

Performance Reviews

a.k.a. Compliance Reviews

Section 5310 Grantees

September 20, 2023

Performance Reviews (*a.k.a Compliance Reviews*)

Presenters:

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KFH Group

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Partners in Care Maryland



Housekeeping Notes

- WiFi Information - beachclub
- Please Silent Phones
- Restrooms
- Handouts – please take only one per agency



Training Objectives



- 1. Compliance Review Procedures**
- 2. Overview of Federal Programs, Guidance, and Resources**
- 3. Federal/State Requirements**
 - **Basic requirements**
 - **What is reviewed**

Review Procedures


1. Conduct the Desk Review (MTA)
2. Schedule the On-Site Visit
3. Pre-fill Workbook and Prepare for On-Site Visit
4. Conduct Site Visit
5. Corrective Action Plans
6. Final Report
7. Final Worksheets, Files, and Documents





Review Procedures

Schedule On-Site Visit

- MTA will contact you to make arrangements for the on-site visit.
 - Approximately 4 weeks before the on-site visit, grantees will be called to schedule the on-site visit.
 - MTA will follow-up with an email/ letter that confirms the site visit date, explains the purpose of the on-site visit, and outlines the day's agenda.
 - Site Visits will begin **September 2023**
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Review Procedures

Conduct Site Visit

1. Entrance Conference

MTA will meet with agency staff. Explain purpose of the review, findings of the desk review, agenda for the day, steps to the draft and final reports.

2. Review Each Area

Review each area using a Workbook and Desk Review . Only those questions not answered satisfactorily during the Desk Review need to be addressed on site.

3. Visit Facility and Inspect Records

Review maintenance records for a sample of FTA funded vehicles.

4. Remaining Questions

At the end of the review, but before the exit conference, reviewer will go through any remaining questions not yet resolved and ask agency if any of them can be resolved at this time.

5. Exit Interview

Meet with the agency to discuss draft findings.



Review Procedures

Draft Report

- MTA will send draft reports to agencies after the on-site reviews.
- Draft report will document findings only.
- Findings are categorized as compliant, deficient, not applicable, or not reviewed.
- Items closed at the exit interview are not reported in the draft report.
- Items that are compliant may still have advisory findings included in the report. These are not deficiencies – identified for MTA to follow up and/or offer technical assistance.



Review Procedures

Grantee Corrective Action Plans

- Agencies given 30 days from the time the draft report is issued (not the on-site date) to correct deficiencies (unless additional time is required for an item – e.g. Board approval).
- Submit corrective action plans to MTA.
- Corrective actions must be actions, not just statement that things will change.

Review Procedures

Final Reports

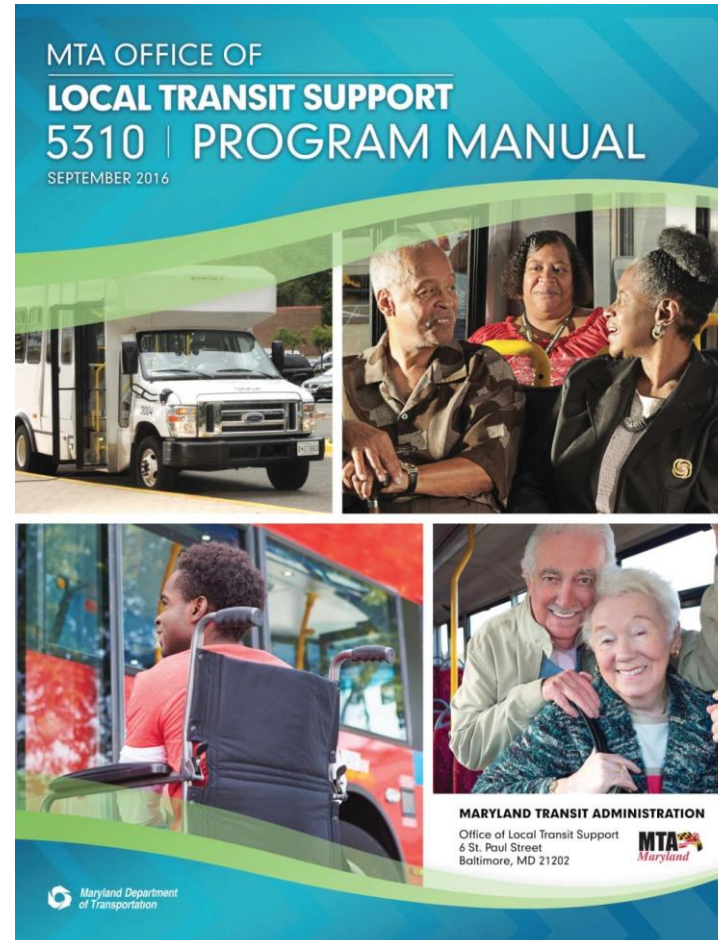
- A final report will consist of a matrix with the findings from the draft report, corrective actions taken by the agency and status – closed or open.
- Those things that take more than 30 days (e.g. if they need board approval) will be left open for follow-up/closing by MTA.



