



**Wyoming Department of Transportation**

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# **STATE MANAGEMENT PLAN**

**for: Federal Transportation Administration  
of Public Transportation Programs**

**December 2012**

**Office of Local Government Coordination – Transit**

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## State Management Plan

**GENERAL.** The State Management Plan (SMP) is a document that describes the State's policies and procedures for administering the State-managed portions of the FTA's § 5311 program. Guidance for topics required in the SMP is set forth in FTA *Circular 9040.1F*. The SMP provides an opportunity for review by stakeholders when it develops new plan or significantly revises an existing plan. The State may include the required SMP for § 5310, 5311, 5316 and 5317 programs in a single document or separate documents. WYDOT has opted to create a separate State Management Plan for each program.

**PURPOSE.** The SMP is intended to facilitate both State Management and FTA oversight by documenting the State's procedures and policies for administering the § 5311 program in a single reference. At a minimum, this document must include the State's objectives, policies, procedures, and administrative requirements, in a form readily accessible to potential sub recipients, State staff, FTA, and the public.

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## Title VI Public Notice

Wyoming Department of Transportation's (WYDOT) is committed to ensuring that no person is excluded from participation in, or denied the benefits of, or be subject to discrimination in the receipt of its services on the basis of race, color, or national origin, or any other characteristics protected by law, including Title VI of the Civil Rights Act of 1964,, as amended. Further, under the Americans with Disabilities Act (ADA) of 1990, no entity shall discriminate against any individual with a physical or mental disability in connection with the provision of transportation services.

WYDOT requires all Public Transit sub recipients to post the above notice.

To obtain more information on sub recipient agency's nondiscrimination obligations or to file a complaint, contact the sub recipient agency (*local public transit provider*). A written complaint may be filed no later than 180 calendar days after the date of the alleged discrimination action.

Information on non-English alternative formats may be obtained from the sub-recipient agency (*local public transit provider*).

Any person, who believes, his/her Title VI protection has been violated, and who has filed a written complaint to the sub recipient agency (*local public transit provider*), may also file a complaint with WYDOT's Office of Equal Opportunity (OEO). For Title VI complaint information and advice, please contact WYDOT's Civil Rights Coordinator at: 307-777-4268; or on-line at:

[http://www.dot.state.wy.us/wydot/business\\_with\\_wydot/civil\\_rights](http://www.dot.state.wy.us/wydot/business_with_wydot/civil_rights)

To obtain information about this plan:

- Write WYDOT, Office of Local Government Coordination/Public Transit Unit, 5300 Bishop Blvd., Cheyenne, WY 82009-3340
- Fax questions to: 307-777-4759
- Phone: 307-777-4181 or 307-777-4384
- Email questions to: talbot.hauffe@wyo.gov or robert.rodriguez1@wyo.gov
- For electronic version of this plan, visit:

[http://www.dot.state.wy.us/files/content/sites/wydot/files/shared/Local\\_Government/Draft%20State%20Management%20Plan.pdf](http://www.dot.state.wy.us/files/content/sites/wydot/files/shared/Local_Government/Draft%20State%20Management%20Plan.pdf)

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## INTRODUCTION

Section 5311 of the Surface Transportation Assistance Act of 1982 authorized the Section 5311 Program. The Section 5311 program offers Federal assistance for public transportation in rural and small urban areas by way of a formula grant program to be administered by each state. Rural and small urban areas and nonurbanized areas mean any area outside an urbanized area. Urbanized areas consist of a core area and the surrounding densely populated area with a population of 50,000 or more. Section 5311 projects may include the transportation of nonurbanized residents to and from urbanized areas.

Program funds may be used for capital, operating and administration assistance to State agencies, local public bodies and agencies thereof, nonprofit organizations, Indian Tribes and groups, and operators of public transportation services in areas other than urbanized areas. Private for-profit operators are eligible to receive Section 5311 program funds through purchase of service agreements with any nonprofit public body.

## Definitions

When used in this plan, the meaning of rural areas and small urban area is as follows:

- **Rural area** - an area with low population and density outside the boundaries of an urban area. Rural areas are commonly referred to as all areas other than urbanized areas. In Wyoming, rural area includes all area outside the urbanized boundaries of Cheyenne and Casper.
- **Small Urban area** - is an urbanized area with a population of at least 50,000, but less than 200,000.
- **Urbanized area** - an area with a population of not less than 50,000 people that has been defined in the most recent decennial census as an “urbanized area” by the U.S. Census Bureau. Cheyenne and Casper or the only two Wyoming “urbanized areas”.

## Legal Authority

The FTA has the responsibility for national implementation of these funding programs: Title 49 USC § 5311 provides further program guidance in the circular listed below. The circular describe the intent of the programs and explains funding requirements. These requirements include program management and development of the *Wyoming State Management Plan*. Therefore, the contents of this plan must comply with the FTA circular as well as any other state requirements that are not in conflict with this circular.

- **Circular 9040.1F:** 49 USC § 5311, Nonurbanized Area Formula Program

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## Federal Program Goals

### 49 USC § 5311

FTA defines the goals of the § 5311 Program in Circular 9040.1E “to enhance the access of people in nonurbanized areas to health care, shopping, education, employment, public services, and recreation; assist in the maintenance, development, improvement, and use of public transportation systems in nonurbanized areas; encourage and facilitate the most efficient use of all transportation funds used to provide passenger transportation in nonurbanized areas through the coordination of programs and services; assist the development and support of intercity bus transportation; and provide for the participation of private transportation providers in nonurbanized transportation.”

Title 49 USC § 5311 (e) authorizes the State to use these funds for program administration and to provide technical assistance to grantees. Technical assistance includes project planning, program management, program development, coordination of mass transportation programs, and research to assist in effective delivery of mass transportation to nonurbanized areas.

Title 49 USC § 5311(f) requires the State to spend not less than 15 percent of the annual 5311 funding to develop and support Intercity Bus transportation, unless the Governor certifies to the U.S. Secretary of Transportation that the intercity bus service needs of the state are being adequately met. Eligible activities under the program include:

- Planning and Marketing for intercity bus transportation
- Capital grants for construction (i.e., intercity bus shelters)
- Vehicle purchase, rehabilitation, refurbishment, and wheel lift retrofit
- Equipment purchase
- Operating assistance

## Wyoming Funding Strategies

- **Preservation & Maintenance** - preserve and maintain prior investments in existing transportation facilities and equipment, and services they provide.
- **Safety** - ensure that equipment and vehicles operated in the delivery of transportation services has been adequately equipped and maintained to ensure safety to the transportation customer. Additionally, drivers, aides and dispatchers should receive and made available to regularly scheduled safety training to ensure the safety of the traveling public.
- **Sustainability** - ensure that public transportation services are financed in a manner that is sustainable reflecting short-term and long-range planning and budgeting. Additionally, public transit use also contributes to the nation’s goal of reducing the dependence on foreign oil.
- **Mobility** - facilitate the movement of public transit customers through the efficient use of transportation facilities and vehicles. Mobility management strategies include: inventorying



facilities and services, reduction of duplicative services, and education and awareness of available services and transportation connections.

- **Environmental Quality** - through the implementation of public transit services, contribute to the overall improvement of the communities' environmental quality. Public transit usage reduces the number of private vehicles; thus reducing carbon emissions.
- **Social and Cultural Vitality** - contribute to the social well-being of Wyoming communities through assisting with transportation mobility for all citizens, including: Seniors, persons with disabilities, persons of low income, students and individuals who are transit-dependent.
- **Economic Vitality** - contribute to Wyoming communities' vitality by offering alternative transportation and improving the overall transportation infrastructure. Public transit services which benefit employees and shoppers, improve retail activity of the State's communities.

***WYDOT uses the above Investment Strategies to guide the allocation of State and Federal Public Transit funds to maintain and improve the transportation mobility of its citizens.***

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## **PROGRAM MANAGEMENT**

The Governor of the State of Wyoming has designated the Wyoming Department of Transportation (WYDOT) as the agency responsible for administering the Section 5311 program. The Office of Local Government Coordination (hereafter referred to as LGC) has the day-to-day management responsibility for the Section 5311 program.

Others offices support the LGC in administering the Section 5311 program, including:

1. WYDOT Internal Review examines independent audits of subrecipients/grantees with more than \$500,000 per year to ensure that audit findings are resolved. They conduct the program review of subrecipients of projects that receive less than \$500,000 per year in federal funds.
2. WYDOT Office of Procurement Management secures statewide contracts for state and local government agencies to purchase items.
3. The State of Wyoming Office of the Attorney General reviews agreements between WYDOT LGC and subrecipients for compliance with state and federal requirements.
4. WYDOT Office of Federal Aid processes payment to vendors for vehicles procured for subrecipients. They also process the ECHO drawdown from FTA.
5. WYDOT's Civil Rights Program is responsible for the administration of the Title VI requirements which include: Limited English Proficiency, Environmental Justice, Affirmative Action Requirements, Americans with Disabilities, Prevailing Wage, Contract Compliance and the Disadvantaged Business Enterprise Program (DBE).

6. WYDOT and the Wyoming Department of Health (WDH) have entered into a Memorandum of Understanding in which each agency shares responsibility for the monitoring and compliance of Senior Centers throughout the state.

## **Program Goals and Objectives**

The Federal Transit Administration (FTA) defines the goals of the § 5311 Program in Circular 9040.1F “to enhance the access of people in nonurbanized areas to health care, shopping, education, employment, public services, and recreation; assist in the maintenance, development, improvement, and use of public transportation systems in nonurbanized areas; encourage and facilitate the most efficient use of all transportation funds used to provide passenger transportation in nonurbanized areas through the coordination of programs and services; assist the development and support of intercity bus transportation; and provide for the participation of private transportation providers in nonurbanized transportation.”

Title 49 USC § 5311 (e) authorizes the State to use not more than ten percent (10%) of these funds for program administration and to provide technical assistance to grantees. Technical assistance includes project planning, program management, program development, coordination of mass transportation programs, and research to assist in effective delivery of mass transportation to nonurbanized areas.

Title 49 USC § 5311(f) requires the State to spend not less than 15 percent of the annual 5311 funding to develop and support Intercity Bus transportation, unless the Governor certifies to the U.S. Secretary of Transportation that the intercity bus service needs of the state are being adequately met. Eligible activities under the program include:

- Planning and Marketing for intercity bus transportation
- Capital grants for construction (i.e., intercity bus shelters)
- Vehicle purchase, rehabilitation, refurbishment, and wheel lift retrofit
- Equipment purchase
- Operating assistance

## **Roles and Responsibilities**

### **State Administrative Roles and Responsibilities**

- Documenting the State’s administrative procedures in a State Management Plan.
- Notifying potential participants about program availability and soliciting applicants.
- Developing project selection criteria and implementing a competitive selection process.
- Reviewing project eligibility and selecting projects for approval.
- Submitting selected Transit projects for the State Transportation Improvement Program (S.T.I.P.).
- Developing and submitting an annual Program of Projects and FTA Grant Application via FTA’s T.E.A.M. system.
- Certifying eligibility of applicants and project activities.

- Preparing and processing Transit project agreements.
- Monitoring sub-grantees for program compliance, including all certifications and assurances.
- Providing technical and training assistance to sub-grantees.
- Overseeing the Mobility Management initiatives.
- Certifying that all projects funded with § 5310, § 5316 and § 5317 derive from a locally-developed, *Coordinated Public Transit –Human Services Transportation Plan*; developed through a collaborative effort of local public transit providers, private and non-profit transportation stake holders, human services providers and the general public.
- Submitting FTA required reports, including the National Transit Database (NTD) reporting for § 5311 subrecipients.

WYDOT’s monitoring process has WYDOT Transit Staff visit each of the subrecipients at least once every three years for inspections of their facilities and equipment to insure compliance with federal requirements. These site visits are supplemented by a Memorandum Of Understanding WYDOT has with the Wyoming Department of Health (WDH) wherein WDH contractors undertake the site inspections on behalf of Transit Staff at Senior Centers across Wyoming. Subrecipients are further monitored each month with scrutiny placed upon their monthly reports to assure regulatory compliance.

WYDOT’s site visits also inspect facilities and vehicles for incidental use. Subrecipients are encouraged to explore the potential of using federally funded transit assets when it can raise additional revenues for the transit system or, at a reasonable cost, enhance system ridership. **Any incidental use by a subrecipient MUST be approved by WYDOT in advance.** Any requested incidental use requested must be compatible with the approved purposes of the project and not interfere with intended public transportation uses of project assets. Prior WYDOT approval is required for incidental use of real property. The property must continue to be needed and used for an FTA project or program, and the incidental use cannot compromise safety or continuing control over the property. Incidental uses that do not conform are not allowed or discontinued.

WYDOT’s role in programs funding Capital purchase includes:

- Overseeing the purchase of vehicles and vehicle-related equipment.
- Ensuring that equipment purchased with grant funds meets required ADA, Civil Rights and Buy America provisions.

WYDOT’s responsibilities also include the following program specific elements:

### **§ 5311**

- Developing, implementing and maintaining a program of training and technical assistance, as provided in § 5311 (b) (3), Rural Transit Assistance Program (RTAP).
- Developing, implementing and maintaining a program, as provided in § 5311(f), Intercity Bus program.
- Plan for future transportation needs, and ensure coordination among transportation modes and providers.

## **Coordination**

In October 1998 and in March 2008, WYDOT hosted Wyoming Transit Summits to bring together representatives of diverse organizations and groups for the purpose of discussing the topic of coordination of transportation in the state and the concept of Mobility Management. The more recent 2008 Summit included participation of: United We Ride Regional Ambassador, FTA Regional Director and Staff members, Wyoming state agencies involved with Health and Social Services, numerous Wyoming public transit providers, and Colorado's CASTA and Colorado Front Range representatives.

Additionally, WYDOT has contracted for Mobility Management coordination services with the Wyoming Independent Living Resources (WILR) and Wyoming Services for Independent Living (WISL) as described in the Section entitled "Mobility Management". Both WISL and WILR assist local communities, transit providers and health & social service agencies in the development of community coordinated transportation plans.

An excellent example of this coordinated planning effort is currently underway in Laramie, Wyoming. The Eppson Senior Center, University of Wyoming, Laramie County Community College, Wyoming Technical Institute, Albany County and the City of Laramie have formed a partnership aimed at determining the feasibility of a Laramie Area Transit Authority. The goals of this partnership are the identification of organizational steps, roles of each entity, goals, strategies and objectives, funding requirements, capital equipment needs, service areas, and needs of potential riders.

WYDOT has entered into a Memorandum of Understanding (MOU) with the Wyoming Department of Health (WDH) to accomplish the federally mandated oversight for both the WYDOT and the WDH public transportation programs. The MOU is a mutual agreement for WDH to administer WYDOT's site visit monitoring checklist to its subrecipients that also receive Federal funding for social services programs.

Similar efforts are underway or have been completed in other areas of the state.

## **Eligible Subrecipients**

### **§ 5311 - Non-urbanized – Rural Area**

The following entities are eligible to receive § 5311 capital and operating assistance:

- State agencies approved by WYDOT
- Municipalities and Counties and operating under their authority
- Joint Powers Boards and Transportation Authorities – created per enabling State legislation
- Tribal governments
- Private non-profit organizations
- Private for profit organizations (intercity bus program only)

WYDOT does not allow for-profit operators to apply directly for § 5311 – with the exception of the Intercity Bus program; such enterprises, however, may subcontract for such services with any of the above listed sub-grantees.

## **Eligible Services And Service Areas**

Eligible recipients for the above itemized programs must identify, in the project application (§ 5311) the geographic service area or a map depicting their respective areas of service. Such service area should be reflective of the resource level of the program, to include vehicle fleet capabilities. Service areas for rural transit providers may include public transportation into and out of small urban and urbanized areas; however, rural projects may not provide service exclusively within a small urban or urbanized area. Service area determinations should conform to the community's Coodinated Transportation-Health and Social Services Plan, and have a public participation component.

Funding requests for Federal and State funding must be reflective of the level of service and service area of the applicant.

## **Eligible Assistance Categories**

### **CAPITAL COSTS**

Capital equipment expenses include the acquisition, construction, and improvement of facilities used for public transportation purposes, including vehicles and related equipment. Capital equipment is limited to items that have a value > \$5,000 and a useful service life of one year.

Transit Vehicle useful service life is a function of the type of vehicle.

<b>Vehicle Type</b>	<b>Useful Service Life</b>
Small buses, vans, sedans and SUV's	<i>5 years or 100,000 miles</i>
25' to 35' light duty transit bus (body on chasis vehicles)	<i>5 yrs. or 150,000 miles</i>
30' medium-duty transit bus	<i>7 yrs. or 200,000 miles</i>
30' heavy duty transit bus	<i>10 yrs or 350,000 miles</i>
> 30' heavy duty transit bus	<i>12 yrs. or 500,000 miles</i>

WYDOT maintains a Vehicle Inventory, updated semi-annually, which documents the age, mileage, condition, VIN number, features, passenger size, and other pertinent information of each vehicle in the statewide public transit fleets. Additionally, WYDOT maintains a database for 5311 Program Projects which identifies the Fiscal Year, Apportionment, Total Number of Subrecipients Funded for FY, and Carryover of unspent funds from previous years. This database further describes 5311 Program Projects identifying the following dispersments of federal funds: Subrecipient Name, Subrecipient Type, FTA Grant Number, Category, Project Description, Description of any improvements, Counties Served, Net Project Cost, and Federal Share.

When evaluating requests or proposals for vehicle replacement, WYDOT prioritizes those vehicles which have exceeded their useful service life. For replacement requests where the vehicle to be replaced is below the life expectancy or mileage thresholds (above), the maintenance record for said vehicle must accompany the application.

When evaluating requests for additional or new vehicles for subgrantee fleets, WYDOT prioritizes those requests which:

- extend the service life of the existing fleet vehicles,
- are supported by data reflecting increased ridership and/or service area expansion,
- compliment the existing fleet and accommodate a service type not currently available,
- are ADA compliant, and
- are efficient to operate and are sustainable.

### Examples of Other Capital

- Refurbishment and Rehabilitation of existing vehicles
- Vehicle retrofits for lifts, ramps and flooring
- Vehicle replacement parts, i.e. Tires, Transmissions, Engines, etc.
- Communications equipment, including cell phones and radios
- Computer equipment – hardware and software
- Dispatch equipment - hardware and software
- Vehicle Tracking Systems – including monitors
- Data Systems
- Fareboxes and Electronic Ticketing Systems
- Bicycle racks and luggage storage
- Bus shelters, kiosks, and electronic gates
- Wheelchair tie-downs, restraints and seat belts
- Safety and Security Equipment
- Transit garages and related equipment
- Maintenance equipment (such as bus lifts)
- Curb pull outs
- Leasing of equipment, when leasing is more cost effective than purchasing

### **OPERATING COSTS**

Operating assistance usually consists of activities and services that are directly provided or purchased by the sub-grantee. Examples of eligible operating activities include:

- Operating assistance for rural public transportation services.
- Operating assistance for paratransit/special needs transportation services within and /or beyond ADA requirements.
- Feeder bus service for a intercity bus network.
- Operating assistance for transportation to and from jobs and employment support services.
- Fuel and Oil.
- Replacement parts that do not meet the criteria of capital items.
- Salaries and fringe benefits of Drivers, Mechanics, Dispatchers, and other personnel performing duties supporting the system’s overall operation.

- Vehicle licensing and related fees.
- Cost associated with passenger escort or driver's aides.

### **Net Operating Expenses**

Net Operating Expenses are those expenses remaining after operating revenues are subtracted from eligible operating expenses. At a minimum, operating revenues include farebox revenues. Farebox revenues include fares that are mandated, as per policy of the sub-grantee. Farebox revenues include fares paid by riders reimbursed later by a human service agency. The federal share of net operating expenses is 56.56% and local share is 43.44%.

### **Operating Deficits**

Federal funds may be applied to system operations deficits subject to the availability of funds. Federal participation allows up to 56.56% of the eligible net operating deficit (gross eligible operating costs less revenue).

### **Income for Contracts with Local Human Service Agencies**

Income from transportation service contracts with human service agencies utilizing FTA funds, may be used (per Sen. Leahy Amendment of 1986) to reduce the net project cost or to provide local match under § 5311 operating assistance. Wyoming Medicaid non-emergency contract revenues are an example of this type of local match.

### **ADMINISTRATIVE COSTS**

Eligible administrative costs must be used in the administration of the public transportation project; other programs benefitting from public transportation administrative cost outlays are incidental, and shall not be the primary reason for incurring such costs.

Administrative costs for federal funded programs may not exceed 1/3<sup>rd</sup> (33 1/3%) of the annual FTA § 5311 apportionment.

An individual sub-recipient's administrative budget shall not exceed 40% of its total budget.

Examples of Administrative Costs are:

- Salaries and fringe benefits for the project director, transit manager, secretary and bookkeeper, or other personnel performing job duties in an administrative capacity.
- Office supplies and materials.
- Office equipment rental.
- Facilities and Office Space rental space.
- Vehicle insurance
- Marketing and Promotional costs
- Professional services, such as Legal, Accounting and Consulting
- Drug and Alcohol Testing

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

The following table set forth the program match requirements:

	<b>Local/State Match</b>	<b>Federal Match</b>
Capital eligible items	20%	80%
Operating costs	43.44%	56.56%
Administrative costs	20%	80%
Planning	9.51%	90.49%

## **Project Selection Criteria and Method of Distributing Funds**

**WYDOT is in the process of developing a discretionary project selection process. WYDOT plans to implement a staged method of incorporating performance-based measures into the allocation process. WYDOT intends to incorporate public involvement in the development of the selection process.**

WYDOT public transit funding is distributed annually through a competitive grant application process. WYDOT annually distributes electronically § 5310, § 5311, § 5311(f), § 5316, application packets for sub-grantee submittals. Public notifications for the availability of these applications is posted in newspapers with statewide distribution.

This process is scheduled to coincide with the State and Local budgeting process, which begins on July 1<sup>st</sup> and concludes on June 30<sup>th</sup> of each year. This timing allows local sub-grantees to coordinate with their local governmental budgeting, as well as State funding. Thus, State and Local funding are determined prior to the beginning of the Federal fiscal year (October).

The RTAP funding is an exception to this process since it is a unique program requiring specialized Training and Technical Assistance capability. WYDOT annually contracts with the Wyoming Transit Association (WYTRANS) for an approved work program to carry out the intent of the RTAP program.

### **Distribution Method for § 5311:**

WYDOT annually requests the WYTRANS President to appoint a Project Evaluation and Recommendation Committee, comprised of:

- A representative of an “Urbanized Area” Transit Provider.
- Equitable representation of “Larger Rural Providers” and “Smaller Rural Providers”.

