<u>**AGENDA**</u>

TRANSIT PROVIDERS MEETING

North Central Texas Council of Governments
Transportation Council Room
616 Six Flags Drive, Arlington, TX 76011
Thursday, February 16th, 2023: 1:15 PM – Meet and Greet; 1:30 PM – Meeting

1. Welcome and Introductions .... Lorena Carrillo/Shannon Stevenson

2. Triennial Update .... Bobby Gomez

3. Access North Texas – Upcoming Reporting Metrics .... Evan Paret

4. Transit Strategic Partnership Program .... Julie Anderson

5. 2020 Census Urban Area Update .... James McLane

6. Funding Updates .... Allysha Mason/Luke Offen

7. Invoices .... Michael Linsenman

8. Risk Management .... Emily Beckham

9. Procurement and Contract Compliance .... Emily Beckham

10. Fast Facts .... Various
      a. Upcoming Procurements .... Anna Willits
      b. FY21 RAISE Grant .... Julie Anderson
      c. FORVIS Update .... Melany Dennis
      d. Planning Studies .... Andrew Pagano

11. Open Discussion

www.nctcog.org/transitsubs

Contents

Overview

Common Triennial Review Findings

Timeline

Subrecipient Oversight Program
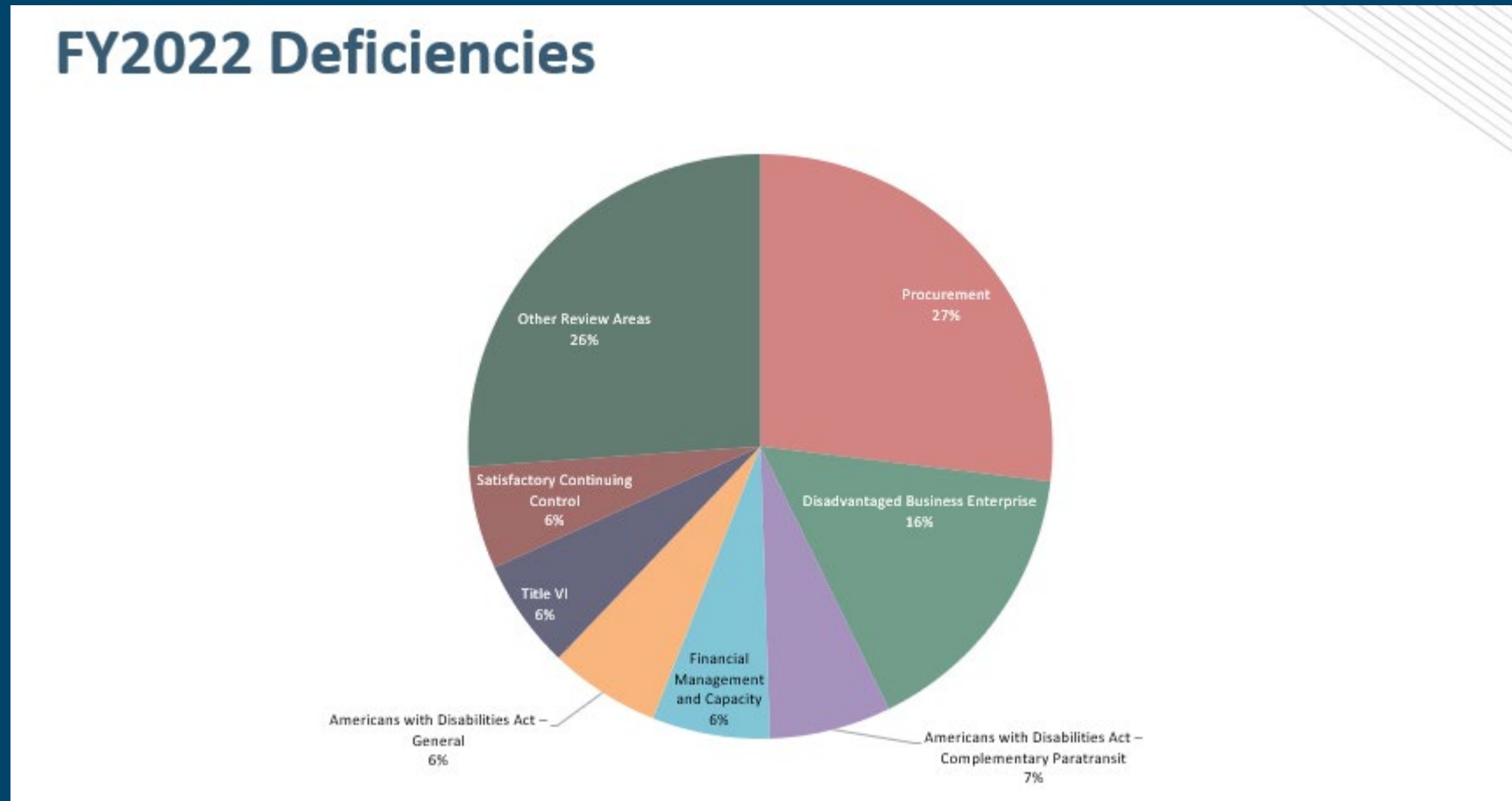
Questions

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Overview

- Comprehensive review of adherence to Federal Transit Administration (FTA) regulations occurring every three years

- 23 review areas

- 300+ document requests

- 700+ indicators of compliance

2023 Comprehensive Review Contractor's Manual
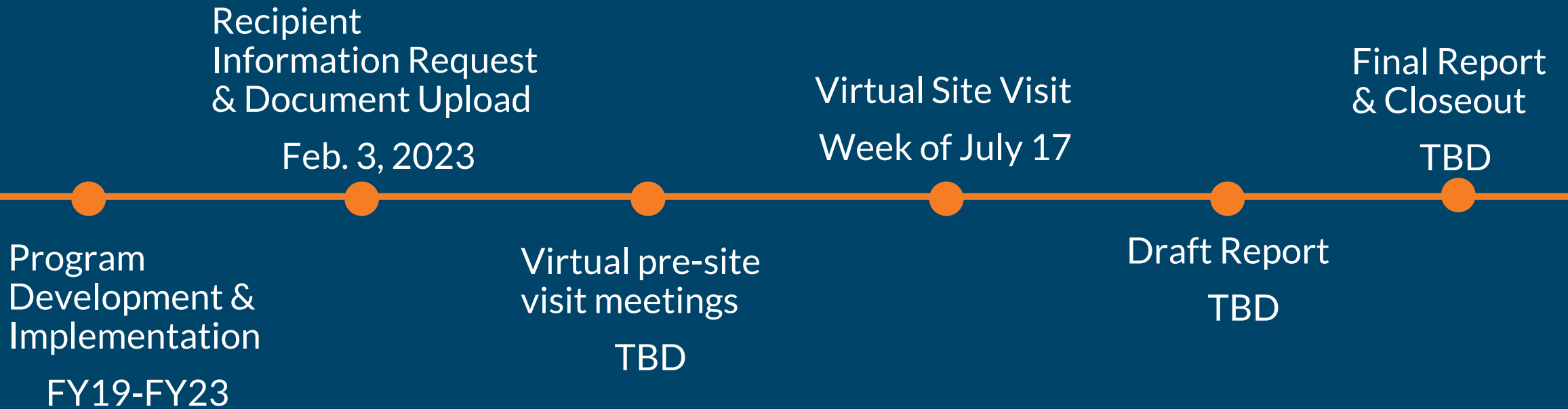
Common Triennial Review Deficiencies

