



**LYNX SECTION 5310:  
ENHANCED MOBILITY OF  
SENIORS & INDIVIDUALS WITH  
DISABILITIES PROGRAM MANAGEMENT PLAN**

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# Section 5310: Enhanced Mobility of Seniors & Individuals with Disabilities Program Management Plan

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## LYNX Program Management Plan Activity Log

<b>Date</b>	<b>Activity</b> (Review / Update / Addendum / Adoption / Distribution)	<b>Concerned Person</b> (Signature)	<b>Comments</b>



## Introduction

The Federal Transit Administration (FTA) provides financial assistance, through designated recipients, through a number of programs to support and to develop transportation systems for the public. FTA requires that designated recipients adopt policies and procedures to be used in administering the FTA grant programs and to develop a Program Management Plan (PMP) describing the designated recipient's policies and procedures for the program. This PMP describes the LYNX policies and procedures for administering the Federal Transit Administration's (FTA's) Section 5310 Transportation for Enhanced Mobility of Seniors and Individuals with Disabilities program. LYNX developed this PMP in accordance with current Federal Transit Laws and regulations as well as Circular 9070.1G and "The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," commonly referred to as "the Super Circular" (Title 2, Subtitle A, Chapter II, Part 200). The 5310 Program Management Plan (PMP) outlines the 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program requirements for the Orlando and Kissimmee Urbanized Areas (see Figure 1 on next page for a map of the urbanized areas). To ensure consistency between all of the subrecipient monitoring processes, this PMP has been revised in coordination with the Subrecipient Monitoring Compliance and Process Improvement Summary Report.

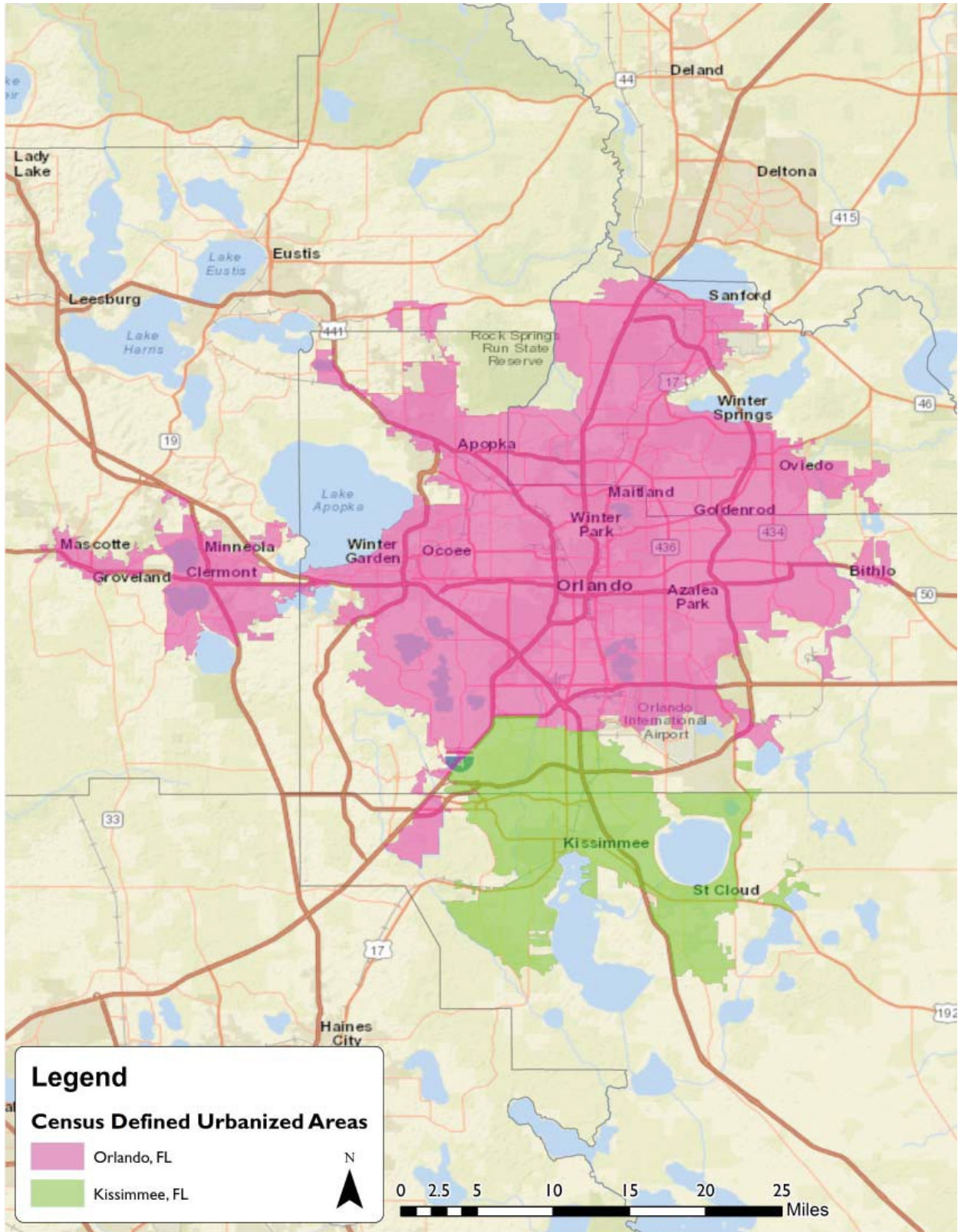
In the past few years there have been several changes to long term transportation funding for transit. With the authorization of Moving Ahead for Progress in the 21st Century Act (MAP-21) in July 2012, SAFETEA-LU was extended through the remainder of fiscal year (FY) 2012, with new provisions for FY 2013 and beyond taking effect October 1, 2012. The MAP-21 provisions effective FY 2013 consolidated the Section 5317 New Freedom program and the former Section 5310 Elderly and Disabled into a single program: "Enhanced Mobility of Seniors and Individuals with Disabilities." The purpose of the program is to provide funds for programs to serve the special needs of transit-dependent populations beyond traditional public transportation services and Americans with Disabilities (ADA) complementary paratransit services. Under this new Section 5310 program, LYNX (as the transit provider and designated recipient for the large urbanized area) has the opportunity to administer the program directly. In addition, operating assistance is now available under the Section 5310 program giving LYNX the option to decide whether the program will offer operating funds or remain only eligible for capital expenses.

In December 2015, the Fixing America's Surface Transportation (FAST) Act was signed into law, providing a four year authorization of funding for highway, motor vehicle safety, public transportation, motor carrier safety, hazardous materials safety, rail, and research, technology, and statistics programs. The FAST Act builds off of the changes made with MAP-21 and the major changes affecting the 5310 program are listed below:

- Allow states or localities that provide transit service to be direct recipients under this section
- Requires FTA to develop a best practices guide for 5310 service providers
- Introduces a new Pilot Program for Innovative Coordinated Access & Mobility
- Requires the Coordinating Council on Access and Mobility (CCAM) to produce a strategic plan to address coordination across the federal government
- Funding: \$263 million (FY 2016) authorized from the Trust Fund

FTA apportionments funds for urbanized and rural areas based on the number of seniors and individuals with disabilities. Of the total FTA apportionments, 60 percent is allocated to designated recipients in large urbanized areas; 20 percent to the states for small urbanized areas; and 20 percent to the states for rural and small urban areas fewer than 50,000 in population. LYNX will retain 10 percent of each year's apportionment for expenses related to administration, planning, and technical assistance associated with the program.

Figure 1: Orlando and Kissimmee Urbanized Areas



## Program Goals and Objectives

The primary goals of this process are to address unmet transportation needs and to facilitate transportation services to individuals with disabilities and older adults. To meet the goal of addressing the unmet needs, the Section 5310 program provides financial assistance for capital and operating projects that are public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable and projects that exceed the requirement of the ADA, improve access to fixed-route service and decrease reliance by individuals with disabilities on complementary paratransit, and alternatives to public transportation that assist seniors and individuals with disabilities.

A major goal for the LYNX Section 5310 program is to build upon and strengthen the partnerships among federal, state, regional, local, and private sector public transportation entities to improve public transportation planning and coordinate service delivery. As part of this process, LYNX intends to fulfill the following objectives:

- Ensure the plan meets FAST Act requirements and meets the intent of the Section 5310 funding program.
- Identify, contact and inform public agencies, community organizations, non-profit and private for profit organizations providing transportation service for seniors and persons with disabilities, as to the availability of 5310 program grant funds
- Establish, promote and outline processes for soliciting and evaluating 5310 program funding proposals
- Establish a framework by which proposed projects requesting Section 5310 funding can be solicited and selected through a fair and equitable process.
- Assure that proposals selected for funding are responsive to one or more of the needs identified in the locally adopted Coordinated Transportation Plan
- Establish the requirements for the selected projects to enter into grant agreements
- Summarize the requirements for managing and reporting the progress for implementing the funded projects.

This PMP is a living document. It will be updated, as needed, to incorporate any expansions and enhancements of the 5310 program, as well as any revisions to the programs' management, requirements, or guidelines. The locally adopted coordinated plan is available online at the [LYNX Transportation Disadvantaged Service Plan](#) and annual updates.