WYDOT is developing a performance-based measure into the project selection process. Public input will be solicited to refine the process. Some suggested base parameters to be used for FY funding cycles are:

- Exempt Transit Providers - reporting ≤ 7,500 reported rides per year
  - Year 1 - Hold Harmless from previous fiscal year funding level.
  - Year 2 and succeeding years – Hold Harmless at Year 1 level, plus an annual review and increase, if available and justifiable.
- Mid-Major Providers - reporting ≥ 7,500 and ≤ 50,000 Rides per Year



- Year 1 Hold Harmless on 80% of previous FY funding level
- 20% determined using output measure (o.m.)factor
- Succeeding Years – continue increasing o.m. factor by 2.5%, and decrease Yr. 1 Hold Harmless level based on previous FY level
- Cap on o.m. percent at 45% (FY2020)
- Major Providers - reporting ≥ 50,000 Rides per Year
  - Year 1 – Hold Harmless on 75% of previous FY funding Level
  - 25% determined using output measure factor (o.m. factor)
  - Succeeding Years – continue increasing o.m. factor by 2.5%, and decreasing Hold Harmless on previous FY level
  - Cap the o.m. percent at 50% (FY2020)

### **Evaluation Criteria and Rating of Applications (Staff Reviews)**

WYDOT Transit staff conducts a review of the Applications and develops a spreadsheet showing amounts requested, previous year award, amount recommended by staff. The WYTRANS Recommendation Committee review requests and staff recommendations and develops its recommendations.

The final decision for funding awards is completed by WYDOT. The recommended funding for the fiscal year is submitted to the Wyoming Transportation Commission for its approval during one of its regular, public meetings. Upon approval by the Commission, the list of projects are submitted for inclusion into the State Transportation Improvement Program (S.T.I.P.). The annual S.T.I.P., including the Public Transit section therein, is approved by the Federal Highway Administration (FHWA) – acting in behalf of the Federal Transit Administration (FTA).

### **Timetable for Applications**

- Solicitation for Applications (Public Notice) - March / April
- Application submittal deadline - May 15<sup>th</sup>
- Application Reviews - mid May – mid June
- Meeting with WYTRANS Advisory Committee – June
- Final List of Project Selections – late June
- Submittal to Commission for Approval – July
- Submittal to S.T.I.P – July

### **PROJECT COMPONENT**

- Does the project establish, preserve, or improve public transportation services in a community?
- Does the project propose service area expansion, extended service areas, and/or address identified, unmet needs?
- Does the project proposed identify efforts to leverage funding from other sources to support the overall project?
- Has the community participated in, have underway, or completed a coordinated community transportation – human services planning effort?
- Does the project reflect a coordinated community process and encourage input from the community?

- Is the application’s budget, balanced and feasible?
- Is the project sustainable and contribute to the liveability of its service area?

**APPLICANT COMPONENT**

- Does the application indicate that the applicant has sufficient oversight and direction by its Board of Directors or Governing Body?
- Does the application indicate that the applicant has sufficient experience in managing the requested project funding?
- Does the applicant appear to have sufficient financial and program management capabilities to meet the program compliance requirements?
- Does the applicant exhibit a sustainable commitment to the project to continue the effort beyond the availability of this funding cycle?

**PERFORMANCE COMPONENT**

- During previous funding cycles, has the applicant completed its contractual responsibilities and program compliance requirements in a timely fashion?
- Does the application indicate the sponsor is attempting to improve program efficiency and effectiveness?
- Does the project set forth targets and goals to be accomplished which would measure success of the project?
- Does the application describe community benefits resulting from the funding request?

Following the above procedure, WYDOT submits a § 5311 application for funding electronically into the T.E.A.M. system. The application is reviewed for approval by the FTA Region VIII office.

**Intercity Bus Transportation**

**INTERCITY BUS PROGRAM § 5311(F)**

In Wyoming the Intercity Bus Program provides a vital link between isolated rural areas, municipalities and the rest of the state, and to regional urban areas. The objective of funding for intercity bus is to support the connection between rural communities and areas with services offered by larger urban areas. Wyoming has large land areas with sparse population that lack reliable ground transportation between towns and cities. Through bus service contracts, safe and reliable bus service is available to a number of remote Wyoming communities and counties.

**WYDOT annually reserves 15% of its § 5311 program funding for Intercity Bus service purposes.**

WYDOT annually notifies the general public, for profit bus companies, and interested groups and individuals of the availability of an upcoming § 5311(f) funding cycle, project eligibility, application availability and application deadlines. WYDOT, in consultation with qualified regional transit authorities and intercity bus carriers, identifies potential bus routes for Intercity Bus funding. Applications, in MS Word format, will be posted on the WYDOT web-page: <http://www.dot.state.wy.us/wydot/lang/en/pid/1240> For those wishing to complete a conventional application, a printed copy of the application will be sent to those applicants.

**Goals of the Intercity Bus Program are:**

- Support meaningful connections between rural and urban areas with national intercity network.
- Support operating services to meet intercity travel needs of residents in rural areas.
- Support the State’s intercity travel infrastructure, through: capital investments in facilities, vehicles, equipment, planning and marketing.
- Support the development, enhancement, and preservation of essential intercity bus services on transportation-challenged regions of the state.
- Support a network of intercity bus services and multimodal connections within a national system.
- Support a variety of funding strategies, such as State funding for Intercity Bus projects.

**Intercity Bus Eligibility Criteria:**

In accordance with the definition as outlined in FTA Circular 9040.1F, WYDOT shall determine the eligibility of intercity bus projects as projects that provide regularly scheduled bus service for the general public which:

- Operates with limited stops over fixed routes connecting two or more urban areas not in close proximity;
- Has the capacity for transporting baggage carried by passengers; and/or
- Makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available.

**Consultative Process:**

WYDOT shall identify Intercity Bus Carriers in Wyoming through multiple methods. These may include:

- Russell’s Official National Motor Coach Guide;
- Industry websites;
- Trade Associations;
- Existing Regional Transit Authorities and Local Public Transportation providers; and/or
- Statewide Mobility Management Coordinators.

WYDOT will use the consultative process to periodically seek input from private carriers to assess the needs for Intercity Bus service throughout the state. Intercity bus providers identified through the above process shall also be encouraged to participate in the continued development and refinement of the State’s Intercity Bus planning process and related coordinated community transportation plans. Public comment may also be solicited to assist in identification of future Intercity Bus routes and needed Intercity Bus facilities.

## **Anticipated Intercity Bus Routes**

WYDOT has identified the following existing and potential intercity bus routes:

- Billings, Montana to Denver, Colorado through the Big Horn Basin - connecting with Greyhound
- Cody, Wyoming to Lovell, Wyoming – connecting the cities of Cody and Powell with the Big Horn Basin route (US20 & State Hwy 789)
- North Lincoln County, Wyoming to Jackson – connecting to air service and service to Idaho
- Rock Springs, Wyoming to Green River, Wyoming – connecting major Wyoming municipalities and potential connection to air service and Greyhound bus service
- I-90 corridor in NE Wyoming serving Sundance, Moorcroft, Gillette, Buffalo and Sheridan – connecting with Rapid City, SD and Billings, MT – connecting with Greyhound in Billings and eventually Minneapolis, MN
- Additional routes may be identified through an on-going consultative process

## **Oversight System – Intercity Bus**

Upon solicitation for Intercity Bus service, each provider will be requested to submit their Drug and Alcohol Policy which will be evaluated against the Policy Requirements Checklist provided by the FTA. The review will include the reviewer's name, date of the review and whether or not the policy meets the minimum requirements. In subsequent years, the provider will be required to certify that they still meet the requirements of 49 CFR Part 655 (PREVENTION OF ALCOHOL MISUSE AND PROHIBITED DRUG USE IN TRANSIT OPERATIONS) and 49 CFR Part 40 (PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS) and that their Drug and Alcohol program remains compliant with the latest federal guidance.

ADA requirements will be assessed using Title 49 Part 37 (TRANSPORTATION SERVICES FOR INDIVIDUALS WITH DISABILITIES) and Part 38 (AMERICANS WITH DISABILITIES ACT ACCESSIBILITY SPECIFICATIONS FOR TRANSPORTATION VEHICLES) as guidance. Private and public carriers shall be required to address the issue of Equivalent Service Standards for all services provided under contract directly with WYDOT or through a subrecipient of WYDOT. This qualification is supported by the General Applicability provisions of Subpart B of Part 37. During the initial solicitation period, applicants would be required to address the Equivalent Service standard as listed in 37.105:

For purposes of §§37.101 and 37.103 of this part, a fixed route system or demand responsive system, when viewed in its entirety, shall be deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

- a. (1) Schedules/headways (if the system is fixed route);  
(2) Response time (if the system is demand responsive);
- b. Fares;
- c. Geographic area of service;
- d. Hours and days of service;

- e. Availability of information;
- f. Reservations capability (if the system is demand responsive);
- g. Any constraints on capacity or service availability;
- h. Restrictions priorities based on trip purpose (if the system is demand responsive).

In subsequent program years, applicants will need to certify to the above standards in order to receive funding. A copy of the proposed Certification is included below the Drug and Alcohol Policy Checklist. WYDOT will examine the feasibility of instituting random in-field inspections by WYDOT Transit staff, or a suitably qualified designee, of Intercity Bus providers' vehicles to insure compliance with Federal Regulations regarding ADA requirements.

WYDOT will publish a list of selected projects for the above Intercity Bus-funded projects.

### **State Administration and Technical Assistance**

*FTA Circular 9040.1F* permits WYDOT to retain up to 10 percent (10%) of the State's fiscal year apportionment of § 5311 program funding for State Administration, Planning and Technical Assistance.

*FTA Circular 9070.1F, 9050.1F, and 9045.1F* permit WYDOT to retain up to 10 percent of the State's fiscal year apportionment of § 5310 program funding for State Administration, Planning, and Technical Assistance.

WYDOT uses the allowed § 5311 State Administration (up to 10%), as authorized by FTA, for: staff, travel, and support costs associated with managing the FTA grant programs and providing technical assistance.

Examples of § 5311 activities include:

- Compilation, printing and distribution of the *Wyoming Public Transit Programs* booklet.
- Compilation, printing and distribution of the Public Transit Programs Section of the WYDOT *TRANSPORTATION Programs* booklet.
- Compilation, printing and distribution of the annual *Public Transportation Grant Application*.
- Meetings with Sub-grantee staff and applicants to clarify program requirements.
- Obtaining and updating the required assurances and documentation.
- Preparing, processing and disseminating Project Agreements.
- Assisting MPO's with public transit processes.
- Developing Grant applications for the FTA and the FTA T.E.A.M. system.
- Coordinating training and technical assistance initiatives with WYTRANS/RTAP.
- Monitoring sub-grantee projects to insure compliance with federal and state requirements.
- Coordinating and overseeing sub-grantee capital procurement processes.
- Overseeing sub-grantees' accounting procedures and records.
- Reviewing sub-grantees' drug use and alcohol misuse policies.
- Preparing required FTA reports.
- Coordinate and oversee the WILR-WSIL voucher and check programs.
- Coordinate and oversee the Mobility Management programs.

- Provide technical assistance.
- Organize workshops, conferences, meetings with a variety of public transit groups and individuals.
- Prepare and contract for public and legal notices.
- Conduct Requests for Proposals and Requests for Qualifications.
- Oversee the work program for the Fiscal Processing Consultant.
- Participate in FTA Triennial Reviews and other program reviews.
- Participate in State Legislative hearings, as required.
- Advise sub-grantees, WYTRANS and others with regard to need legislation.
- Advise WYDOT Executive Staff of needed program changes.
- Update the State Management Plan, as required.

## **State RTAP**

Wyoming's Rural Transit Assistance Program (RTAP) - § 5311(b)(3) provides funding for grants and contracts for research, technical assistance, training and related support services for rural transit programs. RTAP funds are annually allocated to WYDOT and contracted with WYTRANS, the statewide organization of community transit providers; approximately 90% of the RTAP apportionment is reserved for the WYTRANS contract, WYDOT retains between 5 and 10 percent of the apportionment for WYDOT training and scholarship for requesting transit agencies. WYDOT does not require a WYTRANS match for RTAP funding.

**The WYTRANS mission statement is: "to advocate for transit, coordinate transit, and educate the public about transit."**

The WYTRANS RTAP contract typically includes the following work items:

- **RODEO** – a bus/van obstacle course where transit drivers pit their driving and negotiating skills against one another. A driving course: pre-trip inspections and wheelchair handling are typical topics presented at the RODEO.
- **CONFERENCE** – WYTRANS conducts an annual conference where statewide transit agency representatives are able to network, participate in workshops and presentations, discuss vehicle features with vendors, and learn of new and best practices of their profession. WYDOT staff participates in these meetings.
- **QUARTERLY MEETINGS** - the WYTRANS Board of Directors hold quarterly meetings to manage the WYTRANS program. WYDOT staff participates in these meetings. WYTRANS also co-sponsors an annual legislative reception which is well attended by members of the State Legislature, Governor and elected officials.
- **NEWSLETTER** – a quarterly newsletter, *Transit Express* is published and disseminated statewide to WYTRANS members and others interested in Transit. Transit Express has articles and information about transit activities in the state and reports on events of interest.
- **ADMINISTRATION** – administrative duties of WYTRANS are contracted with an Administrative Consultant who handles such duties as: accounting/bookkeeping, training scheduling, newsletter, meeting arrangements, billings, financial reporting, program reporting, and web-page

administration. The WYTRANS webpage: [www.wytrans.org](http://www.wytrans.org) provides information including the main categories of: Facts, News, Board, Training, Trainers, Agencies, Contact, and Links.

- **TRAINING** – Manager and Driver Training, Passenger Service and Safety Certification, Safe Driver: vehicle safety, driver safety, traffic signs, signals and road markings, safe driving tips, speed limits, intersections and turning, lane changes, special driving conditions, sharing the road, and boarding and de-boarding passengers. Training includes FTA requirements for Drug and Alcohol testing, Substance Abuse Awareness and Reasonable Suspicion training annually. Other training for transit drivers include: First Aid, CPR, Worker-Right-To-Know and Blood borne Pathogens. Drivers who operate 15-passenger vehicles or larger who required to have a Commercial Driver’s License (CDL) or given training leading to CDL licensing. WYTRANS maintains records of training session attendees and trainers.

Wyoming Public Transit operators are required to participate and complete safety training, provided by WYTRANS, for the following topics:

- **Transportation Safety Institute (TSI)**

**TSI** Training teaches the participant how to aid disabled individuals when boarding transit vehicles, and negotiating curbs and stairs. The course covers all types of disabilities and equipment required for accommodating these individuals. **TSI** is designed to give the participant a better understanding of disabled individual’s needs and specific mobility problems.

- **First Aid**

First Aid trains the participant in such basic procedures as stopping bleeding, treating shock, and immobilizing fractures. Offered throughout the state, participants are notified of dates and locations in order to schedule their drivers and bus aides. RTAP funds are available to assist participants in completing the required courses.

**Training Schedule for Drivers and Assistants:**

<i><b>Training</b></i>	<i><b>Necessary</b></i>	<i><b>Re-certification</b></i>
TSI (Transportation Safety Institute)	Within 6 months for date of hiring – 12 hour class.	Every three (3) years  Recommend cover “hands on” plus any incidents or accidents that have occurred.
Standard First Aid	Within 6 months from date of hiring – 12 hour class	As accredited organization requires. Typically every 2 years.
CPR	Initial training in First Aid Course from accredited organization- see above	CPR recertification required by all accredited organizations. Every 2 years
Blood borne Pathogens	Within 6 months from date of	Annual one-hour review.

Awareness (Video and Manual)	hire. Included with TSI Training.	
Worker-right-to-know (MSDS's Hazardous Material Awareness)	Within 6 months for date of hiring. Can be included in TSI training. WYTRANS has manual.	Annual review.
Drug & Alcohol Awareness (Video and Manual)	Initially 2 hours of Supervisors and 1 hour for drivers.	Annual review recommended, not required.

***Transit providers who have questions about training are urged to call either the WYDOT Transit Office (307 777-4181) or WYTRANS' Jamie Hunolt at 307 679-3220 or Fax at 866-472-1465.***

## **Transfer of Funds**

The 1993 Wyoming Legislature passed legislation, Wyoming State Statute (WSS) 24-15-101 thru 24-15-102, and amended in 1999, which set forth the following:

WSS 24-15-101. Public Transit Program created; duties.

- (a) .....created a "Public Transit Program" to be administered by the Wyoming Department of Transportation. The department shall
  - i. Accept public transit funds from the Federal Transit Administration on behalf of the State;
  - ii. Adopt rules and regulations to implement the purpose of this chapter;
  - iii. Distribute State and Federal public transit funds to eligible grantees pursuant to Federal requirements and rules and regulations of the Department.

WSS 24-15-102. Public Transit Account

- (a) There is created a Public Transit Account within the Highway Fund. The Department shall fund the program annually with one million five hundred thousand dollars (\$1,500,000) using unrestricted state highway funds. Funds provided to the State under the Federal Transit Act and other funds that may become available to assist the urban and rural public transit programs shall be in addition to funding provided from unrestricted highway funds. Funds in the account shall be distributed and expended in accordance with federal requirements and Department rules and regulations.
- (b) Recipients of funds under the Federal Transit Act may transfer unused grant funds for the benefit of other public transit programs in the state, subject to the following:
  - i. Any transfer of funds under this paragraph require the approval of the Governor;
  - ii. Transferred Federal funds under this unrestricted State highway funds to be used as local match for Federal funds at the rate of one dollar (\$1.00) for every three dollars (\$3.00) of Federal funds transferred by the transferor;
  - iii. To the extent not reimbursed from unrestricted State funds, the Federal funds transferred shall be used for the benefit of public transit program grantees for the acquisition of new transit vehicles, replacement of transit vehicles or rehabilitation of vehicles in the transit fleet;
  - iv. Federal funds transferred by a program grantee may be carried over into the following fiscal year by the Department or a recipient public transit program grantee.



## **Private Sector Participation**

WYDOT and the FTA recognize the role the private sector has in meeting the transportation needs of the public. Private sector operators are important for the delivery of transportation services in every community, in their role as either direct providers of services they choose to offer the public, or as contractors who deliver public transportation or specialized transportation services. Along with experience and knowledge, the private sector brings additional resources, flexibility, and competition to the transit community. Opportunities for private sector providers generally fall into two categories: (1) introducing private transportation service to new or expanded customer markets; and (2) contracting with public providers to provide service on particular routes or to particular customer markets. In Wyoming, private sector providers are encouraged to connect with eligible recipients to establish and/or provide transit services. WYDOT will help coordinate service negotiations and service contract documents, as well as facilitate payment through eligible recipients to their private sector service providers.

## **Civil Rights**

Title VI of the Civil Rights Act of 1964 requires that direct grant recipients and sub-recipients provide all services and benefits without regard to race, color or national origin. All direct grantees must submit to WYDOT the general reporting requirements (*FTA Circular 4702.1*) on a triennial basis.

General Reporting requirements include:

- Provide an Annual Title VI Certification and Assurance.
- Develop Title VI complaint procedures.
- Record Title VI investigations, complaints, and lawsuits.
- Provide meaningful access to Limited English Proficient Persons
- Notify beneficiaries of protection under Title VI.
- Provide additional information upon request.
- Prepare and submit a Title VI Program.
- Guidance on promoting inclusive public participation.

*Additional information regarding Civil Rights can be found on the FTA website at:  
<http://www.fta.dot.gov/title6>*

Grantees must submit all required certifications and assurances prior to contract signature and annually thereafter. These include

- Standard Assurances
- Nondiscrimination Assurance
- Assurance of Nondiscrimination on the Basis of Disability
- Protections for Private Providers of Public Transportation

The appropriate civil rights disclosure is included in the *Wyoming Rural Public Transportation Application* and civil rights clauses are included in the grantee project agreements. Ongoing oversight is provided through on-site monitoring of grantees. The checklist used during on-site monitoring reviews includes a section that

verifies compliance with Civil Rights issues such as: discrimination, employment, complaints, and accessibility of services.

WYDOT encourages grantees to reach out to minority populations, elderly, and persons of low income through the Coordinated Public Transit – Human Services Transportation Plan process.

## **Public Notification**

The official Title VI Notification that will be required for all sub-recipients is included below:

The **NAME OF AGENCY** is committed to ensuring that no person is excluded from participation in, or denied the benefits of, or be subject to discrimination in the receipt of its services on the basis of race, color, or national origin, or any other characteristics protected by law, including Title VI of the Civil Rights Act of 1964, as amended. Further, under the Americans with Disabilities Act (ADA) of 1990, no entity shall discriminate against an individual with a physical or mental disability in connection with the provision of transportation service.

To obtain more information on **NAME OF AGENCY'S** nondiscrimination obligations or to file a complaint, contact **NAME OF AGENCY, ADDRESS AND CONTACT PHONE NUMBER**. You may file a written complaint no later than 180 calendar days after the date of the alleged discrimination.

Information on non-English alternative formats may be obtained from the **NAME OF AGENCY OFFICE**.

This Notification was developed with assistance from FTA Region VIII Civil Rights Officer. This notification will be distributed to sub-recipients for retrofitting into the existing fleet and will be included in the vehicle specifications (see sample bid package) for new vehicle acquisitions. Evidence of the posting of this notice is part of the site visit and equipment monitoring checklist.

## **Maintenance**

Minimum maintenance standards are a condition of all agreements made with WYDOT using FTA or State Rural Transit Funds. These standards shall, at a minimum, incorporate the maintenance requirements proscribed by the vehicle/equipment manufacturer, and are designed to keep these assets in a good state of repair for their entire useful life. All sub-recipients shall submit a maintenance plan that will include at minimum, procedures for maintaining vehicles, facilities and ADA accessibility features in accordance with the guidelines as described herein.

Equipment management procedures include the following minimum requirements:

1. Property records must be maintained that include a description, identification number, source, acquisition date, cost percentage of federal participation in the cost, the grant under which it was procured, location, use and condition, any disposition data (date of disposal and sale price), and the entity holding title to the equipment.

2. A physical inventory of equipment must be taken at least once every two years. In connection with this inventory, the state must certify the existence, current use, and continued need for the equipment. This certification must state:
  - a. Equipment acquired under the grant will continue to be used for the purpose for which it was approved;
  - b. The equipment does not exceed the needs of the sub-recipient's transit operation;
  - c. No equipment has been sold, damaged, lost or otherwise taken out of transit service; and
  - d. A physical inventory and verification have been taken at least once during the preceding two-year period.
3. A control system must be developed to ensure adequate safeguards to prevent loss, damage or theft of property. Any loss, damage or theft must be investigated and documented by the state.
4. Adequate maintenance procedures must be developed and implemented to keep property in good condition. This must be documented and available for audit or review.

### **Disposal**

For equipment that is no longer needed for FTA supported projects or programs, the subrecipient may retain it or dispose of it. Removal of equipment that has reached the end of its service life and for which the unit market value exceeds \$5,000 requires reimbursement to FTA of the proportionate share of the fair market value or the proceeds of the sale. Equipment with a unit market value of \$5,000 or less after its service life requires no FTA reimbursement. Removal of equipment before the end of its service life, however, requires a proportionate reimbursement to FTA of the greater of the straight line depreciated value (based on years or miles for rolling stock), or the sale price.

### **Encumbrance**

Sub-recipient shall not execute any lease, pledge, mortgage, lien, contract or other obligation touching or affecting the federal interest in any project facilities or equipment; nor shall it obligate itself in any other manner, to any third party with respect to project facilities or equipment, unless such lease, pledge, mortgage, lien contract or other obligation is expressly authorized, in writing, by WYDOT and FTA; nor shall the sub-recipient, by any act or omission of any kind, adversely affect the federal interest or impair its continuing contract over the use of project facilities or equipment.

### **Vehicle Maintenance - General**

Subrecipients shall allow WYDOT, or its designee, access to vehicles and vehicle records in accordance to the Audit and Access to Records provisions of the Project Agreement. WYDOT will perform periodic inspections of vehicles and equipment to assess a provider's general maintenance program and evaluate the condition of the sub-recipient's fleet.

