

AGENDA

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



FY 2023 FTA Triennial Review Update

BOBBY GOMEZ

February 16, 2023

Contents

Overview

Common Triennial Review Findings

Timeline

Subrecipient Oversight Program

Questions



Image Provided By Getty



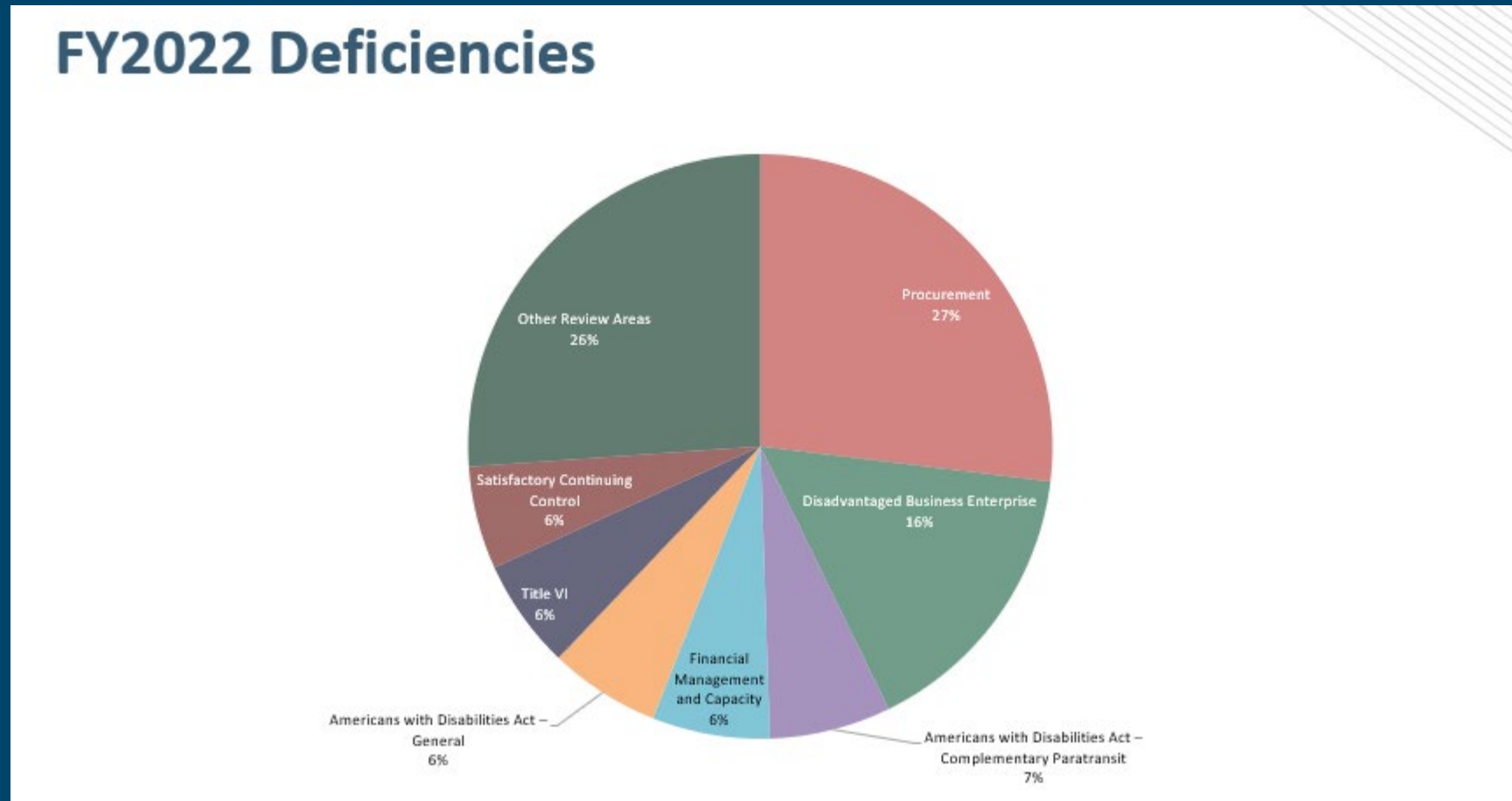
Overview

- 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

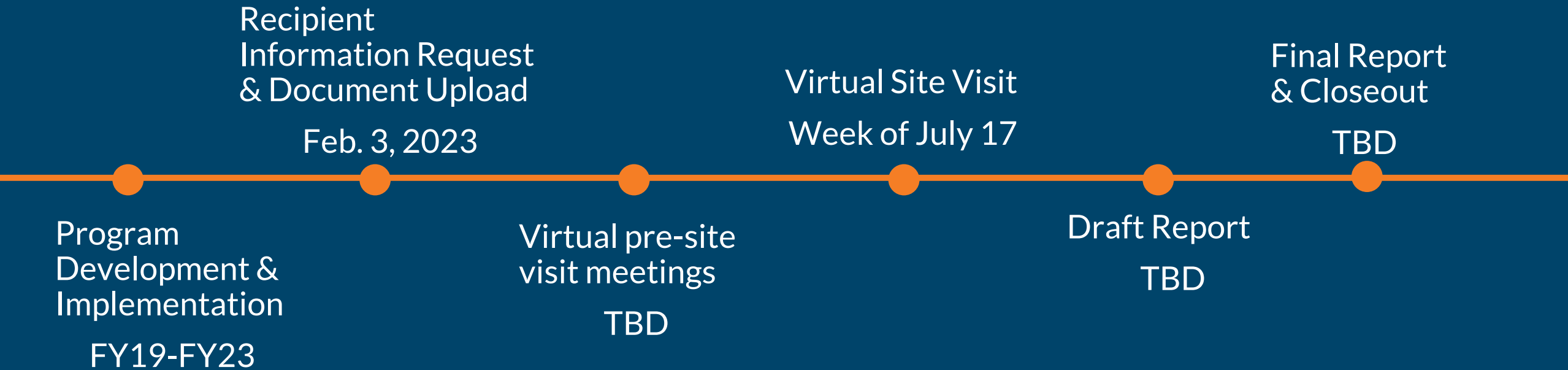


Data sourced from 2023 FTA Triennial Review Workshop

Data includes all deficiencies from Triennials performed in 2022



Timeline



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 Satisfactory Continuing Control Maintenance Sections 5307, 5310 Public Transportation Agency Safety Plan (PTASP) Americans with Disabilities Act (General & Complementary Paratransit) Drug and Alcohol Program	Technical Capacity – Program Management and Subrecipient Oversight Technical Capacity – Project Management Procurement Disadvantaged Business Enterprise Title VI Equal Employment Opportunity	Legal Financial Management and Capacity School Bus Charter Bus Drug-Free Workplace Act	Technical Capacity – Award Management Section 5311 Cyber Security

*Sections may be reviewed by other means as needed



The background image shows the interior of a bus, viewed from the back looking towards the front. It features rows of blue seats with yellow handrails and vertical poles. The image is overlaid with a semi-transparent blue filter.