## Roles and Responsibilities

Under the FAST Act, LYNX is the designated recipient appointed by the Governor of Florida for Section 5310 program funds apportioned to the Orlando and Kissimmee urbanized areas. As the designated recipient, LYNX is the direct recipient and will apply to FTA for funds awarded under this program. If funds are to be passed through by LYNX to other agencies or organizations, it will be done so through a competitive selection process; with the awardees being subrecipients of LYNX.



## Federal Transit Administration (FTA) Roles and Responsibilities

The FTA has the responsibility for national implementation of the Section 5310 program, for which it has provided program guidance in Circular C 9070.1G respectively. The guidance elaborates upon the intent of the program, interprets some provisions, and provides additional instructions and requirements.

The FTA performs several other functions in addition to providing policy and program guidance. Congress apportions program funds to states and designated recipients; and the FTA reviews and approves grant applications obligating funding. Other responsibilities of the FTA include developing and implementing financial management procedures; initiating and managing program support activities; and providing technical assistance, advice, and guidance to states and designated recipients as needed. The FTA is also responsible for overall oversight of the federal programs. The 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 grant programs.

The FTA gathers performance data from grant recipients and monitors program performance through periodic program reviews. Additionally, the FTA oversees recipient's implementation of the programs, which includes reviewing and approving statewide and MPO Transportation Improvement Programs and performing comprehensive reviews as part of its program oversight activities.

## LYNX Roles and Responsibilities

The Governor of the State of Florida appointed LYNX as the designated recipient for Section 5310 funds, under MAP-21 (continues under the FAST Act), for the Census defined urbanized portion of Orlando and Kissimmee. As the designated recipient of 5310 funds for the urbanized areas of Orlando and Kissimmee, Florida, there are roles and responsibilities incumbent upon LYNX:

- LYNX will coordinate 5310 projects.
- LYNX will develop a budget for 5310 funds based on allocations from federal government.
- LYNX will notify eligible local entities of funding availability.
- LYNX will determine applicant eligibility.
- LYNX will establish a committee to complete the area-wide competitive selection process for subrecipients.
- LYNX shall ensure relevant selected projects are included in the Transportation Improvement Program (TIP).
- LYNX shall submit an annual Program of Projects and grant application to the Federal Transit Administration.
- LYNX will ensure all subrecipients comply with federal requirements through agency certifications, monitoring and quarterly reports.
- LYNX will certify a fair and equitable distribution of funds resulting from the competitive selection process.
- LYNX will ensure the securement of match requirements.

- LYNX will certify each selected project is derived from the Locally Developed Coordinated Public Transit-Human Services Transportation Plan (LDCPTHSTP); locally referred to as the Transportation Disadvantaged Service Plan (TDSP).
- LYNX will certify that the public develops local plans through a process that includes representatives of public, private, and non-profit transportation and human services providers and open participation.
- LYNX will manage all aspects of grant distribution and oversight for subrecipients receiving funds under this program.
- LYNX will ensure prompt payment to subrecipients.
- As required by the FTA, LYNX shall submit quarterly reports on any, and all, 5310 activities, until the respective grant has been properly closed-out.
- LYNX will develop and execute grant agreements with each subrecipient for the period during which funding was made available.
- LYNX will plan for, and ensure, the use of 5310 funds in the coordinated systems for which LYNX is the designated Community Transportation Coordinator (CTC).
- LYNX will monitor grant activities to ensure compliance with the federal regulations, grant agreements, and applicable FTA circulars and requirements.
- LYNX will manage and report on the progress of projects.
- LYNX will ensure grant funds are expended in a timely and effective manner.
- LYNX will monitor grant activities to ensure that schedules are met and other performance goals are achieved.
- LYNX may account for project property, providing for its repair and replacement, and maintain adequate property inventory records.
- LYNX will request and withdraw federal cash in compliance with federal regulations, the grant agreements, and applicable FTA circulars and requirements.
- LYNX shall keep expenditures within the latest approved budget.
- LYNX will maintain control over the use of grant funded property.
- LYNX will ensure that effective control and accountability is maintained for all grants, sub-grants, cash, grant-funded property, and other assets.
- LYNX will ensure resources are properly used and safe-guarded, and that funds, equipment, and property are used solely for authorized purposes.
- LYNX shall prepare and submit FTA required reports in a timely manner.
- LYNX will ensure an annual Single Audit is conducted in accordance with Office of Management and Budget (OMB) Uniform Guidance at 2 CFR part 200; for itself and any subrecipients.
- LYNX will close out grants when activities are completed.

### **Subrecipient Roles and Responsibilities**

Furthermore, there are expectations of would-be subrecipients under LYNX oversight of this program.

A subrecipient refers to a state or local governmental authority, non-profit organization, or operator of public transportation services, including private for-profit operators, who receive 5310 grants. LYNX will pass funding through to any eligible subrecipients.

The following is a set of roles and responsibilities for subrecipients:

- Subrecipients shall provide LYNX with all requested and required information, to help ensure subrecipients meet the FTA requirements.
- Subrecipients will submit Program Performance Measures reports quarterly.
- Subrecipients shall submit agency certifications and assurances, upon LYNX request.
- Subrecipients will submit monthly invoices, with accompanying monthly operating reports and NTD data, throughout the course of an active agreement.
- Subrecipients shall participate in transportation coordination discussions for the optimization of resources in the LYNX service area.
- Subrecipients shall comply with any, and all, requirements set forth by LYNX.
- Subrecipients shall report significant civil rights compliance issues occurring during the agreement period in the annual status report.
- Subrecipients will provide annual reports to LYNX; to include project successes or failures, a summary of the project, data that supports project efforts, and explanations and new dates for any completion date changes (milestones).
- Subrecipients will obtain insurance for all Title 49 U.S.C. 5310 funded vehicles.
- Subrecipients shall perform vehicle inspections, at least annually in accordance with bus inspection procedures set forth in Florida Administrative Code 14-90.009.
- Subrecipients shall establish a maintenance plan and procedures for preventative and routine maintenance in accordance with Florida Administrative Code 14-90.004.
- Subrecipients shall submit to on-site inspections as requested by LYNX.
- Subrecipients shall comply with all other applicable State and Federal requirements.

## Coordination Efforts

Please see Chapter V of Circular 9070.1G for the FTA requirements pertaining to Coordination and Planning under Section 5310.

Since 1992 LYNX has been the designated Community Transportation Coordinator (CTC) for Orange, Osceola and Seminole Counties. The LYNX Board of Directors (May 23, 2013) approved a Memorandum of Agreement (MOA) between the Florida Commission for the Transportation Disadvantaged and LYNX for LYNX to remain the CTC until June 30, 2018. In its role as the CTC, LYNX has an extensive list of partners that the agency has worked with on 5310 projects in the past. LYNX will continue to use its position as CTC to notify transportation providers of relevant funding opportunities and make every effort possible to support their applications and services.

As the Community Transportation Coordinator (CTC) for Orange, Osceola, and Seminole counties, LYNX is responsible for accomplishment of certain requirements regarding the arrangement of cost-effective, efficient, unduplicated, and unfragmented transportation disadvantaged services within its service area.

The Florida Commission for the Transportation Disadvantaged (CTD) has to approve LYNX as the CTC every five years. The CTC may, with approval from the Local Coordinating Board, subcontract or broker transportation services to private transportation operators. Community Transportation Coordinators are also responsible for short-range operational planning, administration,

monitoring, coordination, arrangement, and delivery of transportation disadvantaged services originating within their designated service area, on a full-time basis. Annually, the CTC reviews all Transportation Operator contracts before renewal, to ensure the effectiveness and efficiency of the operator and to determine if they comply with the standards of the Commission. Community Transportation Coordinators also have the following powers and duties:

- Collect annual operating data for submittal to the Commission.
- Review all transportation operator contracts annually.
- Approve and coordinate the utilization of school bus and public transportation services in accordance with the transportation disadvantaged service plan.
- Review all applications for local government, federal, and state transportation disadvantaged funds, and develop cost-effective coordination strategies.
- Establish priorities with regard to the recipients of non-sponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund (TDTF).

To ensure coordination, LYNX will meet with potential 5310 applicants. All applicants will be required to meet with the CTC to discuss their potential proposals prior to submitting 5310 funding applications. This is to provide the CTC with a perspective of the types, and magnitudes, of coordination that can be realized for each funding cycle, how to plan for future funding cycles, and to evaluate action on past and current coordination goals.

In addition, the pre-application meetings between applicants and the CTC will help ensure that proposed projects are derived from the latest LDCPTHSTP; in the case of LYNX, the Transportation Disadvantaged Service Plan (TDSP).

As the CTC, LYNX reserves the right to prioritize projects in accordance with the needs identified via the coordinated process and the TDSP. As coordination relates to proposed projects, proposals should indicate the ability to coordinate with other community transportation and human services programs, and describe a plan for communicating information about the project to potential users, social service providers, and other transportation programs. Projects should assist the overall coordinated transportation network by filling gaps in service and unmet needs for target populations. As part of the application process, proposers will be asked to identify inter-agency and/or service coordination efforts they have been engaged in, as well as any financial partnership(s) that they may be part of.