Each subrecipient shall maintain up-to-date maintenance records for each vehicle that must contain the following minimum information:

- Make, Model, Vehicle Identification Number and Fleet Number, License Number;
- Funding source (percentage Federal, State and Local);
- Date received and date placed in service;

- Vehicle repairs(date and mileage);
- Preventative Maintenance Reports(date and mileage); and
- Daily vehicle inspection reports (Pre-trip inspections that include date and mileage).

To assist sub-recipients in development of their vehicle maintenance program, vehicles will be specified with the dealer to provide manuals with manufacturer recommended maintenance guidelines for the vehicle and accessibility features.

### **Vehicle Preventive Maintenance**

Sub-recipients shall insure that all vehicles and equipment are maintained at a minimum to the requirements as determined by the vehicle/equipment manufacturer. Normal vehicle maintenance shall include regular inspections by qualified personnel, scheduled lubrication and fluid changes, as well as the required inspection and maintenance of ADA accessibility equipment. This maintenance may be done through contracts for service, or by the sub-recipient's qualified personnel. The subrecipient shall also devise a records system that addresses the minimum requirements listed above.

### **Pre-trip Inspections**

Pre-trip inspections shall be performed by a trained driver of the vehicle prior to a vehicle being placed in service. These inspections shall include a general walk-around of the vehicle to assess general condition of the vehicle inside and out. Any deficiencies found shall be addressed and repaired in a professional manner as soon as possible, and shall be completed within three weeks of discovery. If the deficiency is related to safety – broken glass, damaged brakes, etc. – the vehicle shall not be placed in service before the problem is corrected. A record of these inspections shall be maintained in the vehicle's maintenance file. These inspections shall also, at a minimum, include:

- General inspection of the engine compartment to assess mechanical, fluid and electrical systems;
- Heating, ventilation and air conditioning system is performing as required for all conditions; and
- All accessibility equipment is functioning as designed and the wheelchair lift/ramp shall be cycled to ensure it is operable.

### **Post-trip inspections**

Subrecipients shall develop a system for drivers to report maintenance concerns discovered during service. These procedures shall allow for a driver to contact dispatch with concerns while the vehicle is in service, as well as a means to notify appropriate personnel of needed repairs once a shift is over. If during revenue service, an ADA lift fails or another safety concerns arises, the subrecipient shall remove the vehicle from service immediately and shall dispatch a replacement vehicle to finish the service.

### **Equipment Maintenance**

ADA equipment and other accessibility options shall be maintained in accordance with the manufacturer's specifications. This includes the periodic inspections and service intervals as defined by the manufacturer and may be based on hours of service, cycles of the lift or any other criteria as required. Sub-recipients shall not allow a vehicle with an inoperable lift to operate in revenue service.

Each sub-recipient shall develop a system that allows them to insure all required maintenance is completed in the time or mileage interval as required by the vehicle manufacturer. All mechanical, electrical, fluid, air and/or hydraulic systems shall be kept in good working order at all times. Records related to service work performed must identify the vehicle by VIN or fleet number and at a minimum will include the date and mileage and description of the work performed.

Heating, ventilation and air conditioning systems shall be maintained in good working order at all times. The systems shall be able to maintain a comfortable temperature in all climate conditions. Vehicles should not be placed in revenue service if the systems are not functioning properly.

Vehicle interiors shall be regularly swept out and generally kept clean. Upon discovery, all damage shall be repaired in a professional manner. To the extent possible, all repairs or replacements shall be made with exact matches in materials. Substitute materials should only be used as a last resort and every effort should be made to ensure the materials used match the remaining finishes within the passenger compartment.

- General inspection of the engine compartment to assess mechanical, fluid and electrical systems;
- Heating, ventilation and air conditioning system is performing as required for all conditions; and
- All accessibility equipment is functioning as designed and the wheelchair lift/ramp shall be cycled to ensure it is operable.

### **Facility Maintenance Plan**

Facilities constructed or renovated with state or federal funds shall be maintained free of defects and all features, including ADA features, shall be in usable condition. For the purpose of this section, facilities shall include bus barns, passenger shelters, transfer stations, or any other asset used for public transportation that was paid for through state or federal funds. These facilities shall be used for the intended purpose as stated in the project application and WYDOT must be notified immediately if the facility is no longer needed, or if the facility use is altered from its original purpose.

A maintenance plan shall be a requirement, within the project specifications, of the contractor and included in the contract documents, when building a facility. At a minimum, the contractor's maintenance plan should list the manufacturers' maintenance manuals for equipment installed (including part and serial numbers), the recommended routine maintenance schedules for each, as well as any other pertinent maintenance recommendations.

Each subrecipient in possession of a facility as defined above shall submit to WYDOT a written plan that outlines the scheduled maintenance of the facility. This plan shall explain how the maintenance work will be completed whether it be by qualified staff members or through contracts for service. The plan shall include provisions for maintenance of all major systems in the facility, as well as a schedule of routine maintenance (i.e. sweeping and snow removal). Particular attention shall be given to all ADA accessibility features to ensure that the facilities remain accessible in all types of weather.

Subrecipients shall also maintain a permanent records system to document the maintenance and inspection activities for all buildings and equipment. The records should also contain all original paperwork for equipment and systems within the facility. These records shall be made available upon WYDOT or its designee's request. WYDOT, or its designee, shall also ensure compliance with the maintenance plan through periodic on-site inspections of the facilities. A sample facility maintenance plan is attached by Appendix and should be used as a guide. WYDOT will review and approve each subrecipient's facility maintenance plan to insure proper inspection and/or repair procedures.

### **Charter Rule**

Charter Service is defined as transportation provided at the request of a third party for the exclusive use of a bus or van for a negotiated price. The following features may be characteristics of charter service:

- A third party pays a negotiated price for the group;
- Any fares charged to individual member of the group are collected by a third party;
- The service is not part of the regularly scheduled service, or is offered for a limited period of time; or
- A third party determines the origin and destination of the trip as well as scheduling.

All subrecipients considering charter service are responsible for complying with the public participation process described in the Charter Rule. The Charter Rule is 49 CFR Part 604. Subrecipients are prohibited from using federally funded equipment and facilities to provide charter service if a registered private charter operator expresses interest in providing the service. Subrecipients are allowed to operate community based charter services exempted under the regulations; some irregular or limited duration services; and those that are covered by the exceptions. WYDOT reviews compliance with Charter Rule during on-site and monthly report monitoring reviews. When WYDOT receives complaints of alleged unfair competition with respect to charter business, WYDOT shall investigate the allegation. The subrecipient is contacted to verify if charter service is taking place and that the proper process has been followed.

Additional information regarding the Charter Rule, as well as Frequently Asked Questions can be found on the FTA website at: [fta.dot.gov/laws/leg\\_reg\\_179.html](http://fta.dot.gov/laws/leg_reg_179.html)

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

Americans With Disabilities Act (ADA) is a comprehensive Civil Rights law providing protections for persons with disabilities similar to those provided on the basis of race, color, sex, national origin, age and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services and telecommunications. ADA requirements for transportation services, both public and private, are found in federal regulations (49 CFR Parts 27, 37 and 38). In general, these regulations contain accessibility requirements for vehicles, facilities and non-discriminatory provision of service. For FTA grantees, compliance with these regulations is a condition of eligibility to receive Federal funding.

FTA funds administered by WYDOT to a public or private entity that operates fixed route service must comply with WYDOT's disability nondiscrimination regulations to provide complementary paratransit service. ADA complementary paratransit service is next day, origin-to-destination service for individuals with disabilities who are unable to use the fixed route. The level of service must be comparable to the fixed route service, and

shall not be limited by any capacity constraints, trip restrictions, waiting lists, or any operational pattern or practice that significantly limits the availability of service to eligible persons.

WYDOT notifies each grant recipient, at the time of the project award and upon presenting the grantee with a project agreement, that the WYDOT Office of Local Government may receive complaints alleging discrimination in service or employment, including Section 504 of the Rehabilitation Act of 1973 and ADA. Any written complaints alleging discrimination are referred to WYDOT's Office of Equal Opportunity.

Transit service complaints, filed by a rider or representative of a rider, should initially be filed with the transit service provider. Such complaints shall be in writing and clearly state the basis of the complaint, with a suggested remedial action. Within 10 working days of receiving such a complaint, the service provider shall respond in writing to the complainant, addressing the complaint and setting forth a corrective action. In the event the complainant feels the suggested corrective action is inadequate, a complaint may be filed with WYDOT's office of Civil Rights. WYDOT's Office of Civil Rights may forward the complaint to WYDOT's Office of Local Government Coordination (LGC) for consideration. WYDOT's LGC shall take under advisement both the local service provider's action and the recommended action of WYDOT's Office of Civil Rights.

If a subrecipient chooses to conduct vehicle procurement internally, and WYDOT authorizes this action, WYDOT reviews and approves the bid documents and procedures. One of the items reviewed is how the vehicle complies with the ADA. WYDOT requires all vehicles purchased with FTA funding must be accessible and comply with ADA requirements.

Fixed-route bus systems are required to submit to WYDOT an ADA Complementary Paratransit Plan, with annual updates. Certification of compliance with ADA is required instead of annual updates for bus system in compliance.

Demand-responsive systems must provide equivalent service to persons with disabilities. Service must be equivalent in terms of geographic area, hours of operation, and response time. Demand-responsive systems must certify that they provide equivalent service when capital assistance is sought for additional or replacement vehicles, particularly for non-accessible vehicles. A certification must be submitted with each capital assistance application and can be found in the application.

Further guidance on Section 504 and ADFA requirements can be found on the FTA website at:  
**<http://www.fta.dot.gov/ada>**

### **NTD Reporting**

NATIONAL TRANSIT DATABASE (NTD)

WYDOT is responsible for collecting and entering all required data for the state and the state's 5311 sub-recipients using information obtained from financial records and reports, operational reports, and annual grant applications.

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## **State Program Management**

WYDOT agrees by execution of a grant with United States Department of Transportation (DOT) and the Federal Transit Administration (FTA), and the subrecipient agrees by signing a grant agreement with WYDOT, to comply with provisions of the current federal funding act.

These provisions include:

### ***Accomplishment of the Project -***

1. WYDOT and the subrecipient shall commence, carry on, and complete the project with all practicable dispatch, in a sound, economical and efficient manner and in accordance with the Grant, the Application, and all applicable laws, regulations, FTA directives and published policies. For WYDOT, the Project refers to the Program of Projects developed through use of recipient applications and allocated federal funds. Application refers to forms submitted by WYDOT to FTA and received by WYDOT from the sub-recipient which incorporate the Program of Projects or the Transportation Development Plan and the State and Sub-recipient certifications and assurances.
2. WYDOT and its sub-recipients agree to comply with all applicable provisions of federal, state and local laws, regulations and FTA directives to include the most recent amendments. To the extent necessary, to achieve compliance with these requirements, WYDOT shall include notice of such requirements in all sub-recipients' agreements financed with FTA assistance.
3. WYDOT shall submit to FTA such data, reports, records, contracts and other documents relating to the Project as FTA may, during the course of the project, and for three years thereafter, require. WYDOT shall retain intact, for three years following Project close-out, all Project documents, financial records and supporting documents and make these records available to FTA, as required. The subrecipient shall also follow this procedure making these records available to WYDOT, as required.

### **Project Budget –**

#### **1. Operating Expenses**

Operating assistance usually consists of activities and services that are directly provided or purchased by the sub-grantee. Examples of eligible operating activities include:

- Operating assistance for rural public transportation services.
- Operating assistance for paratransit/special needs transportation services within and /or beyond ADA requirements.
- Feeder bus service for a intercity bus network.
- Operating assistance for transportation to and from jobs and employment support services.
- Fuel and Oil.
- Replacement parts that do not meet the criteria of capital items.
- Salaries and fringe benefits of Drivers, Mechanics, Dispatchers, and other personnel performing duties supporting the system's overall operation.



- Vehicle licensing and related fees.
- Cost associated with passenger escort or driver's aides.

### **Net Operating Expenses**

Federal expenses are those expenses remaining after operating revenues are subtracted from eligible operating expenses. At a minimum, operating revenues include farebox revenues. Farebox revenues include fares that are mandated, as per policy of the sub-grantee. Farebox revenues include fares paid by riders reimbursed later by a human service agency. The federal share of net operating expenses is 56.56% and local share is 43.44%.

### **Operating Deficits**

Federal funds may be applied to system operations deficits subject to the availability of funds. Federal participation allows up to 56.56% of the eligible net operating deficit (gross eligible operating costs less revenue).

### **Income for Contracts with Local Human Service Agencies**

Income from transportation service contracts with human service agencies utilizing FTA funds, may be used (per Sen. Leahy Amendment of 1986) to reduce the net project cost or to provide local match under § 5311 operating assistance. Wyoming Medicaid non-emergency contract revenues are an example of this type of local match.

## **2. Administrative Expenses**

Eligible administrative costs must be used in the administration of the public transportation project; other programs benefitting from public transportation administrative cost outlays are incidental, and shall not be the primary reason for incurring such costs.

Administrative costs, for federal funded programs, may not exceed 1/3<sup>rd</sup> (33 1/3%) of the annual FTA § 5311 apportionment.

An individual sub-recipient's administrative budget shall not exceed 40% of its total budget.

Examples of Administrative Costs are:

- Salaries and fringe benefits for the project director, transit manager, secretary and bookkeeper, or other personnel performing job duties in an administrative capacity.
- Office supplies and materials.
- Office equipment rental.
- Facilities and Office Space rental space.
- Vehicle insurance
- Marketing and Promotional costs
- Professional services, such as Legal, Accounting and Consulting
- Drug and Alcohol Testing

### 3. Capital Expenses

Capital equipment expenses include the acquisition, construction, and improvement of facilities used for public transportation purposes, including vehicles and related equipment. Capital equipment is limited to items that have a value > \$5,000 and a useful service life of one year.

Transit Vehicle useful service life is a function of the type of vehicle.

<b>Vehicle Type</b>	<b>Useful Service Life</b>
Small buses, vans, sedans and SUV's	<i>5 years or 100,000 miles</i>
25' to 35' light duty transit bus (body on chasis vehicles)	<i>5 yrs. or 150,000 miles</i>
30' medium-duty transit bus	<i>7 yrs. or 200,000 miles</i>
30' heavy duty transit bus	<i>10 yrs or 350,000 miles</i>
> 30' heavy duty transit bus	<i>12 yrs. or 500,000 miles</i>

WYDOT maintains a Vehicle Inventory, updated semi-annually, which documents the age, mileage, condition, VIN number, features, passenger size, and other pertinent information of each vehicle in the statewide public transit fleets.

When evaluating requests or proposals for vehicle replacement, WYDOT prioritizes those vehicles which have exceeded their useful service life. For requests when vehicle replacement is below the life expectancy or mileage thresholds (above), the maintenance record for the requested replacement vehicle must accompany the application.

When evaluating requests for additional or new vehicles for subgrantee fleets, WYDOT prioritizes those requests which:

- extend the service life of the existing fleet vehicles,
- are supported by data reflecting increased ridership and/or service area expansion,
- compliment the existing fleet and accommodate a service type not currently available,
- are ADA compliant, and
- are efficient to operate and are sustainable.

#### Examples of Other Capital

- Refurbishment and Rehabilitation of existing vehicles
- Vehicle retrofits for lifts, ramps and flooring
- Vehicle replacement parts, i.e. Tires, Transmissions, Engines, etc.
- Communications equipment, including cell phones and radios
- Computer equipment – hardware and software
- Dispatch equipment - hardware and software
- Vehicle Tracking Systems – including monitors
- Data Systems

- Fareboxes and Electronic Ticketing Systems
- Bicycle racks and luggage storage
- Bus shelters, kiosks, and electronic gates
- Wheelchair tie-downs, restraints and seat belts
- Safety and Security Equipment
- Transit garages and related equipment
- Maintenance equipment (such as bus lifts)
- Curb pull outs
- Leasing of equipment, when leasing is more cost effective than purchasing

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## **Other Provisions**

### **DISADVANTAGED BUSINESS ENTERPRISES – DBE**

DBE program seeks to ensure nondiscrimination in the award and administration of DOT-assisted contracts in WYDOT transit assistance programs and to create a level playing field on which DBE's can compete fairly for FTA funded contracts.

FTA recipients who receive \$250,000 or more in FTA-assisted prime contracting opportunities (**See: 49 CFR 26.5**) are required to have a DBE program and goal. This applies to planning, capital and/or operating assistance in a Federal fiscal year (exclusive of transit vehicle purchases). If WYDOT receives FTA funds, and a cumulative total of \$250,000 or more of these funds, not counting transit vehicle purchases, will be expended in contracts, then WYDOT's DBE program must cover the transit program and set an overall goal for transit contracts. This means that each State must combine all funds received by the State from FTA and used in contracts, even those funds passed through to sub-recipients such as providers of service under § 5310 and § 5311.

Additional Guidance regarding Disadvantaged Business Enterprises can be found on the FTA website at: <http://www.fta.dot.gov/dbe>

## DISADVANTAGED BUSINESS ENTERPRISES CERTIFICATION

(Modification Manufacturer)

This procurement is subject to the provisions of Section 26.49 of 49 CFR Part 26. Accordingly, as a condition of permission to bid, the following certification must be completed and submitted with the bid. **A bid which does not include the certification will not be considered.**

### **Oversight of Buy America**

WYDOT will offer technical assistance to sub-recipients to ensure compliance with the Buy America provisions as required by FTA. Pre-award and Post-delivery certifications are included in the sample bid package. Subrecipients that directly purchase vehicles or equipment in excess of \$100,000 will be subject to review of the bid documents prior to letting to ensure the inclusion of the applicable Buy America requirements. In most instances of vehicle purchases, staff at WYDOT is responsible for the actual letting of the bid and the Buy America requirements will be included in the bid package. Additional assistance will be offered if any vehicle procurement exceeds the threshold requiring an on-site inspection. Costs associated with this inspection may be an eligible program expense.

The Buy America provision requires materials and goods to be of domestic origin in order to be eligible for FTA participation. These requirements are for all procurements in excess of \$100,000 and are subject to various certifications depending on the type of project. Additional assistance is offered through the Office of Local Government Coordination at WYDOT.

### **Certification Procedures**

#### **Vehicle Procurement**

For the purpose of rolling stock, it is considered compliant to Buy America as long as the cost of components produced in the United States is more than 60 percent of the cost of all components and if the final assembly takes place in the United States. Details in regards to rolling stock procurement and Buy America can be found in 49 CFR §661.11. The following Certification is required with the bid:

If buses or other rolling stock (including train control, communication, and traction power equipment) are being procured, the appropriate certificate as set forth below shall be completed and submitted by each bidder in accordance with the requirement contained in 49 CFR §661.13(b) of this part.

#### **Pre-Award Audit**

As required by 49 CFR Part 663, all sub-recipients are required to certify to WYDOT that they have conducted a pre-award audit to ensure compliance with the original bid specifications, Buy America requirements and Federal Motor Vehicle Safety Standards. Visual inspections and road tests are required for upon delivery to ensure compliance with the specifications. Additional Technical Assistance is available for procurements involving 20 or more vehicles. Buy America requires materials and goods to be of domestic origin in order to be eligible for FTA participation. These requirements are for all procurements in excess of \$100,000 and are

subject to various certifications depending on the type of project. Basic guidance is listed below, additional assistance is offered through the Office of Local Government Coordination at WYDOT.

### **Construction Projects**

All construction projects that include FTA assistance must include the Buy America provisions for domestic content for any purchases of iron, steel and manufactured goods. For all construction projects, the contractor must certify that they meet the requirements of 49 CFR Part 661 and the provisions of 49 U.S.C. 5323(j). The following certification will be used:

If steel, iron, or manufactured products (as defined in 49 CFR §661.3 and 661.5) are being procured, the appropriate certificate as set forth below shall be completed and submitted by each bidder in accordance with the requirement contained in §661.13(b) of this part.

## **DEBARMENT AND SUSPENSION**

### **Certification Procedure**

In order to prevent fraud, waste and abuse in the awarding of federal transactions, sub-recipients and their third party contractors are required to WYDOT they are neither Suspend nor Debarred from participation in federal contracts. WYDOT will verify a subrecipient or contractors' status for all contracts in excess of \$25,000 by reviewing the listings found at <http://www.epls.gov>.

Subrecipients receiving federal funding in excess of \$25,000 are required to sign a Project Agreement including the Debarment and Suspension clause as for all projects. During the review of third party procurement documents, it will be required that the Debarment and Suspension clause be present in the solicitation as well as the contract between subrecipient and contractor. The subrecipients shall be instructed to verify a contractor is not included on the "Excluded Parties List System" at the web address listed above. Subrecipients shall be required to capture a "screen shot" print-out from the EPLS website verifying the contractor is not debarred / an excluded party. During program audits of the subrecipients, the procurement files will be reviewed to ensure the inclusion of a "screen shot" print-out showing this verification was completed.

## **LOBBYING**

### **Lobbying Certification**

The Lobbying Certification shall be included in the application for funding for all 5311 contracts from FY11 on into the future. The Lobbying Certification will also be incorporated into the other program applications as they are redeveloped for the State Management Plan. In anticipation of the development of an electronic application and data management system, these applications are not included with this response. If the electronic system is not developed in time for the next project solicitation period, the sample application will be submitted to FTA Region VIII prior to projects being solicited. Until the time that that these applications are revised, the Lobbying Certification in the Appendix will be included in all subrecipient agreements in excess of \$100,000 as well as all sub-contracts above the \$100,000 threshold.

## **EXCLUSIVE SCHOOL TRANSPORTATION**

Subrecipients may not engage in school bus operation using buses, facilities or equipment purchased with Federal funding in competition with private school bus operators, except as provided in 49 CFR Part 605.

The subrecipients understand that a violation of this agreement may require corrective measures and penalties, including debarment from receipt of further Federal assistance for transportation. Compliance is confirmed during on-site monitoring reviews by WYDOT or its designees.

Additional information regarding the Exclusive School Transportation, as well as Frequently Asked Questions can be found on the FTA website at: <http://www.fta.dot.gov/documents/SchoolBusBrochureJanuary19-2005.pdf>

## **DRUG & ALCOHOL REQUIREMENTS**

WYDOT requires § 5311 grant recipients to comply with FTA's Drug and Alcohol regulations that require drug and alcohol testing for direct employees or contractors who perform safety-sensitive functions. Covered employees include: revenue vehicle operators, dispatchers, Commercial Driver License (CDL)-holders operating non-revenue vehicles and those maintaining revenue service vehicles and equipment.

Rules do not apply to taxicab drivers when patrons (using subsidized vouchers) select the taxi company that provides the service.

These regulations apply to volunteers if they are required to hold CDL's to operate the vehicles or if they perform a safety-sensitive function and receive payment in excess of actual expenses incurred while engaged in the volunteer activity.

Under § 5311, providers of contracted maintenance service are exempt from FTA's drug and alcohol testing requirements.

The rules require direct recipients and sub-recipients annually prepare and maintain a summary of results of their testing programs during the previous calendar year.

WYDOT plans to retain a D&A consultant to monitor for D&A compliance.