FY2022 Deficiencies

Data sourced from 2023 FTA Triennial Review Workshop

Data includes all deficiencies from Triennials performed in 2022

Timeline

Recipient Information Request & Document Upload

Feb. 3, 2023

Virtual Site Visit

Week of July 17

Final Report & Closeout

TBD

Program Development & Implementation

FY19-FY23

Virtual pre-site visit meetings

TBD

Draft Report

TBD

Be On the Look Out

- FTA's Contractor usually selects two subrecipients for a virtual site visit
  - May request documents and/or examples

- May be pre-site visit section meetings

Subrecipient Oversight Program*

Sub Info Forms & Site Visits	Individual Reviews	Other	Generally Not Applicable
Transit Asset Management	Technical Capacity – Program Management and Subrecipient Oversight	Legal	Technical Capacity – Award Management
Satisfactory Continuing Control Maintenance		Financial Management and Capacity	Section 5311
Sections 5307, 5310	Technical Capacity – Project Management	School Bus	Cyber Security
Public Transportation Agency Safety Plan (PTASP)	Procurement	Charter Bus	
Americans with Disabilities Act (General & Complementary Paratransit)	Disadvantaged Business Enterprise	Drug-Free Workplace Act	
Drug and Alcohol Program	Title VI		
	Equal Employment Opportunity		

*Sections may be reviewed by other means as needed

Questions?

Image Provided By Getty

CONTACT US

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Shawn Dintino

Transportation Planner

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ACCESS NORTH TEXAS & TXDOT REPORTING METRICS UPDATE

EVAN PARET, TRANSPORTATION PLANNER

NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG)

OUTLINE

1. What is Access North Texas?

   - Coverage area
   - Goals and strategies
   - 2022 plan update

2. TxDOT Reporting

   - Current
   - Anticipated changes

3. Next Steps

WHAT IS ACCESS NORTH TEXAS?

Regional public transit-human services transportation plan to:

- Identify the public transportation needs of older adults, individuals with disabilities, low-income individuals and others with transportation challenges

Specify strategies to:

- *Address needs and current challenges*
- *Eliminate gaps in service*
- *Avoid duplication of transit services*

Meet Federal and State requirements for transit coordination in the 16 counties

3
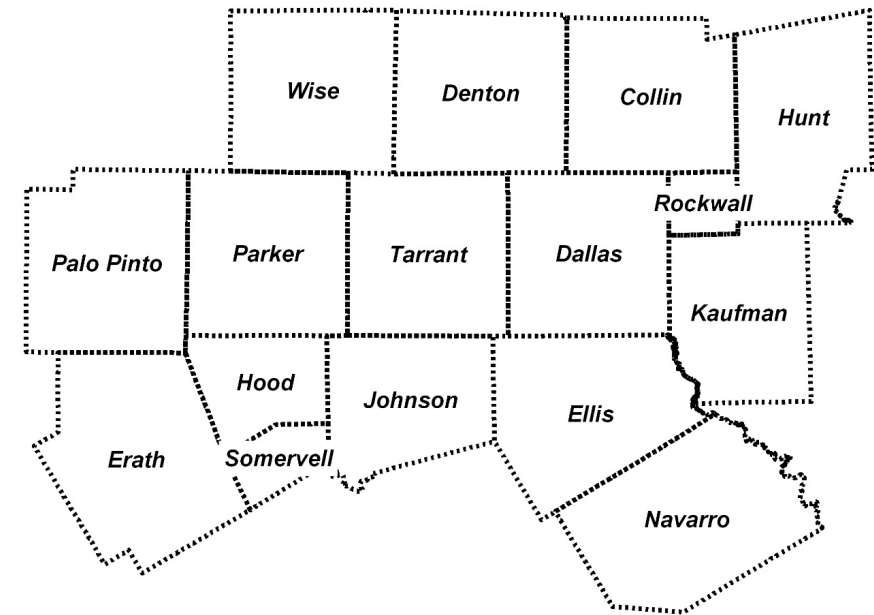
ACCESS NORTH TEXAS 2022 PLAN

- Regional Transportation Council adopted the last update in 2022; Updates are required every 4 years for our region

- May be used to guide funding and project implementation decisions

- Differences from the 2018 Access North Texas Plan
  - Created regional Get-A-Ride Guide, identifying existing transportation resources

  - Developed new regional goals and prioritized county strategies

  - Utilized various outreach methods to connect with the public, transit agencies, and stakeholders

ACCESS NORTH TEXAS

Regional Public Transportation Coordination Plan for North Central Texas

PREPARED BY THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS
FINAL OCTOBER 2022
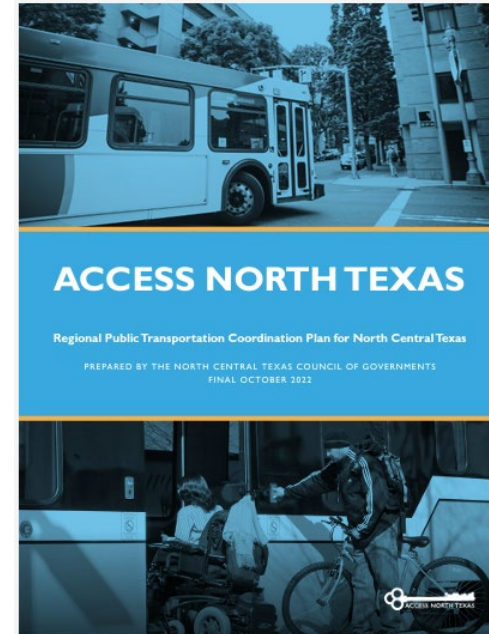
Virtual Meetings   **Survey**   **Map Your Experience**

4

ACCESS NORTH TEXAS GOALS AND STRATEGIES

1 — **PLAN** and **DEVELOP** Transportation Options by Assessing Community Needs and Challenges

2 — **IMPLEMENT** Services by Enhancing Transportation Options and Expanding Where Service Gaps Exist

3 — **COORDINATE** with Transportation Providers, Public Agencies, and Stakeholders to Increase Efficiencies

4 — **SUPPORT** Public Transportation Recovery and Growth

5 — **PROMOTE** Access and Information About Available Transit

Each chapter includes prioritized strategies for those counties.
To review county-specific strategies visit document at www.AccessNorthTexas.org

ACCESS NORTH TEXAS – ANNUAL REPORTING

Texas A&M Transportation Institute

TTI is supporting the Texas Department of Transportation – Public Transportation Division (TxDOT-PTN) in the Regional Public Transportation Coordination Planning (RPTCP) metrics process. New metrics were introduced during several Fall 2022 focus groups. The purpose of this survey, which is being sent to all lead agencies, is to collect baseline data for evaluating the new metrics.