The following are coordination efforts that pertain to LYNX:

- LYNX will comply with Title 49 U.S.C. 5310 requirement to certify that projects selected for funding under this program are included in the LDCPTHSTP; and shall work to coordinate with the TIP and STIP programs, as described in 23 CFR part 450 and 49 CFR part 613.
- LYNX will follow the Coordinated Planning process as outlined in FTA Circular 9070.1G Chapter V.

- LYNX will work to ensure coordination with other federally assisted programs and services in order to make the most efficient use of Federal resources.
- LYNX will coordinate with public and private representatives throughout the service area to develop its coordinated public transit-human services transportation plan. This document reflects public input in this process of planning and selecting projects. When updated the coordinated plan will reflect the community's mobility needs, workshops will be held around the greater Orlando area to ensure input is received from a geographically diverse group of representatives.
- LYNX will verify that human service transportation providers, representatives from public, private and non-profit transportation providers, seniors, and persons with disabilities participated in the development of the coordinated plan; ensuring that potential 5310 funded projects are identifiable and can be referenced in 5310 funding applications explicitly, and not merely as a derivative.
- LYNX will schedule updates to its TDSP to be completed prior to each round of 5310 funding allocations and project solicitations – to ensure the most current community transportation coordination needs are addressed through the solicitation, application, and project award processes.
- LYNX will coordinate locally with MetroPlan Orlando, the respective LYNX committees and Boards, and FDOT as appropriate.
- The CTC shall review the eligibility of applicants and serve as technical review support for applications.
- In the event applicants desire to propose cross-county services, LYNX will coordinate accordingly with other transit authorities and transportation providers to determine the merit and potential success of such proposals.
- LYNX will work to consolidate trips by merging several sponsored programs' trips together on the same vehicles, as though all are provided by the same program.
- LYNX may actively seek, through participation in committees, studies, and demonstration and technical assistance projects, to coordinate funding provided by other sources in a similar manner.

As the CTC, LYNX has made itself available to support planning, technical, and management efforts of its coordinated agencies. As it is a LYNX requirement for 5310 subrecipients to have an agreement with the CTC, LYNX will assist agencies however it can to better transportation services in Central Florida.

During the 5310 solicitation period, LYNX as the CTC affords potential applicant the opportunity for one-on-one meetings to discuss their projects and how they align with the CTC goals and priorities.

As part of the subrecipient monitoring process, LYNX conducts Pre-Award and Post-Award on site visits with all subrecipients; examining policies and procedures, financial data and invoice records, transportation records, and any vehicles. Follow-up visits are conducted if there are any items in need of updates or if there are findings that need correction before proceeding with any agreements.

## Eligible Subrecipients

As a designated recipient of federal awards, LYNX is required to ensure that subrecipients comply with certain federal requirements. A subrecipient is any entity that receives FTA or state assistance through LYNX, rather than from the FTA or state directly.

Those eligible to apply for Section 5310 funding as a subrecipient of LYNX include:

### **1. Private non-profit organizations:**

A private non-profit organization includes 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), or one which has been determined under State law to be non-profit and for which the designated State agency has received documentation certifying the status of the non-profit organization.

Applicants qualifying as private non-profit organizations must provide current verification of the applicant's incorporation number and current legal standing as a private non-profit from the state of Florida or show proof that they are a corporation or association determined by the U.S. Treasury to be tax-exempt under 26 U.S.C. 501(c).

### **2. State or local governmental authorities:**

A governmental authority subrecipient may be of two types:

- a. Is approved by the state to coordinate services for elderly individuals and individuals with disabilities
- b. Certifies that no nonprofit corporations or associations are readily available in an area to provide the service

### **3. Operators of public transportation services, including private operators of public transportation services:**

Private operators of public transportation are eligible subrecipients. The definition of "public transportation" includes "... shared-ride surface transportation services ...". Private taxi companies that provide shared-ride taxi service to the general public on a regular basis are operators of public transportation, and therefore eligible subrecipients. "Shared-ride" means two or more passengers in the same vehicle who are otherwise not traveling together. Similar to general public and ADA demand response service, every trip does not have to be shared-ride in order for a taxi company to be considered a shared-ride operator, but the general nature of the service must include shared rides.

Local (municipal/state) statutes or regulations, or company policy, will generally determine whether a taxi company provides shared-ride or exclusive-ride service. Taxi companies that provide only exclusive-ride service are not eligible subrecipients; however, they may participate in the Section 5310 program as contractors. Exclusive-ride taxi companies may receive Section 5310 funds to purchase accessible taxis under contract with a state, designated recipient, or eligible subrecipient such as a local government or nonprofit organization. The taxi company may hold title to the accessible

vehicle(s) as long as the agreement between the state, designated recipient, or subrecipient and the taxi company is sufficient to establish satisfactory continuing control. Acceptable means of establishing satisfactory continuing control could include a state, designated recipient, or subrecipient's lien on the vehicle, or contract provisions that require the accessible taxi to be used to provide transportation for seniors and people with disabilities, and that the vehicle may not be removed from service or disposed of prior to the end of its useful life without the express written consent of the FTA recipient or subrecipient.

In addition to being classified as one of the three types of agencies listed above, projects eligible for funding must serve the urbanized area where the funds were apportioned. To be eligible for funds, applicants must have current agreements and good standing with the CTC.

At the time of submittal, applicants' projects must be included in the most current Locally Coordinated Human Services Transportation Plan – the LYNX Transportation Disadvantaged Service Plan (TDSP). The TDSP, with its annual updates, provides the CTC a program of project priorities and will serve as a tool in project selections and awards. The TDSP and annual updates incorporate priorities and strategies identified in the Human Services Transportation Plan (HSTP). The LYNX TDSP is available for download at <https://www.golynx.com/corporate-info/doing-business/fta-5310-program.stml>

As the CTC, LYNX is bound by applicable state, local and applicable federal requirements. MetroPlan Orlando and its Transportation Disadvantaged Local Coordinating (TDLCB) provides a forum to engage stakeholders in the planning processes and program evaluations in order to determine any issues associated with the implementation of funding programs associated with the TD populations. LYNX, the MPO and FDOT monitor legislative changes that in the future may be in conflict with federal funding requirements and will take them for due resolution by the Commission for the Transportation Disadvantaged and the state. Currently, local eligibility requirements are consistent with the federal eligibility criteria.

LYNX does not require grant funding applicants to have active agreements with the CTC, but does require awarded subrecipients to have active coordination contracts; if a contemplated for award agency did not have an active agreement, time and support will be afforded to establish one. If the local, state, or Federal eligibility requirements change in a way that impacts this PMP, LYNX will address them in a timely fashion.

## **Eligible Project Types and Funding Priorities**

As the needs of the LYNX service area change, so will the types of projects and their priorities. To ensure 5310 funds are utilized to achieve the greatest benefit, LYNX will have an updated Locally Developed Coordinated Public Transit-Human Services Transportation Plan (known as the Transportation Disadvantaged Service Plan) for each solicitation period. As required, this plan will: identify current providers and services; assess transportation needs of older adults, persons with disabilities, and individuals with low-income as appropriate; identify strategies and/or activities to address those needs and service gaps; and implement priorities, based on time, resources and feasibility. Public outreach is a requirement of each update of the TDSP; helping LYNX account for transportation needs from the people who would benefit the most.

At a minimum, those parts of the process must include public, private, non-profit and human services transportation providers, as well as, representatives of the target populations. These steps will allow LYNX to put together the most comprehensive project and priority list for use of the 5310 funds.

Using its insight as the designated Community Transportation Coordinator (CTC) and knowledge from its paratransit operations, LYNX will examine the most current Transportation Disadvantaged Service Plan (TDSP), long-range plan, and system-wide service analysis (such as a Comprehensive Operations Analysis) to assist in establishing its own 5310 project and priority list, as well as, the list for potential 5310 subrecipients. As a result of this strategy, the project and priorities may differ for each 5310 funding allocation cycle. LYNX will announce the projects and priorities that applications will be solicited for during its 5310 application workshop for each funding cycle. Those projects and priorities will also be laid out in the application packets for the proposers.

Below is a list of eligible projects under FTA Circular 9070.1G.

#### FTA C. 9070.1G

ELIGIBLE ACTIVITIES: Section 5310 funds are available for capital and operating expenses to support the provision of transportation services to meet the specific needs of seniors and individuals with disabilities.

Section 5310(b) provides that of the amounts apportioned to States and designated recipients, not less than 55 percent shall be available for traditional Section 5310 projects – those public transportation capital projects planned, designed, and carried out to meet the specific needs of seniors and individuals with disabilities when public transportation is insufficient, unavailable or inappropriate. Notably, this 55 percent is a floor, not a ceiling – recipients may use more than 55 percent of their apportionment for this type of project.

This means that at least 55 percent of any rural, small urbanized area, or large urbanized area annual apportionment must be utilized for public transportation capital projects that are planned, designed, and carried out to meet the specific needs of seniors and individuals with disabilities. It is not sufficient that seniors and individuals with disabilities are merely included (or assumed to be included) among the people who will benefit from the project.