For more information on the FTA Requirements regarding Drug and Alcohol, please visit the FTA website at: <http://www.fta.dot.gov/safetysecurity/12533.html>

## **PUBLIC HEARING REQUIREMENTS**

The grant applicant must provide an adequate opportunity for public review and comment on a capital project, and, after providing notice, must hold a public hearing on the project if the project affects significant economic, social, or environmental interests. Under 49 U.S.C. 5323(b), any application for a project that will "substantially affect a community, or the public transportation service of a community" shall include a certification to the effect that the applicant has:

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

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

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

### **ENVIRONMENTAL PROTECTIONS**

Most projects and activities funded through the Section 5311 program do not normally involve significant environmental impacts. Such projects are termed “categorical exclusions (CEs)” in FTA’s procedures because they are types of projects which have been categorically excluded from the requirement to prepare an environmental document. In the annual certifications and assurances, the State assures FTA that all the projects in the application are CEs under 23 CFR 771.117(c) unless otherwise noted. FTA’s regulation classifies categorically excluded actions and projects into two groups.

For any project which is not found to be a CE, the State may be required to prepare an environmental assessment (EA) for public comment and FTA review to determine if a Finding of No Significant Impact (FONSI) is appropriate. A project which requires an EA may not be included in Category A before FTA has issued a FONSI for the project. In the unlikely event that significant environmental impacts are identified for a Section 5311 project, an EIS will be required.

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## APPENDIX

Appendix 1	Bid Package including Clauses for Rolling Stock Procurement
Appendix 2	Construction Certifications
Appendix 3	Asset Management Form
Appendix 4	Facility Maintenance Form
Appendix 5	Vehicle Maintenance Form
Appendix 6	Monitoring Checklist
Appendix 7	Vehicle Procurement Procedures
Appendix 8	Facility Tracking System





**Appendix 1 Bid Package  
Including Clauses for Rolling  
Stock Procurement**

**INVITATION FOR BIDS**

**FOR THE PURCHASE**

OF

**Vehicle type and quantity**

FOR

Wyoming Department of Transportation

Issued by

**Wyoming Department of Transportation**

**Cheyenne, Wyoming**

**Fiscal Year 2012**



Matthew H. Mead  
Governor

# Wyoming Department of Transportation

*"Providing a safe, high quality, and efficient transportation system"*

5300 Bishop Boulevard  
Cheyenne, Wyoming 82009-3340



John F. Cox  
Director

## PURPOSE OF THIS INVITATION FOR BID (IFB)

### **1. Solicitation Provision**

**Objective**—This Invitation for Bid will enable WYDOT to standardize the future selection of buses, realize a better price through volume discounts, and reduce the requirement of an as-needed or annual procurement process as grant money is made available. This invitation will allow WYDOT to exercise and/or assign options in the future as grants are allocated. The award will be made to the lowest responsive and responsible bidder.

**Options**—WYDOT has sole discretion to exercise/assign options and future base amounts for up to XXX Vehicles, to be delivered over the remaining contract term. Assigned agencies will enter into individual contracts with the contractor.

Successful bidders will furnish WYDOT or assigned transit properties with a minimum XXX Vehicles, through Future Date or until completion of the contract to include options, whichever comes first. Contract to be in accordance with the attached specification sheet. Contractor shall provide all labor, vehicles, equipment, insurance, licenses, etc., at no additional cost to WYDOT.

### **Public Agency Participation/Assignability**

Any public agency (i.e., city, district, public authority, public agency, municipality, and other political subdivision or any FTA-funded entity) shall have the option of participating in any award made as a result of this invitation at the same prices, terms, and conditions. WYDOT reserves the right to assign all or any portion of the vehicles awarded under this Contract including option quantities. This assignment, should it occur, shall be agreed to by WYDOT and the contractor. Once assigned, each agency will enter into its own contract and be solely responsible to the contractor for obligations to the buses assigned. WYDOT's right of assignment will remain in force over until Future Date or until completion of the contract to include options, whichever occurs first. WYDOT shall incur no financial responsibility in connection with contracts issued by another public agency. The public agency shall accept sole responsibility for placing orders or payments to the Contractor.

### **2. Contract Clause**

#### **Assignment And Subcontracting**

WYDOT on behalf of itself, is conducting this solicitation for the purpose of acquiring XXX Vehicles. Order of equipment for each agency is contingent on available funding.

WYDOT reserves the right to assign all or any portion of the vehicles awarded under this contract including option quantities. This assignment, should it occur, shall be to WYDOT and will be honored by the contractor(s). WYDOT's right of assignment will remain in force through Future Date or until completion of the contract to include options, whichever occurs first.

Because our members are located throughout Wyoming, vans will be required to be delivered to various cities in Wyoming with a full tank of gas and title.

**GENERAL DESCRIPTION:**

**(modify as needed)**

Current production bus with wheelchair lifts and tie-downs, equipped with all items and accessories listed as standard equipment except for optional items specified in lieu thereof, and all lights and accessories required to meet state and federal regulations relating to this type of vehicle. Vehicles must meet or exceed these minimum specifications, including any applicable ADA requirements and FMVSS regulations.

**REQUIREMENTS:**

1. **GVWR**
2. **WHEELBASE**
3. **ENGINE – displacement and fuel type**
  - a. **Additional required engine features**
  - b.
  - c.
  - d.
  - e.
4. **TRANSMISSION**
5. **AXLES**
6. **WHEELS AND TIRES**
7. **SUSPENSION**
8. **BODY – Describe structure, doors, lighting rigidity, etc.**
  
9. **SEATING – Describe passenger seating configuration, materials and driver’s seat requirements**
  
10. **EXTRA EQUIPMENT:**
  - a. **describe additional features like power options, mirrors, radio, tinted glass, heater and ac etc...**
  - b.
  - c.
  - d.
  - e.
  - f.
  - g.
  - h.
  - i.
  - j.
  - k.
  - l.

- m.
- n.
- o.
- p.
- q.
- r.
- s.
- t.
- u.
- v.

- 11. **LIFT** – Specifications as to type, location, and model # if appropriate, additional details as needed
- 12. **TIEDOWNS** – List type, #, location and possible model # if appropriate. Tie-downs shall conform with all applicable ADA regulations.
- 13. **SPECIAL PROVISIONS:**
  - a) Manuals providing parts information, operating instructions and electrical schematics for the bus and lift, as well as other accessibility features, shall be delivered with the unit.
  - b) All warranty information and registrations shall be completely filled out and presented at time of delivery. Bus shall be delivered fully fueled and serviced to **Agency Name**
  - c) Manufacturer shall submit with the bid invitation a certification that the vehicle complies with 49 CFR FMVSS 571.220-221 and 204, a copy of the bus testing report for the model proposed, as well as any other applicable FMVSS requirements. A certification must also be included with the bid that the vehicle meets all requirements of the Americans with Disabilities Act of 1990.
  - d) The vehicle(s) will be delivered with a Title VI and ADA notification placed in a visible place on the interior of the vehicle for passengers to view when boarding/de-boarding. This notification should be in type a minimum of 14 point and read as follows:

The **NAME OF AGENCY** is committed to ensuring that no person is excluded from participation in, or denied the benefits of, or be subject to discrimination in the receipt of its services on the basis of race, color, or national origin, or any other characteristics protected by law, including Title VI of the Civil Rights Act of 1964, as amended. Further, under the Americans with Disabilities Act (ADA) of 1990, no entity shall discriminate against an individual with a physical or mental disability in connection with the provision of transportation service.

To obtain more information on **NAME OF AGENCY'S** nondiscrimination obligations or to file a complaint, contact **NAME OF AGENCY, ADDRESS AND CONTACT PHONE NUMBER**. You may file a written complaint no later than 180 calendar days after the date of the alleged discrimination.

Information on non-English alternative formats may be obtained from the **NAME OF AGENCY OFFICE**.

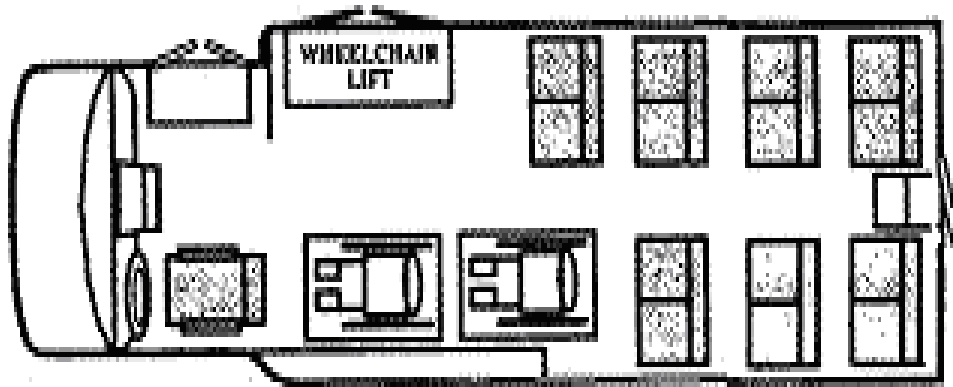
- 14. **NOTE - See the following supplement page for additional equipment, floor plan, interior color, and paint.**

SUPPLEMENT A

1. **List information such as the desired location of the doorway for entry, and additional detail for the items specified in items 1-14 above.**
- 2.
- 3.
- 4.
- 5.
- 6.

Please refer questions to:

- Agency Contact**
- Agency Name**
- Address**
- Town, Wyoming Zip**
- Phone**
- Fax**





Wyoming Department of Transportation

Office of Local Government – Transit Program

5300 Bishop Boulevard, Planning Building, Room 215

Cheyenne, WY 82009

**SPECIFICATION CHECKLIST**

**INSTRUCTIONS:** Place a checkmark on the appropriate line where the proposed vehicle deviates from the listed specification. Provide a description of the deviation in the space provided. Additional sheets can be attached if required.

**Description of the Deviation**

**GVWR:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**WHEELBASE:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**ENGINE:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**TRANSMISSION:**

\_\_\_\_\_

\_\_\_\_\_

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**WHEELS AND TIRES:**

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**SUSPENSION:**

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**BODY:**

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**SEATING:**

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**HEATING AND AIR  
CONDITIONING:**

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**ADDITIONAL  
REQUIREMENTS:**

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**SPECIAL PROVISIONS:**

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# FY 2012 Vehicle Procurement Package

## Bid Package Checklist

The following bid package contains the Specifications for the vehicle being bid as well as the Federal Clauses and Certifications relevant to this procurement transaction. The Vehicle Specifications should be considered to be the minimum acceptable vehicle specification that will be considered for this procurement. The Federal Clauses are required for all purchases using Federal Transit Administration funds and are mandated by Federal Law as indicated within the document. This checklist should assist you in submitting your bid and ensure your bid is considered responsive.

- Bid for the specified vehicle

**For the bid to be considered responsive, the following Certification must be submitted with your original bid.** Failure to properly complete and submit this certification with your bid will render your bid disqualified. **NO EXCEPTIONS OR EXTENSIONS WILL BE CONSIDERED. NO PHOTO OR FAX COPIES WILL BE ACCEPTED WHERE ORIGINAL SIGNATURES ARE SPECIFIED.**

- TVM DBE Certification
- Lobbying Certification
- Bus Testing Certification
- FMVSS Certification
- Pre-Award Audit (if value is over \$100,000)

**NOTE: CERTIFICATIONS SHOULD BE SUBMITTED WITH AN ORIGINAL SIGNATURE OF AN AUTHORIZED REPRESENTATIVE FOR THE BIDDER. THE TVM DBE CERTIFICATION MUST HAVE AN ORIGINAL SIGNATURE FROM THE VEHICLE MANUFACTURER / MODIFIER TO BE CONSIDERED A RESPONSIVE BID.**

## Clauses that must accompany every Rolling Stock Transit Purchase Order Utilizing State or Federal Transit Administration Funds

**These Federal clauses must be attached to any contract, bid, proposal, etc., you, as a third-party contractor to which you are a part:**

### **FLY AMERICA REQUIREMENTS: 49 U.S.C. § 40118 – 41 CFR Parts 301-10**

**Applicability:** The Fly America requirements apply to the transportation of persons or property, by air, between a place in the U.S. and a place outside the U.S., when the FTA will participate in the costs of such air transportation.

The Contractor agrees to comply with 49 U.S.C. 40118 (the “Fly America” Act) in accordance with the General Services Administration’s regulations at 41 CFR Part 301-10, which provide that recipients and subrecipients of Federal funds and their contractors are required to use U.S. Flag air carriers for U.S. Government-financed international air travel and transportation of their personal effects or property, to the extent such service is available, unless travel by foreign air carrier is a matter of necessity, as defined by the Fly America Act. The Contractor shall submit, if a foreign air carrier was used, an appropriate certification or memorandum adequately explaining why service by a U.S. Flag air carrier was not available or why it was necessary to use a foreign air carrier and shall, in any event, provide a certificate or compliance with the Fly America requirements. The Contractor agrees to include the requirements of this section in all subcontracts that may involve international air transportation.

### **BUY AMERICA REQUIREMENTS: 49 U.S.C. 5323(j) – 49 CFR Part 661**

**Applicability:** The Buy America requirements apply to the following types of contracts: Construction Contracts and Acquisition of Goods or Rolling Stock (valued at more than \$100,000).

The Contractor agrees to comply with 49 U.S.C. 5323(j) and 49 CFR Part 661, which provide that Federal funds may not be obligated unless steel, iron, and manufactured products used in FTA-funded projects are produced in the United States, unless a waiver has been granted by FTA or the product is subject to a general waiver. General waivers are listed in 49 CFR 661.7. Separate requirements for rolling stock are set out at 49 U.S.C. 5323(j)(2)(C) and 49 CFR 661.11. Rolling stock must be assembled in the United States and have a 60 percent domestic content.

A bidder or offeror must submit to the FTA recipient the appropriate Buy America certification with all bids or offers on FTA-funded contracts, except those subject to a general waiver. Bids or offers that are not accompanied by a completed Buy America certification must be rejected as nonresponsive. This requirement does not apply to lower tier subcontractors.

### **PRE-AWARD AND POST DELIVERY AUDITS REQUIREMENTS**

The Bidder agrees to comply with 49 U.S.C § 5323(1) and FTA’s implementing regulation at 49 C.F.R. Part 663 and to submit the following certifications:

- 1) Buy America Requirements: The Bidder shall complete and submit a declaration certifying either compliance or noncompliance with Buy America if bid is in excess of \$100,000. If the Bidder/Offeror certifies compliance with Buy America, it shall submit documentation which lists:
  - a) component and subcomponent parts of the rolling stock to be purchased identified by manufacturer of the parts, their country of origin, and costs; and
  - b) the location of the final assembly point for the rolling stock, including a description of the activities that will take place at the final assembly point and the cost of final assembly.

- 2) Solicitation Specification Requirement: the bidder shall submit evidence that it will be capable of meeting the bid specifications.
- 3) Federal Motor Vehicle Safety Standards (FMVSS): The Bidder shall submit:
  - a) manufacturer's FMVSS self-certification sticker information that the vehicle complies with relevant FMVSS; or
  - b) the manufacturer's certified statement that the contracted buses will not be subject to FMVSS regulations

**CARGO PREFERENCE REQUIREMENTS: 46 U.S.C. 1241 – 46 CFR Parts 381**

Applicability: Cargo Preference requirements apply to all contracts involving equipment, materials, or commodities which may be transported by ocean vessels.

**Cargo Preference – Use of United States-Flag Vessels:** The Contractor agrees to:

- 1) to use privately owned United States-Flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping equipment, material, or commodities pursuant to the underlying contract to the extent such vessels are available at fair and reasonable rates for United States-Flag commercial vessels;
- 2) to furnish within 20 working days following the date of loading for shipments originating within the United States, a legible copy of a rated, "on-board" commercial ocean bill-of-lading in English for each shipment of cargo described in the preceding paragraph to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590 and the FTA recipient (through the contractor in the case of a subcontractor's bill-of-lading); and
- 3) to include these requirements in all subcontracts issued pursuant to this contract when the subcontract may involve the transport of equipment, material, or commodities by ocean vessel.

**ENERGY CONSERVATION REQUIREMENTS: 42 U.S.C. 6321 et seq. – 49 CFR Part 18**

Applicability: Energy conservation requirements are applicable to all contracts.

The Contractor agrees to comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

**CLEAN WATER REQUIREMENTS: 33 U.S.C. 1251**

Applicability: Clean water requirements apply to each contract and subcontract which exceeds \$100,000.

- 1) The Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq. The Contractor agrees to report each violation to the Purchaser and understands and agrees that the Purchaser will, in turn, report each violation as required to assure notification to FTA and the appropriate EPA Regional Office.
- 2) The Contractor also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

**BUS TESTING: 49 U.S.C. 5323(c) – 49 CFR Part 665**

Applicability: *The Bus Testing requirements pertain only to the acquisition of Rolling Stock/Turnkey.*

The Contractor [Manufacturer] agrees to comply with 49 U.S.C. § 5323(c) and FTA implementing regulation at 49 CFR Part 665 and shall perform the following:

- 1) A manufacturer of a new bus model or a bus produced with a major change in components or configuration shall provide a copy of the final test report to the recipient at a point in the procurement process specified by the recipient which will be prior to the recipient's final acceptance of the first vehicle.
- 2) A manufacturer who releases a report under paragraph 1 above shall provide notice to the operator of the testing facility that the report is available to the public.
- 3) If the manufacturer represents that the vehicle was previously tested, the vehicle being sold should have the identical configuration and major components as the vehicle in the test report, which must be provided to the recipient prior to recipient's final acceptance of the first vehicle. If the configuration or components are not identical, the manufacturer shall provide a description of the change and the manufacturer's basis for concluding that it is not a major change requiring additional testing.
- 4) If the manufacturer represents that the vehicle is "grandfathered" (has been used in mass transit service in the United States before October 1, 1988, and is currently being produced without a major change in configuration or components), the manufacturer shall provide the name and address of the recipient of such a vehicle and the details of that vehicle's configuration and major components.

**LOBBYING: 49 U.S.C. 1352 – 49 CFR Part 19 – 49 CFR Part 20**

Applicability: The Lobbying requirements apply to Construction/Architectural and Engineering/Acquisition of Rolling Stock/Professional Service Contract/Operational Service Contract/Turnkey contracts.

**Byrd Anti-Lobbying Amendment, 31 U.S.C. 1352, as amended by the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, et seq.]**— Contractors who apply or bid for an award of \$100,000 or more shall file the certification required by 49 CFR Part 20, "New Restrictions on Lobbying." Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier up to the recipient.

**ACCESS TO RECORDS: 49 U.S.C. 5325 – 18 CFR 18.36(i) – 49 CFR 633.17**

Applicability: Applies to all contracts.

**Access to Records.** The following access to records requirements apply to this Contract:

- 1) Where the Purchaser is not a State but a local government and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 18.36(i), the Contractor agrees to provide the Purchaser, the FTA Administrator, the Comptroller General of the United States or any of their authorized representatives access to any books, documents, papers and records of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions. Contractor also agrees, pursuant to 49 C.F.R. 633.17 to provide the FTA Administrator or his authorized representatives including any PMO Contractor access to Contractor's records and construction sites pertaining to a major capital project, defined at 49 U.S.C. 5302(a)1, which is receiving federal financial assistance through the programs described at 49 U.S.C. 5307, 5309 or 5311.
- 2) Where the Purchaser is a State and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 633.17, Contractor agrees to provide the Purchaser, the FTA Administrator or his authorized representatives including any PMO Contractor access to Contractor's records and construction sites pertaining to a major capital project, defined at 49 U.S.C. 5302(a)1, which is receiving federal financial assistance through the programs described at 49 U.S.C. 5307, 5309 or 5311. By definition, a major capital project excludes contracts of less than the simplified acquisition threshold currently set at \$100,000.

- 3) Where the Purchaser enters into a negotiated contract for other than a small purchase or under the simplified acquisition threshold and is an institution of higher education, an hospital or other non-profit organization and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 19.48, Contractor agrees to provide the Purchaser, the FTA Administrator, the Comptroller General of the United States or any of their duly authorized representatives with access to any books, documents, papers and records of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions.
- 4) Where any Purchaser, which is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 U.S.C. 5325(a) enters into a contract for a capital project or improvement (defined at 49 U.S.C. 5302(a)1) through other than competitive bidding, the Contractor shall make available records related to the contract to the Purchaser, the Secretary of Transportation and the Comptroller General or any authorized officer or employee of any of them for the purposes of conducting an audit and inspection.
- 5) The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.
- 6) The Contractor agrees to maintain all books, records, accounts and reports required under this contract for a period of not less than three years after the date of termination or expiration of this contract, except in the event of litigation or settlement of claims arising from the performance of this contract, in which case Contractor agrees to maintain same until the Purchaser, the FTA Administrator, the Comptroller General, or any of their duly authorized representatives, have disposed of all such litigation, appeals, claims or exceptions related thereto. Reference of 49 CFR 18.39(i)(11).

**FEDERAL CHANGES: 49 CFR Part 18**

Applicability: Federal Changes requirement applies to all contracts.

Contractor shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the Agreement (Form FTA MA (16) dated October 2009) between purchaser and FTA, as they may be amended or promulgated from time to time during the term of this contract. Contractor's failure to so comply shall constitute a material breach of this contract.

**CLEAN AIR: 42 U.S.C. 7401 et seq – 40 CFR 15.61 – 49 CFR Part 18**

Applicability: Clean Air requirements apply to all contracts exceeding \$100,000, including indefinite quantities where the amount is expected to exceed \$100,000 in any year.

- 1) The contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq. The Contractor agrees to report each violation to the Purchaser and understands and agrees that the Purchaser will, in turn, report each violation as required to assure notification to FTA and the appropriate EPA Regional Office.
- 2) The Contractor also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

**CONTRACT WORK HOURS AND SAFETY STANDARDS ACT: 40 U.S.C. §§ 327-333 (1959) -- 29 C.F.R. § 5 (1995) – 29 C.F.R. § 1926 (1995)**

Applicability: Construction Contracts in excess of \$100,000.

(These clauses are specifically mandated under DOL regulation 29 C.F.R. § 5.5 and when preparing a construction contract in excess of \$2,000 these clauses should be used in conjunction with the Davis-Bacon Act clauses. For non-construction contracts, this is the only section required along with the payroll section.)

- 1) **Overtime requirements.** No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless

such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

- 2) **Violation; liability for unpaid wages; liquidated damages.** In the event of any violation of the clause set forth in paragraph (1) of this section the contractor and any subcontractor responsible therefore shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clauses set forth in paragraph (1) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1) of this section.
- 3) **Withholding for unpaid wages the liquidated damages.** The Recipient shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2) of this section.
- 4) **Subcontracts.** The contractor or subcontractor shall insert in any subcontracts the clauses set forth in this section and also a clause requiring the subcontractors to include these clauses in any lower tier contracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in this section.

Section 102 non-construction contracts should also have the following provision:

5) **Section 107 (OSHA)**

- i) The Contractor agrees to comply with Section 107 of the Contract Work House and Safety Standards Act, 40 U.S.C. section 333, and applicable DOL regulations, "Safety and Health Regulations for Construction" 29 C.F.R. Part 1926. Among other things, the Contractor agrees that it will not require any laborer or mechanic to work in unsanitary, hazardous, or dangerous surroundings or working conditions.
- ii) **Subcontracts.** The Contractor also agrees to include the requirements of this section in each subcontract. The term "subcontract" under this section is considered to refer to a person who agrees to perform any part of the labor or material requirements of a contract for construction, alteration or repair. A person who undertakes to perform a portion of a contract involving the furnishing of supplies or materials will be considered a "subcontractor" under this section if the work in question involves the performance of construction work and is to be performed:
  - (1) directly on or near the construction site, or
  - (2) by the employer for the specific project on a customized basis. Thus, a supplier of materials which will become an integral part of the construction is a "subcontractor" is the supplier fabricates or assembles the goods or materials in question specifically for the construction project and the work involved may be said to be construction activity. If the goods or materials in question are ordinarily sold to other customers from regular inventory, the supplier is not a "subcontractor." The requirements of this section do not apply to contracts or subcontracts for the purchase of supplies or materials or articles normally available on the open market.