Upcoming new statewide metrics for Regional Public Transportation Coordination Planning

NCTCOG will be providing baseline information to TxDOT and Texas A&M Transportation Institute (TTI)

Data collection in relation to Access North Texas includes:

- Partnerships/Stakeholder List
- List of Public Transportation Providers
- List of Other Key Transportation Providers
- Public Outreach
- Driver Standards and Incidents
- Customer Satisfaction and Feedback

ANTICIPATED NEW METRICS (LONG-TERM)

| Goals	Objectives	New Metric	Who Measures	Calculation	Old Metric
Improve Coordination (Scored)	Coordinate transportation projects, planning, service, and expertise. Eliminate overlaps, improve efficiencies, and address needs.	Quarterly Progress Index.	Lead Agency	1. Measure the percentage of objectives met, percentage of priorities started, partly completed, completed. Of those completed, what proportion of the local measures were achieved?	Active formal partnerships
	Engage with stakeholders to support and advance ongoing planning efforts.	Which stakeholder groups identified in the plan are represented (minimum required: older adults, individuals with disabilities, veterans, children, and individuals with lower incomes), plus open field for others not mentioned.	Lead Agency	1. List of coordination committee members and meeting attendance records.	Organizations and individuals that actively participated in regional transportation activities
	Continue planning activities to address the changing needs and gaps within the region.	Tracking plan changes/amendments to address emerging needs and gaps in the region.	Lead Agency	1. Has your plan been amended in the past performance year? 2. Please enter the date when the new amended plan was approved. 3. Please submit the new amended plan.	Newly identified unmet transportation needs, gaps, and inefficiencies.
Promote Accessibility and Livability	Close existing transportation gaps. Ensure meaningful access to transportation disadvantaged populations: older adults, individuals with disabilities, veterans, children, and individuals with lower incomes.	1. Changes to reservation window/service span/ days of service/service area. 2. Newly implemented discounted fare by provider (i.e., veterans).	Transportation Providers, Lead Agency	1. Summary information on efforts to improve transportation access. 2. Summary information on fare discounts.	Newly identified unmet transportation needs, gaps, and inefficiencies; Newly identified unmet transportation needs with specific corresponding steps for resolution
Foster Education and Awareness (Scored)	Promote available transportation services in the region.	1. List types of outreach and number of each. Which audiences are you reaching? older adults, individuals with disabilities, veterans, children, and individuals with lower incomes), plus open field for others not mentioned.	Lead Agency, Transportation Providers, Stakeholders	1. Annual cost of outreach efforts. 2. Summary information on the types of outreach efforts.	N/A
Ensure Safety and Security	Ensure safe and secure transportation services	1. Incidents per 100k miles. 2. Driver training standards for the region/trainings provided/promoted?	Transportation Providers	PTAMS Incident Report (Public Transportation)	N/A
Customer Satisfaction	Provide customer driven transportation services	1. Denied trips to passengers.	Transportation Providers	Number of denied trips	N/A
	Focus on quality of customer service	1. How are you collecting customer feedback?	Transportation providers	Multi-choice methods, other category	N/A

DRIVER STANDARDS AND INCIDENTS

- Do any public transportation providers include driver standards and safety?

Texas A&M Transportation Institute

Please provide the information requested for **key public transportation providers** in the table below.

Does the provider have a documented and up-to-date driver training program with driver performance standards?

Yes	No	Partially	Unknown
○	○	○	○

←   →

Ensure Safety
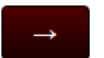
CUSTOMER SATISFACTION AND FEEDBACK

- Denied Trips

- Customer Feedback (can select all that apply):
  - Phone Calls
  - E-mails
  - Formal Surveys
  - Social Media
  - Apps
  - Meetings
  - Word of Mouth
  - Drivers
  - Other

Texas A&M Transportation Institute

Please provide the information requested for **key public transportation providers** in the table below. *In the table, Denied Trip is a demand-response trip request made within the requirements of advance booking that the transit provider is unable to accommodate.*

Denied trips per passenger in 2022

←   →

9
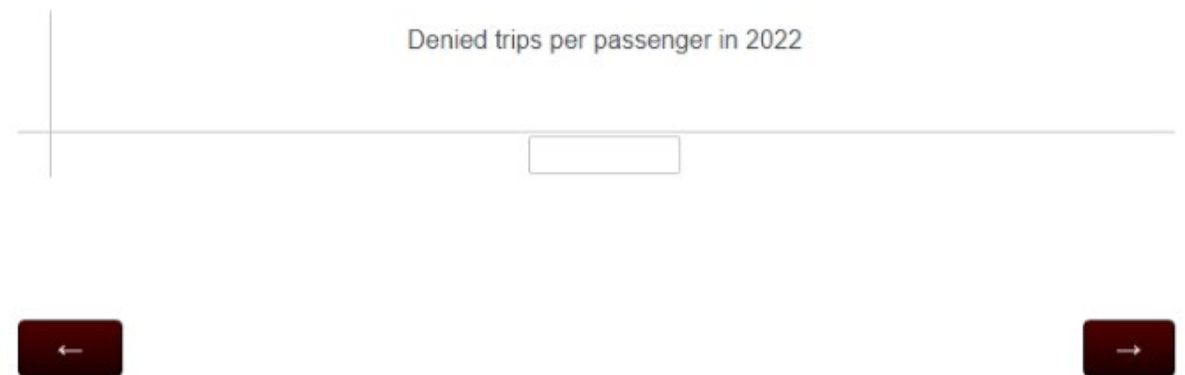
ANTICIPATED NEW METRICS

Establishing a baseline

- Provide requested info to NCTCOG by Wednesday, February 22, 2023

- Email responses to eparet@nctcog.org

- NCTCOG will compile information and submit to establish baseline

Developing long-term metrics

- Review info currently reported, such as National Transit Database

- Develop metrics and reporting to measure progress on Access North Texas goals and strategies within new TxDOT framework

- Solicit feedback from agencies

MORE INFORMATION FOR PARTNERS AND PROVIDERS

Access North Texas

Visit NCTCOG's Access North Texas website at www.accessnorthtexas.org

Review updated 2022 goals & strategies

Get Involved

Updating county specific lists

Regional Mobility Managers Meetings:
- Scheduled for March 15, 2023
- Email eparet@nctcog.org to be added to mailing list

QUESTIONS AND CONTACT INFORMATION

Thank you for your time!

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Evan Paret
Transportation Planner
eparet@nctcog.org

Asa Woodberry
Transportation Planner
awoodberry@nctcog.org

Transit Strategic Partnerships Program

ANNUAL TRANSIT PROVIDER MEETING | February 16, 2023

FUNDING OPPORTUNITIES

Transit Strategic Partnerships Program

Updated Access North Texas

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Sr. Transportation Planner
JAnderson@nctcog.org
817-704-5625

Program Email:
TransitSPP@nctcog.org

AARP Community Challenge Grant Program

CommunityChallenge@aarp.org

TRANSIT STRATEGIC PARTNERSHIPS PROGRAM
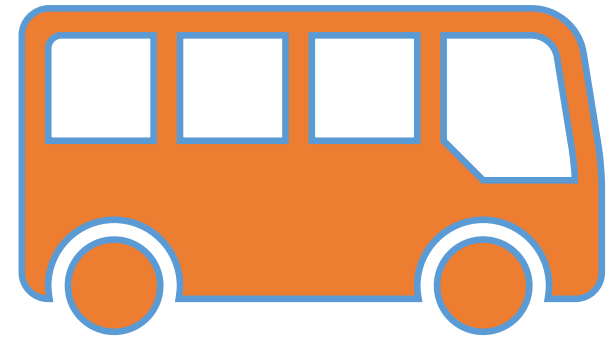
- Program to support transit project ideas and implement services evaluated on need and feasibility

- Projects expected to be 2-3 years

- Project proposals accepted on a rolling basis throughout the year (evaluated twice a year)

- Encourage partnerships between non-service providers and existing transit providers

- Recipient of federal funds must be an eligible entity under the awarded funding program

- **Not** intended to make up for operating shortfalls, but demonstration of projects in urbanized areas

https://www.nctcog.org/strategicpartnerships-transit

TRANSIT STRATEGIC PARTNERSHIPS PROGRAM: NEEDS ASSESSMENT

Access North Texas – Updated in 2022!