FTA Section 5310 Program

Key Guidance

MTA 5310 Program Manual



Section 5310

Other Guidance

- **FTA Section 5310**

- Circular FTA C 9070.1G – *Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions (2014)*

- **Other Guidance**

- MTA Section 5310 - *State Management Plan and Grant Application*
- FTA C 5010.1D - *Grant Management Requirements* - applies when state program circulars are silent
- FTA C 4220.1F – *Third Party Contracting Guidance*
- FTA C 4702.1B – *Title VI Requirements and Guidelines for FTA Recipients*
- FTA C 4704.1 – *EEO Program Guidelines for Grant Recipients*
- FTA C 4710.1 – *ADA Guidance*
- 2 CFR Part 200- *“Super Circular” Uniform Guidance*

REVIEW AREAS

1. Legal Authority and Certifications
2. Grant Administration
3. Financial Management
4. Procurement
5. Planning and Public Participation
6. Service Requirements and Restrictions
7. Asset Management, Safety and Security
8. Personnel Issues – Human Resources
9. ITS Architecture



1. LEGAL AUTHORITY/CERTIFICATIONS

- Legal Authority
- Certifications and Assurances
- Federal Clauses (reviewed in Procurements)

Legal Authority

REQUIREMENTS

- Legal capacity to receive federal and state grants.
- Eligible to receive S.5310 – private-non-profit – 501(3)(c). This is documented in the agency's articles of incorporation or IRS document.
- Officials acting on behalf of the agency must have the appropriate authority. This is documented in an authorizing resolution passed by the agency's governing body.

REVIEW

- The definition and source of authority of officials to act on behalf of the agency
- For private-non-profits, 501(c)(3) certification

Certifications and Assurances



REQUIREMENTS

Signed certifications and assurances that agency will comply with the applicable federal requirements and that it has met the statutory and program requirements.

REVIEW

- Look for signed certification and assurances required by FTA; submitted with most recent S.5310 grant application.
- Check to see if person signing the assurances is an authorized individual.



2. GRANT ADMINISTRATION

Ability to manage FTA/MTA grant funds

- Grant Management
- Reporting to MTA


Grant Management



REQUIREMENTS

- Technical capacity to manage grants and comply with federal and state requirements, using sound management practices.
- Grants must be closed out within 60 days of all funds expended and/or work performed.

REVIEW

- Grant management procedures
 - Adequacy of staff (who possess the necessary knowledge, skills, and abilities)
 - Oversight of contractors (if applicable)
- 

Reporting

REQUIREMENTS

- Report quarterly service operating, financial information and safety/security to MTA - timely and accurate.
- Quarterly Request for Reimbursement (can this be monthly if requested and approved by MTA)
- Maintain financial records for at least 3 years after the expiration date of the grant or until MTA no longer has a lien on agency vehicles.
- Report accident/incidents and Civil Rights complaints to MTA ASAP

REVIEW

- Report submission history on ProjectWise
- Record retention policy

3. FINANCIAL MANAGEMENT

- **Financial Capacity**
- **Financial/Fund Management**
- **Auditing**




Financial Capacity



REQUIREMENTS

- Grantees must have sufficient local resources to provide the required match and carry out the proposed project.
- Grantees must have sufficient resources to continue to operate their S.5310 vehicles throughout their useful life; including funds to adequately maintain the vehicles.
- Local match must be in cash.
- Income from contracts to provide human service transportation can be used to either reduce net project cost or provide local match for operating assistance.