## **NO OBLIGATION TO THIRD PARTIES:**

Applicability: Applicable to all contracts.

### **No Obligation by the Federal Government.**

- 1) The Purchaser and Contractor acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations or liabilities to the Purchaser, Contractor, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.
- 2) The Contractor agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

## **PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS AND RELATED ACTS: 31 U.S.C. 3801 et seq. – 49 CFR Part 31 – 18 U.S.C. 1001 – 49 U.S.C. 5307**

Applicability: Applicable to all contracts.

- 1) The Contractor acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. §§3801 et seq. And U.S. DOT regulations, “Program Fraud Civil Remedies,” 49 C.F.R. Part 31, apply to its actions pertaining to this Project. Upon execution of the underlying contract, the Contractor certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying contract or the FTA assisted project for which this contract work is being performed. In addition to other penalties that may be applicable, the Contractor further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on the Contractor to the extent the Federal Government deems appropriate.
- 2) The Contractor also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under a contract connected with a project that is financed in whole or in part with Federal assistance originally awarded by FTA under the authority of 49 U.S.C. §5307, the Government reserves the right to impose the penalties of 18 U.S.C. §1001 and 49 U.S.C. §5307(n)(1) on the Contractor, to the extent the Federal Government deems appropriate.
- 3) The Contractor agrees to include the above two clauses in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject to the provisions.

## **TERMINATION: 49 U.S.C. Part 18 – FTA Circular 4220.1F**

Applicability: *All Contracts (with the exception of contracts with nonprofit organizations and institutions of higher education,) in excess of \$10,000 shall contain suitable provisions for termination by grantee including the manner by which it will be effected and the basis for settlement.*

- 1) Termination for Convenience – The Recipient may terminate this contract, in whole or in part, at any time by written notice to the Contractor when it is in the Government’s best interest. The Contractor shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Contractor shall promptly submit its termination claim to the Recipient to be paid the Contractor. If the Contractor has any property in its possession belonging to the Recipient, the Contractor will account for the same, and dispose of it in the manner the Recipient directs.
- 2) Termination for Default [Breach or Cause] – If the Contractor does not deliver supplies in accordance with the contract delivery schedule, or, if the contract is for services, the Contractor fails to perform in the manner called for in the contract, or if the Contractor fails to comply with any other provisions of the contract, the Recipient may terminate this contract for default. Termination shall be effected by serving a notice of termination on the contractor setting forth the manner in which the Contractor is in default. The contractor will only be paid the contract price for supplies delivered and accepted, or services performed in accordance with the manner of performance set forth in the contract.

If it is later determined by the Recipient that the Contractor had an excusable reason for not performing, such as a strike, fire, or flood, events which are not the fault of or are beyond the control of the Contractor, the Recipient, after setting up a new delivery of performance schedule, may allow the Contractor to continue work, or treat the termination as a termination for convenience.

- 3) Opportunity to Cure – The Recipient in its sole discretion may, in the case of a termination for breach or default, allow the Contractor ten (10) days in which to cure the defect. In such case, the notice of termination will state the time period in which cure is permitted and other appropriate conditions.

If Contractor fails to remedy to Recipient's satisfaction the breach or default of any of the terms, covenants, or conditions of this contract within ten (10) days after receipt by Contractor of written notice from Recipient setting forth the nature of said breach or default, Recipient shall have the right to terminate the Contract without any further obligation to Contractor. Any such termination for default shall not in any way operate to preclude Recipient from also pursuing all available remedies against contractor and its sureties for said breach or default.

- 4) Waiver of Remedies for any Breach – In the event that Recipient elects to waive its remedies for any breach by Contractor of any covenant, term or condition of this Contract, such waiver by Recipient shall not limit Recipient's remedies for any succeeding breach of that or of any other term, covenant, or condition of this Contract.
- 5) Termination for Default [Construction] – If the Contractor refuses or fails to prosecute the work or any separable part, with the diligence that will insure its completion within the time specified in this contract or any extension or fails to complete the work within this time, or if the Contractor fails to comply with any other provisions of this contract, the Recipient may terminate this contract for default. The Recipient shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of the default. In this event, the Recipient may take over the work and complete it by contract or otherwise, and may take possession of and use any materials, appliances, and plant on the work site necessary for completing the work. The Contractor and its sureties shall be liable for any damage to the Recipient resulting from the Contractor's refusal or failure to complete the work within specified time, whether or not the Contractor's right to proceed with the work is terminated. This liability includes any increased costs incurred by the Recipient in completing the work.

The Contractor's right to proceed shall not be terminated nor the Contractor charged with damages under this clause if:

- i) the delay in completing the work arises from unforeseeable causes beyond the control and without the fault or negligence of the Contractor. Examples of such causes include: acts of God, acts of the Recipient, acts of another Contractor in the performance of a contract with the Recipient, epidemics, quarantine restrictions, strikes, freight embargos; and
- ii) the Contractor, within ten (10) days from the beginning of any delay, notifies the Recipient in writing of the causes of delay. If in the judgment of the Recipient, the delay is excusable, the time for completing the work shall be extended. The judgment of the Recipient shall be final and conclusive on the parties, but subject to appeal under the Breaches and Disputes Resolution clauses.

If, after termination of the Contractor's right to proceed, it is determined that the Contractor was not in default, or that the delay was excusable, the rights and obligations of the parties will be the same as if the termination had been issued for the convenience of the Recipient.

**GOVERNMENT-WIDE DEBARMENT AND SUSPENSION: – 49 CFR Part 29 – Executive Order 12549**

*Applicability: The provisions of Part 29 apply to all grantee contracts and subcontracts at any level expected to equal or exceed \$25,000.*

This contract is a covered transaction for purposes of 49 CFR Part 29. As such, the contractor is required to verify that none of the contractor, its principals, as defined at 49 CFR 29.995, or affiliates, as defined at 49 CFR 29.905, are excluded or disqualified as defined at 49 CFR 29.940 and 29.945.



The contractor is required to comply with 49 CFR 29, Subpart C and must include the requirement to comply with 49 CFR 29, Subpart C in any lower tier covered transaction it enters into.

By signing and submitting its bid or proposal, the bidder or proposer certifies as follows:

The certification in this clause is a material representation of fact relied upon by WYDOT and the Recipient. If it is later determined that the bidder or proposer knowingly rendered an erroneous certification, in addition to remedies available to WYDOT and the Recipient, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The bidder or proposer agrees to comply with the requirements of 49 CFR 29, Subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

**CIVIL RIGHTS: 29 U.S.C. § 623 – 42 U.S.C. § 2000 – 42 U.S.C. § 6102 – 42 U.S.C. § 12112 – 42 U.S.C. § 12132 – 49 U.S.C. § 5332 – 29 CFR Part 1630 – 41 CFR Parts 60 et seq.**

Applicability: Civil Rights requirements apply to all contracts.

The following requirements apply to the underlying contract:

- 1) Nondiscrimination – In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, section 202, of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. In addition, the Contractor agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.
- 2) Equal Employment Opportunity – The following equal opportunity requirements apply to the underlying contract:
  - i) Race, Color, Creed, National Origin, Sex – In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, and Federal transit laws at 49 U.S.C. § 5332, the Contractor agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor,” 41 C.F.R. Parts 60 et seq., (which implement Executive Order No. 11246, “Equal Employment Opportunity,” as amended by Executive Order No. 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” 42 U.S.C. § 2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project. The Contractor agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.
  - ii) Age – In accordance with section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 623 and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.
  - iii) Disabilities – In accordance with section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, the Contractor agrees that it will comply with the requirements of U.S. Equal Employment Commission, “Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act,” 29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.
- 3) The Contractor also agrees to include these requirements in each subcontract financed in whole or in part with Federal assistance provided by FTA, modified only if necessary to identify the affected parties.

## **REVENUE ROLLING STOCK ACCESSIBILITY**

Rolling stock must comply with the accessibility requirements of DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 CFR Part 37, and Joint ATBCB/DOT regulations, "Americans with Disabilities (ADA) Accessibility Specifications for Transportation Vehicles," 36 CFR Part 1192 and 49 CFR Part 38.

## **BREACHES AND DISPUTE RESOLUTION: 49 CFR Part 18 – FTA Circular 4220.1F**

**Applicability:** All contracts in excess of \$100,000 shall contain provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. This may include provisions for bonding, penalties for late or inadequate performance, retained earnings, liquidated damages or other appropriate measures.

- 1) **Disputes.** Disputes arising in the performance of this Contract which are not resolved by agreement of the parties shall be decided in writing by the authorized representative of Recipient's Project Sponsor. This decision shall be final and conclusive unless within ten (10) days from the date of receipt of its copy, the Contractor mails or otherwise furnishes a written appeal to the Project Sponsor. In connection with any such appeal, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its position. The decision of the Project Sponsor shall be binding upon the Contractor and the Contractor shall abide by the decision.
- 2) **Performance During Dispute.** Unless otherwise directed by Recipient, Contractor shall continue performance under this Contract while matters in dispute are being resolved.
- 3) **Claims for Damages.** Should either party to the Contract suffer injury or damage to person or property because of any act or omission of the party or of any of his employees, agents or others for whose acts he is legally liable, a claim for damages therefore shall be made in writing to such other party within a reasonable time after the first observance of such injury or damage.
- 4) **Remedies.** Unless this contract provides otherwise, all claims, counterclaims, disputes and other matters in question between the Recipient and the Contractor arising out of or relating to this agreement or its breach will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State in which the Recipient is located.
- 5) **Rights and Remedies.** The duties and obligations imposed by the Contract Documents and the rights and remedies available thereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law. No action or failure to act by the Recipient, Architect or Contractor shall constitute a waiver of any right or duty afforded any of them under the Contract, nor shall any such action or failure to act constitute an approval of or acquiescence in any breach thereunder, except as may be specifically agreed in writing.

## **DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROVISION: 49 CFR Part 26**

**Applicability:** DBE provisions apply to all FTA-assisted contracts.

- 1) This contract is subject to the requirements of Title 49, Code of Federal Regulations, Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs. The national goal for participation of Disadvantaged Business Enterprises (DBE) is 10%. The Wyoming Department of Transportation's overall goal for DBE participation in FTA funded projects is 1.03%. A separate contract goal has **not been** established for this procurement.
- 2) The contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of this DOT-assisted contract. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the Wyoming Department of Transportation and the Recipient deems appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b)).

- 3) The successful bidder/offeror will be required to report its DBE participation obtained through race-neutral means throughout the period of performance.
- 4) The contractor is required to pay its subcontractors performing work related to this contract for satisfactory performance of that work no later than 30 days after the contractor's receipt of payment for that work from WYDOT or the Recipient. In addition, the contractor may not hold retainage from its subcontractors.
- 5) The contractor must promptly notify WYDOT and the Recipient, whenever a DBE subcontractor performing work related to this contract is terminated or fails to complete its work, and must make good faith efforts to engage another DBE subcontractor to perform at least the same amount of work. The contractor may not terminate any DBE subcontractor and perform that work through its own forces or those of an affiliate without prior written consent of WYDOT and the Recipient.

**INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION (FTA) TERMS: FTA Circular 4220.1F**

Applicability: The incorporation of FTA terms applies to all contracts.

The preceding provisions include, in part, certain Standard Terms and Conditions required by DOT, whether or not expressly set forth in the preceding contract provisions. All contractual provisions required by DOT, as set forth in FTA Circular 4220.1F, are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. The Contractor shall not perform any act, fail to perform any act, or refuse to comply with any WYDOT requests which would cause WYDOT to be in violation of the FTA terms and conditions.

**RECYCLED PRODUCTS: 42 U.S.C. 6962- 40 CFR Part 247- Executive Order 12873**

Applicability: The Recycled Products requirements apply to all contracts for items designated by the EPA, when the purchaser or contractor procures \$10,000 or more of one of these items during the fiscal year, or has procured \$10,000 or more of such items in the previous fiscal year, using Federal funds. New requirements for "recovered materials" will become effective May 1, 1996. These new regulations apply to all procurement actions involving items designated by the EPA, where the procuring agency purchases \$10,000 or more of one of these items in a fiscal year, or when the cost of such items purchased during the previous fiscal year was \$10,000.

The contractor agrees to comply with all the requirements of Section 6002 of the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C. 6962), including but not limited to the regulatory provisions of 40 CFR Part 247, and Executive Order 12873, as they apply to the procurement of the items designated in Subpart B of 40 CFR Part 247.

**STATE AND LOCAL LAW DISCLAIMER:**

Applicability: State and Local Law Disclaimer provisions apply to all contracts.

See the WYDOT/FTA Bidding Terms and Conditions. The use of many of the suggested clauses are not governed by Federal law, but are significantly affected by State law. The language of the suggested clauses may need to be modified depending on state law, and that before the suggested clauses are used in the grantees procurement documents, the grantees should consult with their local attorney.

I understand and accept the preceding Federal Clauses as part of my FTA/WYDOT Agreements; and I understand that these clauses are to be inserted into any third party agreement I might make.

## WYDOT/FTA (Federal Funds) BIDDING TERMS & CONDITIONS

**BIDS SUBMITTED WITH OTHER THAN THESE TERMS AND CONDITIONS WILL BE DEEMED TO BE IRREGULAR AND BID WILL NOT BE CONSIDERED.**

### **SUBMISSION OF BIDS**

All bids must be submitted on forms furnished by the Wyoming Department of Transportation, unless otherwise specified, and **signed in ink by a proper official of the supplier.** Telephone, Facsimile, e-mail or other electronic bids **WILL NOT BE ACCEPTED.**

No bids will be considered in which the Proposal, Specifications or any provisions have been modified.

Bids must be received in the office of the Purchasing Manager on or before the time and date specified. Bids received after the time specified will not be considered and will be returned unopened to the bidder.

Failure to respond (submission of bid, or notice in writing that you do not wish to bid on that particular transaction but would like to remain on the applicable active bidders list) to Invitation to Bid will be understood by the Department to indicate a lack of interest and concurrence in the removal of the supplier's name from the applicable active bidders mailing list for the items concerned.

The Transportation Commission of Wyoming hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority or disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex or national origin in consideration for an award.

### **AMENDMENTS**

Any changes, modifications, revisions or amendments to this Contract which are mutually agreed upon by the parties to this Contract shall be incorporated by written instrument, executed and signed by all parties to this Contract.

### **AMERICANS WITH DISABILITIES ACT**

The Contractor shall not discriminate against a qualified individual with a disability and shall comply with the Americans with Disabilities Act, P.L. 101-336, 42 U.S.C. 12101, *et seq.*, and/or any properly promulgated rules and regulations related thereto. The Contractor shall indemnify, release, save and hold harmless the State of Wyoming; Wyoming Department of Transportation and its officers, agents and employees, from any causes of action, claims or demands, and the costs, including attorney fees, of defending against such claims or demands, arising out of the Contractor's failure to comply with the requirements, responsibilities, and/or duties set forth in the Americans with Disabilities Act and/or any properly promulgated rules and regulations related thereto.

### **APPLICABLE LAW/VENUE**

The construction, interpretation and enforcement of this Contract shall be governed by the law of the State of Wyoming. The Courts of the State of Wyoming shall have jurisdiction over this Contract and the parties, and the venue shall be the First Judicial District, LARAMIE County, Wyoming.

### **ASSIGNMENT/CONTRACT NOT USED AS COLLATERAL**

Neither party shall assign or otherwise transfer any of the rights or delegate any of the duties set forth in this contract without prior written consent of the other party. The Contractor shall not use this contract, or any portion thereof, for collateral for any financial obligation.

### **AUDIT/ACCESS TO RECORDS**

The Department and any of its representatives shall have access to any books, documents, papers, and records of the Contractor which are pertinent to this Contract.

### **AVAILABILITY OF FUNDS**

Each payment obligation of the Department is conditioned upon the availability of government funds which are appropriated or allocated for the payment of this obligation. If funds are not allocated and available for the continuance of the services performed by the Contractor, the contract may be terminated by the Department at the end of the period for which the funds are available. The Department shall notify the Contractor at the earliest possible time of the services which will or may be affected by a shortage of funds. No penalty shall accrue to the Department in the event this provision is exercised, and the Department shall not be obligated or liable for any future payments due or for any damages as a result of termination under this section. This provision shall not be construed to permit the Department to terminate this Contract in order to acquire similar services from another party.

### **AWARD AND PURCHASE**

The Department reserves the right to reject any or all bids, to waive any informalities or technical defects in bids, and unless otherwise specified by the Department or by the Contractor, to accept any item or group of items in the bid, as may be in the best interest of the Department.

No verbal explanations, clarifications, additions or instructions will be binding to either the Department or the Bidders, except those confirmed in writing.

A signed purchase order/contract, furnished to the successful bidder, results in a binding contract without further action by either party.

### **BIDDER'S APPLICATION FORMS**

Bidders are required to have a **current Bidder's Application Form** on file in the Wyoming Department of Transportation's Purchasing Office. Bidders Application Forms may be obtained by contacting the Purchasing Office at (307) 777-4395, or by visiting the WYDOT website at [www.dot.state.wy.us](http://www.dot.state.wy.us)

### **COMPLIANCE WITH LAW**

The Contractor shall keep informed of all Federal, State and local laws; ordinances, regulations and all orders and decrees of bodies or tribunals having any jurisdiction or authority which may affect those engaged or employed on the work or affect the conduct of the work. The Contractor shall observe and comply with all such laws, ordinances, regulations, orders, and decrees. The Contractor shall protect and indemnify the State and its representatives against any claim or liability arising from or based on the violation of any such law, ordinance, regulation, order or decree whether by the Contractor, subcontractor, suppliers or the Contractor's employees or any others engaged by the Contractor. No extension of time or additional payment will be made for loss of time or disruption of work caused by any actions against the Contractor for any of the above reasons.

### **CONFIDENTIALITY OF INFORMATION**

All documents, data compilations, reports, computer programs, photographs, and any other work provided to or produced by the Contractor in the performance of this Contract shall be kept confidential by the Contractor unless written permission is granted by the Department for its release.

### **ENTIRETY OF CONTRACT**

This Contract represents the entire and integrated Contract between the parties and supersedes all prior negotiations, representations, and agreements, whether written or oral.

### **FORCE MAJEURE**

Neither party shall be liable for failure to perform under this Contract if such failure to perform arises out of causes beyond the control and without the fault or negligence of the nonperforming party. Such causes may include, but are not limited to, acts of God or the public enemy, fires, floods, epidemics, quarantine restrictions, freight embargoes, and unusually severe weather. This provision shall become effective only if the party failing to perform immediately notifies the other party of the extent and nature of the problem, limits delay in performance to that required by the event, and takes all

reasonable steps to minimize delays. The provision shall not be effective unless the failure to perform is beyond the control and without the fault or negligence of the nonperforming party.

#### **INDEMNIFICATION**

The Contractor shall release, indemnify, and hold harmless the State of Wyoming, the Department, and their officers, agents, employees, successors and assignees from any cause of action, or claims or demands arising out of the Contractor's performance under this contract.

#### **KICKBACKS**

The Contractor certifies and warrants that no gratuities, kickbacks or contingency fees were paid in connection with this Contract, nor were any fees, commissions, gifts, or other considerations made contingent upon the award of this Contract. If 1201, et seq. the Contractor shall assure that no person is discriminated against based on the grounds of the Contractor breaches or violates this warranty, the Department may, at its discretion, terminate this Contract without liability to the Department, or deduct from the Contract price or consideration, or otherwise recover, the full amount of any commission, percentage, brokerage, or contingency fee.

#### **MATERIAL AVAILABILITY**

Contractors must accept responsibility for verification of material availability, production schedules and other pertinent data prior to submission of bid and delivery time. It is the responsibility of the Contractor to notify the Department immediately if materials specified are discontinued, replaced or not available for an extended period of time.

#### **MODIFICATIONS OR WITHDRAWAL OF BIDS**

A bid that is in the possession of the Purchasing Manager may be altered in writing bearing the signature or name of the person authorized for bidding, provided it is received prior to the time and date of opening. Alterations should not reveal the price but should indicate the addition, subtraction or other change in the bid.

A bid that is in possession of the purchasing manager may be withdrawn by the bidder up to the time of the bid opening. Bids may not be withdrawn after the bid opening. Failure of the bidder to furnish the materials, supplies, equipment, printing, services, and construction from a bid on which an award is made shall eliminate the bidder from the active bidders' mailing list for a period of one year. The Department, however, reserves the right to waive this sanction when it is determined the extraordinary circumstances exist. The vendor will be responsible for requesting reinstatement on the active bidders' list after the one year period.

#### **NON-COLLUSION**

Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, has in any way colluded, conspired, connived or agreed, directly or indirectly with any other Bidder, firm or person to submit a collusive or sham Bid in connection with the Contract for which the attached Bid has been submitted or to refrain from bidding in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm or person to fix the price or prices in the attached Bid or of any other Bidder, or to fix any overhead, profit or cost element of the Bid price or the Bid price of any other Bidder, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the State of Wyoming, or any person interested in the proposed Contract; and

The price or prices quoted in this Bid are fair and proper and are not tainted by a collusion, conspiracy, connivance, or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest.

#### **NON-DISCRIMINATION**

The Contractor shall comply with Presidential Executive Order 11246 entitled, "Equal Employment Opportunity," as amended by Presidential Executive Order 11375, and as supplemented in the Department of Labor Regulation (41 CFR Part 60), the Civil Rights Act of 1964, the Wyoming Fair Employment Practices Act (Wyo. Stat. 27-9-105 et seq.) and the Americans with Disabilities Act (ADA), 42 U.S.C. 1201, et seq. The Contractor shall assure that no person is discriminated against based on the grounds of sex, race, religion, national origin or disability in connection with the performance of this Contract.

#### **PREPARATION OF BIDS**

Bidders are expected to examine any drawings, specifications, schedules and instructions included in the bid package. Failure to do so will be at the bidder's risk.

In case of error in the extension of prices in the bid Proposal, **the UNIT PRICE will govern.** UNIT PRICE shown must be net.

#### **SOVEREIGN IMMUNITY**

The State of Wyoming and the Department do not waive sovereign immunity by entering into this contract, and specifically retain immunity and defenses available to them as sovereigns pursuant to Wyoming Statute § 1-39-104(a) and all other state law.

#### **TAXES**

Direct purchases of materials by the State of Wyoming are exempt from Wyoming Sales or Use Tax. The bidder certifies that no Federal, State, County or Municipal tax will be added to the price shown on the Proposal.

#### **TERMINATION OF CONTRACT**

If at any time during the performance of this Contract, in the opinion of the Department, the work is not progressing satisfactorily or within the terms of this Contract, then at the discretion of the Department and after written notice to the Contractor, the Department may terminate this Contract or any part of it. At this termination date, the Contractor will be entitled to a pro rata payment for all work accomplished and accepted by the Department; however, the Contractor shall be liable to the Department for the entire cost of replacement services for the duration of the contract term.