- Does the proposed project address regional and/or county strategies?

Transit Studies

- Does the proposed project fall into one of the study areas?
- If so, does it reference recommendations from the associated study?

Transit-Dependent Populations

- How does the proposed project intend to serve seniors, individuals with disabilities, low-income individuals, etc.?

Environmental Justice Index

- Does the proposed service area fall above the regional percentage for minority population, population below poverty, or both?

Accessibility

- How will the proposed project improve accessibility?

TRANSIT STRATEGIC PARTNERSHIPS PROGRAM FUNDING CYCLE

Now accepting ideas/proposals!!

Accepting Ideas/ Proposals	Fully Developed Proposals Reviewed and Scored	Project(s) Selected*	TIP Modification Deadline**	Anticipated Final Federal Funding Approval
December 1, 2022 - May 31, 2023	June 1 – 30, 2023	July 1, 2023	July or October 2023	January or April 2024
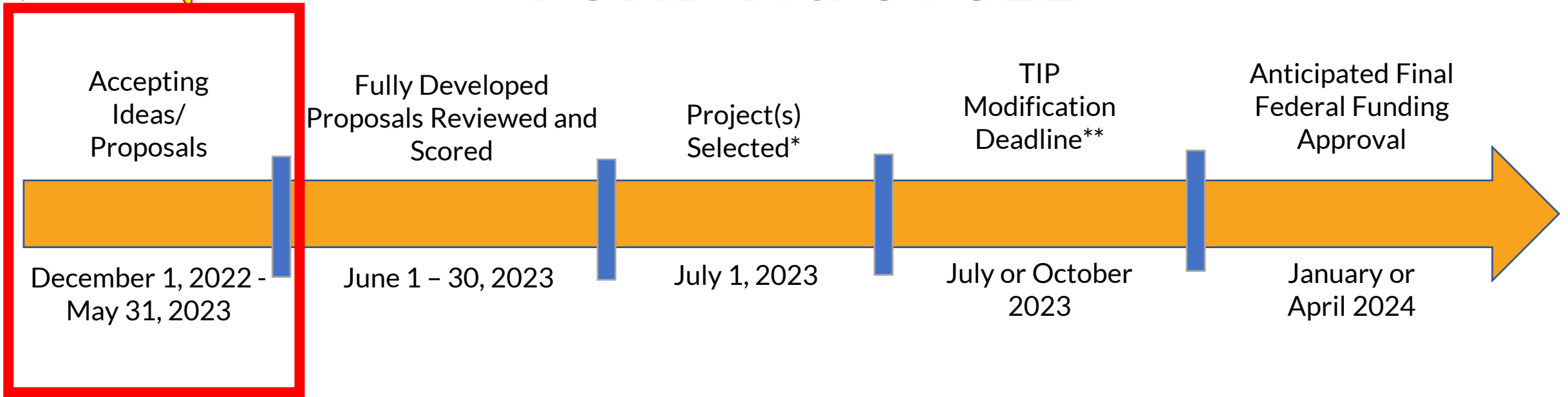
* Projects may get shifted to next cycle if more development is needed

* * Selected projects may be submitted to either of the two TIP deadlines within the cycle. TIP deadlines are subject to change.

https://www.nctcog.org/strategicpartnerships-transit

Annual Transit Providers Meeting 2023:
Regional Funding Opportunities

5

AARP COMMUNITY CHALLENGE GRANT PROGRAM

- Applications due March 15 at 5p.m. EST

- Projects must be completed by November 30, 2023

- Open to 501(c)(3), 501(c)(4), 501(c)(6) nonprofits and government entities

- Apply at AARP.org/CommunityChallenge

FLAGSHIP GRANTS	New in 2023! CAPACITY-BUILDING MICROGRANTS	New in 2023! DEMONSTRATION GRANTS
Flagship Grants continue the successful Community Challenge grant program, first launched in 2017. These grants offer a broad opportunity for communities to apply for funding across several categories.	Microgrants will combine grant dollars with additional technical assistance resources and AARP publications.	Demonstration Grants are designed to encourage innovative replication of promising local efforts, drawn from previous projects from the Flagship Grants in Housing and Transportation.

GRANT AMOUNTS

| Average grant: $11,500

Flagship Grants have ranged from several hundred dollars ($500) for smaller, short-term activities to tens of thousands of dollars ($50,000) for larger projects. | $2,500 grants

Microgrants will include additional resources, such as: webinars, cohort learning opportunities, up to 2 hours of one-on-one coaching with leading national organizations, and AARP publications | Transportation Demonstration Grants: $30,000 – $50,000 *(funding sponsored by Toyota Motor North America)*

ADU Design Competition Demonstration Grants: $10,000-$15,000 |

PROJECT CATEGORIES

| ✓ Public Places
✓ Transportation
✓ Housing
✓ Diversity, Equity, & Inclusion
✓ Digital Connections
✓ Community Resilience
✓ Civic Engagement
✓ Community Health and Economic Empowerment | ✓ Walkability – Implement walk audit assessments to enhance safety and walkability with support from America Walks, using the AARP Walk Audit Tool Kit.

✓ Community Gardens – Start or grow a community garden with support from 880 Cities, using the AARP publication Creating Community Gardens for All Ages. | ✓ Advancing solutions that build capacity towards transportation systems change

✓ Implementing accessory dwelling unit (ADU) design competitions that increase community understanding of the benefits of accessory dwelling units and encourage ADU policies |

Annual Transit Providers Meeting 2023:
Regional Funding Opportunities

2020 Census Urban Areas

February 16, 2023

NCTCOG 2023 Annual Transit Provider Meeting

What is an Urban Area?