Eligible projects for the required 55 percent of capital projects include the capital cost of contracting for the provision of transit services for seniors and individuals with disabilities and other specialized shared-ride transportation services. The purchase of rolling stock for or the acquisition of ADA complementary paratransit service are eligible capital expenses that may also qualify under the 5310 Program as public transportation capital projects planned, designed, and carried out to meet the specific needs of seniors and individuals with disabilities when fixed-route public transportation is insufficient, unavailable or inappropriate, provided the projects are carried out by eligible subrecipients (see Chapter III, 5) and these projects are included in the area's coordinated plan.



In addition to the above required capital projects, up to 45 percent of the apportionments may be utilized for additional public transportation projects:

1. that exceed the ADA minimum requirements,
2. improve access to fixed route service and decrease reliance by individuals with disabilities on ADA complementary paratransit service, or
3. provide alternatives to public transportation that assist seniors and individuals with disabilities with transportation.

Such projects must be targeted toward meeting the transportation needs of seniors and individuals with disabilities, although the services may also be used by the general public. It is not sufficient that seniors and individuals with disabilities are included (or assumed to be included) among the people who will benefit from the project. FTA encourages projects that are open to the public as a means of avoiding unnecessary segregation of services.

Recipients should clearly identify the projects that are part of the required 55 percent capital projects as part of the grant activity line item (ALI's) narrative descriptions. Many projects may be eligible under both the required and optional criteria, but a discrete set of projects that meet the required criteria constituting at least 55 percent of the grant amount, exclusive of administrative expenses, must be identified. Alternatively, the grant application may assign less than the required 55 percent to such projects if other Section 5310 grants in the same fiscal year utilize more than the required 55 percent, so long as at least 55 percent of the total annual apportionment will be used for required projects. In such cases, a list of the other grants and the funding amounts must be included within the new grant application.

ELIGIBLE CAPITAL EXPENSES THAT MEET THE 55 PERCENT REQUIREMENT: Funds for the Section 5310 program are available for capital expenses as defined in Section 5302(3) to support public transportation capital projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, unavailable or inappropriate. Examples of capital expenses that meet the 55 percent requirement include, but are not limited to:

- a. Rolling Stock and Related Activities
  1. Acquisition of expansion or replacement buses or vans, and related procurement, testing, inspection, and acceptance costs;
  2. Vehicle rehabilitation or overhaul;
  3. Preventive maintenance, as defined in the National Transit Database (NTD);
  4. Radios and communication equipment; and
  5. Vehicle wheelchair lifts, ramps, and securement devices.
- b. Passenger Facilities
  1. Purchase and installation of benches, shelters and other passenger amenities;
- c. Support Facilities and Equipment
  1. Extended warranties that do not exceed the industry standard;
  2. Computer hardware and software;
  3. Transit related intelligent transportation systems (ITS);
  4. Dispatch systems; and
  5. Fare collection systems.
- d. Lease of equipment when lease is more cost effective than purchase. Note that when

lease of equipment or facilities is treated as a capital expense, the recipient must establish criteria for determining cost effectiveness in accordance with FTA regulations, “Capital Leases, 49 CFR part 639 and OMB Circular A–94, which provides the necessary discount factors and formulas for applying the same;

- e. Acquisition of transportation services under a contract, lease, or other arrangement. Both capital and operating costs associated with contracted service are eligible capital expenses. User-side subsidies are considered one form of eligible arrangement. Funds may be requested for contracted services covering a time period of more than one year. The capital eligibility of acquisition of services as authorized in 49 U.S.C. 5310(b)(4) is limited to the Section 5310 program;
- f. Support for mobility management and coordination programs among public transportation providers and other human service agencies providing transportation. Mobility management is an eligible capital cost. 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 support the administrative costs of sharing services it provides to its own clientele with other seniors and/or individuals with disabilities and coordinate usage of vehicles with other non-profits, but not the operating costs of service. 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:
  - 1. The promotion, enhancement, and facilitation of access to transportation services, including the integration and coordination of services for individuals with disabilities, seniors, and low income individuals;
  - 2. Support for short term management activities to plan and implement coordinated services;
  - 3. The support of State and local coordination policy bodies and councils;
  - 4. The operation of transportation brokerages to coordinate providers, funding agencies and customers;
  - 5. 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;
  - 6. 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
  - 7. 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 stand-alone capital expense).

**OTHER ELIGIBLE CAPITAL AND OPERATING EXPENSES:**

- a. General. Up to 45 percent of a rural, small urbanized area, or large urbanized area’s

annual apportionment may be utilized for:

1. public transportation projects that exceed the requirements of the ADA,
2. public transportation projects that improve access to fixed route service and decrease reliance by individuals with disabilities on ADA complementary paratransit service, or
3. alternatives to public transportation that assist seniors and individuals with disabilities with transportation.

Since the 55 percent requirement is a floor, and not a ceiling, the activities listed above, are eligible expenses for all funds available to a recipient under Section 5310. For example, mobility management and ITS projects may be eligible under both categories; the difference to note, in order for the project to qualify towards the 55 percent requirement, the project must meet the definition of a capital project, be specifically geared towards the target population, and carried out by an eligible subrecipient, which is limited for this category of projects. The list of eligible activities is intended to be illustrative, not exhaustive. Recipients are encouraged to develop innovative solutions to meet the needs of seniors and individuals with disabilities in their communities and discuss proposed projects with FTA regional staff to confirm eligibility.

- b. Public Transportation Projects that Exceed the Requirements of the ADA. The following activities are examples of eligible projects meeting the definition of public transportation service that is beyond the ADA.
  1. Enhancing paratransit beyond minimum requirements of the ADA. ADA complementary paratransit services can be eligible under the Section 5310 program in several ways:
    - i. Expansion of paratransit service parameters beyond the three-fourths mile required by the ADA;
    - ii. Expansion of current hours of operation for ADA paratransit services that are beyond those provided on the fixed-route services;
    - iii. The incremental cost of providing same day service;
    - iv. The incremental cost (if any) of making door-to-door service available to all eligible ADA paratransit riders, but not as a reasonable modification for individual riders in an otherwise curb-to-curb system;
    - v. Enhancement of the level of service by providing escorts or assisting riders through the door of their destination;
    - vi. Acquisition of vehicles and equipment designed to accommodate mobility aids that exceed the dimensions and weight ratings established for wheelchairs under the ADA (i.e., larger than 30" x 48" and/or weighing more than 600 pounds) and labor costs of aides to help drivers assist passengers with over-sized wheelchairs. This would permit the acquisition of lifts with a larger capacity, as well as modifications to lifts with a 600 pound design load, and the acquisition of heavier-duty vehicles for paratransit and/or demand-response service; and
    - vii. Installation of additional securement locations in public buses beyond what is required by the ADA.
- c. Feeder services. "Feeder" service (transit service that provides access) to commuter rail, commuter bus, intercity rail, and intercity bus stations, for which complementary

paratransit service is not required under the ADA.

- d. Public Transportation Projects that Improve Accessibility. The following activities are examples of eligible projects that improve accessibility to the fixed route system.
  - 1. Making accessibility improvements to transit and intermodal stations not designated as key stations. Improvements for accessibility at existing transportation facilities that are not designated as key stations established under 49 CFR 37.47, 37.51, or 37.53, and that are not required under 49 CFR 37.43 as part of an alteration or renovation to an existing station, so long as the projects are clearly intended to remove barriers that would otherwise have remained. Section 5310 funds are eligible to be used for new accessibility enhancements that remove barriers to individuals with disabilities so they may access greater portions of public transportation systems, such as fixed-route bus service, commuter rail, light rail and rapid rail.

This may include:

- i. Building an accessible path to a bus stop that is currently inaccessible, including curb cuts, sidewalks, accessible pedestrian signals or other accessible features,
    - ii. Adding an elevator or ramps, detectable warnings, or other accessibility improvements to a non-key station that are not otherwise required under the ADA,
    - iii. Improving signage, or wayfinding technology, or
    - iv. Implementation of other technology improvements that enhance accessibility for people with disabilities including Intelligent Transportation Systems (ITS).
  - 2. Travel training. New training programs for individual users on awareness, knowledge, and skills of public and alternative transportation options available in their communities. This includes travel instruction and travel training services.
- e. Public Transportation Alternatives that Assist Seniors and Individuals with Disabilities with Transportation. The following activities are examples of projects that are eligible public transportation alternatives:
  - 1. Purchasing vehicles to support new accessible taxi, ride sharing, and/or vanpooling programs. Section 5310 funds can be used to purchase and operate accessible vehicles for use in taxi, ridesharing and/or van pool programs provided that the vehicle has the capacity to accommodate a passenger who uses a wheelchair as defined under 49 CFR 37.3, at a minimum, while remaining in his/her personal mobility device inside the vehicle, and meeting the same requirements for lifts, ramps and securement systems specified in 49 CFR part 38, subpart B.