#### **TRADE NAME PROVISIONS**

When items within the bid are identified by a manufacturer's name, trade name, brand name, catalog number or reference, it is understood that the bidder proposes to furnish the item so identified and does not propose to furnish an "equal" unless indicated hereon.

The use of trade names by the Department is intended to be descriptive but not restrictive and only to establish a standard for articles that will be satisfactory. Bids on all brands and models will be considered, provided the bidder clearly states on the Proposal exactly what they propose to furnish. **Specifications or descriptive literature must be forwarded with the bid on proposed "equals"**.

The Purchasing Manager reserves the right to approve or reject any proposed "equals" that are a variation from Department specifications or requirements.

#### **WARRANTY**

Warranties shall be Standard Manufacturer's Warranty unless otherwise specified in the bid documents.

**WYOMING DEPARTMENT OF TRANSPORTATION**  
**BUY AMERICA CERTIFICATION**

MUST BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE  
AUTOMOBILE DEALERSHIP / COMPANY

**BUY AMERICA CERTIFICATION OF COMPLIANCE WITH THE FTA REQUIREMENTS FOR BUSES, OTHER ROLLING  
STOCK, OR ASSOCIATED EQUIPMENT**

(To be submitted with a bid or offer exceeding the small purchase threshold for Federal assistance Programs  
currently set at \$100,000)

**Certificate of Compliance**

The bidder or offeror hereby certifies that it will meet the requirements of 49 U.S.C. Section 5323(j)(1) and the applicable regulations of 49 C.F.R. 661.11

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Company Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Certificate of Non-Compliance**

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. Section 5323(j)(1), but it may qualify for an exception to the requirements consistent with 49 U.S.C. Sections 5323(j)(2)(C), and the applicable regulations in 49 C.F.R. 661.7.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Company Name: \_\_\_\_\_

Title: \_\_\_\_\_

# DISADVANTAGED BUSINESS ENTERPRISES CERTIFICATION

(i.e. Modification Manufacturer)

This procurement is subject to the provisions of Section 26.49 of 49 CFR Part 26. Accordingly, as a condition of permission to bid, the following certification must be completed and submitted with the bid. **A bid which does not include the certification will not be considered.**

## Transit Vehicle Manufacturer Certification

\_\_\_\_\_  
(Firm Name), a TVM (Transit Vehicle Manufacturer), hereby certifies that it has complied with the requirements of Section 26.49 of 49 CFR Part 26 by submitting a current annual DBE goal to FTA. The goals apply to Federal Fiscal Year 2010 (October 1, 2009 to September 30, 2010) and have been approved or not disapproved by FTA.

\_\_\_\_\_  
(Firm Name), hereby certifies that the manufacturer of the transit vehicle to be supplied, \_\_\_\_\_, (Name of Manufacturer) has complied with the above-referenced requirement of Section 26.49 of 49 CFR Part 26.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Title of Authorized Representative

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Date

# LOBBYING CERTIFICATION

(Required to be submitted for all bids or offers in excess of \$100,000)

The undersigned Bidder/Offeror certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal Contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form –LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions as amended by “Government wide Guidance for New Restrictions on Lobbying,” 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*).
3. The undersigned shall require that the language of this certification by included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any Person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure. [Note: Pursuant to 31 U.S.C. § 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure.]

The Bidder/Offeror, \_\_\_\_\_, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Bidder/Offeror understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

\_\_\_\_\_  
Signature of Bidder/Offeror’s Authorized Official

\_\_\_\_\_  
Printed Name and Title of Authorized Official

\_\_\_\_\_  
Date



**WYOMING DEPARTMENT OF TRANSPORTATION**  
**BUS TESTING CERTIFICATION**

MUST BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE  
AUTOMOBILE DEALERSHIP / COMPANY

Bus Testing Certification

The undersigned Contractor / Manufacturer certifies that the vehicle offered in this procurement complies with 49 U.S.C. § 5323© and FTA’s implementing regulations at 49 CFR Part 665.

The undersigned understands that misrepresenting the testing status of a vehicle acquired with Federal financial assistance may subject the undersigned to civil penalties as outlined in the Department of Transportation’s regulation on Program Fraud Civil Remedies, 49 CFR Part 31. In addition, the undersigned understands that FTA may suspend or debar a manufacturer under the procedures in 49 CFR Part 29.

Date: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Title: \_\_\_\_\_

- 1. New Model Bus tested (Report Attached)
  
- 2. Bus scheduled for testing and copy of final report to be provided before acceptance of first bus.
  
- 3. Bus previously tested if components identical (Report Attached)
  
- 4. Bus previously tested if components not identical (Report Attached)
  
- 5. Bus “grandfathered” in (Attached)

**WYOMING DEPARTMENT OF TRANSPORTATION**  
**FEDERAL MOTOR VEHICLE SAFETY STANDARDS (FMVSS) CERTIFICATION**

MUST BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE  
AUTOMOBILE DEALERSHIP / COMPANY

In accordance with 49 CFR Part 663.41, Pre-Award and Post-Delivery Audits of Rolling Stock Purchases, the appropriate certificate as set forth below shall be completed and submitted by each bidder.

**Certificate of Compliance with FMVSS**

The bidder hereby certifies that the vehicle to be purchased complies with relevant Federal Motor Vehicle Safety Standards issued by the National Highway Traffic Safety Administration in part 571 of this title.

Date: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Taken, subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Seal

\_\_\_\_\_

Notary Public

My Commission expires: \_\_\_\_\_

**NOTE: IF THE VEHICLE BEING BID IS NOT SUBJECT TO THE FMVSS ISSUED BY THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION IN PART 571 OF THIS TITLE, THE BIDDER MUST FURNISH A COPY OF THIS CERTIFICATION.**

**WYOMING DEPARTMENT OF TRANSPORTATION**

**Pre-Award Purchaser's Requirements Certification**

The pre-award purchaser's requirements certification must be made by a person who is not an agent or employee of the manufacturer and it must state that the rolling stock to be purchased meets the purchaser's requirements as set out in the bid specifications or request for proposals.

**PRE-AWARD PURCHASER'S REQUIREMENTS CERTIFICATION**

As required by Title 49 of the CFR, Part 663 – Subpart B,

\_\_\_\_\_ (the recipient) certifies that the buses to be purchased,

\_\_\_\_\_ (number and description of buses) from

\_\_\_\_\_ (the manufacturer), are the same product described in the recipient's solicitation specification and that the proposed manufacturer is a responsible manufacturer with the capability to produce a bus that meets the specifications.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

## **Notification Requirements for States**

### **FTA Master Agreement, Section 38**

The Wyoming Department of Transportation will include provisions in all its RFPs, solicitations, press releases or other publications involving FTA assistance, stating that FTA is or will be providing Federal assistance for the project, the amount of the assistance FTA has provided or expects to provide, and the Catalogue of Federal Domestic Assistance (CFDA) Number of the program that authorizes Federal assistance.

Amount of FTA funding provided or expected: \$ \_\_\_\_\_

CFDA Number: \_\_\_\_\_

Note: This notification requirement applies only to States and their subrecipients, lessees, and third party contractors. It does not apply to grantees that are not States (e.g., Transit Agencies).

## **Non-construction Employee Protection**

### **FTA Master Agreement, Section 24(b)**

The contractor will comply, with the following Federal laws and regulations providing Wage and Hour protections for non-construction employees:

- (1) Section 102 of the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. § 3702, and other relevant parts of that Act, 40 U.S.C. 3701 *et seq.*, and
- (2) U.S. DOL regulations, “Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to Non-construction Contracts Subject to the Contract Work Hours and Safety Standards Act),” 29 C.F.R. Part 5.



**Wyoming Department of Transportation**  
**Office of Local Government Coordination – Transit Program**  
**5300 Bishop Blvd. Cheyenne, Wyoming 82001**  
**307-777-4384, Fax 307-777-4759**

**Construction Projects**

All construction projects that include FTA assistance must include the Buy America provisions for domestic content for any purchases of iron, steel and manufactured goods. For all construction projects, the contractor must certify that they meet the requirements of 49 CFR Part 661 and the provisions of 49 U.S.C. 5323(j). The following certification will be used:

If steel, iron, or manufactured products (as defined in §661.3 and 661.5) are being procured, the appropriate certificate as set forth below shall be completed and submitted by each bidder in accordance with the requirement contained in §661.13(b) of this part.

**Certificate of Compliance with Buy America Requirements**

The bidder hereby certifies that it will comply with the requirements of 49 U.S.C. 5323(j)(1), and the applicable regulations in 49 CFR part 661.

Date \_\_\_\_\_  
Signature \_\_\_\_\_  
Company \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_

**Certificate of Non-Compliance with Buy America Requirements**

The bidder hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j), but it may qualify for an exception to the requirement pursuant to 49 U.S.C. 5323(j)(2), as amended, and the applicable regulations in 49 CFR 661.7.

Date \_\_\_\_\_  
Signature \_\_\_\_\_  
Company \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_



**Wyoming Department of Transportation**  
Office of Local Government – Transit Program  
5300 Bishop Boulevard, Planning Building, Room 215  
Cheyenne, WY 82009

**Asset Management Form**

Purchases of equipment or services over \$1,000.00 using Federal or State funds will be subject to approval of WYDOT in accordance with established procedures. Reference purchasing procedures in Best Practice Procurement Manual, FTA Circular 4220.1F, W.S. 9-2-1016 and the WY State Management Plan. Major considerations are as follows:

**Additional Third Party Procurements**

Micro Purchases – purchases of goods up to \$2,500. Unless prohibited by a sub-recipient’s operating policies, a Micro Purchase can be done for materials required for everyday operation. This method does not require a competitive process. This procurement method does not allow a subrecipient to divide purchase up into smaller parts in order to avoid competition. Basic guidelines to follow when doing a Micro Purchase include:

- These purchases are exempt from Buy America Requirements;
- Davis-Bacon applies to all construction contracts of \$2,000 or greater;
- Purchases of this type should be distributed among qualified vendors; and
- The subrecipient should have a method to determine the price was fair and reasonable.

Small Purchases – purchases of goods between \$2,500 and \$7,500. Unless prohibited by a sub-recipient’s policies these procurements may be made through an informal written quotation process. These purchases do not allow for the splitting of contracts to avoid competition. Some basic guidelines for Small Purchases are:

- At least three written quotations should be obtained that include;
  - Name of the vendor
  - Price for the items
  - The terms, date and delivery time
  - Signature of Authorized Representative
- Purchases are exempt from Buy America; and
- Davis-Bacon applies for all construction activities in excess of \$2,000.

Sealed Bids – any purchase in excess of \$7,500. Subrecipients shall solicit bids publicly and shall award contracts to the lowest priced, responsible bidder. These procurements should be used when a precise description is available and there are adequate (2 or more) people willing and capable to compete for the procurement. These procurements lend themselves to be determined by a fixed price award to the lowest responsible bidder and does not require negotiation with bidders. The following procedures are required by a Sealed Bid Procurement:

- Invitation for bid is publicly advertised;
- Bids are solicited from an adequate number of known sources;
- Bid specifications contain enough detail to allow a bidder to formulate a proper bid;
- Sufficient time is allowed for the bidders to formulate bids;
- Bids are opened publicly on the date specified in the original advertisement;
- Fixed price contract is awarded to the lowest responsible bidder; and
- The Subrecipient, WYDOT and the FTA reserve the right to reject any and all bids if it is determined to be a sound business decision.

Competitive Proposals – This method shall be used when sealed bids are not appropriate. These procurements should be used when price is not the only determinate factor of the award. If this method is to be used, the subrecipient must:

- Advertise the request publicly;
- Develop criteria for technical evaluation of the proposals with WYDOT agreement;
- Adequate sources should solicited for proposals;
- The Subrecipient shall choose the proposal that is the best value as determined by the evaluation criteria with cost only being a consideration and not the determinate factor; and
- Make award to the firm whose proposal is deemed best value after agreement by WYDOT.

Non-Competitive – or Sole Source Procurements. This type of procurement may only be used if the types listed above are not appropriate. WYDOT is available for technical assistance in determining the appropriateness of this type of procurement. In order to be considered as an option, one of the following conditions must be present:

- After multiple sources have been solicited, competition is deemed inadequate;
- The item is only available from a single source;
- A public emergency exists that does not allow for delay in procuring goods or services; and
- FTA authorizes non-competitive negotiations.

**BIDDER**

Bidder requests approval to purchase the following equipment, goods or services:

**Item/ Items:** \_\_\_\_\_

**Bidder:** \_\_\_\_\_

**Street**

**Address:** \_\_\_\_\_

**City, State,**

**ZIP:** \_\_\_\_\_

**Signature of Authorized**

**Representative:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**WYDOT CONCURRENCE:**

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Title:** \_\_\_\_\_



**[insert agency name]**

## **Facility Maintenance Program**

### **POLICY STATEMENT:**

[Agency] maintains its facility(ies) and equipment to protect its investment in and prolong the useful life of its assets and provide public transit to the highest standards financially feasible. Service of the highest quality to our customers cannot be maintained without the most efficient operating and support program we can provide.

### **OBJECTIVES:**

The facilities and equipment used in support of public transit will be maintained at a minimum to the specifications in the operation and maintenance manuals provided with the facilities and equipment.

- Maintain facilities and equipment in safe operating condition
- Maximize facility and equipment service life
- Meet the requirements of the Transit and Rail Division, Federal Transit Administration, the Americans with Disabilities Act, and state and local regulations
- Provide a safe environment for the public and staff
- Minimize service disruptions
- Ensure that our facility(ies) remain(s) an asset to the community

### **FACILITY DESCRIPTION:**

[List and identify items specific to your agency, i.e., building, elevators, escalators, parking lots, electric distribution and control equipment, plumbing systems, overhead doors vehicle maintenance lifts, vehicle washers and wash water recycling systems, heating and/or air condition units, power substations, etc.]

### **ASSIGNMENT of RESPONSIBILITY:**

[Insert title or person] is responsible for implementing this maintenance plan.

[Insert title or person] will provide the following routine maintenance and care functions or ensure they are provided by a contractor: (delete, add or edit items below as may be appropriate to your agency)

- 1. Overhead Doors** -- Each overhead door will be inspected quarterly and lubricated semi-annually. In addition the inspector will generate quarterly visual inspection reports for any needed repairs.
- 2. Plumbing** -- The facility inspector will inspect all plumbing and associated fixtures [weekly, monthly, quarterly, etc.] to ensure there are no leaks and that fixtures are operating properly. Any corrosion or poor operation will be noted and scheduled for repair/replacement.
- 3. HVAC** -- [Water Tower, Tower Sump Water Treatment System, Water source Heat Pumps, Energy Recovery Unit, Water Pumps, Inside Water treatment Systems, Boiler, Garage Waste Oil Heater, Garage unit Heater, etc] These systems will be serviced [insert time frame, e.g., four times annually, March, June, September and December], The facility inspector will perform PM responsibilities between those times. All units will be maintained to operate at peak efficiency by [contracted vendor] through a maintenance contract. In addition, each system will be inspected monthly by the facility inspector and have air filters cleaned, replaced and dated as appropriate. Outdoor units will be inspected for general operation, debris build up or any other blockages, etc. [The waste oil heaters will also be serviced by the Lead Mechanic according to the above criteria and a contractor for additional repairs.]
- 4. Generators** -- The back-up power systems will be inspected quarterly through a maintenance agreement to ensure proper operation and to verify the unit is serviced twice annually as per the contract.
- 5. Painting & Exterior Care** -- The exterior of the building will be inspected monthly and needed repairs noted and requested. This inspection shall include, but not be limited to: gutters, doors, sidewalks, windows, flashings, roof, vents, all extrusions, caulking, signage and general appearance issues.
- 6. Landscaping** -- The facility inspector will ensure that all landscaped areas are maintained to include trimming, grass cutting, weeding, mulch and live growth replacement when needed. Fences shall also be inspected.
- 7. Parking Lots** -- The parking lots will inspected for large cracks, holes, crumbling, etc. The inspector will help determine when re-striping and sealing need to be completed. Ice and snow removal from parking lots and walkways shall be coordinated by the facility inspector and supplies prepared before the season.
- 8. Roof** -- The facility inspector will inspect all ceilings monthly to look for any stains or other signs of roof failure and inspect outside gutters. Inspecting gutters during hard rains will be important to finding faults.
- 9. Building Elevator** -- The elevator shall be inspected twice per year and verification of more comprehensive inspections being performed by an official inspector.
- 10. Vehicle Lifts** -- The Lead Mechanic will inspect and lubricate the lifts quarterly.
- 11. Wheel Balancer & Tire Changer** -- The Lead Mechanic will arrange for factory calibration and service on this equipment once yearly.

- 12. Bus Washing Supplies** -- The facility inspector will inspect monthly and arrange for repairing or replacing bus washing equipment and supplies.
- 13. Sheds** -- Facility inspector will use the sheds when appropriate to store needed items and twice per year clean out and reorganize them and ensure buildings are not overgrown with weeds.
- 14. Equipment** -- Facility inspector shall maintain all needed tools and equipment. A physical inventory of the grounds and maintenance equipment will be prepared annually and maintained throughout the year.
- 15. General** -- [Quarterly, annually, etc.] the facility inspector will walk the facility(ies) using the checklist in Appendix A and note any and all repairs to both minor and major equipment items and provide the [Director, General Manager, Transit Supervisor, etc.] a written report of any item needing service or repair.

#### **FACILITY MAINTENANCE RECORD KEEPING:**

A log of needed non-urgent repairs shall be maintained and appropriate staff notified periodically to incorporate repair costs into budgetary planning. A record of any non-planned, non-urgent maintenance needs are kept at [insert location].

The [insert department or location] maintains all permanent records for facility maintenance and inspections. Records are stored in a folder for each calendar year and completed checklists are included in that folder along with documentation of all preventive and repair maintenance performed.

#### **FACILITY and EQUIPMENT MAINTENANCE INFORMATION:**

[Edit this list as may be needed and enter any other pertinent facility and equipment maintenance contacts]

Generator Maintenance Contract – [Name, phone number]

HVAC Service Contract – [Name, phone number]

Vehicle Lifts – [Name, phone number]

Office Cleaning – [Name, phone number]

Grounds keeper – [Name, phone number]



**Wyoming Department of Transportation**  
Office of Local Government – Transit Program  
5300 Bishop Boulevard, Planning Building, Room 215  
Cheyenne, WY 82009

## **Vehicle Maintenance Guide**

### **Preventive maintenance inspections & services**

#### **Introduction**

Vehicle and component (e.g., handicapped access equipment) manufacturers manuals that recommend maintenance practices as well as specific guidance and instructions for troubleshooting, removal, overhaul, repair, and replacement of components. These manuals are an important part of the vehicle maintenance plan as they define specific maintenance intervals and provide critical information when the maintenance work is actually to be performed.

**Preventive maintenance (PM) inspections and services should follow the recommended intervals (within 500 miles or 7 days) by the manufacturer, supplier, or builder.** If preventive maintenance services are not being done according to the guidelines of the manufacturer, supplier or builder, the agency may jeopardize any claim to a warranty.

Services eligible for warranty payment must be made by the appropriate personnel and filed with the manufacturer. Documentation of such services should remain in the vehicle file and a copy should be forwarded to the WYDOT Transit office.

#### **Documentation**

Preventive maintenance (PM) inspections and services should be performed, and documented according to a schedule. All documentation should be kept through the life of the vehicle plus 3 years. Whenever a mechanic or tow truck is dispatched to a vehicle in service, documentation should be submitted to the office and placed in the vehicle file.

#### **PM Inspections**

Preventive maintenance (PM) inspections are scheduled to provide an opportunity to detect and repair damage or wear conditions before major repairs are necessary.

Each inspection will:

- Specify each item to be checked;
- Record repairs and the routine application of fluids;
- Indicate inspection interval (i.e., daily or weekly); and
- Contain a pass/fail standard for each item.

Portions of check lists and procedures may come from the manufacturer or the vendor. Refer to Appendix A for an example of a daily PM Inspection Checklist.

## Identified defects

Identified defects should be reported to the project manager. Defects must be reviewed and repair considered. Categories of repair include:

- **Safety defect**

The vehicle cannot be released until the repairs are completed, except in case of an emergency. Safety cannot be compromised.

- **Mechanical defect**

A defect that will worsen and increase cost. The vehicle cannot be released until the repairs are completed, except in case of an emergency.

- **Elective mechanical defect**

A defect that does not compromise safety, will not cause further damage if operated but needs to be corrected prior to the next PM cycle. Repair should be scheduled. Due to transportation costs and disruption to operations, this decision should not be made lightly.

- **elective or cosmetic defect**

The defect will not compromise safety and will not cause further damage or cost as it is an aesthetic defect. This vehicle should be scheduled for an off-peak time in the future, as determined by management, or at the next scheduled PM service.

If the fleet experiences recurring defects, the Program Director should check vehicle maintenance files, check manufacturers' recall notices, service bulletins, and campaigns.

## PM Services

**The manufacturer's recommended service schedule should be adhered to, within +/- 500 miles or 7 days.** Many transit agencies will group PM services into different levels, the most commonly used are A, B, C, and D. Level A comprises the most basic and frequent level of PM services while level D consists of more complicated services performed less frequently.

Level A – Conducted at 3,000 miles interval. Change oil and filter, inspect tires, electrical system, service all fluid levels, lubricate chassis and doors, check A/C, hoses, fire extinguishers, belts, brakes, lights, test drive, body damage, etc. Inspect and test vehicle lift.

Level B – Conducted at 12,000 mile intervals. Includes all items in level A, plus transmission fluid and filter change. Check coolant, specific gravity, and pH.

Level C – Conducted at 24,000 mile intervals. All items in levels A and B, plus change fuel filter, perform complete engine tune-up, replace air filter, drain and refill differential lubricant and inspection of braking system.

Level D – Conducted at 48,000 mile intervals. All items in levels A, B, and C, plus inspection and repack of wheel bearings.

A recommended PM maintenance schedule based on cumulative mileage would follow a chart as such:

Preventive Maintenance Level – Schedule by Mileage

PM Level	Cum. Mileage	PM Description
A	3,000	
A	6,000	
A	9,000	
B	12,000	A + B
A	15,000	
A	18,000	
A	21,000	
C	24,000	A + B + C
A	27,000	
A	30,000	
A	33,000	
B	36,000	A + B
A	39,000	
A	42,000	
A	45,000	
D	48,000	A + B + C + D

*Repeat the schedule.*

### PM Management by exception

There are many good reasons to vary a scheduled PM service. It will not necessarily hurt the vehicle to have the PM service performed off schedule and still allow your agency to manage its PM program to achieve its overall goal.

Management by exception allows flexibility in the PM program by authorizing the mechanic to make decisions on deleting or adjusting certain items listed on the PM schedule.

For example, if vehicle A comes in for level D service and according to the vehicle’s records, the front wheel bearings were inspected and repacked at the time of the last front brake job (only 1300 miles ago), s/he could then delete the requirement to repeat this service.

### Pre-Trip inspections

An important aspect of preventive maintenance is the establishment of strong communication between drivers and management. An easy way to ensure and document this communication link is through the use of the driver’s daily vehicle inspection checklist.