- Data product produced by the Census Bureau after each Decennial Census
  - 2020 UAs released December 2022
  - 2010 UAs released March 2012
- Intended to provide a nationally consistent quantitative delineation of urbanization
- Includes areas meeting pre-defined thresholds for population/employment density, and related urban land uses
- Criteria generally tweaked before each delineation

Dallas - Fort Worth - Arlington (2020)

Rural
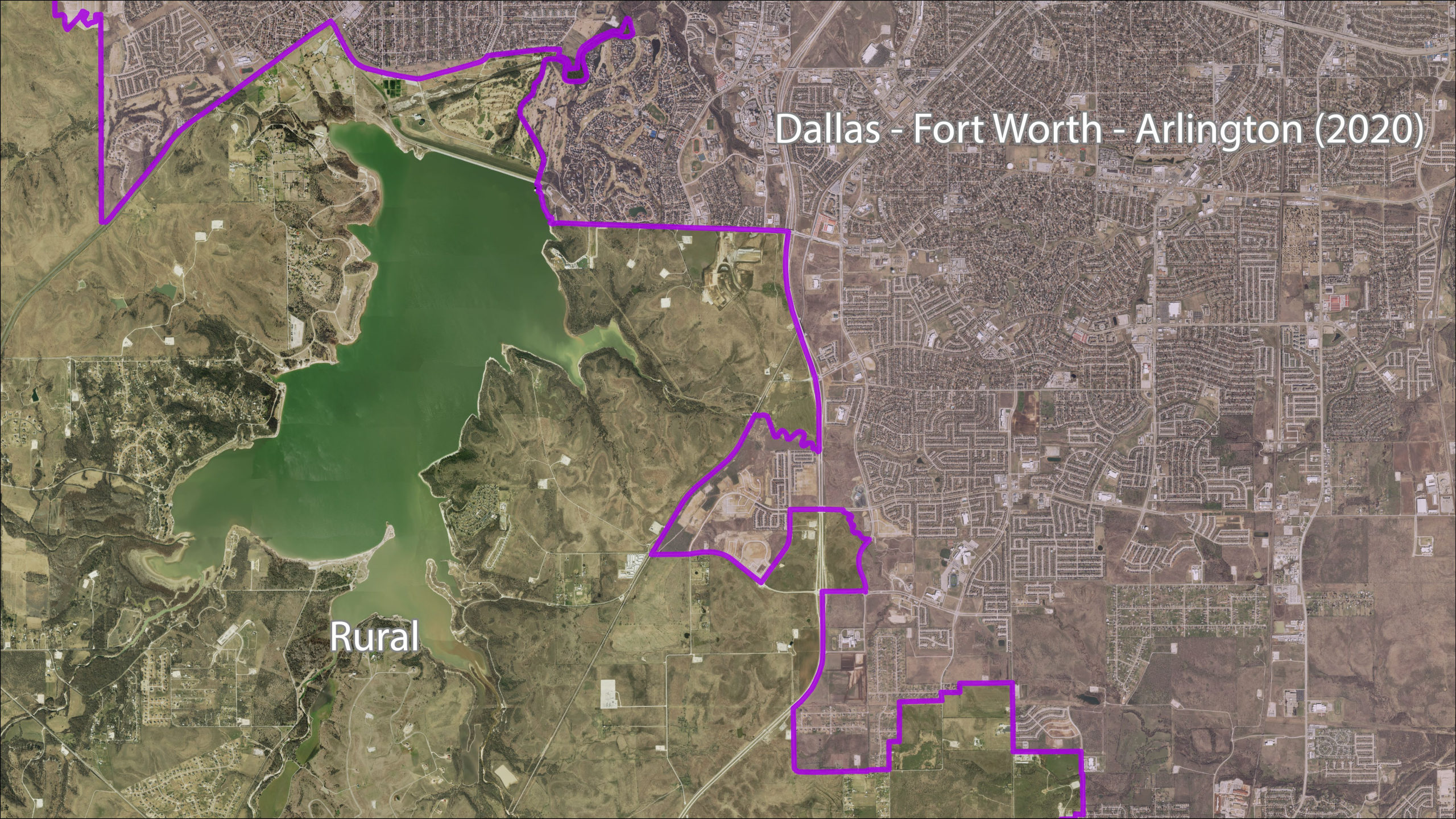
Criteria Changes Between 2010 and 2020

- No more distinction between Urban Clusters and Urban Areas
- Increased population and household thresholds used to define an area as "urban"
  - >5,000 in population or,
  - >2,000 housing units
- A decrease in the "jump distance" used to connect discontinuous areas of urbanization into a single urban area
  - 2.5 miles to 1.5 miles
  - Creates more, smaller Urban Areas in areas with discontinuous urbanization
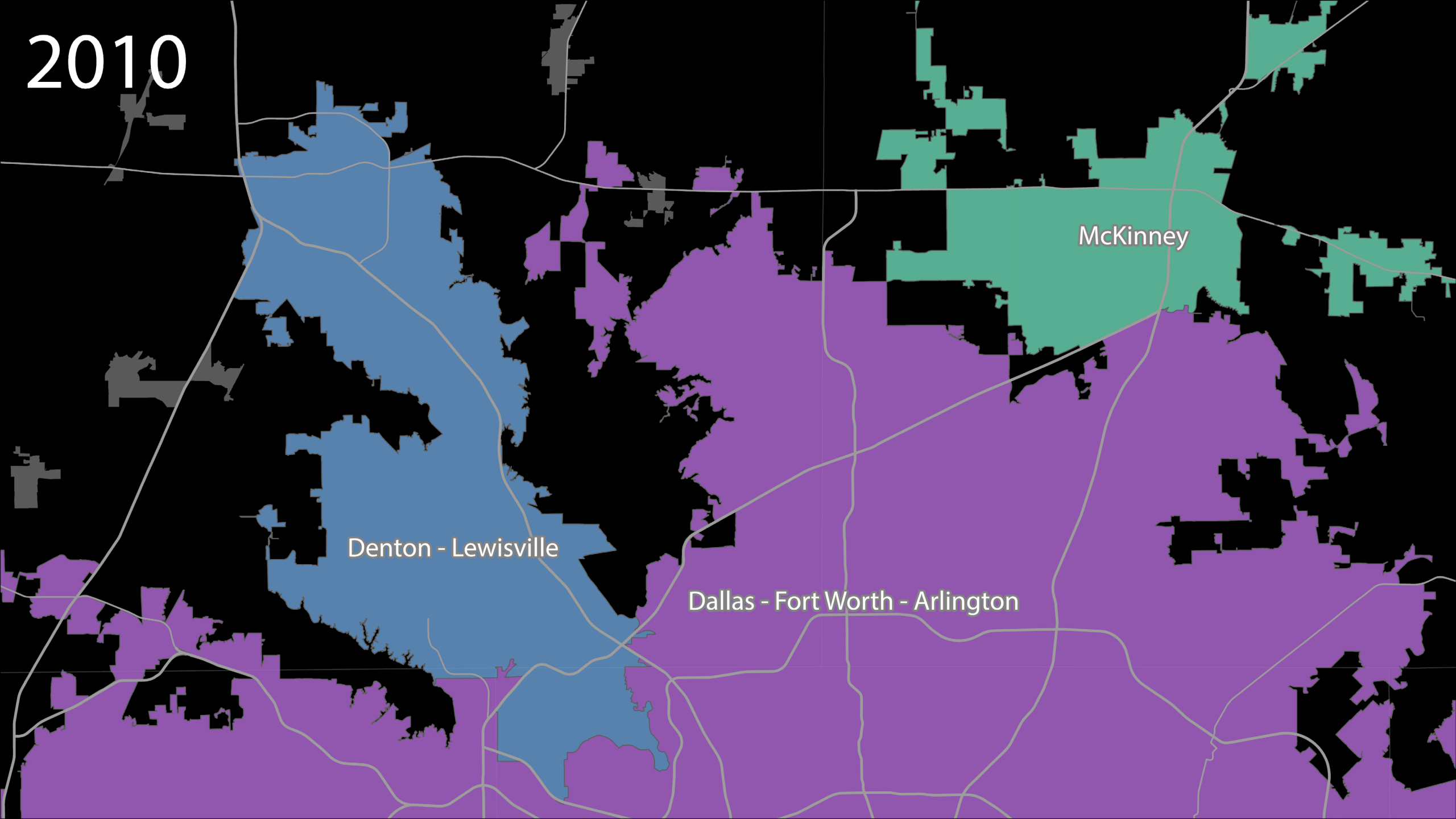- New commuter flow information from LODES data to refine boundaries between Urban Areas

