources to post personal political posters or posters indicating your organization's position on political issues.

## Reserve accounts

A reserve account is a restricted account where you may set aside funds for specific uses. WSDOT encourages you to establish and maintain reserve accounts. You do not have to show the funds you place in reserve accounts as a revenue source for your project. However, contributions to reserve accounts are not grant eligible.

### Establishing reserve accounts

Your organization's governing board must approve a resolution to establish, fund and determine the parameters of reserve accounts. Additionally, your organization's financial plan must identify any restrictions that determine how you will allocate and use the funds in the reserve account. Finally, you must include the balances of reserve accounts in your cash flow statement. You may not include the balances of reserve accounts as available cash.

Funding a reserve account is not an eligible expense under your grant agreement. However, you may use local tax revenue or income from other funding sources, provided the funding agency agrees with this use.

If you have satisfied the match requirements for your project as specified in your WSDOT grant agreement, you may use any remaining matching funds for establishing a reserve account, provided the funding agency agrees with this use. If your contract with the funding agency does not permit a profit or is based on a line-item budget that did not include a reserve account, you cannot use any of the revenue from the contract to fund the account.

### Capital reserve accounts

Revenue you place in a capital reserve account must be for future acquisitions of capital equipment or facilities for passenger transportation services.

**Note:** While WSDOT encourages you to maintain capital reserve accounts to address future capital asset replacement needs, you may not use grant funding to fund capital reserve accounts.

There is one exception to this restriction: you may be able to charge either depreciation or a use allowance when using capital assets on the project that were not purchased with grant funds (e.g. using a bus purchased with local funds to provide service on an operating grant). You must apply revenues from depreciation to a capital reserve account and retain them for capital asset replacement purposes for passenger transportation services.

### Self-insurance reserve accounts

You may establish a self-insurance reserve account to provide self-insurance for liability, collision, on-the-job injury, unemployment or other agency-provided coverage. However, certain restrictions apply:

- If you already purchase commercial or pool coverage, you may use your self-insurance reserve account to cover uninsured losses, such as the cost of the deductible.
- Reasonable estimates of the liabilities for such compensation, and the types of coverage, extent of coverage.
- The rates and premiums would have been allowable if you had purchased insurance to cover the risks.
- The total value of the reserve fund must not exceed the value of the liability.

**Note:** Payments to employees or former employees for workers' compensation, unemployment compensation, severance pay, and similar employee benefits are not eligible except as part of an indirect cost rate.

### Operating or working capital reserve accounts

You may establish operating reserve accounts and working capital accounts to fund extraordinary, unanticipated operating situations. As with all reserve accounts, your organization's governing board must determine the funding and uses of these reserve accounts by resolution.

## Operating Deficit

### Calculating operating deficit

To qualify for competitive operating grant funding, you must have an operating deficit equal to the grant funding requested. To determine if you have an operating deficit, use the following formula:

$$\text{Operating Deficit} = \text{Net operating expenses} - \text{Total operating revenue}$$

Where

$$\text{Net operating expenses} = \text{Gross operating expenses} - (\text{farebox collection} + \text{Ineligible expenses})$$

Total operating revenue is all operating revenue used for the project. Typical operating revenue may include:

- Local tax revenue
- State and local subsidies
- Interest income
- Advertising revenue
- Freight revenue
- Income from contract service (if the expenses are included in the net operating expense)
- Other operating subsidies (i.e., Medicaid or Title III)
- Miscellaneous revenue
- Unreserved retained earnings.

Total operating revenue does not include the funds from your WSDOT grant award or local funds either deposited in a reserve account or used for capital purchases.

You must calculate your operating deficit based on actual operating income received and earned and actual expenses paid and incurred.

**Your operating deficit is the maximum amount you may submit for reimbursement under the grant.**

### Operating profit

If you have an operating profit, you are not eligible to receive operating assistance. However, WSDOT calculates payments based on project-to-date expenses versus project match. It is common to have an operating profit for one quarter and an operating deficit for another quarter.

If your project shows an operating profit in one quarter, WSDOT recommends that you place the excess revenue in an operating or capital reserve. You can use this reserve to cover future deficits or capital purchases.

**Note:** If you submit a reimbursement request showing an operating profit, you may be required to pay back WSDOT an amount equal to those profits.

This chapter outlines requirements, best practices and general guidelines for capital vehicle and equipment procurement and management.

Regardless of project type, you must also follow the requirements, best practices and general guidelines found in [Chapter 1](#).

### Match requirements

Each grant program administered by WSDOT has specific local match requirements and parameters listed in the grant agreement based on funding type and amount pledged in the project application.

**Note:** In most instances, federally funded capital vehicle and equipment grants require a 20 percent match from sources other than the U.S. Department of Transportation.

Match for your capital vehicle and equipment grant must be in the form of cash. You may not use in-kind contributions as match for vehicle and equipment grants.

Additionally, you may not use funds from sources that place any restriction on the services you will provide with the vehicle or equipment or that place a lien on the vehicle or equipment.

### Making progress with capital vehicle and equipment purchases

It is crucial that you begin the process of purchasing grant-funded vehicles and equipment in a timely manner.

You should also notify your assigned WSDOT contact listed on your Consolidated Grant Program agreement of problems with a capital vehicle and/or equipment project as soon as they arise. This is especially important when problems may delay your project's startup or vehicle or equipment orders.

#### State funds expire June 30 of odd-numbered years

You must take delivery of and accept all state grant-funded vehicles and equipment on or before June 30 of odd-numbered years. Vehicles and equipment received after this date will not be eligible for reimbursement.

#### You must use federal funds in a timely manner

It is WSDOT's policy to award capital grants to satisfy a grantee's current needs.

If you receive a capital vehicle or equipment grant and do not begin the procurement process within the biennium the funds were awarded, WSDOT may deem your project as a future need and withdraw your grant award.

You may request an extension if unforeseen circumstances cause a delay to your project. Your request must be in writing and include a description of the unforeseen circumstances.

## General procurement requirements

Regardless of whether you are purchasing vehicles or equipment, you must follow your agency's written procurement procedures. These procedures must include a competitive procurement process.

For vehicle purchases using grant funds, WSDOT must authorize the vehicle purchase before a purchase order is issued. If purchasing from a state cooperative procurement contract, this involves submitting a purchase request, price quote and proof of the vendor's non-debarment to WSDOT for concurrence.

**Note:** If you do not obtain pre-purchase procurement authorization for vehicles from WSDOT, you may not be eligible for reimbursement.

For assistance with procurement, contact your assigned WSDOT contact listed on your Consolidated Grant Program agreement.

**Note:** For vehicles, 70 percent of the total cost must be from domestic sources and final assembly must occur in the U.S.

Unlike vehicles, equipment must be 100-percent produced in the U.S. Equipment is considered produced in the United States if:

- All of the manufacturing processes for the product take place in the U.S.
- All of the components of the product are of U.S. origin. A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents.

## Your responsibilities in procurement

You are responsible for purchasing vehicles and equipment consistent with the terms in your grant agreement.

There are general requirements that apply to all capital procurements. These include, but are not limited to:

- Ensuring your procurement process complies with your agency's own policies.
- Ensuring your procurement process complies with [FTA Circular 4220](#) (federal funds only).
- Determining the method of procurement.
- Submitting your bid documents to WSDOT for approval prior to issuing the bid (for procurements exceeding the small purchase threshold).
- Making good faith efforts to purchase from DBEs.
- Ensuring vendors are not debarred or suspended (see [Chapter 1: Debarment](#)).
- Ensuring procurements using federal funds meet Buy America requirements for contract amounts over \$150,000 (including labor and options, not just the value of the goods purchased).
- Submitting vehicle purchase request to WSDOT for concurrence prior to placing order.
- If you intend to purchase from the Washington State Department of Enterprise Services (DES) cooperative procurement contract, obtaining advanced written approval from DES to access the state master contracts by using their Purchase Request Form included in [Appendix F](#) and routing through WSDOT.



- If you intend to purchase from another state or non-profit organization's cooperative procurement contract, placing the order consistent with the ordering requirements stipulated in that entity's contract and routing through WSDOT.
- Ensuring you pay vendors in a timely manner.
- Retaining all procurement-related documents throughout the useful life of the vehicles or equipment.

### WSDOT's responsibilities in procurement

WSDOT is responsible for ensuring compliance with the requirements for use of state and federal grant funds.

WSDOT is involved throughout your procurement process, including development of solicitation documents and contracts, and contract administration.

WSDOT reviews all vehicle purchase requests and provides concurrence to proceed.

WSDOT also provides technical assistance and monitors your project to ensure compliance including, but not limited to:

- RFP or IFB compliance with state and federal requirements.
- Use of DBE vendors.
- You are making purchases through competitive processes that are consistent with your agency's procurement policies.
- Your purchases are consistent with your grant agreement.
- You are processing reimbursement requests in a timely manner.

**Note:** If you choose to purchase vehicles from the Washington State Department of Enterprise Services cooperative procurement contract, WSDOT capital procurement staff will also assist you with instructions for ordering vehicles. See [Requirements for purchasing from current Department of Enterprise Services contracts](#) for more information.

### Requirements for state-funded procurements

If you are using state funds, you must use a competitive procurement process.

Your procurement process must also follow your agency's purchasing policies and procedures, as well as all applicable state laws.

State funds have no pre-award authority. As such, any costs you incur before the beginning date of your grant agreement will not be eligible for reimbursement.

### Requirements for federally funded procurements

If you are using federal funds to purchase vehicles or equipment, you must comply with third-party contracting requirements in:

- [FTA Circular 4220.1F](#), [2 CFR Part 200](#) and [49 CFR Part 18](#) (transits, local governments and tribes).
- OR--
- [49 CFR Part 19](#) (private nonprofit organizations).

Additionally, all federally-funded procurements must comply with specific federal requirements in [FTA Circular 4220.1F](#):

- Engaging in full and open competition.
- Not using geographic preference in award.
- Including all federal clauses required by the federal statute governing your procurement in your contracts.
- Awarding to responsible contractors.
- Limiting your contract to a five-year period of performance.

**Note:** Regardless of funding source, you must comply with all applicable state laws.

### **Procurement levels**

[Chapter 1: Purchasing policies](#) discussed the three federal procurement levels:

- Micro-purchases (purchases up to \$10,000).
- Small purchases (purchases greater than \$10,000 but less than \$250,000).
- Large purchases (purchases equal to or greater than \$250,000).

There are further requirements for small and large purchases of vehicles and equipment.

**Note:** Your agency's purchasing policies may have different thresholds. When this occurs, you must apply the more restrictive threshold to your procurement.

### **Requirements for small purchases**

Small purchases are purchases greater than \$10,000 but less than \$250,000.

The following considerations apply to small purchases:

- You must prepare an independent cost estimate.
- You must avoid unreasonable qualifications, specifying brand-name products without allowing offers of an equal product, and geographic preference.
- You must provide clear, accurate and complete specifications that ensure full and open competition.
- You should consider contract-term limitations to foster competition, pricing, fairness and positive public perception. Contract extensions that amount to an out-of-scope change require a sole-source justification.
- You must obtain documented price or rate quotations from an adequate number of qualified sources. WSDOT recommends at least three quotations.
- You may consider breaking up a procurement into smaller pieces to enable DBEs to participate. However, you must not divide or reduce the size of your procurement in order to avoid additional requirements for large purchases.
- You must perform a cost or price analysis.

## Requirements for large purchases

Large purchases are purchases equal to or greater than \$250,000.

For large purchases, you must publicly solicit your procurement. Your specifications should also follow the Full and Open Competition Principle ([Best Practices Procurement and Lessons Learned Manual](#), 2.4.2.1) and not restrict competition. Additionally, you must follow all FTA procurement requirements (including Buy America) regardless the procurement method used.

Finally, WSDOT must provide concurrence on all bid documents prior to solicitation.

## Vehicle procurement

This section will guide you through procurement requirements and procedures for state and federal funds for vehicles.

### Choosing your procurement method

You may procure vehicles using the following procurement methods:

1. **Purchase from a current Washington State Department of Enterprise Services contract or other approved cooperative procurement contract.**<sup>1</sup>
2. **Conduct your own procurement.**

You should begin exploring these procurement methods as soon as you receive your WSDOT grant-award notification.

Your assigned WSDOT contact listed on your Consolidated Grant Program agreement will work with you to develop and finalize a scope of work and budget for your project. WSDOT uses your grant application and the grant award to ensure that the grant agreement contains a comprehensive, accurate description of your project. Based on your scope of work and budget, your WSDOT project manager will work with you to assist in selecting a preferred procurement method.

If you have remaining funds from you Consolidate Grant Program capital vehicles and equipment grant, contact award assigned WSDOT contact listed on your Consolidated Grant Program agreement to discuss options.