Supporting the administration and expenses related to new voucher programs for transportation services offered by human service providers. This activity is intended to support and supplement existing transportation services by expanding the number of providers available or the number of passengers receiving transportation services. Vouchers can be used as an administrative mechanism for payment of alternative transportation services to supplement available public transportation. The Section 5310 program can provide vouchers to individuals with disabilities to purchase rides, including: (a) mileage reimbursement as part of a volunteer driver program; (b) a taxi trip; or (c) trips provided by a human service agency. Providers of transportation can then submit the voucher for reimbursement to the recipient for payment based on pre-determined rates or contractual arrangements. Transit passes for use on existing fixed route or ADA complementary paratransit service are not eligible. Vouchers are

- an operational expense which requires a 50/50 (Federal/ local) match.
2. Supporting volunteer driver and aide programs. Volunteer driver programs are eligible and include support for costs associated with the administration, management of driver recruitment, safety, background checks, scheduling, coordination with passengers, and other related support functions, mileage reimbursement, and insurance associated with volunteer driver programs. The costs of enhancements to increase capacity of volunteer driver programs are also eligible. FTA encourages communities to offer consideration for utilizing all available funding resources as an integrated part of the design and delivery of any volunteer driver/aide program.

## Local Share and Local Funding Requirements

Enhanced Mobility of Seniors and Individuals with Disabilities funds can be used for capital, mobility management, operating, and planning expenses. The federal share for capital, mobility management, and planning costs may not exceed 80 percent of the net cost of the activity, with a local match of not less than 20 percent required. The federal share for operating expenses may not exceed 50 percent of the net cost of the activity, with a local match of not less than 50 percent required. Vehicle related equipment and facilities required by the Clean Air Act (CAA) or the Americans with Disabilities Act (ADA) may be funded at 90 percent. The 90 percent funding is only related to the portion of the equipment or facility that makes it compliant with the CAA or ADA, not the entire project.

The project sponsor is responsible for securing a commitment for local matching funds. All of the local share must be provided from other than US DOT funds. Federal funds from other sources may be used for all or part of the “local” match. Income from contracts to provide human services transportation may be used either to reduce the net projects cost (i.e., treated as revenue) or to provide local match for operating assistance. In either case, the cost of providing the contract service is included in the total project cost. Other federal funds that are eligible to be expended for transportation may be used as local match for activities included in the total net project costs of the FTA grant and include: employment training, community services, vocational rehabilitation services, and Temporary Assistance for Needy Families (TANF). Examples of other types of federal funding that may be available as match can be found on the FTA Coordinating Council on Access and Mobility webpage: <https://www.transit.dot.gov/coordinating-council-access-and-mobility>.

Other sources of local match include: state or local appropriations, dedicated tax revenues, private donations, toll revenue credits, in-kind, and net-income generated from advertising and concessions. The source(s) of local funding must be identified in the 5310 grant application.

## Notification of Funding Availability

Upon notice of the annual federal appropriation, LYNX shall alert eligible subrecipients, including DBEs, via U.S. postal mail, e-mail, and/or public notice regarding the availability of funding and the associated grant application(s). The notification shall include the funding availability, the purpose of the grant program, a description of eligible recipients and projects, application procedures and deadlines, and LYNX contact information.

## Project Solicitation, Project Evaluation & Selection Criteria

LYNX will provide a grant application in an electronic format on the LYNX website (<https://www.golynx.com/corporate-info/doing-business/fta-5310-program.stml>) when a call for projects is announced. LYNX will offer a non-mandatory pre-application workshop for all project applicants to explain program requirements, the application process, and project selection and give applicants an opportunity to ask questions about the application and the process. Outside the workshop and throughout the process, LYNX staff is available to answer questions should applicants require assistance.

The designated recipient, LYNX, is responsible for conducting the competitive selection process; and as such, retains the right to establish alternative arrangements to administer and conduct the competitive process.

The LYNX competitive procurement process will be utilized to advertise for and solicit sub-recipient applications under the Enhanced Mobility of Seniors and Individuals with Disabilities (Section 5310) funding program, as well as, the associated procurement protest procedure should any protests arise during the competitive selection.

Project proposal solicitations will be announced in a major area newspaper, via the LYNX website and grant workshop, and utilizing its contacts as the CTC, LYNX will send an email to private transportation providers in the urbanized area. The announcement will describe the application, evaluation, and project approval process for the Section 5310 funds.

In the year that the competitive selection process is conducted, an established period will be allowed for submittal of project proposals and subsequent for project review and evaluation. The selection committee will meet to propose the projects to be approved by the LYNX Board of Directors. Award for all projects selected for funding is targeted for FTA obligation during the fourth quarter of the federal fiscal year.

Certain procurement and management standards apply to capital purchases made with federal funds as described in FTA Circular 5010.1E Award Management Requirements and 2 CFR Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” (commonly referred to as the “Super Circular”). LYNX will ensure any funded capital complies with the aforementioned circular and OMB guidance.

For more detailed information on the project selection process and criteria please refer to the LYNX website in the Application Manual located at: <https://www.golynx.com/corporate-info/doing-business/fta-5310-program.stml>

### Project Evaluation & Scoring Criteria

The following items are used to determine the eligibility and criteria for each application for Section 5310 funding:

- Evaluate how the project(s) will meet the intent of 5310 Program Goal of improving mobility for elderly individuals and individuals with disabilities.
- Evaluate the demonstration of the project meeting the immediate needs of the

coordinated system managed by the CTC.

- Evaluate the approved project financial plan and project schedule for correctness, reasonability and their relationship to TDSP and CTC needs and priorities.
- Evaluate the project description for inter-agency or service coordination efforts; established or planned partnerships, meetings, shared resources, etc.
- Evaluate the project description in regards to how it plans to maintain existing special needs transportation services, amenities or infrastructure that currently meet the needs in the community.
- Is the project part of a long-range strategy, package of projects, or local/regional plan; were those strategies/projects/plans identified and able to be cross-referenced for authenticity?
- How does the project propose to provide benefits to special needs populations; is this in a manner consistent with the TDSP and CTC priorities?
- Does the project define specific performance measures to be used in determining success of the project; are those measures easily reportable; are they appropriate for the proposed project; will they help LYNX with evaluating the project?
- Evaluate the project's consistency with the priorities of the TDSP.
  - Project Description
    - The applicant should describe the project, define the geographic area covered, and explain how the project directly addresses unmet transportation needs or gaps in service identified in the most recent TDSP. The applicant must also estimate the number of persons expected to be served from targeted populations (consistent with Section 5310 program objectives) and the number of trips (or other units of service) expected to be provided. The applicant should indicate if the project includes any partnerships with other agencies or sharing of resources. The project description should indicate the duration of the project, how the project advances the grant goals and objectives, and consistency with the objectives of the Section 5310 grant program.
  - Project Budget
    - Projects submitted must include a clearly-defined budget, including anticipated project expenditures and revenues, documentation of matching funds, and documentation of other resources expected to be leveraged (including resources from other Federal and State programs).
  - Program Effectiveness and Performance
    - Projects should be described in terms of appropriateness of service delivery related to the need the project proposes to address. Projects should demonstrate cost-effectiveness in terms of the approach. Project applications should identify clear, measurable performance targets to track effectiveness and present a plan for ongoing monitoring and evaluation of the service and the magnitude of its impacts on older adults and individuals with disabilities. This plan should include, at a minimum, quarterly reporting of performance measures to LYNX and an annual report. Following project implementation, subrecipients will be provided with a quarterly reporting schedule.

- Coordination and Program Outreach
  - Proposed projects should indicate ability to coordinate with other community transportation and human services programs and describe a plan for communicating information about the project to potential users, social service providers, other transportation programs, etc. Projects should assist the overall coordinated transportation network by filling gaps in service and unmet needs for target populations.

## Evaluation and Selection

- LYNX will organize an equitable evaluation team at the onset of each project selection process. The evaluation team will score projects against each criterion and an average will be tabulated to create a final criterion score. The average scores will be summed to produce a ranked list of projects that will be used as a tool to produce a funding recommendation.
- The evaluation committee will be staffed by persons familiar with 5310 program requirements and the needs of the urbanized areas of Kissimmee and Orlando.
- The evaluation committee will receive a copy of each application, the scoring criteria, and evaluation materials.
- The competitive selection process will be divided into four sequential steps:
  1. Threshold Criteria
    - Applicants must submit complete applications on time
    - Applicants must be eligible subrecipients for the grant program under which funds are requested
    - Applicants must demonstrate local match will be available
    - Application must include an eligible service and be covered under one of the eligible assistance categories
    - Project must be demonstrated that it is derived from the Locally Developed Coordinated Public Transit- Human Services Transportation Plan (LDCPTHSTP)
  2. Evaluation
 

Applications will be evaluated based on the current fiscal year LYNX 5310 Grant Manual evaluation criteria which may include the following areas:

    - Documentation
    - System description
    - Budget Considerations
    - Proposed project description
    - Overall impression of application



3. Scoring and Prioritization (based on established criteria)
  - Resulting weighted scores are summed to produce a final score for each application
  - LYNX Board approval for awards
  
4. Publish the list of selected projects, and contingency projects
  - A prioritized list of contingency projects will be established in the event that more proposals are submitted than can be funded.
    1. The contingency list will be created during the initial funding recommendation made by the committee.
    2. The contingency list will become effective with the approval of the fully funded projects list and will remain in effect until the following solicitation for 5310 projects is issued.
    3. Projects on the contingency list will be awarded funding according to project type and request in the prioritized order that they appear if:
      - additional special needs transportation funding becomes available; or
      - a subrecipient who was granted funds cannot utilize those dollars within the allowable timeframe on the project for which funds were originally awarded.

