

# **Federal Transit Administration Programs**

## **State Management Plan**



**May 2012**

REVISION 1

### **Office of Public Transit Division of Intermodal and Freight Programs**

*Revision 1 - Update  
May 2012*

## ACCESSIBLE FORMATS

This document is available in accessible formats upon request. Paper copies of this document as well as information regarding accessible formats may be obtained by contacting the South Carolina Department of Transportation's Office of Public Transit at:

South Carolina Department of Transportation  
Office of Public Transit  
955 Park Street  
Room 201  
Post Office Box 191  
Columbia, South Carolina 29212

Phone: (803) 737-0831

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## **Introduction**

The primary objective of the South Carolina Department of Transportation (SCDOT) Office of Public Transit (OPT) is to develop and coordinate a general mass transit program and policy for the State in order to encourage the efficient development, implementation, operation, evaluation, and monitoring of mass transit systems, both public and private. The Office of Public Transit, through a working relationship with the Federal Transit Administration (FTA), as well as Councils of Government (COGs), Metropolitan Planning Organizations (MPOs), local governments, and transit providers develops and maintains an effective and efficient network of transportation services available to the public.

The United States Department of Transportation, through the Federal Transit Administration (FTA), provides a number of programs designed to assist in the provision of local public transportation services. FTA requires each state to have an approved State Management Plan (SMP) on file with their regional office. The intent of the South Carolina State Management Plan is to document the State's mission, goals, policies, procedures and administrative guidelines for the FTA 49 U.S.C. Sections (§) 5309 (Vehicle/Bus Allocations), 5310 (Elderly Individuals and Individuals with Disabilities Program), 5311 (Nonurbanized Area Formula Program), 5311 (b)(3) (Rural Transit Assistance Program), 5316 (Job Access and Reverse Commute) and 5317 (New Freedom) programs. The State Management Plan is updated regularly as federal information and/or state processes in administering the federal grants take place.

Information about the Office of Public Transit may be found by logging onto our website at <http://scdot.org/getting/Masstransit.shtml> or contact the SCDOT Office of Public Transit at the following address and phone number:

South Carolina Department of Transportation  
Office of Public Transit  
955 Park Street, Room 201  
P.O. Box 191  
Columbia, South Carolina 29202-0191  
Phone: 803-737-0831  
Fax: 803-737-0145



**State Management Plan – Revision 1 (May 2012) – Summary of Updates**

CHAPTER	CHAPTER TITLE	TOPIC	NOTE:
Throughout Document		Office Name	Updated Division of Mass Transit (DMT) to Office of Public Transit (OPT)
Throughout Document		Web Links	Review of web links to ensure accuracy
Chapter 2	Overview of Transit Programs	In-Kind Match	Enhanced guidance/policy regarding In-Kind as a source of Local Match for project
Chapter 6	Project Financial Management	Materials Inventory	New guidance regarding subrecipient requirement to develop policy & procedures to ensure that inventory is safeguarded to prevent abuse/misuse of project property and record inventory costs
Chapter 7	Procurement and Third Party Contract Management	Procuring Professional Services	Added guidance: Professional services that will be paid with OPT administered funds, in whole or in part, must be procured based on the same dollar and category requirements of non-professional services identified in the South Carolina Procurement Code.
Chapter 8	Satisfactory Continuing Control & Equipment Maintenance	Vehicle Disposition and Title Release	Expanded guidance regarding the processes required in the disposition of vehicles
		Transferring Federally Funded Vehicles or Equipment	Expanded guidance regarding the policy and process for transfer of property.
Chapter 10	Other Applicable Provisions	DBE	Updated information stating overall SCDOT overall goal of minimum DBE participation in 5311 program and primary point of contact as SCDOT's Business Development and Special Programs Office



## Chapter 1: General Transit Program Information

### Roles and Responsibilities

#### **Federal Transit Administration (FTA)**

The FTA Headquarters Office is responsible for: providing overall policy and program guidance; apportioning funds annually to the states; developing and implementing financial management procedures; initiating and managing program support activities; and conducting national program review and evaluation.

#### **Federal Transit Administration Regional Office**

The FTA Regional offices have the day-to-day responsibility for administration of the program. Regional office activities include: reviewing and approving state grant applications; obligating funds; managing grants; overseeing the state's implementation of the annual program, including revisions to the program of projects; receiving state certifications; reviewing and approving State Management Plans; providing technical assistance and advice to the states as needed; and performing state management reviews every three years, or as circumstances warrant. The SCDOT falls under the FTA Region IV office located in Atlanta, Georgia.

#### **South Carolina Department of Transportation (SCDOT)**

The Governor, pursuant to the provisions of [49 USC §5309, 5310, 5311, 5316, and 5317](#), has designated SCDOT as administrator and recipient of these funds. The Governor has designated SCDOT as the administrators of the Job Access and Reverse Commute and New Freedom Initiatives programs for the rural and small urban areas effective September 13, 2006. SCDOT has the legal authority to enter into contractual agreement with private and public entities for capital, administrative, operations, and technical assistance projects on behalf of the State. This authority was established through legislative action as set forth below:

On April 16, 1983, the Mass Transit Division was created by administrative action of the State Highways and Public Transportation Commission pursuant to its authority contained in Section 57-3-30, as amended, Code of Laws of South Carolina, 1976. This action was effective on July 1, 1983. During the 1984 Session of the General Assembly, legislation (Section 37, Part II -- Permanent Provisions, of Act No. 512, Acts of 1984) further established the Mass Transit Division under statutory authority as a principal division within the South Carolina Department of Transportation. On June 15, 2010, Act 206 of the South Carolina Code reconstituted the Division of Mass Transit as the Division of Intermodal and Freight Programs and revised the responsibilities of the Division. Further, the Act amended Section 57-3-40, relating to the functions of the former Division of Mass Transit, so as to established the Office of Public Transit

within the Division of Intermodal and Freight Programs and provide for the responsibilities and functions of the Office of Public Transit.

In regards to statewide public transportation development and administration of federal transit funds, SCDOT's Office of Public Transit has the primary responsibility for the following:

- Developing and coordinating a general public transit program and policy for the state in order to encourage the efficient development, implementation, operations, evaluation and monitoring of public transit systems, both public and private;
- Developing and implementing public transportation programs throughout the state;
- Ensuring adherence to federal program guidelines by all subrecipients through periodic monitoring and oversight;
- Notifying eligible and/or potential local entities of the availability of programs;
- Developing project selection criteria;
- Soliciting applications;
- Ensuring fair and equitable distribution of program funds;
- Ensuring the maximum feasible coordination of transit resources at both the state and local levels; and
- Ensuring a process whereby private transit and paratransit operators are provided an opportunity to participate to the maximum extent feasible.

Act Number 197 of the Act of 1987, South Carolina Code of Laws, amended the State's Gasoline Tax legislation (Chapter 27 of Title 12) by imposing an additional three cents per gallon on the sale of gasoline in South Carolina. Included in Section 4 of the Act is a provision authorizing the Select Oversight Committee: *"To direct one quarter of one cent from the additional tax levied in this Act to fund public transportation activities in this State and to provide that this authorization is effective only until June 30, 1988."* The one-quarter cent per gallon tax provision for mass transit activities in the State remains in effect under Section 12-28-2725 of the SC Code of Laws.

The Office of Public Transit administers all FTA programs in the State. This document outlines the policies and procedures for management of the §5311 (Nonurbanized Area), §5310 (Elderly Individuals and Individuals with Disabilities), §5309 (Capital Investment Program), §5311(c) (Public Transportation on Indian Reservations), §5311(b)(3) (Rural Transit Assistance Program), §5316 (Job Access and Reverse Commute Program) and §5317 (New Freedom Initiative).

### **Council of Governments (COGs)**

Rural communities that are not a part of the urbanized areas of MPOs are included in Councils of Governments (COG). COGs are a regional form to allow local governments to come together to address common challenges, such as: infrastructure, community and economic development, and other general regional governmental issues. Their role is similar to the MPO, allowing a public forum for transportation decision making and analyzing the areas long-range transportation

needs. The COG's five-year program is approved by the SCDOT Commission and appears in the SCDOT Statewide Transportation Improvement Program (STIP).

The contact information for all the COGs in South Carolina is as follows:

**Appalachian Council of Governments**

Post Office Drawer 6668  
Greenville, South Carolina 29606  
(864) 242-9733  
[www.scacog.org](http://www.scacog.org)  
(Anderson, Cherokee, Greenville, Oconee,  
Pickens & Spartanburg Counties)

**Berkeley-Charleston-Dorchester Council of Governments**

1362 McMillan Ave., Suite 100  
Charleston, SC 29406  
(843) 529-0400  
[www.bcdkog.com](http://www.bcdkog.com)  
(Berkeley, Charleston & Dorchester Counties)

**Catawba Regional Council of Governments**

Post Office Box 450  
Rock Hill, South Carolina 29731  
(803) 327-9041  
[www.catawbacog.org](http://www.catawbacog.org)  
(Chester, Lancaster, Union and York Counties)

**Central Midlands Council of Governments**

236 Stoneridge Drive  
Columbia, South Carolina 29210  
(803) 376-5390  
[www.centralmidlands.org](http://www.centralmidlands.org)  
(Fairfield, Lexington, Newberry & Richland  
Counties)

**Lowcountry Council of Governments**

Post Office Box 98  
Yemassee, SC 29945  
(843) 726-5536  
[www.lowcountrycog.sc.gov](http://www.lowcountrycog.sc.gov)  
(Beaufort, Colleton, Hampton & Jasper  
Counties)

**Lower Savannah Council of Governments**

Post Office Box 850  
Aiken, South Carolina 29802  
(803) 649-7981  
[www.lscog.org](http://www.lscog.org)  
(Aiken, Allendale, Bamberg, Barnwell,  
Calhoun & Orangeburg Counties)

**Pee Dee Regional Council of Governments**

Post Office Box 5719  
Florence, South Carolina 29502  
(843) 669-4392  
[www.peedeecog.org](http://www.peedeecog.org)  
(Chesterfield, Darlington, Dillon, Florence,  
Marion & Marlboro Counties)

**Santee Lynches Regional Council of Governments**

Post Office Box 1837  
Sumter, South Carolina 29150  
(803) 775-7381  
[www.santeelynchescog.org](http://www.santeelynchescog.org)  
(Clarendon, Kershaw, Lee & Sumter Counties)

**Upper Savannah Council of Governments**

Post Office Box 1366  
Greenwood, South Carolina 29648  
(864) 941-8051  
[www.uppersavannah.com](http://www.uppersavannah.com)  
(Abbeville, Edgefield, Greenwood, Laurens,  
McCormick & Saluda Counties)

**Waccamaw Regional Council of Governments**

1230 Highmarket Street  
Georgetown, SC 29440  
(843) 546-8502  
[www.wrcog.org](http://www.wrcog.org)  
(Georgetown, Horry & Williamsburg  
Counties)

**Metropolitan Planning Organizations (MPOs)**

A Metropolitan Planning Organization (MPO) is a transportation policy-making organization made up of representatives from local government and transportation authorities. MPOs were created in order to ensure that existing and future expenditures for transportation projects and programs were based on a comprehensive, cooperative, and continuing (3-C) planning process.

The role of the MPO includes: establishing a local forum for transportation decision making; evaluating transportation alternatives; developing and updating a long-range transportation plan; developing a Transportation Improvement Program (TIP); and getting the public involved.

The SCDOT works in cooperation with these local groups in developing their TIPs. In accordance with federal regulations, the MPOs establish their project priorities and SCDOT includes those in the statewide program.

Individual TIPS are available for each Metropolitan Planning Organization and can be viewed at: [http://www.scdot.org/inside/mpo\\_tips.shtml](http://www.scdot.org/inside/mpo_tips.shtml)

There are ten Metropolitan Planning Organizations (MPOs) in South Carolina:

**ANATS**

City of Anderson Community Planning  
& Development  
401 South Main Street  
Anderson, SC 29624  
864-231-2222  
<http://www.cityofandersonsc.com>

**CHATS**

Berkeley-Charleston-Dorchester  
Council of Governments  
1362 McMillan Avenue, Suite 100  
N. Charleston, SC 29406  
843-529-0400  
[www.bcdkog.com](http://www.bcdkog.com)

**FLATS**

Florence County  
218 West Evans Street  
Florence, SC 29501  
843-676-8600  
<http://www.cityofflorence.com>

**GSATS**

Waccamaw Regional Planning and  
Development Council  
1230 Highmarket Street  
Georgetown, SC 29440 843-546-8502  
<http://www.wrcog.org>

**SPATS**

Spartanburg County Planning and  
Development Commission  
County Administration Office Building  
366 North Church Street  
Spartanburg, SC 29303 864-596-3570  
<http://www.co.spartanburg.sc.us/govt>

**ARTS - SC**

Aiken County Planning & Development  
1680 Richland Avenue West  
Suite 130  
Aiken, SC 29801  
803-642-1520  
<http://www.aikencounty.net>

**COATS**

Central Midlands Council  
of Governments  
236 Stoneridge Drive Columbia, SC 29210  
803-376-5390  
[www.centralmidlands.org](http://www.centralmidlands.org)

**GPATS**

Greenville County Planning Commission  
301 University Ridge, Suite 400  
Greenville, SC 29601-3660  
864-467-7270  
<http://www.greenvilleplanning.com>

**RFATS**

City of Rock Hill  
Post Office Box 11706  
Rock Hill, SC 29731  
803-329-7080 FAX #: 803-329-7228  
<http://www.ci.rock-hill.sc.us/planning>

**SUATS**

Sumter City - County Planning Commission  
12 West Liberty Street PO Box 1449  
Sumter, SC 29150 803-774-1619  
<http://www.sumtersc.gov>

## **Statewide Transportation Improvement Program (STIP)**

[The STIP](#) is a comprehensive report listing the various types of projects in which work activity is planned within the next six years. The report details the funding of each project and the work phase for each project in the appropriate year.

The STIP is a product of the transportation programs planning process. The final product becomes a project scheduling and funding document. The projects are identified through various transportation management systems and planning processes involving local and regional governments, Metropolitan Planning Organizations (MPO), Councils of Governments (COGs), other state and transportation agencies, and the public. Through the STIP, SCDOT allocates resources to those projects assigned the highest priority through these planning and programming processes.

The Office of Public Transit-related projects are included in the STIP as required and presented to the SCDOT Commission for approval. These projects reflect proposed projects based on appropriated or estimated FTA program funding allocations. Programs include [FTA Formula Programs](#) such as: Job Access and Reverse Commute Program (49USC 5316), Elderly Individuals and Individuals with Disabilities Program (49USC 5310), Nonurbanized Area Formula Program (49USC 5311), Rural Transit Assistance Programs, (49USC 5311(b)(3)), New Freedom Initiative (49USC 5317), Statewide Administration (49USC 5310 and 5311), State Planning and Research (49USC 5304), Metropolitan Planning (49USC 5303), Urbanized Area Formula Program (49USC 5307), and various [Discretionary Funding Programs](#) as announced by FTA.

The present STIP is produced and printed by the SCDOT Planning Office as part of a federal requirement of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and is located on the SCDOT website by at: <http://www.scdot.org/inside/stip.shtml>.

## Chapter 2: Overview of Transit Programs

### Section 5307 - Urbanized Area Formula Grants

This program makes Federal resources available to urbanized areas and to Governors for transit capital and operating assistance in urbanized areas and for transportation related planning. An urbanized area is an incorporated area with a population of 50,000 or more that is designated as such by the U.S. Department of Commerce, Bureau of the Census.

Eligible purposes include planning, engineering design and evaluation of transit projects and other technical transportation-related studies; capital investments in bus and bus-related activities such as replacement of buses, overhaul of buses, rebuilding of buses, crime prevention and security equipment and construction of maintenance and passenger facilities; and capital investments in new and existing fixed guideway systems including rolling stock, overhaul and rebuilding of vehicles, track, signals, communications, and computer hardware and software. All preventive maintenance and some Americans with Disabilities Act complementary paratransit service costs are considered capital costs.

For urbanized areas with a population of 200,000 and over, funds are apportioned and flow directly to a designated recipient selected locally to apply for and receive Federal funds. For urbanized areas under 200,000 in population, the funds are apportioned to the Governor of each state for distribution.

### Section 5309 – Discretionary Grant Programs

The Capital Investment Program is authorized under the provisions set forth in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), enacted on August 10, 2005, as codified at 49 U.S.C. 5309 (Section 5309). The Secretary of Transportation (DOT) may make grants to assist states and local governmental authorities in financing capital projects such as bus and bus facilities, fixed guideway modernization, new fixed guideway systems, and development of corridors to support new fixed guideway systems.

The goal of the Section 5309 program is to provide funds to invest in capital equipment and facilities to allow for efficient and improved public transportation services. For bus and bus related facilities, the program provides for extraordinary capital needs that require resources in excess of funds supplied by formula funding or to advance important special emphasis initiatives. For *New Starts* and *Small Starts*, the program provides funds to construct new and expand existing fixed guideway systems and comprehensive corridor-based bus systems. For fixed guideway modernization, the program provides funds to rehabilitate and renovate older fixed guideway systems. For all program-funded projects, FTA expects recipient agencies to maintain sufficient funding resources to ensure the recapitalization and operation of the overall transit system.

## **Section 5310 – Elderly Individuals and Individuals with Disabilities Program**

The 5310 program is intended to assist private or designated public nonprofit agencies in meeting the transportation needs of older adults and people with disabilities. The Office of Public Transit, through the Section 5310 program, provides funds to private nonprofit entities, public bodies/governmental authorities approved by the state to coordinate transportation services for older adults and people with disabilities, or public bodies/governmental authorities which certify to the Governor that no private nonprofit entity or association is readily available in an area to provide the service.

Federal financial assistance under the Section 5310 program is limited to participation in the cost of capital equipment (rolling stock), cost for purchase of transportation service contract(s), mobility management, and state-level administrative costs to administer the program.

The goal of the Section 5310 program is to improve mobility for older adults and people with disabilities throughout the state and to enhance coordination of federally assisted programs and services in order to encourage the most efficient use of federal resources and achieve the national goal of improved mobility of elderly persons and persons with disabilities. In South Carolina both private and public nonprofit agencies are encouraged to coordinate transportation services with agencies that provide transportation services to the general public. Projects funded with Section 5310 must be derived from a locally developed coordinated public transit-human service transportation plan.

## **Section 5311 – Nonurbanized (Rural) Area Program**

The 5311 program is intended to provide financial assistance for the support of public transportation services, which are open to the general public on an equal basis in areas outside of an urbanized area of less than 50,000 in population.

The 5311 funds can be used for the costs of transit planning activities, transit operations and purchase of capital equipment or facilities to aid in provision of transit services in rural and small urban areas, as well as provide funds for state-level administration. Federal regulation requires that a specified percentage of these funds be reserved each year to support an Intercity Bus Program, unless the Governor of a state certifies that intercity bus needs in the state are being met.

Through the Section 5311 Program, the Office of Public Transit provides administrative, operating and capital assistance to public transportation projects in nonurbanized (rural) areas. The program goals are designed to:

- Assist in meeting the transportation needs of transit-dependent people and to enhance access to health care, shopping, education, employment, public services, and recreation;
- Assist in the maintenance, development, improvement and use of public transportation systems;

- Encourage and facilitate the most efficient use of all federal funds used to provide passenger transportation in non-urbanized areas through the coordination of programs and services;
- Assist in the development and support of intercity bus transportation; and
- Provide for the participation of private transportation providers in nonurbanized transportation to the maximum extent feasible.

### **RTAP Section 5311(b) (3) - Rural Transit Assistance Program**

Section 5311(b) (3) authorizes the Secretary “to make grants and contracts for transportation research, technical assistance, training, and related support services in non-urbanized areas.” The Rural Transit Assistance Program (RTAP) provides a source of funding to assist in the design and implementation of training and technical assistance projects and other support services tailored to meet the specific needs of transit operators in nonurbanized areas. RTAP has both state and national program components.

The State program provides an annual allocation to each state for development and implementation of training and technical assistance programs in conjunction with the State’s administration of the Section 5311 formula assistance program. The national program provides for the development of information and materials for use by local operators and state-level administrators and supports research and technical assistance projects of national interest.

The objectives of RTAP are:

- To promote the safe and effective delivery of public transportation in non-urbanized areas and to make more efficient use of public and private resources;
- To foster the development of state and local capacity for addressing the training and technical assistance needs of the rural/small urban transportation community;
- To improve the quality of information and technical assistance available through the development of training and technical assistance resource materials; and
- To facilitate peer-to-peer self help through the development of local networks of transit professionals.

Funds can be used to directly provide training and/or technical assistance with state staff, to contract with others for provision of training/technical assistance, to assist local entities with the cost of training available from other sources, and to develop local capabilities for self-help.

## **Section 5311 (c) – Public Transportation on Indian Reservations**

Public Transportation on Indian Reservations was introduced in SAFETEA-LU. This is a “take down” program from the Section 5311 formula program for Other than Urbanized areas, providing grants directly to Indian tribes for public transportation services on Indian Reservations. In the past, tribes received program funds as a sub-recipient of States. SAFETEA-LU now defines tribes as eligible direct recipients under the Section 5311 program. FTA will administer funds under the tribal transit programs. States will continue to have a responsibility to include Indian tribes in the announcement of Section 5311 funds apportioned to the State. The Catawba Indian Nation (aka Catawba Tribe of South Carolina) is the only federally recognized Indian Tribe in South Carolina.

## **Intercity Bus - Section 5311(f)**

The national objectives of the Intercity Bus program (Section 5311(f)) are:

- To support connections between non-urbanized areas and the larger regional or national system of intercity bus service;
- To support services to meet the intercity travel needs of non-urban residents; and
- To support the infrastructure of intercity bus network through planning and marketing assistance and capital investment in facilities.

Section 5311(f) requires each state to spend fifteen percent of its annual Section 5311 apportionment "to carry out a program to develop and support intercity bus transportation," unless the Governor certifies that "the intercity bus service needs of the state are being met adequately." The required percentage applies only to the amount of FTA's annual apportionment of Section 5311 funds to the state, not to any funds the state subsequently transfers to its nonurbanized area formula program from another programs.

The statutory provision for certification by the Governor implies a statewide assessment of intercity bus service currently available and of any existing needs and requires a state to consult with intercity bus providers prior to Governor certification. It is the goal of SCDOT to host an annual consultation with intercity bus providers in the State. Additionally, in order to ensure needs are adequately addressed within the planning process, SCDOT will continue to assess statewide intercity mobility needs through its regular planning processes as well as specialized studies, if determined appropriate.

Through the annual consultation process, SCDOT is able to determine appropriate assistance necessary to carry out a program to develop and support intercity bus transportation.

## **Section 5316 – Job Access and Reverse Commute Program**

The purpose of JARC Program is to provide financial assistance for projects benefiting low-income individuals to access work and work-related opportunities and to transport residents of urbanized areas and nonurbanized areas, regardless of income, to suburban employment opportunities. SCDOT is the designated recipient of an annual apportionment by formula from FTA for the Section 5316 program in the small urban and nonurbanized areas of the state.

All projects funded with Section 5316 must be derived from a locally developed coordinated public transit-human service transportation plan.

## **Section 5317 – New Freedom Initiative**

The New Freedom Program provides financial assistance for projects that support new public transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act (ADA) of 1990. SCDOT is the designated recipient for an annual apportionment by formula from FTA for Section 5317 programs in the small urban (populations greater than 50,000 and less than 200,000) and rural areas of the state.

All projects funded with Section 5317 must be derived from a locally developed coordinated public transit-human service transportation plan.”

## **Coordination Planning**

SAFETEA-LU requires projects under Section 5310, 5316, and 5317 be derived from a locally developed, coordinated public transit-human services transportation plan for all FTA programs for underserved populations: Elderly Individuals and Individuals with Disabilities (Section 5310), Job Access and Reverse Commute (JARC - Section 5316), and New Freedom (Section 5317). Projects selected for funding under the JARC and New Freedom programs, whether by the State or by the designated recipient (in large urbanized areas), must be derived from a local coordinated plan. The provisions of SAFETEA-LU aim to improve transportation services for persons with disabilities, older Americans, and individuals with lower incomes. The provisions ensure that communities coordinate transportation resources provided through multiple Federal programs.

In urbanized areas with populations less than 200,000 and in rural areas, the State is the designated recipient for receipt and administration of funding under the JARC and New Freedom programs. For these areas, the Governor has designated the South Carolina Department of Transportation (SCDOT) to be responsible for administering the JARC and New Freedom programs, and has officially notified FTA’s Region 4 office in writing of this designation. In urbanized areas over 200,000 in population, the Governor, in conjunction with responsible local officials, designates the recipient. Urbanized areas over 200,000 in population include

Greenville, Charleston and Columbia. These areas have already or are in the process of obtaining the appropriate designation from the Governor.

Through a regional coordinated planning effort (discussed in Chapter 5 of this plan), SCDOT will implement a uniform application and selection process for the Section 5310, 5316 and 5317 programs for all COGs.

## **State Role In Programs Administration**

It is the goal of SCDOT, through its Office of Public Transit, to maximize the benefits received through Section 5310, 5311, 5316 and 5317 programs by facilitating mobility options to business, commercial, educational and other activities in support of local economic progress and development. To this end, the Office of Public Transit has integrated the administration of these programs as much as possible to streamline its oversight functions, while remaining committed to the separate goals established for each program by Congress.

The SCDOT shares a partnership role with local governments or its representatives committed to operating rural public transportation programs. As administrator of the funds, SCDOT assumes responsibility for the organization and management of these programs. In this capacity, SCDOT functions as a conduit for funds and financial programming. SCDOT also responds to the Federal funding agency (FTA) and to the State Legislature for program administration. SCDOT develops criteria for application approval, notifies eligible local recipients of the availability of program funds, reviews and selects applicants for funding, ensures compliance with federal requirements, and monitors project activity.

## **Local Role in Program Administration and Operations**

A local public or nonprofit agency may elect to operate the system by contract with a third party operator (TPO). Under a TPO, the local agency has full contract responsibility and fiscal accountability. The public agency is accountable for all financial matters and for compliance with Federal and State program requirements. These requirements are outlined in the following documents (as updated or amended):

- [FTA Circular 9040.1F](#), Nonurbanized Area Formula Program;
- [FTA Circular 9045.1](#), New Freedom Program;
- [FTA Circular 9050.1](#), Job Access and Reverse Commute Program;
- [FTA Circular 9070.1F](#), Elderly Individuals and Individuals with Disabilities Formula Program;

- [FTA Circular 9300.1B](#), Capital Investment Program Guidance and Application Instructions;
- [FTA Circular 4220.1F](#), Third Party Contracting;
- [FTA Circular 5010.1D](#), Grants Management;
- [Federal Certifications and Assurances](#);
- SCDOT Terms and Conditions (distributed annually with Subrecipient Contract);
- Office of Management and Budget (OMB) Circulars [A-87](#) and [A-122](#); and
- Office of Management and Budget (OMB) Circular [A-133](#).

## Goals and Objectives

### South Carolina Statewide Multimodal Transportation Transit Vision Statement

Public transit, connecting people and places through multiple-passenger, land or water-based means, will contribute to the state's continued economic growth through a dedicated and sound investment approach as a viable mobility option accessible to all South Carolina residents and visitors.

#### **Economic growth**

- Recognize and promote public transit as a key component of economic development initiatives, such as linking workers to jobs, supporting tourism, and accommodating the growth of South Carolina as a retirement destination through public / private partnerships.
- Enhance the image of public transit through a comprehensive and continuing marketing / education program that illustrates the benefits of quality transit services.

#### **Sound investment approach**

- Ensure stewardship of public transit investments through a defined oversight program.
- Increase dedicated state public transit funding.
- Make public transit reasonable and affordable by encouraging more local investment and promoting coordinated land use / transportation planning at the local level.
- Utilize an incremental approach to new public transit investments that recognizes funding constraints and the need to maintain existing services.

#### **Viability of transit**

- Provide quality, affordable public transit services using safe, clean, comfortable, reliable, and well-maintained vehicles.

- Increase statewide public transit ridership.
- Utilize different modes of public transit including bus, rail, vanpool, carpool, ferry, and other appropriate technologies, corresponding to the level of demand.

### **Accessibility to all**

- Provide an appropriate level of public transit that supports intermodal connectivity in all 46 South Carolina counties.
- Develop and implement a coordinated interagency human services transportation delivery network.

## **Office of Public Transit Mission Statement and Goals**

The mission of the Office of Public Transit is to support the development of transit as a viable transportation choice for all residents of and visitors to South Carolina through:

- Providing access and mobility to all segments of the population, especially the transit dependent;
- Assisting our customers in effectively and efficiently providing transportation options;
- Promoting public transportation education to the public, elected officials and partners;
- Enhancing service quality within the state;
- Creation of a Statewide Transportation Network;
- Promoting safe and affordable transit service; and
- Expanding funding opportunities for public transportation and effectively manage, leverage, and oversee the use of those funds.

## **Office of Public Transit Program Objectives**

### **Section 5310 – Transportation for Elderly Individuals and Individuals with Disabilities**

- Ensure that older adults and people with disabilities have the same rights as all people to utilize transportation facilities and services.

- Special efforts shall be made in the planning and design of transportation facilities and services to assure older adults and people with disabilities the availability of transportation which they can effectively utilize.
- Continue to provide for the special needs of older adults and people with disabilities for whom transportation services are unavailable, insufficient or inappropriate.

#### **Section 5311 – Nonurbanized (Rural) Areas**

- Enhance access of people in non-urbanized areas to health care, shopping, education, employment, public services and recreation.
- To assist in the maintenance, development, improvement, and use of public transportation systems in rural and small urban areas.
- Maintain needed intercity public transportation services through assistance to intercity transit operators who serve residents of non-urbanized areas.

#### **Section 5316 – Job Access and Reverse Commute**

- Provide connectivity to low-income persons to jobs and other support services such as day care and continuing education.
- Target existing or expanded transportation services such as shuttles, vanpools, new bus routes, connector services to mass transit, and guaranteed ride home programs for welfare recipients and low-income persons.
- State and designated recipients must select grantees competitively based on established criteria.

#### **Section 5317 – New Freedom Initiative**

- Provide funds for new public transit service that goes beyond current ADA requirements.
- State and designated recipients must select grantees competitively based on established criteria.

#### **Section 5311 (b)(3) Rural Transit Assistance Program**

- Promote the safe and effective delivery of public transportation in non-urbanized areas through professional development and make the most efficient use of public and private resources.

- To foster the development of state and local capacity of addressing the training and technical assistance needs of the rural/small urban transportation community.
- To improve the quality of information and technical assistance available through the development of training and technical assistance resource materials.
- To facilitate peer-to-peer self-help through the development of local networks of transit professionals.
- To support the coordination of public and private specialized human service transportation services.

## **Long Range Planning**

Transportation planning supports the economic vitality for the state by increasing available options and enhancing the integration and connectivity of the transportation system, across and between modes, for people and freight. Transportation planning is more than merely listing highway and transit capital investments. It requires developing strategies for operating, managing, maintaining, and financing the area's transportation system to advance the area's long-term goals. An efficient transportation system can improve the economy, shape development patterns, and influence quality of life and the natural environment.

The South Carolina Department of Transportation (SCDOT) Office of Planning provides direct support to state, regional and local agencies in ongoing transportation planning. The transportation planning process is a cooperative effort between SCDOT, Metropolitan Planning Organizations (MPO), Council of Governments (COG), elected officials and transit providers.

A Metropolitan Planning Organization (MPO) is a transportation policy-making organization made up of representatives from local government and transportation authorities. MPOs were created in order to ensure that existing and future expenditures for transportation projects and programs are based on a comprehensive, cooperative, and continuing planning process. The role of the MPO includes: establishing a local forum for transportation decision making; evaluating transportation alternatives; developing and updating a long-range transportation plan; developing a Transportation Improvement Program (TIP); and incorporating both elected official and public involvement.

A Council of Governments (COG) is a regional forum to allow local governments to come together to address common challenges, such as; infrastructure, community and economic development, and other general regional governmental issues. Their role is very similar to the MPO, to allow a public forum for transportation decision making and analyzing the area's long-range transportation needs. The COG'S five-year program is approved by the SCDOT Commission and appears in the SCDOT bi-annual Statewide Transportation Improvement Program (STIP).

## **Statewide Multimodal Transportation Plan**

The SCDOT Commission adopted the current Statewide Multimodal Transportation Plan in 2001 as a policy and funding needs document. The Planning Office is currently updating the plan to provide coordination of three primary transportation elements:

### **Statewide Corridor Plan**

The Statewide Corridor Plan will strategically focus on corridors of multi-regional and statewide significance. Corridors will be evaluated based on a multimodal assessment of current needs and future opportunities for expanded efficiencies. The Statewide Corridor Plan will establish a formal on-going planning process to identify and prioritize project specific needs.

### **Statewide Transit Plan**

The Statewide Mass Transit Plan will provide a vision for carrying mass transit forward into the next twenty years to assist decision makers in formulating plans for meeting the mobility needs of South Carolinians who rely on mass transit. The vision will incorporate all modes of public transportation across the state, including intercity bus, light rail, commuter rail, and intercity high-speed passenger rail into a seamless transportation system. The Statewide Mass Transit Plan incorporates activities and plans associated with the ten regional transit plans and local human services transportation coordination plans as discussed in Chapter 5 of this document

### **Statewide Railroad Right-of-Way Preservation Plan**

The Statewide Railroad Right-of-Way Preservation Plan will assist the South Carolina Department of Transportation in identifying opportunities to preserve railroad rights-of-way for future transportation use.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), mandated that the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) indicate that a State's Transportation Improvement Plan (STIP) be developed through a planning process consistent with [23 U.S.C. 134 and 135](#) and [49 U.S.C. 5303 – 5305](#).

The rural planning process is formally established by agreement between the SCDOT and the COGs. Each COG, in association with SCDOT, is responsible for implementing a transportation planning process that fully complies with the federal planning requirements. Through this process, each COG, through its regional transit planning committee partners (e.g., local public providers, elected officials, special interest groups) establishes regional goals and objectives, identifies the current condition of the transportation system, provides research and data analysis, identifies and prioritizes transportation needs for input to the regional long-range transportation plan, the Statewide Multi-modal Transportation Plan, and the STIP.

## **Consultation and Cooperation with Local Officials**

The current rural planning process in South Carolina allows for direct participation and involvement of non-metropolitan local officials through the COGs in development of transportation plans and priorities for their respective region. This consultation process applies to the Statewide Multi-modal Transportation Plan by including the COGs and other transportation providers as partners in the planning process. This process is separate and discrete from the public involvement process.

Each COG is charged with maintaining a regional transportation advisory committee with representatives from local government, elected officials, public and private transportation providers, and special interest groups. The transportation advisory committee plays an important role in identifying, analyzing and prioritizing transportation needs and goals for their respective regions. As a result of the transportation advisory committee and COG Boards, local governments/elected officials, public and private transportation providers are directly consulted and given an opportunity to identify transportation needs. The committees are encouraged to meet at least bi-annually or as needed to review project status, evaluate proposed modifications to the TIP/STIP, update long-range plan and funding priorities, comment on rural functional classification changes, receive input on the rural work programs, and coordinate special studies.

## **Eligibility**

### **Eligible Subrecipients**

To be eligible to receive allocation of Section 5310, 5311, 5316 or 5317, an eligible subrecipient must submit a resolution from the Council of the county or counties they are proposing to serve signed by the Authorized Official and certified by their attorney. Additionally, each subrecipient agrees to comply with applicable certifications and assurances. SCDOT follows the eligibility criteria as stated by the FTA and has no additional restrictions. The following specific guidance applies:

### **Section 5310 – Transportation for Elderly Individuals and Individuals with Disabilities**

There are three types of applicant organizations eligible to receive funds under Section 5310, which is intended to address the special transportation needs of the Older adults and people with disabilities:

- Private/nonprofit organizations. A nonprofit organization is a corporation or association determined by the United States Secretary of the Treasury to be an organization described by [26 U.S.C. §501 \(c\)](#) that is exempt from taxation under [26 U.S.C. §501 \(a\)](#).
- Public bodies/Governmental Authorities that certify to the Governor that no nonprofit corporations or associations are readily available in an area to provide the service; and

- Public bodies/Governmental Authorities approved by the state to coordinate services for the older adults and people with disabilities.

Private/nonprofit applicants must submit an attorney's certification declaring the agency's legal status and attach a copy of the Charter as listed with the South Carolina Secretary of State.

Public bodies that certify that no nonprofit corporations or associations are readily available in the area to provide the service must submit documentation. The applicant shall survey the human service agencies in the area (local private non-profit) to ascertain that they cannot provide the service referenced in the application for funding. Documentation shall include letters from local private nonprofit organizations stating that they do not provide transportation services in the proposed service area.

### **Designated Coordination Body**

In response to SAFETEA-LU (2005) requirements for coordination of various federally funded transportation programs, in December 2006, the South Carolina Department of Transportation (SCDOT) Commission designated each of the ten Councils of Governments (COGs) as the lead regional agencies responsible for coordinating transportation planning and, where appropriate, services funded by the multiple Federal Transit Administration (FTA) program in each of their respective planning areas.

The COGs act as the primary point of contact to SCDOT for development and implementation of coordination/transit plans as well as reviewing and ranking project applications within their respective regions for funding consideration.

Primary Role of Designated Councils of Governments:

- Development, update and implement regional coordination/transit plans;
- Distribute announcement packages;
- Set the application due date for the region;
- Accept completed applications;
- Review proposed project applications submitted within the region; and
- Establish and submit to SCDOT Office of Public Transit a priority list for grant awards within the region

The SCDOT Office of Public Transit is responsible for reviewing the coordinated/combined applications and regional priority lists, making final recommendation on award to the SCDOT Commission.

### **Section 5311 – Nonurbanized (Rural) Areas**

State and local public agencies are eligible to receive financial assistance under Section 5311. These agencies are defined as follows:

- **State Agency** - any legally constituted state government agency, department, commission, council, board, bureau, committee, institution, college, regional transit authorities, university, technical school or Government Corporation of the State of South Carolina Government.
- **Local Public Agency** - any legally constituted political subdivision of the State such as towns, municipalities, counties, transportation authorities, public corporations, boards, Indian tribe (federally recognized or other Indian tribes) commissions and other public agencies established under State law.
- **Private Nonprofit Organization** - A nonprofit organization is a corporation or association determined by the United States Secretary of the Treasury to be an organization described by [26 U.S.C. §501 \(c\)](#) that is exempt from taxation under [26 U.S.C. §501 \(a\)](#). Eligible nonprofit organizations may also serve tribal transportation needs.
- **Indian Tribal Governments** – under [49 U.S.C. 5311](#), a federally recognized Indian tribe is an eligible direct recipient. Should a federally recognized Indian tribe apply and be selected for allocation of Section 5311 funds from the state through the annual application process, SCDOT would notify the selected Indian tribe. The Indian tribe will determine whether to receive funds as a subrecipient of the state or apply directly to FTA for Section 5311 funds. If the Indian tribe notifies SCDOT of its intent to become a direct recipient, SCDOT will notify FTA by letter of the project(s) and amount of funds allocated to the Indian tribe.

Private for-profit operators of transit or paratransit services may participate in the program through contracts with eligible recipients.

Providers of public transportation in urbanized areas who provide service to non-urbanized areas may be eligible recipients. The following guidelines apply:

- Financial assistance is available only for that portion of the service operated in non-urbanized areas;
- The applicant must be capable of segregating allowable operating and non-operating expenses incurred in providing service to non-urbanized areas; and
- The applicant must be one of the following eligible recipients:
  - Transit agencies
  - Local governmental agencies:

- A political subdivision of the State
- Indian tribal government (both Federally recognized and other tribes)
- Council of Governments (for planning/coordination only)
- Private non-profit operators of public services
- Private for-profit organizations (as third party contractors for recipients or subrecipients for transit services or intercity bus Needs only)

### **RTAP Section 5311(b)(3) – Rural Transit Assistance Program**

SCDOT’s Office of Public Transit is the designated recipient for RTAP funds. The RTAP program is intended to provide training and technical assistance to subrecipients and public providers in rural areas. Funds can be used to directly provide training and/or technical assistance with state staff, to contract with others for provision of training/technical assistance, to assist local entities with the cost of training available from other sources, and to develop local capabilities for self-help.

### **Section 5311 (c) – Public Transportation on Indian Reservations**

Commensurate with [49 U.S.C. 5311](#), a Federally-recognized Indian tribe is an eligible direct recipient. Once the State has notified a Federally-recognized Indian tribe of the selection of its project(s) under the State administered Section 5311 Program and the amount of funds that it will allocate to the tribe from its Section 5311 apportionment, the Indian tribe will then needs to decide whether to receive funds as a subrecipient of the State or apply directly to FTA for Section 5311 funds. If the tribe notifies the State of its intent to become a direct recipient, the State will notify FTA by letter of the project(s) and amount of funds that it allocated to the Indian tribe.

As a subrecipient of state-administered Section 5311 funds the Indian tribe must comply with all management requirements of the Section 5311 program as administered by SCDOT. The special terms and conditions that FTA developed for tribes receiving funding under the Tribal Transit Program (Section 5311(c)) are applicable only to that program.

### **Section 5316 – Job Access and Reverse Commute and Section 5317 – New Freedom Initiative**

There are three categories of eligible subrecipients of 5316 and/or 5317 funds:

- Private/nonprofit organizations. A nonprofit organization is a corporation or association determined by the United States Secretary of the Treasury to be an organization described by [26 U.S.C. §501 \(c\)](#) that is exempt from taxation under [26 U.S.C. §501 \(a\)](#).
- State or local governmental authority; and

- Operators of public transportation services, including private operators of public transportation services.

## **Eligible Activities**

### **Section 5310 – Transportation for Elderly Individuals and Individuals with Disabilities**

The goal of the Section 5310 program is to improve mobility for older adults and people with disabilities. Toward this goal, FTA provides financial assistance for transportation services planned, designed, and carried out to meet these special transportation needs in all areas--urbanized, small urban, and rural. The program requires coordination of federally assisted programs and services in order to make the most efficient use of Federal resources.

An applicant's service area will be defined in the application and verified by its governing board and county government(s) that the county has designated the agency as an entity to provide transportation for the elderly and people with disabilities.

During those periods when a vehicle is not needed for specific grant related purposes, it may be used for services to other older adults and people with disabilities. After the needs of these groups have been addressed, the vehicle may be used for transportation of the general public, on a space available basis, if such use is incidental to the primary purposes of the vehicle and does not interfere with the use of the vehicle by older adults and people with disabilities. Designated Coordinating Bodies (COGs) and subrecipients are encouraged to coordinate their resources in order to maximize accessibility and availability of transportation services.

The SCDOT Commission has designated the ten regional Councils of Governments to coordinate transportation services in their regions.

### **Section 5311 – Nonurbanized (Rural) Areas**

Funds available from the Section 5311 program are dedicated to public transportation projects that serve nonurbanized areas of the state.

Public transportation services that are provided with funding support from the program must be open to the general public on a regular and continuing basis. Certain select services are permitted within program funding restrictions as long as they are incidental and do not disrupt the general public service normally provided. However, the cost of these incidental services must be fully allocated and mileage associated with the incidental service must not count towards the useful life of the vehicle.

Under the general service provisions which govern the program:

- An eligible transportation service may include the transportation of residents of the nonurbanized area to or from the nearest urbanized area or areas;
- The service is designed for the general public but may be part of a coordinated project designed to maximize the usage of services by transportation disadvantaged persons; and
- Joint-funded Section 5307 and Section 5311 transportation projects are encouraged provided the level of 5311 funds allocated for service in the area is fair and equitable. This is usually demonstrated in the local subrecipients cost allocation plan.

The services provided under the Section 5311 grants shall primarily focus on the rural and small-urbanized areas of South Carolina. This does not preclude service into urbanized areas of the state and/or into neighboring states provided that the public resides in South Carolina and service originates from or ends in a rural area in state.