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<sup>1</sup> The Department of Enterprise Services posts FTA-required procurement documentation for eligible state master contracts at [apps.des.wa.gov/DESContracts](https://apps.des.wa.gov/DESContracts) where you may search by contract number.

## Requirements for all procurement methods

Regardless of whether you procure vehicles using a state cooperative procurement contract or conduct your own procurement, there are some requirements that apply to all vehicle purchases, including, but not limited to:

- The vehicles must pass the Altoona bus testing requirements (federal funds only).
- You must follow state and federal procurement regulations and procedures.
- You must participate in pre-award and post-delivery audit processes, as applicable.

**Note:** Regardless of the procurement method you choose, you must certify that your vendor has not been debarred or suspended from participating in federal awards. More information is in [Debarment and suspension certification](#).

- You must obtain written approval from WSDOT for vehicle specifications and costs prior to contract solicitation / placing a purchase order.
- You are responsible for awarding, executing and administering the vendor contract for the purchase of the vehicles.
- You must provide required documents to WSDOT in a timely manner.
- You must inspect vehicles to ensure that they meet the general and technical specifications and are in good working order with no apparent cosmetic or mechanical defects.
- You must issue timely notification (e.g., within 15 days from delivery) to the vendor of vehicle acceptance or rejection.
- You must maintain all required documentation and records of the procurement process in your procurement files throughout the useful life of the equipment or vehicle.

## Requirements for purchasing from a state cooperative procurement contract

When purchasing from a state cooperative procurement contract, you are required to submit the following to WSDOT:

- Itemized price quote and product specifications from the vendor.
- Documentation of the vendor's registration on SAM.gov
- Vehicle purchase request form.
- You may also submit a floor plan from the vendor for vehicles only, but this is optional.

WSDOT will confirm eligibility to purchase from the state cooperative procurement contract and that your request conforms to your grant agreement. For purchases from the Washington State Department of Enterprise Services contract, WSDOT will forward the request to Washington State Department of Enterprise Services for authorization. The Washington State Department of Enterprise Services will confirm that your purchase and pricing conforms to their contract and will send an electronic authorization letter to purchase from the state master contract.

Once you receive authorization from the Washington State Department of Enterprise Services, you may sign a sales contract or issue a purchase order for the vehicles. You must send a copy of the purchase order to WSDOT and Department of Enterprise Services.

See [Appendix G](#) for a link to the Washington State Department of Enterprise Services purchase request form and instructions.

## Requirements for conducting your own vehicle and equipment procurement

Conducting your own procurement requires two separate concurrences from WSDOT, one before issuing your solicitation documents, and one before awarding the resulting contract.

After completing your solicitation and selecting an apparent successful bidder, you must submit the following documents and information to WSDOT:

- Basis for determining contract award.
- Proposed vendor award contract with appropriate clauses.
- Vendor pre-award compliance certifications for:
  - ADA.
  - Federal Motor Vehicle Safety Standards (if applicable; applies to all vehicle procurements, not just when conducting your own procurement).
  - Altoona bus testing (if applicable; applies to all vehicle procurements, not just when conducting your own procurement).
  - Debarment and suspension (if procurement is more than \$25,000; applies to all vehicle procurements, not just when conducting your own procurement).

If your procurements exceed \$150,000, you must submit additional documents and information:

- Pre-award Buy America certification (applies to all vehicle procurements, not just when conducting your own procurement).
- Pre-award purchaser's requirement (applies to all vehicle procurements, not just when conducting your own procurement).
- Transit Vehicle Manufacturer certification (if applicable; applies to all vehicle procurements, not just when conducting your own procurement).
- Lobbying certification (applies to all vehicle and equipment procurements, not just when conducting your own procurement).

You may only proceed with the contract award after receiving WSDOT second concurrence. You must submit copies to WSDOT of any purchase orders for grant-funded purchases under the procurement contract.

Federally funded procurements are limited to the following contract types:

- Firm fixed price.
- Cost reimbursement.
- Purchase order.
- Incentive contract.

FTA prohibits or has specific restrictions for:

- Cost plus percentage of cost contracts (prohibited).
- Time and materials cost reimbursement (specific restrictions. You may only use time and material contracts if no other contract type is suitable and the contract must contain a firm-ceiling-price provision).

See [FTA Circular 4220.1F](#), Chapter VI, 2 for more information.

**Independent cost estimate (FTA Circular 4220.1F, Chapter VI, 6)**

With every procurement, you must prepare and document independent cost estimates before receiving bids and proposals. You can accomplish this by obtaining:

- Estimates from published price lists or catalogs.
- Engineering or technical estimates.
- Independent third-party estimates.
- Past pricing, if still relevant.

You should also take the above actions when preparing the estimated capital budget in your grant application.

**Geographic preference (FTA Circular 4220.1F, Chapter IV, 2.a. (4)(g))**

You may not conduct procurements that use statutory or administratively imposed in-state or local geographical preferences in the evaluation of bids or proposals, except in cases where applicable federal statutes mandate or encourage geographic preference.

While this requirement does not preempt Washington state licensing laws for vehicles, the lack of a state vehicle dealer license does not preclude a vendor from submitting a bid for consideration.

Reciprocal procurement agreements in which you give special consideration to a third-party contractor for past, present or future business relationships are ineligible for federal participation.

**Inclusion of all federal clauses in contracting**

When contracting with federal funds, many of the provisions in your grant agreement apply to third parties. As such, you are required to include the appropriate federal clauses in your procurement contracts.

Some federal clauses must be in all contracts, while others only apply to certain monetary thresholds or types of procurements. Additionally, some federal clauses require your vendors to certify compliance with federal terms, such as debarment and suspension, lobbying, and Buy America provisions.

You can find the required federal contract clauses and certifications using Procurement Pro through the National Rural Transit Assistance website at [www.nationalrtp.org/webapps/procurementpro.aspx](http://www.nationalrtp.org/webapps/procurementpro.aspx).

**Buy America (49 CFR Part 661)**

Procurements exceeding \$150,000 must meet Buy America standards. The standards vary depending on the item purchased.

See Buy America for more information.

**Cost/price analysis (FTA Circular 4220.1F, Chapter VI, 6)**

You must perform a cost/price analysis in connection with every procurement action, including contract modifications. This is to ensure that the price offered is fair and reasonable.

You may use cost analysis when:

- Adequate competition is lacking.
- For sole source procurement, including contract modifications or change orders.

**Note:** You may use sole source purchase when goods or services are available from only one responsible source and no other goods or services will satisfy your requirements. To justify a sole source purchase, one of the following conditions must exist:

- The goods or services are a unique or innovative concept.
  - The goods or services have patents or restrictive data rights.
  - There would be substantial duplication of costs were you to procure the goods or services elsewhere.
  - There would be an unacceptable delay were you to procure the goods or services elsewhere.
  - You received only one bid.
- The offering party must submit the elements (e.g., labor hours, overhead, materials) of the estimated cost.

You may use price analysis in all other instances (e.g., historical cost, price list).

Along with the FTA Circular 4420.1F, FTA publishes a frequently asked questions website with useful information and examples on cost/price analysis at [www.transit.dot.gov/funding/procurement/third-party-procurement/costprice-analysis](http://www.transit.dot.gov/funding/procurement/third-party-procurement/costprice-analysis).

Contact your assigned WSDOT contact listed on your Consolidated Grant Program agreement for additional information and guidance on cost or price analysis and sole source purchases.

**Awarding to responsible contractors (FTA Circular 4220.1F, Chapter VI, 8(b))**

You must make awards only to responsible contractors who can successfully perform under the terms and conditions of your procurement.

To determine a contractor's responsibility, you must consider their integrity, compliance with public policy, record of past performance, and financial and technical resources.

Additionally, you must verify that all of your third-party contractors are not debarred or suspended from participating in federally funded contracts. See [Debarment and suspension certification](#) for more information.

## Conducting a formal bid process for vehicles and equipment

This section outlines the processes and requirements associated with performing your own formal bid process for purchasing vehicles.

### Bid documents

Your bid documents must include:

- Purpose of the bid.
- Purchaser contact information.
- Method used to conduct the procurement (RFP or IFB).
- Bid information.
- Bid instructions.
- Timeline for communication, bid submittal deadline, bid opening and award.
- Minimum and maximum number of vehicles you will purchase.
- Length (term) of the contract you will award.
- All applicable FTA terms and conditions.
- General and technical specifications of the vehicles, which allow open competition.

**Note:** You may not specify a brand name product without allowing potential bidders to offer an equal product. For federally funded procurements, you may not require excessive qualifications, unnecessary experience or improper pre-qualifications.

- Protests and appeals procedures.
- Basis upon which your organization will evaluate bid proposals and award bids.

### Bid process

You may proceed with the following bid process and related activities after receiving written concurrence from WSDOT.

#### 1. Advertise the bid

You must advertise and publicize your bid solicitation in major local newspapers, commercial and trade journals, and other known sources.

You should allow a minimum of two weeks to provide an opportunity for open competition and time for vendors to prepare bids before the date of bid opening.

#### 2. Mail the bid document to all known vendors

You should send the bid solicitation to all known vendors to ensure participation.

#### 3. Conduct the review and approval or rejection of requests for changes or substitutions, also known as the approval of equals process

Vendors may request changes or substitutions to the specifications in your bid.

You must review and evaluate requested changes or substitutions based on performance, intended use and cost. You must then approve or reject changes or substitutions and send all responses to all vendors who have received the bid solicitation within the timeframe in your bid solicitation.



Vendors may request that you reconsider request for changes or substitutions that you rejected. Vendors may also submit backup documentation about changes or substitutions. You must review and evaluate requested changes or substitutions based on performance, intended use and cost.

Your WSDOT project manager is available to assist in the review vendor requests and substitutions.

#### **4. Vendors submit their bids on or before bid deadline.**

Vendors must submit their bids on or before the bid deadline in the bid solicitation.

You must not accept or open bids submitted by vendors after the bid deadline.

#### **5. Conduct the bid opening**

You must open bids publicly at the time and place prescribed in the bid solicitation.

You may choose to read and record bids in a bid abstract and make this document available to bid opening attendees for review.

#### **6. Identify the apparent successful bidder**

The process to identify the apparent successful bidder depends on the method of procurement:

- RFP: Represents the best value using predefined scoring criteria. Scoring criteria may include factors such as fleet uniformity, maintenance costs and parts availability, along with traditional factors such as price.
- IFB: The lowest-priced, most responsive and responsible bidder.

Regardless of the procurement method, you will validate that the vendor submitted all of the required certifications and identify the bidder whose proposal best meets your stated needs.

#### **7. Announce your intent to award**

After you identify the apparent successful bidder, you must notify all bidders of your intent to award.

You must also allow the vendors who you did not select to file a protest using the procedures you identified in your bid documents.

## **Vendor protest or appeal**

### ***Appeal procedures***

Vendors may appeal to you based on their grievances with your bid process. Vendors must use the timeframe and procedures for protests and appeals in your bid document.

When appealing, vendors must submit a detailed description of the facts and disagreement that form the basis of their appeal. They must also include any supporting documentation related to the appeal.

You must review and respond to the appeal the using the timeframe and procedures for protests and appeals in your bid document.

### Protest procedures

Vendors may protest your decision from the appeal process to WSDOT. Vendors must use the timeframe and procedures for protests and appeals in your bid document.

When protesting, vendors must include a detailed description of the facts and disagreement that forms the basis of their protest. They must also include any supporting documentation related to the appeal.

WSDOT will review and respond to the protest using the timeframe and procedures for protests and appeals in your bid document.

### Pre-award audit for vehicles

Before awarding a contract to purchase vehicles, you must conduct a pre-award audit. The purpose of the audit is to verify that the bidder is able to construct the vehicles according to your specifications and ensure they are able to comply with:

- Altoona bus testing
- Buy America requirements
- Federal Motor Vehicle Safety Standards
- Debarment and suspension certification
- Transit vehicle manufacturer's certification

**Note:** A vehicle dealer may not substitute for a vehicle manufacturer during the pre-award audit. You must record how and when the vehicle manufacturer met the audit requirements, as well as the data you received from the manufacturer. See the link to the Pre-Award Audit Checklist in [Appendix F](#) for more information on certification requirements.

### Altoona bus testing

Vendors must certify that their bids comply with FTA bus testing regulations by submitting an Altoona testing report for each vehicle model bid as part of its bid submittal. Their vehicles must have a passing test score.

You must maintain a copy of the Altoona testing report in the appropriate vehicle procurement file.

**Note:** Although ADA low-floor modified minivans and van-chassis or truck-chassis cutaways are subject to Altoona testing, non-modified passenger vans, minivans and raised-roof vans are not.

### Buy America

Procurements exceeding \$150,000 must meet Buy America requirements. The standards vary depending on the item purchased.