LYNX may select contingency projects that could be funded if any competitively selected project is deleted from the POP. If awarded projects are completed or moving forward at an amount less than what was awarded, the recipient or sub-recipient may utilize any remaining awarded project funding in a similar mechanism and the POP will be updated to reflect the project revision (based on FTA guidance) without reconvening the independent selection committee. In addition, to expedite grant award, LYNX may separate projects and funds included in its POP into two different categories, depending on how completely Federal requirements have been met.

- a. Category A. This category includes projects certified by LYNX as having met all the Federal statutory and administrative requirements for project approval applicable to both the project activities and subrecipient that will carry out those activities. FTA's approval of Category A projects is unconditional upon grant award. When FTA executes the grant, LYNX may start drawing down spent funds to implement projects in Category A. FTA expects most, if not all, of the projects included in the designated

recipient's program of projects to be in this category.

- b. Category B. Projects in Category B are those projects LYNX anticipates approving during the current year, but which have not met all of the Federal statutory or administrative requirements or are proposed to be implemented by a subrecipient that has not yet met all applicable Federal requirements. Category B can also include contingency projects that may be funded if any competitively selected project is deleted from the program of projects. However, contingency projects should be shown at the zero funding level and not calculated in the total program costs. When the necessary Federal requirements have been satisfied for a project, FTA's approval of that project becomes unconditional, and the project may be advanced to Category A. Cash drawdowns for that project may commence after LYNX advances it to Category A. If LYNX can list all its projects in Category A, it would not list any projects in Category B except contingency projects.

- Selected 5310 projects will be incorporated into the annual Program of Projects; which will be incorporated into the TIP and STIP, and approved by the FTA.
- LYNX, as the Community Transportation Coordinator (CTC), will offer grant writing assistance through its 5310 grant workshop and one-on-one interviews with applicants.
- Project proposal solicitation will be announced in a major area newspaper and via the LYNX website.

As part of its monitoring and support roles, LYNX will work with its subrecipients to see that awarded projects are implemented. In the event that a subrecipient is unable to implement its 5310 project, LYNX has two options. The first is to reallocate those funds (revise the POP) to a project on the contingency list. As discussed, LYNX has the option to establish a list of contingency projects during the initial project proposal evaluation and award period. If the contingency project agencies decline the reallocated award, or if the award is insufficient to support a contingency project, LYNX will utilize the funds in a subsequent 5310 project solicitation cycle.

## Administration, Planning, and Technical Assistance

LYNX intends to retain the allowed 10 percent of each year's annual apportionment for program administration, planning, and technical assistance for the Orlando and Kissimmee urbanized area funds, as appropriate. These funds will be used for general administrative staff salaries, contracted program administration services, and similar expenses.

## Federal Requirements Related to FTA Funding Assistance

As the designated recipient and direct FTA recipient, LYNX is responsible for managing all aspects of grant distribution and oversight of subrecipients receiving funds under this program and submitting reports as required by FTA. LYNX is responsible for ensuring compliance of itself and its subrecipients with all relevant federal requirements.

### Civil Rights

LYNX and its subrecipients, through an interagency agreement, will certify compliance with the requirements of Title VI, Equal Employment Opportunity, (EEO), and Disadvantaged Business Enterprise (DBE) laws and regulations.

### Title VI Plan

Recipients and subrecipients are responsible for ensuring that their contractors are complying with their Title VI Program and Title VI regulations.

#### Nondiscrimination in Federal Transit Programs:

- The recipient agrees to comply, and assures the compliance of each third-party contractor at any tier and each subrecipient at any tier under the project, with the provisions of 49 U.S.C. 5332. These provisions prohibit discrimination on the basis of race, color, religion, national origin, sex, age, and disability, and prohibit discrimination in employment or business opportunity.

#### Nondiscrimination on the Basis of Disability:

- The recipient agrees to comply, and assures the compliance of each third party contractor and each subrecipient at any tier of the project, with the applicable laws and regulations, discussed below, for nondiscrimination on the basis of disability.
  - Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), prohibits

- discrimination on the basis of disability by recipients of federal financial assistance.
- ADA, as amended (42 U.S.C. 12101 et seq.), prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities, as well as imposes specific requirements on public and private providers of public transportation.
- DOT regulations implementing Section 504 and the ADA include 49 CFR parts 27, 37, 38, and 39. Among other provisions, the regulations specify accessibility requirements for the design and construction of new transportation facilities and vehicles; require that vehicles acquired (with limited exceptions) be accessible to and usable by individuals with disabilities, including individuals using wheelchairs; require public entities (including private entities “standing in the shoes” of a public entity as a subrecipient or under a contract or other arrangement) providing fixed-route service to provide complementary paratransit service to individuals with disabilities who cannot use the fixed-route service; and include service requirements intended to ensure that individuals with disabilities are afforded equal opportunity to use transportation systems.

Providers of demand responsive service must utilize accessible vehicles, as defined at 49 CFR 37.7 or meet the applicable equivalent service standard. For private and public entities, the service must be equivalent in regard to schedules, response times, geographic areas of service, hours and days of service, availability of information, reservations capability, constraints on capacity or service availability, and restrictions based on trip purpose.

Providers of fixed-route service must generally utilize accessible vehicles. Private entities may utilize non-accessible vehicles if they can provide equivalent service in terms of schedules and headways, in addition to the equivalent service requirements described above for demand responsive service. Public entities must also provide complementary paratransit service to fixed-route service as defined in 49 CFR 37.121.

In addition, recipients of any FTA funds should be aware that they also have responsibilities under Titles I, II, III, IV, and V of the ADA in the areas of employment, public services, public accommodations, telecommunications, and other provisions, many of which are subject to regulations issued by other federal agencies.

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

To the extent required by federal law, regulation, or directive, the recipient agrees to take the following measures to facilitate participation by DBEs:

- The recipient agrees and assures that it will comply with FAST Act Section 1101(b3) (23 U.S.C. 101 note), which directs the Secretary of Transportation to expend not less than 10 percent of authorized federal funds with DBEs. This 10 percent national goal is aspirational and is used by DOT to help monitor and evaluate DBE participation in DOT-assisted contracting opportunities.
- The recipient agrees and assures that it will comply with DOT regulation, “Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs,” 49 CFR part 26. Among other provisions, this regulation

requires certain recipients of DOT federal financial assistance, namely state and local transportation agencies, to establish goals for the participation of disadvantaged entrepreneurs and certify the eligibility of DBE firms to participate in their DOT-assisted contracts.

- The recipient agrees and assures that it shall not discriminate on the basis of race, color, sex, or national origin, in the award and performance of any third party contract, or sub agreement supported with federal assistance derived from DOT, or in the administration of its DBE program, and will comply with the requirements of 49 CFR part 26. The recipient agrees to take all necessary and reasonable steps set forth in 49 CFR part 26 to ensure nondiscrimination in the award and administration of all third party contracts and sub agreements supported with federal assistance derived from DOT.

As required by 49 CFR part 26 and approved by DOT, the recipient's DBE program is incorporated by reference and made part of the grant agreement or cooperative agreement. The recipient agrees that implementation of this DBE program is a legal obligation, and that failure to carry out its terms shall be treated as a violation of the grant agreement or cooperative agreement. Upon notification by DOT to the recipient of a failure to implement its approved DBE program, DOT may impose sanctions as provided for under 49 CFR part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001, and/or the Program Fraud Civil Remedies Act, (31 U.S.C. 3801 et seq).

For further guidance, refer to the federal laws, regulations, and executive orders cited in this chapter. FTA's regional civil rights officers or headquarters civil rights staff will also provide current guidance upon request.

### **Equal Employment Opportunity (EEO)**

LYNX and Section 5310 Program sub recipients must ensure that no person in the United States shall on the grounds of race, color, religion, national origin, sex, age, or disability be excluded from participating in, or denied the benefits of, or be subject to, discrimination in employment under any project, program, or activity receiving federal financial assistance under the federal transit laws.

Each Section 5310 Program contract between LYNX and a sub recipient for the provision of FTA funding shall contain language that requires the sub recipient to comply with FTA regulations related to EEO.

### **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.

To maximize transportation opportunities in its service area for the elderly and persons with disabilities, LYNX looks to engage private transportation providers, including for-profit public transportation providers. As with any provider, LYNX, as the CTC, will notify for-profit public

transportation providers of relevant funding opportunities and make every effort possible to support their applications and services. If selected and awarded based upon project proposals, private for-profit public transportation providers would become subrecipients to LYNX and held to the same reporting and invoicing standards as all other subrecipients.

In its role as the CTC, LYNX has a regularly updated list of private providers of public transportation. Using this information, LYNX contacts the providers to inform them of funding availability, such as the 5310 program. These entities are allowed the same opportunities to apply for funding and work with LYNX as a subrecipient, provided their proposals were prioritized through the evaluation process. Furthermore, LYNX advertises funding opportunities on its website and in local newspapers to reach private public transportation providers that may be new to the service area and that LYNX was not yet aware of.

As part of the update process for the LYNX TDSP, private providers of public transportation are invited to share their input on the needs of the community and how gaps in services may best be filled. Thorough involvement from all sectors of the community in the development of the plan ensures more buy-in and successful execution of the outlined elements. Private providers of public transportation, particularly for-profit providers, have a perspective that will yield efficiencies transportation for the elderly and disabled.