Section 5311 subrecipients may include public transportation service into and out of urbanized areas. However, subrecipients are prohibited from providing exclusive service within an urbanized area. Public transportation providers are prohibited from providing public transportation services outside of their designed geographical service areas unless the purpose is to drop off and/or pick up passengers where the trip originated in the provider's service area. Whenever possible, subrecipients will coordinate service in areas where there is shared geographic service destinations.

Section 5311 subrecipients are required to comply with all Federal/State requirements imposed by Federal Transit Administration and SCDOT, either through federal/state statute, regulations, executive orders, directive, published policies or otherwise.

### **Joint Service Areas**

Since the goal of Section 5311 is to enhance the overall mobility of people living in nonurbanized areas, Section 5311 projects may include transportation to and from urbanized areas. In a joint urbanized/non-urbanized project, Section 5311 funds must be used to assist the non-urbanized portion only. In circumstances where an operator is providing services in both urbanized and nonurbanized areas, SCDOT expects the applicant to develop a reasonable basis for allocating operating costs between the Section 5307 (Urbanized Area Formula Funding) and Section 5311 (Nonurbanized Area Formula Funding) which is related to the service provided. For example, an operator may choose to allocate 5307 and 5311 funding for a joint urbanized/non-urbanized route by identifying the miles or hours traveled in a given geographic area. A subrecipient must develop a cost allocation plan that segregates service activities. The plan must be submitted to OPT for review and approval.

This procedure would also be applied to joint capital projects. Vehicles purchased under either program may be used in any part of a combined urbanized and nonurbanized service area, but capital replacement policies should ensure that program funds are used appropriately.

### **Section 5316**

The Job Access Reverse Commute (JARC) program is targeted to enhance access to employment and employment related activities for people with lower incomes. The program also supports REVERSE commute – for example, from the city out to the suburbs or from outlying areas in to the city or suburbs – regardless of income level. SAFETEA-LU eliminates the cap that previously existed regarding the amount of JARC funding that can be used to fund reverse commute services. SCDOT is the designated recipient for JARC funds apportioned to the small urban and nonurbanized areas of the state.

### **Section 5317**

The New Freedom initiative is intended to build integrated participation in the community for people with disabilities.

New Freedom Program funds are available for capital and operating expenses that support new public transportation services beyond those required by the ADA and new public transportation alternatives beyond those required by the ADA designed to assist individuals with disabilities with accessing transportation services, including transportation to and from jobs and employment support service.

All proposed service enhancements must support new transportation services beyond the ADA. As defined by the [FTA Circular 9045.1](#), “new” service includes services meeting one of the following criteria:

- Service that was not operational prior to August 10, 2005; or
- Did not have a funding commitment prior to August 10, 2005 as evidenced by inclusion in the TIP or STIP.
- A subrecipient may not terminate ADA paratransit enhancements or other services funded as of August 10, 2005 in an effort to reintroduce the services as “new” and the receive New Freedom Program funds for those services.

Eligible projects funded with New Freedom funds may continue to be eligible for New Freedom funding indefinitely as long as the project(s) continue to be part of the coordinated plan.

SCDOT commenced activities under New Freedom effective July 1, 2008. Funding for New Freedom projects was not retroactively funded to August 10, 2005.

### **Project Duration**

All project(s) cover a contract period of 12-months from July 1 to June 30, unless a contract extension is requested by the subrecipient and approved by SCDOT. Projects are funded on an annual basis with few exceptions. New programs may be considered for mid-year start-up and funding on a case-by-case basis and depending on the availability of federal and/or state funds.

## **Eligible Assistance Categories**

### **Section 5310**

Funds for the Section 5310 program are available for capital expenses to support the provision of transportation services to meet the special needs of older adults and people with disabilities.

Applicants will not be considered if the primary need is for a vehicle to transport clients whose total transportation costs, including capital, are supported through other governmental funds. The applicant must certify that a requested vehicle will be available for use by other (non-client) persons who are elderly or have disabilities when not needed by the applicant.

Eligible project costs are defined in [FTA Circular 9070.1F](#) (as amended), however, the regulations permit the SCDOT to further define those costs, which include, but are not limited to:

#### **State Administration**

- Up to 10 percent of the State's total fiscal year apportionment is used to fund SCDOT's program administration costs for Section 5310 including administration, planning and technical assistance. Program administration costs are funded at 100 percent Federal share.

#### **Capital Assistance:**

- Purchase of Service (POS): Acquisition of transportation services under a contract, lease, or other arrangement.
- Vehicles
- Mobility management and coordination programs among public transportation providers and other human service agencies providing transportation. Mobility management techniques may enhance transportation access for populations beyond those served by one agency or organization within a community. For example, a non-profit agency could receive Section 5310 funding to share services it provides to its own clientele with other individuals with disabilities or elderly individuals and coordinate usage of vehicles with other non-profits. Mobility management is intended to build coordination among existing public transportation providers and other transportation service providers with the result of expanding the availability of service.
  - Mobility management activities may include:
    - The promotion, enhancement, and facilitation of access to transportation services, including the integration and coordination of services for individuals with disabilities, older adults, and low-income individuals;

- Support for short-term management activities to plan and implement coordinated services;
- The support of State and local coordination policy bodies and councils;
- The operation of transportation brokerages to coordinate providers, funding agencies and customers;
- The provision of coordination services, including employer-oriented Transportation Management Organizations' and Human Service Organizations' customer-oriented travel navigator systems and neighborhood travel coordination activities such as coordinating individualized travel training and trip planning activities for customers;
- The development and operation of one-stop transportation traveler call centers to coordinate transportation information on all travel modes and to manage eligibility requirements and arrangements for customers among supporting programs; and
- Operational planning for the acquisition of intelligent transportation technologies to help plan and operate coordinated systems inclusive of Geographic Information Systems (GIS) mapping, Global Positioning System technology, coordinated vehicle scheduling, dispatching and monitoring technologies as well as technologies to track costs and billing in a coordinated system and single smart customer payment systems (acquisition of technology is also eligible as a standalone capital expense).

SCDOT does not provide state funds for matching assistance under the Section 5310 program. Local participation for capital acquisition will, at a minimum, be 20% of the costs.

### **Section 5311**

The SCDOT shall make funds available for capital, operating and administrative assistance to projects in non-urbanized areas. The budget submitted by the subrecipient through the application process shall define the category and amount of funds the subrecipient wishes to receive. Any variation shall require prior approval from SCDOT.

Eligible project costs under the Section 5311 Program shall be determined in accordance with [OMB Circular A-87](#), [FTA Circular 9040.1F](#) (as amended) and guidance issued by SCDOT. Project expenditures shall be categorized as capital, operating, or administrative expenses.

SCDOT assistance under Section 5311 is dependent on the availability of federal and state funds and local match within a given allocation cycle (July 1 – June 30) and follows the same allowable activities requirements as stated by FTA ([FTA C 9040.1F](#)). SCDOT funding priority is to ensure that operational funds are made available for public providers in order to avoid interruption of local service. Capital requests are considered on a case-by-case basis each fiscal

year based on analysis and completion of a needs assessment by the Office of Public Transit. Recommendation is made by the Office of Public Transit and final approval for allocation of funding rests with the SCDOT Commission.

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

A maximum of fifteen percent (15%) of the Section 5311 funds apportioned to the State of South Carolina can be used for state program administration, planning and technical assistance. These are 100% federal funds and are used to support SCDOT personnel directly involved with Section 5311 program management and administration. The balance of the apportionment is available to eligible recipients for administrative, capital, and operating assistance.

### **Capital Expenses**

Capital expenses include the acquisition, construction, and improvement of public transit equipment and facilities needed for an efficient and coordinated public transportation system. The federal share of eligible capital expenses is 80% of the capital cost and up to 83% participation for a vehicle or facility related purchase to be in compliance with ADA. Eligible capital expenses include, but are not limited to:

- Buses, vans, or other paratransit vehicles;
- Radios and communications equipment;
- Passenger shelters, bus stop signs, and similar passenger amenities;
- Wheelchair lifts, ramps, restraints and related vehicle modifications;
- Operational support such as computer hardware/software;
- Maintenance and/or service vehicles;
- Vehicle rehabilitation where candidate vehicles meet the extended useful life and rehabilitation cost limits established by the SCDOT;
- Preventive maintenance - defined as all maintenance costs related to vehicles and non-vehicles (if not otherwise classified and expended under Operations). Specifically, it is defined as all the activities, supplies, materials, labor, services, and associated costs required to preserve or extend the functionality and serviceability of the asset in a cost effective manner.
- Construction or rehabilitation of transit facilities including design, engineering and land acquisition;

- Construction of or improvements to park-and-ride lots where such facilities are served by public transportation or ridesharing modes that are a form of public transportation;
- Other durable goods such as spare components or parts (engines, transmissions, etc.) with a unit cost of \$300 and a useful life of more than one year;
- Purchase of used equipment with the prior approval of the SCDOT. The project must substantiate that the proposed purchase price represents fair market value and that the equipment is in sound working condition so the project can anticipate a reasonable period of remaining useful life and meet the requirements of the Americans with Disabilities Act;
- Facilities to provide access for bicycles to mass transit facilities or equipment for transporting bicycles on mass transit vehicles;
- Lease of equipment or facilities when leasing is more cost effective than purchase (when lease of equipment or facilities is treated as a capital expense the state will establish criteria for determining cost effectiveness, including non-economic factors such as management efficiency, availability of equipment, and staffing capabilities borrowing on guidelines stipulated in [49 CFR Part 639](#)).
- The capital cost of contracting:
  - **Under the capital cost of contracting, only privately owned assets are eligible. The recipient may not capitalize under the contract any capital assets (e.g., vehicle, equipment or facility) that have ANY remaining federal interest in them, or items purchased with state or local government assistance.**
  - The following table shows the percent of various types of contracts which are eligible for Federal Transit Administration (FTA) and/or State Mass Transit Funds (SMTF) capital assistance as capital cost of contracting. Note that the federal / state share (80% federal / 10% state) is applied to the percentage listed. SCDOT will not participate in higher contract percentages. The percentages apply no matter whether the service is local, express, shuttle, vanpool or paratransit:

**PERCENT OF CONTRACT ALLOWED FOR CAPITAL ASSISTANCE**

<b>Type of Contract</b>	<b>Percent</b>
Service Contract (contractor provides maintenance and transit service; grantee provides vehicles)	40 percent
Service Contract (contractor provides transit service only; grantee provides vehicles and maintenance)	0 percent
Vehicle Maintenance Contract (contractor provides maintenance;	100 percent

grantee provides vehicles and transit service)	
Vehicle Lease Contract (contractor provides vehicles; grantee provides maintenance and transit service)	100 percent
Maintenance/Lease Contract (contractor provides vehicles and maintenance; grantee provides transit service)	100 percent
Turnkey Contract (contractor provides vehicles, maintenance, and transit service)	50 percent
Vehicle/Service Contract (contractor provides vehicles and transit service; grantee provides maintenance)	10 percent

### **Operating Expenses**

Operating expenses are costs directly related to system operation. Eligible operating expenses include, but are not limited to:

- Fuel;
- oil;
- Drivers salaries and fringe benefits;
- Dispatcher salaries and fringe benefits;
- Maintenance and repairs not otherwise classified or expensed as Capital Preventive Maintenance;
- Vehicle licenses and fees; and
- The cost associated with the use of passenger escorts or driver's aides. However, these costs arise most frequently as a result of a mandate in the provision of a contracted service and should therefore be distributed to the contracting agency whenever feasible.

### **Net Operating Expenses**

Net operating expenses are those expenses remaining after operating revenues are subtracted from eligible operating expenses. At a minimum, operating revenues include farebox revenues. Farebox revenues include fares paid by riders who are later reimbursed by a human service agency. The federal share of net operating expenses is 50 percent (50%).

### **Operations Deficits**

Federal funds may be applied to system operations deficits subject to the availability of funds. Federal participation allows up to 50% of the eligible net operating deficit (gross eligible operating expenses less revenue).

### **Revenue from Purchase of Service Contracts with Human Service Agencies**

Income from transportation service contracts with human service agencies utilizing DOT funds may not be used to reduce the net project cost or to provide local match under Section 5311 operating assistance.

### **Administrative Expenses**

Administrative expenses are non-operating expenses, which are funded up to 80% federal share subject to the availability of Federal funds. Eligible administrative costs may include, but are not limited to:

- Salaries and fringe benefits of the project director, secretary and bookkeeper, or other personnel performing job duties of an administrative nature;
- Office supplies and materials;
- Facilities and equipment rental (not lease-purchase);
- Vehicle insurance;
- Marketing (Cost of paid advertisements (newspaper ads, radio and TV spots, etc.) and/or the services of a professional marketing firm. May also include cost of printing/reproduction associated with in-house marketing);
- Promotional Items (cost of items utilized in the promotion or advertising of the transportation system including, but not limited to, pens, pencils, notepads, stickers, lapel pins, etc. the item should include the system name and/or logo);
- Professional services such as legal and accounting assistance;
- Interest on short-term loans to finance project administration or operating costs, with the prior approval of SCDOT, due to a delay in the Federal apportionment of Section 5311 funds or where there are delays in SCDOT's execution of the respective subrecipient's project agreements; and
- Indirect cost expenses may be eligible for reimbursement if a cost allocation methodology has been established and approved by the appropriate authority and SCDOT.
- Administrative costs for promoting and coordinating ridesharing may be eligible if the activity is part of a coordinated public transportation program. The SCDOT will limit the amount of Section 5311 funds an applicant applies toward administrative

costs if the SCDOT determines those costs to be excessive in relation to the service being proposed.

### **Ineligible Costs**

[OMB Circular A-87](#) defines items that are ineligible for reimbursement under all federal grant programs. Some of the items deemed ineligible are:

- Entertainment expenses;
- Fines and penalties;
- Interest expenses on loans (not previously approved by SCDOT);

Additionally, the following transit related expenses are ineligible for Section 5311 assistance:

- Depreciation accrued by public agencies on facilities or equipment purchased with federal funds (federal share only);
- Indirect transit related functions or activities of local public governing bodies performed as a normal or direct aspect of public administration (e.g. expenses of a city council in considering transit matters);
- Contributions to a capital reserve account; and/or
- Expenses associated with the provision of charter services, thus warranting the maintenance of a separate account for charter expenses and income. (Profit derived from charter services may be used as part of the local matching share as long as the proper procedures have been followed).

### **Set Aside**

SCDOT may use up to 10% of the funds available for distribution may be set aside to fund New Start and encourage expansion in the underserved areas of the state. The set aside funds may be used for feasibility study and planning or to provide limited public transportation. If a new unidentified project presents during the fiscal year, then SCDOT will consider a request for funding with state or deobligated federal funds. Ultimately, any new requests would be dependent on the availability of state or federal funds and the recommendation of the SCDOT Commission. Additionally, consideration will be given to the locally developed public transit-human services coordinated plan for the region.

### **Section 5316 and Section 5317**

#### **State Administration**

Up to 10 percent of the State's total fiscal year apportionment can be used to fund SCDOT's program administration costs for Sections 5316 and 5317 including administration, planning and technical assistance. Program administration costs are funded at 100 percent Federal share. Guidance on eligible costs can be found in [OMB Circular A-87](#). The program administration may also include technical assistance and planning activities by subrecipients to support the local coordinated planning process

### **Section 5316**

Eligible projects may include, but are not limited to capital, planning, and operating assistance to support activities such as:

- Late-night and weekend service;
- Guaranteed ride home service;
- Shuttle service;
- Expanding fixed-route public transit routes;
- Demand-responsive van service;
- Ridesharing and carpooling activities;
- Transit related aspects of bicycling (adding bicycle racks to buses, bicycle storage at transit stations);
- Local car loan programs that assist individuals in purchasing and maintaining vehicles for shared rides;
- Supporting the Administration and Expenses related to voucher programs that increase service excluding transit passes and ADA complementary paratransit;
- Deploying vehicle position-monitoring systems;
- Applying Geographic Information System (GIS) tools;
- Implementing Intelligent Transportation Systems (ITS):
  - Trip information
  - Trip planning
  - Reservations
  - Scheduling
  - Dispatch
- Marketing and Promotion of:
  - Use of transit by workers with non-traditional work schedules

- Development of employer-provided transportation such as shuttles, ridesharing, carpooling
- Use of transit pass programs and benefits
- Use of transit voucher programs by appropriate agencies for welfare recipients and other low-income individuals
- Administration and expenses related to voucher programs:
  - Mileage reimbursement as part of a:
    - volunteer driver program
    - A taxi trip
    - Trips provided by a human service agency
  - Vouchers are an **operational expense** requiring 50/50 (federal/local) match
- New Mobility management and coordination programs among public transportation providers and other human service agencies providing transportation
  - Mobility Management is a **capital cost** requiring 80/20 (federal/local) match

### **Section 5317**

New Freedom Program funds are available for capital and operating expenses that support new public transportation services and/or new public transportation alternatives that go beyond the requirements of the ADA. The projects must be targeted toward individuals with disabilities and meet the intent of the program by removing barriers to transportation and assisting persons with disabilities with transportation, including transportation to and from jobs and employment services.

The following are examples of eligible activities that can be introduced under the New Freedom Program. SCDOT encourages the development of innovative solutions to meet the needs of individuals with disabilities in their communities.

Examples of eligible new transportation services beyond the ADA include:

- Flex Route for access to Commuter Bus or Commuter Rail;
- Additional Securement on Fixed Routes;
- Travel Training;
- Environmental Modifications:
  - Beyond what is required in ADA
  - Enhancements including signage, curb cuts, technologies to enhance customer access
- Paratransit Enhancements:
  - Expanded Hours for Paratransit
  - Paratransit Beyond ¾ mile
  - Same Day Service

- Door THROUGH Door (providing escorts or assisting riders)
- Accommodation for Mobility Aids that Exceed ADA standards

Examples of eligible new transportation alternatives beyond the ADA include:

- Purchasing vehicles to support new accessible taxi, ride sharing, and/or vanpooling programs
- Volunteer Driver Programs
- Administration of Vouchers and Vouchers for Alternative Services to Public Transportation:
  - Taxi reimbursement,
  - Mileage reimbursement for volunteer driver programs, etc.
  - Vouchers are an **operational expense** requiring 50/50 (federal/local) match
- New Mobility management and coordination programs among public transportation providers and other human service agencies providing transportation
  - Mobility Management is a **capital cost** requiring 80/20 (federal/local) match

## Federal/State/Local Participation Ratio

### Capital\*

	Section 5310	Section 5311	Section 5316	Section 5317
<b>Federal</b>	80%	80%	80%	80%
<b>State</b>	0%	10%	0%	0%
<b>Local</b>	20%	10%	20%	20%

\*Capital cost of contracting guidance – refer to page 31 of this document

The federal share for vehicle-related equipment and/or facilities required by the Clean Air Act (CAA) or the ADA is 83%. If a vehicle or facility is retrofitted to meet CAA or ADA requirements, federal participation is up to 83% of the retrofit items only.

### Operating

	Section 5310	Section 5311	Section 5316	Section 5317
<b>Federal</b>	N/A	50%	50%	50%
<b>State</b>	N/A	25%	0%	0%
<b>Local</b>	N/A	25%	50%	50%

### Administration

	Section 5310	Section 5311	Section 5316	Section 5317
<b>Federal</b>	N/A	80%	80%	80%
<b>State</b>	N/A	10%	0%	0%
<b>Local</b>	N/A	10%	20%	20%

### Planning

	Section 5310	Section 5311	Section 5316	Section 5317
<b>Federal</b>	N/A	80%	80%	N/A
<b>State</b>	N/A	10%	0%	N/A
<b>Local</b>	N/A	10%	20%	N/A

## Local Funding Requirement

Generally, applicants must provide evidence of possessing the necessary fiscal and managerial capability to implement and manage the proposed project. Subrecipients must comply with all of the requirements contained in the SCDOT Office of Public Transit Announcement/Application package under which the service proposal and funding request is submitted.

### Eligible Local Match

**A subrecipient cannot use Federal DOT funding (such as Section 5310 or other FTA funds) as local match for Section 5311, 5316 or 5317 program funds. Even though funds are made available to the rural transit provider through a service agreement with a State or local social service agency or private social service organization, FTA funds may not be used as match because they are derived from a DOT program.**

Local match includes local appropriations, service contracts, dedicated tax revenues, private donations, and net income generated from advertising, concessions, and incidental charter service income.

### **In-Kind Match**

It is the desire of SCDOT to establish uniform standards for compliance with OMB Circular A-110. The goal of OPT is to achieve effective management of in-kind contributions used as local match for OPT-administered funds. This guidance will be used by OPT sub-recipients in conjunction with Federal and State regulations and requirements associated with executed contracts. If discrepancies exist between the language in this guidance and applicable federal and state regulations and statutes, the federal statute / regulation prevails.

### **Definitions**

**Cash contributions:** Cash from non-FTA and/or non-OPT sources.

**In-kind contribution:** The monetary value associated with non-FTA and non-OPT resources applied to accomplish program objectives. It is the monetary value that would have been expended to acquire the goods or service using OPT administered funds.

**Reasonable Costs:** Costs, in nature or amount that does not exceed an amount that would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the costs. Consideration will be given as to whether (1) the cost is ordinary and necessary for the performance of the award and the operation of the agency; (2) requirements imposed by generally sound business practices, related party transactions, Federal and State laws and regulations, terms and conditions of the contract; (3) whether the individual acted with prudence in the circumstances, considering their responsibilities to the agency, clients, the public, OPT and the Federal Government and; (4) significant deviations from agency policies and procedures which unjustifiably increase the costs.

**Sub-recipient:** The legal entity responsible for complying with the fully executed contract with OPT.

## **Standards**

Donated goods and services and direct expenses paid in one program from non-FTA and/or non-OPT funding that are applied as though the expenses were paid from an OPT administered program may be used to satisfy the local match requirement. In-kind must be an eligible expense under the program receiving the benefit. Such OPT-administered programs include Sections 5309, 5310, 5311, 5316 and 5317. Where agencies receive funding directly from FTA and from OPT, the agency must follow the requirements of the funding source where the in-kind is applied.

For OPT administered programs, in order for in-kind to be used as local match the sub-recipient must first identify the source of the in-kind in the project application budget by category and line item and must relate the proposed in-kind contribution to the specific project. The use of in-kind must be supported by signed documentation approving the use of such funds as in-kind either directly from the funding source or through funding source guidelines. The approval document must be submitted with the application budget.

### **Limitations of In-Kind Match:**

1. Excludes volunteer services from sub-recipient employees and board members.
2. **FTA and OPT administered funds cannot be used as in-kind in another FTA or OPT administered program.**

## **Requirements**

Sub-recipients must develop policies and procedures to ensure in-kind contributions are documented in the accounting system as local match and are supported by appropriate documentation. Sub-recipients must ensure that donated goods and services are accurately identified as donated. Items meeting the agency's capitalization policy must be recorded in the fixed asset listing and must follow agency recording, use and disposal policies.

**To be accepted as match, proposed in-kind contributions must meet all of the following:**

1. Supported by appropriate documentation;
2. Not included as contributions for any other federally-assisted program;
3. Not paid by the FTA under another award;
4. Not paid by the Federal Government under another award, except where authorized by Federal statute to be used for cost sharing or matching;
5. Necessary and reasonable for proper and efficient accomplishment of program objectives;
6. Allowable under applicable cost principles and FTA and/or OPT guidance;
7. Approved in the application, original and/or modified budgets; **and**
8. Conform to all Federal and OPT provisions.

## **Types of In-kind and Documentation:**

If the type of in-kind a sub-recipient intends to use does not fit any of the following categories, the agency must contact OPT for guidance.

#### **Donated Non-professional Volunteer Services**

Services shall be supported by the same documentation used for the sub-recipient's employees- time sheets, time cards, etc. Time sheets must include the provider's name be signed by the volunteer and a sub-recipient's employee. Rates charged cannot exceed the minimum wage rate paid to employees for similar services at the time the service was performed. Documentation must also identify the duties performed.

#### **Donated Professional Volunteer Services**

Includes services provided by professional, technical personnel, consultants and other skilled labor. The services must be one in which the professional is licensed to perform. Rates for services must be reasonable and consistent with those paid for similar work in the labor market for which the sub-recipient competes for the type of service involved. Services must be supported by a company produced letter or invoice, signed by the donor, identifying the cost of the services had the agency been charged, the type of professional services performed, the dates services and the amount of time. An authorized employee of the sub-recipient must sign the document verifying the services were received.

#### **Donated Goods**

May include office and workshop supplies, small expendable equipment, food, etc. The value of donated goods shall be reasonable and must not exceed the market value of such items at the time of donation. Documentation must contain the donor name and an itemized listing identifying the cost by items.

#### **Donated Property**

The value of donated property shall not exceed the current market value of the property at the date of donation. Increases in the property's market value may also be allowable. The market value must be supported by appraisal reports prepared by independent and competent appraisers. Tax documents are not a sufficient alternative to independent appraisal reports. Once the equity is used, it cannot be used again as match.

#### **Donated Fixed Assets and Space**

The donated value may not exceed the market value of equipment, furniture and fixtures, vehicles, etc. and donated space of the same age and condition at the time of donation. Supporting documentation must identify the donor name, the market value for fixed assets or the amount the agency would have been charged for the space, at the date of the donation. Donated space should include expiration dates, as appropriate.

#### **In-kind Expenses**

Expenses paid as a direct expense from non-FTA, non-OPT administered funds that are applied to an OPT administered program, must be supported by accounting system documents, to include but not limited to, a balance sheet, an income statement and/or a detailed general ledger. Allocated costs may not be used as in-kind.

**Sub-Recipients Responsibilities:**

Responsibilities include ensuring: (1) In-kind documentation is prepared or obtained and is signed by the donor and an authorized employee of the sub-recipient immediately upon receipt of the donation; (2) The dollar amount is identified in documentation; (3) Mathematical computations are correct; (4) Supporting documents (i.e. appraisals, professional statement) are attached.

**Recording In-kind**

Sub-recipients should identify the finance position responsible for recording in-kind journal entries in the accounting systems. Contributed goods and services must be recorded in line with generally accepted accounting principles (GAAP). Donated goods meeting the scope of the agency's capitalization policy must be included in the fixed asset listing as donated. The asset listing must include a detailed description, serial or VIN number, model number, dates received, and the **fair market value** (FMV) at time of donation. Include the percentage of any FMV used and the year used in the memo or notes section.

**Record Retention**

Financial records, supporting documents, and other records pertinent to a contract shall be retained in compliance with OMB Circular A-110: Subpart C: *Retention Access Requirements for Records*. Documentation shall be retained for three years from the date of submission of the final report with the following exceptions:

- Records must be maintained for three years from the time:
  - (1) Litigation, claims and audit findings have been resolved, if such action was started before expiration of the 3 year period.
  - (2) Three years from the date of assets are disposal.

**Section 5310 / Section 5316 / Section 5317**

The State requires local match as indicated earlier from non-Federal funds for the Section 5310, 5316, and 5317 programs. The applicant will certify as to the source and availability of the required match in their annual application for funding to the State.

**Section 5311**

As provided for under SCDOT regulations, applicants requesting state funds to match Section 5311 Federal funds must provide to SCDOT, evidence of the local share during the application

process (e.g., letter of financial commitment signed by local governing board or body or other agency or business committing funds that will be used as local match).

SCDOT shall provide some state funds as match under Section 5311. For Administrative, Technical Assistance, and Capital projects, the maximum state match will not exceed ten percent (10%), with the remaining ten percent (10%) being local match. For Operations, the maximum state match will not exceed twenty-five percent (25%), with the remaining twenty-five (25%) being local match.

The eligible local share must be from non-DOT sources of funding and can include any local or state sources, unrestricted federal funds, and/or revenues from purchase of service contracts (counted as fares). Examples of local share funds include local appropriations, revenue sharing funds, dedicated tax revenues, and net income generated from programs such as advertising or incidental charter services. Funds received by operators who have an active service agreement with a state or local social service agency or a private social service organization may be used as local match. FTA funds (such as Section 5310) may not be used as match because they are derived from a DOT program.

Income from contracts to provide social service transportation may be used either to reduce the net project cost (treated as revenue) or to provide local match for Section 5311 operating assistance. In either case, the cost of providing the contract service is included in the total project cost.

Donations, volunteers, and in-kind contributions are eligible as part of the “cash” share of the local match. Such non-cash sources of local match are eligible only if the value of each is formally documented and supported. [Title 49, Code of Federal Regulations, Part 18.24](#), provides guidance on this subject

### **Contra-Expenses**

Contra-expenses are revenue items that directly offset transit expenses and, therefore, are eliminated from the expenses eligible for Section 5311 assistance. Some examples of contra-expenses are farebox revenues, interest income earned on working capital, cash discounts and refunds that directly offset accrued expenses, and insurance claims and reimbursements that directly offset accrued liabilities.

### **Use of Other Federal Funds**

Local match may be derived from other federal programs that are eligible to be expended for transportation, other than funds from DOT programs. To be eligible for local match for FTA funds, the other federal funds must be used for activities included in the total net project cost of the project. Expenditure of other federal funds for transportation outside of the scope of the project cannot be applied as a credit for local match in the project. Specific program information for other types of federal funding is available at: [www.unitedweride.gov](http://www.unitedweride.gov).

Some non [DOT federal programs supporting transportation](#) as listed by United We Ride are:

**U.S. Department of Agriculture**

- [Food and Nutrition Service](#)

**U.S. Department of Education**

- [Office of Elementary and Secondary Education](#)
- [Office of Innovation and Improvement](#)
- [Office of Special Education and Rehabilitative Services](#)

**U.S. Department of the Interior**

- [Bureau of Indian Affairs](#)

**U.S. Department of Health and Human Services**

- [Health Resources and Services Administration](#)
- [Centers for Medicare and Medicaid Services](#)
- [Administration on Aging](#)
- [Substance Abuse and Mental Health Services](#)
- [Administration for Children and Families](#)

**U.S. Department of Housing and Urban Development**

- [Community Development Block Grant \(CDBG\)](#)

**U.S. Department of Labor**

- [Employment Standards Administration](#)
- [Veterans' Employment and Training Service](#)
- [Employment and Training Administration](#)

**U.S. Department of Veterans Affairs**

- [Veterans Benefits Administration](#)
- [Veterans Health Administration](#)

## Chapter 3: Project Selection Criteria and Method of Distributing Funds

### Background

All project applications will be evaluated to determine the extent to which the proposed project meets overall program goals and objectives of the state and application criteria set forth by the South Carolina Department of Transportation.

Rural communities that are not a part of the urbanized areas of MPOs are included in Councils of Government (COG). In response to SAFETEA-LU (2005) requirements for coordination of various federally funded transportation programs, in December 2006, the South Carolina Department of Transportation (SCDOT) Commission designated each of the ten Councils of Governments (COGs) as the lead regional agencies responsible for coordinating transportation planning and, where appropriate, services funded by the multiple Federal Transit Administration (FTA) program in each of their respective planning areas.

The COGs act as the primary point of contact to SCDOT for development and implementation of coordination/transit plans as well as reviewing and ranking project applications within their respective regions for funding consideration.

A uniform application and selection process under the 5310, 5316 and 5317 programs was developed for use by the COGs and SCDOT for all funding. To further this effort, SCDOT and the COGs developed a menu of selection criteria to be used uniformly across the ten regions. At a minimum, the selection criteria will insure that projects:

- Correlate with regional coordination plan implementation strategies;
- Address gaps in current service provisions for targeted communities;
- Make use of available resources and leverage resources to the extent possible;
- Facilitate coordination across public-private, inter-agency and geographic boundaries;
- Coordinate with other federal and/or state programs; and
- Are able to be replicated.

The SCDOT Office of Public Transit is responsible for reviewing the coordinated/combined applications and regional priority lists from the COGs, and making the final recommendation on award.

Projects approved by the SCDOT are included in the local Transportation Improvement Program (TIP) and become part of SCDOT's submission to FTA as the State Transportation Improvement Plan (STIP).

Because programs are not operated as a permanent entitlement program, SCDOT uses an annual application process. All agencies wishing to apply for funding complete a funding application and must demonstrate that they are eligible to receive funding.

It is recognized that new systems may not start with the same standards as systems that have been in place for several years. The Office of Public Transit expects new systems to begin with a firm foundation and to steadily improve over the first few years of operations. For the project evaluation criteria below, applicants from continuing programs will be evaluated based on current performance, financial management, and contract deliverables. New applicants will be evaluated based on estimated performance.

Projects for the state's discretionary Vehicle Acquisition Program (Section 5309) are selected based on identified need determined through assessment analyzing vehicle utilization and useful life standards for replacement and in accordance with [FTA Circular 5010.1D](#) (as amended) regarding equipment management.

## **Prerequisites for Funding**

SCDOT has developed a uniform application and selection process under the 5310, 5311, 5316 and 5317 programs for use for all funding. To further this effort, SCDOT and the COGs consider a menu of selection criteria to be used uniformly across the ten regions. At a minimum, the selection criteria will insure that projects:

- Correlate with regional coordination plan implementation strategies;
- Address gaps in current service provisions for targeted communities;
- Make use of available resources and leverage resources to the extent possible;
- Facilitate coordination across public-private, inter-agency and geographic boundaries;
- Coordinate with other Federal and/or state programs; and
- Are able to be replicated.

Section 5311 applicants must assure that they have coordinated with the metropolitan planning organization regarding their project. Assurance is provided in written form within the annual application, signed by an MPO representative. Projects within the MPO are included in the local TIP and, if selected for funding, are included in the STIP.

Section 5311 applicants for New Start must have completed a feasibility study which includes identification of estimated costs and funding options and must be approved by the Office of Public Transit establishing the need for public transportation in the area. Areas considering public transit in their area may apply for funding for a feasibility study during the annual Section 5311 application cycle.

Continuing Section 5311 subrecipients are exempt from submitting any studies except in the event of proposed major service expansion. Continuing Section 5311 subrecipients complete a grant application and must demonstrate that they are eligible to continue to receive funding.

However, because Section 5311 funds are used primarily for operations and the funds are critical to maintaining continuous services, SCDOT generally considers Section 5311 subrecipients eligible for funding from year to year, unless the annual application, SCDOT on-site review, or other circumstances demonstrate that an agency is no longer eligible. These circumstances include, but are not limited to, an agency's transition from Section 5311 to Section 5307 funds, elimination of general public service, or determination by SCDOT that an agency no longer meets state or federal requirements for receiving grant funds.

## **Funding Criteria For Section 5310**

The Section 5310 funds are available for reimbursement of expenditures incurred in association with approved capital expenses. The project application to the State must contain the necessary project supporting documentation as outlined in the annual *State Announcement and Application Package and Instructions for FTA Section 5310 Capital Assistance Program*.

SCDOT will administer a statewide call for applications under the Section 5310 program for all areas, with applications submitted to the COGs. COGs will then screen and prioritize projects under this program, within the appropriate funding and programmatic guidelines, and certify consistency with the locally developed coordination plan and priorities. COGs will submit a single, regional application to SCDOT, and subsequently contract with local subrecipients upon funding award. As appropriate, and until all COGs are brought fully on-board, COGs may request that they be able to submit a single prioritized list of projects to SCDOT for approval, upon which SCDOT will contract with local subrecipients. Efforts will be made to allow all COGs to submit a single application to SCDOT and contract locally with subrecipients as COGs develop the appropriate resources and technical ability to do so.

SCDOT will insure a fair and equitable distribution of funding and verify project eligibility prior to submitting a formal grant application to FTA. SCDOT will work closely with all COGs to insure proper funding and programmatic oversight.

The following documentation is required:

- Applicant's request for equipment purchase or purchase of services;
- Information about the proposed project;
- County government(s) designation of the applicant agency as an entity to provide transportation for the elderly and disabled persons within a respective service area;
- Certification of source and availability of the agency's, twenty (20%) percent local match, and sufficient operational funds; and
- Certification that all statutory and program requirements have been met.

All projects under the Elderly Individuals and Individuals with Disabilities Program (Section 5310) will be rated and prioritized using multiple review approaches that include, but are not limited to, Council of Governments (COGs) and a panel of OPT staff and SCDOT Planning partners. OPT will ensure that the process is consistent within all COG regions.

Specific criteria will be published in the annual application for funding.

## **Funding Criteria for Section 5311**

The Section 5311 funds are available for reimbursement of expenditures incurred in providing public transportation services in non-urbanized areas, applicants must meet the following conditions:

- Submit a completed application to the SCDOT;
- Meet SCDOT eligibility criteria as stated in Chapter 2 of this Plan;
- Application approved for funding; and
- Contract between the applicant and SCDOT.

The project application to the SCDOT must contain the necessary project supporting documentation as outlined in the *State Proposal/Application Packet and Instructions for the FTA Section 5311 Program*. At a minimum, applications for Section 5311 program funding shall consist of three parts:

- Project Description
- Project Budget
- Certification Requirement

The project description provides general descriptive information about the applicant and outlines what the public transportation program will accomplish and how it will approach the management of resources and operations. The project budget identifies anticipated budget based on line item for administrative, operating, technical assistance and/or capital items. The certification requirements are necessary to receive federal funds.

The following application process should be adhered to while developing an application for public transportation assistance.

### **Project Description**

The Project Description should outline the public transportation program operations and finances clearly and its relationship to the local and state public transportation goals. The Project Description serves as the basis for the application as well as an annual program operations report.

New applicants shall submit a completed feasibility study in addition to completing a formal application. A project description shall include the following:

- Description of agency mission, objectives and impact within the geographic area(s) to be served;
- Scope of Service;
- Description of routes, service and service frequency, ridership, farebox recovery and route mileage;
- Anticipated contracts for special services;
- Five year projection of administrative, operational, capital and technical assistance/ planning needs;
- Intended charter services in accordance with [FTA's Charter Regulations](#);
- An explanation of how the proposed project compares to applicant's previous year's project;
- The impact of the proposed project (i.e. number of persons benefiting, expected achievements) and
- Description of public involvement.

### Project Budget

A detailed project budget will be included with the application. Budget information will include but may not be limited to:

- Itemization of personnel, salaries, and fringes;
- Itemized budget expenditures for capital, operating and administrative needs; and
- Proposed revenues and matching funds arrangements

### Certification Requirements

All applicants must include the following certification and assurances in order to receive federal funds for the purpose of providing rural public transportation:

- Resolution of applicant's Board of Directors;
- Resolution of a local government;

- Roster of applicant's Board of Directors;
- A description of the extent of private sector participation in the application development and in the proposed transportation services;
- Evidence of the proposed project inclusion in the local Transportation Improvement Plan (TIP);
- A description of efforts to coordinate with human or social service agencies in the service area;
- An attorney affirmation;
- Signed assurances including:
  - Affirmation of Applicant: Acceptance of FFY Certifications and Assurances
  - Affirmation of Applicant's Attorney in Acceptance of Certifications and Assurances
  - Resolution by Board of Directors to Apply for Funding
  - Affirmation of Applicant's Attorney to Apply for Funding
  - Local Share Identification Sheet
  - Certification for Civil Rights Complaint Status
  - Title VI Program Report (July 1, – June 30)
  - DBE Good Faith Efforts Certification
  - Certification on Restrictions on Lobbying
  - Certification Regarding Debarment, Suspension, and other Responsibility Matters – Primary Covered Transactions
  - Certification Regarding Debarment, Suspension, and other Responsibility Matters – Lower Tier Covered Transactions
  - Listing of Surface Public Transportation Providers and Labor Representation for 5333(b)
  - Special Section 5333(b) Warranty
  - Public Hearing Notification Sample
  - Public Hearing Minutes
- The disposition of all requirements relative to school bus and charter provisions, including assurance that the applicant will not engage in school bus operations exclusively for the transportation of students and school personnel in competition with private school bus operators and will not provide charter without undergoing the appropriate procedures in accordance with [FTA regulations](#);
- A description of public involvement in preparing the local application, including a copy of the opportunity for a public hearing notice, affidavit of publication, hearing minutes (if a public hearing is requested), and comments received;

- Certification of Available Local Matching Funds
- An updated vehicle/equipment inventory printout or listing of vehicles and other equipment purchased with federal and/or state funds costing \$5,000 or more.

### Project Selection and Evaluation Criteria

All applications under the Rural Transit Program (Section 5311) are rated and prioritized using multiple review approaches that include, but are not limited to, Council of Governments (COGs) and a panel of OPT staff and SCDOT Planning partners. OPT will ensure that the process is consistent within all COG regions.

Specific criteria will be published in the annual application for funding.

Funds made available under Section 5311 should augment rather than replace existing sources of transportation funds. An applicant shall not be penalized if the failure to maintain previous levels of financial support for the project is due to:

- A federal or state decision that reduces, or has the effect of reducing, available levels of financial support; or
- Local circumstances, as determined by SCDOT/Office of Public Transit, beyond the control of the applicant.

### **Section 5316 and Section 5317**

#### **Large Urbanized Area Appropriations**

Designated recipients (COGs) will administer the competitive selection process and prioritize projects under Section 5316 and 5317. COGs in large urbanized areas may elect to utilize the same process as that identified for small urbanized and rural areas (recommended to foster greater coordination between areas), or may elect to develop a selection process of their own choosing. Regardless of the direction taken, assurance must still be made that the process is consistent with the locally developed plan.

COGs in large urbanized areas may elect to become direct applicants and funding recipients of FTA, and subscribe to all associated Federal requirements including contracting with local subrecipients and adhering to Federal reporting responsibilities. As appropriate, and until all COGs in large urbanized areas are brought fully on-board, they may request by Memorandum of Agreement that SCDOT apply for, receive and administer the funding on their behalf using the DOT's standing status as a direct FTA funding recipient. SCDOT will then upon receipt by FTA direct the full funding award through the COG after assuring that all requirements have been met.

## Small Urbanized and Rural Area Appropriations

Through Commission action in December 2006, on behalf of SCDOT the COGs will administer the competitive selection process and prioritize projects under Section 5316 and 5317 at the local level for small urbanized and rural areas, using standards provided by SCDOT for consistency. SCDOT will be responsible for submitting a formal application to FTA, accepting and administering funding, including contracting with local recipients, and adhering to Federal reporting responsibilities. SCDOT will insure a fair and equitable distribution of funding and verify project eligibility prior to submitting a formal grant application to FTA. Efforts will be made to allow all COGs to submit a single application to SCDOT and contract locally with recipients as COGs develop the appropriate resources and technical ability to do so.

Following the direction of SCDOT, the COGs will announce the open application process in local newspapers of general circulation and on their website, at a minimum, and through any other means they locally deem appropriate and consistent with their own policies and procedures. All local application processes will be concurrently published on SCDOT's website.

The local application announcement should include the process and timeline for submitting applications, areas of focus for the region, and appropriate contact information where prospective applicants and the general public may obtain additional information on the application package (including process, selection criteria, project eligibility and match requirements), along with copies of the locally developed coordination plan for reference.

The application announcement should be consistent with both the COG's and SCDOT's policies and procedures, but at a minimum, provide for a submittal of no less than thirty (30) days from the time of announcement.

Along with general content (e.g. applicant contact information and background, location, project description and service area), applications for funding should also include:

- Local match affirmation – The applicant must clearly identify the source and amount of local match.
- [FTA's annual list of Certifications and Assurances](#) include basic requirements for the Sections 5310, 5316 and 5317 programs. The COG should submit adequate documentation to SCDOT regarding the basis for all assurances made to FTA.

Projects may be rated and ranked using any of the following approaches: peer review, third party review or a panel of planning partners. This process should be consistent with and follow the COG's policies and procedures for ranking other types of transportation projects.

Projects that are implemented over multiple years may be selected for funding, and the COGs and SCDOT may identify contingency projects that could be funded should any competitively selected project be deleted from the statewide program of projects. COG's will submit copies of submitted applications along with the prioritized project listing and ratings to SCDOT.