Questions?

CONTACT US



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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?

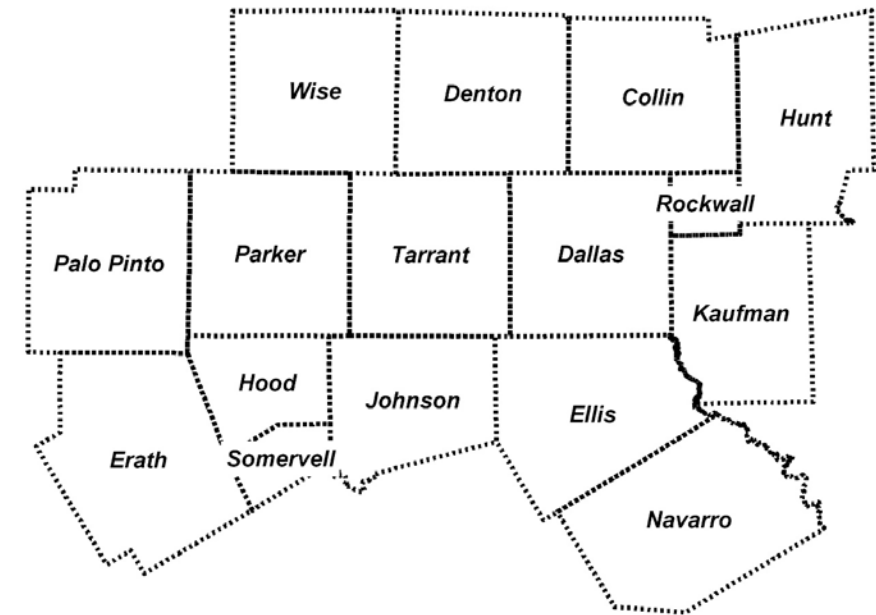
Regional public transit-human services transportation plan to:

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

Specify strategies to:

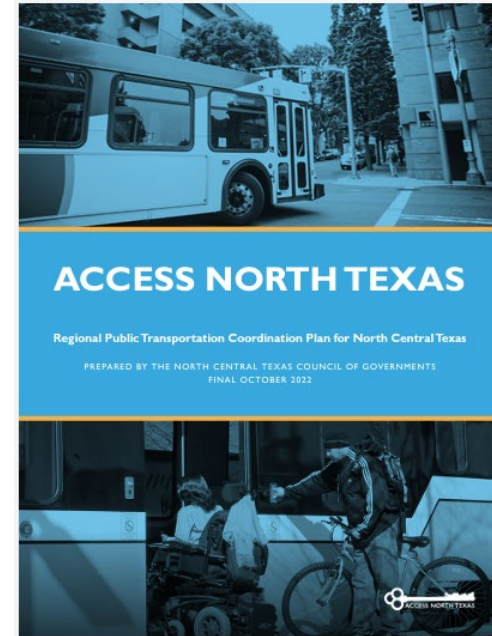
- *Address needs and current challenges*
- *Eliminate gaps in service*
- *Avoid duplication of transit services*

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



ACCESS NORTH TEXAS 2022 PLAN

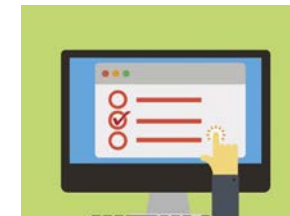
- Regional Transportation Council adopted the last update in 2022; Updates are required every 4 years for our region
- May be used to guide funding and project implementation decisions
- Differences from the 2018 Access North Texas Plan
 - Created regional Get-A-Ride Guide, identifying existing transportation resources
 - Developed new regional goals and prioritized county strategies
 - Utilized various outreach methods to connect with the public, transit agencies, and stakeholders



Virtual Meetings



Survey



Map Your Experience



ACCESS NORTH TEXAS GOALS AND STRATEGIES



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

ACCESS NORTH TEXAS – ANNUAL REPORTING



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?