**Note:** For vehicles, 70 percent of the total cost must be from domestic sources and final assembly must occur in the U.S.

During the pre-award audit, vendors must certify that they can comply with this requirement by providing documentation that details by component how they will meet the 70 percent Buy America requirement, as well as how final assembly will occur in the U.S.

## Federal Motor Vehicle Safety Standards

Vendors must certify that their vehicles comply with the Federal Motor Vehicle Safety Standards published by the National Highway Transportation Safety Administration under [49 CFR 663](#).

Compliance may also include other Federal Motor Vehicle Safety Standards tests required by the vehicle specifications.

You must retain a copy of the Federal Motor Vehicle Safety Standards vehicle testing report for each vehicle type and keep it in the vehicle's procurement file.

## Debarment and suspension certification

Vendors must certify that they have not been debarred or suspended from participating in federal awards. However, you are still responsible for verifying this certification.

Use the following steps to document your verification:

- Find the vendor's profile in the System for Award Management at [www.sam.gov](http://www.sam.gov).
- Retain a screenshot of the vendor's profile in your procurement files.

**Note:** Regardless of the procurement method you choose, you must certify that your vendor has not been debarred or suspended from participating in federal awards.

## Transit vehicle manufacturers certification

You must ensure that the vendor has submitted their transit vehicles certification.

Only vendors on FTA's eligible [transit vehicle manufacturers list](#) at the time of your solicitation are eligible to bid.<sup>2</sup>

## Factory visits

The purpose of a pre-award factory visit is to ensure that the vendor has the physical capabilities to construct your vehicle as specified.

Factory visits are typically optional for most procurements as part of pre-award audits. However, factory visits are required for the following vehicle procurements:

- Organizations serving urbanized areas: procurement of 10 or more vehicles.
- Organizations serving non-urbanized areas: procurement of 20 or more vehicles.

When conducting a factory visit, use the appropriate factory visit checklist in the links in [Appendix G](#) and submit this checklist to WSDOT as part of the factory visit reimbursement request.

For reimbursement of the cost of a factory visit, you must submit a request for approval to WSDOT at least 30 days before the visit. WSDOT will not reimburse requests for reimbursement received after the fact. See [Chapter 1: Travel expense](#) for eligible travel-related expenses.

For pre-approved factory visits, you may hire a qualified independent contractor who specializes in public transportation vehicle manufacturing inspections. You must include the contractor's receipts and inspection reports for the factory visit with the reimbursement request to be eligible for reimbursement.

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<sup>2</sup> Vendors who have submitted a DBE goal methodology to FTA that FTA has approved or not disapproved are eligible as well.

## Compliance with the specifications

The final element in the pre-award audit is to document the following verifications:

1. The vendor has the capability to construct the vehicle.
2. The vendor can ensure the continuity of their warranties.

## Post-delivery audit for vehicles

Once the vendor delivers your vehicles, you must complete and sign forms associated with the post-delivery vehicle audit process for each grant-funded vehicle. See the links in [Appendix G](#) for post-delivery vehicle audit forms. These forms must accompany your request for reimbursement. WSDOT will not process payment until you have delivered the required forms for all accepted vehicles.

The following is a step-by-step summary of the post-delivery audit process:

### 1. Post-Delivery Buy America Certification

Ensure that you have received the manufacturer's post-delivery American Content Report from the vendor with the delivery of each vehicle. The date on the reports must be prior to the date on the vehicle invoice.

Sign the Post-Delivery Buy America Compliance Certification or the Post-Delivery Buy America Exemption Certification, whichever applies.

Submit the manufacturer's post-delivery American Content Report, which documents 70 percent American content in the vehicle and that final assembly of the vehicle occurred in the U.S.

**Note:** By signing Post-Delivery Buy America Compliance Certification, you are certifying that you have reviewed the vendor's American Content Report and that the vehicle meets Buy America requirements.

### 2. Post-Delivery Federal Motor Vehicle Safety Standards Certification

Ensure that you have received the Federal Motor Vehicle Safety Standards Report and that the vendor has affixed the metal placard on the driver doorframe of each vehicle.

Sign the Post-Delivery Federal Motor Vehicle Safety Standards Compliance Certification or the Post-Delivery Federal Motor Vehicle Safety Standards Exemption Certification, whichever applies.

### 3. Post-Delivery Purchaser's Requirements Certification

You must certify that all vehicles have satisfactorily met all contract specifications on the Post-Delivery Purchaser's Requirements Certification. Use the appropriate form based upon the number of vehicles you procured (e.g., more than 20 or fewer than 20).

### 4. Visual inspection

Perform a visual inspection of each vehicle using the Vehicle Visual Inspection Form. Note all defects and whether inspected items are acceptable. If any items do not receive a passing score during the visual inspection, include a note on how the item was remedied prior to vehicle acceptance.

## 5. Road test

Perform individual road tests with each vehicle to verify that they are in good working order and have no mechanical defects. Document the road test on the Road Test Form. If any items do not receive a passing score during the road test, include a note on how the item was remedied prior to vehicle acceptance.

## Timeline for accepting delivered vehicles

The cooperative procurement contract, or your RFP or IFB outlines your vehicle acceptance timelines.

Once the vendor delivers your vehicles, you generally have 15 calendar days to complete inspections and either accept or reject the vehicles. If the vehicles are acceptable, you must issue an acceptance letter to the vendor.

If the vehicles do not meet your specifications or you find defective parts or deficiencies, you must issue a non-acceptance letter to the vendor.

Your non-acceptance letter should include detailed information about the defective parts or deficiencies and a request that the vendor take appropriate actions to correct the problems. You must also send a copy of the non-acceptance letter to your WSDOT project manager.

**Note:** Depending on your RFP or IFB, failure to notify the vendor within the 15-day period or the timeframe set forth in the bid document may constitute acceptance of the vehicles as delivered.

You may not place a vehicle into service until it is fully accepted.

You must pay the vendor according to the procurement contract for all accepted vehicles. Non-acceptance of some of the vehicles should not delay payment for accepted vehicles.

You must submit requests for reimbursement to WSDOT for all accepted vehicles within 30 days of the acceptance date.

## Vehicle licensing and title

You are responsible for all licensing and title fees for your grant-funded vehicles. These fees are not eligible for reimbursement through WSDOT.

Small buses, cutaways and modified vans used for special needs transportation may qualify for sales tax-exempt rideshare license plates ([RCW 82.08.0287](#)). State law defines a ridesharing vehicle as one with seating capacity not exceeding 15 (including the driver) and used for commuter ridesharing or ridesharing for people with special transportation needs ([RCW 46.74](#)).

### Registered owner and legal owner

The titles for your grant-funded vehicles must show your organization as the registered owner and WSDOT as the legal owner.

The following information must appear on the title:

#### Legal Owner

Washington State Department of Transportation Public Transportation Division  
PO Box 47387  
Olympia, WA 98504-7387

## Title retention

WSDOT will retain title (legal ownership) of your vehicles based on the acceptance date of the vehicle and its minimum useful life.

After WSDOT releases title, you must transfer the legal ownership of the vehicle to your organization with the Washington State Department of Licensing within 15 calendar days. The Department of Licensing may impose penalties for failure to transfer title in a timely manner.

## Vehicle procurement records and retention

For all capital vehicle projects, you must file and maintain all procurement records in your procurement file. Review the Procurement File Contents Checklist (see link in [Appendix F](#)) for details on which documents you must retain.

You must maintain a complete procurement file throughout the useful life of the grant-funded vehicles.

## Equipment procurement

The provisions in [General procurement requirements](#) apply to all grant-funded equipment procurements. WSDOT requires you to have written purchasing policies in place that describe your equipment procurement process. See [Chapter 1: Purchasing policies](#) for more information.

If you receive federal funding for equipment:

- You must include policies for purchasing from DBE vendors. See [Chapter 1: Disadvantaged Business Enterprises requirements](#) for more information.
- Your policies must comply with [FTA Circular 4220.1F](#).

## Managing vehicles and equipment

Throughout their minimum useful life, you must properly maintain and use vehicles and equipment for the services described in the *Scope of Work* in your grant agreement and consistent with grant funding requirements.

This section outlines the proper management of grant-funded equipment and vehicles.

### Eligible use of vehicles and equipment

Your passenger transportation services parameters include, but are not limited to:

- Service area.
- Service mode (demand response, fixed route, vanpool, etc.).
- Population served (general public, special needs, etc.).
- Type of service (job access, complementary paratransit, etc.).

**Note:** WSDOT understands changes in your community can affect your services. In the event changes in the community affect your services, you may petition the WSDOT to make a change to the service factors above. See [Change of use](#).

## Minimum use

WSDOT expects you to use your grant-funded vehicles for the services outlined in your grant agreement.

During capital site visits, WSDOT staff will look for indicators that you are using your grant-funded vehicles for the services outlined in your grant agreement. This includes taking odometer readings, inspecting for signs of passenger use, and checking for other indicators of intended use.

If WSDOT staff determine that you are not using your grant-funded vehicles for the services outlined in your grant agreement, WSDOT staff may follow up with any corrective actions.

**Note:** Depending on federal funding sources, you may use grant-funded vehicles for other passenger transportation services if the use is incidental and does not diminish the services identified in your grant agreement. Contact your assigned WSDOT contact listed on your Consolidated Grant Program agreement to determine eligibility.

## Vehicles purchased for replacement

If you are using grant funds to replace vehicles in your fleet, you must retire the vehicles identified in your grant application within three months of accepting the replacement vehicles.

Retiring a vehicle means that it is sold, surplus, donated or placed in spare status (service not exceeding 30 percent of prior use). Assigning the vehicle to another service area or contractor, or leasing the vehicle is generally not acceptable. Contact your assigned WSDOT contact listed on your Consolidated Grant Program agreement for more information about retiring vehicles.








Failure to retire replaced vehicles in a timely manner is a breach of your grant agreement and may result in disqualification for future grants and/or repossession of the new vehicles.

**Note:** WSDOT understands that conditions may change between the time you submit your grant application and when you take delivery of the vehicles. If needed, you may petition WSDOT in writing to replace different vehicles than those originally identified. Contact your assigned WSDOT contact listed on your Consolidated Grant Program agreement for more information.

### Minimum useful life

The chart below outlines the minimum useful life of buses and vans.

See [FTA Circular 9300.1B](#) for more information about minimum useful life.

| Category  | Typical characteristics             |                  | Minimum life:<br>Whichever comes first |            | Example   |
|---|-------------------------------------|------------------|--|------------|---|
|   | Length                              | Weight           | Years                                  | Miles      |   |
| Heavy-Duty Large Bus                                  | 35 to 48 ft. and 60 ft. articulated | 33,000 to 40,000 | 12                                     | 500,000    |    |
| Heavy-Duty Small Bus                                  | 28 to 35 ft.                        | 26,000 to 33,000 | 10                                     | 350,000    |    |
| Medium-Duty Small Bus                                 | < 35 ft.                            | 16,000 to 26,000 | 7                                      | 200,000    |    |
| Medium-Duty Truck Chassis-Built Cutaway               | < 35 ft.                            | 16,000 to 26,000 | 7                                      | 200,000    |   |
| Light-Duty Van Chassis-Built Cutaway                  | 20 to 35 ft.                        | 10,000 to 16,000 | 5                                      | 150,000    |  |
| Light-Duty Small Van Chassis-built Cutaways and Van   | < 20 ft.                            | 6,000 to 14,000  | 4                                      | 100,000    |  |
| Specialty Vehicle not fitting in the above categories | Varies                              | Varies           | Negotiable                             | Negotiable |  |



## Transit Asset Management Plans

[MAP-21](#) and [RCW 81.112.086](#) require transit agencies and grantees receiving FTA and state funds for public transportation capital projects to develop and implement Transit Asset Management Plans. Nonprofit and for-profit organizations that receive federal funds must also develop and implement Transit Asset Management Plans.

Nonprofits that only receive state funds must have a Vehicle Maintenance Plan.

See [Chapter 1: Transit asset management plans](#) for more information.

## Annual asset inventory

You must submit an asset inventory to WSDOT annually by February 15 throughout the minimum useful life of grant-funded vehicles and equipment in the format prescribed by WSDOT.

The annual asset inventory collects information on the condition of grant-funded vehicles, equipment and facilities, as well as the mileage of grant-funded vehicles. Within the inventory, you must also certify that you are using the vehicles, equipment and facilities as specified in the grant agreement.

See [Appendix A: Annual asset inventory](#) for more information.

## Insurance requirements

To comply with state law, you must insure all vehicles purchased with grant funds.

You must provide WSDOT with a certificate of insurance documenting liability, comprehensive and collision insurance. You must list WSDOT as the loss payee for all grant-funded vehicles.

If you are self-insured, you must provide WSDOT with a declaration of self-insurance, including a description of how you fund your self-insurance pool.