Issues and concerns to consider when reviewing applications for funding include:

*Degree of project contention*

Is the project one that is potentially divisive, could be both time consuming, and complicated to pursue?

*Core versus peripheral issue*

Is the project addressing a keystone issue or one that is relatively minor and has limited overall value? Depending on the range of impact of the project could dictate whether it is an action worth taking sooner rather than later.

*Time*

Is the project addressing an immediate and pressing issue or one that is more long term? Issues with immediate and significant impact may be more desirable than those that are long term in nature.

*Scope of Impact*

Does the project affect a small, inconsequential aspect of human service transportation or is the impact more significant? The more significant the issue, the more challenging and greater the potential rewards.

*Scope of effort*

Does the project tax the technical and time resources of the agencies and individuals involved? Would it require outside help in the form of a consultant or other outside expert? Far-reaching projects requiring significant effort may be challenging to implement, but a successful outcome could be enormously useful.

Specific criteria are published in the annual application for funding.

## **Method of Distributing Funds**

SCDOT shall make funds available for capital, operating and administrative assistance to projects in non-urbanized areas, small urbanized areas, Section 5316 and Section 5317. The budget submitted by the subrecipient through the application process shall define the category and amount of funds the subrecipient wishes to receive. Any variation shall require prior approval from SCDOT.

Approved subrecipients have funds disbursed on a reimbursement basis. Invoices are submitted to SCDOT on a monthly basis at a minimum for Sections 5310, 5311, 5316 and 5317 approved expenses. Capital expenses are reimbursed to the subrecipient at approved federal and/or state share once the capital has been received and is verified as operational by the subrecipient and/or SCDOT, as appropriate.

Eligible project costs under the Section 5311 Program shall be determined in accordance with [OMB Circular A-87](#), [FTA Circular 9040.1F](#) (as amended) and guidance issued by SCDOT. Project expenditures shall be categorized as capital, operating, planning/technical assistance or administrative expenses.

### State Administration and Technical Assistance

Each program allows a percentage of the apportioned funds to be used by the state to administer a program for costs including administration, planning and technical assistance. The amounts allowed for state administration of each program are:

- Section 5310 - up to 10%
- Section 5311 - up to 15%
- Section 5316 - up to 10%
- Section 5317 - up to 10%

FTA allows all or a portion of the administrative funds for 5310, 5316 and 5317 to be combined to support activities (such as coordinated planning) that are common to all three programs. SCDOT may combine program administration funds into one administrative account, so long as use is associated with administering Section 5310, 5316 and 5317 programs.

### Project Funds

All projects considered for funding shall be included in a state program of projects, submitted annually to FTA, and provide a “fair and equitable” distribution of funds within the state, including Indian reservations. Maximum feasible coordination with transportation services assisted by other federal sources must be evidenced through the annual evaluation process.

### Funding Guidelines

Funding guidelines for each program are based on regional demographics, and developed based on a formula that mirrors FTA’s allocation formula to states. The demographics are based on the most recently approved decennial Census data, and the guidelines will be used on an annual basis as federal apportionments are published.

### Section 5311

FTA requires each state to develop and implement a fair and equitable distribution system for the allocation of federal funds. The SCDOT Commission approved the formula allocation of federal Section 5311 funds in February 2010 that updates the previous discretionary/historical process of distribution of federal 5311 funds.

The Section 5311 allocation formula takes into consideration the available Section 5311 funds for allocation to eligible public providers. The approved formula considers each agency's reported data in the previous year's Operating Statistics, rural population (latest certified Census), and previous year's federal 5311 allocation. The Section 5311 allocation is published with the annual announcement of funds.

Through application of this approved formula, an agency is allocated a maximum amount of federal funds that they are able to apply for in a fiscal year. To ensure that it is kept current, this formula method will be conducted each funding year (cycle), following SCDOT Commission approval of the Annual Transit Trends Data Report and federal Section 5311 award information published in conjunction with the statewide announcement of funds.

### **Section 5310**

Section 5310 funding guidelines are based on an equal weighted average of the elderly/disabled populations within a region as percentages of the state's overall elderly/disabled populations.

### **Section 5316**

Section 5316 funding guidelines are based on the low-income population within a region as a percentage of the state's overall low-income population.

Percentages apply only for Small Urbanized and Rural Area funding. Large Urbanized Areas received their funding directly from FTA. Two regions in South Carolina – Lowcountry and Upper Savannah – currently have no urbanized areas. Any funding identified under Small Urbanized Areas for these two regions will be extracted on an annual basis and reallocated to other regions based on priority of any alternate project requests that have been submitted. Such projects will have gone through the same application and competitive selection process as all funded projects.

Funding provided for small urbanized areas must be expended within urbanized areas, and funding provided for rural areas must be expended within rural areas. Exceptions to this are for projects that clearly document inter-area objectives and benefits.

### **Section 5317**

Section 5317 funding guidelines are based on the disabled population within a region as a percentage of the state's overall disabled population.

Percentages apply only for Small Urbanized and Rural Area funding. Large Urbanized Areas received their funding directly from FTA. Two regions in South Carolina – Lowcountry and Upper Savannah – currently have no urbanized areas. Any funding identified under Small Urbanized Areas for these two regions will be extracted on an annual basis and reallocated to other regions based on priority of any alternate project requests that have been submitted. Such

projects will have gone through the same application and competitive selection process as all funded projects.

Funding provided for small urbanized areas must be expended within urbanized areas, and funding provided for rural areas must be expended within rural areas. Exceptions to this are for projects that clearly document inter-area objectives and benefits.

## **Deobligated Funds**

Funds that are deobligated from an approved program of projects remain available to SCDOT and subrecipients (upon approval of the SCDOT Commission) for reobligation during the period that the funds were originally available to SCDOT.

If deobligated funds from a program are available at the close of the project year, SCDOT considers previously identified “alternate” projects as approved by the SCDOT Commission during initial allocation as well as special requests from subrecipients. Requests must be in writing and are considered by the OPT for presentation to the SCDOT Commission. Allocation of deobligated project funds is limited to the availability of funds.

## **Reallocation of Section 5310, 5316 or 5317 Funds**

Owing to potential funding limitations, COGs may elect to recommend partial funding to projects, and/or they may include a prioritized listing of **alternate projects** should additional funding be made available. Any funding remaining at the end of an application cycle will be re-allocated to alternate projects. Any Section 5310, 5316, or 5317 funding remaining at the end of a contract cycle without an approved contract extension will be rolled over as part of the statewide total for Section 5316 in the following year and made available for allocation.

## **Transfer of Federal Funds**

### **Transfer of Section 5307 (Small Urbanized)**

SCDOT may transfer an amount of the State's Section 5307 apportionment for small urbanized areas under 200,000 population to supplement funds apportioned to the State under Section 5311, or to supplement funds apportioned to urbanized areas with populations of 200,000 or more. The SCDOT may make such transfers only after consultation with responsible local officials and publicly owned operators of mass transportation services in each area to which the funding was originally apportioned.

SCDOT recognizes that, in the past, several small-urbanized areas (under 200,000 in population) have not elected to become actively involved in FTA-assisted projects. In order to prevent the loss of their respective Section 5307 apportionments and to avail those funds statewide, the SCDOT/Office of Public Transit consults with the local officials and operators in those areas

annually (December - January of each year) to establish an understanding in writing of their intent to make application for their designated FTA funds. In the event they opt not to use their funds for eligible projects within the urbanized areas, and in the period for which those federal funds are made available, the SCDOT shall then have the option of transferring and obligating such funds for eligible projects in other urbanized or non-urbanized areas in the State in accordance with [FTA regulations and procedures](#).

SCDOT is required to notify the [FTA Regional Administrator](#) of each transfer of Section 5307 funds, such notification should include:

- A statement by the SCDOT that responsible local officials and operators have been consulted prior to the transfer.
- The amount of funds to be transferred;
- Fiscal year in which they were apportioned;
- Program section(s); and
- The SCDOT contact information.

#### **Transfer of 5307 to 5311**

If Section 5307 funds are transferred to supplement SCDOT's Section 5311 apportionment, the funds are treated as additional Section 5311 funding and all the requirements of Section 5311 apply. Two conditions follow the Section 5307 funds when they are transferred to Section 5311:

- The period of availability of the transferred funds remains that of the Section 5307 apportionment.
- SCDOT may use any funds transferred from its Section 5307 program for planning activities, at the Federal share for capital projects.

The transfer of Section 5307 funds to Section 5311 does not increase the amount of Section 5311 funds that SCDOT may use for administration, planning, and technical assistance with no local share.

#### **Transfer of Section 5310, 5316, or 5317 Funds**

The South Carolina Department of Transportation administers and receives Elderly Individuals and Individuals with Disabilities (Section 5310), Job Access and Reverse Commute (Section 5316) and New Freedom Program (Section 5317) funding for both the small urban (less than 200,000 population) and rural (less than 50,000 population) as designated by the Governor.

SCDOT does not transfer Section 5310, 5316 or 5317 funds.

### **Transfer to Other FTA Programs for Grant Consolidation**

SCDOT may transfer funds apportioned under Sections 5316 or 5317 for rural or small urbanized areas to apportionments under Section 5311(c) or 5307, or both as a “consolidated grant” with FTA. The purpose of the transfer provision is not to supplement the resources available under the Section 5311 or Section 5307 apportionments. Transfer to Section 5311 or Section 5307 is not required. Transferred funds must be used for JARC and New Freedom activities. A State may make the transfer only after consulting with local officials and publicly owned operators of public transportation. The period of availability for the transferred funds is not changed by the transfer. **SCDOT will not participate in FTA grant consolidation.**

### **Notification of Transfers**

SCDOT must notify the FTA regional administrator of its intent to have funds transferred so that FTA can initiate the transfer. For transfers of JARC or New Freedom funds into the Section 5307 program for small urbanized areas under 200,000 in population or Section 5311(c), the notification must include:

- A statement by the SCDOT that responsible local officials and operators have been consulted prior to the transfer;
- The program, project description, and amount of funds to be transferred;
- Fiscal year in which they were apportioned;
- Program section(s) transferring to; and
- The SCDOT contact information.

### **Transfer of Federal Highway Administration (FHWA) Flexible Funds**

Flexible funds are certain legislatively specified funds that may be used either for transit or highway purposes. SCDOT may transfer Surface Transportation Program (STP) funds, Congestion Mitigation and Air Quality (CMAQ) funds, and certain other flexible funds, from [FHWA](#) to FTA to use for transit projects. SCDOT, in cooperation with affected local officials, select projects in rural areas and urban areas with populations of less than 50,000 (excluding projects on the National Highway System [NHS] and projects funded with Bridge and Interstate Maintenance funds).

### **Congestion Mitigation and Air Quality Improvement Program (CMAQ)**

The primary purpose of the CMAQ program is to improve air quality in areas designated by the U.S. Environmental Protection Agency (EPA) as “nonattainment” areas. Because CMAQ funds are intended to improve air quality, funds must be spent in nonattainment or maintenance areas. A nonattainment area is an area formally designated by EPA as not meeting the National Ambient Air Quality Standards (NAAQS). A maintenance area is an area that was

nonattainment but has subsequently attained the NAAQS and officially designated to attainment by EPA.

### **Eligible Transit Activities**

CMAQ funds may be used for transit capital projects and operating expenses for new service. Funds may only be used in nonattainment and maintenance areas and projects must demonstrate an air quality benefit. Operating assistance is limited to new or expanded transportation service and is limited to three (3) years.

### **Surface Transportation Program (STP)**

The primary purpose of STP funds is for construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements for highways and bridges including construction or reconstruction necessary to accommodate other transportation modes.

### **Eligible Transit Activities**

Capital costs of transit projects that are eligible under [49 USC 53](#), including vehicles and facilities, publicly or privately owned, that are used to provide intercity bus service; carpool projects and fringe and corridor parking facilities; transit safety infrastructure improvements and programs; transit research, development and technology transfer; surface transportation planning programs; or public transportation management systems under 23 USC 303.

When FHWA program funds are transferred to FTA-sponsored programs, they are transferred to one of the following three programs:

- Urbanized Area Formula Program (5307),
- Nonurbanized Area Formula Program (Section 5311 program);
- Elderly and Persons with Disabilities Program (Section 5310 program).

If CMAQ or STP flexible funds are transferred to Section 5307, 5310, or 5311, those funds are treated as additional program funding and all the requirements of the receiving apply. Flex transfers to Section 5311 do not increase the amount the State must spend for intercity bus service. The period of availability of flexible funds transferred to Section 5311 is three years.

In urbanized areas over 200,000 population, the decision on the transfer of flexible funds is made by the Metropolitan Planning Organization (MPO). In areas under 200,000 population the decision is made by the MPO in cooperation with SCDOT. In rural areas, the transfer decision is made by SCDOT in partnership with the Council of Governments (COG) and local officials. The decision to transfer funds flow from the transportation planning process and the priorities established for an area as part of the planning process.

Opportunities for transfer of FHWA funds to FTA-sponsored programs will be considered by SCDOT on a case-by-case basis. Opportunities can be identified at the local level or through the SCDOT. Considerations for transfer take place through the SCDOT Division of Engineering and the SCDOT Office of Public Transit. Recommendations are made to the SCDOT Commission

for final consideration. For transfer of flexible CMAQ or STP funds to state administered Section 5307, 5310 or 5311 programs, SCDOT must notify both the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) and request that FHWA transfer the funds. Request for transfer of flexible funds will include the following:

- A statement by the SCDOT that responsible local officials and operators have been consulted prior to the transfer;
- The program and amount of funds to be transferred;
- Fiscal year in which they were apportioned;
- Program section(s) transferring to;
- Anticipated use (project scope) of transferred funds; and
- The SCDOT contact information.

Interagency transfer of funds may be administered by FHWA or may be transferred to FTA for transit projects eligible for CMAQ or STP funds under [23 USC 149\(b\)](#) or [23 USC 133\(b\)](#) respectively.

## **Intercity Bus Program**

Pursuant to [Subsection 5311\(f\)\(2\) of 49 United States Code](#), FTA requires that each State use 15% of its annual Section 5311 formula apportionment to support Intercity Bus (ICB) service unless the Governor certifies that the Intercity Bus needs of the state are adequately met. Given ongoing changes in the intercity bus industry, with some elimination of routes and rural stops, FTA is encouraging states to consult with intercity bus operators and communities affected by loss of service when evaluating intercity bus needs of the state. Reauthorization modifies Section 5311(f) by requiring further consultation with “affected intercity bus service providers” before the Governor’s certification. Historically, South Carolina has been able to confirm that intercity bus needs of the state have been met through required consultation and assessment processes.

The State conducted an assessment of statewide intercity bus mobility needs in fiscal year 2004-2005, which is no more than four years prior to the date of this certification, as required. Participants included public and private transit providers, individual communities, transit passengers, metropolitan planning organizations (MPOs), chambers of commerce, human service agencies, and educational and military installations. The assessment included survey of intercity bus operators within the state to determine ticketing and passenger activity as well as public outreach activities such as attendance at regularly scheduled monthly meetings of stakeholder groups, face-to-face interviews, telephone calls, and surveys at private transit provider locations. Passengers and ticketing agents were consulted regarding proposed loss intercity bus service.

Additionally, the South Carolina Department of Transportation prepared the “Statewide Multimodal Transportation Plan,” (2008) which contained, as part of its scope, an assessment of intercity bus service in the state as required by the Federal Transit Administration. This element of the study was inconclusive. Therefore, SCDOT will re-examine its position on programming funds under the Section 5311 program through a separate and independent assessment/study as required by FTA.

The South Carolina Department of Transportation (SCDOT) is current in the process of developing a request for proposals to conduct a study of intercity and regional bus service in the state. The purpose of this *Statewide Intercity and Regional Bus Network Plan* is to determine how SCDOT, local and regional public transit providers, and private carriers could work together to develop a financially sustainable network of intercity and regional bus service in South Carolina. With a multitude of local and regional transit services, both public and private, the coordination of efforts in designing a statewide bus network is essential to achieve the best use of limited transit resources. This study effort will identify a strategic intercity and regional bus network, the capital and operating needs and costs, and a service implementation plan that can successfully develop a statewide intercity bus network.

### **State Rural Transit Assistance Program (RTAP)**

The Office of Public Transit administers the RTAP program. The RTAP Program Coordinator is primarily responsible for developing and implementing the program. The program provides a tremendous opportunity for additional training and technical assistance to transit system personnel and planners to compliment the technical assistance provided by SCDOT staff. Development of RTAP program goals and objectives is based on input from SCDOT staff, RTAP Advisory Council and from the [Transportation Association of South Carolina](#) (TASC). The RTAP Advisory Council meets annually to review program objectives. The Program Coordinator may conduct conference calls with council members as needed to solicit input on project development. The membership of the RTAP Advisory Council consists of transit professionals, operator of public transportation, human service agencies, and SCDOT staff. Project selection is based on the overall benefit to the state’s rural transit program and the SCDOT’s public transportation strategic goals. Some of the actives that have qualified for RTAP funds are:

The annual Statewide Transit “Roadeo” is sponsored to promote camaraderie and recognize good driving skills among van and bus drivers.

The SCDOT sponsors training seminars when it is felt that there are a significant number of transit personnel desiring or needing training on a specific subject. Courses are selected based on requests, interest surveys of transit agencies, and evaluation of the degree of deficiencies by SCDOT staff. Courses are open primarily to rural providers and transit planning agencies. However, urban transit systems are allowed to participate only when state funds are available to cover the estimated cost. RTAP funds cover the cost for registration, meal, lodging and transportation to the extent of available funds.

The SCDOT maintains a transit training library that makes available films, videos, or print materials related to transit training. Depending on copyright situations and levels of expressed interest, items may either be placed in a lending library or duplicated for distribution to South Carolina public transit systems. RTAP funding is focused on items of generic interest or with emphasis on rural, small urban, or vehicle concerns.

The SCDOT also provides financial assistance to rural and small urban public transit systems and specialized service providers to attend courses, seminars, workshops, and conference not sponsored by the SCDOT.

The RTAP program is funded at 100%, therefore, no local match is required. However, the SCDOT provides state funds to supplement any shortfall as needed.

At a minimum, the Office of Public Transit is responsible for submitting an annual RTAP activities report to the Federal Transit Administration (FTA). This report provides updated information on the different types of training opportunities provided to transit operators in non-urbanized areas using the RTAP funds. This is done through the use of scholarships for attendance at workshops, conferences, and on-the-job training.

## Chapter 4: Annual Program Development and Project Approval

SCDOT has simplified the application process. The application packages are also available in electronic format via the Internet. Since most subrecipients have access to the Internet, the distribution of application package has greatly improved.

SCDOT utilizes all of its program funds under the appropriate program, however, during the project development stage, SCDOT staff shall identify all other program funds that have not been obligated; if substantial, a transfer spending plan shall be submitted to FTA's regional office for approval after consulting with the recipients to determine whether or not they are unable to use their funds allocated by FTA. If approved, SCDOT shall implement the transfer, identify eligible subrecipients, update STIP and adjust the State's FTA grant Program of Projects (POP).

### Background

SCDOT makes an annual program announcement for all programs in the Fall. The program period of performance is based on the State Fiscal Year (July 1 – June 30). The announcements provide information on available funds and solicit applications from eligible subrecipients. The review of all applications will begin after receipt, usually in early January after the application closing date. Once application review is complete and subrecipient allocations made based on the FTA announced availability of program funds to the State for the given fiscal year, the Office of Public Transit will make recommendations to the SCDOT Commission for review and approval.

The annual program of projects recommended by the Office of Public Transit and approved by the SCDOT Commission shall serve as the basis for the State Transportation Improvement Plan (STIP) update as well as the State's annual application for funds to the Federal Transit Administration (upon STIP approval).

The program of projects shall identify each local subrecipient approved to receive funds for that year, inclusive of a brief description, funding level (federal and non-federal), and the amount of funds identified for state administrative expenses and intercity bus as applicable.

SCDOT application to FTA can include three (3) categories in the program of projects:

- Projects in **Category A** will include those applicants certified as having met all the statutory and administrative requirements necessary for project approval.

- Subrecipients in **Category B** will include those projects, which SCDOT intends to fund during that fiscal year, but have not yet met all the statutory and administrative requirements of the respective Programs.
- **Category C** will represent the State's program reserve with an amount, not to exceed ten (10%) percent of the total amount of the state's annual apportionment, to be used for unanticipated project and program needs, approved new projects or budget adjustments.

SCDOT routinely strives to allocate all available funds under Category A and to avoid using Category C.

## **Notice of the Availability of Funds**

The statewide announcements for Sections 5310, 5311, 5316 and 5317 are widely disseminated through various methods, to include:

- General Press Release through SCDOT Communications Office;
- Existing public transportation providers;
- County government administrators;
- South Carolina Regional Councils Of Governments (COGs) for region wide distribution to interested agencies including private sector transportation providers and Native American Tribes;
- Metropolitan Planning Organizations (MPOs);
- Other local planning agencies;
- Transportation Association of South Carolina (TASC);
- Members of the SCDOT Commission;
- Other interested agencies and operators of public transportation service; and
- Internet via the SCDOT Mass Transit website.

## **Public Hearing Requirements**

The public hearing requirement in 49 U.S.C. 5323(b) for capital projects was amended by SAFETEA-LU. The law now associates more clearly the public involvement and hearing

requirements for capital projects with the environmental review required by the National Environmental Policy Act (NEPA) and its implementing regulations. It also broadens the requirement to apply to all capital projects (as defined in 49 U.S.C. 5302).

Now, the applicant must provide an adequate opportunity for public review and comment on a capital project, and, after providing notice, must hold a public hearing on the project if the project affects significant economic, social, or environmental interests. These requirements will be satisfied through compliance with the NEPA requirements for a public scoping process, public review and comment on NEPA documents, and a public hearing on every draft environmental impact statement (EIS).

A public hearing on environmental assessments (EAs) that have a high probability of being elevated to EISs is also required, ensuring that the applicant has complied with the public hearing requirement to include in the environmental record for the project.

Under 49 U.S.C. Section 5323(b), any application for a project that will “substantially affect a community or the public transportation service of a community” shall include a certification to the effect that the applicant has:

- Provided an adequate opportunity for public review and comment on the project;
- After providing notice, held a public hearing on the project if the project affects significant economic, social or environmental interests;
- Considered the economic, social, and environmental effects of the project; and
- Found that the project is consistent with official plans for developing the community.

Title 49 U.S.C. 5323(b)(2) further states, “Notice of hearings under this subsection shall include a concise description of the proposed project; and shall be published in a newspaper of general circulation in the geographic area the project will serve.”

**Section 5323(b) must be read in concert with Section 5324(b)** which states that FTA must review the public comments and hearing transcript to ascertain that an adequate opportunity to present views was given to all parties having a significant economic, social, or environmental interest in the project, and that FTA must make a written finding to this effect.

## **Public Notification**

SCDOT and the regional COGs publicly advertise availability of funds to potential applicants by notifying potential applicants by letter, through the Office of Public Transit web site and through a publication having general circulation across the state.

At the conclusion of the application cycle/competitive selection process, SCDOT publishes a list of selected projects on the [Office of Public Transit web site](#). Additionally, SCDOT notifies the

South Carolina Budget and Control Board, [Office of State Budget as required by the States Project Notification and Review System](#).

## **Application Review and Approval Schedule**

The State's annual announcements shall provide a schedule of dates for application submittals and review by SCDOT staff, recording of the approval date by SCDOT Commission, and the State's submission of the respective program of projects to FTA for review and approval.

The general application review and approval schedule for allocation of available federal funds\*:

January	Receipt of all proposals
February	Proposals reviewed by SCDOT; Review Panel meetings held as required
March	Recommendations submitted to SCDOT Committee(s) and Commission for review
April	Presentation of recommendations to SCDOT Commission for approval
May	Submission of State application to FTA for review and approval
June	Contract Preparation and Release

Note that this schedule is general in nature and may be modified based on the availability of federal and/or state funds.

## **FTA Approval**

Upon approval by FTA of the State's program of projects, and after FTA and the SCDOT have entered into an agreement, the SCDOT/Office of Public Transit/Finance staff will transmit, under the cover letter of project authorization, three (3) copies of approved grant agreement(s) for execution by the subrecipient. Each agreement shall contain:

- The approved project budget;
- The detailed scope of services to be performed in accordance with the budget; and
- Required federal and state contract provisions and regulations (Terms and Conditions).

The subrecipient should review and execute the agreements, returning all three copies to the SCDOT/Finance Office within 30 days. SCDOT/Office of Public Transit will then sign all copies of the contract and forward an executed contract to the subrecipient.

## **Certifications and Assurances**

Subrecipients must annually assure FTA that the State and subrecipients meet certain requirements.

Each fiscal year (on or about October 1), FTA publishes the required certifications and assurances in the *Federal Register* and updates the certifications and assurances in the TEAM system. This notice indicates which certifications and assurances apply to all grantees and subrecipients.

Subrecipients submit the appropriate original signature certifications and assurances each fiscal year for all programs for which they will be funded. Subrecipients should use the most recent version of certifications provided by SCDOT during the annual application process. No contracts will be authorized until required signed certifications and assurances have been submitted and reviewed by SCDOT.

## **Period of Performance**

The period of performance for contracts will be based on the State's Fiscal Year of July 1 – June 30. In some instances, and depending on funding guidelines, a period of performance may initially extend beyond one state fiscal year. Period of performance is stated within the executed grant agreement between SCDOT and the Subrecipient. Grant agreement extension requests must be submitted in writing (with justification) to the Office of Public Transit for consideration and will be considered on a case-by-case basis.

SCDOT may establish different periods of performance for projects that are programmed for funding but have not yet met all the statutory or administrative requirements of the programs (Category B) pursuant to applicable [FTA Circulars](#).

Federally recognized Indian tribal governments approved for Section 5311 funding may request that the period of performance for administrative and operating grants coincide with the federal fiscal year (October 1 - September 30).

Private sector providers under direct contracts to the SCDOT shall have the period of performance for operating expenditures in conformance with the audit period set by the South Carolina Public Service Commission.

**Capital Projects**

The performance period for all capital projects shall commence July 1 of the award year (based on the state fiscal year). The period of performance is generally for a period of 12 months for completion of the respective capital project(s). Extension of capital project performance periods will be considered on a case-by-case basis. Subrecipients must submit a request for extension to the Office of Public Transit in writing. The request must indicate the project contract number; capital project description; justification for request for extension of performance period; and anticipated date of completion.

## **Chapter 5: Locally Developed, Coordinated Public Transit And Human Services Transportation Plan**

### **State Program Coordination**

The South Carolina Department of Transportation (SCDOT) considers coordination as the most important element for the success of Section 5311, 5310, 5316 and 5317 programs. To this end, SCDOT has implemented a state-level task force.

One element of state-level coordination involves the annual development and distribution of Section 5311, 5310, 5316 and 5317 application announcement and information. SCDOT accomplishes this task primarily with the assistance of the state's Metropolitan Planning Organizations (MPOs) and Councils of Governments (COGs). These agencies provide input in determining project scope, program guidelines, and level of funding.

As the lead agency for the coordination of public transportation, SCDOT supports coordination among public transportation organizations, private non-profit transportation providers, and public organizations that need transportation in order for clients to access jobs, services, and education. A coordinated transportation increases efficiency and effectiveness.

#### **Coordination with MPOs**

Final recommendations for funding made by the SCDOT/Office of Public Transit shall ensure maximum coordination prior to approval by the South Carolina Department of Transportation Commission.

The Statewide Transportation Improvement Program (STIP) must include all federal funds programmed for Mass Transit subrecipients, including Sections 5310, 5316, 5317 and 5311. The local MPO provides the TIP component of the STIP, which includes local public transportation projects.

Section 5310, 5316, and 5317 projects in urbanized areas must also be contained in a TIP endorsed by the MPO, the entity responsible for transportation planning and programming in metropolitan areas.

Section 5311 projects proposed within the MPO's current planning/study area boundaries, which may include areas expected to become urbanized within twenty years, must also be included in the MPO's TIP.

SCDOT staff collaborates and coordinates with the MPO's during the project development stage of the programs. The MPO provides the necessary technical review of the proposed projects before final approval by SCDOT.

Improved transportation coordination is important in South Carolina communities where limited resources and a growing transportation demand exist simultaneously. SCDOT staff will continue to work with various entities in communities around the State to research and develop unique and practical ways to coordinate transportation resources to meet the needs of residents.

## **Human Services Transportation Coordination**

### **Background**

SAFETEA-LU requires the establishment of a “locally developed, coordinated public transit-human services transportation plan” for all Federal Transit Administration (FTA) programs for underserved populations: Elderly Individuals and Individuals with Disabilities (Section 5310), Job Access and Reverse Commute (JARC - Section 5316), and New Freedom (Section 5317). Projects selected for funding under the JARC and New Freedom programs, whether by the State or by the designated recipient (in large urbanized areas), must be derived from a local coordinated plan. The provisions of SAFETEA-LU aim to improve transportation services for persons with disabilities, older Americans, and individuals with lower incomes. The provisions ensure that communities coordinate transportation resources provided through multiple Federal programs.

In urbanized areas with populations less than 200,000 and in rural areas, the State is the designated recipient for receipt and administration of funding under the JARC and New Freedom programs. For these areas, the Governor has designated the South Carolina Department of Transportation (SCDOT) to be responsible for administering the JARC and New Freedom programs, and has officially notified FTA's Region 4 office in writing of this designation. In urbanized areas over 200,000 in population, the Governor, in conjunction with responsible local officials, designates the recipient. Urbanized areas over 200,000 in population include Greenville, Charleston and Columbia. These areas have already or are in the process of obtaining the appropriate designation from the Governor.

SCDOT has elected to develop regional coordination plans that form the foundation for a statewide coordination plan. Such an approach allows for the direct involvement of local decision-makers, providers and advocates in the development of human services transportation coordination policies, strategies and identification of projects affecting their communities. It also affords them a substantial ownership stake in the overall planning process and facilitates direct involvement in the long-term coordination and provision of transportation services in their region.

## Coordination Plan Development

SCDOT and a committee of regional Council of Governments (COG) representatives has develop ten regional coordinated plans that meet the requirements of SAFETEA-LU, and the guidance detailed in the Federal Register Notice dated March 29, 2007 entitled, “Elderly Individuals and Individuals With Disabilities, Job Access and Reverse Commute, and New Freedom Programs: Final Circulars.” The horizon for the coordinated plans will follow that of the local long-range transportation plans.

While at a minimum the FTA formula programs for Sections 5310, 5316 and 5317 must be derived from a coordinated plan, the coordinated plans incorporate activities offered under other programs sponsored by Federal, State and local agencies. Other programs include FTA’s Section 5307 and 5311 programs, as well as Temporary Assistance for Needy Families (TANF), Workforce Investment Act (WIA), Vocational Rehabilitation, Medicaid, Community Action (CAP), Independent Living Centers, and Agency on Aging (AoA) programs.

The coordinated plan format is the same across all ten regions of the state, while development and content are specific to the needs and issues of each COG. The development of the coordinated plans is not meant to replace the efforts currently underway in specific areas of the state, but in those cases can be used to document and, where necessary, expand on those efforts in a consistent format. The coordinated plans are developed to address intra- and inter-regional needs and issues, and in a manner that allows the COGs, concurrent with regional Long Range Transportation Plan (LRTP) updates, to update the regional coordinated plan locally. Further, the coordinated plans are developed in a manner that allows the COGs to adapt and expand the plans to incorporate programs and initiatives specific to their regions, while maintaining the uniform format.

Plans are programmed for review and update every four years from the date of publication.

## Coordinated Plan Content

While SAFETEA-LU does not define an acceptable plan, plan content at a minimum:

- Assess and document transportation needs in each region for individuals with disabilities, older adults, and persons with limited incomes;
- Inventory available services in each region and identify areas of redundancy and gaps in service;
- Identify and document restrictions on eligibility for funding;
- Identify and document short- and long-range strategies in each region to address the identified gaps in service, including mobility management strategies;
- Identify and document technological resources currently available and appropriate for coordination of transportation services;

- Identify and document coordination actions in each region to eliminate or reduce duplication in services and strategies for more efficient utilization of resources; and
- Document and prioritize implementation strategies to increase coordination of transportation services in each region.

SCDOT supports a uniform application and selection process under the Section 5310, 5316 and 5317 programs for all COGs. To further this effort, SCDOT defines a menu of selection criteria that can be used uniformly across the ten regions, and document the basis for the selected criteria. At a minimum, the selection criteria will:

- Correlate with regional plan implementation strategies;
- Address gaps in current service provisions for targeted communities;
- Make use of available resources and leverage resources to the extent possible;
- Facilitate coordination across public-private, inter-agency and geographic boundaries;
- Coordinate with other Federal and/or state programs; and
- Be able to be replicated.

Specific selection criteria for each program are described in each annual application for funding.

The coordinated plans have been developed through a process that includes representatives of public, private and nonprofit transportation and human service providers. SCDOT and the COGs have clearly documented the stakeholder involvement and public outreach conducted as a part of this effort. SCDOT worked with each COG in identifying the appropriate stakeholders within a specific region and conducting the public outreach process. The schedules, agendas and process strategies were coordinated with the Statewide Transit Plan development process that was concurrently underway where possible to avoid duplication in effort. The findings and results of the Barriers to Statewide Coordination of Transportation Services study undertaken by Clemson University have also been utilized to avoid duplication.

Key issues, needs and implementation strategies from each coordinated plan is compiled into a statewide Executive Summary that serves as the foundation for development of a truly integrated inter-agency statewide coordination plan.

## Project Evaluation and Selection

The Governor has officially designated SCDOT as the state agency responsible for receiving Section 5310, 5316 and 5317 funds and administering these statewide programs. In December 2006, the SCDOT Commission officially designated all COGs as Regional Coordination Bodies for the purpose of authorizing them to engage in coordination planning and project development on behalf of the state for rural and small urban areas.

COGs will prioritize annual projects and submit a regional project listing to the state, and will recommend final projects. COGs conduct the initial annual project application screening and prioritization process at the regional level, with an SCDOT application review panel making the final recommendation to the SCDOT Commission for consideration and approval.

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## Chapter 6: Project Financial Management

### Background

As primary recipient of FTA funds and as the State agency designated to administer such funds for mass transit activities in South Carolina, SCDOT will manage the fiscal elements of these programs in accordance with its existing procedures, FTA guidelines, and other applicable state and federal regulations.

### Project Identification

All projects included in the annual program of projects shall be assigned a project number per contract for use as identification purposes.

### Pre-Award Requirements

Upon initial approval of an applicant for inclusion in the Program of Projects, the SCDOT/Office of Public Transit shall review each project for the following:

- Determine that the subrecipient's accounting system is adequate and capable of segregating, accumulating, and maintaining allocable and allowable costs as they apply to the project and/or contract and to document necessary facts that might be needed for audits;
- Establish proper record retention policy to ensure that documents will be maintained after project completion (record retention shall be required for a three (3) year period after payment of final billing or completion of the project, whichever occurs last);
- Establish procedures to ensure proper project management and oversight;
- Ensure that project costs are reasonable and in line with those that the subrecipient is currently incurring;
- Ensure the subrecipient has the financial capability to perform the services required.
- Determine that the applicant has an inventory procedure to assure that equipment purchased with federal and/or state funds can be accounted for at any time (documentation of the inventories should be on file at all times); and
- Assure that the applicant can comply with the provisions of OMB Circular [A-133](#).

## **Establishment of Project Accounts**

### Standards for Accounting

All subrecipients are required to establish and maintain an accounting system to which all transportation-related costs, revenues and operating costs are recorded so that they may be clearly identified, easily traced and substantially documented. The fully allocated cost of the public transit program must be clearly identified regardless of the operational nature of the agency serving as the designated transit system.

SCDOT maintains a financial management system of financial reporting, accounting records, internal controls, and budget controls subject to standards specified in the state laws enforced by the State Auditor and the State Budget and Control Board. All systems and procedures for financial management are in compliance with [49 CFR Part 18](#), the “Common Rule.”

SCDOT/Office of Public Transit and the subrecipient shall both be responsible for documenting and supporting all costs charged to the project. Examples of adequate documentation include, but are not limited to:

- Properly executed payrolls;
- Time records;
- Invoices;
- Contracts; and
- Vouchers.

All supporting documentation shall detail the nature and propriety of the charges.

## **Materials Inventory**

The Office of Public Transit’s (OPT) goal is to achieve adequate resource management of materials inventory purchased, in whole or in part, with OPT administered funds used in the maintenance of vehicles and facilities and to establish uniform standards for compliance with OMB Circular A-110. This guidance will be used by OPT sub-recipients in conjunction with Federal, State and Local regulation and the OPT State Management Plan associated with executed contracts. If discrepancies exist between the language in this guidance and applicable federal and state regulations and statutes, the federal statute/regulation prevails.

## Definitions

**Materials Inventory:** property excluding equipment and intangible property used in the maintenance performance and objectives of OPT funded facilities and vehicles. It includes, but is not limited to, tires, fuel, oil, filters, etc.

**Sub-recipient:** the legal entity responsible for complying with the fully executed contract with OPT.

**Reasonable Costs:** Costs, in nature or amount that does not exceed an amount that would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the costs. Consideration will be given as to whether (1) the cost is ordinary and necessary for the performance of the award and the operation of the agency; (2) requirements imposed by generally sound business practices, related party transactions, Federal and State laws and regulations, terms and conditions of the contract; (3) whether the individual acted with prudence in the circumstances, considering their responsibilities to the agency, clients, the public, OPT and the Federal Government and; (4) significant deviations from agency policies and procedures which unjustifiably increase the costs.

## Standards

Sub-recipients will develop policies and procedures to ensure that inventory is safeguarded to prevent the abuse and misuse (i.e. not used for personal use) and ensure inventory costs are properly charged to programs in the period that such program receives the benefit.

To ensure compliance with this policy, sub-recipients may only submit request for reimbursement for materials that have been used (consumption method). OPT will consider exceptions to the consumption method on a case by case basis. OPT may give consideration to inventory items that are hard to obtain and/or have unusual delivery times and where the costs are reasonable in nature. In such cases, OPT approval is required before items are ordered.

Sub-recipients must maintain records that support preventive maintenance costs charged directly or allocated to OPT administered programs. Work orders or other supporting documentation must include sufficient item description, and VIN or serial number, as appropriate, item cost, and quantity. Allocation costs must be supported by spreadsheets or system generated reports.

## Record Retention

Financial records, supporting documents, and other records pertinent to a contract shall be retained in compliance with OMB Circular A-110: Subpart C: Retention access requirements for records. Documentation shall be retained for three years from the date of submission of the final report with the following exceptions. Records must be maintained for three years from the time: (1) litigation, claims and audit findings have been resolved, if such action was started before expiration of the 3 year period and (2) three years from the date of assets are disposal.

## Requests for Payment

Before a subrecipient may begin requesting funds, a fully executed agreement must exist between the subrecipient organization and the South Carolina Department of Transportation.

A subrecipient must also have on file with SCDOT a signatory authorization form that designates the individual who has authority to sign invoices on behalf of the subrecipient organization.

A subrecipient shall submit invoices on forms and in a manner prescribed by the SCDOT Office of Public Transit.

Upon receipt of a Request for Payment Invoice, the SCDOT/Office of Public Transit/Finance and Accounting Office will fully examine the invoice to verify that the requirements of the current *Request for Payment Instructions Handbook* have been complied with.

## Program Income

**Program income**, as defined by [OMB Circulars A-102](#) (Grants and cooperative Agreements with State and Local Governments) and [A-110](#) (Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other non-Profit Organizations), is gross income earned by a subrecipient that is generated directly by an activity supported in whole or in part with Federal funds or earned only as the result of the grant award. Only the portion of income received is considered program income and is subject to the Office of Public Transit (OPT) oversight.

Program income includes, but is not limited to, income from:

- Fees for services provided to a third party entity;
- Rental fees for the use of real or personal property acquired under federally-funded projects;
- Sale of items fabricated under an award, license fees and royalties on patents and copyrights;
- Interest on loans made with award funds; or
- Sale of real property.

Program income does not include:

- Interest earned on advances of Federal funds;
- The receipt of principal on loans, rebates, credits, discounts, etc., or interest earned on any of them except as otherwise provided in the awarding agency regulations, award terms and conditions.

[Title 49, CFR Part 18.25](#) (state and local governments) and [Part 19.24](#) (non-profits) provide additional guidance on how subrecipients may account for program income. Program income earned shall be retained in accordance with the OPT grant agreements and other associated terms and conditions. Program income:

- Shall be retained and used for allowable capital or operating expenses.
- Program income must be used as it is earned to defray eligible program costs; it may not be used to reduce the subrecipients' local share;
- Shall be used to reduce total allowable cost to net costs on which the Federal share is determined. Subrecipients must disburse program income funds before requesting reimbursement for OPT administered funds;
- May be used to meet cost sharing or matching requirements for non-FTA transit programs, when authorized by the OPT. The amount of the Federal award remains the same;
- May not be transferred from one program to another;
- If authorized by OPT, costs associated with the generation of program income may be deducted from gross income provided these costs have not been charged to the award;
- Subrecipients must account for program income earned in their accounting system and the accounting system must be able to identify the purpose for which program income was used.

Proceeds from the sale of property shall be handled in accordance with generally accepted accounting principles, awarding agency requirements and the subrecipient's property standards.

For additional guidance on program income and how to utilize program income, contact OPT.

## **Revisions and Amendments to the Approved Grant Agreement**

During the course of the contract it may become necessary to make modifications to the project in the form of administrative amendments, budget revisions, or contract amendments.

### **Administrative Amendment:**

A change in a grant agreement normally initiated by SCDOT to modify or clarify certain terms, conditions, or provisions of the grant agreement.

An administrative amendment is used to modify a grant agreement for such purposes as to comply with changes required by SCDOT, to change the year or type of funds obligated for a grant agreement, to transfer equipment from one subrecipient to another or to reflect a change in the subrecipient's name. An administrative amendment cannot be used to change the scope, amount, or purpose of a grant agreement.

### **Grant Agreement Amendment:**

A change in the scope or purpose of a grant agreement or the federal and/or state participation.

**Requirement** - A sub-grant amendment is required when proposed changes in the grant agreement would:

- Alter the scope or purpose of the approved project; or
- Require an increase in the project amount or a change in the federal/state/local matching ratio.

**Change of Scope or Purpose** - The scope or purpose of a grant agreement is changed by any of the following circumstances:

- Changes in the scope that will involve an increase in the federal and/or state financing of the project; or
- Adding or deleting a project budget category from the grant agreement; or
- Changes to the size, or physical characteristics of items being purchased that are originally under contract; or
- Changes that will increase or reduce the number of units to be purchased or constructed where the change exceeds the greater of one unit or 10 percent of the number approved in the line item; or
- Changes that will increase the total amount allocated to any single cost category in the project budget; or
- Changes that will extend the period of availability of funds; or
- A transfer within an approved sub-grant agreement budget that cumulatively exceeds ten percent (10%) (Capital and Operating grant agreement) or twenty percent (20%) (Planning grant agreement) of the total budget most recently approved by the SCDOT; or
- A change that the SCDOT concludes is significant which modifies a category, project description, or the size/number of items specified in the grant agreement. For example, this includes but is not limited to: route reductions, material personnel changes, budget modifications that move 30% or greater value of funds in a category or from one category to another to maintain or adjust service delivery.

## Budget Revision

A budget revision is appropriate if the purpose, scope, total category amount and total contract amount remains consistent with the applicable Approved Project Budget. This includes a transfer of funds between line items in the same category as long as salaries and fringe benefits

are not increased. A budget amendment must be used to change the purpose, scope, total dollar amount or terms and conditions of the contract.