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
☐	☐	☐	☐



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



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



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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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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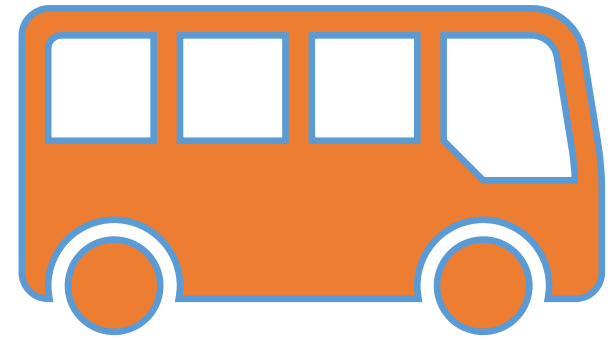
AARP Community Challenge Grant Program



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?

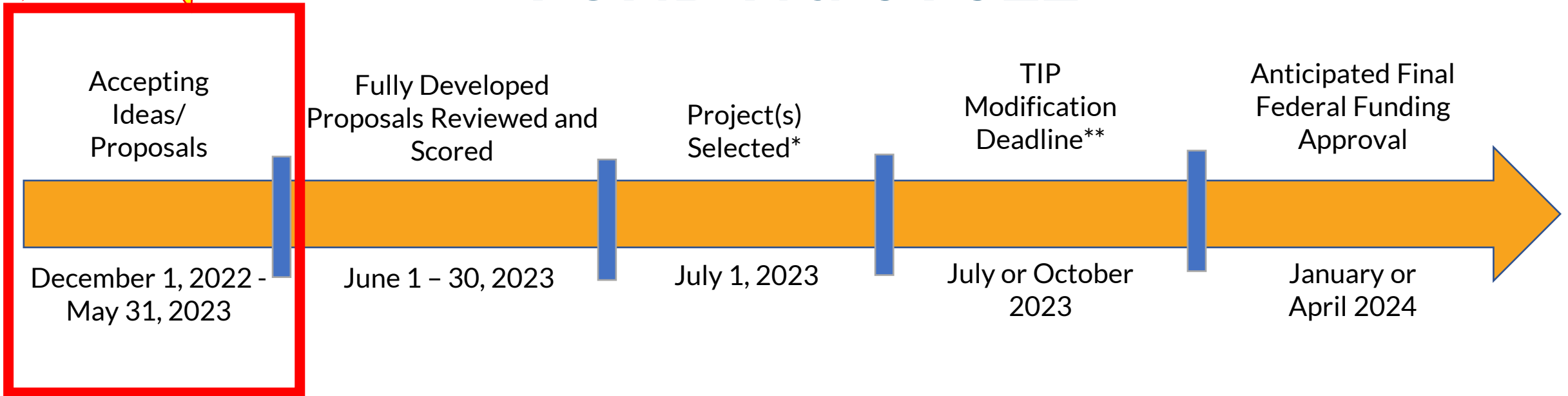
Accessibility

- How will the proposed project improve accessibility?



TRANSIT STRATEGIC PARTNERSHIPS PROGRAM FUNDING CYCLE

Now accepting
ideas/proposals!!



* 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

AARP COMMUNITY CHALLENGE GRANT PROGRAM

Virtual Info Session:
February 15 @ 2p.m.
[Link to register](#)

- 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 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.	<i>New in 2023!</i> CAPACITY-BUILDING MICROGRANTS Microgrants will combine grant dollars with additional technical assistance resources and AARP publications.	<i>New in 2023!</i> DEMONSTRATION GRANTS 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 <i>(funding sponsored by Toyota Motor North America)</i> 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