2020

429,461

504,803

5,732,354
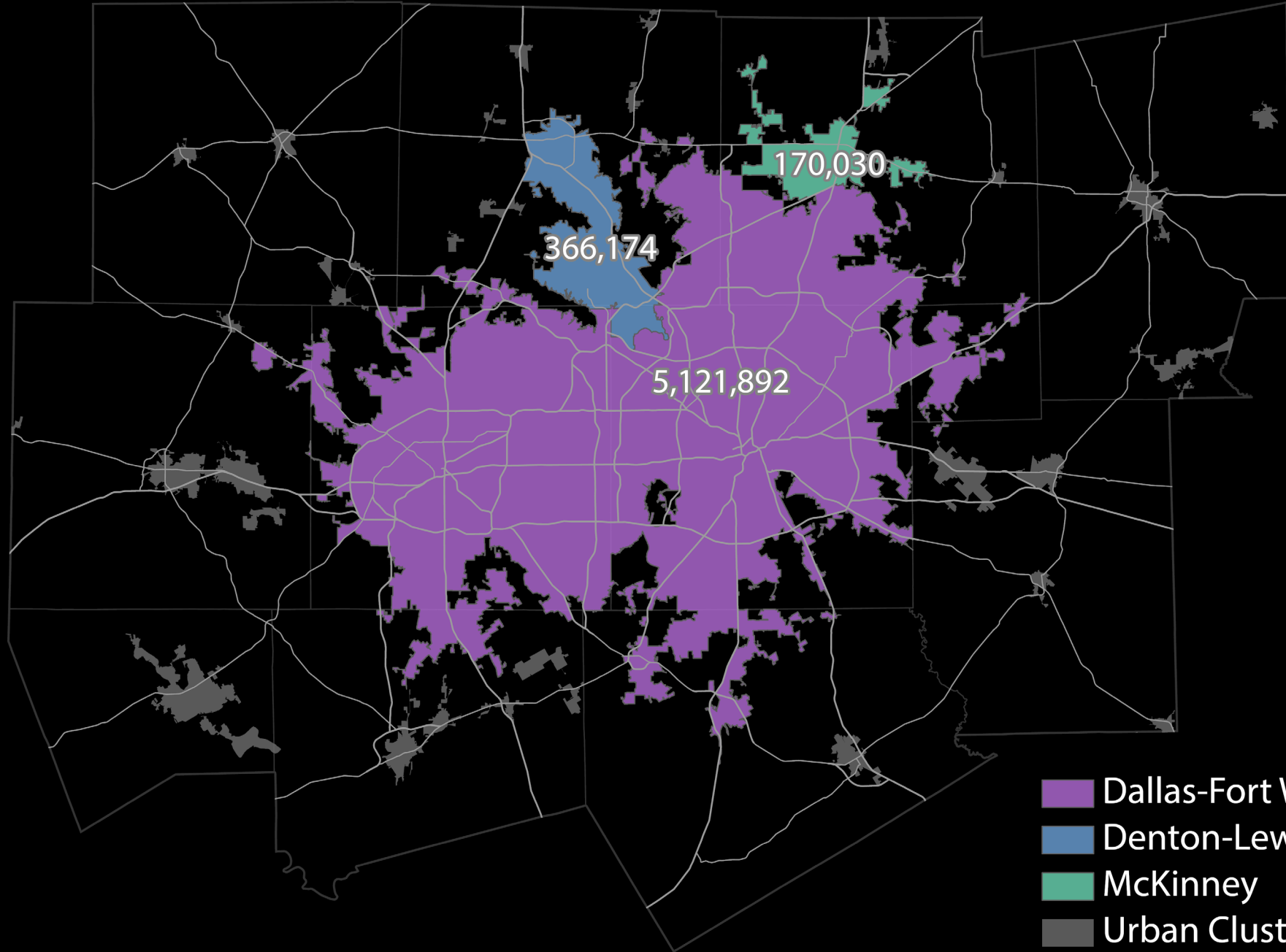
Dallas-Fort Worth-Arlington
Denton-Lewisville
McKinney-Frisco
Smaller Urban Areas

2020

McKinney - Frisco

Denton - Lewisville

Dallas - Fort Worth - Arlington

Results

- A slight increase the land area of the core 3 urban areas in the region despite continuing suburban growth
  - Continued growth counteracted by higher thresholds
- "McKinney" is now "McKinney-Frisco"
  - Has taken a sizable chunk of land that formerly belonged to the Dallas-Fort Worth-Arlington UA
- Several areas have been spun off on their own
  - Melissa and Princeton are no longer part of the McKinney-Frisco Urbanized Area
- Distinction remains between Dallas-Fort Worth-Arlington, Denton-Lewisville, and McKinney-Frisco Urbanized Areas

Statistics

Land Area (Square Miles)	2010	2020	% Change
Dallas-Fort Worth-Arlington	1,780.79	1,746.84	-1.91%
Denton-Lewisville	145.27	150.48	3.59%
McKinney(-Frisco)	74.08	151.65	104.71%
Total	2,000.14	2,048.96	2.44%

Population	2010	2020	% Change
Dallas-Fort Worth-Arlington	5,121,892	5,732,354	11.92%
Denton-Lewisville	366,174	429,461	17.28%
McKinney(-Frisco)	170,030	504,803	196.89%
Total	5,658,096	6,666,618	17.82%

Housing Units	2010	2020	% Change
Dallas-Fort Worth-Arlington	2,023,230	2,243,270	10.88%
Denton-Lewisville	140,280	166,497	18.69%
McKinney(-Frisco)	61,254	181,086	195.63%
Total	2,224,764	2,590,853	16.46%

Implications

- Significant implications for Metropolitan Planning Organizations (MPOs) and transportation planning
  - MPO formation and committee representation
  - Funding programs and funding allocations (Transit among others)
  - Transportation Management Area (TMA) designation
  - Federal performance measures
  - Functional classification
- Urban Areas > 50,000 population designated as "Urbanized Areas" (UZAs) for certain Federal Highway Administration (FHWA)/Federal Transit Administration (FTA) programs
  - Additional considerations for Urban/Urbanized Areas > 200,000 population

Questions?