The subrecipient may make budget revisions without the prior approval of SCDOT/Office of Public Transit provided that:

1. The TOTAL budgeted amount in any one category (Administrative, Operations, Capital and/or Planning) does not change ;

AND

2. No increases are made to salaries and/or fringe benefits line items.

SCDOT/OPT will consider budget revision requests, other than stated above, on a case-by-case basis. The subrecipient MUST submit the revision request in writing to the Economic Development Manager with detailed justification and is to include the previously approved and revised line items.

## Procedures

A sub-grant agreement amendment must be used for when changes cannot be handled by a budget revision or administrative amendment.

- All requests for sub-grant amendments must be submitted in writing to SCDOT/Office of Public Transit/Finance Office along with appropriate justification.
- SCDOT/Office of Public Transit/Finance Office shall notify the subrecipient in writing regarding approval, modification, or rejection.
- Approval of amendments shall be in the form of a Supplemental Agreement. To be effective, a Supplemental Agreement must be fully executed by both the project organization and the South Carolina Department of Transportation.

## **Closeout and Audit Procedures**

### Grant Agreement Closeout

Upon completion of a project, the subrecipient should submit to SCDOT/Office of Public Transit/Finance Office within 30 days after the contract ending date the items outlined below:

- A final line item budget that shows the actual cost incurred;
- A final Financial Status Report and Financial Status Report Supplement;

- A final Request for Payment invoice to request payment for any remaining eligible expenses, if appropriate;
- A check made payable to the South Carolina Department of Transportation for over requested funds;
- Copies of any technical studies or other documents produced as a result of the contract, if not already submitted;
- Any other reports required as a condition of the contract.

The South Carolina Department of Transportation has the right to unilaterally initiate contract close-out in cases where approved funds have been substantially disbursed or the subrecipient has done little to complete activities as approved in the contract. In every case, SCDOT will notify subrecipients by letter that the grant agreement has been closed out; indicating that the project is complete and no further charges will apply to that grant agreement.

## Audit

To provide guidance and assistance with processing financial statement audits in compliance with the South Carolina Department of Transportation, Office of Public Transit (OPT) requirements. These standards are applicable, but are not limited to, audits of States, local governments and non-profit organizations.

In compliance with OMB Circular A-133, agencies expending \$500,000 or more in federal assistance in the subrecipient's fiscal year must submit a single audit to OPT. Subrecipient's not meeting the scope of a single audit must submit a financial statement in compliance with the State of South Carolina Office of the State Auditor and the Office of Public Transit contractual requirements.

Two copies of the report, a copy of the data collection form, and other required documents are to be submitted to the Office of Public Transit, Assistant Director, within the earlier of 30 days after receipt of the audit report or nine months after the subrecipient's fiscal year end. The Office of Public Transit will keep a log to ensure OPT receipt of required reports and documents, OPT review and resolution.

Where both SCDOT Highway and Transit funds are received by a subrecipient, the Office of Public Transit will be responsible for the review and follow up on OPT administered funds. The Office of Contract Assurance will be responsible for the review of other SCDOT program funds.

It is our goal to perform the review within 90 days of receipt of required reports and documents and to ensure resolution of issues within a maximum of six months after receipt of the subrecipient's approved corrective action plan. Subrecipients who disagree with reported findings, recommendations, required action or action dates must do so in writing and must provide the reason for the disagreement and identify the basis for the disagreement (i.e. law,

regulation, OPT policy / procedures). Once all issues have been satisfactorily addressed, OPT will prepare a closeout letter.

If a subrecipient (1) fails to submit the required report and documentation before the due date (2) fails to obtain an extension from OPT as is appropriate (3) fails to submit an official extension to OPT from the appropriate cognizant agency and/ or (4) fails to respond to the OPT review, appropriate action will be taken. In cases of continued inability or unwillingness to have an audit conducted in accordance with audit requirements, OPT will consider taking appropriate action to include, but not limited to, measures outlined in OMB Circular A-133 Subpart B, § .225 Sanctions.

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## Chapter 7: Procurement and Third Party Contract Management

### Background

The South Carolina Consolidated Procurement Code establishes standards for South Carolina State Government agencies' procurement and contracting activities. Political subdivisions, pursuant to State Procurement Code Section 11-35-50, in cooperation with the State, are required to develop and adopt procedures embodying sound principles of appropriately competitive procurement.

Procurement and third party contracting activities are primarily the responsibility of the local project. The procurement and contract standards set forth in this chapter shall apply to the procurement of capital equipment and professional services, and should follow established local procedures and applicable state or federal standards in accordance with the South Carolina Consolidated Procurement Code and [FTA Circular 4220.1\(series\)](#), Third Party Contracting Guidance, as amended.

SCDOT/Office of Public Transit shall require all subrecipients to follow the State Consolidated Procurement Procedures: <http://www.mmo.sc.gov/PS/PS-index.phtm>

Additional federal guidance can be found in FTA's Best Practices Procurement Manual (BPPM) found online at:

[http://www.fta.dot.gov/funding/thirdpartyprocurement/grants\\_financing\\_6037.html](http://www.fta.dot.gov/funding/thirdpartyprocurement/grants_financing_6037.html).

During the annual SCDOT application process for federal and/or state funding, a subrecipient must indicate intended procurement and solicitation plans through the scope and budgeting documents included within the application for funding. SCDOT will review and make recommendation for funding based on the availability of funds and need justification by the subrecipient. No solicitation or procurement of goods or services is authorized unless reviewed and approved during the application process and represented in the subrecipient's annual grant agreement budget. Requests for scope and/or budget revision are considered on a case-by-case basis and must be requested by letter to SCDOT Office of Public Transit.

Subrecipients shall conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. This does not preempt State licensing laws. However, geographic location may be a selection criterion in procurements for architectural and engineering (A&E) services provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

[Current Federal Fiscal Year Certifications and Assurances](#) must be reviewed by the subrecipient and incorporated, as appropriate, into all solicitations, proposals, bids and/or awards

conducted. Refer to Appendix A of this manual for a list of required FTA contract clauses by type of procurement and dollar threshold.

## **Procurement Options through the State of South Carolina**

Eligible subrecipients are encouraged to use the State procurement system ("state contract") operated by the South Carolina Budget and Control Board, Division of General Services (Office of Materials Management).

The South Carolina Material Management Office (MMO), through an indefinite quantity or term contract establishing the supplies and prices for the contracted commodities for a specified period of time, may periodically procure vehicles and equipment. Term contracts are awarded in accordance with competitive bidding procedures established by State statutes.

Vehicles and equipment may be procured through a definite quantity contract. Should it be determined that it is to the benefit of the state or project, OPT may solicit for goods or services through SCDOT Procurement and MMO, resulting in a statewide term contract for those goods or services. SCDOT will procure goods or services in accordance with competitive bidding procedures established by state statute.

Regardless of dollar value, when using federal funds to purchase services or equipment, subrecipients are responsible for ensuring that appropriate federal clauses are appended to a state contract purchase **prior to contractual or financial commitment**. This is accomplished by providing appropriate federal clause language and any required signature documents to the selected vendor. Copies of signed documentation must be filed with the purchase order/procurement file.

### **Purchase of Transit Vehicles on State Solicited Contract**

The Office of Public Transit works directly with the State of South Carolina Materials Management Office when soliciting vendors for specified transit equipment availability on state contract. Through this process, the required federal clauses are incorporated into the process and in the final contract awards.

Prior written approval of all vehicle specifications and/or options must be received from SCDOT/Office of Public Transit when purchasing through State contract. The approval letter from SCDOT/Office of Public Transit will specify whether the specification and/or options are approved for purchase off of state contract and identify the grant agreement number that approved expenses will be charged.

SCDOT/subrecipient will conduct Pre-Award and Post-Delivery inspections. Certifications, Form 400-Request for Title, Proof of Insurance, and vendor's invoice will be provided for each vehicle purchased and accompany the Request for Reimbursement.

## **Purchase of Non-Transit Vehicles and Other Equipment or Services on State Solicited Contract**

When purchasing equipment or services available on a state contract using federal funds, regardless of amount of federal funds expended, the subrecipient must ensure that appropriate [federal clauses](#) are incorporated under separate document with the selected vendor. This is accomplished by ensuring that the selected vendor is provided a copy of applicable federal clauses and returns a signed document agreeing to specified clauses to the purchasing subrecipient for inclusion in the subrecipients procurement file. As a general rule, any federal clauses and documents that are signed by the subrecipient in order to affect the annual grant agreement and award of federal funds from SCDOT, are the same clauses that must be reviewed and signed by the vendor selected from an existing state contract.

## **Procuring Professional Services**

FTA allows the Office of Public Transit (OPT) the discretion to follow State procurement policy and to pass down policies to our sub-recipients. OPT procurement policy is based on the South Carolina Procurement Code Section 11-35-710 with exceptions. OPT procurement must comply with FTA Circular, Third Party Contracting Guidance which requires that all awards comply with Federal laws and regulations. To ensure compliance with Federal laws and regulation, sub-recipients must include federally required contract clauses in contract provisions.

Professional services that will be paid with OPT administered funds, in whole or in part, must be procured based on the same dollar and category requirements of non-professional services identified in the South Carolina Procurement Code. OPT may exempt professional services from standard purchasing procedures on a case by case basis at the request of a sub-recipient.

### **Exceptions**

A sub-recipient must provide a written request and obtain written approval for exemption from OPT in advance of contracting for professional services. Failure to seek prior approval may result in such service being ineligible for reimbursement, either as a direct or indirect cost under OPT administered programs.

### **Auditing Services**

In compliance with OMB Circular A-133, sub-recipients expending \$500,000 or more in federal assistance in the agency's fiscal year must submit a single audit. Sub-recipients not meeting the scope of a single audit must submit a financial statement audit in compliance with the State of South Carolina Office of the State Auditor and OPT requirements.

Please note that sub-recipients are not required to change auditors every three year. OPT looks to Sarbanes-Oxley Act of 2002, Title II, Section 203 for guidance. Therefore, an audit firm's lead or coordinating audit partner having responsibility for the audit or responsible for reviewing the audit, is prohibited from performing audit services for more than 5 consecutive (sub-recipient) fiscal years. Still, contracts must be put out for RFP or IFB, per State Management Plan requirements, but would allow agencies to contract again with performing auditors.

## **Local Procurement**

When purchase from State contract is not possible or feasible, procurement shall be conducted in accordance with established State Procurement Code Regulations and FTA Circular 4220.1(series), Third Party Contracting Guidance, (as amended). Currently, State guidance is more restrictive than Federal guidance. Therefore, State guidance is followed regarding methods of local procurement.

Specifications for vehicles, equipment, and professional services (e.g. architectural and engineering or consulting firms) should be written in a manner so as not to unduly restrict competitive bidding.

**NOTE: The following solicitations must be reviewed and approved by SCDOT Office of Public Transit, regardless of federal and/or state dollar value:**

- **Capital Cost of Contracting – Purchase of Service solicitations and awards (e.g., 5310, 5316, 5317);**
- **Vehicle and/or vehicle equipment solicitations and awards; and**
- **Facility construction and/or renovation solicitation and awards**

**Procurement requirements must not be artificially divided by the subrecipient so as to constitute a small purchase in order to avoid competitive procedure(s) appropriate for the approved acquisition.**

## **Methods of Procurement**

**Procurement shall be conducted by one of the following four methods:**

**Micro-Purchase: Purchases not exceeding \$2,500.00**

- May be accomplished without securing competitive quotations if the prices are considered reasonable;
- Are exempt from FTA's Buy America requirements;
- Purchases must be distributed equitably among qualified suppliers/vendors;
- Document the determination that the price is fair and reasonable and describe how determined.
- Retain documentation for three (3) years from:
  - The date of submission of the final request for payment of grant agreement that includes the small purchase;

OR

  - If equipment purchase, the date of disposition of equipment purchased as a result of solicitation.

**Small Purchase: Purchases over \$2,500 to \$10,000**

- Solicitation of written quotes from a minimum of three qualified sources of supply;
- Documentation of the quotes attached to the local purchase requisition;
- Award shall be made to the lowest responsive and responsible source;
- Are exempt from FTA's Buy America requirements;
- Retain documentation for three (3) years from:
  - The date of submission of the final request for payment of grant agreement that includes the small purchase;

OR

  - If equipment purchase, the date of disposition of equipment purchased as a result of solicitation.

## Formal Purchase

**All solicitations estimated in excess of \$10,000 shall be reviewed by SCDOT Office of Public Transit.**

The subrecipient shall submit the proposed contract terms and conditions, technical specifications/scope of service, and invitation for bid (IFB) advertisement or request for proposals (RFP) to SCDOT/Office of Public Transit for review and written approval to ensure:

- The project is currently approved for use of federal and/or state funds within an active subrecipient grant agreement;
- The project has clearly and accurately described the technical requirements;
- The project has clearly set forth the requirements the offeror/bidder must fulfill (i.e., all State and Federally required clauses and requirements);
- Advertisement will be made at least once in the South Carolina Business Opportunities (SCBO) publication;
- The bid provides for open and free competition; and
- The project has made positive efforts to utilize disadvantaged business enterprises.

### **Formal Purchase: Purchases \$10,000 - \$50,000**

- Written solicitation of written quotes from a minimum of three qualified sources of supply.
- Advertisement (at a minimum in South Carolina Business Opportunities) for a minimum of 21 days.
- Documentation of the quotes attached to the local purchase requisition;
- Award shall be made to the lowest responsive and responsible source;
- Are exempt from FTA's Buy America requirements;
- Retain documentation for three (3) years from:
  - The date of submission of the final request for payment of grant agreement that includes the small purchase;

OR

- If equipment purchase, the date of disposition of equipment purchased as a result of solicitation.

**Formal Purchase: \$50,000 and Greater**

**Sealed Bids (Invitation for Bid)**

A process by which bids greater than \$50,000 are publicly solicited, and a firm fixed price contract (lump sum or unit price) is awarded to the responsible and responsive bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is lowest in price.

Procurement using sealed bids is appropriate if:

- A complete, adequate, precise, and realistic specification or purchase description is available;
- Two or more responsible bidders are willing and able to compete effectively for the business;
- The procurement generally lends itself to a firm fixed price contract;
- The successful bidder can be selected on the basis of price and those price-related factors listed in the solicitation including, but not limited to, transportation costs, life cycle costs, and discounts expected to be taken;
- Discussions with one or more bidders after bids have been submitted are expected to be unnecessary as award of the contract will be made based on price and price-related factors alone.

It should be noted that contractor selection may not be determined on the basis of other factors not stated in the solicitation and costs that cannot be measured at the time of award. It is highly recommended that a pre-bid conference with prospective bidders before bids have been received be conducted. Discussions may be conducted with apparent responsive bidders for the purpose of clarification. Clarification must be documented in writing and must be included with the solicitation.

**Sealed Bid Procedure** (Reference: [South Carolina Consolidated Procurement Code](#))

*(Note that the SC Consolidated Procurement Code should be reviewed for specific guidance.)*

The following procedures apply to sealed bid procurements:

- An invitation for bids must be issued in an efficient and economical manner and must include specifications and all contractual terms and conditions applicable to the procurement.
- Bids are solicited from qualified and adequate number of known suppliers.
- Adequate notice of the invitation for bids (at least 21 days) must be given before the date set for opening of bids. **Notice must be placed in the SCBO.**
- All bids, including modifications, received before the time of opening must be kept secure and unopened.
- Bids must be opened publicly in the presence of one or more witnesses, at the time and place designated in the invitation for bids and in the manner prescribed by regulation of the awarding agency. The amount of each bid, and other relevant information as may be specified by regulation, together with the name of each bidder, must be tabulated. The tabulation must be open to public inspection at that time.
- Bids must be accepted unconditionally without alteration or correction. The invitation for bids must set forth the evaluation criteria to be used. Criteria must not be used in bid evaluations that are not in the invitation for bids.
- Any or all bids may be rejected if there is a sound, documented business reason.
- Unless there is a compelling reason to reject bids, notice of an award or an intended award of a contract to the lowest responsive and responsible bidder whose bid meets the requirements set forth in the IFB must be given by posting the notice at a location specified in the invitation for bids.
  - **For contracts with a total or potential value of \$50,000 but less than \$100,000**, notice of the award of a contract must be given by posting and must be sent to all bidders responding to the solicitation on the same day that the notice is posed.
  - **For contracts with a total or potential value of \$100,000 or more**, notice of an intended award of a contract must be given by posting the notice for ten (10) days before entering into a contract and must be sent to all bidders responding to the solicitation on the same day that the notice is posted.
- **The subrecipient must receive written approval from SCDOT Office of Public Transit for bid award prior to the execution of an agreement or contract between the subrecipient and the selected bidder.**

- The subrecipient should provide the following information in requesting bid approval:
    - A copy of the written solicitation and written quotes; and
    - A copy of the SC Business Opportunities (SCBO) advertisement;
    - A copy of the final bid specifications;
    - A tabulation of the bid certified by the subrecipient's agency director;
    - A recommendation made by the subrecipient as to the bid award;
    - A copy of the bid submitted by the recommended bidder, along with any pertinent correspondence relating to exceptions to the approved specifications.
    - Acknowledgement that the contractor will comply with all Federal Requirements as mandated by FTA.
    - Upon approval by SCDOT/Office of Public Transit, the subrecipient shall enter into a firm, fixed price contract with the bidder.
  - Retain documentation for three (3) years from:
    - The date of submission of the final request for payment of grant agreement that includes the small purchase;
- OR
- If equipment purchase, the date of disposition of equipment purchased as a result of solicitation.
  - The contract file must contain the basis on which the award was made and must be sufficient to satisfy external audit.

### **Competitive Sealed Proposals (Request for Proposals)**

A process used when the nature of the procurement does not lend itself to sealed bidding and the agency determines in writing that the use of competitive sealed bidding is not practicable or advantageous to the agency. When an item or service to be procured is not such that a complete, adequate and realistic specification can be developed or when the item or service does not lend itself to a firm fixed priced contract, the subrecipient may conduct a competitively negotiated procurement (Request for Proposals (RFP)).

Procurement using RFP is appropriate if:

- The property or services to be acquired are described in a performance or functional specification; or if described in detailed technical specifications, other circumstances such as the need for discussions or the importance of basing contract award on factors other than price alone are present;
- Uncertainty about whether more than one bid will be submitted in response to an RFP and the subrecipient lacks the authority or flexibility under state or local law to negotiate the contract price if it receives only a single bid;
- Due to the nature of the procurement, contract award need not be based exclusively on price or price-related factors. In different types of negotiated acquisitions, the relative importance of cost or price may vary. When the subrecipient's material requirements are clearly definable and the risk of unsuccessful contract performance is minimal, cost or price may play a dominant role in source selection. The less definitive the requirements, the more development work required, or the greater the performance risk, the more technical or past performance considerations may play a dominant role in source selection and supersede low price;
- Separate discussions with individual offeror(s) are expected to be necessary after they have submitted their proposals. This contrasts with the Initiation for Bid process in which discussions with individual bidders are not likely to be necessary, as award of the contract will be made based on price and price-related factors alone.

#### Competitive Sealed Proposals (Request for Proposal) Procedure

(Reference: [South Carolina Consolidated Procurement Code](#))

*(Note that the SC Consolidated Procurement Code should be reviewed for specific guidance.)*

The following procedures apply to competitive sealed proposal (request for proposal) procurements:

- Requests for Proposal must be issued in an efficient and economical manner and must include the scope of work (scope) and all contractual terms and conditions applicable to the procurement.
- The request for proposals must state the relative importance of the factors to be considered in evaluating proposals, but may not require a numerical weighting for each factor. Price may, but need not, be an evaluation factor.
- **Notice must be placed in the SCBO.** Adequate notice of the invitation for bids (at least **30 days**) must be given before the date set for receipt of proposals and must include

sufficient time for any questions and answers for a comprehensive response to the request for proposals.

- All proposals, including modifications, received before the time of opening must be kept secure and unopened.
- Proposals must be opened publicly in the presence of one or more witnesses (usually Board and staff members), in the manner prescribed by regulation of the awarding agency.
- As provided in the request for proposals, discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. All offerors whose proposals, in the procuring agency's judgment, need clarification must be afforded the opportunity.
- Proposals must be evaluated using **ONLY** the criteria stated in the request for proposals and there must be adherence to weightings that, if stated in the request for proposals, have been assigned previously.
- Once evaluation is complete, all responsive offerors must be ranked from most advantageous to least advantageous to the procuring agency, considering **ONLY** the evaluation factors stated in the request for proposals. If price is an initial evaluation factor, award must be made in accordance with [South Carolina Consolidated Procurement Code](#), Section 11-35-1530(9).
- Negotiations. Whether price was an evaluation factor or not, the procuring agency may determine it necessary and may proceed with negotiations with any or all offerors.
  - **Under no circumstances may confidential information derived from proposals and negotiations submitted by competing offerors be disclosed.**
- **The subrecipient must receive written approval from SCDOT Office of Public Transit for award prior to the execution of an agreement or contract between the subrecipient and the selected offeror.**
  - The subrecipient must provide the following information in requesting review and approval from SCDOT to award:
    - A copy of the written final advertised request for proposals;
    - A copy of the SC Business Opportunities (SCBO) advertisement;
    - A copy of the final evaluation factors;

- A tabulation of the proposals received, certified by the subrecipient's agency director;
  - A copy of the written proposal submitted by the recommended bidder, along with any pertinent correspondence relating to negotiation conducted after receipt/acceptance of the offeror proposal; and
  - Acknowledgement that the offeror will comply with all Federal Requirements as mandated by FTA and/or SCDOT.
  - Upon approval by SCDOT/Office of Public Transit, the subrecipient shall enter into a firm, fixed price contract with the bidder.
- Award must be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the procuring agency, taking into consideration price and the evaluation factors set forth in the request for proposals.
  - SCDOT/Office of Public Transit/Procurement Office shall approve the proposed negotiated contract.
  - Unsuccessful offerors should be notified promptly that their proposal was not accepted by sending a non-award statement.
  - Retain documentation for three (3) years from:
    - The date of submission of the final request for payment of grant agreement that includes the small purchase;
- OR
- If equipment purchase, the date of disposition of equipment purchased as a result of solicitation.
  - The contract file must contain the basis on which the award was made and must be sufficient to satisfy external audit.

## **Cost and Price Analysis**

A cost or price analysis must be performed in connection with every procurement action, including contract modifications. The method and degree of analysis depends on the facts and circumstances surrounding an individual procurement, but as a starting point, the subrecipient must make independent estimates **before** receiving bids or proposals.

## Price Analysis

A price analysis will be the usual procedure followed in a competitive situation and in situations where items are being procured which are sold in the commercial marketplace to the general public. A price analysis is an evaluation of the offeror's price relative to the prices being offered by other vendors and being paid by the general public for the same or similar items. The essential factors which must be present in order to make a price analysis are:

- The product must be a “commercial product” (i.e., one for which there is a basis of comparison in the commercial marketplace). Price analysis would not be suitable, for example, for research and development items, or for one-of-a-kind items for which there is no basis of comparison.
- It is not necessary that competing products be exactly identical to the product being offered, but you must be able to compare the products' capabilities and their respective price differences in light of those varying capabilities. By such comparisons one is able to make value judgments that a particular product's performance capabilities warrant a higher or lower price than a competing product.

## Cost Analysis

A cost analysis will be required whenever a price analysis cannot be performed. A cost analysis entails the review and evaluation of the separate cost elements and the proposed profit of an offeror's cost proposal. A cost analysis is conducted to perform an opinion on the degree to which the proposed cost, including profit, represents what the performance of the contract 'should cost', assuming reasonably economy and efficiency. A cost analysis will be appropriate in the following situations:

- The product or service being offered is not susceptible to being evaluated against other commercially available items of similar products or services. Examples would include procurement for professional services where no competing price proposals are submitted, as in procurement for architectural-engineering services where only one cost proposal is solicited from the highest ranking firm, or sole-source procurement for other types of services.
- When change orders are issued to contracts requiring the contractor to do work whose cost can only be evaluated by examining the various cost elements, such as labor, materials, travel, etc.

## Vendor Preference

When purchasing services using Federal Transit Administration (FTA) funds, subrecipients are not permitted to invoke a resident (South Carolina) vendor preference.

## **“Piggy-backing”**

Per South Carolina procurement policy, SCDOT does not allow subrecipients to “piggyback” off of another state’s procurement contract. Conversely, SCDOT will not allow piggybacking on contract awards made under SMTF and/or Sections 5310, 5311, 5316 or 5317.

## **Illegal Immigration and Public Contracts**

On June 4th, 2008, the South Carolina Illegal Immigration Reform Act, [2008 Act No. 280](#) was signed into law. Section 3 of this Act added [Title 8, Chapter 14](#) of the South Carolina Code of Laws. Titled "*Unauthorized Aliens and Public Employment*," this new Chapter contains the Act's primary restrictions regarding contracts between private businesses and governmental entities. According to the Act's title, Chapter 14 was added in order "to require contractors or subcontractors who contract with public employers for the physical performance of services to register and participate in the federal work authorization program or otherwise verify employees, to define terms, to establish deadlines for compliance by public employers, contractors, and subcontractors, to require that the provisions of the chapter are enforceable without regard to race, religion, gender, ethnicity, or national origin, and to authorize the director of the State Budget and Control Board to prescribe forms and promulgate rules necessary to administer the act and publish the rules and regulations on the Board's website."

## **Ethics**

The following Ethics Certification (May 2008) must be included in all solicitations:

By submitting an offer, the offeror certifies that the offeror has and will comply with, and has not, and will not; induce a person to violate [Title 8, Chapter 13](#) of the South Carolina Code of Laws, as amended (Ethics Act).

The following statutes require special attention:

- Section 8-13-700, regarding use of official position for financial gain;
- Section 8-13-705, regarding gifts to influence action of public official;
- Section 8-13-720, regarding offering money for advice or assistance of public official;
- Sections 8-13-755 and 8-13-760, regarding restrictions on employment by former public official;
- Section 8-13-775, prohibiting public official with economic interests from acting on contracts;
- Section 8-13-790, regarding recovery of kickbacks;
- Section 8-13-1150, regarding statements to be filed by consultants; and
- Section 8-13-1342, regarding restrictions on contributions by contractor to candidate who participated in awarding of contract.

The state may rescind any contract and recover all amounts expended as a result of any action taken in violation of this provision. If contractor participates,

directly or indirectly, in the evaluation or award of public contracts, including without limitation, change orders or task orders regarding a public contract, contractor shall, if required by law to file such a statement, provide the statement required by Section 8-13-1150 to the procurement officer at the same time the law requires the statement to be filed.

## **Lobbying**

Recipients of federal grants from any source exceeding \$100,000 annually must certify that they have not and will not use federally appropriated funds for lobbying. State agencies administering 5310 and 5311 programs certify to FTA; 5310 and 5311 subrecipients certify to the state. State agencies and subrecipients must impose lobbying restrictions on their third-party contractors and must obtain certifications.

Lobbying is defined as influencing or attempting to influence an officer or employee of any Federal department or agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with obtaining a federal grant, cooperative agreement, or any other federal award.

Currently, subrecipients certify to SCDOT through the grant agreements and the annual certifications and assurances. Specific contracts, grants or cooperative agreements are actions covered by the restrictions on lobbying. For example, activities such as submitting grant applications, status inquiries, and professional and technical services are not lobbying and do not need to be disclosed. Efforts to influence Federal officials about specific grants and contracts or to ask Congressional representatives for support of a particular application or bid must be disclosed. Also, lobbying restrictions do not apply to activities that might influence policy issues.

Subrecipient responsibility:

- Sign a certification of compliance pertaining to lobbying activities.
- Where third party contractors are involved, subrecipients must obtain a signed certification of compliance from the contractor.
- If non-federal funds have been used to support lobbying activities in connection with a grant from SCDOT, and the subrecipient receives federal grants exceeding \$100,000, fill out Standard Form-LLL and submit it to OPT
- If contractors received more than \$100,000 in federal funds and used non-federal funds to support lobbying, subrecipients must obtain the completed Standard Form-LLL from the contractor and submit it to OPT

## Debarment and Suspension

Subrecipients receiving more than \$25,000 through a project from SCDOT must certify they are not debarred or suspended from any Federal agency. This is accomplished through the application process and the annual certifications and assurances.

To prevent fraud, waste and abuse in federal and state transactions, persons or entities that, by defined events or behavior, potentially threaten the integrity of federally administered programs are excluded from participation in FTA and/or State assisted programs.

SCDOT will not enter into any third-party contract or agreement with any party included in the “US General Services Administration's List of Parties Excluded from Federal Procurement or Non-procurement Programs.” This pertains to all FTA sponsored program funds. Listing of excluded parties can be located at: <http://www.epls.gov/>.

Additionally, subrecipients are precluded from doing business with parties that are disqualified from receiving solicitations or awards of contracts by the State of South Carolina, pursuant to the provisions of Sections 11-35-310(14) & (34) and 11-35-4220 and of the South Carolina Code of Laws. Listing of State of South Carolina excluded parties is located at <http://procurement.sc.gov/PS/agency/PS-agency-vendor-contractor-data.phtm>. Disqualification does not affect pre-existing contractual relationships.

Subrecipient responsibilities:

- Sign a certification of compliance pertaining to debarment and suspension.
- Verify that a third-party contractor is not disqualified by a Federal agency.
- Obtain a signed certification or add a clause or condition to the contract or subcontract regarding debarment and suspension.

## Buy America Provisions/Pre-Award and Post-Delivery Audits/New Model Bus Testing

Buy America provisions are federal “domestic content” regulations. Buy America affects vehicle and equipment purchases and construction contracts valued at \$100,000 or more. It provides, with exceptions, that federal funds may not be obligated for transportation projects unless the steel and manufactured products used in them are produced in the United States.

### Pre-Award and Post-Delivery Audits

Procurements for vehicles must be in accordance with “Pre-Award and Post-Delivery Audits of Rolling Stock Purchases” ([49 CFR Part 633](#); Federal Register March 31, 1992). The rule requires that any subrecipient who purchases rolling stock certify to the SCDOT that it has conducted a pre-award and post-delivery audit to ensure compliance with its bid specifications, Buy America requirements and Federal Motor Vehicle Safety Standards.

Visual inspection and road testing are required when purchasing unmodified vans, cars, or 20 or fewer buses. Resident inspection is required when purchasing more than 20 buses or modified vans from a single manufacturer.

### New Model Bus Testing

New bus models must be tested at the FTA sponsored test facility in Altoona, PA before federal funds can be expended to purchase them. The FTA rule exempts certain vehicles from testing (usually sedans and non-modified vans). The primary purpose of the testing program is to determine the strengths and weaknesses inherent in the particular model for typical operating conditions. Ideally, subrecipients use the bus-testing report as one of the criteria used to select the vehicle for purchase.

Subrecipients purchasing equipment with federal funds are required to receive the Altoona/STURAA bus test report for each vehicle purchased and include it in procurement files if the test is required. The vendor, prior to subrecipients signing off, should provide the report on post-delivery certification forms and acceptance of the vehicle(s) from the vendor.

Subrecipient responsibility:

- Review the manufacturer's Buy America certification and supporting documentation before a contract is awarded to purchase vehicles (pre-award audit). The documentation review should include vehicle sub-components (place of origin, cost and place of final assembly).
- Subrecipients must determine to their own satisfaction that the manufacturer can meet the Buy America requirements.
- Perform a post-delivery audit after vehicles have been delivered. This post-delivery audit ensures that the manufacturer complied with Buy America, the Federal Motor Vehicle Safety Standards, and the subrecipient's specifications. Subrecipients must complete the post-delivery audits before they accept the vehicles and pay the vendor.
- Submit all documentation and certifications to OPT. Documentation must be received by the OPT prior to final payment to the subrecipient.
- Contact the division for technical assistance if needed.

**Reimbursement for capital items will not be made until all required documentation is submitted to SCDOT Office of Public Transit and has been reviewed and approved by OPT staff.**

## Purchase of Service Contracts

Subrecipients may purchase service from private sector transportation providers as well as public providers. Under such arrangements, certain special conditions apply to the purchase of service agreement.

The purchase of service contracts must be either a cost reimbursement or fixed price contract.

- Fixed price contracts should have the cost calculated on a service or route specific basis, either vehicle or passenger miles, or a combination of both. It is not subject to any adjustment on the basis of a contractor's cost experience in performing the contract.
- Cost reimbursement contracts should allow for a periodic evaluation of the fixed rate in order to accommodate changes in transportation costs. These contracts establish an estimate of total cost for obligating funds and establishing a ceiling that the contractor may not exceed (except at its own risk) without approval.

Profit is an eligible cost in the contract. The amount of profit must be established as a fixed fee, not as a percentage figure.

Depreciation of vehicles is an eligible expense in private sector purchase of service agreements and must be based on acquisition, not replacement costs, and is not eligible if the vehicles were originally purchased with federal funds.

Management or administrative costs incurred by the contract provider should be prorated for only that portion of the operator's service being purchased with Section 5310/5311 funds.

Section 5310 participation in purchase of service contracts shall not exceed 80% of the net contract costs for both operating and administration costs.

SCDOT/Office of Public Transit shall approve the proposed purchase of service contracts prior to execution by the subrecipient.

## Vehicle Purchasing and Leasing

SCDOT does not purchase vehicles directly with state or federal funds. Subrecipients are responsible for purchasing equipment and services financed by grant agreement award. Subrecipients are encouraged to affect vehicle purchases through State purchasing agreements. All vehicle purchases (negotiated State Contract or Local Purchase) must be approved by the Office of Public Transit **prior to placing order for vehicle**. This includes approval of specification and/or options associated with the purchase.

The online [State Contract system operated by the SC Materials Management Office \(MMO\)](#) has a list of qualified vendors for each vehicle type contracted. The state price agreements are created from bid specifications developed by OPT with input from providers. After MMO completes the bidding process, these vehicles will be available to providers.

Vehicles not purchased off of state contract are to be procured by provider agencies using an open competitive bid process that follows federal and state procurement laws and rules as define previously within this chapter. Any solicitation must be reviewed by OPT prior to release.

Upon review and approval by SCDOT, subrecipients may have the option of leasing vehicles when it is cost-effective. For instance, it may be appropriate to lease a vehicle in order to start new or expanded service before procurement of a new vehicle can be accomplished. Subrecipients must use normal procurement procedures for leases of vehicles not on the state price agreement. All leases must be submitted to the OPT for review and approval. SCDOT does not directly lease equipment purchased with federal of state funds.

SCDOT offers technical assistance concerning the purchase of equipment. The OPT is responsible for protecting the state and federal interest in all equipment and facilities purchased.

Subrecipient responsibilities:

- Vehicle or equipment specifications must be submitted to SCDOT for approval prior to order placement or solicitation. Specification information must include any options that the subrecipient proposes for purchase.
- On all vehicles purchased with federal or state funds, the titles are required to show the transportation provider as owner and SCDOT OPT as the primary security interest (Lien) holder. Vehicles cannot be transferred to another party without the approval of SCDOT.
- Subrecipients are responsible for receiving all federally required certifications and assurances (such as FMVSS, Lobbying, and Buy-America) from manufacturers for each vehicle type purchased. Subrecipients must receive a copy of Altoona/STURAA bus test reports on each vehicle type as part of the pre- and post-delivery acceptance of the vehicle (as appropriate) and keep the report with procurement files.
- The subrecipient is responsible for paying any titling and registration fees. The subrecipient is required to license the equipment per South Carolina Department of Motor Vehicles regulations.
- Subrecipients must obtain insurance coverage to protect the operators, assistants, occupants and the equipment during the life of the project.
- Upon delivery of the vehicle, the subrecipient must complete all “Buy America” Post-Delivery Requirements and Certifications. Once all certifications have been

completed, copies must be filed with the subrecipient and copies forwarded to SCDOT/Office of Public Transit.

- Subrecipient must contact SCDOT prior to anticipated date of vehicle delivery in order to set date for on-site inspection of vehicle/equipment by SCDOT prior to request for reimbursement.
- Provide SCDOT with all required certifications and assurances, Form 400-Request for Title, Proof of Insurance, vendor's invoice on each vehicle purchased and a "Request for Reimbursement".

**Reimbursement for capital items will not be made until all required documentation is submitted to SCDOT Office of Public Transit and has been reviewed and approved by OPT staff.**

## **Bid Protests/Appeals**

The subrecipient is responsible for settling disputes resulting from any procurement action.

Under limited circumstances, a bidder may protest to SCDOT/Office of Public Transit pursuant to a subrecipient's award of a contract.

SCDOT/Office of Public Transit's role in a bid protest shall be limited to the conditions set forth in [FTA Circular 4220.1F](#) (as amended).

## Chapter 8: Satisfactory Continuing Control and Equipment Maintenance

### Background

Capital management is an important aspect of public transit since it affects the safety, marketability, and financial integrity of the transit system. Transit is dependent on its capital equipment to accomplish its mission. Subrecipients of federal dollars administered by the SCDOT are required to certify that any property purchased with those funds is used for public transportation services within the sub-recipient's service area or other area described in the grant application for the useful life of the equipment or facility.

All property acquired using federal funds shall be utilized and disposed of in accordance with the applicable FTA program circular, [FTA Circular 5010.1D](#) , Grants Management (as amended), and [49 CFR 18](#) Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

Title to all property purchased with SCDOT administered federal funds shall be vested in the name of the subrecipient with SCDOT as the first and only lien holder. The SCDOT Office of Public Transit holds titles to vehicles.

The subrecipient shall have the requisite fiscal capability to carry out the project and be responsible for maintaining required insurance coverage (SCDOT must be placed as loss payee on respective policies), property records, conducting physical inventories every two years, implementing adequate property control systems and maintaining the equipment in proper working condition. Documentation must be available upon request.

Transit systems are required to maintain the property at a high level of cleanliness, safety, and mechanical soundness. Each transit system must establish a maintenance program that, at a minimum, meets the equipment manufacturer's recommendations. SCDOT has the right, and obligation, to review the transit system's maintenance and safety programs and to conduct periodic inspections of equipment and facilities funded with state and federal funds administered by SCDOT.

If SCDOT Office of Public Transit determines that a transit system is failing to use or maintain any equipment item properly, the transit system will receive written notification and further state and federal assistance may be withheld until adequate measures have been taken to correct the inadequate use or maintenance of the equipment. In some instances, SCDOT may require the equipment be offered for transfer to another transit system or that the state and/or federal share of the item be returned to SCDOT.

## **Property Management**

Any property (equipment, furniture and fixtures, vehicles, buildings and land) purchased with federal or state funds administered by the SCDOT Office of Public Transit (OPT) and valued at \$5,000 or more must be accounted for in the agency fixed asset listing. The asset listing is to contain the federally required information outlined in OMB Circular A-133 and generally accepted accounting principles, as appropriate.

Capital items shall be assigned a unique identification number throughout its life; the identification number should not be reused. Equipment purchased as an integral part of the vehicle does not need to be separately inventoried; for example, a lift or destination sign that is purchased as part of a vehicle does not need to be inventoried. Capital items are to be depreciated in accordance with generally accepted accounting principles. However, depreciation expense is not an allowable reimbursable cost to federal programs if purchased, in part or in whole, with federal funds.

Additionally, capital items valued at \$5,000 or more are to be reported to OPT, at least biannually, on the OPT Property Inventory Form provided to subrecipients. Information contained in the property inventory form should be verified to the subrecipient's asset listing. The form is to be updated and provided to the Office of Public Transit with the subrecipient's annual grant application. The form must include an authorizing signature and includes the following information:

- Description, to include make, model, and year;
- Acquisition date;
- Cost;
- Funding source;
- Percentage of Federal participation in the cost;
- FTA grant agreement or OPT contract number under which it was procured;
- Unique Identification number;
- Location, use and condition; and
- Any disposition data (including the disposal date, sale price, or, where applicable, the method used to determine its fair market value).

SCDOT Office of Public Transit will reconcile the updated form with SCDOT equipment records at least once every two years. Additionally, the inventory form will be traced to the agency fixed asset listing during on-site visits and/or reviews. Differences will be investigated and resolved in a timely manner.

## **Allowed and Prohibited Uses of Federally Funded Vehicles**

### **Incidental Use**

Incidental use of vehicles and equipment purchased with state and federal transit assistance funding is justified mainly based on proposed use for public passenger transportation. FTA and SCDOT Office of Public Transit does allow incidental use of vehicles and equipment under the following conditions:

- The incidental use does not interfere with the public transit services for which it was originally obtained and the incidental use does not exceed 20 percent of the total use of a vehicle.

### **Charter Service**

The Federal Transit Administration published the updated *Charter Service Final Rule* ([49 CFR Part 604](#)) on January 14, 2008 and it became effective April 30, 2008.

### **The 2008 definition of charter service is as follows:**

- Transportation provided by a [sub]recipient 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 characteristic of charter service:
  - (i) A third party pays the transit provider a negotiated price for the group;
  - (ii) Any fares charged to individual members of the group are collected by a third party;
  - (iii) The service is not part of the transit provider's regularly scheduled service, or is offered for a limited period of time; or
  - (iv) A third party determines the origin and destination of the trip as well as scheduling; or
- Transportation provided by a [sub]recipient to the public for events or functions that occur on an irregular basis or for a limited duration and:
  - (i) A premium fare is charged that is greater than the usual or customary fixed route fare; or
  - (ii) The service is paid for in whole or in part by a third party.

All FTA subrecipients are prohibited from providing charter service using FTA-funded equipment if there is at least one private charter operator in the area willing and able to provide charter service. However, there are exceptions and a process for prospective charter services. The Office of Public Transit requires any subrecipient wishing to provide charter service under the FTA-identified exceptions to contact the Division for further assistance.

[Section 604.9](#) of the regulation provides specific guidance regarding exceptions which permit incidental charter service to meet the needs of elderly people, persons with disabilities, and persons served by Department of Health and Human Services (DHHS) funded programs listed as Appendix A of the Section 604 charter regulation.

**SCDOT's Office of Public Transit must be notified via email or postal service that a [request for charter service exception is being submitted to FTA](#). SCDOT subrecipient requests for charter service exception (including all supporting documentation) will be reviewed by and coordinated through the Office of Public Transit prior to submission to FTA.**

**All allowable incidental charter service must be fully allocated with no charge to federally funded programs. No mileage, trips and hours associated with allowable incidental charter**

**shall be represented in the subrecipient's annual operating statistics.**

SCDOT reviews compliance with Charter Rule during periodic on-site visits. On receiving a written complaint alleging that a violation has occurred, SCDOT shall investigate and determine whether a violation has occurred. The state will look to the subrecipient to remedy any claims against the subrecipient in association with Charter service in violation of [49 CFR 604](#). SCDOT may bar a subrecipient from receiving further funding when a continuing pattern of documented violations occurs. For further guidance regarding charter service, refer to Chapter 10: *Other Applicable Provisions*, within this document.

### **Meal Delivery for Homebound Individuals**

Public transportation service providers receiving Section 5311(c) or Section 5310 funds may coordinate and assist in regularly providing meal delivery service for homebound individuals, if the delivery service does not conflict with providing public transportation service or reduce service to public transportation passengers. **SCDOT expects the nutrition program to pay the operating costs attributable to meal delivery.** The number and size of vehicles applied for under federal or state programs must be determined **only** by the number of passengers to be transported, not meal delivery capacity. Federal capital assistance may not be used to purchase special vehicles used solely for meal delivery or to purchase specialized equipment such as racks or heating or refrigeration units related to meal delivery.

### **Use of Federally Funded Vehicles for Medicaid Transportation**

Transit vehicles purchased with FTA/SCDOT Office of Public Transit (OPT) administered funds that still have a useful life and have not been released by OPT should be used to provide transportation services within the transit provider's designated service area. Transportation within the designated service area includes transportation of an individual from the designated service area to a facility or location outside the service area and the return trip. A transit provider is allowed to pick up an individual outside of its service area if it is part of a coordinated trip to a designated location.

For transportation services provided under Medicaid contracts, transit providers are to ensure that all associated transportation expenses are allocated to contracts. The basis for allocation must be reasonable and result in an allocation of cost based on benefits received. Therefore, the transit provider should ensure that the rates negotiated for any contracted transportation service provided by the public provider covers all anticipated expenses associated with providing the service; to include, but not limited to, maintenance of vehicles and any administrative overhead.