Each vehicle should have blank copies of the checklist on-board for the drivers to conduct the inspection. The driver should identify any defects and report them to the program manager before driving the vehicle. If a problem arises during the shift, the driver should add comments to the checklist. All checklists are to be maintained in the vehicle’s permanent file.

**NOTE: When malfunctions and/or defects are detected which threaten safe operating performance, the vehicle will not be used to transport persons until defects are corrected.**

The pre- and post-trip inspection forms should be legibly completed and signed by the vehicle driver. Pre-trip inspections should include as a minimum:

- Cleanliness – Properly maintained and free of loose articles.
- Lights and reflectors – High/low beams, tail lights, turn signals,
- 4-way hazard flashers, marker lights, license plate light and reflectors should be cleaned as needed
- Brakes – Both foot and emergency brakes should be capable of effectively stopping or restraining the vehicle. Brake pedal should be firm after 1-2 inch free-play on a single down stroke. No noises, vibration or steering changes should result from applying the brakes while moving.
- Horn – Gives an adequate and reliable warning signal.
- Windshield, washer, wipers and defroster – Surfaces must be clean and unobstructed, inside and outside. Washer reservoirs are to be filled as needed.
- Mirrors – All rear vision mirrors must be clean, properly adjusted and unobstructed. Outside mirrors must be mounted on both sides.
- Tires – Must be of adequate load capacity when vehicle is fully loaded. Tires shall be inflated to recommended pressures and compatible with each set (i.e., all radials or all bias ply; no mixed sets.) Tire wear surfaces and sidewalls shall be inspected daily for debris, damage, and wear. Tires shall be replaced prior to revealing the “wear bars” between the treads at the contact surface.
- Speedometer – Shall be operational and accurately record speed.
- *Seat Belts – If the vehicle has seat belts, they must be in good operating condition and used by all passengers and drivers. Wheelchair passenger restraints and securement systems shall be fully operational.*
- Doors – Capable of being opened, shut, and locked as required.
- Fluids – All fluid levels must be checked each time the vehicle is fueled and maintained at the manufacturers recommended operating levels. This includes engine coolant, oil, brake fluid, power steering fluid, transmission fluid and washer solvent.
- **Wheelchair lifts – Check operating and structural condition by operating through two (2) complete cycles..**
- Emergency Equipment – Should be present and operational: ***Must meet each agency’s policies***
  - Flares
  - Fire Extinguishers
  - First Aid Kits
  - Flashlight W/Batteries
  - Blood Borne Pathogens Clean-Up Kit
  - Reflective Triangle
  - Reflective Vest for Driver
  - Clean-Up Kit for Cleaning & Sanitizing the Vehicle

## Post-Trip Reports

Drivers should prepare a report in writing at the completion of each day's work on each vehicle operated and the report shall cover at least the following parts and accessories:

- Service brakes including trailer brake connections
- Parking (hand) brake
- Steering mechanism
- Lighting devices and reflectors
- Tires
- Horn
- Windshield wipers
- Rear vision mirrors
- Emergency equipment
- Wheelchair lifts

(a) Report content. The report shall identify the vehicle and list any defect or deficiency discovered by or reported to the driver which would affect the safety of operation of the vehicle or result in its mechanical breakdown. If no defect or deficiency is discovered by or reported to the driver, the report shall so indicate. In all instances, the driver shall sign the report. Driver needs to sign the driver vehicle inspection report. If a driver operates more than one vehicle during the day, a report shall be prepared for each vehicle operated.

(b) Corrective action. Prior to requiring or permitting a driver to operate a vehicle, every transit agency shall repair any defect or deficiency listed on the driver vehicle inspection report which would be likely to affect the safety of operation of the vehicle.

(1) Every transit agency or its agent shall certify on the original driver vehicle inspection report which lists any defect or deficiency that the defect or deficiency has been repaired or that repair is unnecessary before the vehicle is operated again.

(2) Every transit agency shall maintain the original driver vehicle inspection report, the certification of repairs, and the certification of the driver's review for the life of the vehicle plus 3 years.

**Post-Trip Report sample is provided in Appendix B.**

## ADA Accessibility Equipment

### Introduction

The American Disability Act (ADA), Title 49, CFR, Section 37.161, Subpart G requires that transportation services maintain the ADA features of their facilities and vehicles in operative condition. These ADA features, include, but are not limited to:

- Lifts and other means of access to vehicles;
- Securement devices;



- Signage or systems to aid communications with persons who have impaired vision or hearing.

Accessibility features must be repaired promptly if they are damaged or out-of-order. When an accessibility feature is out-of-order, your agency shall take reasonable steps to accommodate persons with disabilities who would otherwise use the feature.

ADA, Title 49, CFR, Section 37, 163 requires the establishment of regular and frequent maintenance checks of the lifts. The vehicle drivers must report, by the most immediate means available, any failure of a lift. If there is no available spare vehicle to take the place of a vehicle with an inoperable lift, your agency will contact a repair facility within **five days** from the date of discovery and schedule repairs as soon as possible..

ADA, Title 49, CFR, Section 37, 173 requires **all personnel to be trained to proficiency in the use of ADA equipment**, as appropriate to their duties.

## Preventive maintenance plan

A preventive maintenance plan for ADA accessibility features should be in place; including a system of maintenance checks based on **manufacturers recommended guidelines within 50 cycles or yearly, whichever comes first**. The ADA elements have been incorporated in the transportation program's regular maintenance plan.

(For example, NL-2 series lifts should be serviced at 750 cycles, 1500 cycles, 4500 cycles, and consecutive 750 cycles after 4500 cycles. All intervals should be within 50 cycles of the stated cycle interval)

## Management of Fleet

### Physical inventory

Your agency will conduct a physical inventory of capital items of value >\$1000 and of all vehicles and reconcile the results with its equipment records annually.

### Vehicle history file

Each vehicle will have a written record documenting preventive maintenance, regular maintenance, inspections, lubrications, and repairs performed. A minimum of the following information will be maintained in the records:

- Identification of the vehicle
  - Year
  - Manufacturer
  - Make
  - Model
  - License number
  - Registration of ownership
- Date
- Mileage
- Description of each inspection, maintenance, repair, lubrication performed
- The name & address of any business performing an inspection, maintenance, lubrication, or repair

**Appendix A: DAILY Inspection Checklist**

Last 5 digits of VIN \_\_\_\_\_

Odometer \_\_\_\_\_

Work Order No. \_\_\_\_\_

Date \_\_\_\_\_

INTERIOR INSPECTION			EXTERIOR INSPECTION		
1	All Seats and Seat Belts		20	Exterior Body And Components	
2	Doors/ Hinges/Latches/locks		21	Tires / Wheels – Lug Nuts, Tire Pressure	
3	Flooring/Headliner/Side Panels		22	Access Doors/Emergency Doors	
4	Mirrors		23	Fuel Cap And Port	
5	Interior Lights		24	Engine Oil /Trans. Fluid Check	
6	Exterior Lights <ul style="list-style-type: none"> <li>• Directional</li> <li>• Step/door</li> <li>• Emergency flashers</li> <li>• Clearance</li> <li>• Head lights</li> <li>• Panel lights</li> <li>• Tail lights</li> <li>• Back up lights</li> <li>• Brake lights</li> </ul>		25	Power Steering Fluid Level	
			26	Battery	
			27	Radiator Fluid Level	
			28	Belts/Hoses/Wiring	
			29	Underhood/Exhaust System	
			30	Brakes/Brake Fluid/Brake Pedal	
			31	Parking Brake/Emergency Brake	
			32	Acceleration/Steering/Tracking	
			33	Suspension - Shocks/Springs	
			34	Water/Fluid Leaks	
7	Warning System/Horn/radio		35	Lift/Ramp	
8	Starter System/Automatic Choke/Backup Alarm		36	Wheelchair Lift/Ramp – Cycled Y/N - Smooth Operation?	
9	Windshield Wiper/ Washers/ Windshield		37	Interlock System Lift Fluid Levels	
10	Windows/Emergency Windows		38	4 Tie Downs Per Position	
11	AC/Heater/defroster – front /rear		39	4 Min. Safety Loop Strap Per Vehicle	
12	GAUGES: Fuel/Oil/Volt/Temp		40	Other	

13	Roof Hatch		41	Fire Extinguisher/First Aid Kit/Safety Triangles	
14	Fare Box		42	Blood borne Kits /Seat Belt Cutter	
15	Clean?		43	License Plate/Operators Manual	
16	Required Stickers/posters displayed		44	Registration/Insurance	

ADDITIONAL COMMENTS:

Inspector: \_\_\_\_\_

Remarks	SYMBOLS	
	/	OK
	X	REPAIRS REQUIRED
	R	REPAIRED
	O	NOT APPLICABLE

**Appendix B: Post-Trip Report**

Driver: \_\_\_\_\_

Date: \_\_\_\_\_

Last 5 digits of VIN \_\_\_\_\_

Time/End of Trip: \_\_\_\_\_

Check all Items and Indicate by checking box:

- |   |  |
|---|--|
| <input type="checkbox"/> Parking (hand) brake                               | <input type="checkbox"/> Horn                |
| <input type="checkbox"/> Steering mechanism                                 | <input type="checkbox"/> Tires               |
| <input type="checkbox"/> Lighting devices and reflectors                    | <input type="checkbox"/> Coupling devices    |
| <input type="checkbox"/> Windshield wipers                                  | <input type="checkbox"/> Wheels and rims     |
| <input type="checkbox"/> Emergency equipment                                | <input type="checkbox"/> Rear vision mirrors |
| <input type="checkbox"/> Service brakes including trailer brake connections |  |

Identify or list any defect or deficiency discovered or reported that would affect the safety of operation of the vehicle or result in its mechanical breakdown (indicate if none discovered or reported as well).

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(Use the back side if more room is needed)

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Driver's Signature

Describe correction action taken: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Corrective action. (1) Every transit agency shall certify on the original driver vehicle inspection report which lists any defect or deficiency that the defect or deficiency has been repaired or that repair is unnecessary before the vehicle is operated again)

Print Name of Authorized Individual: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(2) Every transit agency shall maintain the original driver vehicle inspection report, the certification of repairs, and the certification of the driver's review for three months from the date the written report was prepared.

**WYOMING DEPARTMENT OF TRANSPORTATION  
SUBRECIPIENT SITE MONITORING  
Transit Program – Office of Local Government Coordination  
Administrative Practices**

During this review, we will be looking at various policies and procedures that the Recipient uses to administer their Transit Program. Many of the policies are determined by the Recipient’s Board of Directors and various federal regulations. In these instances, only review the policies to ensure they are not in conflict with any of our requirements and take information that could benefit other programs or that you view as a “Best Practice”. Other areas that are reviewed are actually governed by the Federal Transit Administration, State Law or through the recommendations of the WYTRANS Board.

This form is set up to include areas to make comments under each question as well as general comments by each section. After conducting the review, Transit Staff should discuss the review to ensure agreement that any suggested corrective actions are attainable and necessary. The Recipient also has an area to comment in each section of the form.

1. Review the Recipient’s current FY files to make sure that a copy of the executed 5311/State Rural Transit Agreement and the Certs and Assurances are in file.

2. If applicable, does the Recipient have a file for each additional active Agreement? Yes  No

3. Do you have any written accounting procedures? Yes  No

WYDOT does not have any “approved” procedures for accounting. The Recipient should have some written policies/procedures and should be aware of Generally Accepted Accounting Principles (GAAP). GAAP are basically the standards by which varying accounting transactions are recorded and the way financial statements are prepared. Most agencies should retain the services of an outside CPA or audit firm to independently audit the program on a regular basis. It is important to determine what type of entity the Recipient is: Educational Institution, Non-Profit or Government entity. Allowable costs for varying organizations are also governed by OMB Circulars. A-21 governs Educational Institutions (Universities), A-122 governs non-profits and A-87 governs State, Local and Indian Tribe Governments. Copies of each are available from WYDOT.

4. Are adequate records maintained for all expenditures charged to WYDOT? Yes  No

During the review you should take the current FY billing summaries for the Recipient and randomly sample the transactions and review the appropriate records. Sample between 20-25% of the transactions. Pay particular attention to transactions in the “Other” categories. Also, it is important to review the payroll transactions for employees, including the timesheets and the paystubs/EFT notices. Be sure to indicate on the billing summary what transactions you review and any finding that you may have. All expenses charged to the grant should have supporting documentation. Take copies of any transaction that you have questions about or that you determine is not an allowable expense for further review. You can also take copies of documentation that can be used as a Best Practice and shared with other Transit Program Administrators.

5. Does any other agency, or CPA conduct an audit of funding received by the organization? If yes, who conducts the audit and what type of audit is conducted? Yes  No

Federal Law requires that recipients of \$500,000 in total Federal awards in a fiscal year have an A-133 Audit conducted. WYDOT should receive a copy of the audit. Other recipients should also have periodic audits conducted. If there are findings related to our funding (State or Federal) the Recipient is required to notify WYDOT’s Internal Review Department.

6. Does the organization have written human resource policies? The policies should address benefits, overtime, vacation and pensions. If readily available, get copies of the policies. Yes  No

7. If the recipient has used State of Federal Funds to purchase assets, what controls are in place to ensure that the assets are used for organizational purposes only?

The Recipient should have policies/procedures in place to ensure the assets remain in the control of the organization for the asset's useful life. Some assets have an assigned useful life i.e., vehicles and buildings, others are tracked based on their value. The Recipient should maintain an inventory of items such as computers, copiers and vehicles that have been purchased with state/federal funds. If the Recipient has an inventory, review it and make sure that it agrees with the our records. Also, see if the Recipient assigns an asset number or ID to the item.

8. Are you aware of any fraudulent activities within your organization? Yes  No

Additional Comments:

Recipient Comments:

**WYOMING DEPARTMENT OF TRANSPORTATION  
SUBRECIPIENT SITE MONITORING  
Transit Program – Office of Local Government Coordination**

**Drug and Alcohol Program**

1. Does your organization have a substance abuse program? Yes  No

2. Do you have a written drug and alcohol testing policy? Yes  No

If yes, what date was the policy adopted by your Board?

All providers should have a written policy that has been adopted by their Board. Ask them to provide a copy if it is readily available. If the policy is not easily reproduced, review the policy to make sure that the required elements are present. WYDOT-LGC has a sample policy that providers are urged to adopt.

3. What employees are covered by this policy?

If the recipient receives Federal 5311 funds and are testing under the Authority of the FTA, the list must be consistent with 49 CFR Part 655.4. Safety-sensitive employees:

- (1) Operate a revenue service vehicle, including when not in service;
- (2) Operate a non-revenue service vehicle that requires a CDL;
- (3) Control dispatch or movement of a revenue service vehicle;
- (4) Maintain a revenue service vehicle or equipment if this person is employed directly by the agency; and
- (5) Carry firearms for security purposes.

All other persons must not be tested under the Authority of FTA and should use non-Federal CCF.

4. Have your employees read, and do they understand the current policy? Yes  No

If yes, how is this documented?

5. When was the last drug and alcohol training seminar held for your employees?

6. Who are the employee(s) responsible for reporting suspected drug or alcohol usage?

7. Can you tell me what drugs are tested for?  
Marijuana, Cocaine, Amphetamines, Opiates, Phencyclidine (PCP) and MDMA (Ecstasy – added 10/1/2010) – any other drug that is tested for must not be done under the FTA Authority.

**Observe where the drug and alcohol records are kept.**

**§ 40.333 What Records must employers keep?**

a. As an employer, you must keep the following records for the following periods of time:

1. You must keep the following records for five years:

- i. Records of alcohol test results indicating an alcohol concentration of 0.02 or greater;
- ii. Records of verified positive drug test results;
- iii. Documentation of refusals to take required alcohol and/or drug tests (including substituted or adulterated drug test results);
- iv. SAP reports; and
- v. All Follow-up tests and schedules for follow-up tests.

2. You must keep records for three years of information obtained from previous employers under §40.25 concerning drug and alcohol test results of employees.



**Drug and Alcohol Program**

- 3. You must keep records of the inspection, maintenance, and calibration of EBT's, for two years.
- 4. You must keep records of negative and cancelled drug test results and alcohol test results with a concentration of less than 0.02 for one year.
- b. You do not have to keep records related to a program requirement that does not apply to you (e.g., a maritime employer who does not have a DOT-mandated random alcohol testing program need not maintain random alcohol testing records).
- c. You must maintain the records in a location with controlled access.
- d. A service agent may maintain these records for you. However, you must ensure that you can produce these records at your principal place of business in the time required by the DOT agency. For example, as a motor carrier, when an FMCSA inspector requests your records, you must ensure that you can provide them within two business days.
- e. If you store records electronically, where permitted by this part, you must ensure that the records are easily accessible, legible, and formatted and stored in an organized manner. If electronic records do not meet these criteria, you must convert them to printed documentation in a rapid and readily auditable manner, at the request of DOT agency personnel.  
Additional Record Retention detail can be found in §655.71.

8. Are all drug and alcohol records kept in a secured and locked area? Yes  No

Who has access to the records?

9. What is your records retention policy?

**General collection information.**

**Medical Review Officer (MRO)** – a person who is a licensed physician and who is responsible for receiving and reviewing the laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results. Often an agent for the TPA.

**§ 40.121 Who is qualified to act as an MRO?**

To be qualified to act as an MRO in the DOT drug testing program, you must meet each of the requirements of this section:

- (a) **Credentials.** You must be a licensed physician (Doctor of Medicine or Osteopathy). If you are a licensed physician in any U.S., Canadian, or Mexican jurisdiction and meet the other requirements of this section, you are authorized to perform MRO services with respect to all covered employees, wherever they are located. For example, if you are licensed as an M.D. in one state or province in the U.S., Canada, or Mexico, you are not limited to performing MRO functions in that state or province, and you may perform MRO functions for employees in other states or provinces without becoming licensed to practice medicine in the other jurisdictions.
- (b) **Basic knowledge.** You must be knowledgeable in the following areas:
  - (1) You must be knowledgeable about and have clinical experience in controlled substances abuse disorders, including detailed knowledge of alternative medical explanations for laboratory confirmed drug test results.
  - (2) You must be knowledgeable about issues relating to adulterated and substituted specimens as well as the possible medical causes of specimens having an invalid result.
  - (3) You must be knowledgeable about this part, the DOT MRO Guidelines, and the DOT agency regulations applicable to the employers for whom you evaluate drug test results, and you must keep current on any changes to these materials. The DOT MRO Guidelines document is available from ODAPC (Department of Transportation, 1200 New Jersey Avenue, SE, Washington, DC 20590, 202-366-3784, or on the ODAPC web site (<http://www.dot.gov/ost/dapc>)).
- (c) **Qualification training.** You must receive qualification training meeting the requirements of this paragraph (c).
  - (1) Qualification training must provide instruction on the following subjects:
    - (i) Collection procedures for urine specimens;
    - (ii) Chain of custody, reporting, and recordkeeping;
    - (iii) Interpretation of drug and validity tests results;
    - (iv) The role and responsibilities of the MRO in the DOT drug testing program;
    - (v) The interaction with other participants in the program (e.g., DERs, SAPs); and
    - (vi) Provisions of this part and DOT agency rules applying to employers for whom you review test results, including changes and updates to this part and DOT agency rules, guidance, interpretations, and policies affecting the performance of MRO functions, as well as issues that MROs confront in carrying out their duties under this part and DOT agency rules.
  - (2) Following your completion of qualification training under paragraph (c)(1) of this section, you must satisfactorily complete an examination administered by a nationally-recognized MRO certification board or subspecialty board for medical practitioners in the field of medical review of DOT-mandated drug tests. The examination must comprehensively cover all the elements of qualification training listed in paragraph (c)(1) of this section.
  - (3) The following is the schedule for qualification training you must meet:
    - (i) If you became an MRO before August 1, 2001, and have already met the qualification training requirement, you do not have to meet it again.
    - (ii) If you became an MRO before August 1, 2001, but have not yet met the qualification training requirement, you must do so no later than January 31, 2003.
    - (iii) If you become an MRO on or after August 1, 2001, you must meet the qualification training requirement before you begin to perform MRO functions
- (d) **Requalification Training.** During each five-year period from the date on which you satisfactorily completed the examination under paragraph (c)(2) of this section or have successfully completed the required continuing education requirements which were mandatory prior to October 1, 2010, you must complete requalification training.
  - (1) This requalification training must meet the requirements of the qualification training under paragraph (c)(1) of this section.

## **Drug and Alcohol Program**

- (2) Following your completion of requalification training, you must satisfactorily complete an examination administered by a nationally-recognized MRO certification board or subspecialty board for medical practitioners in the field of medical review of DOT-mandated drug tests. The examination must comprehensively cover all the elements of qualification training listed in paragraph (c)(1) of this section
- (e) **Documentation.** You must maintain documentation showing that you currently meet all requirements of this section. You must provide this documentation on request to DOT agency representatives and to employers and C/TPAs who are using or negotiating to use your services. [65 FR 79526, Dec. 19, 2000, as amended at 66 FR 41951, Aug. 9, 2001; 73 FR 33329, June 12, 2008; 75 FR 49862, August 16, 2010]

**Substance Abuse Professional (SAP)** – a person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare. The subrecipients are required to have a qualified SAP regardless of whether or not they have a 2<sup>nd</sup> chance policy.

### **§ 40.281 Who is qualified to act as a SAP?**

To be permitted to act as a SAP in the DOT drug and alcohol testing program, you must meet each of the requirements of this section:

- (a) **Credentials.** You must have one of the following credentials:
  - (1) You are a licensed physician (Doctor of Medicine or Osteopathy);
  - (2) You are a licensed or certified social worker;
  - (3) You are a licensed or certified psychologist;
  - (4) You are a licensed or certified employee assistance professional;
  - (5) You are a state-licensed or certified marriage and family therapist; or
  - (6) You are a drug and alcohol counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC); or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC); or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC).
- (b) **Basic knowledge.** You must be knowledgeable in the following areas:
  - (1) You must be knowledgeable about and have clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.
  - (2) You must be knowledgeable about the SAP function as it relates to employer interests in safety-sensitive duties.
  - (3) You must be knowledgeable about this part, the DOT agency regulations applicable to the employers for whom you evaluate employees, and the DOT SAP Guidelines, and you keep current on any changes to these materials. These documents are available from ODAPC (Department of Transportation, 1200 New Jersey Avenue, SE, Washington, DC 20590 (202-366-3784), or on the ODAPC web site (<http://www.dot.gov/ost/dapc>).
- (c) **Qualification training.** You must receive qualification training meeting the requirements of this paragraph (c).
  - (1) Qualification training must provide instruction on the following subjects:
    - (i) Background, rationale, and coverage of the Department's drug and alcohol testing program;
    - (ii) 49 CFR Part 40 and DOT agency drug and alcohol testing rules;
    - (iii) Key DOT drug testing requirements, including collections, laboratory testing, MRO review, and problems in drug testing;
    - (iv) Key DOT alcohol testing requirements, including the testing process, the role of BATs and STTs, and problems in alcohol tests;
    - (v) SAP qualifications and prohibitions;
    - (vi) The role of the SAP in the return-to-duty process, including the initial employee evaluation, referrals for education and/or treatment, the follow-up evaluation, continuing treatment recommendations, and the follow-up testing plan;
    - (vii) SAP consultation and communication with employers, MROs, and treatment providers;
    - (viii) Reporting and recordkeeping requirements;
    - (ix) Issues that SAPs confront in carrying out their duties under the program.
  - (2) Following your completion of qualification training under paragraph (c)(1) of this section, you must satisfactorily complete an examination administered by a nationally-recognized professional or training organization. The examination must comprehensively cover all the elements of qualification training listed in paragraph (c)(1) of this section.
  - (3) The following is the schedule for qualification training you must meet:
    - (i) If you became a SAP before August 1, 2001, you must meet the qualification training requirement no later than December 31, 2003.
    - (ii) If you become a SAP between August 1, 2001, and December 31, 2003, you must meet the qualification training requirement no later than December 31, 2003.
    - (iii) If you become a SAP on or after January 1, 2004, you must meet the qualification training requirement before you begin to perform SAP functions.
- (d) **Continuing education.** During each three-year period from the date on which you satisfactorily complete the examination under paragraph (c)(2) of this section, you must complete continuing education consisting of at least 12 professional development hours (e.g., CEUs) relevant to performing SAP functions.
  - (1) This continuing education must include material concerning new technologies, interpretations, recent guidance, rule changes, and other information about developments in SAP practice, pertaining to the DOT program, since the time you met the qualification training requirements of this section
  - (2) Your continuing education activities must include documentable assessment tools to assist you in determining whether you have adequately learned the material.
- (e) **Documentation.** You must maintain documentation showing that you currently meet all requirements of this section. You must provide this documentation on request to DOT agency representatives and to employers and C/TPAs who are using or contemplating using your services. [65 FR 79526, Dec. 19, 2000, as amended at 69 FR 3022, Jan. 22, 2004; 71 FR 49384, Aug. 23, 2006; 73 FR 33329, June 12, 2008]

**Third Party Administrator (TPA)** – a service agent that provides various services for the drug and alcohol program. This entity will typically manage the random pool for our subrecipients.