For specific insurance requirements, refer to *Loss or Damage of Project Equipment* in your grant agreement.

## Reporting accidents and repairing damage

You must notify your assigned WSDOT community liaison within five working days of an accident or incident where a vehicle or equipment sustains the disabling damage indicated in [Chapter 1: Accident reporting](#) by submitting:

- Nature of the incident.
- Level of damage to the vehicle or equipment.
- Your intentions regarding replacement where damage to the vehicle or equipment resulted in a total loss.
- Incident report on file with local law officials.
- Investigation summary conducted by your organization.
- Copy of witness statements or comments.
- If you used federal funds to purchase the vehicle or equipment, a statement affirming that you conducted a post-accident drug-and-alcohol test. -- **OR** -- If you did not conduct a post-accident drug-and-alcohol test, the reasons why you made this decision.

Failure to notify WSDOT within five working days of an accident or incident will result in WSDOT deeming your organization in breach of grant agreement. This may result in your organization's loss of *In Good Standing* status and being ineligible to receive future WSDOT public transportation funds.

You do not need to notify WSDOT if the vehicle does not sustain the disabling damage indicated in [Chapter 1: Accident reporting](#). However, you must repair any damage to grant-funded vehicles and equipment as quickly as possible.

You are responsible for any costs of the repair that your insurance does not cover. These costs are not eligible for reimbursement under operating grants.

## Vehicle or equipment total loss

If your insurance carrier deems a vehicle or equipment a total loss, the carrier must pay insurance proceeds directly to WSDOT.

If you do not intend to replace a vehicle deemed a total loss, WSDOT will forward the proportionate local share of the insurance proceeds, provided you are in compliance with your grant agreement. WSDOT bases the proportionate share on the percentage grant share of the original purchase.

If you intend to replace a vehicle deemed a total loss, you must replace it with a new or similar vehicle (value at the time of the incident, capacity, wheelchair accessibility, etc.). WSDOT will reimburse you for replacement cost up to the amount available from insurance proceeds. You must pay any replacement costs in excess of the insurance proceeds. Once you receive the replacement vehicle, you must submit the same documentation as required for purchasing a new vehicle.

If you order a replacement vehicle within 60 days of the incident and before your insurance carrier processes proceeds, WSDOT may waive the requirement for the carrier to pay insurance proceeds directly to WSDOT to expedite the replacement.

WSDOT will release legal ownership of the replacement vehicle based on the scheduled release date of the original vehicle.

## Change of use

You must provide written notification to and receive approval from your assigned WSDOT contact listed on your Consolidated Grant Program agreement to use grant-funded vehicles and equipment for services other than those described in your grant agreement.

With approval, you may change use in the following ways:

1. **Providing other passenger-transportation services in the same service area.**
2. **Medicaid brokers only: Assigning existing vehicles or equipment to another eligible service provider.**

Under this option, you must:

- Submit the proposed agreement to WSDOT for approval.
- Execute the approved agreement with the eligible service provider.
- Send a signed copy of the agreement to WSDOT.

**Note:** The transfer of registered ownership under this option does not release you from any responsibilities under your grant agreement. You are still responsible for ensuring the assignee complies with the terms and conditions associated with your grant.

### 3. If not providing any other passenger-transportation services or reducing the scope of service, returning the vehicles or equipment to WSDOT.

Upon written approval of this option, WSDOT will:

- Initiate a fair-market valuation of the vehicles or equipment by an independent appraiser.
- Identify other service providers who are willing and able to accept the vehicles or equipment. If possible, WSDOT will transfer the vehicle or equipment to a provider within the same service area.
- Initiate the transfer of the vehicles or equipment. If local funds contributed to the purchase of the vehicle or equipment, you may be reimbursed for the proportionate local share as long as you are in compliance with your grant agreement. Once the transfer is complete, WSDOT will release you from the terms and conditions of your grant agreement.

#### Considerations for transfers to a different service area

WSDOT selects projects for funding based on the need for service within the community or communities identified in your grant application. WSDOT therefore emphasizes keeping grant-funded vehicles and equipment in the service areas identified in your grant application and subsequent agreement. In rare situations, if you no longer need grant-funded vehicles or equipment for the service areas you previously identified, you must immediately notify your assigned WSDOT project manager in writing.

**Note:** If a grant-funded vehicle is still within its minimum useful life, you cannot transfer it to a new service area unless WSDOT authorizes the transfer in advance and in writing.

If you receive authorization for the transfer, WSDOT will facilitate a fair-market valuation of the vehicles or equipment. You may be eligible for reimbursement from the receiving agency for the proportionate local share of the vehicle or equipment's value.

#### Buyout of the grant share

You may purchase the state and federal share of grant-funded vehicles and equipment at any point during your grant agreement.

If you elect to buy out the grant share of your vehicles or equipment less than 12 months from the receipt of grant funds, you must return 100 percent of the funds to WSDOT.

If you elect to buy out the grant share of your vehicles and equipment more than 12 months from the receipt of grant funds, WSDOT will initiate a fair-market valuation of the vehicles or equipment. You must pay the proportionate grant share of the current market value to WSDOT.

After WSDOT receives your payment for a vehicle, WSDOT will send you the original titles for the vehicles and release you from any responsibilities under your grant agreement.

## Sale of federally funded vehicles and equipment

Typically, FTA and WSDOT retain no interest in your grant-funded vehicles or equipment after they exceed their minimum useful life and WSDOT releases the title.

However, regardless of the age of the vehicle or equipment, if you sell a federally funded capital asset and receive proceeds in excess of \$5,000, you must return the prorated federal portion to WSDOT ([FTA Circular 5010.1F](#), Chapter IV).

You may petition WSDOT to retain all proceeds from the sale of your vehicles or equipment, provided you will use the proceeds to purchase vehicles or equipment for your passenger transportation services.

## Eligible expenses

For capital vehicle and equipment grants, WSDOT will reimburse you up to the state and federal percentage shares identified in the *Scope of Work* in your agreement or the total funds awarded for your purchase, whichever is less. You must pay the remaining portion of the cost with local funds.

Eligible capital vehicle and equipment expenses include, but are not limited to:

- Factory visits if approved in advance by WSDOT. See [Chapter 1: Travel expenses](#) for additional information related to eligible travel expenses.
- Cost of equipment identified in your grant agreement, including any associated sales or use taxes paid.
- Purchase and installation of other vehicle equipment identified in your grant agreement or otherwise pre-approved by WSDOT (e.g., bike racks, radios, cameras, fareboxes).
- Purchase and installation of non-vehicle equipment specifically identified in the grant agreement.
- Purchase and installation of striping and logos on the exterior of vehicles purchased under the grant agreement.
- Required inspection costs, if performed by a third-party contractor.

## Ineligible expenses

Ineligible capital vehicle and equipment expenses include, but are not limited to:

- Administrative costs incurred to conduct the capital procurement and purchase.
- Transit portion of the local sales tax paid (transit agencies only).
- Costs of maintenance staff for accepting the vehicle and preparing it for service.
- Title and licensing fees.

However, the ineligible expenses above may be eligible for reimbursement through a separate operating grant.

## Reimbursement requests

You must submit reimbursement requests on the form prescribed by WSDOT and include the required attachments. See [Appendix B: Reimbursement requests for capital projects](#) for more information.

This chapter outlines general requirements, best practices and general guidelines for capital construction projects.

This chapter does not contain the extent of your responsibilities for capital construction projects. While you must follow the guidelines in this chapter, you should also obtain more detailed requirements from federal, state and local agencies.

Please note that you must also follow the requirements, best practices and general guidelines found in [Chapter 1](#).

### Match requirements for all projects

Your capital construction match must be in the form of cash. In-kind match will not qualify for capital construction grants.

You may not derive your match from sources that place any restriction on the services you will provide at the constructed facility or that place a lien on the constructed facility.

### Match requirements for federally funded projects

Federally funded capital construction projects generally require 20 percent match. Your match requirement may vary or be greater than 20 percent depending on your Scope of Work and the local funding you committed as contribution to the project in your original grant application.

### Before you begin

Prior to receipt of FTA funds for construction projects, you must:

- Submit your project to the [Statewide Transportation Improvement Plan](#).
- Complete an environmental impact analysis under the [National Environmental Policy Act](#).
- Complete a DBE Plan for your project's specific DBE goal (if your project is not included in your organization's goal).

### ADA standards for capital construction projects

Your project must comply with ADA standards. These standards include, but are not limited to, those in the [ADA Accessibility Guidelines for Buildings and Facilities](#). Contact your assigned WSDOT contact listed on your Consolidated Grant Program agreement for more information about ADA standards.

## WSDOT's role in capital construction projects

WSDOT is responsible for ensuring that you follow state and federal requirements for capital construction projects. WSDOT will provide limited technical assistance to capital construction projects. Additionally, WSDOT:

- Ensures that you follow the proper procurement process. This includes reviewing your procurement documents to ensure that you:
  - Used the appropriate procurement method.
  - Included the required FTA clauses in your bid documents (federally funded projects only).
  - Conform in your contract scope and compliance with [Davis Bacon](#) prevailing wage requirements (federally funded projects only).
- Reviews your quarterly progress reports during design and construction phases.
- Reviews your project reimbursement requests.
- Performs site inspections during all phases of construction and at the completion of your project.

## Your role in capital construction projects

You are responsible for carrying out the project defined in your grant agreement and complying with federal and state requirements. The Scope, Schedule and Budget in your original application and agreement define your project. Changes to the Scope, Schedule and Budget require WSDOT approval, as outlined in [Chapter 1](#).

## Project-schedule milestones

As your project proceeds, you must reach project-schedule milestones. WSDOT uses these milestones to track your progress. These milestones can be adapted to suit the complexities of your project only with mutual agreement from WSDOT.

In some cases, you may achieve project milestones before you receive grant funds. You may also meet some milestones simultaneously.

Project-schedule milestones include, but are not limited to:

- Initiate design and design 30, 60 and 90 percent complete.
- Environmental documentation complete (National Environmental Policy Act and State Environmental Policy Act).
- Environmental permits received.
- Land acquisition and right of way certification.
- Contract advertisement and award.
- Construction start date and 60 percent complete.
- Operationally complete.
- Physically complete.
- Project closeout.

## Eligible direct expenses

An expense must be directly related to your project and reasonable in amount to be eligible for grant reimbursement.

Examples of eligible direct expenses include, but are not limited to costs associated with:

- Engineering design.
- Project level permitting.
- Environmental assessment and documentation.
- Property acquisition.
- Construction.
- Construction oversight.
- Purchase and installation of non-vehicle equipment specifically identified in the grant agreement, including software licensing use fees.

For federally funded projects, eligible expenses must comply with Federal Cost Principles ([2 CFR Part 200](#)) or Federal Acquisition Regulation ([Part 31](#)).

While all reimbursements for grant-funded activities must occur within the grant agreement project period (contract term), your project's expenses may be retroactively reimbursed back to the beginning of the state biennium (July 1).

## Ineligible project expenses

The following project expenses are ineligible for reimbursement:

- Scope, schedule and budget development.
- Corridor planning.
- Alternatives analysis.
- Major investment studies.
- Corridor analysis.

## Project design

Your project designs must meet the requirements in the [Washington State Standard Specifications for Road, Bridge and Municipal Construction](#). Additionally, if your project is located on state highway facilities, your design must comply with the current version of the [WSDOT Design Manual](#). If your project is within the boundaries of other jurisdictions, your project design must comply with the design standards adopted by those jurisdictions.

If you intend to use other design standards, you must obtain approval from WSDOT before design work commences. If your design work is already underway before WSDOT awards grant funds, you must request documented approval to use other design standards as soon as possible after you execute your grant agreement.

You must submit final design plans (i.e., 100 percent complete) to WSDOT prior to submitting reimbursement requests for activities in the construction phase.

WSDOT encourages you to develop a risk management plan for the project during the preliminary engineering (design) phase.

You are responsible for maintaining progress to meet project-schedule milestones. Some project elements may need significant lead-time, including, but not limited to permit requirements.

Finally, an appropriate, licensed professional engineer must stamp all design plans.

## Permit requirements

You are responsible for obtaining and ensuring your project's compliance with all applicable local, state and federal laws, regulations and permit requirements, utility relocations, right-of-way acquisition and hardware procurement.

**Note:** Federal compliance does not signify compliance with applicable local and state permit requirements.

A number of permitting requirements govern projects involving federal funds, permits or land, including but not limited to the following.

### National and State Environmental Policy acts

All capital construction projects are subject to the requirements of the State Environmental Policy Act ([RCW 43.21C](#)) and should follow all appropriate procedures within the act.

Additionally, you may not begin final design prior to completing a [National Environmental Policy Act](#) assessment. To document the assessment, you must have an FTA record of decision, finding of no significant impact or a categorical exclusion determination.