Additionally, any agreement entered into by a transit provider to provide Medicaid transportation services must not replace or minimize the primary mission of the transit provider to provide public transportation service to the general public. Copies of all executed contracts entered into by subrecipients must be forwarded to the appropriate Economic Development Manager (EDM) for maintenance in SCDOT Office of Public Transit grant agreement file.

## Vehicle Use Agreements

SCDOT Office of Public Transit encourages transit systems to retain direct control of their vehicles. Therefore, SCDOT discourages placing vehicle(s), equipment or real property under the control of other agencies and reserves the right to approve or disapprove all vehicle/equipment/property use agreements that involve items purchased with the Office of Public Transit administered state and federal funds. When a transit system has provided justification that the best use of the vehicle(s) or equipment would be under a vehicle use agreement, the following issues, at a minimum, should be addressed with the subcontractor before the vehicle use agreement is signed:

- Drivers of the transit system or drivers from another agency may drive the vehicles as long as insurance coverage is adequate for these uses;
- The vehicle use agreement must state who is responsible for insurance, maintenance, drivers, emergencies, backups, etc.;
- The vehicles must be operated open to the general public without discrimination;
- Incidental service ridership and revenue miles must be reported separate from the service open to the general public;
- Driver licensing requirements; and
- Drug and alcohol testing requirements.

The transit system remains responsible to SCDOT Office of Public Transit and FTA for compliance with all state and federal rules and regulations. The Office of Public Transit must be notified of the location of the vehicle or equipment.

## Useful Life and Replacement Standards

### Useful Life Standard

FTA establishes minimum useful life standards to ensure that vehicles and other equipment are maintained for transit use through normal service (useful) lives and to ensure that the vehicles and equipment purchased are necessary for public transit service.

### Service Life of Rolling Stock

The useful life of rolling stock begins on the date the vehicle is placed into revenue service and continues as long as it is in service. If a vehicle is rehabilitated with federal funds, the useful life must be adjusted to reflect the new replacement threshold. SCDOT Office of Public Transit allows vehicles to be replaced, with OPT prior approval, once a vehicle has met the useful life age **or** mileage standard, whichever comes first. SCDOT has adopted the Useful life guidelines as they are presented in [FTA Circular 5010.1\(series\)](#), Grant Management Requirements, Chapter IV-17:

<u>TYPE OF VEHICLE</u>	<u>AGE OF VEHICLE</u>	<u>MILEAGE</u>	<u>EXAMPLE</u>
Minivan or Standard Transit Van	4 years	100,000 miles	
Light Duty Small Vehicle (16 – 28 feet)	5 years	150,000 miles	Cutaway
Light Duty Medium Bus (approx. 25 – 35 feet)	5 years	150,000 miles	Goshen, Eldorado
Medium Duty Medium Bus (approx. 25 – 35 feet)	7 years	200,000 miles	Eldorado Thomas Goshen
Heavy Duty Small Bus/Trolley (approx. 30 feet)	10 years	350,000 miles	Bluebird Thomas Goshen Eldorado
Heavy Duty Large Bus/Trolley (approx. 35-40 feet)	12 years	500,000 miles	Orion Gillig MCI

### **Out of Service Vehicles**

If a vehicle is out of service more than 30 days, transit providers must provide written notification to the appropriate SCDOT Economic Development Manager. For the period of time the vehicle is out of service, the transit provider must ensure that the time does not count toward the minimum useful life; accounting must stop the depreciation calculation. Additionally, incidental service mileage does not count toward the minimum useful life mileage.

If emergency situations arise and a vehicle will be out of service for several months and the agency does not have a spare vehicle, a transit system may request authorization from SCDOT Office of Public Transit to lease a vehicle in order to maintain needed service levels within a service area. A vehicle may be leased short-term from another transit system to replace the "out-of-service" vehicle. SCDOT Office of Public Transit must provide written approval prior to executing a lease agreement. Copies of lease agreements entered into by subrecipients must be forwarded to the appropriate Economic Development Manager (EDM) for maintenance in SCDOT Office of Public Transit grant agreement file. Payment of invoices resulting from a lease agreement that has not received OPT prior approval will not be reimbursed.

### **Fleet Utilization Standards**

To ensure that vehicles receive maximum utilization, SCDOT suggests rotating vehicles within the service area or from lightly traveled routes to heavily traveled routes. Any system failing to meet the minimum utilization standard for its primary fleet (excluding backup vehicles) may be denied replacement or rehabilitation funds.

## **Vehicle Rehabilitation**

Once a vehicle reaches SCDOT minimum useful life standard, it may be replaced or rehabilitated. Rehabilitation may be recommended if a cost benefit analysis suggest that rehabilitation is the most cost effective method. The decision to replace or rehabilitate is made by the transit agency in consultation and with the approval of SCDOT Office of Public Transit. Transit systems are reminded that FTA requires vehicles rehabilitated with federal funds to be operated past the original useful life.

### **Procedures for Completing Rehabilitation Projects**

The subrecipient first must complete a cost benefit analysis that supports rehabilitation. The subrecipient's transit manager is to submit a written request to proceed with vehicle rehabilitation to the SCDOT Office of Public Transit Economic Development Manager for review and approval.

If the proposed rehabilitation work is done in-house or by another transit system, justification and two quotes from 'for-profit' vendors for the same work are required. If in-house rehabilitation work is approved, detailed records of the labor and materials must be maintained. For in-house rehabilitation, only the cost of 'direct' staff time will be reimbursable. The transit manager, or an inspector designated by the manager, should oversee work while in progress. The transit manager is responsible for verifying that parts supplied and repairs performed are as agreed upon. The transit system must maintain documentation of actual parts installed, outside repair costs incurred, and work order changes.

After vehicle rehabilitation is completed, the SCDOT may arrange a vehicle inspection to ensure the work was performed and performed properly according to contract requirements. Upon completion of the rehabilitation project, a *Rehabilitation Certification* must be completed and submitted, along with an updated property inventory, to the appropriate SCDOT Economic Development Manager.

Requests for payment must be supported with vendor invoices for the work performed, internal billings or timesheets for the direct cost of work done in-house. Additionally, rehabilitation costs are to be identified with the appropriate vehicle on the property inventory form and, if capitalized, the asset listing. Rehabilitation information is to include the following:

- Vehicle Identification Number (VIN)
- Rehabilitation Completion Date
- Rehabilitation Cost
- Funding Source
- Federal Dollars
- Percent Federal Dollars
- Project Number (FTA grant agreement or OPT contract number)
- Odometer Reading (at rehabilitation completion)
- Date of Odometer Reading

## Utilization Standards for Other Equipment

Discretionary, formula or SMTF funds may be used to purchase other equipment that is eligible for capital funding to the extent it is used to support the subrecipient's public transit program.

Other equipment purchased with SCDOT Office of Public Transit with state or federal administered funds must also meet its maximum capacity. Other equipment includes, but is not limited to, such items as computers, radios, and fareboxes.

## Computers and Other Office Equipment

Subrecipients considered multi-purpose agencies (cities, Council of Governments, etc.) must either affirm that the equipment will be dedicated to public transit use or prepare a cost allocation plan. The plan must either show the equipment's percentage of use dedicated to transit or show the transit percentage of use of an overall multiple equipment packages. For example: Transit might buy a network printer used by others, but in return have free use of color copier funded by another program.)

## Use of Facility/Real Property

SCDOT Office of Public Transit encourages the incidental use of real property to raise additional revenues for the transit system or, at a reasonable cost, enhance system ridership. Incidental use requires SCDOT prior approval for real property purchased with Office of Public Transit funds and must be compatible with the original purposes of the contract/project. Incidental use of real property is subject to the following considerations:

- **Needed Property.** Property that continues to be needed and used for a project or program. It is SCDOT's intention to assist only in the purchase of property that is needed for an FTA project.
- **Purpose & Activity.** The incidental use must not compromise the safe conduct of the intended purpose and activity of the initial transit project activity.
- **Continuing Control.** Incidental use must not in any way interfere with the continuing control over the use of the property or its continued ability to carry out the project or program.
- **Non-Profit Use.** While SCDOT encourages incidental use to supplement transit revenues, non-profit uses are also permitted.
- **Air Rights Income.** Proceeds from licensing and leasing of air rights should reflect appraised fair market value. Income received from the authorized use of air rights may be retained by the subrecipient (without returning the Federal share) if the income is used for eligible transit planning, capital and operating expenses. This income cannot be used to provide the local share for the contract from which it was derived. However, it may be used as part of the local share of another FTA/SCDOT grant.

## **Disposition of Federally Funded Equipment**

Transit systems are required to dispose of equipment or facilities federally funded, in part or whole, that is no longer needed for the purpose for which it was acquired to support the public transit program. This could include equipment that has been replaced or is no longer used to capacity due to loss of contracts, service reductions, changes in the nature of services, or dissatisfaction with equipment performance.

Vehicles or equipment purchased with SCDOT Office of Public Transit administered Section 5310, 5311, 5316, 5317 or statewide 5309 funding may not be disposed of or transferred without advance written permission from SCDOT. In some instances, and as approved by SCDOT, a vehicle replaced through a state sponsored program may be used as a backup or spare vehicle as long as the recommended minimum spare ratio (20%) is not exceeded for peak service. Spare ratio applies to subrecipients who maintain a fleet of more than 50 vehicles. SCDOT reserves the right to conduct a vehicle analysis on a fleet regardless of size.

## **Vehicle Disposition and Title Release**

The South Carolina Department of Transportation (SCDOT), Office of Public Transit (OPT) has established uniform standards for vehicle disposal when the vehicle was purchased with SCDOT, OPT administered funds. If discrepancies exist between the language in this document and applicable federal and state regulations and statutes, the federal statute / regulation prevails.

Managing the disposition of federally funded vehicles is part of SCDOT OPT's management and oversight responsibilities. The disposition of vehicles purchased with OPT administered federal and/or state funds requires that the transfer be supported with documentation. Direct recipients of FTA funds such as Section 5307 or 5309 must comply with FTA disposal requirements.

This section does not include disposals associated with vehicle transfers or vehicles involved in accidents. Refer to the appropriate sections in the state management plan.

When a vehicle for which OPT holds the title has reached its useful life the following will apply:

### **Formal Written Request**

The sub-recipient must submit a formal written request for title release to the Regional Program Manager (RPM) for that area. The RPM will forward the request to the appropriate Vehicle Coordinator for review and approval. The request must:

- Include two appraisals from qualified businesses.
- Identify the vehicle description (make, model, and year), the VIN, original purchase date and amount, contract and/or grant number, and the percentage of federal participation.
- State whether the vehicle will be sold due to replacement or other issue or will be retained for non-public transportation services or for scrap.
- The statement must be dated and signed by the Executive Director.

### **Vehicle Sale Due to Replacement**

The Vehicle Coordinator will either approve and release the title under specific conditions or disapprove the title release. Approval may require the sub-recipient sell the vehicle within 90 days after receipt of the title. If the vehicle is not sold within the specified time frame and no extension is granted, the title must be returned to OPT.

### **Vehicle Retained**

If the sub-recipient retains the vehicle, the agency will be prohibited from using the vehicle in providing public transportation services. Fixed asset and maintenance records must be updated to include a statement that OPT has released the vehicle and is no longer liable for its usage, as of the date identified in OPT's response.

### **Vehicle Sale Proceeds**

The transaction to record the vehicle sale and resulting gain/loss must be in accordance with generally accepted accounting principles (GAAP). Additionally, the percentage of federal interest associated with sale proceeds must be identified as program income on the Form 600 when requesting reimbursement from OPT. However, if the vehicle was purchased using the Section 5309 earmark funds and proceeds exceed \$5,000, the federal share must be returned to OPT within 30 days of the sale.

### **Vehicles That Have Not Met Useful Life Criteria**

The subrecipient must submit a written request for disposal to OPT RPM along with the two appraisals. The request must include a justification for disposal. The RPM will forward documents to the appropriate Vehicle Coordinator.

SCDOT shall provide written authorization and instruction to the subrecipient to sell or transfer the vehicle to another subrecipient in the state. Sale proceeds are handled based on the funding source, as outlined above.

### **Vehicles with Extenuating Maintenance Problems**

The subrecipient must submit a written request for disposal to the appropriate SCDOT Regional Program Manager (RPM) along with the two appraisals. The request must include a justification for disposal. The RPM will forward documents to the appropriate Vehicle Coordinator.

Documented justification must include, but is not limited to:

- The Vehicle Identification Number (VIN);
- The number of days in the shop within the past 12 months;
- Identification of the defective part(s);
- The total cost of repairs since the vehicle was purchased along with a copy of any repair bills over \$1,000.00;
- The original vendor delivery date;

- A copy of the agency's maintenance plan; and
- Maintenance records of the identified vehicle.

SCDOT shall review documentation included in the request for disposition and provide written authorization and instruction to the subrecipient as to the appropriate disposition of a vehicle that has extenuating maintenance problems. SCDOT reserves the right to conduct an on-site inspection of the vehicle.

### **Transferring Federally Funded Vehicles/Equipment**

South Carolina Department of Transportation (SCDOT), Office of Public Transit (OPT) has established uniform standards for the transfer of vehicles/equipment purchased with SCDOT-administered funds. If discrepancies exist between the language in this section and applicable federal and state regulations and statutes, the federal statute / regulation prevails.

Managing the transfer of federally funded vehicles/equipment is part of SCDOT OPT's management and oversight responsibilities. The transfer of vehicles/equipment purchased with OPT administered federal and/or state funds requires that the transfer be supported with documentation. Direct recipients of FTA funds such as Section 5307 or 5309 must have written FTA authorization prior to transferring federally funded equipment.

Equipment transfers may be initiated when:

1. OPT determines that equipment is underutilized and initiates the transfer process, or;
2. An agency submits a request to OPT to have equipment transferred.

### **Sub-Recipient Request to Transfer Vehicle/Equipment**

Prior to initiating a review, the following information must be received by OPT from the transferring agency:

- The request for a transfer to the SCDOT Office of Public Transit Regional Program Manager. The request is to include the required two appraisals on vendor letterhead;
- Current fixed asset listing that identifies the federally required information:
  - Purchase date and price, detail asset description which includes the make, model, year, VIN, useful life, method of depreciation, current year depreciation expense, accumulated depreciation to date, percentage of federal participation, OPT contract number and/or FTA grant number;
- Other supporting documents to identify which program and contract number the equipment was purchased.

### **SCDOT/OPT Responsibilities for Transfer of Vehicle/Equipment:**

- The Regional Program Manager receives request from the transferring agency and forwards the request and applicable documents to the appropriate Vehicle Coordinator, if applicable;
- The Regional Program Manager will coordinate with the Contract & Grants Manager to determine if grant action is necessary. Note vehicles transferred with a remaining federal interest are required to be added to existing grant or to a new grant as a zero dollar project.;
- The Regional Program Manager will forward the fixed asset listing, appraisal and transfer information to the responsible Financial Analyst.

### **Vehicle Inspection and Transfer:**

- The Vehicle Coordinator will inspect the equipment with the transferring and receiving agencies to determine the condition and ensure that the equipment is in compliance with applicable FTA regulations. If necessary, equipment utilization analysis may be conducted at this time to provide additional support.
- Upon completion of a successful inspection the vehicle will be transferred to the receiving agency. The Vehicle Coordinator will obtain the following documents for transfer to the receiving agency;
  - Title signed by the transfer agency authorized personnel. OPT will also sign at the time of the transfer. OPT will retain a copy.
  - Odometer statement signed by authorized personnel. OPT will retain a copy.
- The Vehicle Coordinator will provide the RPM with the following transfer information with one business day of the transfer:
  - If transfer was completed, the vehicle information for transferred vehicle, transfer date, odometer reading.
  - If no transfer was completed, the vehicle information, reason for disapproving the transfer, and any required action the transferring agency must complete.

### **Transfer of Vehicle Information – Vehicle/Equipment Transfer:**

It is the goal of OPT to have the Regional Program Manager prepare the transfer document to submit to the receiving within 10 days of receiving the completed transfer information from the Vehicle Coordinator. The transfer information should include:

- The transferring agency name, vehicle description (make, model, year, VIN), remaining useful life, equipment funding source(contract #), percentage of federal participation, odometer miles, and appraised amount;
- The receiving agency name, agency obligation and limitation on vehicle usage;
- Date of transfer, market value of donated vehicle determined through the appraisals submitted by the transferring agency, remaining useful life in years and mileage, depreciation method.
- OPT contract number, FTA grant number, CFDA #, and percentage of federal participation, as appropriate.

### **Receiving Agency – Vehicle/Equipment Transfer:**

The receiving agency is responsible for:

- Submitting documentation (resolution) to SCDOT Office of Public Transit prior to vehicle inspection and transfer. Required documents include but are not limited to:
  - Document identifying the scope of work regarding equipment usage and stating their willingness to accept the vehicle and all obligations;
  - All required certifications and assurances;
- Adding the equipment to fix asset listing in accordance with generally accepted accounting principles using the transfer information provided by OPT.
- The agency is responsible for ensuring it properly documents the federally required information as contained in the equipment and Real Property Management section.

### **Make-ready expenses**

The federal share of the transferred in vehicle cannot be used as match in other federal funds. The cost of repainting the vehicle to the agency's color scheme, adding the logo, and costs associated with making the vehicle ready for use (new tires etc.) may be eligible "make-ready" expenses. General repair and maintenance costs are not eligible make-ready costs. If extensive repair is needed and the vehicle qualifies, it may be appropriate to request a rehabilitation project for the transferred vehicle.

## **Insurance Settlements**

When a vehicle funded through SCDOT has been in an accident and totaled, or can no longer be used as a safe public transit vehicle, the Office of Public Transit must be notified with 24 hours of the incident. Insurance information, accident report(s) and a letter stating damages and the amount of the proposed settlement to the transit system must be sent to SCDOT. SCDOT must concur with the decision to 'total out' any vehicle funded through programs administered by SCDOT in writing.

The settlement funds can be used for purchase of a similar vehicle off of state contract for continued transit use. SCDOT must concur with this purchase. If the vehicle has not met the replacement threshold and a replacement is not purchased, the federal share of the vehicle must be returned and is based on straight-line depreciation or settlement values whichever is greater. If the vehicle has met the replacement threshold and is not replaced, any insurance funds should be used in the public transit program.

If a system settles with an insurance company on damages to the vehicle and does not use the full amount of the settlement for costs related to the damage, the remainder must be put back in the public transit program. However, vehicles must be repaired to the point where they are mechanically sound, safe and in presentable condition.

### **Insurance Proceeds - Repayment of Federal or State Share**

As noted above, if any FTA funded equipment is disposed of prior to reaching its minimum useful life, the residual federal interest must be refunded or credited toward purchase of another piece of equipment.

When a vehicle purchased with federal or state funds is declared a total loss by the insurance adjustor/company as a result of an accident and SCDOT holds title to the vehicle, the insurance proceeds will be returned to SCDOT less the percentage of any local funds used in the purchase of the vehicle. If no local funds were used to purchase the vehicle initially, the total amount will be returned to SCDOT. SCDOT will ensure appropriate records update, the FTA grant program that initially invested in the vehicle and SMTF funds will be credited.

If equipment purchased with funds administered by SCDOT are used to the minimum useful life or beyond prior to disposition, no repayment of federal share is required, but sale proceeds must be retained in the system's public transit program.

For direct recipients of FTA funding, however, repayment of federal share is required on any item with a disposition value of \$5,000 or more, though a credit for sales cost is allowed. Smaller disposition amounts must be retained in the public transportation program.

## **Maintenance Standards and Policies**

Subrecipients are required to certify that any property purchased under the project shall be used for the provision of public transportation services within the subrecipient service area or other

areas as described in the grant application, and for the life of the equipment or facility in compliance with the property management standards of 49 C.F.R. 18.31 through 18.34.

The title to all rolling stock property purchased pursuant to a federal/state award from SCDOT to a subrecipient shall be maintained by the SCDOT until the useful life of the property has been met and no federal interest exists.

The SCDOT shall require all subrecipients who utilize assets purchased with federal and/or state funds to submit a comprehensive maintenance plan that will include, at a minimum, procedure for maintaining vehicles, facilities and ADA accessibility features. The SCDOT *Comprehensive Preventive Maintenance Program* document is included in this manual as Appendix B.

## General Maintenance

Subrecipients shall allow SCDOT access to facilities and records to monitor maintenance performance, as SCDOT deems necessary.

SCDOT shall perform regular, unannounced maintenance inspections of vehicles and equipment. SCDOT shall be permitted to view and copy any vehicle maintenance records, inspect vehicles and equipment, and request Grantee personnel to drive vehicles as may be deemed necessary to evaluate the condition of vehicles and equipment.

## Records

### General

Subrecipients shall maintain an up-to-date vehicle file for each vehicle containing, at a minimum, the following information:

- Make of vehicle
- Model of vehicle
- Vehicle Identification or Serial number/Fleet number
- License number
- Funding Information (Federal and/or State)
- Contract/Grant Number
- Date received
- Date placed in service
- Rebuilds and major component replacements

- Vehicle repairs
- Preventative Maintenance Inspection Reports
- Daily vehicle conditions reports
- Works orders

## Preventative Maintenance Schedule

The Grantee shall insure that all vehicles under its control and all required accessories on the vehicles, are regularly checked and inspected, maintained, and lubricated to ensure that they are in safe and operating condition. The subrecipient shall have a means of indicating the types of inspection, maintenance, and lubrication operation to be performed on each vehicle and the date or mileage that these operations are due.

### **“Late” and “Missed” Preventative Maintenance (PM) Inspections**

The subrecipient shall maintain stated manufacturer maintenance intervals between regular inspections. For example, should the PM schedule consist of a 3,000 mile (3K) inspection, 6K inspection, 12K inspection and 24K inspection; distance between one 6K and the next consecutive 6K constitutes the distance between “REGULAR” inspections.

Any PM inspection completed more than 500 miles past PM mileage interval is considered “LATE”.

Any PM inspections completed more than 1,000 miles past its “REGULAR” PM mileage interval in considered “MISSED”.

“MISSED” PM’s shall result in that vehicle being “OUT-OF-SERVICE.”

## Equipment Maintenance Standards

- All wheelchair lift-related equipment shall be inspected, service and lubricated at intervals necessary to insure that the wheelchair lifts are fully operational whenever the vehicle is used in revenue service.
- Brake inspections and adjustments shall be performed at intervals that insure the safe and efficient operation of the braking system.
- All components of the vehicle bodies, frames shall be maintained in a safe, sound and undamaged condition at all times. Damage (including body damage, glass and all vehicle components) shall be repaired in a professional manner within three weeks (21 calendar days) of occurrences.
- All mechanical, electrical, fluid, air, and/or hydraulic system shall be maintained in a safe and fully functional, as designed, at all times.

- The interior passenger compartment shall be free of exhaust fumes from the engine, engine compartment, and exhaust system from the vehicle.
- Heating, ventilation, and air conditioning (HVAC) system shall be maintained and used to insure that the passenger compartment temperature is comfortably maintained under all climatic conditions at all times on all in-service runs. Subrecipient shall maintain the A/C systems in an operable condition throughout the entire year.
- Seats shall be maintained in proper operating condition at all times. All rips, tears, cuts, gum, graffiti, and other damage shall be cleaned or repaired in a professional manner immediately upon their discovery. Seat covers, which are worn or cannot be professionally repaired, shall be replaced by the subrecipient using materials, which are identical in design and color as those materials being replaced.
- The subrecipient shall establish and maintain an on-going spare parts inventory sufficient to permit that peak hour vehicle requirements are met at all times.
- If an accessible feature is disabled there are specific thresholds for repair that must be met:
  - In areas of greater than 50,000 population (urbanized), an accessible feature is required to be repaired within three (3) days.
  - In areas of 50,000 or less population (nonurbanized), an accessible feature is required to be repaired within five (5) days.

## Out of Service

A vehicle shall be designated as unfit for revenue service (considered Out of Service) if, upon inspection, any of the following conditions are found:

- Brakes out of adjustment
- Loose steering components
- Wheelchair Lift and related equipment not functioning properly
- Air conditioning unable to maintain a temperature 20 F lower than ambient or 72 F
- Heating or Defroster inoperative
- "MISSED" Preventative Maintenance Inspection
- Tires with a tread depth of less than 2/32
- Failure to clean each vehicle

- Failure to repair vehicle body damage (interior or exterior) within twenty-one (21) days of the date damage occurred
- Inoperative Emergency Exits/Doors/Windows
- Inoperative Sensitive Edges on wheelchair lift or exit doors
- Any condition not in compliance with the Americans with Disabilities Act
- Any condition not in compliance with applicable Federal or State Regulations
- Any vehicle inspected and found unfit for service will be taken out of service and not returned until corrected.

## Chapter 9: Construction or Renovation of Facilities

### Background

The construction or renovation of project facilities for subrecipients may be necessary to provide for an efficient and coordinated public transportation system. Dependent on the federal funding source, the costs of construction or renovation of transit facilities, including design, engineering, and land acquisition, are eligible capital expenses following the approval of environmental documentation by SCDOT and FTA. The responsibility for construction management and oversight lies with the state.

Real property must be acquired, managed, used and disposed of in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act or URA) (PL 91-646) and [49 CFR Part 24](#), the implementing regulation. Additional guidance is found in [FTA Circular 5010.1D](#) (as amended).

The objective of the Uniform Act is to ensure equitable treatment of property owners of real property to be acquired for Federal and federally-assisted projects; that people displaced by a federally-supported project be treated fairly, consistently, and equitably; and that acquiring agencies implement the regulations in a manner that is efficient and cost effective. The regulations implementing the Uniform Act are very specific in naming the means to achieve those legislated objectives.

To ensure eligibility for Federal funding, the subrecipient should follow the typical process sequence when acquiring real property for a project:

National Environmental Policy Act (NEPA) Approval → Title Search → Appraisal → Appraisal Review → Just Compensation Determination → SCDOT Concurrence → Offer to Owner → Settlement

Appendix C of this document provides a flow chart of a typical facility construction process and a Facility Checklist that will be used by SCDOT and subrecipient for proposed and approved facility construction or renovation projects.

### Pre-Award Review

Using the Facility Checklist (Appendix C) as a guide, all construction or renovation activities shall require a pre-award review and approval by the SCDOT Office of Public Transit. This will allow for appropriate project consultation, planning and guidance be afforded to the subrecipient prior to local or state commitment of federal or state funds. Any funds considered to support a

construction or renovation project are dependent on availability and any additional federal or state guidance that affects the dissemination or use of the funds. When federal and/or state funds are used, applicable federal and state guidelines and requirements must be followed in accordance with [FTA Circulars 4220.1F and 5010.1D](#) (as amended), and any revisions there to.

## **Planning**

Planning activities in advance of the construction or renovation of rural public transportation facilities are an eligible Section 5311 expense. These may include, but are not limited to, feasibility studies, alternative site analyses, environmental assessments, environmental impact statements, or other studies necessary as a prerequisite to undertaking the project.

Planning activities may be funded from Section 5311 project funds or, at the discretion of SCDOT and availability of funds, other federal or state funds that allow for planning as an eligible expense.

## **FTA funded projects**

FTA oversight requirements will apply to all projects funded in whole or in part with federal funds. OPT must receive approval from FTA before committing FTA funds to the project.

### **Land acquisitions**

OPT will submit the following documents to Federal Transit Administration (FTA) Region IV office for review and concurrence prior to funding commitment:

- Site selection analysis
- Environmental Assessment
- Appraisal
- Review Appraisal
- Survey and site plan

### **Application for FTA funding (Announcement)**

Before SCDOT will make recommendation for funding allocation utilizing federal funds, the following provisions must be met:

- Public Involvement processes must have been conducted and documented
- Certifications and Assurances must be signed and current

- Civil Rights policies must be current
- Project must be listed in an approved STIP

## Land Acquisition

### Overview

Real property acquisition and relocation activity must be conducted in accordance with the requirements in the *Uniform Relocation Assistance and Real Property Uniform Relocation Act of 1970, as amended (Uniform Act)*, and codified in [49 CFR, Part 24](#). FTA guidance states, “The objective of the Uniform Act is that owners of real property to be acquired for Federal and Federally assisted projects be treated fairly and consistently; that persons displaced be treated fairly, consistently and equitably; and that acquiring agencies implement the regulations in a manner that is efficient and cost effective.” Subrecipients may not incur costs prior to receiving approval from SCDOT.

Any Section 5311 construction or renovation activity which involves the acquisition of land or the displacement of any persons, firms or businesses shall be subject to the provisions of the [49 CFR Part 24](#) and the regulations of [FTA Circular 5010.1D](#), "Grant Management Guidelines."

Real property is acquired at its current fair market value, established on the basis of independently prepared appraisals. One appraisal and a reviewer's analysis are required, with this latter being provided by the SCDOT's Rights of Way Section.

In addition, and associated with the acquisition of real property, the state requires the preparation of an environmental assessment (to at least Level I) completed by a professional environmental firm certified by the State Engineer's Office.

Incidental uses of real property which may raise additional revenues for the transit system or, at a reasonable marginal cost, enhance system ridership, are subject to the regulations contained in [FTA Circular 5010.1D](#).

## Facility Construction Program Guidelines

The following facility construction guidelines have been developed to assist Transit Providers that receives both Federal Transit Administration FTA and the State Mass Transit Funds (SMTF) funds directly from the South Carolina Department of Transportation (SCDOT) Office of Public Transit (OPT). These guidelines are in accordance with [FTA Circulars 4220.1F](#) for third party contracting and [5010.1D](#) for grant management guideline, and any revisions thereto and state laws governing construction projects [11-35-3005](#) in South Carolina. If federal funds are used, applicable federal program requirements and clauses must be followed.

## Subrecipient Responsibilities for Project Administration and Management

The subrecipient is responsible for administration and management of the project in compliance with the contract agreement and applicable federal regulations. The subrecipient is also responsible for funds that "pass through" to a contractor (Third Party Contracting). Subrecipient may revise budgets in ways that do not change the scope of a project. Any proposed changes by the subrecipient shall be approved by OPT. Subrecipients that receive funds from OPT, are required to submit Annual Certifications and Assurances and independent audits.

### **The subrecipient's responsibilities:**

- Provide continuous administrative and management direction of project operations.
- Provide, directly or by contract, adequate technical inspection and supervision by qualified professionals of all work in progress.
- Ensure conformity to contract agreements, applicable statutes, codes, ordinances, and safety standards.
- Maintain the project work schedule agreed to by OPT and the subrecipient and constantly monitor project activities to ensure that schedules are met and other performance goals are being achieved.
- Conducts cost estimate analysis and keep expenditures within the latest approved project budget.
- Ensure compliance with OPT/FTA requirements relating to consultants, contractors, and subcontractors working under approved third party contracts or inter-agency agreements.
- Request for payment reimbursement must be submitted on a monthly basis for activities completed in accordance with the current approved budget.
- Account for federal and state property associated with the project and maintain property inventory records.
- Arrange for an annual independent organization-wide audit in accordance with OMB Circular, A-133, "Local Governments, and Non-Profit Organizations."
- Prepare and submit cost allocation plan prior to incurring costs if seeking reimbursement for these costs. Update and retain these approved documents for OPT review during compliance and oversight review.
- Submits progress report, to OPT at different phases of the project and updated as necessary.
- Submits a site selection analysis, two appraisals (with one being a review appraisal) and complete a Categorical Exclusion checklist or full environmental whichever is applicable.

### **Civil Rights Requirements**

It is the responsibility of OPT to ensure that subrecipients are in compliance with all civil rights program requirements that apply to OPT/FTA assisted projects and activities. The applicable civil rights program areas are: Title VI of the Civil Rights Act of 1964; Equal Employment Opportunity (EEO); Disadvantaged Business Enterprise (DBE) Program, depending on size

and scope of the project, a project specific DBE goal may be required to ensure that SCDOT certified DBEs are given opportunity; and the Americans with Disabilities Act (ADA) Program. These program areas are detailed in the Terms and Conditions.

The Subrecipient agrees to comply with 49 U.S.C. § 5324(a), which requires compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. §§ 4601 et seq.; and with U.S. DOT regulations, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs," 49 C.F.R. Part 24. The OPT shall be kept informed and involved in all phases of planning and construction.

All construction or real property acquisition related activities **over \$10,000** shall require pre-award review and approval by OPT before commencing work.

#### **Activities Requiring Pre-Award Review and Approval**

The following activities required the OPT's pre-award review and approval:

- Initial proposal
- Feasibility study
- Appraisal of property
- Environmental assessment (NEPA)
- Land acquisition
- Independent cost estimate (Cost and Price analysis)
- SCDOT as lien holder to the property (FCPG-Appendix 1)
- Architect or Professional Engineer selection
- Design phase review and specification
- New construction, renovation, or improvements bids and contract award

The Facility Checklist will be used to assist SCDOT and the subrecipient in managing the development and oversight of an approved facility project. OPT will request assistance from other SCDOT offices as deemed necessary with the review and approval of the activities listed above.

The transit provider shall ensure that state and/or local reviews and approvals are received from appropriate state and/or local agencies including approval by local building inspector as may be required before application for funding is submitted.

## New Construction

### Planning Activities

#### **Local Prerequisites**

Transit providers must satisfy all local requirements such as county commissioners, city council, governing board, and availability of local matching funds prior to submitting application for funding.

All environmental issues and two appraisals must be completed. Project must be identified in the State Transportation Improvement Program (STIP).

#### **Project Funding**

Transit providers may request federal or state funding assistance for facility projects from OPT during the annual application process. Facility projects shall be prioritized based on availability of funds including local matching funds and projects must be financially feasible. OPT will evaluate all facility projects requests on an annual basis to determine if the project is financially feasible. OPT staff will review funding request and make recommendation to Commission. Funding assistance for federal or state funds must be approved by the SCDOT Commission.

### Phased Facility Construction

Funding for new construction or large renovations must be accomplished in phases because of funding limitations.

**Phase I** - may include funding for feasibility study, environmental study, local land purchase, appraisal, survey fees, attorney fees, and A & E.

**Phase II** - activities funded under Phase I must be completed, before funding for Phase II is considered. Phase II may include funding for additional land purchase, additional A & E, and specification of materials.

**Phase III** - project management and construction.

Funding for small facility renovation projects may be funded in full, if funds are available.

Grant agreements and approved budgets must be in place before project commencement, unless pre-award authority was granted. All grant agreements will be signed by the Deputy Secretary for Intermodal and Freight Programs, one copy of the executed grant agreement, shall be mailed to the subrecipient.

## Feasibility Study

The transit provider may retain a consulting firm to determine the most cost effective way to build a desirable facility utilizes appropriate solicitation process. The study may include comparisons on site location and new construction vs. purchase and renovation. Alternative analysis of other options should also be considered.

At a minimum, the study will analyze current needs and anticipated future needs. The study may also consider site sensitivity and preservation of historical elements where appropriate. Other relevant environmental and material analysis should also be documented and shall become part of the environmental document requiring OPT review.

## Site Selection

A consulting firm may be retained to compare various properties to determine the most suitable location. As well, a Commercial Real Estate firm may also be retained to assist with the evaluation and location of property or facility. If a donated property is being considered, such property must be appraised at the current fare market value, with accompanying review appraisal.

## Environmental Review

An environment review is necessary for new construction or building purchased for renovation. All proposed project sites must be evaluated and assessed to determine impact, if any, on wetlands, streams, high biotic potential, livable communities' considerations and federally protected threatened or endangered species and their habitats. A consulting firm may be used to determine if there are any environmental issues that need to be addressed prior to construction.

An Environmental Review must be completed and FTA's approval received prior to committing federal funds. Federal funds will not be made available for any facility purchase or construction until the environmental documents are reviewed and approved by FTA.

If property has already been purchased by the provider, and an environmental review or study has been completed, submit the document to OPT for review and subsequent federal approval.

## **Review of Environmental Documentation**

OPT review of environmental documentation may take 4 - 6 weeks depending on the complexity of the project. A copy of the survey or plot map and description of the property should be furnished to OPT for review. Additional information such as a feasibility study, appraisals, site plan and other relevant information are needed to assist SCDOT with the review.

If the environmental review indicates a "finding of no significant impact" (FONSI), the project will be able to proceed to the next step.

If the review indicates an adverse environmental affect, an environmental study including an “environmental impact statement” (EIS) may be required or an alternative site may be selected. Transit providers must certify all federal and state environmental requirements before commencing work on a facility project for activities to be deemed eligible for reimbursement.

## Land Acquisition

At least two independent land appraisals must be completed by Licensed South Carolina Real Estate Appraisers within **3 months of presenting information to SCDOT for review and consideration.**

One (1) copy of the appraisal documentation and a review must be submitted to OPT for review. The appraisal review and concurrence typically takes about 2-4 weeks. OPT will issue a letter indicating that the transit provider may proceed with the offer to purchase the land. A copy of the “Offer to Purchase” shall be submitted to OPT for review before the subrecipient entering into contract to purchase land.

Based on SCDOT review, should it be determined that the proposed land is not recommended for purchase, SCDOT will work with the subrecipient and, at a minimum, provide alternative recommendations for land acquisition and consideration.

## Renovation

Facility Renovation is accomplished when purchasing an existing building or updating current offices occupied by the transit provider or used in the provision of public transit.

### Project Funding

A transit provider may request funding assistance from OPT during annual application process. All funding for the project will be approved by SCDOT Commission. Small renovation projects may be funded in full, if funds are available.

### Extensive Renovation Projects

Funding for extensive renovations may be recommended to be accomplished in phases due funding limitations.

Phase I - may include funding for a feasibility study, environmental study, appraisal, survey fees, attorney fees, and A & E.

Phase II – construction funded after Phase I completed.

## Purchasing Existing Building for Renovation

### **Local Prerequisites**

Transit providers must satisfy all local requirements such as county commissioners, city council, governing board, and availability of local matching funds prior to submitting application for funding.

All environmental issues and two appraisals must be completed. Project must be identified in the State Transportation Improvement Program (STIP).

### **Project Funding**

Transit providers may request federal or state funding assistance for facility renovation projects from OPT during the annual application process. Facility renovation projects shall be prioritized based on availability of funds including local matching funds and projects must be financially feasible. OPT will evaluate all project requests on an annual basis to determine if the project is financially feasible. OPT staff will review funding requests and make recommendation to Commission. Funding assistance for federal or state funds must be approved by the SCDOT Commission.

### **Site Selection**

A consulting firm may be retained to compare various properties to determine the most suitable location. As well, a Commercial Real Estate firm may also be retained to assist with the evaluation and location of property or facility. If a donated property is being considered, such property must be appraised at the current fair market value, with accompanying review appraisal.

### **Phased Facility Renovation**

Funding for extensive renovations must be accomplished in phases because of funding limitations.

Phase I - may include funding for feasibility study, environmental study, local land purchase, appraisal, survey fees, attorney fees, and A & E.

Phase II - activities funded under Phase I must be completed, before funding for Phase II is considered. Phase II may include funding for additional land purchase, additional A & E, and specification of materials.

Phase III - project management.

Funding for small facility renovation projects may be funded in full, if funds are available.

Grant agreements and approved budgets must be in place before project commencement, unless pre-award authority was granted. All grant agreements will be signed by the Deputy Secretary

for Intermodal and Freight Programs, one copy of the executed grant agreement, shall be mailed to the subrecipient.

### **Environmental Review**

An environmental review is necessary for property/building purchased for renovation. All proposed project sites must be evaluated and assessed to determine impact, if any, on wetlands, streams, high biotic potential, livable communities' considerations and federally protected threatened or endangered species and their habitats.

An Environmental Review must be completed and FTA's approval received prior to committing federal funds. Federal funds will not be made available for any facility purchase or construction until the environmental documents are reviewed and approved by FTA.

Environmental issues may need to be addressed if any of the following exist:

- Property is owned by the state or located on national historic site; or
- Pre-existing environmental issues, such as underground tanks and wet lands.

A consulting firm may be used to determine if there are any environmental issues that need to be addressed prior to construction.

### **Review of Environmental Documentation**

OPT review of environmental documentation may take 4 - 6 weeks depending on the complexity of the project. A copy of the survey or plot map and description of the property should be furnished to OPT for review. Additional information such as a feasibility study, appraisals, site plan and other relevant information are needed to assist SCDOT with the review.

If the environmental review indicates a "finding of no significant impact" (FONSI), the project will be able to proceed to the next step.

If the review indicates an adverse environmental affect, an environmental study including an "environmental impact statement" (EIS) may be required or an alternative site may be selected. Transit providers must certify all federal and state environmental requirements before commencing work on a facility project for activities to be deemed eligible for reimbursement.

### **Existing Facility Renovation**

No pre-planning activity is required for an existing office building unless significant structural improvement is anticipated, such as addition.

### **Local Prerequisites**

Transit providers must satisfy all local requirements such as county commissioners, city council, governing board, and availability of local matching funds prior to submitting application for funding.

All environmental issues and two appraisals must be completed. Project must be identified in the State Transportation Improvement Program (STIP).

### **Project Funding**

Transit providers may request federal or state funding assistance for facility renovation projects from OPT during the annual application process. Facility renovation projects shall be prioritized based on availability of funds including local matching funds and projects must be financially feasible. OPT will evaluate all project requests on an annual basis to determine if the project is financially feasible. OPT staff will review funding requests and make recommendation to Commission. The subrecipient must submit drawing(s) and details of changes to be made along with estimates of cost for renovation for SCDOT review and recommendation. Funding assistance for federal or state funds must be approved by the SCDOT Commission.

## **Design Phase**

A registered architect or engineer must prepare plans and specifications in accordance with federal and state laws applicable to construction related projects. Regardless of the project cost, all plans and specifications must address the following:

- Plan must include major structural or foundation changes.
- Plan must include “major structural change in framing or foundation support systems”.
- Plan must include construction of, or additions to public buildings.

Separate specifications must be drawn for each of the following four categories regardless of estimated project cost or as may be deemed applicable by local building inspector.

- Heating, ventilating, air conditions and accessories.
- Plumbing and gas fittings and accessories.
- Electrical wiring and installations.
- General work relating to the erection, construction, alteration or repair of the building that is not include in the first three categories.

## Selection of a Registered Architect or Professional Engineer - Request for Qualifications (RFQ)

Project shall follow the [state procurement code](#) in order to retain a qualified registered architect or professional engineer. The subrecipient will issue a RFQ indicating requirements for service and provide a description of the project. Selection shall be based on qualifications and competence. Price negotiation is conducted with the most qualified offeror.

OPT shall review and approve the selection process prior to the transit provider entering into a contractual agreement with the selected Architect or Engineer.

### Schematic Design Phase

The Architect or Engineer shall prepare a schematic phase which will include:

- A scaled site plan showing location and the size of the facility in relation to existing buildings, roads, walkways, utility service, etc.;
- Single line drawings of the floor plan, including mechanical and electrical rooms, service areas, etc.;
- A general description of the project based on the designer's studies indicating the construction materials; framing systems; and mechanical, electrical and plumbing systems; and
- A statement of probable construction cost based upon area, volume or other appropriate units. (Estimates shall include a separate item for site work, utility extensions and other items outside the structure.

A cost analysis shall be completed by the subrecipient as part of the procurement process. Plans and documentation shall be submitted to OPT for review. SCDDOT staff will assist OPT in reviewing the designs. Approvals will be issued by OPT in addition to a notice to proceed to the next phase,

### Design Development Phase

Architect or Engineer shall prepare detailed plans and specifications which will include:

- Design Development Documents (DDD), which will include all basic elements, systems and materials to be used in the project.
- The designer shall review and submit required documents to the local building inspector prior to submitting documents to OPT.

The design development phase shall include soil investigation report and all other reports or studies relative to the project. A statement of probable construction cost based upon area, volume or other appropriate units will be provided.