REVIEW

- Current financial status
 - Source and stability of local share
 - Local share certification
- 

Financial /Funds Management

REQUIREMENTS

- Grantees must have the financial management systems to account for and report on Section 5310 assistance.
- Indirect cost plan and cost allocation plan, if applicable.
- Operating budget must be tracked against expenses.

REVIEW

- Expenses tracking procedures
- Indirect cost plan or cost allocation plan (if applicable)

Audit



REQUIREMENTS

- If meet federal threshold requiring an audit, must meet federal audit requirements

Non-Federal entities that expend \$750,000 or more in Federal awards in their fiscal year are required to conduct an independent single audit, submit required documentation timely, and resolve identified issues.

- Notify MTA of any audit findings related to S.5310 funding.

REVIEW

- Audit findings
- 

4. PROCUREMENT

- **Procurement Policies and Procedures**
- **Procurement History**
- **DBE**
- **Buy America**
- **Contract Administration**
- **Debarment and Suspension**
- **Lobbying**



Procurement Policies and Procedures

- Applies to S.5310 operating funds, capital purchases and vehicles agencies directly bought with S.5310 dollars (**not those off the MTA contract**)
- Service contracts (operating, maintenance, etc.) using S.5310 dollars are subject to these requirements.
- MTA Concurrence in writing – two steps
 - solicitation documents prior to initiation of the procurement process with capital or technical assistance funds as well as all items purchased through small purchase, sealed bids, competitive proposal, negotiations.
 - recommendations to award prior to execution of a local contract or PO more than \$1,000 for capital and \$3,500 for operating.
- Independent Cost Estimates (ICE) required on all procurements
- Federal Clauses on all procurements over \$3,500

Procurement Policies and Procedures

Requirements

- Comply with the requirements and regulations of the FTA Circular 4220.1F
- Can follow agency policies and procedures but must comply with the following statutory and administrative requirements:
 - Full and Open Competition
 - Exclude the use in-state or local geographical preferences
 - Do not enter into any contract for rolling stock with a period of performance exceeding five years inclusive of options
 - Ensure that every purchase order and contract executed using Federal funds includes all federal clauses
 - Award to only responsible contractors possessing the ability, willingness and integrity to perform successfully

Procurement Policies and Procedures

- Procedures depend on
 - Type of grant
 - What you are buying
 - How much you will be spending
- Follow the appropriate checklist for every grant-funded purchase.
 - For MICRO-PURCHASES (up to \$3,500)
 - For SMALL Procurements (over \$3,500, up to \$25,000)
 - For LARGE Procurements (over \$25,000)
 - Preventive Maintenance over \$3,500 has a special checklist
- Keep a procurement file for every grant. Document every step for every grant-funded purchase. Keep copies of everything in the file.

Procurement Standards, History

REQUIREMENTS

- Written procurement policies and standards that meet federal rules
- Maintain procurement files/history for each procurement

REVIEW

- Written procurement policies and procedures for standards, full and open competition, federally-required clauses, award to only responsive bidders.
- Procurement files – solicitations, contracts – to see if policies are followed.
- Particular attention to vehicles not purchased off the state contract
- Conflicts of Interest – staff, board members, vendors
- MTA concurrence
- Independent Cost Estimates (ICE) – with grant application and when exercising options
- eMaryland Marketplace – publish for 5310-funded purchases over \$15,000

Procurement History

Review in Procurement files:

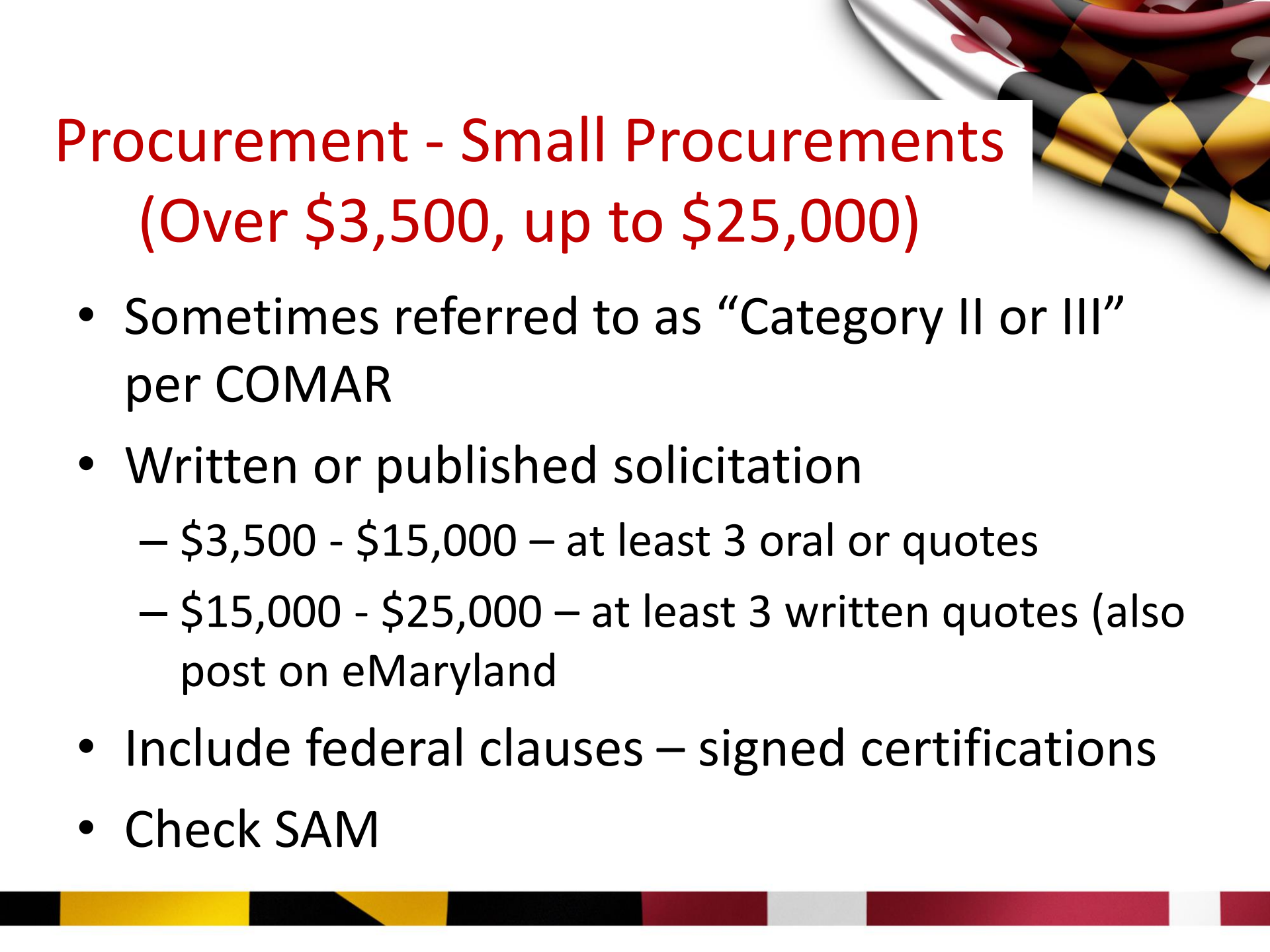
- An independent cost estimate (ICE)
- Rationale for the method of procurement (Why did you choose RFP, IFB, or Request for Quote?)
- Solicitation document (RFP, IFB, or Request for Quote)
- Documentation of outreach efforts (advertising of your procurement)
- Contractor responses/bids/proposals/quotes
- Fair and equitable cost analysis of winning proposal (basis for contract price)
- Screen shot of the debarment/suspension search results from www.sam.gov
- Contractor selection or rejection
- Correspondence with vendors
- Copy of signed/executed contract and any amendments
- MDOT MTA concurrence/approval letters
- For each procurement over \$25,000:
 - Debarment certification
 - DBE goal evaluation/analysis

Procurement

Micro-purchases – Up to \$3,500

Typical 5310 project: computer hardware, software, preventive maintenance

- Based on the Federal micro-purchase threshold, adjusted periodically for inflation
- Sometimes referred to as “Category I” (one) per COMAR
- Written or published solicitation – at least 3 quotes (oral or written)
- Ensure price is fair and reasonable
- Distribute multiple purchases equitably among qualified suppliers
- Select vendor based on judgment of your procurement officer
- If over \$1,000 Capital grant/\$3,500 Operating grant, MDOT MTA concurrence is required prior to purchase, purchase order, or contract
- Prepare Independent Cost Estimate (ICE)