### **Data Universal Numbering System**

Sub-recipients are required to have a Data Universal Numbering System (DUNS) number to be eligible to receive federal funds through the Section 5310 program. A DUNS number is a nine-digit identification number that provides unique identification for single business entities. Sub-recipients can obtain a DUNS number for free from Dun and Bradstreet ([www.dnb.com](http://www.dnb.com)). Sub-recipients will be prompted to provide information through the iUpdate online module, and should expect to receive a DUNS number five weeks after completing the online request form. Sub-recipients must provide LYNX with their organization's DUNS number, which is used to report subrecipient awards to the FTA.

### **Audits**

Sub-recipients of federal funds that expend more than \$750,000 in federal awards (through the 5310 grant program or other federal programs) in a given fiscal year are required to have a Single Audit (OMB 2CFR part 200, subpart F) performed for that fiscal year. These subrecipients must report to LYNX any findings as a result of the Single Audit.

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

LYNX agrees to comply, and assures the compliance of each third party contractor and each subrecipient at any tier of the Project, with the applicable laws and regulations for nondiscrimination on the basis of disability. For details regarding Section 504 and ADA refer to the following:

1. Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended (29 U.S.C. 794);
  2. The Americans with Disabilities Act of 1990 (ADA), as amended (42 U.S.C. 12101 et seq.);
- and

3. U.S. DOT regulations implementing Section 504 and the ADA include 49 CFR parts 27, 37, and 38.

As part of the LYNX program administration process, LYNX requires subrecipients to execute contracts certifying compliance with the FTA certifications and assurances. The subrecipient monitoring process includes a review of compliance, including non-discrimination policies, vehicle conditions, and operations policies and procedures. LYNX requires in all funding agreements that the subrecipient complies with the applicable provisions of the ADA, which prohibits discrimination on the basis of disability as well as applicable regulations and guidelines issued pursuant to the ADA and Section 504.

### Buy America

Buy America provisions are federal “domestic content” regulations. Buy America affects vehicle and equipment purchases and construction contracts valued at \$150,000 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. FTA makes exceptions to the Buy America requirement in four situations (see references: 49 CFR Part 661; 49 CFR Part 663).

Sub-recipients must agree to comply with the federal Buy America requirements in accordance to Section 165(a) of the Surface Transportation Assistance Act of 1982 and the regulations in 49 C.F.R. 661.

### Transit Asset Management

With the FAST Act came many new requirements that will affect transit operations. Transit Asset Management (49 CFR Parts 625 and 630) is a business model that uses the condition of assets to guide the optimal prioritization of funding at transit properties in order to keep our transit networks in a State of Good Repair. This means the asset:

1. Is able to perform its designed function,
2. Does not pose a known unacceptable safety risk, and
3. Its lifecycle investments have been met or recovered.

All recipients of Federal financial assistance under 49 U.S.C. Chapter 53 that own, operate, or manage capital assets used in the provision of public transportation must comply with Transit Asset Management.

Tier I agencies (most 5307 recipients) must develop their own TAM Plan and report their own performance targets to NTD.

Tier II agencies may participate in a single Group Plan or may choose to opt out and develop their own TAM plans.

- Tier I agency operates rail OR  $\geq 101$  vehicles across all fixed route modes, OR  $\geq 101$  vehicles in one non-fixed route mode.
- Tier II agency is a subrecipient of 5311 Funds, OR American Indian Tribe, OR operates

≤100 vehicles across all fixed route modes, OR operates ≤ 100 vehicles in one non-fixed route mode

## Transportation Agency Safety Plan

Pursuant to 49 U.S.C. 5329(d), each operator of public transportation that receives Federal financial assistance under 49 U.S.C. Chapter 53 would be required to develop and implement an Agency Safety Plan based on the principles of Safety Management Systems (SMS). Each operator's plan would require, at minimum:

- Approval of the plan by the board of directors or equivalent entity;
- Methods for identifying and evaluating safety risks throughout the system;
- Strategies to minimize the exposure of the public, personnel and property to hazards;
- An annual review and update of the plan;
- Performance targets based on the safety performance criteria established in a National Public Transportation Safety Plan;
- An adequately trained Safety Officer who reports directly to the general manager, president, or equivalent officer; and
- A comprehensive training program for personnel directly responsible for safety.

Large operators would develop and implement their own Agency Safety Plans, while a small, rural, or tribal operator could develop its own plan or have the State develop a plan on its behalf; in either case, each operator must implement its own Agency Safety Plan.

## Program Management

The LYNX program management and financial and contract monitoring processes comprise this PMP, LYNX Sub-recipient Monitoring Procedures, Grants Internal Control Guidance, the annual Certifications and Assurances, including the Master Agreement.

LYNX also utilizes the annual Triennial Review Workbook and/Comprehensive Review Guide book for compliance updates.

## Program Performance Measures

LYNX is responsible for ensuring certain reports are provided to FTA each year. In order to provide these reports for services provided or capital purchases by LYNX and its subrecipients, it will be necessary for LYNX to collect certain data from each subrecipient. In order for LYNX to be able to report to FTA by the end of the month after the end of each federal fiscal year quarter, subrecipients will be responsible for submitting to LYNX the information included in the remainder of this section by the 20th of January, April, July, and October. Annual reports are due to LYNX by the 15th of October.

LYNX compiles information from subrecipients and submits the following standard FTA reporting elements for all programs:

1. Annual program of projects status reports;



2. Milestone activity reports;
3. Program measures;
4. DBE reports;
5. Complaints; and
6. Program income.

The following indicators are targeted to capture overarching program information as part of the annual report that each state and designated recipient submits to FTA. LYNX, as the designated recipient, will submit both quantitative and qualitative information as available on each of the following measures.

### **Traditional Section 5310 Projects**

**Gaps in Service Filled.** Provision of transportation options that would not otherwise be available for seniors and individuals with disabilities measured in numbers of seniors and people with disabilities afforded mobility they would not have without program support as a result of traditional Section 5310 projects implemented in the current reporting year.

**Ridership.** Actual or estimated number of rides (as measured by one-way trips) provided annually for individuals with disabilities and seniors on Section 5310 supported vehicles and services as a result of traditional Section 5310 projects implemented in the current reporting year.

### **Other Section 5310 Projects**

Increases or enhancements related to geographic coverage, service quality, and/or service times that impact availability of transportation services for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.

## **Contract Procedures for Complaints, Breaches, Dispute Resolutions, and Terminations**

These procedures are included in the agreements LYNX enters into with its subrecipients. For more detailed information, the LYNX “Sample Sub-recipient Agreement” will be made available upon request.

This PMP will be updated as the FTA circulars and requirements are revised.

### **Appendices to this section located at the end of this document:**

- Guide to Subrecipient Monitoring - Appendix I
- Summary of Changes to the Program Management Plan - Appendix II
- Peer Review Summary of Section 5310 Program Management Plans - Appendix III





# Appendix I - Guide to Subrecipient Monitoring



## Guide to Subrecipient Monitoring

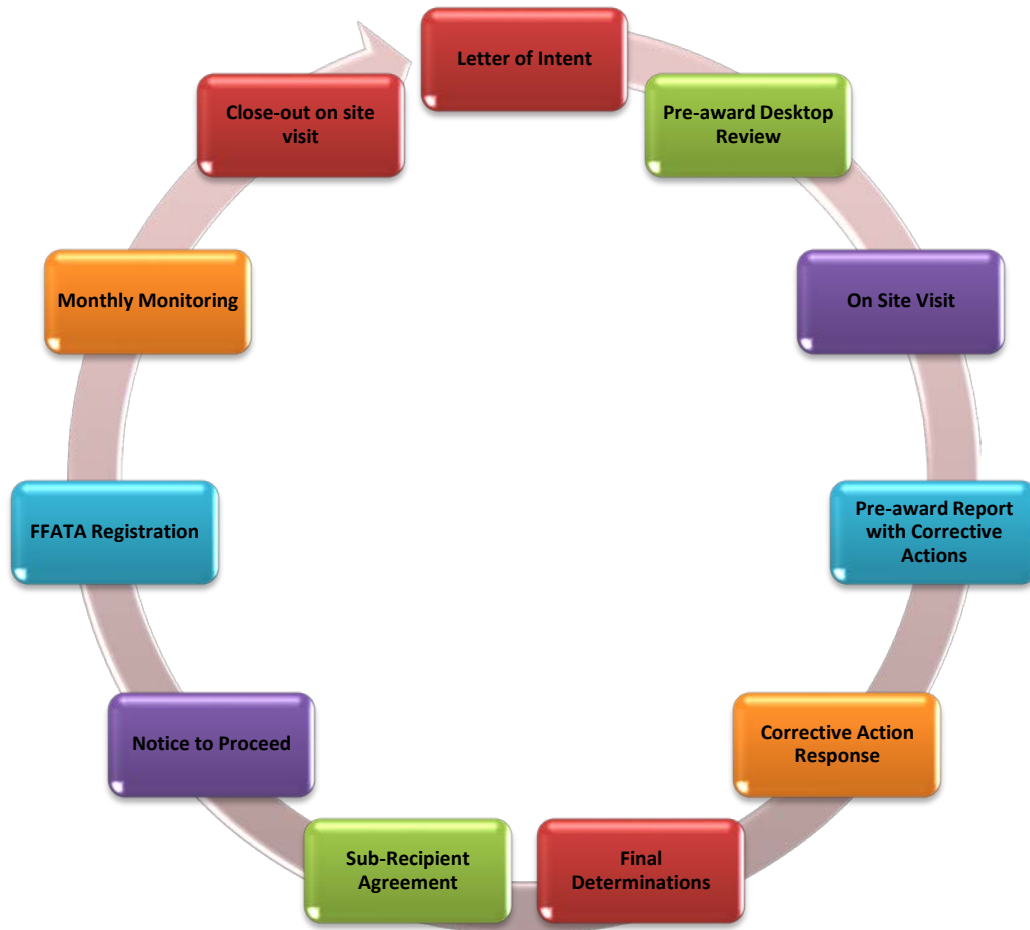
To ensure consistency between all of the subrecipient monitoring processes, this PMP has been revised in coordination with the Subrecipient Monitoring Compliance and the Process Improvement Summary Report.