Plans and documentation shall be submitted to OPT for concurrence review. OPT will review and offer concurrence to the design documents. Approval will be issued by OPT in addition to a notice to proceed to next phase. Additional reviews may be necessary, if required by law.

## Construction Document Phase

The designer shall prepare working drawings and specifications in detail including materials; workmanship; finishes; mechanical and electrical systems; special equipment; site work; utility connections and services; bidding information; proposal, contract and bond forms; General and Supplementary General Conditions of the Contract; and any and all other information required for receiving of bids on the project.

A cost estimate shall be submitted using quantity take-offs of major components and projected unit costs. Overhead, profit, taxes, insurance, etc., shall be included. Estimates must be prepared for all bid items, including alternates. A complete tabulation shall be furnished showing the breakdown of total appropriated and/or authorized funds. The designer is responsible for bringing the project within the budget as set forth in the design contract.

Soil and Erosion Control Plan must be filed with appropriate agency. A copy of all permits received will be submitted with documents for review.

The designer shall prepare and submit a Competitive Sealed Bid (CSB) to OPT for concurrence review and approval prior to advertising.

## **Facility Bid and Construction**

In addition to plans and specs, the designer is responsible for filing all permits, conducting the bid process, oversight of activities during construction and final closeout. A construction management consultant instead of the designer may monitor and/or manage the construction phase of the facility.

Letting of bids shall be conducted in accordance with applicable state statutes. Project should follow and complete procurement checklist for formal bids or informal bids whichever is applicable.

A retainage of 5% may be withheld pending project close out or final audit.

## Disadvantaged Business Enterprise Participation

The Designer shall include in solicitation, Certified Disadvantaged Business Enterprises. SCDOT may require evidence of good faith effort to attract DBEs firms on ALL construction projects. OPT may require project specific race neutral goals. The subrecipient will be required to provide this information to OPT prior to the bid being let or solicited for informal bids. DBE participation reporting will be tracked through the review and payment of invoices.

## Bid Tabulation

Bid tabulation and formal request for funding should be submitted to OPT for review after bids are opened. Concurrence by OPT is required prior to entering into a contract with recommended Contractor. The Facility Checklist (Appendix C) and applicable documentation must be submitted to OPT for review and approval. Third Party contract documents must also be reviewed by OPT to ensure that applicable federal clauses are included. Once review is completed and approved by OPT, the subrecipient may enter into a contract with Contractor.

## Request for Reimbursement

Request for reimbursement shall be submitted on a monthly basis with supporting documentation. Request for Payment, Form 600, must accompany all reimbursement requests with itemized list of activities completed. The Request for Payment must be completed and signed by the subrecipient including invoice request for payment from Contractor and Designer. A minority reporting form will need to be submitted with payment.

## **Change Order Procedures**

No change in the construction from approved plans and specifications shall be made unless and until a change order has been duly prepared and approved, except in case of emergency endangering life or property. Change orders shall be prepared in the format used by the State. Sufficient copies should be sent to each holder of contract documents.

Change orders shall be submitted by the designer to the Subrecipient and shall be accompanied by a complete breakdown showing computation of the cost together with a written explanation of the change and reasons for change.

The designer, by submitting the change order on behalf of the subrecipient, certifies that he/she has examined and analyzed the change order and has found it to be in order, and the cost reasonable.

The subrecipient shall forward a copy of the change order to the OPT for final approval.

Incomplete change orders will be returned for correction and completion. Note that cost breakdown must justify the cost.

## **Final Inspection**

Final inspections shall be the responsibility of the designer or Construction Manager. OPT staff may participate in the final inspection. A copy of the final inspection report shall be submitted to OPT with final invoice for payment.

The retainage will be released after the subrecipient has certified all contract obligations.

**Final appraisal of the facility shall be completed within 6 months from the date of completion.**

## **Property Management**

Facilities constructed or renovated with federal funds will be the property of the project as long as the facility is used for public transportation purposes.

If for any reason the facility is no longer needed for the purposes of public transportation services in non-urbanized areas, the provisions of [FTA Circular 5010.1D](#) (as amended) regarding property disposition will be followed.

All subrecipients shall have an effective facilities and equipment maintenance plan that insures that federal and state investment in facilities and equipment is protected adequately. The maintenance plan should be written and include an organization and assignment of responsibility for facility and equipment maintenance, a series of inspections and routine maintenance actions designed to ensure the proper care and maximum useful service life of facilities and equipment, and a record-keeping system that maintains adequate permanent records of maintenance and inspection activity for buildings and equipment. SCDOT will ensure compliance through periodic on-site inspection. A sample plan is included in Appendix D of this manual.

## **Maintenance Requirements**

Properties purchased or constructed with federal or state funds such as land, buildings (i.e. bus barns), and facilities (i.e. passenger shelters and transfer stations) should be maintained free of defects and graffiti to ensure the area is in usable condition and a safe environment. The properties must be used for the purposes described in the application and agreement.

All subrecipients are required to have maintenance plans for buildings and facilities and submit them to OPT. Subrecipients must maintain in operative condition those features of facilities that are required to make the facilities readily accessible to and usable by individuals with

disabilities. These features include, but are not limited to, elevators, signage and systems to facilitate communications with persons with impaired vision or hearing. Accessibility features shall be repaired promptly if they are damaged or out of order. When an accessibility feature is out of order, reasonable steps will be taken to accommodate individuals with disabilities who would otherwise use the feature. At a minimum, ADA equipment should be maintained based on the manufacturer's suggested maintenance guidelines.

Proper maintenance of facilities, machinery, and equipment is the key to protecting the federal investment and prolonging the useful life of the facility. Each subrecipient shall have in place an established system of regular and frequent maintenance checks of ADA equipment sufficient to determine if they are operative. An effective maintenance plan insures that federal and state investment in facilities and equipment is protected adequately. The maintenance plan should be written and include an organization and assignment of responsibility for facility and equipment maintenance, a series of inspections and routine maintenance actions designed to ensure the proper care and maximum useful service life of facilities and equipment, and a record-keeping system that maintains adequate permanent records of maintenance and inspection activity for buildings and equipment. A sample Facility Maintenance Plan is included as Appendix D of this manual

## Restrictive Covenants

SCDOT requires that land and permanent buildings purchased or improved with federal or state funds have a restrictive covenant filed with the property deed. The covenant is to protect the federal interest in the property. Because passenger shelters are not permanent buildings, they are exempt from this requirement.

## Disposition of Property

Land, buildings or facilities purchased or improved using federal or state funds may only be used for the originally authorized purpose. Such property shall not be transferred to another party, disposed of, its title encumbered or have other liens or claims imposed, without obtaining the approval of SCDOT pursuant to the procedure below.

When property funded with federal or state funds is no longer needed for the originally authorized purpose, the subrecipient is required to contact the division for disposition instructions. The options are as follows:

- Retain title of the property after compensating the awarding agency (SCDOT);
- Sell the property and compensate the awarding agency (SCDOT); or
- Transfer title to the awarding agency (SCDOT) or to a third-party designated or approved by the awarding agency.

The fair market value of the property shall be used when property is sold, transferred to another party, or voluntarily converted to a non-transit use by the transit agency. Subrecipients must have

a commercial appraisal or other fair market valuation to determine fair market value. SCDOT must review and approve the fair market valuation if a commercial appraisal is not used.

When compensating SCDOT under the procedures identified above, SCDOT receives an amount equal to the fair market value times the percent of federal or state reimbursement as identified in the original subrecipient agreement. The subrecipient retains an amount equal to the fair market value times the percent of match provided as identified in the original subrecipient agreement.

The disposition of property that is involuntarily converted (i.e. acts of God, other) will be negotiated on a case-by-case basis between SCDOT and the subrecipient.

Subrecipients must reinvest any funds received from the sale of property or insurance proceeds into the transit program. Funds received by SCDOT shall be reinvested into the originating grant.

Subrecipient responsibilities:

- Contact OPT for technical assistance regarding any applications for federal or state funding for land acquisition or development of permanent structures.
- Obtaining restrictive covenants on land or permanent buildings
- Submit maintenance plans for land, buildings and facilities to OPT.
- Keeping an inventory of land, buildings or facilities purchased with federal funds and submitting to OPT through the Property Inventory forms.
- Name SCDOT-Office of Public Transit as additional insured for premise insurance.
- Contact the division for assistance regarding disposal of land, buildings or facilities acquired with federal or state funds.
- When disposing of property, obtain a commercial appraisal or other fair market valuation, and submit the documentation to SCDOT for approval.
- Compensate SCDOT as described above if disposing of property.
- Reinvest any proceeds from the sale of property into the transit program.

## Assurances, Evaluation and Compliance

The assurance for Real Property Acquisition and Relocation, located at the end of this chapter, must be submitted as part of the application process in order for the application to be considered complete.

## Labor Protections

### **Davis-Bacon Act**

For FTA programs, 49 U.S.C. 5333(a) applies Davis-Bacon Act prevailing wage requirements. This provision applies only to construction projects. In the event that a project involves construction, Section 5333(a) of the Act requires the Secretary to take such action as may be necessary to ensure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of loans or grants under this Act be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Secretary may not approve any such loan or grant without first obtaining “adequate assurance” that required labor standards would be maintained upon the construction work.

**ASSURANCES**  
**For**  
**REAL PROPERTY ACQUISITION Requirements**  
**And**  
**RELOCATION Requirements of Title II**  
**Of the**  
**Uniform Relocation Assistance and Real Property**  
**Acquisition Policies Act of 1970, as Amended**

The \_\_\_\_\_ (name of subrecipient) \_\_\_\_\_ hereby assures that it will comply with Sections 210 and 305 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended by the Uniform Relocation Act Amendments of 1987, Title IV of the Surface Transportation and Uniform Relocation Act Amendments of 1987, Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987, P.L. 100-17, 101 Stat. 246-256 and the implementing regulations of [49 CFR Part 24](#).

\_\_\_\_\_  
(name of authorized official)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(title)

\_\_\_\_\_  
(date)

## Chapter 10: Other Applicable Provisions

### Background

Several laws and administrative requirements apply in common to all federal grant programs and, therefore, are applicable to the Sections 5310, 5316, 5317 and 5311 Programs as well. Compliance features for some of these requirements have been further defined by the Federal Transit Administration, inclusive of several unique provisions applicable to all FTA grant assistance programs. The applicable laws stated within this section are subject to revision by federal and state law or guidance.

### Civil Rights

SCDOT ensures compliance with Title VI of the Civil Rights Act of 1964; 49 CFR, part 21; related statutes and regulations to the end that no person shall be excluded from participation in or be denied the benefits of, or be subjected to discrimination under any public transportation program or activity receiving financial assistance from the U.S. Department of Transportation on the grounds of race, color, sex, disability or national origin. The Office of Public Transit ensures that the requirements and guidelines within [FTA Circular 4702.1\(series\)](#) objectives are implemented and monitored as required.

Appendix E of this document provides the *Title VI Complaint Procedure for FTA Funded Programs or Activities*. Any person who believes he or she has been discriminated against should file a complaint utilizing SCDOT's Title VI Complaint form which is located at: [http://www.scdot.org/doing/title\\_VI.shtml](http://www.scdot.org/doing/title_VI.shtml).

As required by [FTA Circular 4702.1\(series\)](#), SCDOT submits a Title VI Program to the FTA Regional office once every three years.

### Equal Employment Opportunity (EEO)

All Sections 5310 and 5311 subrecipients are required to submit to SCDOT assurances indicating their compliance with FTA's Equal Employment Opportunity objectives, as detailed in [FTA Circular 4704.1](#).

If any subrecipient meets the threshold specified in that Circular (receipt of \$1,000,000 or more in the previous federal fiscal year, and 50 or more mass transit related employees), they will submit an EEO program documenting their nondiscrimination on the basis of race, color, creed, national origin, sex, age, or disability. These will be forwarded by SCDOT to the Federal Highway Administration, the designated federal agency to receive EEO programs.

Copies will be made available to the FTA upon requested.

## **Disadvantage Business Enterprises (DBE)**

### Policy Statement

It is the policy of the South Carolina Department of Transportation (SCDOT) to ensure nondiscrimination in the award and administration of federally assisted contracts and to use Disadvantaged Business Enterprises (DBE's) in federally assisted contracting and procurement activities according to regulations and objectives of [49 CFR Part 26](#) and State law.

The SCDOT has established a DBE program in accordance with regulations and objectives of the United States Department of Transportation (USDOT) found in [49 CFR Part 26](#). The SCDOT will require each transit vehicle manufacturer (TVM), as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurement, to certify that the TVM has complied with the requirements of the TVM's DBE program goal. Alternatively, SCDOT may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

FTA Section 5311 projects/contracts must comply with the U.S. Department of Transportation's regulations on the participation of business concerns owned and controlled by socially and economically disadvantaged individuals. The regulations are outlined in "Participation of DBEs in DOT Programs", ([49 CFR, Part 26](#)) which became effective on March 4, 1999 (64 F.R. 5096). [FTA Circular 9040.1F](#) outlines the USDOT's requirements and delineates the steps that the recipient of **public** transit funds (SCDOT), subrecipients (Section 5311 grantees), contractors, and subcontractors should take to set goals and meet other requirements for FTA-assisted contracts and procurements.

Section 5311 recipients shall be considered as subrecipients of funds from the SCDOT. As such, Section 5311 subrecipients will be required to make every reasonable effort to utilize DBEs in order to contribute to the SCDOT's attainment of its overall goal of a minimum DBE participation in the Section 5311 program as stated in the subrecipient grant agreement and as periodically updated through SCDOT DBE methodology and goal assignment as per 49 CFR Part 26.

The SCDOT develops, publishes, and distributes, via its internet website, projects/contracts lettings and awards monthly and the [SCDOT Directory of Disadvantaged Business Enterprises](#) weekly. The SCDOT's Public Transit/**Business Development and Special Programs Office** will also furnish a hard copy of this updated directory to each Section 5311 subrecipient upon request. This directory contains the names of **DBE** firms who have become certified through the SCDOT's **Business Development and Special Programs Office**, DBE Program Development Unit.

Each Section 5311 subrecipient that receives over **\$250,000** annually in FTA Section 5311 funds, exclusive of funds for the purchase of vehicles, shall submit a DBE plan and goal to the SCDOT Public Transit/**Business Development & Special Programs Office**. The Office of Public Transit will work with the **Business Development and Special Programs Office**, DBE

Program Development Unit to ensure that plans and goals are maintained in order to allow the FTA to review them during a state management or other compliance review. The Office of Public Transit shall ensure review and approval of DBE plans and goals based on advice received by the SCDOT's Office of Business Development and Special Programs, DBE Program Development Unit.

## **Protection of the Environment/Environmental Justice**

FTA's environmental impact regulation requires different levels of analysis and documentation for the various types of projects funded through its programs. The great majority of projects and activities funded through SCDOT FTA-funded programs do not normally involve significant environmental impacts. Such projects are termed "categorical exclusions" in FTA's procedures because they are types of projects that have been categorically excluded from the requirement to prepare an environmental document. FTA's regulation classifies categorically excluded actions and projects into two groups:

- Those having very limited or no environmental effects at all such as planning and technical studies, preliminary design work, program administration, operating assistance and transit vehicle purchases; and
- Those involving more construction and greater potential for off-site impacts, for example new construction or expansion of transit terminals, storage and maintenance garages, office facilities and parking facilities. These can be built and operated without causing significant impacts if they are sited in areas with compatible land use where the primary access routes are adequate to handle additional transit vehicle traffic.

The vehicles, radio and computer equipment and other related equipment items routinely purchased under the Section 5310 program are considered categorical exclusions from FTA's requirements to prepare environmental documentation. Subrecipients shall submit declarations of environmental assessments for approval by FTA through their respective application process as necessary and/or requested by OPT.

## **Labor Protection**

### **Employee Protection Provisions of S-5333 (b) Special Warranty**

SCDOT addresses issues relating to Section 5333 (b) Special Warranty, Labor Protection Provisions, when applications are received from subrecipients for project considerations.

When SCDOT recommends a project for funding, each subrecipient is required to provide a written acceptance of the terms and conditions of the Special Section 5333 (b) Warranty. The written acceptance provides assurance that the subrecipient agrees to be bound by certain portion of the National (Model) Agreement.

Additionally, subrecipients are required to list all (private or public) providers of public transportation in their services area including their labor status on a form provided with the Section 5311 application.

Each Section 5311 subrecipient will contractually assure compliance with the provisions of Section 5333(b) of the Federal Transit Law, indicating that the project will be carried out in such a manner and upon such terms and conditions as will not adversely affect employees of the Section 5311 project and of any other surface public transportation provider in the subrecipient's service area.

All Section 5311 applicants will assure compliance with the above through the application process.

In 1974 the Secretary of Transportation determined that it was not "necessary or appropriate" to apply the conditions of Section 5333(b) to organization subrecipients under the Section 5310 program.

## **Charter Service and School Bus Regulations-Oversight**

### **Charter Service**

The Federal Transit Administration published the updated *Charter Service Final Rule* ([49 CFR Part 604](#)) on January 14, 2008 and it became effective April 30, 2008.

#### **The 2008 definition of charter service is as follows:**

- Transportation provided by a [sub]recipient 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 characteristic of charter service:
  - (i) A third party pays the transit provider a negotiated price for the group;
  - (ii) Any fares charged to individual members of the group are collected by a third party;
  - (iii) The service is not part of the transit provider's regularly scheduled service, or is offered for a limited period of time; or
  - (iv) A third party determines the origin and destination of the trip as well as scheduling; or
  
- Transportation provided by a [sub]recipient to the public for events or functions that occur on an irregular basis or for a limited duration and:
  - (i) A premium fare is charged that is greater than the usual or customary fixed route fare; or
  - (ii) The service is paid for in whole or in part by a third party.

All FTA subrecipients are prohibited from providing charter service using FTA-funded equipment if there is at least one private charter operator in the area willing and able to provide charter service. However, there are exceptions and a process for prospective charter services.

The Office of Public Transit requires any subrecipient wishing to provide charter service under the FTA-identified exceptions to contact the Division for further assistance.

**SCDOT's Office of Public Transit must be notified via email or postal service that a [request for charter service exception is being submitted to FTA](#). SCDOT subrecipient requests for charter service exception (including all supporting documentation) will be reviewed by and coordinated through the Office of Public Transit prior to submission to FTA.**

**All allowable incidental charter service must be fully allocated with no charge to federally funded programs. No mileage, trips and hours associated with allowable incidental charter shall be represented in the subrecipient's annual operating statistics.**

SCDOT reviews compliance with Charter Rule during periodic on-site visits. On receiving a written complaint alleging that a violation has occurred, SCDOT shall investigate and determine whether a violation has occurred. The state will look to the subrecipient to remedy any claims against the subrecipient in association with Charter service in violation of [49 CFR 604](#). SCDOT may bar a subrecipient from receiving further funding when a continuing pattern of documented violations occurs.

The requirements of 49 CFR 604 shall apply to recipients/subrecipients of Federal financial assistance under the Federal Transit Laws, except as otherwise provided below. [Per 49 CFR 604.2, these services are NOT considered charter:](#)

1. Normal, year-round fixed-route services and demand-responsive transportation provided to individuals by any transit system (or contractor).
2. Transportation services by any transit system (or contractor) transporting persons to or from transit facilities or projects within its geographic service area or proposed geographic service area for the purpose of conducting transit oversight functions such as inspection, evaluation, or review.
3. Transportation services by any transit system (or contractor) transporting persons for emergency preparedness planning and operations.
4. Transportation services funded by and meeting the program purposes of JARC, New Freedom, or Special Needs Programs, as well as services funded by Non-urbanized Formula Program that serves the needs of human service agencies or specifically targets special needs of populations who are elderly, disabled or low income.
5. Transportation services by any transit system (or contractor) provided for up to 45 days in direct response to an emergency declared by the President, governor, or mayor or in an emergency requiring immediate action prior to a formal declaration. (Anything beyond 45 days is not exempt.)

6. Transportation services by a transit system (or contractor) from non-urbanized areas transporting individuals to or from transit training outside its geographic service area.

An overview of the Charter Service Exceptions and required responses follows. This information is provided for summary purposes only. Please consult with the Office of Public Transit for further guidance.

Exception	Response
<p><b>Exception 604.6</b> – Government officials on official government business.</p> <p>(1) Is restricted to its geographic service area</p> <p>(2) Must not generate revenue, except as required by law</p> <p>(3) Is limited to 80 hours annually. May petition for additional charter hours.</p>	<p>Record the following information:</p> <ol style="list-style-type: none"> <li>1. Government organization’s name, address, phone number, and email address</li> <li>2. Date and time of service</li> <li>3. Number of passengers (specifically noting the number of government officials on the trip)</li> <li>4. Origin, destination, and trip length (miles and hours)</li> <li>5. Vehicle number (example, bus 102)</li> </ol> <p>Retain the record for three years.</p>
<p><b>Exception 604.7</b> – Qualified human service organizations (QHSO)</p> <p>Service to persons:</p> <ol style="list-style-type: none"> <li>(1) With mobility limitations related to advanced age,</li> <li>(2) With disabilities, or</li> <li>(3) With low income.</li> </ol> <p>Organization must register if it does not receive funds from programs listed in Appendix A of the charter regulation.</p> <p>See Appendix A</p>	<p>Ensure that the human service agency is qualified, that is, it receives funds from programs listed in Appendix A of the charter regulation or has registered on the FTA charter website at least 60 days before the charter request.</p> <p>Record the following information:</p> <ol style="list-style-type: none"> <li>1. QHSO’s name, address, phone number, and email address</li> <li>2. Date and time of service</li> <li>3. Number of passengers</li> <li>4. Origin, destination, and trip length (miles and hours)</li> <li>5. Vehicle number (example, bus 102)</li> </ol> <p>Retain the record for three years.</p>
<p><b>Exception 604.8</b> – Leasing FTA funded equipment and drivers to a charter service operator only if the following conditions exist:</p> <ol style="list-style-type: none"> <li>1. The operator is registered on the FTA charter registration web site</li> <li>2. The operator owns and operates buses or vans in a charter service business</li> <li>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</li> <li>4. The operator has exhausted all of the available vehicles for all registered charter providers in your geographic service area.</li> </ol>	<p>Record the following information:</p> <ol style="list-style-type: none"> <li>1. Registered charter provider’s name, address, telephone number, and email address</li> <li>2. Number of vehicles leased, types of vehicles leased, and vehicle identification numbers</li> <li>3. Documentation presented by the registered charter provider that the four conditions are satisfied.</li> </ol> <p>Retain the record for three years.</p>

Exception	Response
<p><b>Exception 604.9</b> – When no registered charter provider responds to a notice posted on the FTA charter website:</p> <ol style="list-style-type: none"> <li>1. Within 72 hours for charter service requested to be provided in less than 30 days, or</li> <li>2. Within 14 calendar days for charter service requested to be provided in 30 days or more.</li> </ol>	<p>Record the following information:</p> <ol style="list-style-type: none"> <li>1. The group’s name, address, phone number, and email address</li> <li>2. Date and time of service</li> <li>3. Number of passengers</li> <li>4. Origin, destination, and trip length (miles and hours)</li> <li>5. Fee collected, if any</li> <li>6. Vehicle number (example, bus 102)</li> </ol> <p>Retain the record for three years.</p>
<p><b>Exception 604.10</b> – Agreement with registered charter providers</p> <p>If a new charter provider registers in the geographic service area, may continue to provide charter service for 90 days without an agreement with the newly registered charter provider.</p> <p>Any parties to an agreement may cancel at any time after providing a 90-day notice.</p>	<p>Record the following information:</p> <ol style="list-style-type: none"> <li>1. The group’s name, address, phone number, and email address</li> <li>2. Date and time of service</li> <li>3. Number of passengers</li> <li>4. Origin, destination, and trip length (miles and hours)</li> <li>5. Fee collected, if any</li> <li>6. Vehicle number (example, bus 102)</li> </ol> <p>Retain the record for three years.</p>
<p><b>Exception 604.11</b> – Petitions to the Administrator for:</p> <ol style="list-style-type: none"> <li>1. Events of regional or national significance</li> <li>2. Hardship (&lt;200,000 population only)</li> <li>3. Unique and time sensitive events that are in the public interest</li> </ol>	<p>For an event of regional or national significance, the petition shall describe how registered charter providers were consulted and will be utilized, include a certification that the recipient has exhausted all the registered charter providers in its service area, and submit the petition at least 90 days before the first day of the event.</p> <p>For a hardship request, the petition must be for deadhead time that exceeds total trip time from initial pick-up to final drop-off, including wait time and shall describe how the minimum duration would create a hardship on the group requesting the charter.</p> <p>For a unique and time sensitive event, the petition shall describe why the event is unique and time sensitive and would be in the public’s interest.</p> <p>Record the following information:</p> <ol style="list-style-type: none"> <li>1. The group’s name, address, phone number, and email address</li> <li>2. Date and time of service</li> <li>3. Number of passengers</li> <li>4. Origin, destination, and trip length (miles and hours)</li> <li>5. Fee collected, if any</li> <li>6. Vehicle number (example, bus 102)</li> </ol> <p>Retain the record for three years.</p>

Section 5310, 5316 and 5317 subrecipients are exempt from the FTA charter rule provided the service is for program purposes only. “Program purposes” is defined as transportation that serves the needs of either human service agencies or targeted populations, such as elderly, individuals with disabilities, low income, etc.

“Program purposes” does not include exclusive service for other groups formed for purposes unrelated to the special needs of these targeted populations. Thus, Section 5310, 5311, 5316 and 5317 subrecipients who intend to provide charter service that is outside their program purposes must follow the guidelines outlined below.

### **Required Reporting of Charter Services**

Rural Public Transit systems doing any charter service under any of the allowable exceptions must file quarterly electronic reports with SCDOT utilizing the *SCDOT Charter Service Reporting Form* (Appendix F) within 15 days of the end of each quarter, listing each charter service provided and providing the specified detail in those cases where such is required. All such services must also be reported as charters on quarterly and year-end statistical reports as requested or required.

### **Advisory Opinions and Cease and Desist Orders**

Any interested party (including a transit system) may, at any time, request an advisory opinion from the Federal Transit Administration (FTA) Office of Chief Counsel on a matter regarding specific factual events [using the prescribed format](#), and the Chief Counsel will give their opinion unless they find that:

- There is insufficient information;
- That an opinion is impossible;
- That the matter is adequately covered by a previous opinion; or
- That an opinion would not be in the public interest.

Such an opinion represents the policy of FTA, and although it can be revoked or reversed, can be relied upon until such would happen.

Interested parties can also request that FTA issue a *Cease and Desist Order* telling a transit system not to perform planned service that is alleged to be a violation of the [charter rule](#). The Chief Counsel's Office will only issue such an order if the preponderance of evidence demonstrates the planned service would violate the rule. Performing any service after issuance of a *Cease and Desist Order* against it will be considered an aggravating factor in the determination of any subsequent penalties.

### **Complaints/Investigations/Remedies**

Either transit systems or registered private charter operators or their representative can file complaints requesting that a registered private charter operator or a qualified human service organization be removed from [FTA's registration website](#). FTA shall make the determination of whether someone is removed. Removal can be on the basis of bad faith, fraud, lapse of insurance, lapse of other documentation, or the filing of more than one complaint, which, on its face, does not warrant an investigation or further action by FTA. Removal can be for a period of up to three years.

Registered private charter operators or their representatives can file complaints against transit systems alleged to be violating the charter rule. If upon investigation the allegations are found to be factual, the FTA Chief Counsel can, after considering a number of specified factors, do one or more of the following:

- Bar the transit system from receiving future financial assistance from FTA;
- Order withholding of a reasonable percentage of available Federal financial assistance; or
- Pursue suspension or debarment of the transit system, its employees or its contractors.

Either party involved in a complaint can appeal the decision of the Chief Counsel to the FTA Administrator. The final decision of the Administrator may be subject to judicial review.

### School Bus

No subrecipient shall engage in school bus operations using buses, facilities or equipment funded with federal funds. A subrecipient may, however, use such buses, facilities and equipment for the transportation of school students, personnel and equipment in incidental charter bus operations. Such use of project equipment is subject to part 604 of Federal Mass Transit Regulations.

### Tripper Service

The prohibition against the use of buses, facilities and equipment funded under the Acts shall not apply to tripper service. Regularly scheduled mass transportation service which is open to the public, and which is designed or modified to accommodate the needs of school students and personnel, using various fare collections or subsidy systems. Buses used in tripper service must be clearly marked as open to the public and may not carry designations such as “school bus” or “school special”. These buses may stop only at a regular service stop. All routes traveled by tripper buses must be within a grantee's or operator's regular route service as indicated in their published route schedules.

### Jacob’s Law

An applicant whose transportation needs include transporting preprimary, primary or secondary school students should insure that the vehicle used meets the requirements of Section 56-5-195 of the Code of Laws of South Carolina.

### Inter-State Services Using FTA Funds

The service area for a subrecipient of Sections 5310, 5311, 5316, 5317 or 5309 funding may include destinations across a state line (interstate service). Operators of interstate service “for compensation” are required to comply with the Federal Motor Carrier Safety Administration (FMCSA) regulations. **A USDOT Number is required of ALL vehicles involved in interstate service for compensation. A USDOT Number can be obtained by filling out forms MCS - 150 and MCS - 150A at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov) .**

Receipts of FTA Section 5310, 5311, 5316, 5317 or 5309 funds qualify as “for compensation.” Generally, if operators are engaged in interstate travel, are “for-compensation,” and operate a vehicle designed or used for nine or more passengers (including the driver), they must comply with FMCSA regulations. This includes ensuring adequate insurance coverage (financial responsibility) for the states traveled within. **Note: Transit carriers operating vehicles designed for fewer than 9 passengers and carrying fewer than 9 people do not need to meet the requirements detailed in this chapter.**

Further information is available and can be accessed through the [National Cooperative Highway Research Program Research Results Digest 311: FMCSA Regulations as They Apply to FTA Section 5310/5311 Providers: a Handbook](#). Note that this information was published in 2006 and, while still meaningful, these requirements apply beyond Section 5310 and 5311 as stated in this plan.

## **Section 504 and ADA Program Requirements**

Section 504 of the Rehabilitation Act of 1973, (Section 504), as amended (29 U.S.C. 794), prohibits discrimination on the basis of handicap by recipients of federal financial assistance. The Americans with Disabilities Act of 1990 (ADA), as amended (42 U.S.C. 12101 et seq.), affords equal opportunity for employment, transportation, telecommunications, and places of public accommodation for people with disabilities.

Subrecipients must comply with [49 CFR Parts 27, 37, and 38](#) implementing the ADA and Section 504 as required. These provisions:

- Prohibit discrimination against individuals with disabilities;
- Specify accessibility requirements for the design and construction of new transportation facilities;
- Require that vehicles acquired be accessible to and usable by individuals with disabilities, including individuals using wheelchairs (with limited exceptions for demand responsive systems providing equivalent service to individuals with disabilities} or a demonstration of inability to obtain an accessible vehicle despite good faith efforts to do so;
- Require governmental authorities, including a private non-profit entity “standing in the shoes” of the State as a subrecipient operating fixed route transit must have complementary paratransit plans on file (effective January 26, 1992); and
- Subrecipients of federal funds should ensure compliance in the areas of employment, public services, public accommodations, telecommunications, and other provisions.

Certification is accomplished annually through the funding application packages containing appropriate assurances.

If a Section 5311 subrecipient is operating fixed route transit, the subrecipient must submit an annual Paratransit Plan to the Office of Public Transit no later than January 26. The SCDOT/Office of Public Transit must comment on the Paratransit Plan submitted transmit them to the FTA Regional Office by April 1 of each year in accordance.

SCDOT/Office of Public Transit must also ensure that all vehicles acquired with Section 5311 funds are equipped, maintained, and operated in accordance with [49 CFR Parts 27, 37 and 38](#) and that service provided does not discriminate against individuals with disabilities. Currently, all vehicles on state contract that are available for subrecipient purchase are ADA compliant.

Newly constructed facilities, including joint use stops and depots for intercity bus transportation, must comply with ADA accessibility standards.

## **Certifications and Assurances**

The annual certifications and assurances are binding legal commitments for the subrecipient to comply with Federal law and regulations and are issued during the SCDOT programs application process. The certifications and assurances apply to all FTA programs, including Tribal Transit and Over the Road grants.

Current certifications and assurances from the Federal Transit Administration are located on the FTA website at: [FTA - Existing Grantees - Certifications & Assurances](#). Each subrecipient must comply with the applicable certifications and assurances to the extent they may apply for federal funding. Updates are required on an as needed basis.

## **Buy America Provision**

The FTA website provides extensive guidance regarding [Buy America requirements](#) and provides required forms and documentation. All procurements shall be reviewed by SCDOT Office of Public Transit staff. No reimbursement for capital expenses will be issued until all required documentation has been received and reviewed by SCDOT and is satisfactorily complete.

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

Subrecipients are required, prior to awarding bid for any rolling stock, to certify that a pre-procurement audit has been conducted to verify that the bid proposed for acceptance appears to comply with the Buy America Requirements and with appropriate Federal Motor Vehicle Safety Standards (FMVSS). SCDOT Mass Transit/Supply and Equipment Office will monitor this process and ensure compliance through the procurement process.

For any procurement involving ten or more vehicles to be awarded as a unit, the subrecipient must perform on-site inspection of the manufacturing process while the units are being assembled. The cost of such an inspection exercise is considered an eligible project cost.

The subrecipient/SCDOT Office of Public Transit Vehicle Coordinator shall perform a post-delivery review of all vehicle procurements, after delivery and prior to acceptance, the subrecipient must certify that the vehicles have been inspected and comply with the procurement specifications, as well as with the Buy America and with FMVSS provisions.

## Buy America Requirement

Section 165 of the Surface Transportation Assistance Act of 1982 provides, that, with exceptions, federal funds may not be obligated for mass transportation projects unless steel and manufactured products used in such projects are produced in the United States. The Intermodal Surface Transportation Efficiency Act of 1991 added iron to the commodities covered.

Subrecipients must comply with [49 CFR Part 661](#) and any amendments thereto. Buy America requirements apply to all purchases above **\$100,000**, including materials or supplies funded as operating costs. Buy America waivers must be submitted to FTA for approval. There are four exceptions to the basic requirement:

- It will not apply if its application is not in the public interest;
- It will not apply if materials and products being procured are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality;
- It will not apply in a case involving the procurement of buses and other rolling stock, (including train control, communication, and traction power equipment) if the cost of components and subcomponents which are produced in the United States is more than 60 percent of the cost of all components and subcomponents of the vehicles or equipment, and if final assembly takes place in the United States; and
- It will not apply if the inclusion of domestic material will increase the overall project contract by more than 25 percent.

## Clean Air Act

The Clean Air Act Amendments of 1990 establish many new substantive requirements in order to bring air quality regions, which currently violate the National Ambient Air Quality Standards into attainment by prescribed dates.

The principal requirement for which both Section 5310 and Section 5311 subrecipients must be aware of is the transportation/air quality conformity review process. In general, transportation plans, programs, and projects must "conform" with approved State (air quality) Implementation Plans before FHWA or FTA can fund them.

Most of the projects typically funded under Section 5311 have been exempted by regulation from the conformity review process, e.g., operating assistance, purchase, and rehabilitation of transit vehicles, operating equipment and construction of most storage and maintenance facilities. However, this could become an issue for certain large facilities, e.g.' transit terminals and park-and-ride facilities. A complete list of exempted highway and transit projects is found in [40 CFR 93.126](#). Section 5311 projects should therefore consult with FTA when in question, as early as possible in the development of their programs to establish the need for further analysis to support FTA's conformity determination.

Other Clean Air Act requirements may apply to Section 5310 and 5311 subrecipients, for example phase-in of more stringent bus emissions standards. The FTA Regional Office can supply up-to-date information on various provisions of the Clean Air Act related to mobile sources.

## **Safety**

Safety is paramount and inherent in the provision Of SCDOT/Office of Public Transit services both at the organizational level as well as to the ultimate customer - the transit passenger.

FTA's authority in the area of transit safety is set forth in Section 5329 of the Federal Transit Law. Under Section 5329, FTA may withhold further financial assistance from any grantee that fails to correct any condition that FTA believes "creates a serious hazard of death or injury."

As the designated recipient for federal funds in South Carolina, the SCDOT is empowered to carry out the authority indicated above. SCDOT will also exercise authority to remove vehicles and facilities from service if it is deemed that identified vehicles or facilities present an unsafe environment for employees and transit customers. In this regard, SCDOT/Office of Public Transit may engage the safety resources of the SCDOT's Office of Occupational Safety for assistance in ensuring compliance with all issues relevant to employee and customer safety.

The South Carolina Department of Transportation's Departmental Directive #36 dated November 22, 2004, and the Department's Employee Safety Manual addresses the policies on alcohol and controlled substance use and compliance with the Drug-Free Workplace Act of 1988.

## **Drug and Alcohol Program**

*"Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations,"* as implemented by [49 CFR Part 655](#) (August 2001), as amended, and to be read in conjunction with [49 CFR Part 40](#), requires all subrecipients receiving Federal Transit Administration funds under Capital Grant, Urbanized Area Formula Grant, or Non-Urbanized Area Formula Grant Programs to have a drug and alcohol testing program in place for all safety sensitive employees.

In addition, the U.S. Department of Transportation has issued [49 CFR Part 40](#), "*Procedures for Transportation Workplace Drug and Alcohol Testing Programs*," which prescribes testing methods to be followed.

Certification must be signed by the subrecipient's governing board or other authorized individual or body in compliance with the above. Failure to certify compliance with the drug and alcohol rules will result in jeopardizing federal funding from FTA. In addition, an FTA grant recipient is subject to criminal sanctions and fines for false statements or misrepresentation under Section 1001 of Title 18 of the U.S. Code.

## Drug and Alcohol Testing

SCDOT subrecipients of specific Federal Transit Administration (FTA) funding must establish and maintain a Drug and Alcohol Testing Program in accordance with [49 CFR §655](#), and in consonance with [49 CFR Part 40](#).

To ensure compliance with FTA Drug and Alcohol Testing Program requirements public transportation providers must:

- Establish an anti-drug use and alcohol misuse program as outlined in [49 CFR § 655.11-12](#);
- Establish an education and training program for all covered employees as outlined in [49 CFR § 655.14](#);
- Establish and provide written notice to every covered employee, of the employer's anti-drug and alcohol misuse program policy, in accordance with [49 CFR § 655.15 - 17](#);
- Establish a program that provides testing for prohibited drugs as outlined in [49 CFR § 655.21](#);
- Establish a program that provides testing for alcohol as outlined in [49 CFR § 655.31-35](#), and in conjunction with [49 CFR Part 40](#);
- Comply with the testing requirements as detailed in [49 CFR § 655.41-62](#);
- Maintain in a secure location, with controlled access, all records of its anti-drug and alcohol misuse program as detailed in [49 CFR § 655.71](#), and in accordance with records disclosure instructions provided in [49 CFR § 655.73](#); and
- Annually prepare, maintain, and electronically complete and submit a Drug and Alcohol Management Information System (DAMIS) Report reflecting the results of its anti-drug and alcohol misuse testing programs performed for the previous calendar year. Transit agencies complete this report electronically. The SCDOT Safety Office

will provide DAMIS Report preparation instructions, along with a transit agency user ID# and Password to all FTA Section 5311 *subrecipients*, upon receipt from FTA.

To ensure SCDOT subrecipient compliance with FTA mandated Drug and Alcohol Testing Program and the Drug-Free Workplace requirements, the SCDOT Safety Office will support the Office of Public Transit initiatives through:

- Periodically review each transit agency's Drug and Alcohol Program Policy for compliance;
- Conduct on-site visits to review all aspects of each transit agency's Drug and Alcohol Program that cannot be accomplished via desktop audit, such as compliance with program management requirements, records maintenance and storage review, ensuring that all applicable Drug and Alcohol Program regulations are readily available, reviewing documentation of employee training, collector compliance with regulations, and reviewing any other program compliance requirements;
- Provide technical assistance in all matters pertaining to transit agency Drug and Alcohol Program management as requested, or deemed to be appropriate;
- Provide employee/supervisor training, such as "Reasonable Suspicion Referral for Supervisors" and other program related training as available/required;
- Monitor transit agency Drug and Alcohol program management activities via accessing and reviewing the 3<sup>rd</sup> Party Administrator (TPA) Website;
- Ensure that transit providers have the TPA resources available through state contract;
- Monitor collection sites for compliance with FTA Drug and Alcohol Testing Program requirements;
- Coordinate efforts that would eventually allow individual transit agencies to review their Drug and Alcohol Testing Program activities via accessing the current TPA website;
- Collect, compile, and review all data necessary to validate each transit agency's Drug and Alcohol Management Information System (DAMIS) Report. Each transit agency prepares this report electronically. The SCDOT Safety Office reviews each report and then electronically forwards the data to FTA prior to March 15 of each year.
- Provide professional input in conjunction with the preparation of any South Carolina Materials Management Office (SCMMO) Request for Proposals (RFP) associated with the procurement of a Drug and Alcohol Testing 3<sup>rd</sup> Party Administrator. Additionally, as the largest user of Drug and Alcohol Testing services in SC state government, a representative from the SCDOT Safety Office will participate in the RFP selection process.

## Drug-Free Workplace Act

The Drug-Free Workplace Act of 1988, as well as Section 44-107-30, S.C. Code of Laws (1976), as amended, requires all grantees receiving grants from any state agency to certify they will maintain a drug-free workplace.

## Private Sector Participation

Federal law requires the public to be involved in the transportation planning process and specifically requires that private providers be provided an opportunity to be consulted in developing transportation plans and programs in both urban and rural areas. Public involvement processes must be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement throughout the transportation planning and programming process.

Under the requirements of 49 U.S.C. 5323(a)(1) States or local governmental authorities may use FTA funds to operate public transportation service in competition with or in addition to transportation service provided by an existing public transportation company, only if” the grantee “provides for the participation of private companies engaged in public transportation to the maximum extent feasible.”

The most comprehensive FTA document regarding private enterprise requirements is a report titled *Private Enterprise Participation in Transportation Planning and Service Delivery*. The report is available on FTA’s website at:

[http://www.fta.dot.gov/documents/Private\\_Enterprise\\_Brochure.doc](http://www.fta.dot.gov/documents/Private_Enterprise_Brochure.doc)

In view of the South Carolina Department of Transportation's continued commitment, to the maximum extent feasible, to the involvement of private enterprise in the provision of mass transit services, the following applies: **Applicants must provide reasonable notice to transportation providers regarding proposed services and opportunities for their participation in such services.**

To ensure that all interested persons, businesses, and agencies have been notified of a subrecipient's intention to provide transportation services and that they have adequate opportunity to comment, the subrecipient must issue a public notice describing its proposed services. The notice should invite any interested private operator within the service area to comment or request a public hearing on the proposed services by written notice to the subrecipient. A minimum of 15 days response time must be provided.

## **Commercial Driver License**

Effective April 1, 1992, all drivers of vehicles designed to transport more than 15 persons (including the driver) must have a Commercial Driver's License (CDL). Mechanics who drive the vehicles must also have a CDL.

## **Force Account Plans**

As noted in [FTA Circular 5010.1\(series\), Grants Management](#), Force account is the use of a grantee's own labor force to carry out a capital grant project. Force account work may consist of design, construction, refurbishment, inspection, and construction management activities, if eligible for reimbursement under the grant agreement. Incremental labor costs from flagging protection, service diversions, or other activities directly related to the capital project may also be defined as force account work. Force account work does not include project administration activities which are otherwise direct project costs. Force account can include major capital project work on rolling stock. An example of this is preventive maintenance.

FTA prior review of a force account plan and justification are required where the total estimated cost of force account work to be performed under a project is greater than \$10,000,000. When work to be performed is less than \$10,000,000 but over \$100,000, a force account plan is required to be in the project grant agreement file, but does not require prior FTA approval. When work to be performed using force account is less than \$100,000, a detailed plan is not required.