### Section 106 of the National Historic Preservation Act and Governor's Executive Order 05-05

If you are using federal funds for your capital construction project, you must comply with Section 106 of the [National Historic Preservation Act of 1966](#).

Compliance with Section 106 satisfies the requirements of the governor's [Executive Order 05-05](#), an additional requirement for all capital construction projects.

You must submit documentation of compliance with Section 106 prior to submitting reimbursement requests during the right of way or construction phases.

It is your responsibility to schedule and budget your project to comply with Section 106.

### Uniform Act

You must acquire real estate for your project in accordance with the Uniform Act ([42 USC 4601](#)), as well as [23 CFR](#) and [49 CFR](#).

You must also complete all environmental requirements and environmental documentation before your project enters the acquisition phase.

## Conducting procurement and contracting for construction projects

As soon as WSDOT notifies you of a grant award, you may begin exploring procurement options.

If you are using federal funds for your capital construction project, you must comply with the third-party contracting requirements identified in [Circular 4220.1F](#), [2 CFR Part 200](#) and [49 CFR Part 18](#) (transits, local governments and tribes) or [49 CFR Part 19](#) (private nonprofit organizations). These requirements include, but are not limited to:

- Engaging in full and open competition.
- Not using [geographic preference](#) in award (this does not apply to architectural and engineering services).



- Including all federal clauses required by the federal statute governing your procurement in your contracts.
- Awarding to responsible contractors.
- Complying with the [Brooks Act](#) for procurement of architectural and engineering services.

**Note:** Regardless of funding source, you must also comply with all applicable state laws.

## Procurement requirements for construction contracts

For procuring contractor services, the most common method of procurement is by sealed bid (i.e., IFB).

You must procure contractor services in a manner that conforms to:

- Applicable state and local law.
- The requirements of [FTA Circular 4220.1F](#) for the procurement method used.
- All other applicable federal requirements.

FTA-funded construction contracts require certain provisions. Please see Chapter 6 of the FTA's [Best Practices Procurement and Lessons Learned Manual](#) for these provisions.

FTA-funded projects must exclude geographical preference in the selection of construction contracts.

You must ensure all contractors or sub-contractors are eligible to receive federal funds and are not debarred or suspended from participating in an FTA-funded project. You should check the Excluded Parties List System at [www.sam.gov/portal/public/SAM](http://www.sam.gov/portal/public/SAM) before awarding a third-party contract.

### Sealed bids

You may use sealed bids where:

- There are complete, adequate and realistic specifications or purchase descriptions.
- Two or more responsible bidders are willing and able to compete.
- The procurement lends itself to a firm, fixed-price contract and you can make the selection primarily based on price.

After you receive bids, no discussion is necessary with bidders.

### Sole source

You may use noncompetitive proposal (sole source) only if you can justify not soliciting additional competition in the manner explicitly defined in Chapter 6 of [FTA Circular 4220.1F](#).

## Procurement levels

There are three procurement levels:

- Micro-purchases (purchases up to \$10,000).
- Small purchases (purchases greater than \$10,000 but less than \$250,000).
- Large purchases (purchases equal to or greater than \$250,000).

While this guidebook discussed these levels in [Chapter 1](#), there are further considerations related to capital construction projects.

### **Buy America and Veteran's Preference**

FTA's Buy America requirements apply to any FTA-assisted, third-party construction contract exceeding \$100,000, unless FTA waives the requirements.

MAP-21 also includes veteran's preference for employment on transit-construction projects.

### **Types of contracts allowed**

There are two main methods to contract for professional services.

**Note:** Your procurement must meet FTA standards regardless of the method you choose.

### **Procurement by competitive proposal**

The competitive proposal procurement method (e.g., RFP) is normally conducted with more than one offering party (e.g., design consultant, design manager).

This method of procurement is generally used when conditions are not appropriate for sealed bids.

### **Procurement of architecture and engineering**

When procuring architecture and engineering services, you must use qualifications-based, competitive proposal procedures based on the Brooks Act as defined in [40 U.S. Code Section 541](#). For this method, you must exclude price as an evaluation factor and conduct negotiations with the most qualified firm only. You may only use this qualifications-based procurement method for the procurement of architecture and engineering services.

Architecture and engineering services include, but are not limited to:

- Program management.
- Construction management.
- Feasibility studies.
- Preliminary engineering.
- Design.
- Surveying.
- Mapping.
- Services that require a registered or licensed architect or engineer.

The procurement process for architecture and engineering services for FTA-funded projects is a multi-step process. Refer to Chapter 6.5 of the [FTA Best Practices Procurement & Lessons Learned Manual](#).

When developing a contract for architecture and engineering services, you should review the 54 mandatory procurement standards listed in Appendix B.19 of [FTA Circular 4220.1F](#) and determine the provisions that apply to the particular procurement.

Additionally, to receive federal funds, you must determine which of the 31 federal statutes and regulations presented in Appendix A.1 of the [FTA Best Practices Procurement & Lessons Learned Manual](#) apply to your project.

Finally, you must include required terms and conditions in your advertisement for the bidding opportunity.

## Capital construction records and retention

For all capital construction projects, you must file and maintain all procurement records in your procurement file.

## Capital construction grant reimbursement requests

The Scope, Schedule and Budget in your original application and agreement define your project. In some cases, only part of your project's overall scope is eligible for grant reimbursement.

WSDOT will reimburse you for the federal percentage shares identified in the Scope of your agreement or the total funds awarded for the project, whichever is less. Additionally, if you are using federal funds for your capital construction project, common grant rules require that you make progress payments for construction contracts based on a percentage-of-completion method.

To receive reimbursement, submit a completed reimbursement request signed by your financial manager or another authorized representative to the WSDOT Public Transportation Division. Your completed reimbursement request must have the following information or documents:

- Construction project manager-approved invoices from contractors supplying material and/or labor for construction activities and services.
- Completed financial reports and progress reports as required. The reports must include information to allow WSDOT to determine that the activities are eligible for reimbursement under the applicable grant program.

See [Appendix B](#) for sample reimbursement request forms and detailed instructions.

## Disadvantaged Business Enterprises requirements

Your project is subject to the DBE requirements in [49 CFR Part 26](#).

See [Chapter 1](#) for additional information on DBE requirements.

## Managing your constructed facility

### Maintenance and use

Once your facility is complete and accepted, you must use it for the purposes described in your grant agreement.

You must also properly maintain facilities purchased and/or renovated with grant funds based on the contractor's recommendations and industry best practices for the useful life of the facility.

### Facility maintenance plan

You must obtain approval for your facility maintenance plan from WSDOT prior to the occupying the facility.

At a minimum, your plan must cover all elements of the facility purchased with federal or state grant funds.

In establishing the plan, you should refer to any owner's manuals provided by the contractor for components (e.g., fueling pumps, vehicle lifts, heating, ventilation, and air-conditioning units) installed at the facility.

## Insuring your facility

You must insure your facility in compliance with state law.

You must list WSDOT as the loss payee in the event of a total loss.

If you self-insure, you must provide WSDOT with a declaration of self-insurance including a description of how you fund your self-insurance pool.

For complete insurance requirements, refer to the Loss or Damage of Project Equipment section of your grant agreement.

## Reporting incidents and repairing damage

You are responsible for repairing damage to grant-funded facilities. You should repair damage as quickly as possible.

You must notify WSDOT in writing within five business days if your facility sustains disabling resulting in:

- Total loss.
- Temporary closure of the facility (more than 10 business days).
- Reduction or hampering of service operations.

The written notification provided to WSDOT must include the following:

- The nature of the incident.
- The level of damage to the facility.
- Whether the damage resulted in a total loss of the facility and your intentions regarding replacement of the facility
- Any investigation summary conducted by your organization.
- Any accident or incident report on file with local law officials

If your insurance carrier deems the facility a total loss, the carrier must pay insurance proceeds directly to WSDOT.

If you do not intend to replace the facility deemed a total loss, WSDOT will forward the proportionate local share of the insurance proceeds, provided you are in compliance with your grant agreement.

If you intend to replace the facility deemed a total loss, you must replace it with a similar facility.

Contact your assigned WSDOT contact listed on your Consolidated Grant Program agreement to arrange for the distribution of the insurance proceeds.

# Appendix A Reporting

This appendix is under development. For the latest Grants Management System (GMS) trainings, see the announcements at [wsdot.ptd.webgrantscloud.com](http://wsdot.ptd.webgrantscloud.com).

This appendix will contain reporting requirements for your project, including instructions on how to submit the information through GMS.

You must submit most reports to the WSDOT Public Transportation Division using the GMS interface. Emailed forms will no longer be accepted for quarterly progress reports and attachments.

WSDOT uses information from your reports to demonstrate that you are accountable, delivering public benefits and meeting contractual obligations. WSDOT also uses your reports to highlight your success, assess your progress and identify areas where you may need technical assistance.

Information in your reports is available by request to the public, as well as the Washington State Legislature, the FTA, the Secretary of Transportation, the Governor and others.

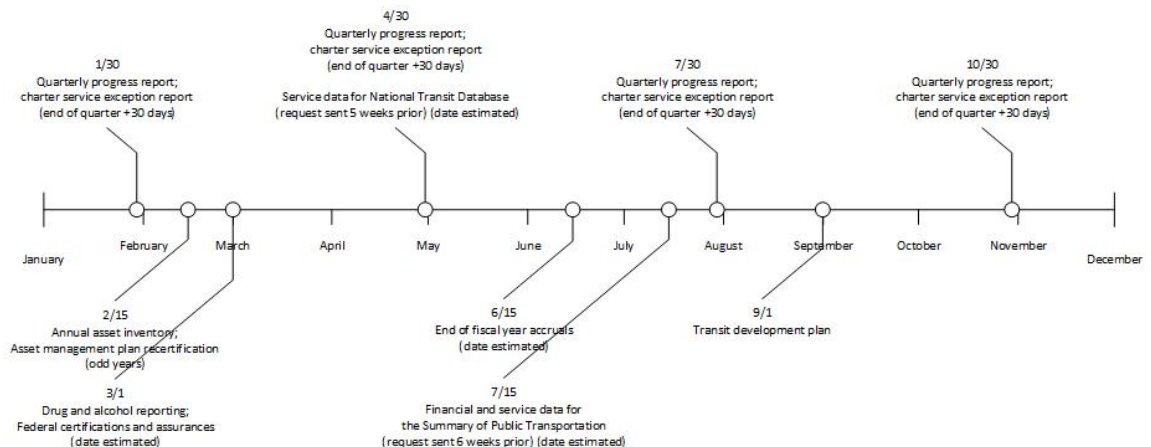
**Note:** In the event that the Office of Financial Management or the Legislature requires additional performance reporting during the grant cycle, WSDOT will notify you of any new reporting requirements.

## Reporting timeline

The reports you must submit depend on your funding source and project type. Consult the appropriate chapters of this guidebook and your assigned WSDOT contact listed on your Consolidated Grant Program agreement to identify the reports required for your project.

The timeline below shows the due dates for all reports. Due dates are estimated and may vary based on direction from WSDOT or FTA.

Many of the report forms referenced in this appendix are available by request from assigned WSDOT contact listed on your Consolidated Grant Program agreement. For a full list of forms, see [www.wsdot.wa.gov/transit/grants/manage](http://www.wsdot.wa.gov/transit/grants/manage).



## Quarterly status reports

This appendix is under development. For the latest Grants Management System (GMS) trainings, see the announcements at [wsdot.ptd.webgrantscloud.com](https://wsdot.ptd.webgrantscloud.com).

WSDOT requires quarterly progress reports for operating, mobility management, capital vehicles and equipment, and capital construction projects.

WSDOT does not require planning projects or state-formula-funded projects to complete quarterly progress reports.

### Submitting quarterly progress reports

You must submit all quarterly reports through GMS. Your assigned WSDOT contact listed on your Consolidated Grant Program agreement will be notified upon receipt by GMS.

## Other reports

### Charter service exception report

If your organization receives federal funds and you are engaged in charter activities recognized under the FTA-approved exceptions, you must complete a charter service exception report quarterly. Your assigned WSDOT contact listed on your Consolidated Grant Program agreement will provide you with the report on request.

You must upload the charter service exception report through GMS within 30 days after the end of each quarter.

### Annual asset inventory

If you receive funds for equipment, facilities or vehicles for which WSDOT retains legal ownership, or you are a public transit agency, you must complete an annual asset inventory.

Your annual asset inventory must include:

- All revenue vehicles in your fleet (including spare vehicles) which are used in providing public transportation, including vehicles used for carrying passengers on fare-free services.
- All equipment or service vehicles with an acquisition value greater than \$50,000. Service vehicle means a unit of equipment that is used primarily either to support maintenance and repair work for a public transportation system or for delivery of materials, equipment, or tools.
- All facilities that have a replacement value of \$25,000 or greater.
- All infrastructure that supports a public transportation system. Infrastructure includes rail fixed-guideway, tracks, signals and systems.