2020 Census Urban Areas

February 16, 2023

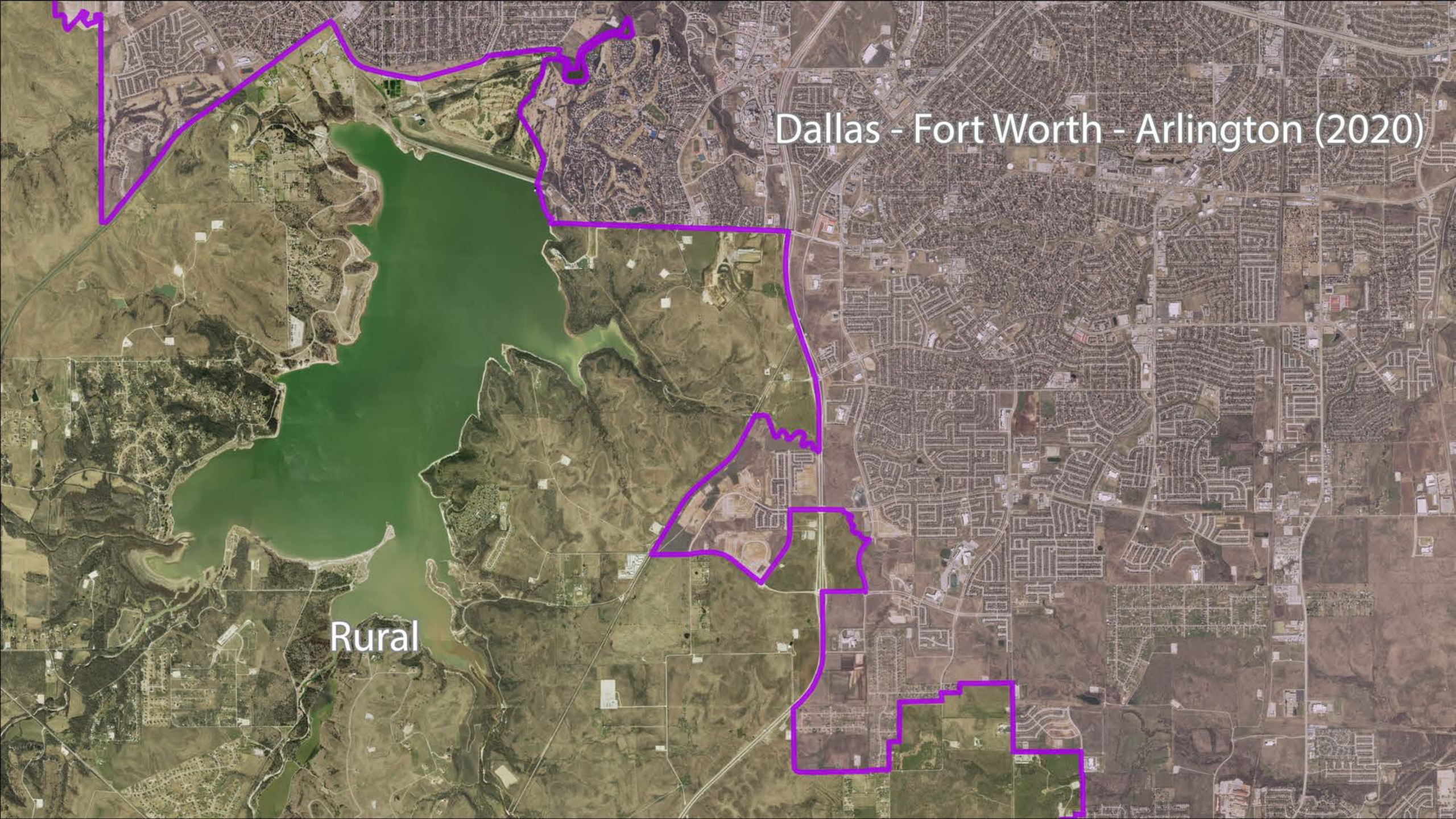
NCTCOG 2023 Annual Transit Provider Meeting

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)