The Office of Public Transit will evaluate the need for a Force Account Plan during the annual application process. Subrecipient budget proposals that identify capital projects that include line items that may use "in-house" work force in excess of \$100,000 will prepare and submit a Force Account Plan to SCDOT for inclusion in the final grant agreement file.

## **Chapter 11: Project Reporting, Monitoring and Onsite Reviews**

### **Background**

The Federal Transit Administration gives the State, to the extent permitted by law, maximum discretion in designing and managing the Sections 5310 and 5311 Programs. FTA staff provides overall policy for the respective programs; apportion funds annually to the State; develop and implement financial management procedures; and conduct national program reviews and evaluations.

The FTA defers to the State, where possible, the development of specific program standards, criteria, procedures and policies in order to provide South Carolina the flexibility to standardize its management of these federal programs and related state programs.

Any agency, local government or other entity, including non-profit organizations, using state funds or state-administered federal funds for the purpose of transporting private citizens on a regular basis must provide input and information as requested by SCDOT in a timely manner and in a format specified by the SCDOT.

### **Project Monitoring and Reporting**

Participants in the Section 5311 program are required to monitor and report on a variety of items, including ridership, revenues, expenses, vehicle and equipment management, drug and alcohol testing, involvement of DBE, service coordination efforts, and Board meeting minutes. Some reports are filed quarterly and others are filed annually. Quarterly report forms for subrecipients can be found on the Office of Public Transit website at: <http://www.dot.state.sc.us/getting/masstransit.shtml#> (OPT FORMS).

A continuous system of checks and balances is built into project monitoring through various means such as subrecipient reports, invoice processing, the generation of supplemental agreements and operating performance data (Form 606 and 606A) review and data collection process. These methods are enhanced through open channels of communication, site visits, and a compliance review process.

The open channels of communication and compliance review process are complementary and intended to provide a qualitative closing the “loop” method by continually ensuring that the subrecipient(s) requirements, as identified in the application and resultant contract, are being met through what SCDOT is providing.

When an issue surfaces, a proactive response is needed. It should include an analysis of the program challenge and alternatives and ultimately yield an appropriate recommendation that strives to be satisfactory to all parties.

## Operating Statistics

### **Operating Statistics and Transit Data Reporting**

The Operating Statistics (OPSTATS) and Transit Data Reporting process is a method employed to gather and analyze transportation program data from sub-recipients of the South Carolina Department of Transportation. The OPSTATS reporting instrument is an Excel spreadsheet workbook designed for tracking data for each sub-recipient for a variety of purposes, including vehicle needs assessment, funding needs assessment, trend analyses, performance measurements and vehicle information.

All current and newly approved sub-recipients of SCDOT-administered Section 5311 and SMTF transit funding programs are required to complete and submit the OPSTATS Report. All agencies with open contracts with the SCDOT Mass Transit Office for vehicles, facilities, infrastructure or services supporting the provision of public transportation services, must also complete and submit the OPSTATS Report.

The OPSTATS Report is completed annually for services provided during the South Carolina State Fiscal Year (July 1<sup>st</sup> through June 30<sup>th</sup>).

Data will be used as follows:

- **National Transit Database for Rural Transit Services**-Some of the information and data from the OPSTATS Report will be used to comply with Federally-mandated data reporting of rural transit service activities in the State.
- **Vehicle Needs Assessment**-Vehicle utilization for the purpose of identifying needs will be tracked via the data submitted on the OPSTATS Report.
- **Funding Needs Assessment**-Data reported on via the OPSTATS process may be used with other non-performance regional data as part of an on-going evaluation of funding needs.
- **Trend Analysis**-Data across different periods will be used in on-going operational analysis of transit systems.
- **Performance Measurement**-Performance measures and ratios will be employed as additional tools to assess agency-level and statewide transit functioning.
- **Year-End Reporting**-The data will be used in agency-level and required accountability updates to the State Legislature and the SCDOT Commission.

## Other Required Reporting

SCDOT collects project milestone information from each of its subrecipients on a semi-annual basis at a minimum. Data collection includes the number of miles, hours, and trips provided during the reporting period, as well as financial information such as expenses and revenues during the reporting period.

Under the Government Performance Results Act (GPRA), FTA is required by law to “establish performance goals to define the level of performance” and to “establish performance indicators to be used in measuring relevant outputs, service levels, and outcomes” for each of its programs. The performance measures described below are designed to fulfill FTA’s obligations under this Act. These measures will be used at a program level, and will not be used to assess individual grants.

FTA will be capturing overall program measures to be used with the GPRA and the Performance Assessment Rating Tool process for the U.S. Office of Management and Budget. FTA will conduct independent evaluations of the program focused on specific data elements in order to better understand the implementation strategies and related outcomes associated with the program. The following indicators are targeted to capture overarching program information as part of the Annual Report that SCDOT submits to FTA.

SCDOT will ensure that the required information is reported for all subrecipients of federal funding in projects selected by the State, including those that were transferred to Section 5307 or 5311 for administration. SCDOT will assess this information through its established reporting requirements and mechanisms.

### **Section 5310**

Subrecipients of FTA funding will report as required by SCDOT call for data. At a minimum, the required reporting will include:

- Gaps in Service Filled. Provision of transportation options that would not otherwise be available for older adults and individuals with disabilities measured in numbers of older adults and individuals with disabilities afforded mobility they would not have without program support.
- Ridership. Actual or estimated number of rides (as measured by one-way trips) provided annually for individuals with disabilities and older adults on Section 5310—supported vehicles and services

### **Section 5311**

The National Transit Database (NTD) is FTA’s primary national database for statistics on the transit industry. Recipients and beneficiaries of FTA’s Nonurbanized Area Formula Program (49 U.S.C. 5311) grants are required by 49 U.S.C. 5335(a) and (b) to submit data to the NTD as a condition of the award. Specific reporting requirements are included in the NTD reporting

instructions manual issued each year. Visit the [NTD website](#) for the most recent rural reporting manual.

Section 5311(b)(4) specifies that each Section 5311 recipient shall submit an annual report containing information on capital investment, operations, and service provided under Section 5311. Items to be reported include total annual revenue; sources of revenue; total annual operating costs; total annual capital costs; fleet size and type, and related facilities; revenue vehicle miles; and ridership.

SCDOT is responsible for ensuring that data is collected and compiled for the data collection and compilation from each Section 5311 subrecipient and transportation provider in the State that benefits from the grant.

### Section 5316

- Gaps Filled. Actual or estimated number of jobs that can be accessed as a result of geographic or temporal coverage of JARC projects implemented in the current reporting year.
- Ridership. Actual or estimated number of rides (as measured by one-way trips) provided as a result of the JARC projects implemented in the current reporting year

### Section 5317

- Increases or enhancements related to geographic coverage, service quality and/or service times that impact availability of transportation services for individuals with disabilities as a result of the New Freedom projects implemented in the current reporting year.
- Additions or changes to environmental infrastructure (e.g., transportation facilities, sidewalks, etc.), technology, and vehicles that impact availability of transportation services as a result of the New Freedom projects implemented in the current reporting year.
- Actual or estimated number of rides (as measured by one-way trips) provided for individuals with disabilities as a result of the New Freedom projects implemented in the current reporting year.

### Project Invoicing

Invoicing provides SCDOT the opportunity to insure the quality progression of a project. It also provides an excellent opportunity for the interaction of the various staff members at SCDOT who are involved with a project.

The subrecipient's invoice is first routed to the Program Budgets and Control section of SCDOT Finance Office. A routing mechanism is then implemented and the invoice is dispatched to the Office of Public Transit. Invoices for capital equipment are sent through the Office of Public Transit Vehicle Coordinator for compliance with state procurement procedures before they are recommended for payment.

Primary considerations are given to program compliance in accordance with the scope of the contract in consultation with the Office of Public Transit staff.

In the event that a request for reimbursement is not recommended, the Office of Public Transit will provide the Finance Office Program Manager with a copy of a Project Suspension Notice, which places the invoice on hold until the alleged discrepancy is cleared.

SCDOT reserves the right to request, at such time and in such manner as it requires, any other project reports to adequately monitor progress or as may be required under federal or state regulations.

The aspect of inventory control is crucial in identifying the myriad of resources distributed throughout the state. It is an issue directly related to project management and is especially relevant to increased fleet acquisition and spare ratios. In capital equipment requests, replacement versus expansion plays an integral role in the decision-making process. Further guidance regarding property inventory is discussed in Chapter 8 of this document.

## **On Site Reviews**

### **Monitoring**

The SCDOT is authorized to monitor all project activities, services, project administration and management practices supported with federal and/or state funds, to ensure compliance with federal regulations.

### **Section 5310, 5316 and 5317**

Currently, SCDOT staff conducts on-site reviews of Section 5310 Subrecipients at least once every three years. The SCDOT will give the subrecipient prior notification of each monitoring activity (on-site review) to be conducted by the SCDOT's staff. SCDOT notifies the subrecipient in writing of any deficiencies or findings noted during a monitoring visit and conducts follow-up visits to ensure that corrective actions are taken, as necessary.

The team uses checklists, which outline Program, Financial Control, Procurement, and Maintenance area requirements.

### **Section 5311**

The Office of Public Transit (OPT) will conduct a comprehensive program and financial review of subrecipients who receive FTA Section 5311, FTA Section 5309 and State Mass Transit funds

on a triennial basis. The schedule for the upcoming State fiscal year will be sent to subrecipients receiving reviews. OPT will provide written notification to subrecipients of the proposed review visit dates, documents required to be submitted to OPT prior to the review or made available the first day of the onsite review.

An entrance conference will be conducted at the discretion of the subrecipient's Executive Director. OPT will review 21 areas that include program and financial components through observations, discussions and samples for the period(s) under review. A cursory review of the current year may be performed. Discussions with appropriate subrecipient staff will take place to provide more meaningful reporting.

The exit conference will identify findings and corrective action and guidance and recommendations based on OPT and subrecipient input. It is the goal of OPT to mail the draft report to subrecipients within 60 days of the final exit conference. The draft report will be the product of a team effort between the Economic Development Manager (EDM), and the Vehicle Coordinators and SCDOT Financial Analyst, and other SCDOT support staff as necessary.

Subrecipients are to respond to the draft report within 30 days of the date of the report unless a longer time period is warranted. The final report will include subrecipient's responses and will be addressed to the Board Chairperson, audit committee or finance committee, unless otherwise requested by the board. The final report will be mailed registered with return receipt. The Executive Director will receive a copy of the final report.

If the review identifies material findings and guidance that could significantly impact OPT administered funds, a follow-up review will be recommended. Disciplinary action will be determined based on consultation with the Financial Analyst, EDM, Assistant Director and the Executive Director, as appropriate. Disciplinary action will be based on federal and state guidance and could include, but is not limited to, withholding reimbursement payments. Once findings and guidance have been satisfactorily addressed, OPT will provide a close out letter.

Technical assistance visits will continue on an annual basis. Documents retention (reports, correspondence and supporting documents) will be comply with federal and/or state record retention requirements.

## Compliance

As with any program involving public funds, accountability is critical.

Section 18.43 of [49 CFR Part 18, Uniform Administrative Requirements For Grants And Cooperative Agreements To State And Local Governments](#), and covers enforcement. Subsection 18.43(a) deals with remedies for noncompliance and states, "If a grantee or subrecipient materially fails to comply with any term of an award, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere, the awarding agency may take one or more of the following actions, as appropriate in the circumstances:

- “Temporarily withhold cash payments pending correction of the deficiency by the grantee or subgrantee or more severe enforcement action by the awarding agency,
- Disallow (that is, deny both use of funds and matching credit for) all or part of the cost of the activity or action not in compliance,
- Wholly or partly suspend or terminate the current award for the grantee's or subgrantee's program,
- Withhold further awards for the program, or
- Take other remedies that may be legally available.”

Further action relevant to enforcement including, but not limited to, hearings, appeals, effects of suspension and termination and their relationship to SCDOT and suspension will be handled by SCDOT/Office of Public Transit in harmony with the respective subgrantee(s).

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## **Chapter 12: Technical and Management Assistance**

The Division of Intermodal and Freight Programs is comprised of a staff of financial, planning, project management and operational specialists who are available to provide a wide range of technical assistance to local areas upon request. Additionally, the SCDOT Office of Public Transit may draw upon other resources within SCDOT (i.e. Legal, Data Processing, Purchasing, Central Accounting, Auditing Safety, Civil Rights and Engineering) as well as contracted professional services to provide technical and management assistance to subrecipients or potential subrecipients of FTA program funds.

### **Technical and Management Assistance**

SCDOT/Office of Public Transit will be available to provide technical and management assistance to existing, new, and future projects in the following areas:

- The preparation of project grant applications;
- The preparation of transportation development plans;
- Transportation coordination issues;
- The involvement of private sector transportation providers in service delivery;
- Grants management functions including invoicing, record keeping and accounting issues;
- System operations and management.
- Procurement and third party contracting;
- Development and provision of driver training and preventive maintenance programs;
- Development and review of vehicle specifications;
- Development and evaluation of service routes and schedules;
- Participation in local planning issues;
- Development of local financing strategies;
- Establishment of programs for providing service to the Older adults and people with disabilities;

- The establishment of programs to comply with civil rights requirements;
- Procedural matters relating to facility construction; and
- Other issues/requests and needs, which may arise from time to time.

## Appendices



## **Appendix A: Required Federal Clauses Matrix**



**PROVISIONS, CERTIFICATIONS, REPORTS, FORMS, AND OTHER—MATRICES**

**APPLICABILITY OF THIRD PARTY CONTRACT PROVISIONS**

(excluding micro-purchases, except Davis-Bacon requirements apply to contracts exceeding \$2,000)

<b>TYPE OF PROCUREMENT</b>					
<b>PROVISION</b>	<b>Professional Services/A&amp;E</b>	<b>Operations/ Management</b>	<b>Rolling Stock Purchase</b>	<b>Construction</b>	<b>Materials &amp; Supplies</b>
No Federal Government Obligations to Third Parties (by Use of a Disclaimer)	All	All	All	All	All
False Statements or Claims Civil and Criminal Fraud	All	All	All	All	All
Access to Third Party Contract Records	All	All	All	All	All
Changes to Federal Requirements	All	All	All	All	All
Termination	>\$10,000 if 49 CFR Part 18 applies.	>\$10,000 if 49 CFR Part 18 applies.	>\$10,000 if 49 CFR Part 18 applies.	>\$10,000 if 49 CFR Part 18 applies.	>\$10,000 if 49 CFR Part 18 applies.
Civil Rights (Title VI, EEO, ADA)	>\$10,000	>\$10,000	>\$10,000	>\$10,000	>\$10,000
Disadvantaged Business Enterprises (DBEs)	All	All	All	All	All
Incorporation of FTA Terms	All	All	All	All	All
Debarment and Suspension	>\$25,000	>\$25,000	>\$25,000	>\$25,000	>\$25,000
Buy America			>\$100,000	>\$100,000	>\$100,000
Resolution of Disputes, Breaches, or Other Litigation	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Lobbying	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Clean Air	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Clean Water	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Cargo Preference			For property transported by ocean vessel.	For property transported by ocean vessel.	For property transported by ocean vessel.
Fly America	For foreign air transport or travel.	For foreign air transport or travel.	For foreign air transport or travel.	For foreign air transport or travel.	For foreign air transport or travel.
Davis-Bacon Act				>\$2,000 (including ferry vessels)	
Contract Work Hours and Safety Standards Act		>\$100,000 (except transportation services)	>\$100,000	>\$100,000 (including ferry vessels)	

**PROVISIONS, CERTIFICATIONS, REPORTS, FORMS, AND OTHER—MATRICES**

**APPLICABILITY OF THIRD PARTY CONTRACT PROVISIONS (Continued)**

(excluding micro-purchases, except Davis-Bacon requirements apply to construction contracts exceeding \$2,000)

TYPE OF PROCUREMENT					
PROVISION	Professional Services/A&E	Operations/ Management	Rolling Stock Purchase	Construction	Materials & Supplies
Copeland Anti-Kickback Act Section 1 Section 2				All All exceeding \$2,000 (including ferry vessels)	
Bonding				\$100,000	
Seismic Safety	A&E for New Buildings & Additions			New Buildings &	
Transit Employee Protective Arrangements		Transit Operations			
Charter Service Operations		All			
School Bus Operations		All			
Drug Use and Testing		Transit Operations			
Alcohol Misuse and Testing		Transit Operations			
Patent Rights	Research & Development				
Rights in Data and Copyright Requirements	Research & Development				
Energy Conservation	All	All	All	All	All
Recycled Products		Contracts for items designated by EPA, when procuring \$10,000 or more per year		Contracts for items designated by EPA, when procuring \$10,000 or more per year	Contracts for items designated by EPA, when procuring \$10,000 or more per year
Conformance with ITS National Architecture	ITS Projects	ITS Projects	ITS Projects	ITS Projects	ITS Projects
ADA Access	A&E	All	All	All	All
Notification of Federal Participation for States	Limited to States	Limited to States	Limited to States	Limited to States	Limited to States

**PROVISIONS, CERTIFICATIONS, REPORTS, FORMS, AND OTHER—MATRICES**

**CERTIFICATIONS, REPORTS, AND FORMS**

<b>CERTIFICATIONS, REPORTS, AND FORMS</b>	<b>COMMENTS</b>	<b>REGULATORY REFERENCE</b>
Bus Testing Certification	Procurements of buses and modified mass produced vans	49 CFR Part 665
TVM Certifications	All rolling stock procurements	49 CFR Part 26
Buy America Certification	Procurements of steel, iron or manufactured products exceeding \$100,000	49 CFR Part 661
Preaward Review	Rolling stock procurements exceeding procurements exceeding \$100,000	49 CFR Part 663
Preaward Buy America Certification	Rolling stock procurements exceeding procurements exceeding \$100,000	49 CFR Part 663
Preaward Purchaser's Requirement	Rolling stock procurements exceeding procurements exceeding \$100,000	49 CFR Part 663
Post Delivery Review	Rolling stock procurements exceeding procurements exceeding \$100,000	49 CFR Part 663
Post Delivery Buy America Certification	Rolling stock procurements exceeding procurements exceeding \$100,000	49 CFR Part 663
Post Delivery Purchaser's Requirement	Rolling stock procurements exceeding procurements exceeding \$100,000	49 CFR Part 663
On-Site Inspector's Report	Rolling Stock procurements for more than 10 vehicles	49 CFR Part 663
Federal Motor Vehicles Safety Standards Preaward Review and Post Delivery)	Motor vehicle procurements (49 CFR 571)	49 CFR Part 663
Lobbying	Procurements exceeding \$100,000	49 CFR Part 20
Standard Form LLL and Quarterly Updates (when required)	Procurements exceeding \$100,000 where contractor engages in lobbying activities	49 CFR Part 20

**PROVISIONS, CERTIFICATIONS, REPORTS, FORMS, AND OTHER—MATRICES**

**OTHER MATTERS**

<b>OTHER MATTERS</b>	<b>COMMENTS</b>	<b>STATUTORY OR REGULATORY REFERENCES</b>
Contract Administration System		49 CFR § 18.36(b)(2) 49 CFR § 19.47
Record of Procurement History		49 CFR § 18.36(b)(9) 49 CFR § 19.47
Protest Procedures		49 CFR § 18.36(b)(12)
Selection Procedures		49 CFR § 18.36(c)(3)
Cost/Price Analysis		49 CFR § 18.36(f) 49 CFR § 19.45
Justification for Noncompetitive Awards	If Applicable	49 CFR § 18.36(b)(9) by implication 49 CFR § 19.46(b)
No Excessive Bonding Requirements		49 CFR § 18.36(h) 49 CFR § 19.48(c)(5)
No Exclusionary Specifications		49 U.S.C. § 5325(h)
No Geographic Preferences	Except for A&E Services	49 CFR § 18.36(c)(2)

## **Appendix B: SCDOT Comprehensive Preventive Maintenance Program**





South Carolina Department of Transportation

## **COMPREHENSIVE PREVENTIVE MAINTENANCE PROGRAM**

Developed for all Public and Human  
Services Providers by  
SCDOT Office of Public Transit

July 2010

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# **SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**

## **OFFICE OF PUBLIC TRANSIT**

### **PREVENTIVE MAINTENANCE PROGRAM**

The SCDOT/Office of Public Transit is committed to maintaining a fleet of safe and reliable vehicles for all South Carolina customers. The policies and procedures outlined in this brochure will ensure all assigned vehicles are kept in top operating condition and should minimize out-of-service time by following an in-depth preventive maintenance schedule. Please keep in mind that this brochure is not all-inclusive. When new vehicles are received from the manufacturer please review the manufacturer's preventive maintenance schedule and incorporate it into your overall maintenance plan. Raising funds to procure a new vehicle is a difficult task. Consequently, the vehicle(s) you receive through state or federal grants will need to last for many years. This brochure offers guidance on how to properly maintain your vehicle and provides a format for safety and mechanical inspections. The SCDOT Office of Public Transit will be conducting periodic visits to each provider to ensure a comprehensive preventive maintenance program is in place.

#### ***Introduction***

Preventive Maintenance is essential to every effective maintenance program as it helps to ensure maximum vehicle reliability, safety, and longevity. It entails performing regularly scheduled maintenance procedures in order to minimize malfunctions, rather than simply making repairs when something goes wrong. It also involves performing necessary repairs promptly to prevent further damage and maintain vehicle safety. While PM may be more expensive in the short run, it will likely result in the lowest overall life cycle costs when all vehicle related expenses are considered.

Before taking delivery of your new vehicle you should develop a comprehensive preventive maintenance program. This section is designed to help you develop such a program, since maintaining your vehicle and keeping accurate, complete records is as important to successful service as the vehicle purchase itself.

Please note that several of the tables in this section were adapted from other preventive maintenance publications.

## Essential Elements of a Successful Preventive Maintenance Program

A successful PM program consists of a number of different elements. The following discussion highlights these elements and the issues you should consider when developing your program.

### Routine Servicing and Maintenance

Routine servicing and maintenance is the heart of any PM program. Every vehicle has its own maintenance requirements and recommended program lay out by the manufacturer. In many cases, it will be desirable to exceed the recommendations, depending on factors such as weather, terrain, service type, and annual mileage. Maintenance intervals should never exceed those recommended by the manufacturer. Table A and B lists items to be considered in developing a PM schedule for the expected life of the vehicle.

In establishing your service program, consider the following suggestions:

- **Make all service intervals mileage multiples of some common denominator. For example, if the oil change interval is 3,000 miles, consider performing tire rotations every 6,000 miles and transmission fluid services every 24,000 miles. Consistent service intervals increase the efficient use of labor and minimize the number of times the vehicle is in the shop.**
- **Consider seasonal variations that may alter service intervals. For example, harsh winters may dictate shorter oil change intervals due to cold starts/running and earlier replacement of air filters when operating over salted or sanded roads. Also, plan seasonal fleet-wide service checks, such as a spring campaign to prepare air-conditioning systems for the summer, and a fall campaign to prepare for adequate winter heating and defrosting.**
- **Consider local conditions when planning your maintenance program. For example, services operated over unpaved, dusty roads may require more frequent oil changes and shock absorber replacement. Constant slow or stop-and-go driving and low annual mileage are other examples of situations where service intervals for some items should be shortened.**
- **Have a regular program for washing and cleaning the vehicles. Accumulated salt will greatly accelerate rusting and, where chloride compounds are used to control dust on unpaved roads, corrosion can occur even in summer.**

### Inspections

Inspections are a key element in the early detection and remedy of potential failures. Both drivers and mechanics should perform them, to varying degrees. Investing a short time on a daily basis to inspect each vehicle will help detect problems, thereby improving safety, decreasing vehicle repair costs and vehicle downtime.

Drivers should perform a regular pre-trip inspection of the vehicle (Table C, in addition to inspecting the vehicle when it is cleaned and refueled. Both mechanics and drivers should inspect the vehicle through observations and checks during routine servicing procedures (it is quite possible to perform a complete vehicle inspection while the oil is being drained). Table D lists items that should be included in the mechanic's inspection at a service interval.

## **Replacement versus Repair**

"If it ain't broke, don't fix it!" is a time-honored cliché and if we could always predict the exact point of any component failure, it would be a reasonable way to operate. However, without such predictability, it makes sense to replace or rebuild certain components prior to failure (whenever there is the data to justify doing so without incurring extraordinary costs).

While this routine replacement concept can be applied to a wide variety of components, it does require that you gain experience with your particular vehicles in your unique environment. If you have no prior experience with your new vehicle, we recommend contracting other operators using the same vehicle, under similar circumstances, with good maintenance records to assist in developing a routine component replacement schedule.

Routine replacement is typically applied to those components where little if any diagnostic aid is available, other than visual inspection. These include items such as:

- fluids (except windshield washer and refrigerant)
- hoses
- belts
- wiper blades

## **Warranties**

Your vehicle will come with a number of warranties from the chassis supplier, body builder, and major component suppliers. These take many forms but generally include some combination of mileage and time, and will often contain exclusions for "consumable" items, such as brake pads, batteries, and tires. Additionally, warranties generally have stipulations about operating and maintaining the vehicle in accordance with the supplier's specific recommendations.

Thoroughly examine and become familiar with all the warranties provided with the vehicle when it is delivered. Make sure that you have read all the fine print. Does your warranty really cover 100 percent of all repair costs for the entire period, or does it only cover full replacement in the beginning with reduced coverage thereafter? What items are specifically included or excluded? What is the trade-off on any extended warranty or service agreement? Also, make sure you understand who is going to be responsible for which warranties – is it the vehicle supplier of the local service representative of a component supplier (such as an air conditioning unit or wheelchair lift)?

All vehicles purchased through state contract or competitive bid have warranties which, at a minimum, cover all labor and replacement parts for a period of one year or 12,000 miles (whichever comes first). Warranties cover the basic vehicle and all ancillary equipment supplied with the vehicle (i.e., air conditioner, wheelchair lift, wheelchair tie-down systems, seats, etc.).

No vehicle will be perfect upon delivery and the vehicle manufacturers expect that some adjustments will be needed. Therefore, plan to take the vehicle to the proper facility to correct these items within the warranty period. It is highly recommended that you take care of problems quickly, before they cause major failures (which often occur after the warranty period). Arguing that you knew of a problem while still under warranty, but could not afford the time to have the vehicle serviced, rarely results in a favorable claim. The end results are that your vehicle may be out of commission for a longer period of time and you may have to pay costly repair bills.

Most repairs can and should be handled by the local auto or truck dealership representing the chassis manufacturer (e.g., Ford, Chevrolet, and Dodge). In order for your warranty to be honored, you must take the vehicle to an authorized representative. If the representative cannot solve the problem to your satisfaction, contact the vendor who delivered the vehicle. In most cases, this vendor is the one who submitted the original bids and is most familiar with all aspects of your vehicle (i.e., chassis, body, ancillary equipment, etc.). The vendor will advise you of the proper procedures to follow and the authorized agent to perform needed repairs. If for some reason you are unable to obtain assistance from either the local dealership of the original vendor, contact SCDOT.

Use the warranties as a basis for future maintenance activities by ensuring that any required servicing is directly incorporated into your preventive maintenance program (e.g., lubrication schedules for lifts). Plan on reviewing the performance and condition of specific warranty-related items and components at a service interval shortly before any major warranty milestones, in order to ensure that you recoup as much benefit as possible from your warranties.

In many cases, extra-cost extended warranties are available. These should be closely examined and related to your operation before any purchase is made. Extended warranties on such items as power trains, often have limitation regarding which components are covered. They are often progressive in nature, with a diminishing ability to recover labor and parts costs as time goes by and mileage increases. Therefore, it is essential to think in terms of which combination of conditions are most favorable to you, given your anticipated annual mileage and whether you are able, and authorized to conduct warranty repairs in-house or through a repair shop of your choice.

## **Monitor Suppliers**

Tracking your suppliers' performance (price, quality, and reliability) is another essential element of a successful preventive maintenance program. For instance, the quality of your fuel can have a significant impact on the service and repair level required for your engines in these days of electronic controls, fuel injector systems, and catalytic converters.

One area that requires close monitoring is the performance of rebuilt and after-market parts. Rebuilt parts, such as alternators and pumps, may offer up-front cost savings; however, such units may have a shorter operational life than newer parts. By monitoring the life of rebuilt parts, you can determine whether true savings are realized, or whether total cost is actually greater, once you factor in the cost of another rebuilt unit and the labor associated with multiple replacements.

You should also be aware that in many cases involving heavy-duty items, such as starters and compressors, a trade-in (core) unit is required. This "core" generally is not used in your rebuilt unit; instead, it goes on to become the rebuilt product for another operation.

Like rebuilt parts, after-market parts (i.e., new parts built by a company other than the original equipment manufacturer – OEM) may offer up-front cost savings. They may claim to be built to the same or superior specifications as the OEM part, but only through careful monitoring can you determine whether the part's life is truly comparable.

Only through experience will you gain the background necessary to make informed decisions in the future. Good maintenance records and purchasing documentation are essential to learning through experience and must be addressed when you first begin operation, or introduce a new type of vehicle into service.

## **Documentation**

Another key to any successful maintenance program is up-to-date, accurate record keeping. While documentation is necessary for purposes of budget and control, good records will also enable you to optimize your PM program by providing:

- the database to enable you to establish proper intervals for routine maintenance and servicing;
- information on repetitive failures to establish repair and replacement intervals and the performance of rebuilt or after-market parts and of parts and consumables suppliers;
- early warning of impending major problems through telltale signs, such as increased oil consumption;

- back-up information for warranty claims (particularly marginal claims near the end of the warranty period where supporting documentation can often be the “clincher” in claim payment); and
- documentation of any personnel related patterns (e.g., more frequent tire or brake replacement on one driver’s vehicle versus fleet average).

In situations where maintenance is conducted to a third party, good documentation is key to minimizing disputes. Under this scenario, management should make the extra effort to review repair bills and develop/maintain the database required for adjustments to the preventive maintenance program. Maintenance is never “out of sight, out of mind” to the smart operator. Tables E and F provide examples of basis record keeping forms.

### **Personnel/Departmental Relationships**

Internal conflicts plague many organizations and, unfortunately, transportation operators are no exception. Good communications and interpersonal relationships are key to the effective execution of maintenance and, if anything, their importance increases with the size and complexity of the organization.

Most transportation operations encounter internal conflicts between the various personnel and departments by virtue of the priorities inherent in their duties. For example, drivers who take the time to report a defect may be convinced that the maintenance staff is incompetent if problems are not corrected prior to the time they are next assigned that vehicle. Drivers are likely unaware that, for example, the dispatcher had an urgent need for an extra vehicle; that since the defect was not safety related, maintenance had decided to handle the problem at the next scheduled servicing interval; or that a replacement part was not available at the time. Note: Keeping inventory small is an essential part of low cost operation.

Similarly, dispatchers tend not to understand that repairs and repair times are not entirely predictable, particularly on older vehicles where rusted nuts and bolts do not always easily yield to the wrench, or when making one repair can uncover another problem. Finally, mechanics know that if they had the dispatcher’s job there would be no last minute calls for extra vehicles, or for that specific vehicle that they have just raised up onto the garage hoist.

Consistent execution of a PM program requires the cooperation and interaction of all parties, both in establishing the program and making it work on a day-to-day basis. The following actions will help improve interpersonal relationships and reduce organizational conflicts.

- Involve all parties in development of documentation for inspection items, service intervals, and other inter-departmental maintenance activities.
- Be realistic in your expectations (for example, a proper pre-trip driver inspection will improve reliability, but take 20 minutes to perform).
- Pay attention to administrative details. To whom does the driver turn in a defect report? Who is responsible for notifying maintenance or dispatch of a problem with a vehicle? Who prioritizes the repairs or decides that a vehicle is no longer roadworthy? Who tells maintenance what the future vehicle needs are and how much notice they can expect?

### **Training and Diagnosis**

Effective training is essential to proper diagnosis of vehicle problems and their subsequent repair or replacement. As vehicles become increasingly complex and reliant upon electronic and computerized controls and monitoring systems, the need for adequate training becomes that much more important.

We suggest that you encourage or even require your mechanics and/or drivers to take advantage of the training offered by vehicle manufacturers and component suppliers. Some manufacturers run training schools on a regional basis and suppliers, as well as converted vehicle manufacturers, may supply service representatives to provide in-house training. In some instances, such as air-conditioning, there is an increasing trend toward mandatory mechanic competence certification.

If you are performing maintenance in-house, purchasing diagnostic equipment is a sound investment. It is essential, in the electronic era, to take as much of the guesswork out of the troubleshooting process as possible. Diagnostic equipment will handsomely repay itself in increased maintenance department productivity and vehicle reliability.

### **Vehicle Assignment**

Experience shows that assigning a specific vehicle to a driver is beneficial to that vehicle's upkeep and longevity, since they get to know the vehicle better, and take pride in its appearance and mechanical soundness. The same is true for mechanics. While workforce inflexibility may limit the application of this practice, it remains a goal worth striving for.

### **Measurement of Progress**

While thorough documentation of a vehicle servicing and repair are essential, reporting and analyzing summaries and trends related to vehicle maintenance is essential for overall

program management. An individual vehicle's service record may be of little interest to an executive director or board of directors, but they will likely be interested in knowing the trends such as miles between roadcalls. It is essential to keep track of factors that affect your client's view of the system and to publicize them within your operation. Such items include:

- Miles between roadcalls;
- Number of complaints of dirty, smoking, or damaged vehicles;
- Number of complaints of inoperable air-conditioners, heaters, lifts, etc.; and
- Number and miles between chargeable accidents attributable to vehicle condition.

### ***Who will maintain the Vehicles?***

Every maintenance program will be unique due to the mix of vehicle types and ages, fleet size, services provided, and arrangement for maintaining the vehicles. Determining who will perform vehicle maintenance is an important decision. Options include:

- Contracting part or all of your maintenance to commercial mechanics;
- Contracting part or all of your maintenance to other agencies, municipal garages, or others, such as school bus operators; and
- Performing part or all of your maintenance in-house.

Who will perform which elements of your maintenance program will largely depend upon your ability and desire to obtain the staff, parts inventory, equipment, and facilities to perform your own maintenance, as well as your proximity to existing maintenance facilities that can service your vehicles. Remember that if you contract out your maintenance, you still bear the responsibility of verifying and documenting the work performed.

### ***Summary***

Preventive Maintenance is an essential element of every transportation operation. A program tailored to your individual service and vehicle fleet will increase reliability, longevity, and safety. It is important to remember that maintenance may be a dirty job, but must not be a dirty word. It must not be consigned to some corner, where it can be by-passed by the rest of the operation.

## Selecting the Right Schedule:

### Short Trip/City Definition

Follow the Short Trip/City Scheduled Maintenance if any of the following conditions apply for you vehicle.

- Most trips are less than 5 –10 miles.
- Most trips include extensive idling (such as frequent stop and go driving).
- You operate your vehicle in dusty areas.
- If the vehicle is used in a commercial application.

*One of the reasons you must follow this schedule under the above conditions is that engine oil breaks down sooner.*

### Short Trip/City Intervals

- Every 3,000 miles: Engine Oil and Filter Change (or 3 months, whichever occurs first). Chassis Lubrication (or 3 months, whichever occurs first). Drive Axle Service (or 3 months, whichever occurs first).
- Every 3,000 miles do a pm on the wheel/chair and controls.
- Every 6,000 miles: Tire Rotation.
- Every 15,000 miles: Engine Air Cleaner Filter Inspection, if driving in dusty conditions. Front wheel bearing repack (2WD only) (or at each brake relining, whichever

occurs first. Automatic Transmission Service. (Severe Conditions).

- Every 30,000 Miles: Engine Air Cleaner replacement. Fuel Filter Replacement.
- Every 60,000 Miles: Engine Accessory Drive Belt Inspection.
- Every 90,000 Miles: Fuel Filter Replacement.
- Every 100,000 Miles: Spark Plug Wire Inspection. Spark Plug Replacement. 4.3L V6 Engine Only; Positive Crankcase Ventilation (PCV) Valve Inspection.
- Every 3,000 miles check wheelchair/operation/maintenance.

### Long Trip/Highway Definition

Follow this schedule ***ONLY*** if none of the conditions from the Short Trip/City Scheduled Maintenance are true. Do not use this schedule if the vehicle is driven in a dusty area or off paved roads.

*Driving a vehicle with a fully warmed engine under highway conditions causes engine oil to break down slower.*

- Every 150,000 Miles: Cooling system Service (or every 60 months, whichever occurs first).

### Long Trip/Highway Intervals

- Every 7,500 miles: Engine Oil and Filter Change (or 12 months, whichever occurs first). Chassis Lubrication (or 12 months, whichever occurs first). Drive Axle Service (or 12 months, whichever occurs first). Tire Rotation.
- Every 3,000 miles do a pm on the wheel/chair and controls.
- Every 15,000 miles: Automatic Transmission Service (under severe conditions)
- Every 30,000 miles: Fuel Filter Replacement. Engine Air Cleaner Filter Replacement. Front wheel bearing repack (2WD only) (or at each brake relining, whichever occurs first. Automatic Transmission Service. (Severe Conditions).
- Every 50,000 Miles: Automatic Transmission Service (normal conditions).
- Every 60,000 Miles: Engine Accessory Drive Belt Inspection.
- Every 90,000 Miles: Fuel Filter Replacement.
- Every 100,000 Miles: Spark Plug Wire Inspection. Spark Plug replacement. 4.3L V6 Engine Only: Positive Crankcase Ventilation (PCV) Valve Inspection
- Every 150,000 Miles: Cooling System Service (or every 60 months, whichever occurs first).
- 

- Every 3,000 Miles: Check Wheel Chair/operations/maintenance.



## **(Table A) Short Trip/City Scheduled Maintenance**

The U.S. Environmental Protection Agency recommends that all required maintenance services be performed at the indicated interval and the maintenance be recorded. SCDOT will also require a detailed maintenance log on every vehicle until the title has been released to you after the recommended useful life of the vehicle have been reached. NOTE: It is imperative to conduct all required maintenance on vehicles and continue updating the maintenance schedules provided by SCDOT.

Note: Individual Preventive Maintenance Schedules should be accomplished for each vehicle assigned to your fleet.

The services shown in this schedule up to 100,000 miles should be performed after 100,000 at the same intervals. The services shown at 150,000 miles should be performed at the same interval after 150,000 miles.

### **Short Trip/City Scheduled Maintenance**

<b>3,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
	<b>SERVICED BY:</b>	

- Change engine oil and filter. (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Check and repair wheel/chair operations.

<b>6,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
	<b>SERVICED BY:</b>	

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check front and rear axle fluid levels and add fluid as needed.
- Rotate tires per manufacturer specifications.
- Check and repair wheel/chair operations.

<b>9,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
	<b>SERVICED BY:</b>	

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Check and repair wheel/chair operations.

<b>12,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
	<b>SERVICED BY:</b>	

- Change engine oil and filter (or three months, whichever occurs first).

- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Rotate Tires.
- Check and repair wheel/chair operations.

<b>15,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Clean and repack the front wheels bearings
- Change automatic transmission fluid and filter under the following conditions.
  - In heavy city traffic where the outside temp. reaches 90 degrees F or higher.
  - In hilly or mountainous terrain.
  - Delivery service or “stop” and “go” driving
  - Check and repair wheel/chair operations.

<b>18,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Rotate Tires.
- Check and repair wheel/chair operations.

<b>21,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Check and repair wheel/chair operations.

<b>24,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Rotate Tires.
- Check and repair wheel/chair operations.

<b>27,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Check and repair wheel/chair operations.

<b>30,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Clean and repack the front wheels bearings
- Change automatic transmission fluid and filter under the following conditions.
  - In heavy city traffic where the outside temp. reaches 90 degrees F or higher.
  - In hilly or mountainous terrain.
  - Delivery service or “stop” and “go” driving
- Replace engine air filter.
- Rotate Tires.
- Check and repair wheel/chair operations.

<b>33,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Check and repair wheel/chair operations.

<b>36,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Rotate Tires.
- Check and repair wheel/chair operations.

<b>39,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.

- Check and repair wheel/chair operations.

<b>42,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Rotate Tires
- Check and repair wheel/chair operations.

<b>45,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Clean and repack the front wheels bearings
- Change automatic transmission fluid and filter under the following conditions.
  - In heavy city traffic where the outside temp. reaches 90 degrees F or higher.
  - In hilly or mountainous terrain.
  - Delivery service or “stop” and “go” driving
- Inspect engine air filter. Replace if necessary.
- Check and repair wheel/chair operations.

<b>48,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Rotate Tires.
- Check and repair wheel/chair operations.

<b>51,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Check and repair wheel/chair operations.

<b>54,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Rotate Tires.
- Check and repair wheel/chair operations.

<b>57,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Check and repair wheel/chair operations.

<b>60,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Clean and repack the front wheels bearings
- Change automatic transmission fluid and filter under the following conditions.
  - In heavy city traffic where the outside temp. reaches 90 degrees F or higher.
  - In hilly or mountainous terrain.
  - Delivery service or “stop” and “go” driving
- Replace engine air filter.
- Inspect engine accessory belt.
- Rotate Tires.
- Replace Fuel Filter.
- Check and repair wheel/chair operations.

<b>63,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Check and repair wheel/chair operations.

<b>66,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Rotate Tires.

- Check and repair wheel/chair operations.

<b>69,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Check and repair wheel/chair operations.

<b>72,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Rotate Tires.
- Check and repair wheel/chair operations.

<b>75,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Clean and repack the front wheels bearings
- Change automatic transmission fluid and filter under the following conditions.
  - In heavy city traffic where the outside temp. reaches 90 degrees F or higher.
  - In hilly or mountainous terrain.
  - Delivery service or “stop” and “go” driving
- Inspect and or Replace engine air filter.
- Inspect engine accessory belt.
- Check and repair wheel/chair operations.

<b>78,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Rotate Tires.
- Check and repair wheel/chair operations.

<b>81,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Check and repair wheel/chair operations.

<b>84,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Rotate Tires.
- Check and repair wheel/chair operations.

<b>87,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Check and repair wheel/chair operations.

<b>90,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Clean and repack the front wheels bearings
- Change automatic transmission fluid and filter under the following conditions.
  - In heavy city traffic where the outside temp. reaches 90 degrees F or higher.
  - In hilly or mountainous terrain.
  - Delivery service or “stop” and “go” driving
- Replace engine air filter. Replace Fuel Filter.
- Rotate Tires.
- Check and repair wheel/chair operations.

<b>93,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Check and repair wheel/chair operations.

<b>96,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
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<b>SERVICED BY:</b>
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- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Rotate Tires.
- Check and repair wheel/chair operations.

<b>99,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or three months, whichever occurs first).
- Lubricate chassis components (or three months, whichever occurs first).
- Check rear and front axle fluid levels and add fluid as needed.
- Check and repair wheel/chair operations.

<b>100,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Inspect Spark Plug Wires.
- Replace Spark Plugs.
- 4.3L V6 engine only. (Inspect or replace Positive Crankcase Ventilation (PCV) Valve.
- Check and repair wheel/chair operations.

<b>150,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Drain, flush and refill cooling system (or every 60 months since last service).
- Inspect hoses.
- Clean radiator, condenser, pressure cap and neck. Pressure test cooling system and pressure cap.
- Check and repair wheel/chair operations.

**(Table B) Long Trip/Highway Scheduled Maintenance**

The U.S. Environmental Protection Agency recommends that all required maintenance services be performed at the indicated interval and the maintenance be recorded. SCDOT will also require a detailed maintenance log on every vehicle until the title has been released to you after the recommended useful life of the vehicle have been reached. NOTE: It is imperative to conduct all required maintenance on vehicles and continue updating the maintenance schedules provided by SCDOT.

Note: Individual Preventive Maintenance Schedules should be accomplished for each vehicle assigned to your fleet.