- Census Bureau "Urban and Rural Designations":
  https://www.census.gov/programs-surveys/geography/guidance/geo-areas/urban-rural.html

- 2020 Census Qualifying Urban Areas and Final Criteria Clarifications (87 FR 80114):
  https://www.federalregister.gov/documents/2022/12/29/2022-28286/2020-census-qualifying-urban-areas-and-final-criteria-clarifications

- Urban Area Criteria for the 2020 Census-Final Criteria (87 FR 16706):
  https://www.federalregister.gov/documents/2022/03/24/2022-06180/urban-area-criteria-for-the-2020-census-final-criteria

- TIGERweb (Source for Census Bureau geographic data including Urban Areas):
  https://tigerweb.geo.census.gov/tigerwebmain/TIGERweb_main.html

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DFWMaps:

www.dfwmaps.com

Regional Data Center:

data-nctcoggis.opendata.arcgis.com

Relevant Federal Register Publications

- Census Bureau published final delineations of Urbanized Areas based on the 2020 Decennial Census to the Federal Register on December 26, 2022. (87 FR 80114)
  - Preceded by publication of:
    - Proposed delineation criteria and associated request for comments on February 19, 2021. (86 FR 10237) (90-day comment period was open February 19, 2021 to May 20, 2021.)
    - Final delineation criteria on March 24, 2022. (87 FR 16706)

- Census Bureau published final delineations of Urbanized Areas based on the 2010 Decennial Census to the Federal Register on March 27, 2012. (77 FR 18651)
  - Preceded by publication of:
    - Proposed delineation criteria and associated request for comments on August 24, 2010. (75 FR 52173) (90-day comment period was open August 24, 2010 to November 22, 2010.)
    - Final delineation criteria on August 24, 2011. (76 FR 53029)
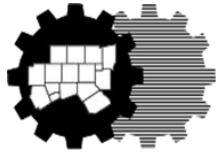
2023 TRANSIT FUNDING UPDATES

LUKE OFFEN, TRANSPORTATION PLANNER

ALLYSHA MASON, SENIOR TRANSPORTATION PLANNER

INFRASTRUCTURE INVESTMENT AND JOBS ACT

- Signed into law by President Biden on November 15, 2021

- Five-year Surface Transportation Reauthorization generally referred to as the Bipartisan Infrastructure Law

- Authorized $1.2 Trillion total in spending from Fiscal Years 2022-2026
  - Up to $108 billion authorized to support public transportation programs

- Significant funding increase for public transportation; expands current programs and requirements; and creates new requirements and competitive funding opportunities

NOTABLE PROGRAM CHANGES

- **Urbanized Area Formula Program**
  - New requirement of .75% of large Urban Area apportionment towards safety-related projects
  - Approximately 2.9% increase from FY22 to FY23
  - Approximate average annual increase of 2.4%

- **Enhanced Mobility of Seniors and Individuals with Disabilities**
  - No major changes
  - Approximately 3.1% increase from FY22 to FY23
  - Approximate average annual increase of 2.1%

- **State of Good Repair**
  - No major changes to formula component
  - Approximately 1.7% increase from FY22 to FY23
  - Approximate average annual increase of 2.4%

- **Bus and Bus Facilities**
  - Encourages the use of innovative procurement tools, such as cooperative procurements or state cooperative procurements
  - Approximately 2.8% increase from FY22 to FY23
  - Approximate average annual increase of 2.4%

FY2023 AND BEYOND

- FY2023 apportionment made available using 2010 census data

    - Staff will use the same methodology as previous years

- FY2024 apportionment will utilize 2020 census data

    - Staff will work to incorporate 2020 census data into allocation methodology

    - Allocation methodology not anticipated to deviate from federal formula

- Proposed changes to allocation methodology will be presented for feedback to impacted providers

    - Updated allocation methodology will go through committees for approval

NEXT STEPS

Item[1]	Tentative Date[2]
Updated Urban Areas Posted	January 2023
Staff updates allocation methodology	Spring 2023
Provider peer review	September 2023
NCTCOG staff peer review	October 2023
Allocation methodology finalized	November 2023
Updates to Program Management Plans	December 2023
Surface Transportation Technical Committee approval	January 2024
Regional Transportation Council approval	February 2024

[1]Staff will coordinate with impacted providers throughout the process
[2]Dates subject to change

KEYS TO FORMULA FUNDS

- Focus on National Transit Database reporting
  - More service provided and reported in the urbanized area = More urban funds for the region

- Plan ahead on how formula funds will be used for urban services
  - Ensure financial resources are proportionate to the federal funding requested
  - Ensure a local match is in place for the federal funding requested

- NCTCOG requirements to continue receiving formula funds
  - Work with your Project Managers to develop your Program of Projects
  - Submission of annual audits
  - Adequate financial controls carried out by qualified personnel with checks and balances in place

- Federal Transit Administration (FTA) requirements must be met to continue receiving formula funds
  - FTA's Certifications and Assurances
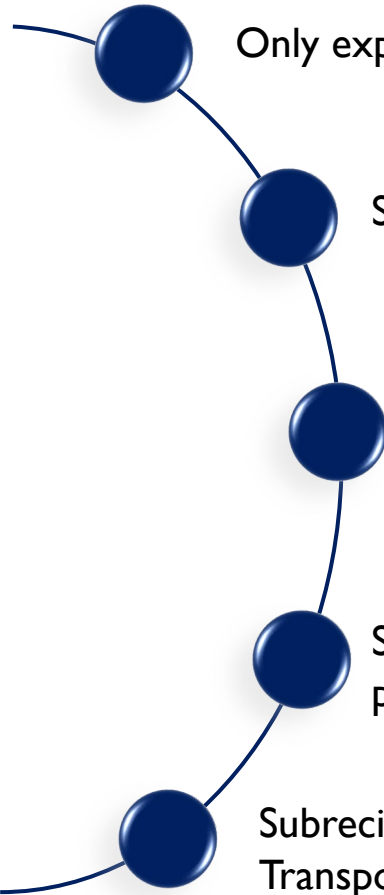 - Direct recipients can reach out to their FTA contact for further information

PROGRAM OF PROJECTS (POP) DEVELOPMENT

- What is POP Development?

  - Process by which NCTCOG works with traditional transit providers to determine funding needs based on current funding levels and expenditures

  - Traditional Transit Providers – agencies providing public transportation services and recognized by the state as rural or urban transit providers

  - NCTCOG staff review funding requests and work with providers to accommodate those requests within the confines of the current year apportionment in accordance with applicable regulations

- Per NCTCOG's Regional Transportation Council policy, small provider needs will continue to be met first, with the transit authorities receiving the remainder of the funds

- Awarded funding will be communicated through the Split Letter sent out by NCTCOG

  - Split Letter – notifies FTA of the allocation of formula funds

KEYS TO POP DEVELOPMENT

Only expenses attributable to the urbanized area are eligible

Single Split Letter Process

Subrecipients: Requests should account for capital expenditures through 2024

Subrecipients: List of anticipated procurements will need to be submitted before award if requesting funding for project administration and capital projects

Subrecipients: Procurement timelines, 3-5-year Capital Improvement Plans, and Architectural statements for Intelligent Transportation Systems projects

POP DEVELOPMENT SCHEDULE

Activity	Timeframe/Deadline
2023 Apportionment Published	January 27, 2023
Prepare Sub-Allocation Tables and Matrices	March – April 2023
2023 POP Development	**May 2023**
Submit Proposed POPs	June 2023
POP Review	June – Early July 2023
November 2023 TIP Cycle Due Date	**July 28, 2023**
Public Meeting	September 2023
RTC Action of November TIP Cycle	**October 12, 2023**
Executive Board (Action Item)	**October 25, 2023**
2023 Apportionment Split Letter	**Mid December 2023/Early January 2024**

- [FTA Grant Program Information](#)

- [2 CFR 200](#)

- [TIP Webpage](#)

- [TIP Modification Cycle Schedule](#)

- [TrAMS Guidance and Training](#)

- [Scope and Activity Line Item Codes](#)

- [Strategic Partnerships](#)

- NCTCOG Staff

- FTA Staff

HELPFUL RESOURCES

TRANSIT FUNDING AND REPORTING CONTACTS

Luke Offen

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Senior Transportation Planner

Transit Management and Planning

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Invoicing and Closeout Reminders

Invoicing Reminders

Labeling
- Identify the appropriate agreement number
- Include the time period expenses were incurred
- Identify expenses incurred by budget category
- Include the appropriate reimbursement amount being requested

Breakout of Multiple Funding Sources
- If a comprehensive invoice for multiple funding programs is submitted, request amounts should be delineated by funding program and all supporting documentation must be properly labeled with corresponding agreement numbers

Performance Period
- All expenses must be incurred on or before the contract end date.