You must have your annual asset inventory certification signed by an authorized representative.

Your annual asset inventory is due February 15.

You must submit your annual asset inventory report to [PTDreports@wsdot.wa.gov](mailto:PTDreports@wsdot.wa.gov).

## Drug and alcohol

If you receive Section 5311, Section 5339 or Surface Transportation Program funding, you are required to submit an annual Drug and Alcohol Management Information System report.

Your report is due annually by March 1 to the [Drug and Alcohol Management Information System](#).

WSDOT Drug and Alcohol Program staff will email to you login information and instructions for the report between December and January of each year.

## Certifications and Assurances

If you receive federal funds, you must submit federal certifications and assurances annually on the date provided by business services staff when they send the forms and instructions.

If you receive Sections 5339 or 5311 funds through WSDOT, you must also complete the 5333(b) Labor Letter.

## National Transit Database

If you received Section 5311 funds to operate a service or purchase a vehicle, or operate vehicles purchased with Section 5311 funds that WSDOT holds title to, you must report to the National Transit Database.

Your National Transit Database data is due to WSDOT in late March annually. WSDOT will contact you in early February annually with information about the data reporting process.

## Transit Development Plan

Public transit agencies must submit a transit development plan that meets criteria outlined in [RCW 35.58.2795](#).

Transit development plans are due annually by September 1.

WSDOT has a guidance document to help you include all required information. It is available through your assigned WSDOT contact listed on your Consolidated Grant Program agreement.

## Transit Asset Management Plan recertification

Transit Asset Management Plan recertification is due February 15 every other year on an odd-year basis.

Visit [www.wsdot.wa.gov/transit/grants/manage#Asset\\_Management](http://www.wsdot.wa.gov/transit/grants/manage#Asset_Management) or contact WSDOT Asset Management staff for more information.

## Failure to submit reports

You must respond to WSDOT and FTA's reporting requests in a timely fashion. Failure to do so may affect your *In Good Standing* status.

If WSDOT does not receive your reports by their respective due dates, WSDOT will hold your reimbursement without payment until it receives acceptable reports.

## **Appendix B      Reimbursement requests**

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This appendix is under development. For the latest Grants Management System (GMS) trainings, see the announcements at [wsdot.ptd.webgrantscloud.com](https://wsdot.ptd.webgrantscloud.com).

This appendix will contain information on submitting reimbursement requirements for your project, including instructions on how to submit the information through GMS.



## Appendix C Report/submittal email register

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This appendix is under development. For the latest GMS trainings, see the announcements at [wsdot.ptd.webgrantscloud.com](https://wsdot.ptd.webgrantscloud.com).

This appendix will contain information about where to submit amendment various requests, reports or policies. In most cases, GMS will serve as the main conduit for submissions to WSDOT.

| Name of document/submittal                          | Frequency                                      | Send by email to:   |
|---|--|---|
| Request for project changes                         | As needed                                      | Email address of assigned WSDOT contact listed on your Consolidated Grant Program agreement |
| Request to amend an executed grant agreement        | As needed                                      |   |
| Request to subcontract on grants                    | As needed                                      |   |
| Response to site visit follow-up letter (as needed) | As requested in site visit follow-up letter    |   |
| Decision not to accept a grant                      | Every two years                                |   |
| Request for reappropriation                         | As requested, (typically in May of even years) |   |

## **\*Appendix D      Disadvantaged Business Enterprises good faith efforts**

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WSDOT's Office of Equal Opportunity developed the following summary related to [49 CFR Part 26, Appendix A: Guidance Concerning Good Faith Efforts](#).

### **Look for Disadvantaged Business Enterprises to perform work.**

You must conduct market research to identify and contact through all reasonable and available means all certified DBEs that have the capability to perform the work of your contract or the goods/services you need. This may include, but is not limited to:

- Attending pre-bid and business matchmaking meetings and events where DBEs will be present.
- Producing advertisements and written notices and sharing them with DBEs.
- Posting notices of sources sought and RFPs and sharing them with DBEs.
- Sending written notices or emails of contracting opportunities to DBEs.
- Searching the Washington State Office of Minority and Women's Business Enterprises directory for DBE vendors at [omwbe.diversitycompliance.com](http://omwbe.diversitycompliance.com)
- If a firm is Minority or Women owned, refer the firm to get DBE certified at [omwbe.wa.gov/certification](http://omwbe.wa.gov/certification).

You must make these and other outreach efforts to all DBE firms in the database at [omwbe.diversitycompliance.com](http://omwbe.diversitycompliance.com) that are located in the area or surrounding areas of the project, and who specialize in the areas of work you are contracting for.

### **If you find Disadvantaged Business Enterprises to perform work, you should provide them with sufficient time to provide a quote (typically seven days).**

You must solicit DBE interest as early in the acquisition process as possible to allow DBEs a chance to respond to the solicitation and submit a timely offer. You must also take steps to follow up with DBEs on the initial solicitation.

### **Unbundle large work items to allow Disadvantaged Business Enterprises the opportunity to participate.<sup>1</sup>**

When appropriate, you should unbundle work items into smaller tasks or quantities to encourage and facilitate DBE participation. You should do this even when a prime contractor would prefer to perform the work items as bundled with their own organization.

Unbundling may also include establishing flexible timeframes for performance and delivery schedules.

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<sup>1</sup> WSDOT urges caution when unbundling purchases. FTA procurement rules state that you cannot unbundle purchases to be under the dollar threshold in order to avoid conducting a bid process.

## **Provide Disadvantaged Business Enterprises with enough information about the type of work you need.**

You must provide interested DBEs with adequate information about the work plans, specifications and requirements in a timely manner.

## **It is your responsibility as a recipient of federal funds to negotiate in good faith with Disadvantaged Business Enterprises.**

You must make portions of work available to DBE subcontractors and suppliers and negotiate and select contractors for these portions of work in a way that facilitates DBE participation. Evidence of such negotiation includes, but is not limited to:

- Names, addresses and telephone numbers of DBEs that you considered
- A description of the information provided regarding the plans and specifications for the work
- If you decided not to execute a contract for the work with a DBE, evidence and reasoning for this decision.

## **Just because a Disadvantaged Business Enterprise is more expensive does not mean you cannot use them. Use your best judgement and be reasonable.**

Additional costs involved in finding and/or using DBEs for work, as long as these costs are reasonable, is not a sufficient reason for your failure to meet DBE goals. In other words, rejecting a DBE because their quote for the work was not the lowest received is not sufficient to show good faith efforts.

However, this does not mean that you or your prime contractor must accept excessive or unreasonable quotes in order to satisfy DBE goals.

## **If a Disadvantaged Business Enterprise says they can do the work, give them the opportunity.**

You may not reject DBEs for being unqualified without legitimate reasons based on a thorough investigation of their capabilities. You may not reject or decide not to solicit bids from DBEs based on their:

- Standing within their industry.
- Membership in specific groups, organizations or associations.
- Political or social affiliations (i.e., union or non-union status).

## **Just because you or your prime contractor want to do all the work, does not mean you can ignore Disadvantaged Business Enterprises requirements.**

You must make good faith efforts to contract with DBEs even if you or your prime contractor have the ability or desire to perform the work yourselves. Yours or your prime contractor's ability to do the work is not a sound basis for rejecting a DBE's reasonable quote as long as the price difference is not excessive or unreasonable.

Additionally, yours or your prime contractor's inability to find a replacement DBE at the original price is not alone a sufficient demonstration of good faith efforts.

**If you have bonding or insurance requirements, or special equipment or materials, help the Disadvantaged Business Enterprise find the proper technical assistance to fulfill your needs (e.g. Disadvantaged Business Enterprises support services, small business development centers).**

You must make efforts to assist DBEs in obtaining bonding, lines of credit or insurance required by your contract.

You must also make efforts to assist DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services required by your contract.

**You know your local community best. Reach out to appropriate local community and trade organizations for help in finding Disadvantaged Business Enterprises.**

Organizations you should reach out to for help finding DBEs include, but are not limited to:

- Minority and women community organizations
- Minority and women contractors' groups
- Local, state and federal minority and women business assistance offices
- Other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

**Document your efforts to meet good faith efforts.**

WSDOT will review your documentation of good faith efforts. This includes but is not limited to copies of each DBE and non-DBE quote you received when you selected a non-DBE over a DBE for work. WSDOT will review these quotes to determine review whether the DBE's prices were substantially higher.

WSDOT will also contact the DBEs listed on your solicitations to inquire whether you contacted them.

**Note:** Pro forma mailings to DBEs requesting bids are not alone good faith efforts.

## **\*Appendix E Charter service**

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FTA's Charter Bus Service Regulations ([49 CFR Part 604](#)) protects private-charter operators from unauthorized competition from FTA grant recipients.

If your organization receives federal funds for any projects, you must follow specific procedures, including reporting on charter services. Consult with your assigned WSDOT contact listed on your Consolidated Grant Program agreement before agreeing to proceed with any charter operations.

The following is supplemental information to [Chapter 1: Charter service](#).

### **Exemptions**

The following services are exempted from FTA's Charter Bus Service Regulations and do not require notification to registered charter providers, record keeping or quarterly reporting:

#### **Transportation of employees, contractors and government officials**

You may transport the following individuals:

- Your employees
- Other transit systems' employees
- Transit management officials
- Transit contractors and bidders
- Government officials and their contractors
- Official guests.

You may transport individuals for the following purposes:

- To or from transit facilities or projects within your geographic service area or proposed geographic service area for conducting oversight functions such as inspection, evaluation or review (if you operate in a non-urbanized area, you may transport the above individuals outside your geographic service area)
- For emergency preparedness planning and operations.

#### **Private charter operators**

FTA's Charter Bus Service Regulations do not apply to private charter operators that directly or indirectly receive federal financial assistance under the [Over-the-Road Bus Accessibility Program](#). The regulations also do not apply to non-FTA funded activities of private charter operators that receive, directly or indirectly, FTA financial assistance.

#### **Section 5310 and 5311 recipients**

FTA's Charter Bus Service Regulations do not apply to grantees that receive federal financial assistance from FTA for transportation that serves the needs of either human service agencies or targeted populations (i.e., elderly, individuals with disabilities) under Section 5310 or 5311. This does not include exclusive service for other groups formed for purposes unrelated to the special needs of targeted populations.

## Emergency response:

You may provide service for actions directly related to responding to an emergency declared by the president, governor or mayor. You may also provide services requiring immediate action prior to a formal declaration of emergency and for up to 45 days after the emergency.

## Exceptions

Each of the following exceptions require specific recording and reporting procedures. Contact your assigned WSDOT contact listed on your Consolidated Grant Program agreement for a list of steps to record and report exceptions.

### **Exception 604.6: Government officials on official government business (GO)**

1. Is restricted to its geographic service area.
2. Must not generate revenue, except as required by law.
3. Is limited to 80 hours annually. May petition for additional charter hours.

### **Exception 604.7: Qualified human service organizations (QH)**

Service to persons:

1. With mobility limitations related to advanced age;
2. With disabilities; or
3. With low income.

Organization must register if it does not receive funds from programs listed in [Appendix A](#) of the charter regulation.

### **Exception 604.8: Leasing FTA funded equipment and drivers to a charter service operator (LE) only if the following conditions exist:**

1. The operator is registered on the FTA charter registration website.
2. The operator owns and operates buses or vans in a charter service business.
3. The operator received a request for charter service that exceeds its capacity either of the number of vehicles operated or the number of accessible vehicles.
4. The operator has exhausted all of the available vehicles for all registered charter providers in your geographic service area.

### **Exception 604.9: When no registered charter provider responds to a notice posted on the FTA charter website (WN)**

1. Within 72 hours for charter service requested to be provided in less than 30 days, or
2. Within 14 calendar days for charter service requested to be provided in 30 days or more.

### **Exception 604.10: Agreement with registered charter providers**

1. If a new charter provider registers in the geographic service area, you may continue to provider charter service for 90 days without an agreement with the newly registered charter provider.
2. Any parties to an agreement may cancel at any time after providing a 90-day notice.

**Exception 604.11: Petitions to the Administrator for:**

1. Events of regional or national significance.
2. Hardship (<200,000 population only).
3. Unique and time sensitive events that are in the public interest.

**Examples of services that do not meet the definition of charter service**

The following examples do not meet the definition of charter service:

**Service requested by a third party that is irregular or on a limited basis for an exclusive group of individuals where:**

- You do not charge a premium fare for the service.
- There is no third party paying for the service in whole or in part.