Procurement - Small Procurements (Over \$3,500, up to \$25,000)

- Sometimes referred to as “Category II or III” per COMAR
- Written or published solicitation
 - \$3,500 - \$15,000 – at least 3 oral or quotes
 - \$15,000 - \$25,000 – at least 3 written quotes (also post on eMaryland)
- Include federal clauses – signed certifications
- Check SAM



Procurement - Large Procurements (Over \$25,000)

- Requires a competitive procurement process involving a formal solicitation
 - Invitation for Bid/Bid Request
 - Request for Proposal
- Triggers other Federal and State requirements
- If you plan to conduct a large procurement
 - Anticipate a longer and more complicated process
 - Contact your MDOT MTA Regional Planner
 - Review Appendix 4.A in the 5310 Manual
(esp. pages 1-5)

Procuring Preventive Maintenance

- If you have a 5310 grant for preventive maintenance (PM), and you pay an outside garage for any PM services, this applies to you.
- 5310 funds PM only for 5310 vehicles. However, even if 5310 funds only part of your maintenance contract, for contracted maintenance to be eligible for 5310 PM reimbursement, you must procure the entire maintenance contract in compliance with MDOT MTA requirements—or procure a separate, compliant contract for 5310 PM.

Procuring Preventive Maintenance

We will cover Procuring Preventive Maintenance
in more depth on Thursday afternoon



Disadvantaged Business Enterprise (DBE) and Small Business Enterprises (SBE)

REQUIREMENTS

- Provide DBEs and SBEs the maximum opportunity to compete for and perform contracts and subcontracts financed in whole or in part with federal funds.
- If receive over **\$250K** annually in FTA federal funds in contracting opportunities, exclusive of funds for the purchase of vehicles must develop, with assistance from MTA, a DBE plan and goal.
- Work with MTA to set DBE goal for projects of \$25,000 or more with subcontracting possibilities.
- Submit DBE reports monthly and TVMs for vehicle procurements.

REVIEW

- If meet \$250K threshold, review DBE plan and goal
- Procurement History – look for DBE procurements and review goal achievements – projects over \$25,000 with subcontracting possibilities
- Over \$50,00 must go through MTA EOPC Procurement Review Group to set goal
- Look at monitoring if applicable

Buy America




REQUIREMENTS

- Purchase steel, iron, and manufactured products that are produced in the United States for FTA-funded projects, unless the FTA has granted a waiver or the product is subject to a general waiver – applies to purchases over \$150K.
- Revenue service rolling stock not subject to a general waiver must be assembled in the United States and have a 60% domestic content (FFY 2018 and 2019 65% domestic content, and in FFY 2020 and beyond, 70% domestic content.)

Note: These questions do not apply if vehicles are purchased off state contract.

REVIEW

- Procurement History for items over \$150,000 – look for Buy America Provisions and Certifications in contracts and solicitation documents
 - File with Federal Motor Vehicle Safety Standards (FMVSS) certificate from manufacturers
 - Pre-award and Post-Delivery of Rolling Stock – process and files used to verify domestic content
 - In-plant inspections only if purchasing more than 20 vehicles (10 urban areas). Generally visual inspection and road test are sufficient
- 

Suspension/Debarment



REQUIREMENTS

- Prohibited from contracting for goods and services from individuals or organizations that have been suspended or debarred from receiving federally-assisted contracts.
- Must verify that vendor is not on the SAM excluded parties list before entering into third party contracts.

REVIEW

- Agency Certifications and Assurances
- Procurement History for items over \$25,000 – look for Suspension/Debarment clauses and signed certifications in contracts and solicitation documents
- Verify that agency reviewed Excluded Parties Listing System on SAM


Lobbying



REQUIREMENTS

- No federal funds can be used for lobbying activities.
- Subrecipients of grants and contracts exceeding \$100,000 must certify that they have not and will not use federal appropriated funds to pay for lobbying.

REVIEW

- Agency certifications and assurances
 - Procurement History for items over \$100,000 – look for Lobbying clauses and signed certifications in contracts and solicitation documents
- 

5. PLANNING and PUBLIC PARTICIPATION

- **Coordinated Planning**
- **Public and Transportation Operator Notification**
- **Title VI**



Coordinated Planning



REQUIREMENTS

- Section 5310 services must be derived from a locally-developed coordinated public transit-human service transportation plan.