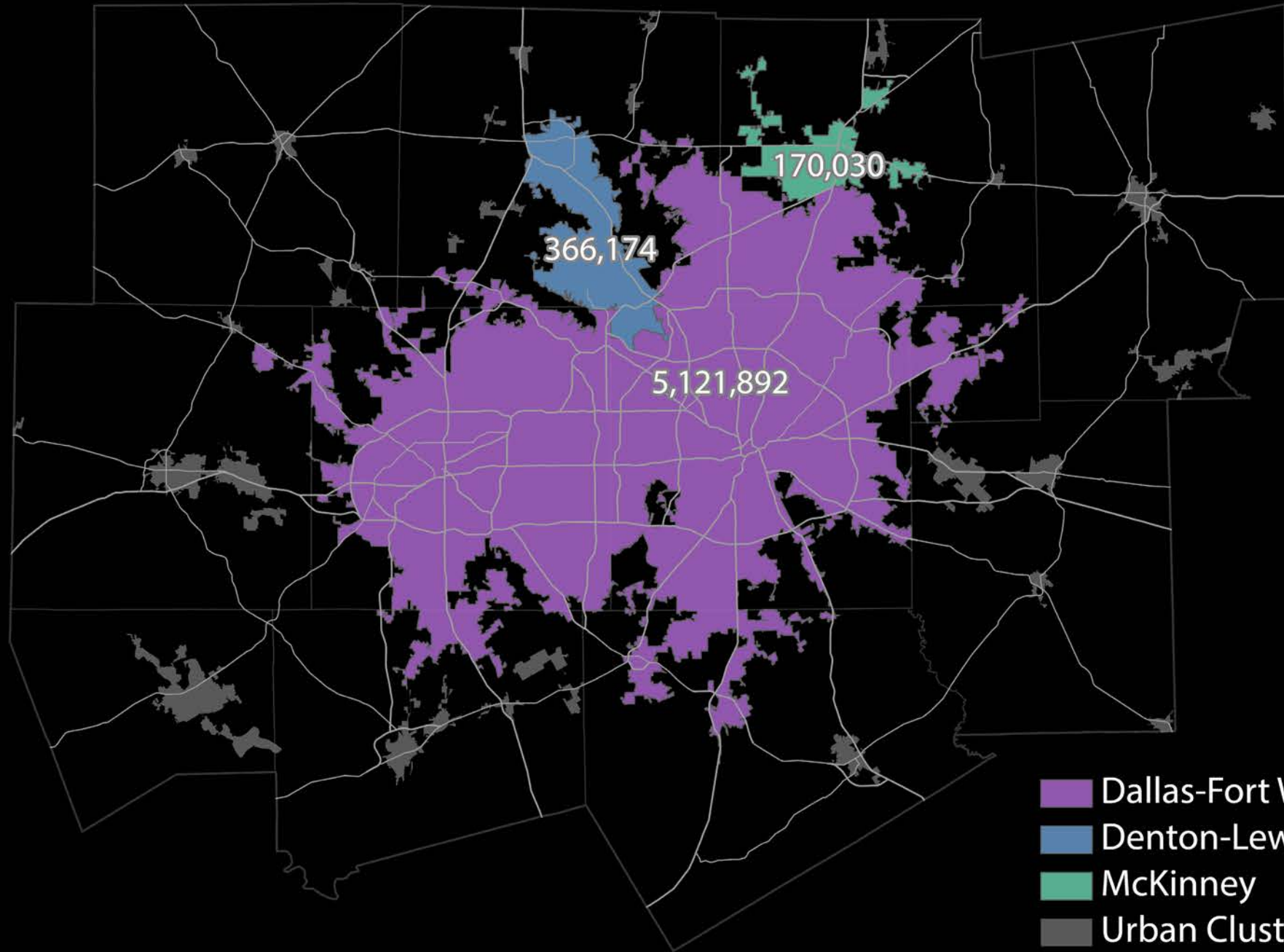
Rural



Criteria Changes Between 2010 and 2020

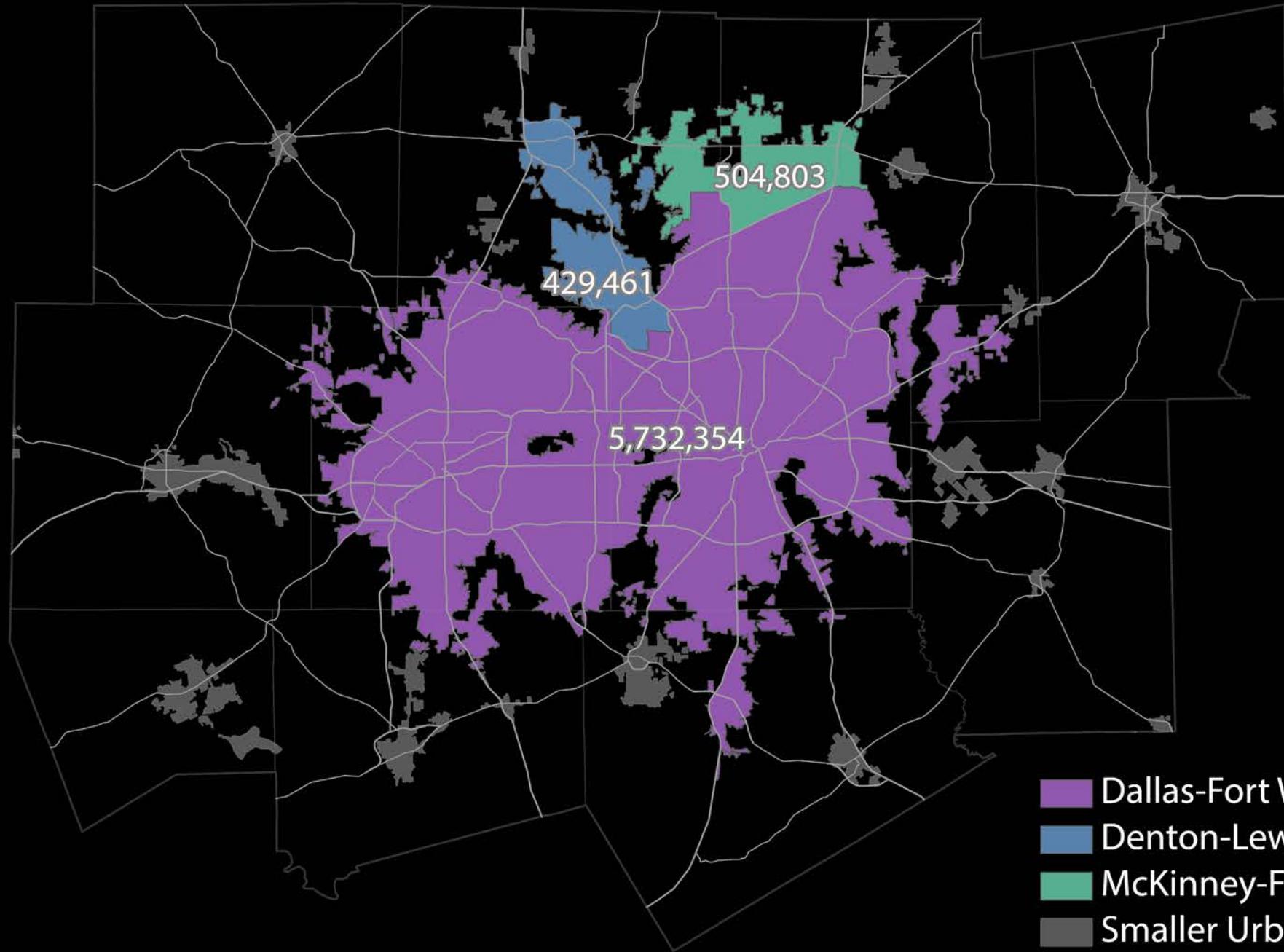
- No more distinction between Urban Clusters and Urban Areas
- Increased population and household thresholds used to define an area as “urban”
 - >5,000 in population or,
 - >2,000 housing units
- A decrease in the “jump distance” used to connect discontinuous areas of urbanization into a single urban 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