**Shuttle service for a one-time event if the service is open to the public where:**

- You determine the itinerary.
- You charge your customary fixed-route fare.
- There is no third-party involvement.

**A university paying you a fixed charge to allow all faculty, staff and students to ride your transit system free where:**

- You provide the service on a regular basis along a fixed route
- The service is open to the public.

**When you see a need and want to provide service for a limited duration at the customary fixed-route fare.****Sample situations**

The following excerpt from [FTA's Section 5311 Fact Sheet \(2013\)](#)<sup>1</sup> provides common situations that prompt charter service considerations.

**Q: Is it charter service to provide transportation to a group of young adults living in an assisted living facility to see a local parade using vehicles funded with Section 5311 funds? The transportation would be open to the public but paid for by the human service agency that operates the assisted living facility.**

**A:** This service is exempt from the charter rule because the vehicles are funded with Section 5311 funds and the service falls under the program purpose. Under 49 C.F.R. Section 604(e), "The requirements of this part shall not apply to a recipient that uses Federal financial assistance from FTA, for program purposes only, under 49 U.S.C. Section 5310, 49 U.S.C. Section 5311, 49 U.S.C. Section 5316, or 49 U.S.C. Section 5317." The recipient must use Federal funds under one of the above-mentioned programs **and** those funds must also be used for program purposes. This service falls under "program purposes" because it serves the needs of a human service agency.

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<sup>1</sup> FTA provided the fact sheet for summary purposes only. Consult regulatory text for exact requirements

**Q: Is it charter service to provide transportation to a day care provider that calls in and asks for transportation services to take their children to the local pumpkin patch using vehicles funded with Section 5311 funds? The transportation would be open to the public but paid for by the daycare provider.**

A: This service is charter service even if the vehicle might be dispatched as open to the public unless: (a) all the children are in a program receiving assistance under a program listed in Appendix A to 49 C.F.R. Part 604 like Head Start (exclusively for low-income children) or all the children are disabled; (b) the day care provider is a non-profit that can qualify as a qualified human service organization (QHSO) under the regulation and can do so sufficiently in advance of the trip requested to comply with 49 C.F.R. Part 604; or (c) the demand response system chooses to provide the trip for free, in which case it would not be considered charter. If one of the described exceptions applies and the demand response system supplies the trip, then the trip must be reported in the quarterly exceptions report. If none of the above options apply, then the trip is considered charter service and notice must be given to registered charter providers. In that case, the local transit agency may only provide the service if no private registered charter provider responds with interest.

**Q: Is it charter service to provide transportation to a group of college students who would like to attend a concert using vehicles funded with Section 5311 funds? The transit agency will charge the normal fee and the college students will fill the vehicles entirely.**

A. Yes, this would be considered charter service because it is exclusive use of a vehicle for a negotiated price. Unless all the college students were all disabled or low-income, then service would not fall under the program purpose exemption.



## Appendix F Site visit resources

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The site visit process consists of a desk review of policies and an on-site or virtual visit. The sections below provide a list of required policies.

**Note:** If your organization is an urban transit agency with a direct grant relationship with FTA, the Public Transportation Division may accept documentation from your most recent triennial review or drug and alcohol program audit in lieu of conducting administrative, financial, or drug and alcohol site visit.

### Desk review of policies

Before the on-site visit, your assigned WSDOT contact listed on your Consolidated Grant Program agreement or a WSDOT subject matter expert will review the policies and other documents WSDOT has on file for your organization. The staff member conducting the visit will ask you for any updates you have made since WSDOT last collected policies. You may also be required to amend your policies to comply with current requirements.

You may request templates, examples and/or checklists for the following policies and documents from your assigned WSDOT contact listed on your Consolidated Grant Program agreement.

#### Administrative

- ADA and paratransit policies
- Comment/complaint policy and comment card
- Equal Employment Opportunity policy/plan
- Job descriptions
- Harassment prevention policy
- Title VI policy/plan (federally funded grantees only)
- Unfair competition policy (federally funded grantees only)
- Volunteer driver policy

#### Financial

- Ethics policy
- DBE plan (federally funded grantees only)
- Cost-allocation or indirect-cost plan
- In-kind valuation plan
- Purchasing policy
- Single audit report (federally funded grantees only)

#### Capital

- Transit Asset Management Plan
- Purchasing policy
- Procurement file

#### Drug and Alcohol (Section 5311, Section 5339 or Surface Transportation Program grantees only)

- Drug and alcohol policy
- Contractor oversight forms

## **Appendix G      Procurement resources**

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Capital grantees may use the following forms and guidance to assist with the purchase of vehicles and equipment and ensure compliance with federal and state regulations. To request a form, contact [PTDprocurement@wsdot.wa.gov](mailto:PTDprocurement@wsdot.wa.gov).

### **Determining the method of procurement**

- [FTA Circular 4220.1F, Third Party Contracting Guidance](#)

### **Pre-order (capital vehicle purchases only)**

- Washington State Department of Enterprise Services purchaser request form
- Purchase request instructions

### **Pre-delivery (capital vehicle purchases only)**

- Pre-award audit checklist
- Factory visit inspection checklist
- Factory trip expense worksheet

### **Post-delivery**

- Acceptance letter sample
- Post-delivery Buy America and Federal Motor Vehicle Safety Standards certifications (vehicles only)
- Post-delivery Buy America audit report sample (supplied by the vendor)
- Post-delivery purchaser requirements certification
- Road test form
- Visual inspection form

## Hyperlinks in this guidebook

The hyperlinks to state and federal websites throughout this guide may change as legislative and organizational changes occur. For the most current versions of rules, regulations, guidelines and documents, see:

- [FTA regulations and guidance](#)
- [Office of Management and Budget circulars](#)
- [Code of Federal Regulations](#)
- [United States Code](#)
- [Fair Labor Standards Act](#)
- [Revised Code of Washington](#)
- [WSDOT manuals](#)
- [Public Transportation library: Grant compliance resources](#)

## State Rural Transit Assistance Program

The State Rural Transit Assistance Program provides training, technical assistance and other support services designed to meet the specific needs of transit operators in non-urbanized areas, tribes and special-needs transportation providers. The program provides:

- **Travel scholarships:** Scholarships are available for rural agencies to attend events across the state. Application and approval are required.
- **Peer reviews:** At the request of rural transportation providers, a technical assistance team of WSDOT staff and industry peers will convene to provide a summary of observations and recommendations for a program or an entire agency.
- **Small technical assistance grants:** Grants up to \$1,500 are available for one-time projects not eligible or feasible as a Consolidated Grant Program expense. Examples include marketing campaigns, establishing volunteer programs, new technology training, and peer event hosting.

Visit WSDOT's [public transportation training page](#) for more information.

## Other training

The Washington State Transit Insurance Pool and Community Transportation Association of the Northwest provide numerous trainings for various public transportation providers.

WSDOT staff may also coordinate, develop or conduct training programs directly with transportation providers on subjects such as ADA, drug and alcohol program compliance and Title VI planning.

## Other technical resources

- [Washington State Transit Association](#): Membership includes state and federal legislative advocacy, professional development opportunities, peer sharing events, and additional benefits.
- [Community Transportation Association of America](#): The association's website provides resources for members and non-members.
- [National Transit Institute](#): The Transit Institute provides a wide range of training opportunities.
- [Transportation Safety Institute](#): The Safety Institute provides safety and security trainings.
- [Coordinating Council on Access and Mobility](#): The council's website contains a library of briefs and reports related to special needs transportation.
- [National Center for Mobility Management](#): The center provides customized assistance to get you closer to your goals of improving mobility options in your community.
- [Easter Seals Project Action](#): The project provides a number of publications and policies for providing transportation to people with special needs.
- [National Aging and Disability Transportation Center](#): The center provides resources to promote the availability and accessibility of transportation options for older adults, people with disabilities and caregivers.
- [Municipal Research and Services Center](#): The center is a Washington state-based resource for local government best practices, laws and trainings.
- [National Transit Library](#): The library offers access to transportation information and reference services.
- [National Rural Transit Assistance Program](#): Provides no-cost online trainings, web tools, research services and downloads focused on rural transportation.

# Glossary

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The *Consolidated Grant Guidebook* contains many terms that are not common outside of the public transportation sector. Below are helpful definitions and descriptions.

## A

### **ADA Americans with Disabilities Act of 1990**

A civil rights law that ensures persons with disabilities have an equal opportunity to fully participate in society, live independently, and be economically sufficient. It defines the requirements for transportation providers to make transportation accessible to individuals with disabilities.

### **Agreement number**

A WSDOT-assigned number shown on the front page of your grant agreement.

### **Altoona**

An FTA-sponsored test facility in Altoona, PA where the FTA conducts required new bus model testing prior to FTA funds expenditure (49 CFR Part 665).

### **Approval of equals process**

A step in the Invitation for Bid process through which vendors may request that an organization consider acceptance of changes or substitutions to their vehicle specifications.

## B

### **Biennium**

A two-year period.

### **Broker**

The body authorized to coordinate services for elderly persons and persons with disabilities through the Washington State Medical Assistance Administration's transportation program.

### **Buy America**

The requirement that federal funds may not be obligated to carry out an FTA-funded project unless steel, iron and manufactured products used in the projects are produced in the United States ([49 USC 5323\(j\)](#) and [49 CFR Part 661](#)).

## C

### **CFR Code of Federal Regulations**

The CFR is the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government.

### **Charter service**

A vehicle hired for exclusive use that does not operate over a regular route, on a regular schedule and is not available to the general public.

### **Cognizant agency**

The agency responsible for reviewing, negotiating and approving indirect cost proposals according to [Office of Management and Budget Circular A-87](#). Typically, this is the agency providing the majority of funding.

### **Commercial driver license**

A licensing requirement for all drivers and mechanics of vehicles designed to transport more than 15 persons (including the driver).

### **Complementary paratransit**

A service required by the ADA for individuals with disabilities who are unable to use fixed route transportation systems. The service must be comparable to the level of service provided to individuals without disabilities who use the fixed route system.

### **Coordinated Public Transit-Human Services Transportation Plan**

A local plan that identifies the transportation needs of individuals with disabilities, older adults and people with low incomes. The plan provides strategies for meeting these needs and prioritizes transportation services for funding and implementation.

### **Cost allocation plan**

Documentation identifying and allocating the allowable costs of services provided by a grantee between projects.

### **Cutaway**

A vehicle with a bus body mounted on the chassis of a van or light-duty truck. Cutaways typically seat 15 or more passengers and may accommodate some standing passengers.

**D****DBE Disadvantaged Business Enterprise**

For-profit small businesses where socially and economically disadvantaged individuals own at least a 51 percent interest, and control management and daily business operations.

**Demand response**

A transit mode composed of passenger cars, vans or small buses operating in response to calls from passengers or their agents to the transit operator, who then dispatches a vehicle to pick up the passengers and transport them to their destinations.

**Depreciation**

The loss in value of a transit agency's assets over time. In order to account for the depreciation of an asset, agencies expense a portion of the asset's cost each year of its life (annualized, straight-line reduction).

**Desk review**

A part of the site visit process that serves to update a grantee's policies on file with WSDOT. The desk review typically occurs during the second fiscal year of a grant period, assuming the last in-person visit was satisfactorily closed and the grantee has no other risk factors necessitating an on-site review of records and practices.

**Deviated fixed route service**

Transit service that operates along a fixed alignment or path at scheduled times but may deviate from the route alignment to collect or drop off passengers upon request.

**E****Equipment**

Tangible property with a useful life of more than one year and an acquisition cost that equals the lesser of the capitalization level established by the government unit for financial statement purposes, or \$5,000.

**F****Facilities**

Land, buildings, and structures that the transit system owns, leases, or uses, including offices, garages, terminals, stations, and park and ride lots.

**Factory visit**

A factory compliance inspection conducted during various stages of a vehicle's construction required of organizations purchasing ten or more vehicles from a single bid. Also referred to as a resident inspection.

### **Federal fiscal year**

The period from October 1 through September 30.

### **Federal funds**

Money appropriated by the United States Congress to support programs and projects.

### **Fixed-route service**

Service using and occupying a separate right-of-way, using rail, or using a fixed catenary system (an overhead line or overhead wire used to transmit electrical energy to trams, trolleybuses, or trains). May include bus rapid transit and ferries.

### **FTA Federal Transit Administration**

An agency within the United States Department of Transportation that provides financial and technical assistance to local public transit systems, including buses, subways, light rail, commuter rail, trolleys and ferries.

## **G**

### **Good faith effort**

An action taken to achieve the objectives of the program and meet funding and contractual requirements.

### **Gross expenses**

Total expenses, including in-kind.

## **I**

### **IFB Invitation for Bids**

A call to contractors to submit a proposal on a project for a specific product or service.