REVIEW

- Local coordination plan
- 

Public and Transportation Operator Notification

REQUIREMENTS

- Each grantee must comply with the public participation requirements of S. 5310.
- Notifying the public and transportation operators in the region as part of the grant application process.
 - Publish a public notice in the newspaper asking for comments from the public.
 - Notify public and private transportation operators in the region to ensure the project does not duplicate services already being provided.

REVIEW

- Grant Application

Title VI – Non-Discrimination in Service Delivery

REQUIREMENTS

- FTA prohibits discrimination on the grounds of race, color, or national origin, in the delivery of public transit services. FTA also prohibits discrimination on the grounds of low-income status.
- Plan required to include Notification of Rights, Public Outreach and Inclusive Public Participation, LEP Plan, Complaint Process, Minority representation on non-elected boards.
- Title VI complaints must be reported to MTA immediately of receipt of the complaint.
- Additional requirements for agencies that operate fixed routes or have FTA-funded facilities.

REVIEW

- Agency Title VI Plan
- Notification of Public of Title VI Rights
- LEP plan and analysis
- Title VI complaints
- Title VI posting on-site

6. SERVICE REQUIREMENTS AND RESTRICTIONS

- ADA
- Charter Bus
- School Bus
- Service Eligibility
- Meal Delivery and Incidental Use



Americans with Disabilities Act (ADA)

REQUIREMENTS

Prohibits discrimination against persons with disabilities by FTA grantees. ADA includes:

- Vehicle accessibility - *Service must be accessible when viewed in its entirety*
- Employment practices – *Reasonable accommodation*
- General service requirements

ADA

GENERAL SERVICE REQUIREMENTS

- Written ADA policies covering all aspects of ADA
- Ensure staff “trained to proficiency”
- Wheelchair lift – also for standees
- Wheelchair use - cannot deny ride if wheelchair difficult to secure
- Cannot mandate rider in wheelchair to use seatbelt/shoulder harness unless required for all riders
- Assistance – drivers must assist riders with lift, ramp, securement
- Service animals – must be allowed
- Portable oxygen – must be allowed
- Complaint procedures
- Maintenance of accessibility features

Americans with Disabilities Act (ADA)

REVIEW

- Written ADA policies and website
- Vehicle accessibility
- ADA complaints



Charter Bus



REQUIREMENTS

- Agencies are prohibited from using federally funded equipment to provide charter service except in accordance with allowable exemptions or exceptions.
- Exemptions for some services - S.5310 grantees can provide services to elderly and individuals with disabilities for “program purposes”
- Otherwise, Charter service is defined as:
 - Transportation provided at the request of a third party for the exclusive use of a bus or van for a negotiated price; or
 - Transportation provided to the public for events or functions that occur on an irregular basis or for a limited duration and:
 - A premium fare is charged that is greater than the usual or customary fixed route fare; or
 - The service is paid for in whole or in part by a third party.

REVIEW

- Written charter bus policies
 - Records of transportation beyond “program purposes”
- 

School Bus

REQUIREMENTS

- Prohibited from providing exclusive school bus service unless the service qualifies under an allowable exemption and is approved by the FTA Administrator.
- Federally-funded equipment or facilities cannot be used to provide exclusive school bus service.

Note - Head Start transportation is considered human service transportation, not school bus service.

REVIEW

- Written school policies

Service Eligibility



REQUIREMENTS

- Section 5310 vehicles must be used for transportation projects as described in your grant application.
- FTA and MTA encourage maximum use of the vehicles funded under S.5310 but vehicles are to be used first for program related needs. Vehicles only can be used to meet other transportation needs of the community, provided they do not interfere with the project activities originally funded.
- Use of S.5310 vehicles for coordinated human service transportation that primarily serves elderly persons and persons with disabilities is acceptable.

REVIEW

- Agency brochure and client materials
- 


Meal Delivery and Incidental Use



REQUIREMENTS


- Incidental use of a Section 5310 vehicle on an occasional or regular basis, such as meal delivery, must not result in reduction of service to elderly and persons with disabilities.
- Incidental services must cover the operating costs associated with providing the services.