2010



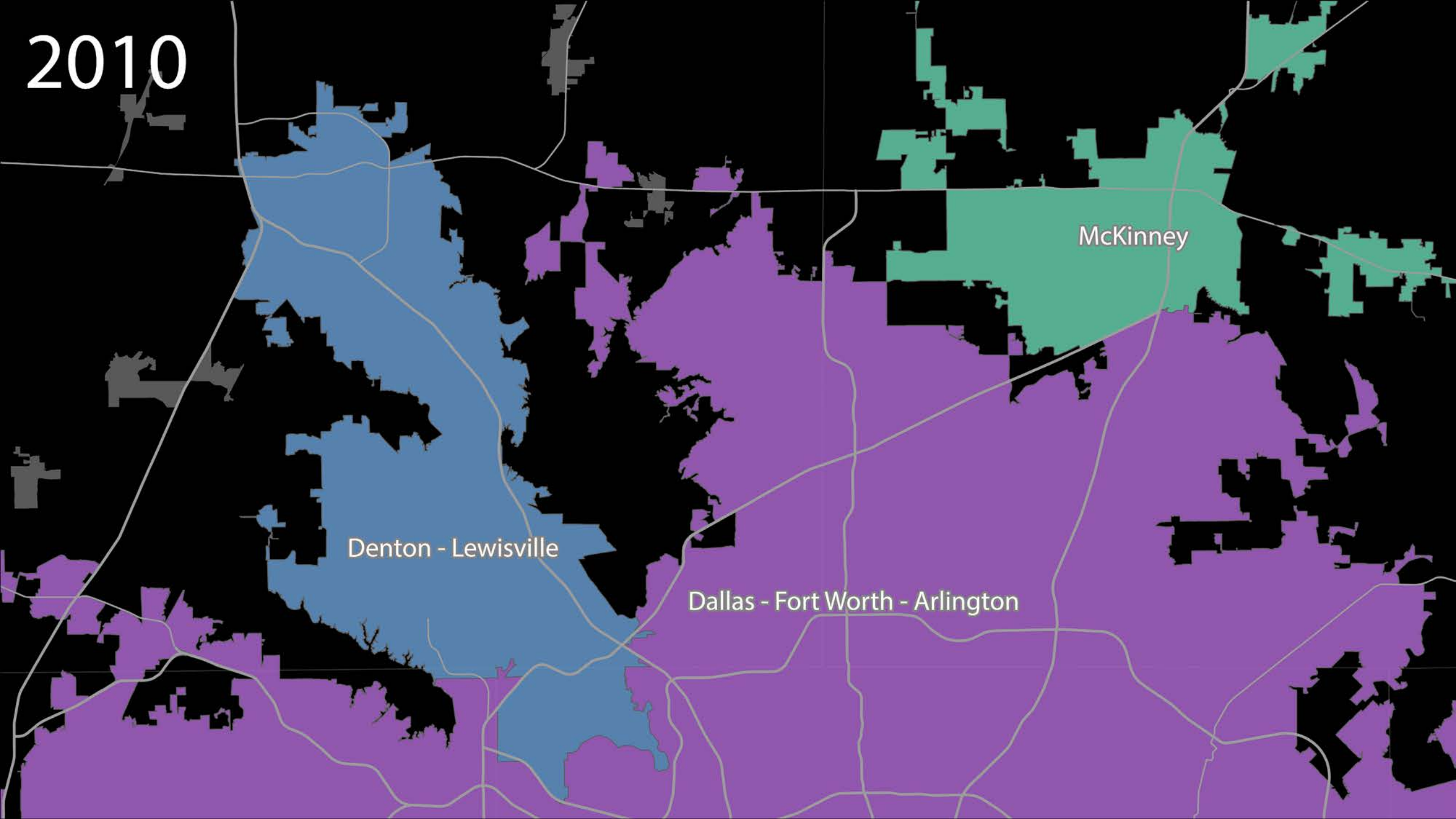
- Dallas-Fort Worth-Arlington
- Denton-Lewisville
- McKinney
- Urban Clusters