The services shown in this schedule up to 100,000 miles should be performed after 100,000 at the same intervals. The services shown at 150,000 miles should be performed at the same interval after 150,000 miles.

**Long Trip/Highway Scheduled Maintenance**

<b>7,500 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
	<b>SERVICED BY:</b>	

- Change engine oil and filter. (or twelve months, whichever occurs first).
- Lubricate chassis components (or twelve months, whichever occurs first).
- Check axle fluid levels and add fluid as needed.
- Rotate tires per manufacturer specifications.
- Check and repair wheel/chair operations.

<b>15,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
	<b>SERVICED BY:</b>	

- Change engine oil and filter (or twelve months, whichever occurs first).
- Lubricate chassis components (or twelve months, whichever occurs first).
- Check axle fluid levels and add fluid as needed.
- Change automatic transmission fluid and filter under any of the following conditions.
  - In heavy city traffic where the outside temp. reaches 90 degrees F or higher.
  - In hilly or mountainous terrain.
  - Delivery service or “stop” and “go” driving
- Rotate tires per manufacturer specifications.
- Check and repair wheel/chair operation.

<b>22,500 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
	<b>SERVICED BY:</b>	

- Change engine oil and filter (or twelve months, whichever occurs first).
- Lubricate chassis components (or twelve months, whichever occurs first).

- Check axle fluid levels and add fluid as needed.
- Rotate tires per manufacturer specifications.
- Check and repair wheel/chair operation.

<b>30,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or twelve months, whichever occurs first).
- Lubricate chassis components (or twelve months, whichever occurs first).
- Check axle fluid levels and add fluid as needed.
- Clean and repack the front wheels bearings
- Change automatic transmission fluid and filter under the following conditions.
  - In heavy city traffic where the outside temp. reaches 90 degrees F or higher.
  - In hilly or mountainous terrain.
  - Delivery service or “stop” and “go” driving
- Replace fuel filter.
- Replace air cleaner filter.
- Rotate Tires.
- Check and repair wheel/chair operations.

<b>37,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or twelve months, whichever occurs first).
- Lubricate chassis components (or twelve months, whichever occurs first).
- Check axle fluid levels and add fluid as needed.
- Rotate Tires.
- Check and repair wheel/chair operations.

<b>45,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or twelve months, whichever occurs first).
- Lubricate chassis components (or twelve months, whichever occurs first).
- Check axle fluid levels and add fluid as needed.
- Change automatic transmission fluid and filter under the following conditions.
  - In heavy city traffic where the outside temp. reaches 90 degrees F or higher.
  - In hilly or mountainous terrain.
  - Delivery service or “stop” and “go” driving
- Rotate Tires.
- Check and repair wheel/operations..

<b>50,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- If you haven't used your vehicle under severe conditions listed previously and, therefore, haven't changed your automatic transmission fluid, change both the fluid and filter. Manual transmission doesn't require changing.
- Check and repair wheel/chair operations.

<b>52,500 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or twelve months, whichever occurs first).
- Lubricate chassis components (or twelve months, whichever occurs first).
- Check axle fluid levels and add fluid as needed.
- Rotate Tires.
- Check and repair wheel/chair operations.

<b>60,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or twelve months, whichever occurs first).
- Lubricate chassis components (or twelve months, whichever occurs first).
- Check axle fluid levels and add fluid as needed.
- Clean and repack the front wheels bearings
- Change automatic transmission fluid and filter under the following conditions.
  - In heavy city traffic where the outside temp. reaches 90 degrees F or higher.
  - In hilly or mountainous terrain.
  - Delivery service or "stop" and "go" driving.
- Replace engine air filter.
- Inspect engine accessory drive belt.
- Rotate Tires.
- Check and repair wheel/chair operations.

<b>67,500 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or twelve months, whichever occurs first).
- Lubricate chassis components (or twelve months, whichever occurs first).
- Check axle fluid levels and add fluid as needed.
- Rotate Tires.
- Check and repair wheel/chair operations.

<b>75,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or twelve months, whichever occurs first).
- Lubricate chassis components (or twelve months, whichever occurs first).
- Check axle fluid levels and add fluid as needed.
- Change automatic transmission fluid and filter under the following conditions.
  - In heavy city traffic where the outside temp. reaches 90 degrees F or higher.

- In hilly or mountainous terrain.
- Delivery service or “stop” and “go” driving.
- Rotate Tires.
- Check and repair wheel/chair operations.

<b>82,500 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or twelve months, whichever occurs first).
- Lubricate chassis components (or twelve months, whichever occurs first).
- Check axle fluid levels and add fluid as needed.
- Rotate Tires.
- Check and repair wheel/chair operations.

<b>90,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or twelve months, whichever occurs first).
- Lubricate chassis components (or twelve months, whichever occurs first).
- Check axle fluid levels and add fluid as needed.
- Clean and repack the front wheels bearings.
- Change automatic transmission fluid and filter under the following conditions.
  - In heavy city traffic where the outside temp. reaches 90 degrees F or higher.
  - In hilly or mountainous terrain.
  - Delivery service or “stop” and “go” driving.
- Replace fuel filter. Replace engine air cleaner.
- Rotate Tires.
- Check and repair wheel/chair operations.

<b>97,500 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Change engine oil and filter (or twelve months, whichever occurs first).
- Lubricate chassis components (or twelve months, whichever occurs first).
- Check axle fluid levels and add fluid as needed.
- Rotate Tires
- Check and repair wheel/chair operations.

<b>100,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

- Inspect spark plug wires.
- Replace spark pugs.
- If you haven’t used your vehicle under severe conditions listed previously and, therefore, haven’t changed your automatic transmission fluid, change both the fluid and filter. Manual transmission doesn’t require changing.

- Inspect Positive Crankcase Ventilation (PCV) valve.
- Check and repair wheel/chair operations.

<b>150,000 Miles</b>	<b>DATE:</b>	<b>MILEAGE:</b>
<b>SERVICED BY:</b>		

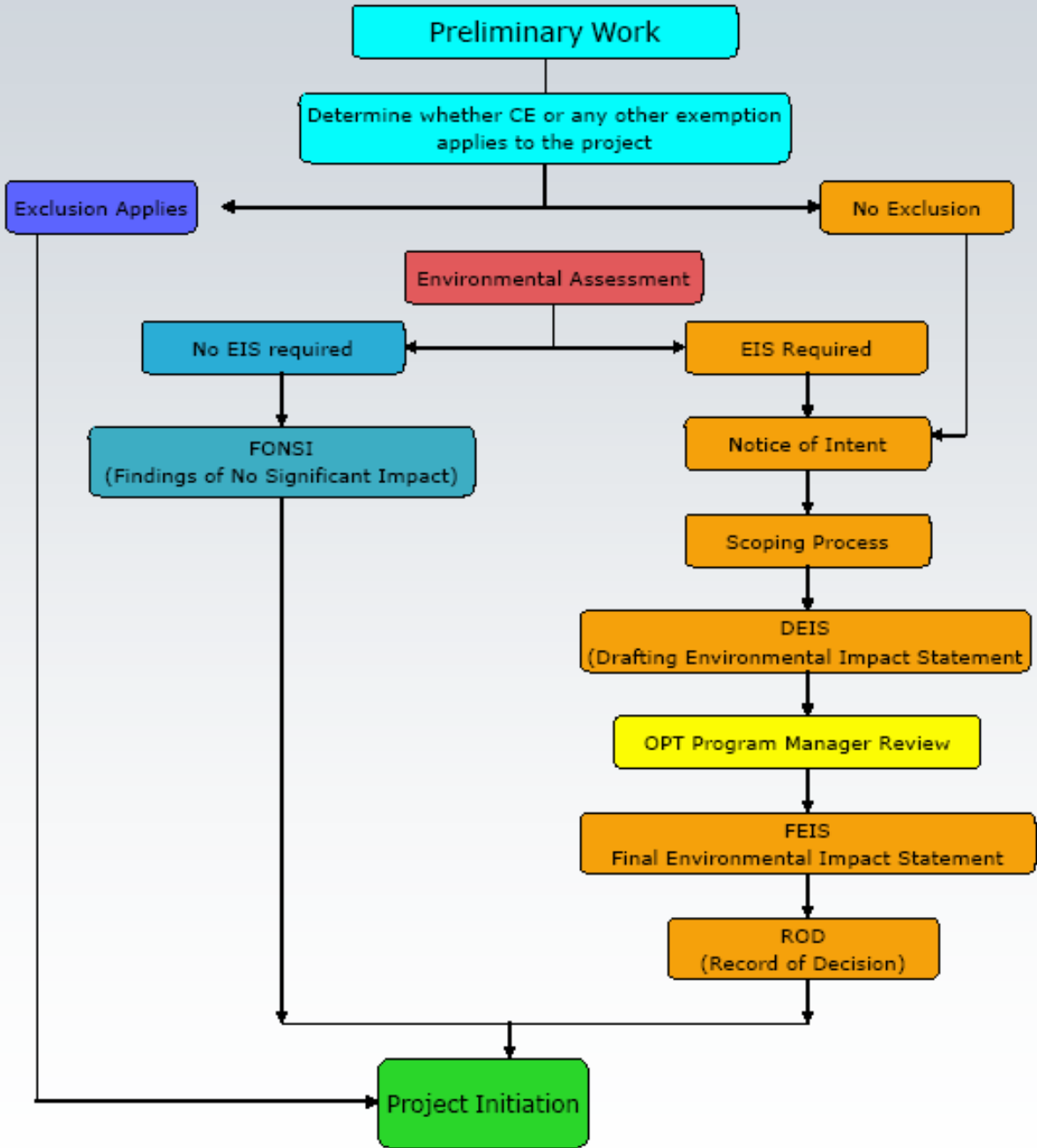
- Drain, flush and refill cooling system (or every 60 months since last service, whichever occurs first). Inspect hoses. Clean radiator, condenser, pressure cap and neck. Pressure test the cooling system and pressure cap.
- Check and repair wheel/chair operations.



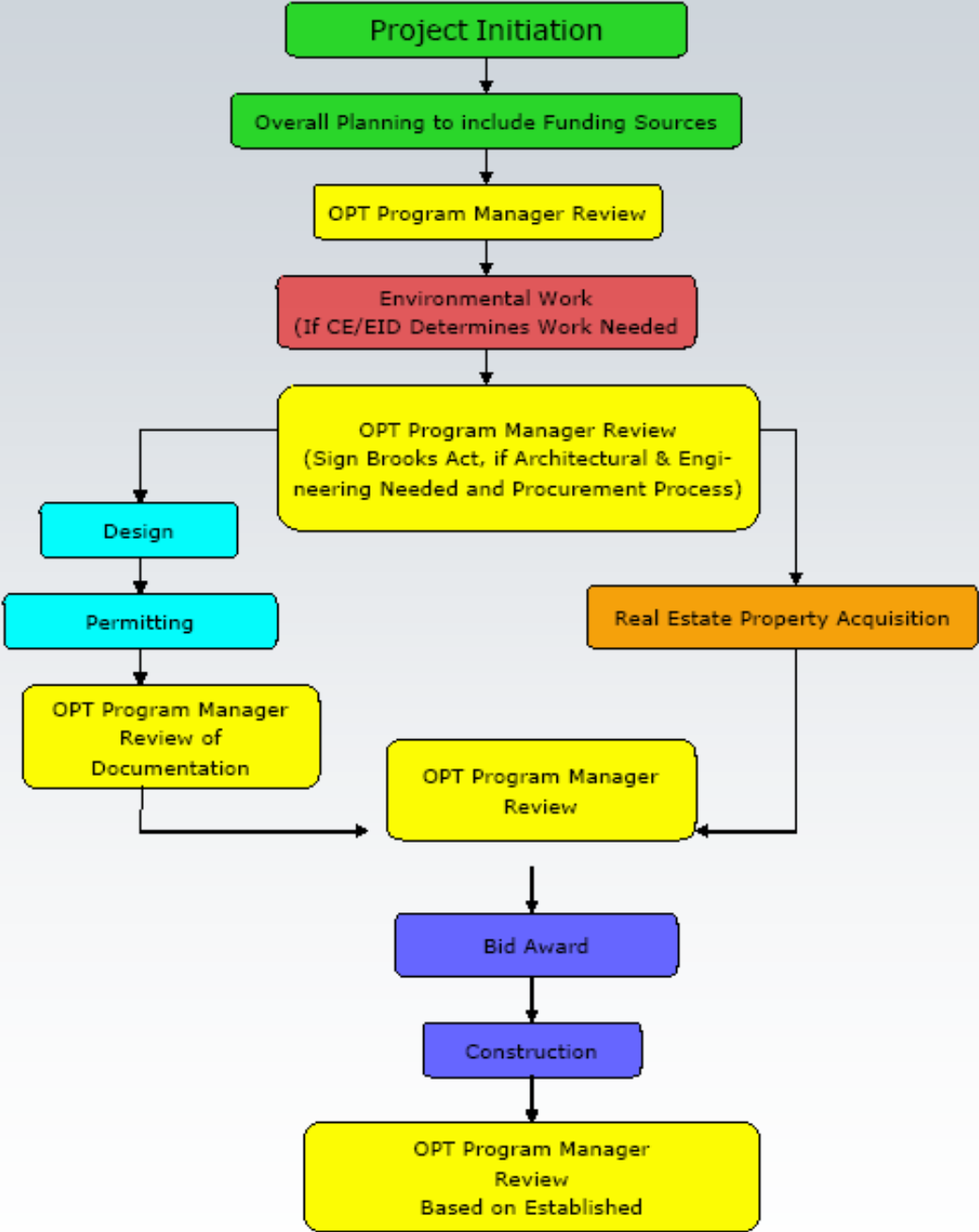
## **Appendix C: Facility Construction Flow Chart and Facility Checklist**



# Flow Chart For Construction



# Flow Chart For Construction



Agency: _____	Contact Person: _____	
Agency: _____	Contact Person: _____	
FTA Grant #: _____	OPT Grant Agreement #: _____	
Project Description: _____		

		Scheduled Date	Actual Date
<b>Facility Checklist</b>			
<b>1.0 PROJECT AWARD PROCESS</b>			
a.	SCDOT Announcement		
b.	Project Selection		
c.	Subrecipient submits detailed scope of work for project review, and possible inclusion in contract agreement		
d.	Subrecipient forwards appraisal (land and/or building) based on fair market value (site plan, utilities, environmental plan, real estate acquisition) to OPT Program Manager		
e.	Subrecipient submits environmental impact analysis documents to OPT Program Manager (Categorical Exclusion) for approval		
f.	Subrecipient forwards proof of purchase or "In-Kind" contribution documentation to OPT Program Manager		
g.	Subrecipient submits verification of local match to OPT Program Manager - (Not required for ARRA projects)		
h.	Proof of ownership		
i.	OPT prepares information for Commission approval		
<b>2.0 AFTER COMMISSION APPROVES FUNDING ALLOCATION</b>			
a.	Project identified in the STIP for public comment		
b.	Subrecipient submits cost estimates for the project to OPT Program Manager (broken-out by work type and/or phases)		
c.	SCDOT (OPT) submits grant application to FTA for approval		
d.	If required, subrecipient submits more details of the project scope of work for inclusion in contract agreement		
e.	OPT Program Manager forwards cost to DBE Office to establish DBE goal for the project		
f.	SCDOT sets DBE goal for the project		
g.	FTA approves the grant		
h.	OPT grant agreement prepared and forwarded to subrecipient for signature		
i.	OPT fully executes grant agreement with subrecipient, including agreement not to convey or encumber		
<b>3.0 AFTER OPT RECEIVES SIGNED GRANT AGREEMENT</b>			
<b>3.1 Solicitation Process</b>			
a.	Subrecipient submits Bid or RFQ (if A/E is required) documents to OPT Program Manager for review and concurrence		
b.	Subrecipient advertises solicitation in SCBO		
c.	OPT Program Manager contacts DBE Office to assist with the dissemination of the bid information to qualified and certified DBEs (Good faith effort)		

	d. Subrecipient submits Force Accounting Plan (if using own workforce personnel). If \$10M > = approved by FTA, or \$100,000 < \$10M = maintain plan in file or < \$100,000 = no plan required		
	e. Subrecipient submits copies to OPT Program Manager of the solicitations received, including the selection process and		
	f. Subrecipient must comply with applicable provisions in the OSE manual concerning the selection of A/E exceeding \$25,000		
	g. OPT attends the pre-construction conference with selected		
<b>3.2</b>	<b>OPT Reporting Requirements</b>		
	a. Prominently display the "ARRA" decal at construction/renovation		
	b. Subrecipient must submit all required report to OPT		
<b>3.3</b>	<b>OPT Invoicing Process</b>		
	a. Subrecipient submits the following items on form 600 to Finance Office:		
	1. Line Item invoice relating to project phases and tasks completed		
	2. Signed Milestone Report of the completed work - approved by local inspector		
	3. Photos for each phase of the completed work		
<b>4.0</b>	<b>FINAL CLOSEOUT PROCESS</b>		
	a. OPT conducts final inspection		
	b. Subrecipient obtains certificate of occupancy from appropriate authority		
	c. Submit Facility Maintenance Plan to OPT Program Manager for		
	d. Subrecipient submits final invoice for payment		
	e. SCDOT issues Close Out letter		
	Regional Program Manager: _____	Date: _____	
	Statewide Program Manager: _____	Date: _____	
	Assistant Director Office of Public Transit: _____	Date: _____	

## **Appendix D: Sample Facility Maintenance Plan**





# SAMPLE FACILITY MAINTENANCE PLAN

Office of Public Transit  
955 Park Street, Room 201  
Columbia, South Carolina

**EFFECTIVE**  
**April 2010**



**PUPPOSE:**

The purpose of the South Carolina Department of Transportation (SCDOT) facility maintenance plan is to provide consistent guidelines that will promote the highest quality of service possible. The plan will also ensure a safe working environment for employees, and a longer guarantee life expectancy for equipment through proper maintenance.

**SCOPE:**

The facility maintenance plan will provide a system of checks to satisfy ongoing maintenance of the facility, including but not limited to administration, operations, and maintenance, shop equipment, and electrical systems. The plan should also provide a management tool to monitor the basic functions needed for a facility to maintain operability and reliable customer service. The facility maintenance plan should be based on a list of inspections, safety procedures, standard maintenance procedures performed and the frequency either daily, weekly, monthly and annual basis.

**PART I: INSPECTION OF THE BUILDING AND GROUNDS**

The facility should use a system of routines and scheduled maintenance to inspect the building, machinery, and yard. The inspections consist of the measures for maintenance of safeguards, general order, cleanliness and lighting. The following areas should be included in the plan for routine or scheduled inspections .

1. HOUSEKEEPING – DAILY
  - A. Floors
  - B. Aisles
  - C. Cleanliness
  - D. Piling and Storage
  
2. STAIRWAYS – WEEKLY
  - A. Treads
  - B. Handrails
  
3. LADDERS – MONTHLY
  - A. Non-Slip Devices
  
4. CONSTRUCTION – BASED ON CONSTRUCTION
  
5. NEW INSTALLATIONS – AS NEEDED
  
6. ELECTRICAL – MONTHLY AND /OR REPORTED DEFECTS
  - A. Switches
  - B. Wiring
  - C. Grounding
  - D. Portable Tools
  - E. Cords
  
7. FIRE – MONTHLY

- A. Extinguishers
  - B. Exits
  - C. Alarms
  - D. Sprinkler Systems
8. PAINT – MONTHLY
- A. Buildings
    - 1. Inside
    - 2. Outside
  - B. Walls
9. INSPECT PLUMBING AND REPLACE PIPES – MONTHLY AND/OR REPORTED DEFECTS
10. CLEAN SPILLS – AS SOON AS THEY HAPPEN
- A. Oil
  - B. Antifreeze
  - C. ATF
  - D. Fuel
11. YARD – MONTHLY AND/OR AS NEEDED
- A. Remove Weeds and Grass
  - B. Restripe Parking Lots – as needed
  - C. Clean Debris – As needed
12. LOCK-OUT TAG OUT AS USED
- A. Water cut-off valves
  - B. Roof access door
  - C. Trash door
  - D. All gates to property
  - E. Electrical repairs
13. CENTRAL A/C UNITS – MONTHLY
- A. Clean Filter
  - B. Lube
  - C. Check Belts
  - D. Clean Drains
14. WINDOW A/C UNITS – MONTHLY
- A. Clean Filter
  - B. Lube
15. BULLETIN BOARDS – MONTHLY
16. FIRST AID – MONTHLY

## 17. PROPER VENTILATION – DAILY

The facility maintenance plan should provide guidelines for routine preventative maintenance to be performed on the building and grounds to ensure operability, and to maintain a safe and organized environment. The objective of the plan is to sustain the high level of standard already set forth by SCDOT. In order to minimize deterioration of the facility, these objectives must be met and maintained consistently.

### **PART II: INSPECTION OF SHOP EQUIPMENT**

In order to ensure quality service and maximum productivity, it is imperative for the shop equipment to be in top working condition. All shop equipment must be serviced properly to meet the life expectancy, and in some cases, exceed their life span. **Safety** is the number one issue when working with large tools and heavy equipment. The plan should set forth intervals when required inspection and routine maintenance should be done.

1. FIRE – MONTHLY
  - A. Extinguishers
  - B. Exits
  - C. Rubbish
    - a. Collection
    - b. Storage
  - D. Flammable Liquids
    - a. Use
    - b. Storage
  
2. EYE PROTECTION – MONTHLY AND/OR AS REPORTED
  - A. Grinding
  - B. Chipping
  - C. Welding
  
3. EMERGENCY EYEWASH STATIONS – MONTHLY
  - A. Check Faucets
  - B. Check Water Pressure
  - C. Check Fittings
  
4. LARGE IMPACT WRENCH – MONTHLY
  - A. Clean Filter
  - B. Lube
  
5. FLOOR JACK – MONTHLY OR/AS REPORTED
  - A. Clean
  - B. Lube
  - C. Check Oil Level
  
6. BENCH GRINDER – MONTHLY AND/OR AS REPORTED
  - A. Clean

- B. Lube
  - C. Check Guard and Wire
7. AIR COMPRESSOR
- A. Change Oil – EVERY THREE MONTHS
  - B. Clean Filter – MONTHLY
  - C. Check Belt – MONTHLY
  - D. Drain Tanks – DAILY
8. BRAKE DRUM LATHER – MONTHLY
- A. Clean
  - B. Lube
  - C. Service
9. METAL LATHE – MONTHLY
- A. Clean
  - B. Lube
  - C. Service
10. GENERATOR/ALTERNATOR TESTER – MONTHLY
- A. Clean
  - B. Lube
  - C. Service
11. BATTERY CHARGER (BENCH) – MONTHLY
- A. Clean
  - B. Check Wiring
12. BATTERY CHARGER (MOBILE) – MONTHLY
- A. Clean
  - B. Lube
  - C. Check Wiring
13. ENGINE ANALYZER – MONTHLY
- A. Lube
  - B. Service
14. PARTS ROOM FANS – MONTHLY OR AS NEEDED
- A. Lube
  - B. Check Belts
  - C. Change Filters
15. LIFTS – MONTHLY AND AS REPORTED
- A. Clean Controls
  - B. Check Oil Levels

- C. Check Lift Sumps
  - D. Check Lift Cylinders
  - E. Check Seals
16. SHOP HEATER MOTORS – EVERY THREE MONTHS
- A. Clean Filters
  - B. Lube Motors
17. CENTRAL A/C UNITS – MONTHLY
- A. Clean Filter
  - B. Lube
  - C. Check Belts
18. WINDOW A/C UNITS – MONTHLY
- A. Clean Filters
  - B. Lube
19. WATER COOLERS – MONTHLY
- A. Check for leaks
  - B. Lube
20. CHAIN HOIST – MONTHLY
- A. Clean
  - B. Lube
21. FUEL PUMP – MONTHLY
- A. Lube
  - B. Check Hoses & Nozzles
  - C. Check Fuel Meters
22. EXTERIOR BUS WASHER – MONTHLY AND AS REPORTED
- A. Lube
  - B. Check Brushes
  - C. Check Piping
23. CYCLONE CLEANER – MONTHLY AND AS REPORTED
- A. Lube
  - B. Check Air
  - C. Check Water Lines
24. LIFT TRUCK – MONTHLY AND AS REPORTED
- A. Perform Inspection #103-C
  - B. Service
25. HOSE REELS – MONTHLY AND AS REPORTED

- A. Check Seals
  - B. Service
26. TANKS
- A. Used Oil
    - Shipment – as needed
    - Disposal – as needed
  - B. Antifreeze Reclamation System – as needed
27. STEAM ENGINE PRESSURE WATER HOSE – MONTHLY OR AS REPORTED
- A. Check Pressure
  - B. Check Soap Content
28. RESPIRATORS – MONTHLY AND BEFORE USING
29. LIGHTING – MONTHLY AND AS NEEDED
30. WASHROOMS AND LOCKERS – MONTHLY
31. FIRST AID – MONTHLY
32. VENTILATION – DAILY
33. GENERATORS – MONTHLY
- A. Check gears
  - B. Check lines
  - C. Lube as needed

The maintenance facility must be in compliance with federal and state regulations at all times. Periodic inspections and evaluations are required for all federal and state funded facilities.

SAMPLE OF FORMS:

Inspection Report – Building and Grounds

One page

Inspection Report – Shop Equipment

Two Pages



## INSPECTION REPORT – BUILDING AND GROUNDS

<b>OK</b>	<b>HOUSEKEEPING</b>	<b>OK</b>	<b>SPILLS</b>
	Floors		Oil
	Aisles		Antifreeze
	Cleanliness		ATF
	Piling & Storage		Fuel
	<b>STAIRWAYS</b>		<b>YARD</b>
	Threads		Cleanliness
	Handrails		Debris
	<b>LADDERS</b>		General
	Construction		<b>LOCK-OUT TAGS</b>
	<b>CONSTRUCTION</b>		Water cut-off valves
	General		Roof access door
	<b>NEW INSTALLATION</b>		Trash Door
	General		Gates
	<b>ELECTRICAL</b>		Electrical
	Switches		<b>A/C UNITS</b>
	Wiring		Filters
	Grounding		Lubrication
	Portable Tools		Belts
	Cords		Drains
	<b>FIRE</b>		<b>BULLETIN BOARDS</b>
	Extinguishers		Securely mounted
	Exits		Uncluttered with dated materials
	Alarms		<b>FIRST AID</b>
	Sprinkler System		Kits accessible
	<b>PAINT</b>		Updated Materials
	Inside Bldg.		<b>VENTILATION</b>
	Outside Bldg.		System Functioning
	Outside Fittings		
	<b>PLUMBING</b>		
	Inside Pipes		
	Outside Pipes		
	Inside Fittings		
	Outside Fittings		

**Comments:** \_\_\_\_\_

\_\_\_\_\_

**Date of Inspection:** \_\_\_\_\_ **Inspector:** \_\_\_\_\_



## INSPECTION REPORT – SHOP EQUIPMENT

<b>OK</b>	<b>FIRE</b>	<b>OK</b>	<b>BATTERY CHARGER-BENCH</b>
	Extinguishers		Clean
	Exits		Check Wiring
	Rubbish Collection		<b>BATTERY CHARGER-MOBILE</b>
	Rubbish Storage		Clean
	Flammable Liquids Use		Check Wiring
	Flammable Liquids Storage		<b>ENGINE ANALYZER</b>
	<b>EYE PROTECTION</b>		Lubricate
	Grinding		Service
	Chipping		<b>PAINT ROOM FANS</b>
	Welding		Lubricate
	<b>EYEWASH STATIONS</b>		Belts
	Faucets		Filters
	Water Pressure		<b>LIFT</b>
	Fittings		Clean Control
	<b>LARGE IMPACT WRENCH</b>		Check Oil Levels
	Filter		Check Lift Sumps
	Lubrication		Check Lift Cylinders
	<b>FLOOR JACK</b>		Check Seals
	Clean		<b>SHOP HEATERS</b>
	Lubrication		Clean Filters
	Oil Level		Lubricate
	<b>BENCH GRINDERS</b>		<b>A/C UNITS</b>
	Clean		Clean Filters
	Lubrication		Lubricate
	Guards		Check Belts
	Wiring		<b>WATER COOLERS</b>
	<b>AIR COMPRESSOR</b>		Check
	Oil change – 3 months		Lubricate
	Clean filter - monthly		<b>CHAIN HOIST</b>
	Check belt - monthly		Clean
	Drain tanks - daily		Lubricate
	<b>BRAKE DRUM LATHE</b>		<b>FUEL PUMP</b>
	Clean		Lubricate
	Lubricate		Check Belts
	Service		Check Hose and Nozzle
	<b>METAL LATHE</b>		<b>BUS WASHER</b>
	Clean		Lubricate
	Lubricate		Check Brushes
	Service		Check Piping
	<b>GEN/ALT TESTER</b>		<b>CYCLONE CLEANER (VACCUUM)</b>
	Clean		Lubricate

	Lubricate		Check Air
	Service		Check Lines

**INSPECTION REPORT – SHOP EQUIPMENT**

<b>OK</b>	<b>LIFT TRUCK</b>
	Perform Inspection
	Service
	<b>HOSE REELS</b>
	Check Seals
	Service
	<b>TANKS</b>
	Check Used Oil Tanks Weekly
	Check Shipments
	Check Disposal
	Antifreeze Reclamation
	<b>STEAM CLEANER</b>
	Check Pressure
	Check Soap Contents
	<b>RESPIRATORS</b>
	Cleanliness
	Storage
	<b>LIGHTING</b>
	Functional
	Wiring
	<b>WASH ROOMS</b>
	Cleanliness
	Functional
	Water Supply
	<b>FIRST AID</b>
	Kits
	<b>VENTILATION</b>
	Functional
	<b>GENERATORS</b>
	Check Functionality
	Lubricate
	Cleanliness
	Check Fan Motor

**Comments:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Date of Inspection:** \_\_\_\_\_ **Inspector:** \_\_\_\_\_

## **Appendix E: Title VI Complaint Procedures**



## **Title VI Complaint Procedures For FTA-Funded Programs or Activities**

These procedures apply to complaints filed against a program and/or activity funded by the Federal Transit Administration (FTA).

Any person who believes that he or she or any specific class of persons has been subjected to discrimination or retaliation prohibited by Civil Rights authorities, based upon race, color, sex, age, national origin, or disability may file a written complaint within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.

These procedures require immediate notification to the South Carolina Department of Transportation (SCDOT) of any complaint or allegation of discrimination. Upon receipt of the notification, SCDOT's Secretary of Transportation (hereinafter, "Secretary") will assign the primary responsibility for evaluation and resolution of the complaint to the responsible program office. The Title VI Coordinator and legal staff will provide assistance to the responsible program office.

Every effort will be made to obtain early resolution of complaints at the lowest possible level. The option of informal mediation meeting(s) between the affected parties and the investigator may be utilized for resolution at any stage of the process. Investigator(s) will make every effort to pursue a resolution of the complaint.

The complaint procedures outlined herein apply to SCDOT and its recipients in the administration of Federal transit programs.

### **I. Receipt and Acceptance of Complaint**

When any element of the SCDOT receives an inquiry, comment or complaint which alleges or implies discrimination as addressed by Title VI of the Civil Rights Act of 1964 and its progeny, a copy will be immediately forwarded to the Secretary. The original document will be forwarded to the SCDOT Office of Business Development and Special Programs, which is responsible for logging in the document and maintaining the statistical data required concerning the matter. Complaints received by FTA filed against Federal-aid recipients, including contractors, may be sent to SCDOT for investigation.

Complaints filed with SCDOT against its recipients shall be processed by the SCDOT in accordance with FTA approved procedures as required pursuant to 49 CFR 21, Circular 4702.1A, and other applicable regulations. Complaints filed with a recipient shall be forwarded to SCDOT, Attn: Title VI Program Coordinator, within three (3) days of receipt.

Complaints filed with SCDOT in which SCDOT is named as the Respondent, shall be forwarded to FTA through the Regional Office. Complaints filed with SCDOT in which FTA is named as the Respondent, shall be forwarded to the FTA Regional Office.

In special cases warranting intervention to ensure justice, the FTA may assume jurisdiction and either complete or obtain services to review or investigate a matter. Materials already obtained by State investigators may be relied upon or supplemented or the matter may be reinvestigated. A copy of the complaint, together with a copy of the SCDOT report of the investigation, shall be

forwarded to FTA Regional Office within 60 days of the date the complaint was received by the SCDOT. An extension of an additional 60 days may be granted by FTA for justifiable reasons.

If the complaint states a valid claim, it will be accepted for processing immediately. Acceptance of a complaint will be determined by:

1. Whether the complaint is timely filed;
2. Whether the allegations involve a covered basis such as race, color, sex, age, national origin, disability, or retaliation; and,
3. Whether the allegations involve a program or activity of a Federal-aid recipient, sub-recipient, or contractor.

All complaints received by SCDOT will be forwarded to SCDOT Office of Business Development & Special Programs to be logged for tracking purposes.

## **II. Acknowledgement of Complaint**

The Secretary will respond in writing acknowledging receipt of complaint within 10 days from date of receipt. If the Secretary determines that the complaint is not covered under Title VI, the Secretary will so advise the complainant and give 15 days to provide additional information.

If no additional information is provided, or if provided, still does not constitute a valid complaint, SCDOT will close the file and advise the complainant in writing.

## **III. Recommendation for Dismissal**

The Secretary may dismiss a complaint for any of the following reasons:

- I. The complaint is untimely filed;
- II. The complaint does not allege a basis covered by the statutes for which SCDOT is responsible;
- III. The complaint does not allege any harm with regard to covered programs or statutes;
- IV. The complainant requests the withdrawal of the complaint; The complainant fails to respond to repeated requests for additional information needed to process the complaint;
- V. The complainant cannot be located after reasonable attempts; The complainant fails to accept a reasonable resolution. Reasonableness will be determined by FTA;
- VI. The complainant has filed a legal action in Federal District Court with the same basis(es) and issue(s) involved in the complaint;
- VII. The same complaint allegations have been filed with another Federal,
- VIII. State or local agency.

If the Secretary of Transportation determines that the issue(s) do not constitute a Title VI Complaint, then the Secretary will determine the appropriate response. An inquiry, comment or complaint should be considered as warranting evaluation unless:

- The inquiry, comment or complaint is frivolous or trivial; or
- The inquiry, comment or complaint is withdrawn; or
- The alleged discrimination occurred more than 180 days prior to the date of the complaint.
- Other good reason is found by SCDOT and FTA.

#### **IV. Informal Resolution**

It is in the best interest of all parties involved that issues raised in a complaint of discrimination be resolved informally. At each stage of the process the investigator will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

#### **V. Investigation of Complaints**

If the Secretary determines that the issues constitute a complaint pursuant to Title VI, or should be treated as a complaint pursuant to Title VI, then the following procedures will be followed:

##### *A. Investigative Review Team*

Within 21 days of receipt of the complaint, the Secretary will designate, via memorandum, an investigative review team (Team). The memorandum will also serve as a letter of authority to conduct investigations.

The team will include a member from the SCDOT program office(s) responsible for the area in which the discrimination is alleged, the SCDOT Office of Business Development & Special Programs, and if determined necessary by the Secretary of Transportation, a representative from SCDOT's Office of Chief Counsel. Complaints should be investigated by State civil rights personnel trained in compliance investigations.

The review team will appoint a lead investigator and, if necessary, an assistant investigator. The team will also evaluate the complaint, and develop an investigative plan. Unless the evidence clearly shows the need to expand the issue, investigations shall be confined to the issues and facts relevant to the specific allegations in the complaint.

##### *B. Interview with complainant(s)*

Within 31 days of receipt of the complaint, the investigator(s) will schedule an interview with the complainant(s) in order to:

- 1) Identify the nature of the complaint;
- 2) Identify the recipient of federal financial assistance involved;
- 3) Identify the federal-aid project involved;

- 4) Identify the location of, and briefly describe, the project;
- 5) Clarify all information received;
- 6) Obtain supporting documents as needed;
- 7) Identify relief being sought;
- 8) Obtain phone numbers and addresses of parties involved;
- 9) Document names and positions of all persons present;
- 10) Document the location of the interview;
- 11) Take comprehensive notes with witness; and
- 12) Identify complainant(s) with particularity and using Title VI criteria (as appropriate):
  - 1) Race
  - 2) Color
  - 3) Sex
  - 4) Age
  - 5) Disability
  - 6) National Origin

The investigator(s) will schedule and conduct interviews of other concerned parties in accordance with its findings and recommendations, prepare brief summary reports of all interviews, findings, analyses, etc., and disseminate to the members of the investigative review team. Investigator(s) will also seek the additional expertise of other SCDOT offices, and FTA personnel when needed, to determine the feasibility of proposed measures to resolve the complaint.

#### *C. Preliminary report to Investigative Review Team*

Within 40 days of receipt of the complaint, the investigator(s) will analyze the evidence, coordinate with disinterested program personnel as necessary, and complete and submit a report of findings of facts with recommendations to the investigative review team.

#### *D. Final report to Deputy Secretary for Intermodal and Freight Programs*

Within 45 days the investigator will submit a final report of findings of facts with recommendations to the Deputy Secretary for Intermodal and Freight Programs. When deemed appropriate, the Deputy Secretary for Intermodal and Freight Programs may delegate duty to another SCDOT Deputy Secretary. The report will:

- 1) Identify the nature of the complaint;
- 2) Identify concerned parties by name and position;
- 3) Identify complainant's concerns and issues;
- 4) Determine if the complaint has a basis in fact;
- 5) Identify complainant by age, color, disability, race, sex, and national origin;
- 6) Identify supporting documents received and reviewed;
- 7) State specific finding of fact;
- 8) List and discuss the possible options for remedy of relief of complaint; and

## 9) Make recommendations

Evaluations are confined to facts and issues relevant to the allegations contained in the complaint, and recommended means of resolving issues. Investigator(s) should resolve complaints by informal means, in coordination with the program office and complainant, whenever possible. Options presented for resolution and the methods agreed upon should be documented as part of the investigative report.

If at any point during the investigation, it appears that resolution can be reached with the complainant, the Deputy Secretary for Intermodal and Freight Programs should be consulted regarding the recommendations for resolution.

### **VI. Proposed Resolution by Deputy Secretary of Intermodal and Freight Programs**

Upon receipt of the investigative report, the Deputy Secretary for Intermodal and Freight Programs will prepare a Proposed Resolution of the complaint, which will contain a determination of the feasibility of the recommendations, a copy of the report, and the Deputy Secretary for Intermodal and Freight Programs' recommendations. When the Deputy Secretary for Intermodal and Freight Programs does not concur with the recommendations contained in the investigative report, he/she may make alternate recommendation(s). The proposed resolution will be sent to the Secretary within 10 days of receipt of the investigative report (55 days from receipt of the complaint).

### **VII. Final Decision by Secretary of Transportation**

Upon receipt of the Deputy Secretary for Intermodal and Freight Programs' Proposed Resolution, the Secretary of Transportation may do one of the following:

- A. Adopt the Deputy Secretary for Intermodal and Freight Programs' recommendations;
- B. Adopt the recommendations contained in the investigative report (if different from the Deputy Secretary for Intermodal and Freight Programs' recommendations);
- C. Modify either recommendation;
- D. Appoint the Deputy Secretary for Intermodal and Freight Programs to reconsider the Proposed Resolution and the investigative report and conduct further investigation as needed. The Deputy Secretary for Intermodal and Freight Programs may, at his/her discretion, allow the investigation to be conducted by an independent party. He/she will submit findings and new Proposed Resolution to the Secretary of Transportation within 45 days of appointment.

Upon reaching a final determination, the Secretary of Transportation shall submit the Final Agency Decision in writing to the complainant. The Final Agency Decision shall explain findings, basis(es) for the final decision and the process for appeal.

### **VIII. Complaint filing and retention**

SCDOT shall forward to the FTA Regional Civil Rights Officer, the investigative report, investigative file, and Final Agency Decision. SCDOT shall also maintain a case file (report) for each complaint investigated. The report shall be tabbed and shall contain the following:

- A a table of contents;
- B a copy of the original and or amended complaint;
- C the investigative plan;
- D the investigative report;
- E. all correspondence to and from the complainant and respondent;
- F. all official statements and/or affidavits taken;
- G. all documents used to make the determination;
- H. an investigator's notes;
- I. any and all documents pertaining to the complaint;
- J. a copy of the Final Agency Decision; and
- K. investigative log outlining actions taken and contacts made during the course of the investigation.

Investigative files of closed cases shall be maintained for 5 years, and afterwards, disposed in accordance with applicable State requirements. SCDOT and its recipients shall maintain records of external complaints filed, identifying each complaint by race, color, sex, age, religion/creed, disability, national origin or retaliation. The record should contain:

- A. The complaint;
- B. The agency with which the complaint was filed;
- C. The date the complaint was filed;
- D. The investigative plan;
- E. The investigative report;
- F. The complaint disposition and date; and
- G. Other pertinent information.

## **IX. Appeal Procedure**

In the event the FTA concludes that the respondent is in compliance with laws/regulations and the complainant disagrees, the complainant may, if dissatisfied, file an appeal with the Federal Transit Administration Office. Appeals must be forwarded to:

***Federal Transit Administration Office of Civil Rights  
Attention: Title VI Program Coordinator  
East Building, 5th Floor - TCR  
1200 New Jersey Ave., SE  
Washington, DC 20590***

## **Appendix F: Charter Service Reporting Form**



## Charter Service Reporting Form

Complete and email this form and any additional requested information to SCDOT for any charter performed in accordance with an allowable exception.

**REPORT DUE DATES: JULY 15 (Apr – Jun Service) OCTOBER 15(Jul – Sep Service)  
JANUARY 15 (Oct – Dec Service) APRIL 15 (Jan – Mar Service)**

The reportable allowable exceptions are:

- Exception 604.6 – Government officials on official government business **(GO)**
- Exception 604.7 – Qualified human service organizations (Please note that For Section 5310, 5311, 5316, and 5317 recipients, transportation for program purposes, that is, that serves the needs of either human service agencies or elderly persons, persons with disabilities, or low-income persons, is not considered charter service.) **(QH)**
- Exception 604.8 – Leasing FTA-funded equipment and drivers to private charter operators **(LE)**
- Exception 604.9 – When no registered charter provider responds to notice **(WN)**

(Guidance: Title 49 CFR 604 - Source: <http://www.buses.org/files/CharterBusRule.pdf> )

**Maintain the completed form and supporting documentation (charter service request, email notice, list of registered charter providers receiving email notification) on file for at least three years from the date that the email was sent.**

Section 1	Provider name, address, phone number, and email address	
	Allowable exception	
	Name, address, phone number, and email address of government organization, qualified human service agency (receives funds listed in Appendix A of the charter regulation or has registered on the FTA charter website at least 60 days before the charter request), registered charter provider, or group	
	Date of Charter Request from Third Party	
Section 2	Date and time of service	
	Date of Email notification to Registered Charter Providers (if applicable)	
	Number of passengers (If providing service under exception 604.6, please note the number of government official on the trip.)	
	Origin and destination (attach Itinerary)	
	Trip miles and hours	
	Fee/Fare collected	
	Vehicle number(s) used in charter service	
Section 3	Number of vehicles leased (Exception 604.8 only)*	
	Types of vehicles leased (Exception 604.8 only)*	

\* For Exception 604.8 – Leasing FTA-funded equipment and drivers to private charter operators, provide documentation presented by the registered charter provider that it is:

- Registered on the FTA charter registration web site
- Owns and operates buses or vans in a charter service business
- Received a request for charter service that exceeds its capacity either of the number of vehicles operated or the number of accessible vehicles
- Has exhausted all of the available vehicles of all registered charter providers in your geographic service area

For Exception 604.10 – Agreement with registered charter providers, provide a copy of the agreement.

For Exception 604.11 Petitions to the Administrator, provide a copy of the petition and the Administrator's approval.