REVIEW

- Miles/hours associated with meal delivery or incidental use – portion of overall services
 - Meal or incidental use arrangements and mile/hour/cost accounting
- 



7. ASSET MANAGEMENT, SAFETY AND SECURITY

- Vehicles/Equipment Management
 - Disposition of Vehicles/Equipment
 - Maintenance
 - Safety/Security
- 


Vehicles/Equipment Management



REQUIREMENTS

- Maintain control over vehicles/equipment funded with FTA/MTA transit dollars
- Ensure that they are used to provide transportation as described in grant application. Any changes in ownership or use must be approved by MTA.
- Maintain inventory and submit with biennial 5310 application.
- Insurance
 - Collision - Carry enough insurance to protect FTA and/or state interest in vehicles or equipment funded(80%).
 - Liability - Maintain a combined single limit of insurance coverage of at least \$1 million on FTA-funded vehicles
 - MDOT named as additional insured
 - Uninsured motorist coverage
 - Submit proof of insurance annually.
- Have procedures to prevent loss, damage, or theft of FTA-funded property and inventory.
- Report to MTA when vehicle is in an accident or stolen

REVIEW

- Inventory of vehicles, equipment - reconciliation
 - Insurance adequate
 - Control over contractor-operated equipment
 - Leases on assets – include provisions for control, maintenance, use
- 

Disposition of Property/Equipment

REQUIREMENTS

- Section 5310 vehicles are titled jointly with State and grantee. MDOT holds title until vehicle meets useful life – then title is signed over to grantee (note: service life begins the date the vehicle is placed in service).
- Written procedures for disposal of S.5310 vehicles and equipment.
- Request title and obtain prior written approval from MTA before selling, leasing, or disposing of vehicles/equipment; even if it has no remaining federal or state interest.
- FTA share must be accounted for in disposition of property and equipment, especially if it did not meet useful life.

REVIEW

- Records of property or vehicles disposition – met useful life

Disposition of Property/Equipment


REQUIREMENTS

- Need minimum of two appraisals to determine fair market value
- Need MTA concurrence even if MTA has released the lien
- If result of accident – refer to vehicle accident procedures and reporting requirements below
- Proceeds
 - Proceeds from sale must be added to the agency's transportation budget and utilized for transportation projects (not be used as local match for future requests for payments) – reported to MTA on Non-Fare Revenue Tracking Form
 - First \$100 of value can be retained for admin
 - If value exceeds \$5,000 requires reimbursement to FTA of its share
 - Values under \$5,000 – MTA still requires a sales recipient and explanation for what capital item the agency intends to spend it on.
 - If over \$1,000, MTA may request its proportional share

Disposition of Property/Equipment



RELEASE PROCESS

- To dispose of 5310 vehicle, agency must request and obtain a release of lien and title from MTA
 - If met useful life, can request
 - If met useful life by two years or more, must request
 - If has not met useful life, call MTA to discuss
 - Complete and submit letter to MTA with request
 - If remaining useful life and usable, MTA may re-assign to another agency
- 

Disposition of Property/Equipment

ACCIDENT PROCEDURES AND REPORTING

Reporting

- Report accident to MTA ASAP
- File Vehicle Accident Report with MTA

Repairing

- Remaining Service Life - Repair using insurance and local dollars (three written estimates) (Report to MTA – MTA approval before proceeding with repair)
- If no remaining service life – can be repaired, sold or disposed of – report to MTA

Dispose of “Total Loss” Vehicle (Insurance Company determination)

- Remaining Service Life – Notify MTA – insurance proceeds must be used by transportation program – reinvested in capital equipment
- If no remaining service life – can be disposed of – report to MTA

Maintenance

REQUIREMENTS

- Maintain FTA/MTA-funded vehicles and equipment, including accessibility equipment.
- Have a written maintenance plan for vehicles, including accessibility features.
- Procedures to track when preventive maintenance (PM) inspections are due and to schedule preventive maintenance inspections in a timely manner – meet manufacturers specifications.
- Process for tracking and pursuing warranty claims.
- Maintain a file on each piece of equipment that contains daily logs, inspection checklists, and repair records.