2020

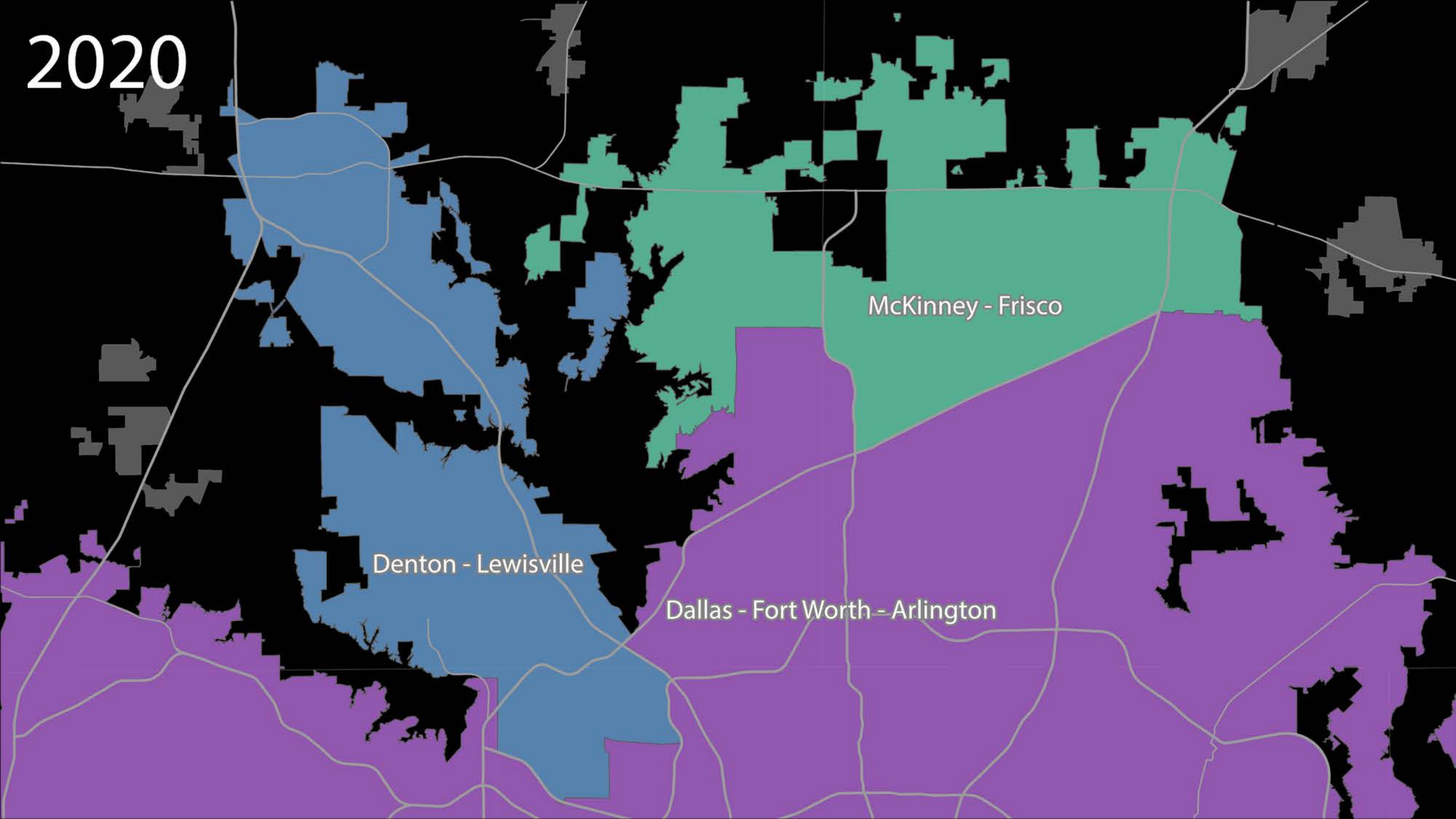


- Dallas-Fort Worth-Arlington
- Denton-Lewisville
- McKinney-Frisco
- Smaller Urban Areas

2010



2020



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

<u>Land Area (Square Miles)</u>	<u>2010</u>	<u>2020</u>	<u>% Change</u>
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%

<u>Population</u>	<u>2010</u>	<u>2020</u>	<u>% Change</u>
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%

<u>Housing Units</u>	<u>2010</u>	<u>2020</u>	<u>% Change</u>
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:

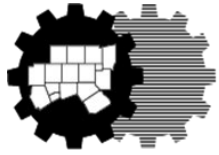
www.dfwmaps.com

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)



**North Central Texas
Council of Governments**

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

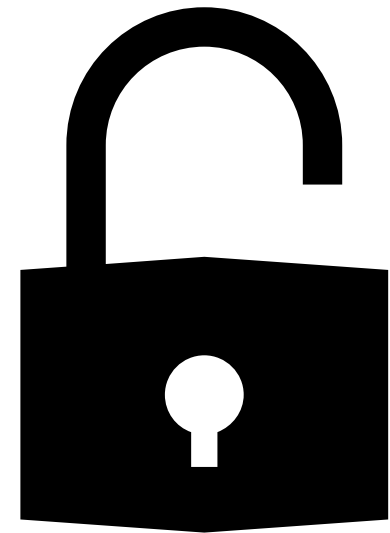
Item ¹	Tentative Date ²
Updated Urban Areas Posted	January 2023
Staff updates allocation methodology	Spring 2023
Provider peer review	September 2023
NCTCOG staff peer review	October 2023
Allocation methodology finalized	November 2023
Updates to Program Management Plans	December 2023
Surface Transportation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