LYNX will enter into a written agreement with each subrecipient that may be funded under the 5310 program stating the terms and conditions of assistance by which the project will be undertaken and completed. LYNX will monitor all local projects to ensure that subrecipients have met or will meet all federal requirements consistent with U.S. DOT regulations, and “The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards”, commonly referred to as “the Super Circular” (Title 2, Subtitle A, Chapter II, Part 200). LYNX will ensure compliance with requirements unique to the State of Florida consistent with those that apply to the Section 5310 Urbanized Area Formula Program. LYNX will monitor subrecipient’s compliance with federal requirements in a number of methods, including but not limited to the following:

1. Pre-Award on-site visit – A desktop document review and pre-award on-site visit is conducted by LYNX’s staff for a better understanding of compliance requirements and internal policies, among subrecipient staff.
2. Follow up on-site visit – If necessary, a mid-term or follow up on-site visit is scheduled to confirm compliance with regulations.
3. Invoices – On a monthly basis through the review of invoices remitted for payment of operating and/or capital costs and pro-active project management.
4. Program Performance Measures reports – Sub-recipient are required to submit progress reports on a quarterly basis.
5. Close-out on-site visit – A close-out visit is conducted at the end of the project to evaluate the program for each agency.

LYNX will provide a summary of each visit, which it will keep on file and may make available to FTA during any federal program management reviews. The graph below shows a complete Sub-recipient Monitoring Review Cycle.

## Sub-recipient Monitoring Review Cycle



## External Subrecipient Monitoring

In addition to the LYNX Sub-recipient Monitoring procedure, LYNX has an independent audit of the LYNX accounts for the period of October 1st through September 30<sup>th</sup> and it is performed on an annual basis. The audit is conducted in accordance with United States generally-accepted auditing standards and Government Auditing Standards, issued by the Comptroller General of the United States, and OMB Universal Guidance (2 CFR part 200, subpart F). Additionally, the audit is conducted in accordance with the provisions of Chapter 10.550, rules of the Auditor General, which govern the conduct of local government entity audits performed in the State of Florida. LYNX's annual audits are available on the Single Audit Clearinghouse website at <https://facweb.census.gov/>

Items required for the auditor's review include:

- A Unified Planning Work Program (UPWP) of the fiscal year being audited;
- Consultant contracts with amendments;
- All Subrecipient Agreements and contracts;
- Staff timesheets;
- Quarterly staff salary rates;
- Notice of fringe and indirect rates;

- Each grant’s quarterly billing package;
- List of LYNX’s capital assets and depreciation schedule;
- Checking account register;
- Canceled checks;
- LYNX meeting minutes;
- Notice from the LYNX Civil Rights Officer including a statement concerning pending Civil Rights complaints and lawsuits;
- An updated management summary of grant activities; and
- Consultant retainment ledger.

A letter of notification that the LYNX audit is completed will be mailed to:

Single Audit Clearinghouse  
1201 East 10th Street  
Jeffersonville, IN 47132



## Appendix II - Summary of Changes to the Program Management Plan



# Summary of Changes to the LYNX Program Management Plan

## LYNX Program Management Plan Issued February 2017

### Overall

- Added references to Fixing America’s Surface Transportation (FAST) Act
- Figure 1 – added the map of the LYNX Urbanized Area
- Added references to the “Award Management Requirements” Circular 5010.1E
- Added references to “Elderly Individuals and Individuals with Disabilities Program Guidance and Application Instructions” Circular 9070.1F
- Added references to “The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” (Title 2, Subtitle A, Chapter II, Part 200)
- Information from the Subrecipient Monitoring Compliance and Process Improvement Summary Report has been incorporated

### Program Goals and Objectives

- Objectives information added to enhance the purpose of the document
- Addition of a direct link to the Transportation Disadvantaged Service Plan (TDSP) and annual updates

### Roles and Responsibilities

- Appendix I removed and information regarding Federal Transit Administration, LYNX and Sub-recipient roles and responsibilities incorporated into document

### Coordination Efforts

- Information found in Appendix II has been incorporated into this section of the PMP

### Eligible Subrecipients

- Added clarification to the Eligible Subrecipients section to provide better clarification of who is eligible to request funding

### Eligible Project Types and Funding Priorities

- Information found in Appendix III incorporated into this section of the PMP

### Local Share and Local Funding Requirements

- Removed information on United We Ride and included information on Coordinated Council on Access and Mobility

### Notification of Funding Availability

- No significant changes

### Project Solicitation, Project evaluation and Selection Criteria

- Information found in Appendix IV incorporated into this section of the PMP
- Addition of a direct link to the Grant Application Manual on the LYNX website
- LYNX funding cycle has been updated



- Added references to “Grant Management Requirements” Circular 5010.1D
- Direct link to the Application manual found on the LYNX website provided, which contains information on selection and criteria

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

- No significant changes

### **Federal Requirements Related to FTA Funding Assistance**

- Information found in Appendix V section 24 have been added as a separate section titled “Civil Rights”
- “Title VI Plan” section added
- Information found in “Standards for Accessible Vehicles” 49 CFR 37.7 has been added to “Title VI Plan” section
- Information found in Appendix V section 28 have been added as a separate section titled “Disadvantaged Business Enterprise”
- “Equal Employment Opportunity” section added
- “Private Sector Participation” moved to this area
- “Data Universal Numbering System” section added
- “Audit Requirements” section added
- “Buy America” section added
- “Transit Asset Management” section added
- “Transportation Agency Safety Plan” section added

### **Program Management**

- Appendix VI referenced within this section has been removed

### **Program Performance Measures**

- This section has been renamed from “Program Reporting Requirement”
- Information found in Appendix I incorporated into this section of the PMP

### **Contract Procedures for Complaints, Breaches, Dispute Resolutions and Terminations**

- No significant changes

### **Appendix I: Grantee Roles and Responsibilities**

- Appendix removed, information incorporated into PMP

### **Appendix II: Grant Coordination**

- Appendix removed, information incorporated into PMP

### **Appendix III: Grant Project and Priority**

- Appendix removed, information incorporated into PMP

### **Appendix VI: Grant Application Evaluation & Selection**

- Appendix removed, information incorporated into PMP

### **Appendix V: Sub-recipient Agreement**

- Appendix removed, information incorporated into PMP

### **Appendix VI: Project Manager's Guide to Sub-recipient Monitoring**

- Appendix removed, information incorporated into PMP

### **Appendix I: Guide to Sub-recipient Monitoring**

- Appendix added

### **Appendix II: Summary of Changes to the Program Management Plan**

- Appendix added

## **LYNX Program Management Plan Issued August 2020**

### **Overall**

- Replaced references to OMB Circular A-133 which was superseded by the issuance of OMB Uniform Guidance in 2 CFR part 200, subpart F.
- Replaced references to DOT Common Rules (49 CFR part 18—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and 49 CFR part 19—Uniform Administrative Requirements—Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations) which were superseded and replaced by OMB Uniform Guidance 2 CFR part 200.
- Updates from LYNX Subrecipient Monitoring Compliance and Process Improvement Summary Report has been incorporated
- Replaced links to webpages provided throughout the PMP.

### **Program Goals and Objectives**

- No significant changes

### **Roles and Responsibilities**

- No significant changes

### **Coordination Efforts**

- No significant changes

### **Eligible Sub-recipients**

- No significant changes

### **Eligible Project Types and Funding Priorities**

- No significant changes

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

- No significant changes

### **Notification of Funding Availability**

- No significant changes

### **Project Solicitation, Project evaluation and Selection Criteria**

- No significant changes

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

- No significant changes

### **Federal Requirements Related to FTA Funding Assistance**

- No significant changes

### **Program Management**

- No significant changes

### **Program Performance Measures**

- No significant changes

### **Contract Procedures for Complaints, Breaches, Dispute Resolutions and Terminations**

- No significant changes

### **Appendix I: Guide to Sub-recipient Monitoring**

- No significant changes

### **Appendix II: Summary of Changes to the Program Management Plan**

- Added relevant changes to the LYNX Program Management Plan issued in August 2020