Maintenance


REQUIREMENTS (continued)

- Driver pre-trip inspection program that addresses vehicle condition, appearance and cleanliness, safety, and ADA accessibility equipment. Repair deficiencies in a timely manner.
- Repair accessibility features promptly and take reasonable steps to continue service to persons with disabilities while repairs are being made.
- Vehicle cleaning
- Maryland Preventive Maintenance Program – 16 pass or more or 10,001 GVW (all MTA procured vehicles meet this) – inspected every 12 months or 25,000 miles
- Oversight of outsourced maintenance contractor and/or contractor's maintenance practices, if applicable.

Maintenance



REVIEW

- Written vehicle maintenance plan and PM checklists
 - Procedures to track maintenance activities
 - Vehicle PM inspections – on-time (80% rule of thumb)
 - Warranty claim records
 - Daily pre-trip inspection forms
 - Repair records for deficiencies
 - Contract monitoring for vehicles and facilities used by private contractors
 - Tour maintenance facility
- 

Safety and Security



SAFETY REQUIREMENTS

- Written accident/incident procedures – report to MTA ASAP
- Document that drivers have a valid operator's license, have a safe driving record, and have been trained (recommend 6 hours).
- Maintain safety devices in operative condition (blood-borne pathogens kit, first-aid kit, fire extinguisher, bi-directional reflective triangles, web cutters).
- Drivers and in some instances passengers must wear seat belts.
- Cell phone policy
- Smoking is prohibited on all vehicles. Drivers must focus on driving and limit distractions

REVIEW

- Driver records training records
 - Investigative procedures for accidents and incidents
- 


Safety and Security



SECURITY REQUIREMENTS

- Recommend criminal record checks be performed on applicants.
- Security and emergency preparedness plan – participate in community emergency plans.
- Vehicles must be parked/stored in secure location

REVIEW

- Driver records; background checks
 - Vehicle storage area
- 



8. PERSONNEL/ STAFFING ISSUES

- Equal Employment Opportunity (EEO)
- Drug Free Workplace




Equal Employment Opportunity (EEO)



REQUIREMENTS

- Ensure that no person shall on the grounds of race, color, religion, national origin, sex, age or disability be subject to discrimination in employment .
- Post in conspicuous and accessible places and make available to employees and applicants for employment notices setting forth an EEO policy.
- Reasonable accommodations for persons with disabilities upon request unless undue hardship
- Affirmative action to ensure that applicants/employees receive fair treatment
- Formal EEO plan only if system **both**:
 - employs 50 or more transit-related employees (including temporary, full-time or part time employees either directly employed and/or through contractors) **and**
 - receives in excess of \$1M in capital and operating assistance or in excess of \$250,000 in planning assistance in the previous fiscal year
 - Submit to FTA if over 100 transit-related employees otherwise submitted to MTA

REVIEW

- EEO policy statement
 - EEO complaints
 - Formal EEO plan if meet thresholds
- 

Drug Free Workplace

REQUIREMENTS

- Grantees and their contractors should maintain a drug-free workplace for all employees and have an on-going drug-awareness program.

REVIEW

- Drug free workplace notices to employees – policy statement and condition of employment
- On-going drug-free awareness program
- Any notices of employee drug conviction

Note- If the only FTA funds that an agency receives is from the S.5310 program, the agency would only need to develop and implement a U.S.DOT-compliant drug and alcohol testing program for CDL drivers (including volunteers). This requirement does not fall under FTA but rather FMCSA. FMCSA requirements are outside the purview of FTA or MTA, thus they are not covered in this review.

9. ITS Architecture

REQUIREMENTS

- Intelligent Transportation Systems (ITS) projects funded by the Highway Trust Fund and the Mass Transit Account must be part of a locally approved Regional ITS Architecture .
- MTA reviews ITS-related projects by documenting their compliance with Regional ITS architecture (the MD Architecture) – all ITS projects go through the MDOT ITS Architecture Panel for review (IAAP) for conformance.
- Grantees complete a Maryland ITS Architecture Conformity Form as part of their S.5310 grant application.

REVIEW

- MDOT Approval of ITS Conformity

NOW

Lets hear from a real expert

- Partners in Care Maryland received a Maryland Transit Administration Performance Review in 2019.
- And, just this week, a compliance review with the Federal Transit Administration
- What insights can you share?
- Introducing Sharon Smith, Transportation Director, Partners in Care



Questions

Remember, you will be notified approximately four (4) weeks prior by MDOT MTA prior to your performance review