Communication
- Call us with any questions or concerns
- Anticipate COG communication following initial reviews
- Please respond quickly when additional documentation is requested
    - 3rd Party Procurement

Process
- Detailed process to follow all guidelines
- COG is working to get your maximum reimbursement
- Additional research is sometimes needed to find the proper solution

How Can Service Providers Support Grant Closeout?

Project Completion	Fully Expended	Final Deliverables
Advise NCTCOG if the project is completed prior to the contract end date	Advise NCTCOG if you do not intend to spend all allotted funding	Provide final payment requests including final reports and deliverables, as indicated in the contract to NCTCOG withing 60 days of project completion

Thank You

- NCTCOG appreciates your partnership and looks forward to continuing to partner with you in the future!

Procurement, Contract, & Risk Compliance

Annual Transit Provider Meeting | February 16, 2023

Emily Beckham, Program Manager

Legal Services

Agenda

Top Procurement & Contract Compliance Concerns

Required Contract Clause Updates

Risk Assessments

Training & Resources

Top Procurement & Contract Compliance Concerns

Independent Cost Estimate

Missing or inadequate documentation to support procurement action

Missing Required Clauses

Missing Pre-approval

Independent Cost Estimate

Purpose of ICE: Done before solicitation to determine estimation of what the item or service "should" cost, helps determine procurement methodology.

Different Methodologies for ICE:

- Historical pricing information from previous contracts awarded
  - Utilize appropriate inflation rate to bring to current consumer price index
- Comparable purchases by other agencies
  - Utilize contract award amount versus independent cost estimate for project
- Independent third-party estimates

Independent Cost Estimate

- Only use <u>one</u> methodology as an element for ICE.

- Provide sufficient documentation to clarify any "grey" areas and to add as much detail about the methodology as possible.

- Ensure comparison is of similar data and information.

Missing or Inadequate Documentation

Procurement files must include documentation to show procurement steps or compliance checks were completed:

- Written Procurement History: should include details on procurement method, contract type, contract or selection, cost/price, reasonability documentation

- Historically Underutilized Business: ensure documentation is included that demonstrates notification to HUB firms and/or documents a search of Texas Comptroller website did not produce firms related to solicitation

- Debarment/SAM.gov check: ensure documentation includes a print screen or print out of results from debarment checks completed in sam.gov
  - This should be completed in advance of contract or amendment execution

Missing or Inadequate Documentation

- Price Analysis: used to determine the reasonableness of prices once bids have been received. Should be compared to the original ICE.
  - 6 Methodologies for acceptable price analysis:
    - Adequate price competition (2 or more price proposals received)
    - Prices set by law/regulation
    - Established catalog/market prices (items are commercial in nature, sold in substantial quantities)
    - Comparison to previous purchases
    - Comparison to valid Grantee Independent Estimate
    - Value analysis (comparing item and function it performs to determine worth)

Missing or Inadequate Documentation

- Organizational Conflict of Interest: demonstrate sufficient review done to verify no organizational conflicts of interest exist.   Organizational conflicts of interest should address Contractor relationships, not only Agency Procurement personnel. Examples include:
  - Contractor isn't impartial or unable to provide objective assistance due to other relationships or contracts
  - Contractor did not have an unfair competitive advantage through access to information during the performance on an earlier contract
  - Contractor did not have unbiased ground rules through the conduct of an earlier procurement transaction developing specifications/evaluation factors/etc.

Missing Required FTA, Federal, or State Clauses

Ensure all Federal, Federal Transit Administration (FTA), and State clauses are included in solicitations and contracts.

- 2 Code of Federal Regulations 200 (2 CFR 200)
  - Prohibition on Certain Telecommunications and video surveillance services or equipment (2 CFR 200.216)
  - Domestic Preference for Procurements (2 CFR 200.322)
  - Negotiation of Profit as a Separate Line Item of Cost
    - Required When Procurement above $250,000 and in all cases a cost analysis is done.
- Template Language
- Template Certification Form Prohibition on Telecommunications

Required Provisions in 2 CFR 200

* denotes required FTA provision

Provisions

Termination for Cause/Convenience/Default*	Davis-Bacon Act*
Equal Employment Opportunity*	Contract Work Hours and Safety Standards Act
Clean Air Act*	Rights to Inventions Made Under a Contract or Agreement
Federal Water Pollution Control Act*	Procurement of Recycled Materials
Energy Efficiency*	Records Retention/Access to Records*
Copeland "Anti-Kickback" Act*	Negotiation of Profit as a Separate Line Item
Byrd Anti-Lobbying Amendment*	Debarment and Suspension*
Prohibition on Chinese Telecommunications	Domestic Preference

Missing Required FTA, Federal, or State Clauses

- FTA clauses
  - Utilize the Contract Clause Matrix to Determine FTA Required Clauses (FTA C 4220.1F Appendix D-4)
  - If ICE or Contract is within $10,000 of threshold, recommend adding in required clauses above the threshold.
    - Ex: ICE is $20,000 recommend including Debarment & Suspension which is required for contracts greater than $25,000
    - Ex: ICE is $95,000 recommend including clauses required for contracts greater than $100,000
- State clauses
  - Boycotting Israel, Firearm/Ammunition, and Energy Companies

Missing NCTCOG (Pre-)Approval

Procurement Actions that require NCTCOG approval:

- Procurements over $10,000
    - Pre-approval prior to issuance of a solicitation
    - Pre-approval prior to execution of contract
    - During invoice review to ensure follow-up/outstanding items have been resolved
- All sole source awards, including:
    - Solicitations that result in one-bid
    - Optional renewals upon completion of base contract
    - Software license renewals
    - Award to firm with no underlying solicitation

Documentation for Sole Source Award Approvals

Documentation to submit with sole source for review:

- Independent Cost Estimate

- Sole Source Justification

- Debarment/Suspension Check

- Contract or Contract Amendment

Training & Resources

FTA Procurement Training

- In-Person National Transit Institute Trainings
  - Fort Worth Trainings
    - March 27-30, 2023
    - June 26-29, 2023

Templates/Examples

- Prohibited Telecommunications Contract Language & Certification Form
- Domestic Preference Language

Risk Compliance

Agency Baseline Risk Assessment Process:

- Last year subrecipients completed the new agency baseline risk assessment process.
- Annual agency baseline risk assessments will be coming out again this year
  - Process same as last year
  - Anticipated timeframe for release is April
  - Financial information and other documentation will be submitted to Agency only once
  - PDF copy of questionnaire available upon request

Questions

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