### **In Good Standing**

The grantee is in compliance with all the terms and conditions of the grant agreement with the state of Washington and the instructions for sound grant management specified in WSDOT's *Guide to Managing Your Public Transportation Grant*.

### **In-kind**

The value of non-cash charges for real property and equipment, and the value of goods and services directly benefiting and specifically identifiable to the project.

### **Intercity bus**

Regularly scheduled public bus service using an over-the-road bus that operates with limited stops between two urbanized areas, or that connects rural areas to an urbanized area.



**L****Lobbying**

Directly or indirectly influencing or attempting to influence a member of Congress, state or local officials, or an officer or employee of any agency with a connection to the making of any federal contract, grant, or cooperative agreement.

**Local funds**

Money appropriated by local, general-purpose government, local municipal government as defined in [RCW 35.58.272](#), local school districts, or by local private agencies for the purpose of supporting public transportation services.

**Local match**

Money or in-kind contributions provided by potential grant recipients to match requested funding from grant programs.

**M****MAP-21 Moving Ahead for Progress in the 21st Century**

A two-year transportation reauthorization that took effect October 1, 2012.

**Matching funds**

An organization's share of project costs for a grant-funded project as specified in a grant agreement.

**Metropolitan Planning Organization**

A municipal organization that carries out the metropolitan transportation planning process of an urbanized area ([49 USC 5303](#)).

**Minibus**

A small bus, usually with a passenger compartment built on a truck or van chassis with a life expectancy of four to eight years and with a typical seating capacity of eight to 25 passengers.

**Minivan**

A light-duty vehicle having a typical seating capacity of up to seven passengers plus a driver. A minivan is smaller than a full-sized van.

**Minimum service thresholds**

A minimum level of service expected for grant-funded vehicles (100 passenger trips or 100 service miles per week).

**N****Net expenses**

Gross expenses less fare, donations, and ineligible expenses.

## O

### **Operating expenses**

The expenses associated with the operation of the transit agency, and classified by function or activity, and the goods and services purchased. Goods are consumable items with a useful life of less than one year or an acquisition cost that equals the lesser of the capitalization level established by the government unit for financial statement purposes, or \$5,000.

### **Operating deficit**

Net operating expenses less total operating revenues.

## P

### **Paratransit**

Passenger transportation that is more flexible than conventional, fixed-route transit but more structured than the use of private automobiles. Most often a wheelchair-accessible, demand response service.

### **Passenger trips**

The number of passengers who board a public transportation vehicle. A passenger is counted each time they board a vehicle even as part of the same journey from origin to destination.

### **Per diem**

An allowance made to employees for travel expenses when on official business.

### **Piggybacking**

A purchase from a contract awarded by another organization that has available option vehicles.

### **Post-delivery audit**

A post-delivery review of the vehicle and the accompanying documents to verify that the vehicle is acceptable. At a minimum, the post-delivery audit consists of a visual inspection, post-delivery Buy America Certification, Federal Motor Vehicle Safety Standards report, road test, and Post-Delivery Purchaser's Requirements Certification.

### **Pre-award audit**

A review to verify that the apparent successful bidder is able to construct the vehicle in accordance with specifications and to ensure the manufacturer is able to comply with all applicable requirements, including Altoona bus testing, Buy America and Federal Motor Vehicle Safety Standards requirements.

**Program income**

Non-farebox gross income received by the grantee directly generated by a grant-supported activity or earned only because of the grant agreement during the grant period.

**Project**

The activity or activities (task or tasks) listed in the scope of work portion of the grant agreement and/or attached appendix.

**Purchased services**

Services provided by vendors for routine, necessary and continuing functions of a local government agency, mostly relating to physical activities. These services are usually repetitive, routine or mechanical in nature, support the agency's day-to-day operations, involve the completion of specific tasks or projects, and involve minimal decision-making.

**R****RCW Revised Code of Washington**

A collection of Washington state session laws (enacted by the Legislature and signed by the Governor, or enacted via the initiative process), arranged by topic, with amendments added and repealed laws removed.

**Reasonable accommodation**

Minor equipment purchases or facility modifications that enable an employee to work.

**Recipient**

The agency to whom FTA extends its financial assistance.

**Regional Transportation Planning Organization**

An organization that identifies local transportation needs, conducts planning, assists local governments, and supports the statewide transportation planning process in nonmetropolitan regions of a state. States have the opportunity to designate Regional Transportation Planning Organizations as a method for formalizing the engagement of officials from areas with a population size less than 50,000 as they incorporate rural transportation needs in the statewide transportation planning process.

**Reimbursement request**

A form used by grantees to request reimbursement for eligible expenses incurred under the grant agreement.

**Reserve accounts**

Accounts or funds established by board resolution to fund specific purposes, including restrictions and covenants for use.

**Revenue vehicles**

Vehicles used to provide revenue service for passengers.

### **Revenue vehicle miles, hours and trips**

Time when a vehicle is available to the general public and there is an expectation of carrying paying or subsidized passengers, as well as vehicles operated in fare free service. Revenue service includes layover/recovery time. Revenue service excludes deadhead, vehicle maintenance testing, school bus service and charter service.

### **RFP Request for Proposal**

A project funding announcement for which companies can place bids to complete the project.

### **Rural areas**

Incorporated and unincorporated communities and unincorporated areas in a county outside of a designated urbanized area.

## **S**

### **Scope of work**

The section of your grant agreement with WSDOT that describes the funded activity.

### **Service animal**

Any guide dog, signal dog, or other animal trained to work or perform tasks for an individual with a disability.

### **Site visit**

A visit by WSDOT staff at the project location to provide consultation and technical assistance with grantee staff as well as verify compliance with regulations, conduct capital vehicle and equipment inspections, and review records, processes, and policies.

### **State funds**

Money appropriated by the Washington State Legislature to support a variety of programs and projects.

## **T**

### **Title VI**

From the Civil Rights Act of 1964, a protection requiring organizations to take measures to ensure there is no discrimination against persons on the grounds of race, color, or national origin.

### **Transit Asset Management Plan**

A public transit system plan describing an agency's preventative maintenance and asset management policies, required as a condition of receiving state funding. Under MAP-21, this requirement was extended to non-transit providers.

## **Transit Development Plan**

A six-year plan that contains information as to how a municipality intends to meet state and local long-range priorities for public transportation, its capital improvements and significant operating changes planned for the system, and how the municipality intends to fund program needs ([RCW 35.58.2795](#)).

## **U**

### **USC United States Code**

The codification by subject matter of the general and permanent laws of the United States.

### **Useful life**

The estimated number of years that an asset will be able to carry out its intended purpose before an agency must replace it. Also referred to as the vehicle retention schedule or vehicle disposition schedule.

## **V**

### **Vehicle Maintenance Plan**

An agency-adopted preventative maintenance plan required of all non-transit capital grant recipients that covers all vehicles purchased with federal or state grant funds.

### **Vendor ID Number**

The number assigned to an organization by the WSDOT.

## **W**

### **Washington State Department of Enterprise Services**

A Washington state agency that manages many business and operational services that state agencies and municipal governments need to deliver public services.

### **Washington State Department of Licensing**

A Washington state agency that regulates drivers, vehicle, boats and over many types of professions and businesses.

### **Washington State Office of Financial Management**

A Washington state agency that provides vital information, fiscal services and policy support to the Governor, Legislature and state agencies.

### **WSDOT Washington State Department of Transportation**

A Washington state agency responsible for building, maintaining, and operating the state highway system. WSDOT is also responsible for the state ferry system, and works in partnership with others to maintain and improve local roads, railroads and airports, as well as to support alternatives to driving, such as public transportation, bicycles and pedestrian programs.

## WSDOT Public Transportation Division contacts

| Assistance category  | Contact                   | Phone        | Email  |
|--|---------------------------|--------------|--|
| Transit asset management plans                                 | Hiep Tran                 | 360-705-7806 | <a href="mailto:heip.tran@wsdot.wa.gov">heip.tran@wsdot.wa.gov</a>                   |
| Charter regulations  | Linda Howell              | 509-543-3316 | <a href="mailto:linda.howell@wsdot.wa.gov">linda.howell@wsdot.wa.gov</a>             |
| Civil Rights: ADA and Title VI                                 | Elizabeth Safsten         | 360-705-6885 | <a href="mailto:elizabeth.safsten@wsdot.wa.gov">elizabeth.safsten@wsdot.wa.gov</a>   |
| Community engagement   | Colin Pippin-Timco        | 360-705-7902 | <a href="mailto:colin.pippin-timco@wsdot.wa.gov">colin.pippin-timco@wsdot.wa.gov</a> |
| Commute trip reduction/ transportation demand management       | Nhan Nguyen               | 360-705-6996 | <a href="mailto:nhan.nguyen@wsdot.wa.gov">nhan.nguyen@wsdot.wa.gov</a>               |
| Contracts  | Jadine Cunningham         | 360-705-7912 | <a href="mailto:jadine.cunningham@wsdot.wa.gov">jadine.cunningham@wsdot.wa.gov</a>   |
| Coordinated public transit-human services transportation plans | Kate Tollefson            | 509-724-8688 | <a href="mailto:kate.tollefson@wsdot.wa.gov">kate.tollefson@wsdot.wa.gov</a>         |
| DBE  | Jadine Cunningham         | 360-705-7912 | <a href="mailto:jadine.cunningham@wsdot.wa.gov">jadine.cunningham@wsdot.wa.gov</a>   |
| Drug and Alcohol Program                                       | Linda Howell (Eastern WA) | 509-543-3316 | <a href="mailto:linda.howell@wsdot.wa.gov">linda.howell@wsdot.wa.gov</a>             |
|  | Hiep Tran (Western WA)    | 360-705-7806 | <a href="mailto:heip.tran@wsdot.wa.gov">heip.tran@wsdot.wa.gov</a>                   |
| Grant applications and awards                                  | Evan Olsen                | 360-705-6929 | <a href="mailto:evan.olsen@wsdot.wa.gov">evan.olsen@wsdot.wa.gov</a>                 |
| Indirect cost and in-kind valuation plans                      | Cherryl Steben            | 360-705-7919 | <a href="mailto:cherryl.steben@wsdot.wa.gov">cherryl.steben@wsdot.wa.gov</a>         |
| Intercity Bus Program  | Nina Stocker              | 360-878-4695 | <a href="mailto:nina.stocker@wsdot.wa.gov">nina.stocker@wsdot.wa.gov</a>             |
| Invoicing and claims   | Jadine Cunningham         | 360-705-7912 | <a href="mailto:jadine.cunningham@wsdot.wa.gov">jadine.cunningham@wsdot.wa.gov</a>   |
| Information technology architecture                            | Kate Tollefson            | 509-724-8688 | <a href="mailto:kate.tollefson@wsdot.wa.gov">kate.tollefson@wsdot.wa.gov</a>         |
| Marketing and public relations                                 | Jef Lucero                | 360-705-7846 | <a href="mailto:jef.lucero@wsdot.wa.gov">jef.lucero@wsdot.wa.gov</a>                 |
| National Transit Database                                      | Maya Sioson               | 206-403-5707 | <a href="mailto:maya.sioson@wsdot.wa.gov">maya.sioson@wsdot.wa.gov</a>               |
| State Regional Mobility Grants                                 | Evan Olsen                | 360-705-6929 | <a href="mailto:evan.olsen@wsdot.wa.gov">evan.olsen@wsdot.wa.gov</a>                 |
| Rural Transit Assistance Program                               | Marianna Hanefeld         | 425-777-0557 | <a href="mailto:marianna.hanefeld@wsdot.wa.gov">marianna.hanefeld@wsdot.wa.gov</a>   |
| Safety and security  | Graham Harrison           | 206-716-1111 | <a href="mailto:graham.harrison@wsdot.wa.gov">graham.harrison@wsdot.wa.gov</a>       |
| Surface Transportation Program transfers                       | Lori Barnhart             | 360-705-7874 | <a href="mailto:lori.barnhart@wsdot.wa.gov">lori.barnhart@wsdot.wa.gov</a>           |
| Transit development plans                                      | Kate Tollefson            | 509-724-8688 | <a href="mailto:kate.tollefson@wsdot.wa.gov">kate.tollefson@wsdot.wa.gov</a>         |
| Rideshare programs and the State Vanpool Investment Program    | Matthew Cramer            | 360-905-2152 | <a href="mailto:matthew.cramer@wsdot.wa.gov">matthew.cramer@wsdot.wa.gov</a>         |
| Veterans transportation  | Nhan Nguyen               | 206-716-1167 | <a href="mailto:nhan.nguyen@wsdot.wa.gov">nhan.nguyen@wsdot.wa.gov</a>               |
| Vehicle and equipment procurement                              | Alan Soicher              | 360-333-8946 | <a href="mailto:alan.soicher@wsdot.wa.gov">alan.soicher@wsdot.wa.gov</a>             |