¹Staff will coordinate with impacted providers throughout the process

²Dates subject to change

KEYS TO FORMULA FUNDS

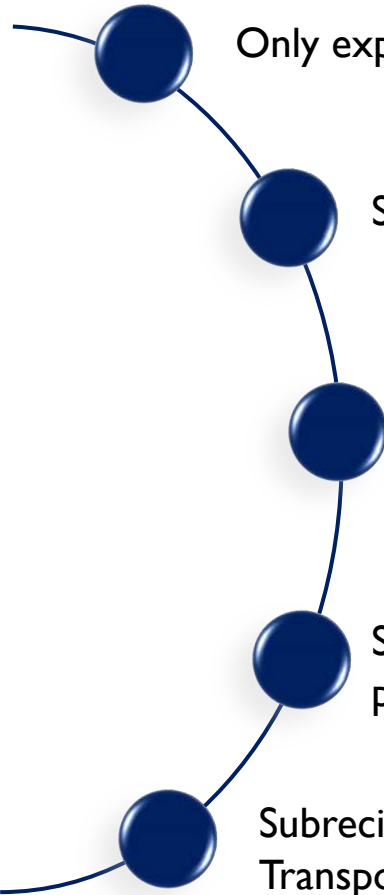
- Focus on National Transit Database reporting
 - More service provided and reported in the urbanized area = More urban funds for the region
- Plan ahead on how formula funds will be used for urban services
 - Ensure financial resources are proportionate to the federal funding requested
 - Ensure a local 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

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Allysha Mason

Senior Transportation Planner

Transit Management and Planning

AMason@nctcog.org

Invoicing and Closeout Reminders



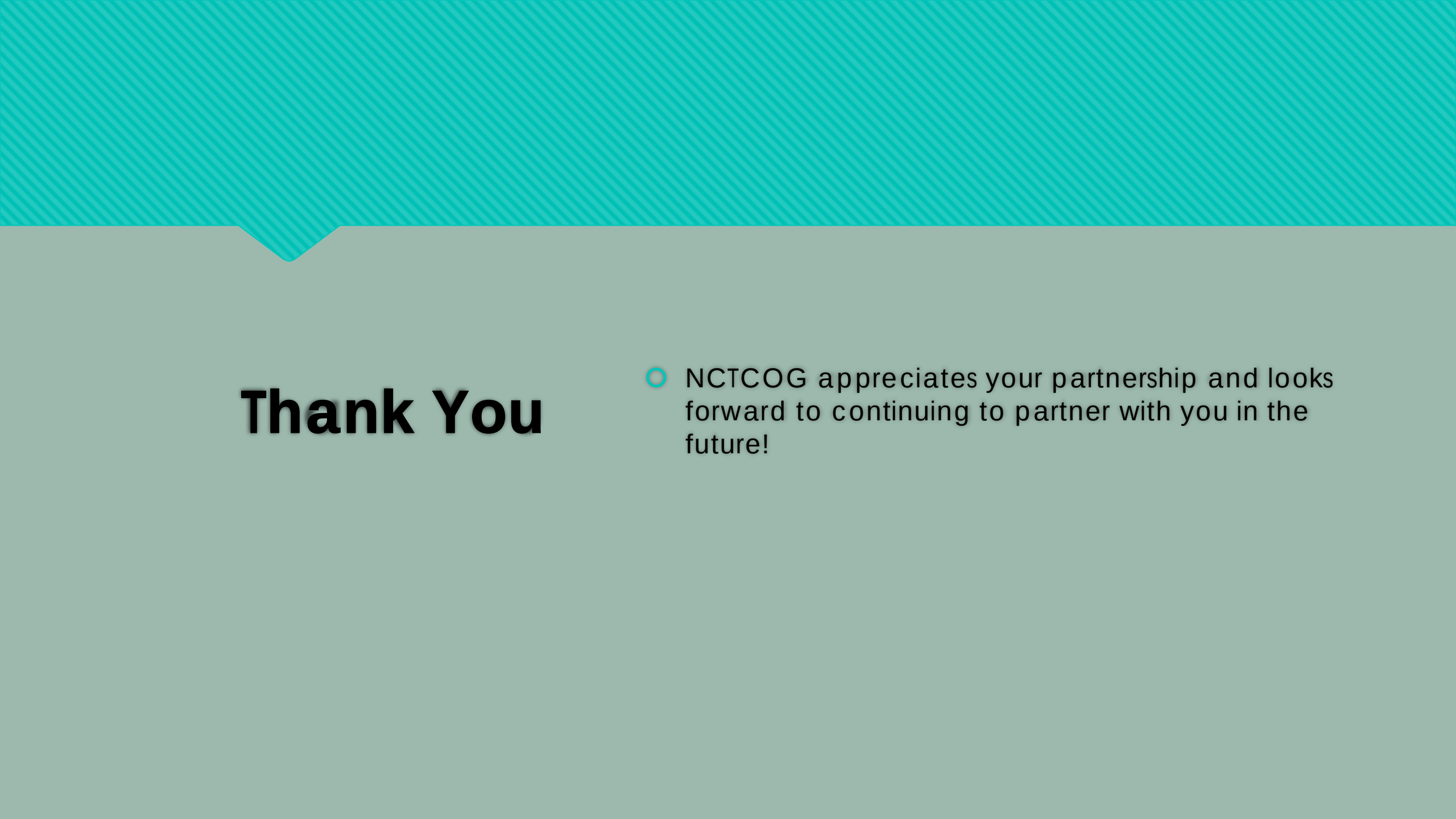
Invoicing Reminders

☐	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 one 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



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