### **§ 40.347 What functions may C/TPAs perform with respect to administering testing?**

As a C/TPA, except as otherwise specified in this part, you may perform the following functions for employers concerning random selection and other selections for testing.

- (a) You may operate random testing programs for employers and may assist (i.e., through contracting with laboratories or collection sites, conducting collections) employers with other types of testing (e.g., pre-employment, post-accident, reasonable suspicion, return-to-duty,

**Drug and Alcohol Program**

and follow-up).

- (b) You may combine employees from more than one employer or one transportation industry in a random pool if permitted by all the DOT agency drug and alcohol testing regulations involved.
  - (1) If you combine employees from more than one transportation industry, you must ensure that the random testing rate is at least equal to the highest rate required by each DOT agency.
  - (2) Employees not covered by DOT agency regulations may not be part of the same random pool with DOT covered employees.
- (c) You may assist employers in ensuring that follow-up testing is conducted in accordance with the plan established by the SAP. However, neither you nor the employer are permitted to randomly select employees from a “follow-up pool” for follow-up testing.

10. **Who provides Third Party Administrative (TPA) services for your agency?**

11. **Who is your Medical Review Officer?**

Do you have a copy of his/her credentials?

Yes

No

12. **Who currently handles your drug and/or alcohol testing?**

Do you have a copy of the collector(s) credentials?

Yes

No

The requirements for the Urine Collectors can be found in §40.33 and for Breath Alcohol Technicians(BAT) or Screening Test Technicians (STT) can be found §40.213

13. **Have you personally visited the collection site?**

Yes

No

Review the site monitoring checklist with the subrecipient. They can conduct onsite inspections using this simple checklist.

14. **Are the hours of operation for the collection site compatible with your service hours?**

Yes

No

**Comments:**

15. **Have you encountered any problems with your TPA, MRO, SAP or collection site?**

Yes

No

If yes, please describe:

16. **Describe the reporting relationship when there is a positive test result.**

17. **Does a supervisor transport employees for:**

Random Drug/Alcohol Tests?

Yes

No

Post Accident Tests?

Yes

No

Reasonable Suspicion?

Yes

No

Employers are not required to complete pre-employment alcohol tests. If they test 1 person, they must test them all. The subrecipient is not required to transport the person for any of the tests. However, for reasonable suspicion and post accident testing, it is recommended that the supervisory transport the person to the collection site.

18. **In what instances are you conducting post accident testing?**

**Drug and Alcohol Program**

§655.44 specifies the instances where persons may be tested under the FTA Authority. There are three instances when Drug and Alcohol Test are required for the driver and other safety-sensitive employees that may have contributed to the accident. These three instances are:

- (1) Fatal accidents
- (2) Non-fatal accidents where a person receives immediate medical attention away from the scene
- (3) Vehicle incurs disabling damage and must be transported away from the scene by tow or other means.

Any other post accident test would need to be conducted under the provider's own authority. An exception to this would be a reasonable suspicion test – this test would need to be correctly classified in the annual report.

**Additional  
Comments:**

**Recipient  
Comments:**

**WYOMING DEPARTMENT OF TRANSPORTATION  
SUBRECIPIENT SITE MONITORING  
Transit Program – Office of Local Government Coordination**

**Vehicles, Facility Maintenance and Training**

**VEHICLES**

1. **If vehicles are on site, inspect the vehicle inside and out. If vehicles are in operation, try to get the provider to make arrangements for you to view a portion of the fleet.**

<b>Vehicle Number</b>	<b>General Comments</b>	<b>Neat and Clean</b>	
		Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Yes <input type="checkbox"/>	No <input type="checkbox"/>

During the inspection, be sure to check the lights, windshields, lenses, etc. to make sure they are in working order. Check to see if the vehicle is equipped with First Aid Kits and Fire Extinguishers. Look at the fabric on the seats and headliner and make mention of rips and tears that appear to be above and beyond normal wear and tear. Check for the Civil Rights Notification being posted in the bus.(See Civil Rights section below for information) Look for anything that appears out of the ordinary and make the appropriate comments above.

2. **Do the vehicles have “Public Transportation” and/or other identification information?** Yes  No

**Comments:**

3. **Are the vehicles maintained regularly?** Yes  No

**Describe your maintenance program:**

Maintenance of vehicles and equipment is a requirement of our agreement with the subrecipient. At a minimum, the vehicle should be maintained to the Manufactures Minimum recommendations found in the owner’s manual. Each subrecipient shall maintain up-to-date maintenance records for each vehicle that must contain the following minimum information:

- (1) Make, Model, Vehicle Identification Number and Fleet Number, License Number;
- (2) Funding source (percentage Federal, State and Local);
- (3) Date received and date placed in service;
- (4) Vehicle repairs(date and mileage);
- (5) Preventative Maintenance Reports(date and mileage); and
- (6) Daily vehicle inspection reports (Pre-trip inspections that include date and mileage).

In addition to the vehicle maintenance, the ADA has additional provisions for accessibility item maintenance. These provisions can be located in 49 CFR 37.161-163. The subrecipient should maintain these features as recommended by the manufacturer and should make every attempt to accommodate persons with disabilities in the event these feature breakdown. Public entities have more strict burden outlined in §37.163.

4. **Where are your maintenance records kept?**

Review the maintenance records for a portion of the fleet making sure to look at the mileage and services performed. Review the documents to ensure the correct services are completed within the 10% or 500 mile window – whichever is greater. For example, if scheduled maintenance was to be performed every 3,000 miles, it must be completed by 3,500 miles. The goal is for at least 80% of the services to be completed within this window.

If the recipient has a transit facility (garage) and/or other amenities (shelters, benches, etc.) maintenance should also be performed regularly on these items. These plans should include snow removal and something to ensure accessibility in the areas of public access.

**Vehicles, Facility Maintenance and Training**

Vehicle Number	Comments	Performed on Time	
		Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Yes <input type="checkbox"/>	No <input type="checkbox"/>

**5. Are reporting processes in place for drivers to communicate problems to management or maintenance staff? How does this process work?**

The provider should have a written process for reporting minor safety issues, maintenance problems and minor accidents to management. The process should begin with pre-trip inspections that include inspections/cycling of the accessibility items on the vehicle. Vehicles should be taken out of service and repaired as quickly as possible. In areas with populations under 50,000, the work should be completed within 5 days. Collect copies of the forms that the provider uses and look for them in the maintenance files during your review.

**FACILITIES**

This section is to review the maintenance practices related to the agencies Transit Program. For the purposes of this review, the facilities, owned by the agency that is used for the storage or maintenance of revenue vehicles are the primary focus. Additional, focus could be given to other transit improvements in the community, such as bus stops.

**6. Does the agency have a facility built with funding from WYDOT or the FTA used to store or maintain revenue vehicles?**

Yes  No

If no, move to question 10.

**7. Does the agency have a Facility Maintenance Plan?**

Yes  No

Starting **January 1, 2013**, WYDOT will make available a model Facility Maintenance Plan. Each agency shall either adopt the model plan or submit to the Transit Staff a plan of their own for review and approval. The Agency should have this plan available for review as well as proof of the adoption of this plan in their records. Maintenance expenses related to the facility should be kept with the plan for review.

**8. Has the required maintenance been completed in accordance with the plan?**

Yes  No

**9. Complete a general walk around of the facility and assess the general condition. Make note of any deferred maintenance or possible items that should be repaired, i.e., broken window, broken garage door opener or missing shingles.**

**TRAINING**

**10. Are your drivers' training records up to date?**

Yes  No

Required training is offered through WYTRANS and is periodically reviewed to ensure that the appropriate training is being offered so that the drivers and staff are properly trained. During the review, look to see how the records are maintained and if the staff is current in all the training. The provider is allowed to determine how they maintain the tracking for the training and are only required to document that the training has in fact been completed and that they are aware of when additional training is needed for their staff. Best practice for the provider would be to maintain a database or spreadsheet to track the employees by type and date of training.

**11. Where are your training records kept and how do you ensure that your staff is current on required training?**

**12. Look at the provider's titles for vehicles purchased with FTA or State funds. Do the titles contain information consistent with the Agreement language requiring WYDOT approval prior to disposition? Do the titles have liens on them? Get copies for our records.**

**Vehicles, Facility Maintenance and Training**

**Additional Comments:**

**Recipient Comments:**

**WYOMING DEPARTMENT OF TRANSPORTATION  
SUBRECIPIENT SITE MONITORING  
Transit Program – Office of Local Government Coordination**

**Americans with Disabilities Act - ADA**

The application of the ADA for service may differ from provider to provider depending on if they are a private or public entity. 49 CFR Parts 37 and 38 govern the implementation of the ADA for public transportation agencies. These parts include guidelines for service requirements as well as contain the specifications and requirements of accessibility options for vehicles and public spaces used for public transportation. There is a small overlap between this section and the previous section concerning the maintenance of accessibility items.

1. **Do your loading areas provide access that meets the requirements of the ADA?** Yes  No

The best resource for information regarding the requirements for facilities can be found in the American with Disabilities Accessibility Guidelines (ADAAG). If the provider has built bus pullouts or shelters, they need to have a minimum of 96" from the curb or edge of the road to the end of the pad and a clear width of 60". This is a minimum standard. Shelters should allow for a person using a wheelchair or mobility aid a clear area 48" x 30" inside the shelter. A good rule of thumb for signs is that the upper case letters should be 3" tall. For more detailed explanations, consult the ADAAG.

In many instances, the pick-up locations may be on existing routes in areas that have not been improved for use in public transportation. In these instances, the provider should have a procedure(s) in place to accommodate loading/unloading passengers. A common practice is to pull forward into a parking lot to make the pick-up. Some providers may alter the equipment on a certain pick-ups to use a more appropriate vehicle for that particular site. For example, a van with a rear lift to pick-up a passenger when the sidewalk in a particular area is not wide enough to accommodate a side lift or ramp. These are all acceptable solutions.

2. **Do any of your existing stops physically prevent you from deploying a lift? What accommodations are made to ensure riders with differing mobility needs can safely board your vehicles?** Yes  No

3. **Are all of your vehicles accessible? If not, is equivalent service available?** Yes  No

This is another area where the type of entity plays a role in exactly how the requirements may be met. It is WYDOT's goal to make our fleet as accessible as possible. For the purposes of ease of administration of our programs, equivalent service shall be defined as: When viewed in its entirety, a system shall be deemed to provide equivalent service if the service available to individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

- (a) 1. Schedules/headways (if fixed route);  
2. Response time (if the system is demand response);
- (b) Fares;
- (c) Geographic area of service;
- (d) Hours and days of service;
- (e) Availability of information;
- (f) Reservations capability (if demand response);
- (g) Any constraints on capacity or service availability;
- (h) Restrictions priorities based on trip purpose (if demand response).

4. **Do you have policies and procedures to provide service to persons with respirators, portable oxygen tanks and/or service animals? Explain.** Yes  No

§ 37.167 outlines many of the more specialized requirements of service including:

- (d) The entity shall permit service animals to accompany individuals with disabilities in vehicles and facilities;
- (h) The entity shall not prohibit an individual with a disability from traveling with a respirator or portable oxygen supply...; and
- (i) The entity shall ensure that adequate time is provided to allow individuals with disabilities to complete boarding or disembarking from the vehicle.



Americans with Disabilities Act - ADA

5. **Do your bus schedules, pamphlets and/or advertisements contain information about the services you provide to persons with disabilities?** Yes  No

Review copies of the printed materials and collect copies if they are readily available. Make sure the materials contain the provider's basic information including phone number and web address. Ask if the information is available in other accessible formats.

6. **Do you offer any additional training specific to the accessibility equipment and the treatment of persons with disabilities?** Yes  No

7. **Have you received any complaints of discrimination? If yes, please describe your procedure to resolve the complaint.** Yes  No

The agency shall have a form to track any complaints and what the action was to resolve the issue. As part of the process, the agency shall contact WYDOT and discuss the remedy. If a lawsuit is filed regarding an ADA complaint, the agency must notify WYDOT and the FTA Office of Civil Rights.

**Complete this section for Fixed Route Operators**

Operators of true fixed routes systems must have Complimentary Paratransit Service as outlined in § 37.121-155. A brief summary of this service states that the provider must provide service to origins and destinations within a ¼ mile envelope of the fixed route. The service must also be operational during the same time periods as the fixed route system and the provider should have a system for determining eligibility to use the Complementary Paratransit service. During the review, ask for a copy of the Complementary Paratransit Plan.

Some providers use deviation as a means to avoid having true Complementary Paratransit service. Deviated Fixed Route service is actually demand response service where the rider must call in and request the deviation. To meet the requirements of deviated service, the provider must allow all persons to schedule a deviation, not just persons with disabilities. See Appendix D §37.3.

§ 37.167 Other service requirements. (Background for Questions 8, 9 & 11)

- (b) On fixed route systems, the entity shall announce stops as follows:
  - (1) The entity shall announce at least at transfer points with other fixed routes, other major intersections and destination points, and intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location.
  - (2) The entity shall announce any stop on request of an individual with a disability.
- (c) Where vehicles or other conveyances for more than one route serve the same stop, the entity shall provide a means by which an individual with a visual impairment or other disability can identify the proper vehicle to enter or be identified to the vehicle operator as a person seeking a ride on a particular route.
- (f) The entity shall make available to individuals with disabilities adequate information concerning transportation services. This obligation includes making adequate communications capacity available, through accessible formats and technology, to enable users to obtain information and schedule service.

8. **Do you have a Complementary Paratransit Plan? If no, explain.** Yes  No

9. **If your answer to Question 8 was that you offer Deviated Fixed Route Service, please explain how this service works.**

True Route Deviation service is considered a Demand Response service and does not require a Complementary Paratransit Plan. One of the important characteristics that make the service Demand Response, is that the deviations must be initiated by the customer – typically by making a phone call. To be considered Demand Response, the service must deviate for the general public, not just persons with disabilities.

10. **Are your schedules readily available to the special and general public? If yes, explain where a person could find your schedule. If not, why?** Yes  No

Americans with Disabilities Act - ADA

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11. **What are your procedures to communicate route stops with persons with hearing and vision disabilities?**

**Additional  
Comments:**

**Provider Comments:**

**WYOMING DEPARTMENT OF TRANSPORTATION  
SUBRECIPIENT SITE MONITORING  
Transit Program – Office of Local Government Coordination**

**Title VI (Civil Rights), Disadvantaged Business Enterprise (DBE) and Equal Employment Opportunity (EEO) Programs**

1.	<b>Do the Recipient’s vehicles contain the required Civil Rights notice?</b>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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Notice for printed materials:

STATEMENT OF RIGHTS: *Provider Name* is committed to ensuring that no person is excluded from participation in or denied the benefits of or be subject to discrimination in the receipt of its services on the basis of race, color, national origin or any other characteristics protected by law including Title VI of the Civil Rights Act of 1964 as amended. If you believe you have been subjected to discrimination, you may file a written complaint no later than 180 calendar days after the alleged discrimination with the *Title of responsible person of Name of Provider Street Address, City, State Zip*. If you need assistance with a written complaint (o si no habla ingles, llama por) call the supervisor at (307) 123-4567 during regular business hours.

Notice to post in vehicles:

The *NAME OF AGENCY* is committed to ensuring that no person is excluded from participation in, or denied the benefits of, or be subject to discrimination in the receipt of its services on the basis of race, color, or national origin, or any other characteristics protected by law, including Title VI of the Civil Rights Act of 1964, as amended. Further, under the Americans with Disabilities Act (ADA) of 1990, no entity shall discriminate against an individual with a physical or mental disability in connection with the provision of transportation service.

To obtain more information on *NAME OF AGENCY’S* nondiscrimination obligations or to file a complaint, contact *NAME OF AGENCY, ADDRESS AND CONTACT PHONE NUMBER*. You may file a written complaint no later than 180 calendar days after the date of the alleged discrimination.

Information on non-English alternative formats may be obtained from the *NAME OF AGENCY OFFICE*.

2.	<b>In general, What is your organization’s theory in implementing nondiscrimination?</b>
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3.	<b>Are there attempts to “outreach” in your employment program to encourage the hiring of minorities and disadvantaged people? Explain.</b>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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4.	<b>Do your employment advertisements state that your organization is an EEO employer?</b>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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If the Recipient has a current ad out for employment, have them show it to you. If there is not a current ad, ask to see a copy of a recent ad if available or to see the copy of the document that they use to post employment notices. Additional requirements are required for Recipient’s that received \$1 million in Operating or \$250,000 in Planning funds and have 50 or more Transit Related Employees.

5.	<b>Do you post the EEO statement at your location?</b>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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Observe where the poster is posted – it should be posted in an area of general traffic. The US Department of Labor can provide many of the necessary posters and notices for the workplace. If the Recipient is in need of the posters, show them <http://www.dol.gov/compliance/topics/posters.htm> which is a resource for many required notices. The EEO information was updated in August of 2008 – so if the poster is present, make sure it is current.

6.	<b>Do you contract for services using FTA/State money? If yes, did you consult the DBE List compiled by WYDOT and solicit quotes from qualified Disadvantaged Business Enterprises?</b>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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Most agencies will only procure minor equipment items using WYDOT funds and typically should only do so after concurrence from WYDOT Staff. Services on the other hand may or may not be used without any input from WYDOT. In either instance, the requirements of 49 CFR Part 26 apply. For most purchasing and contracting opportunities, the DBE program is structured as a good faith effort based program and the recipients are required to solicit proposals and quotes from the certified list. If work is awarded to a qualified DBE, this information should be

forwarded to WYDOT for inclusion in our Uniform Reporting. To be considered as a qualified DBE, the firm must be included on the UCP list found at [http://www.dot.state.wy.us/wydot/business\\_with\\_wydot/contractors/Disadvantaged\\_Business\\_Enterprise](http://www.dot.state.wy.us/wydot/business_with_wydot/contractors/Disadvantaged_Business_Enterprise)

7. **Do you purchase equipment through your own procedures using FTA/State money? If yes, did you consult the DBE List compiled by WYDOT and solicit quotes from qualified Disadvantaged Business Enterprises?** Yes  No

**Additional  
Comments:**

**Provider  
Comments:**

**WYOMING DEPARTMENT OF TRANSPORTATION  
SUBRECIPIENT SITE MONITORING  
Transit Program – Office of Local Government Coordination**

**Charter Bus**

**Charter Bus Rule: Revised 4/30/2008**

**§ 604.2 Applicability.**

- (a) The requirements of this part shall apply to recipients of Federal financial assistance under the Federal Transit Laws, except as otherwise provided in paragraphs (b) through (g) of this section.
- (b) The requirements of this part shall not apply to a recipient transporting its employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors and official guests, to or from transit facilities or projects within its geographic service area or proposed geographic service area for the purpose of conducting oversight functions such as inspection, evaluation, or review.
- (c) The requirements of this part shall not apply to private charter operators that receive, directly or indirectly, Federal financial assistance under section 3038 of the Transportation Equity Act for the 21st Century, as amended, or to the non-FTA funded activities of private charter operators that receive, directly or indirectly, FTA financial assistance under any of the following programs: 49 U.S.C. 5307, 49 U.S.C. 5309, 49 U.S.C. 5310, 49 U.S.C. 5311, 49 U.S.C. 5316, or 49 U.S.C. 5317.
- (d) The requirements of this part shall not apply to a recipient transporting its employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors and official guests, for emergency preparedness planning and operations.
- (e) The requirements of this part shall not apply to a recipient that uses Federal financial assistance from FTA, for program purposes only, under 49 U.S.C. 5310, 49 U.S.C. 5311, 49 U.S.C. 5316, or 49 U.S.C. 5317.
- (f) The requirements of this part shall not apply to a recipient, for actions directly responding to an emergency declared by the President, governor, or mayor or in an emergency requiring immediate action prior to a formal declaration. If the emergency lasts more than 45 days, the recipient shall follow the procedures set out in subpart D of 49 CFR 601.
- (g) The requirements of this part shall not apply to a recipient in a nonurbanized area transporting its employees, other transit system employees, transit management officials, and transit contractors and bidders to or from transit training outside its geographic service area.

“Charter service” means, but does not include demand response service to individuals:

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

**Exceptions:**

A public transit agency may provide charter service under the following exceptions:

- Government Officials (new!!!)
- Qualified Human Service Organizations (elderly, persons with disabilities, and low income individuals)
- When no registered charter provider responds to a notice sent by a recipient
- Leasing (must exhaust all available vehicles first)
- By agreement with all registered charter providers
- Petitions to the Administrator:
- Events of Regional or National Significance
- Hardship
- Discretion

**Reporting Requirement:**

A public transit agency must provide the following information via email:

- (1) Email notice of the request shall be sent by the close of business on the day the recipient receives the request unless the recipient received the request after 2 p.m., in which case the recipient shall send the notice by the close of business the next business day;
- (2) Email notice sent to the list of registered charter providers shall include:
  - (i) Customer name, address, phone number, and email address (if available);
  - (ii) Requested date of service;
  - (iii) Approximate number of passengers;
  - (iv) Whether the type of equipment requested is (are) bus(es) or van(s); and
  - (v) Trip itinerary and approximate duration; and
- (3) If the recipient intends to provide service that meets the definition of charter service under §604.3(c)(2), the email notice must include the fare the recipient intends to charge for the service.

\*\*Review the Flow Chart that Follows this section\*\*

1. **Has your organization provided any charter services in the past year? If yes, describe the services and how they came about.** Yes  No

2. **Are you aware of the exceptions for Charter Service? Which of these exceptions do you use when doing Charter Service?** Yes  No

3. **Are there willing and able charter operators in your area and if so, have you ever done charter service with them?** Yes  No

4. **How many requests do you receive for charter service in an average year?**

5. **Have you ever advertised charter service?** Yes  No

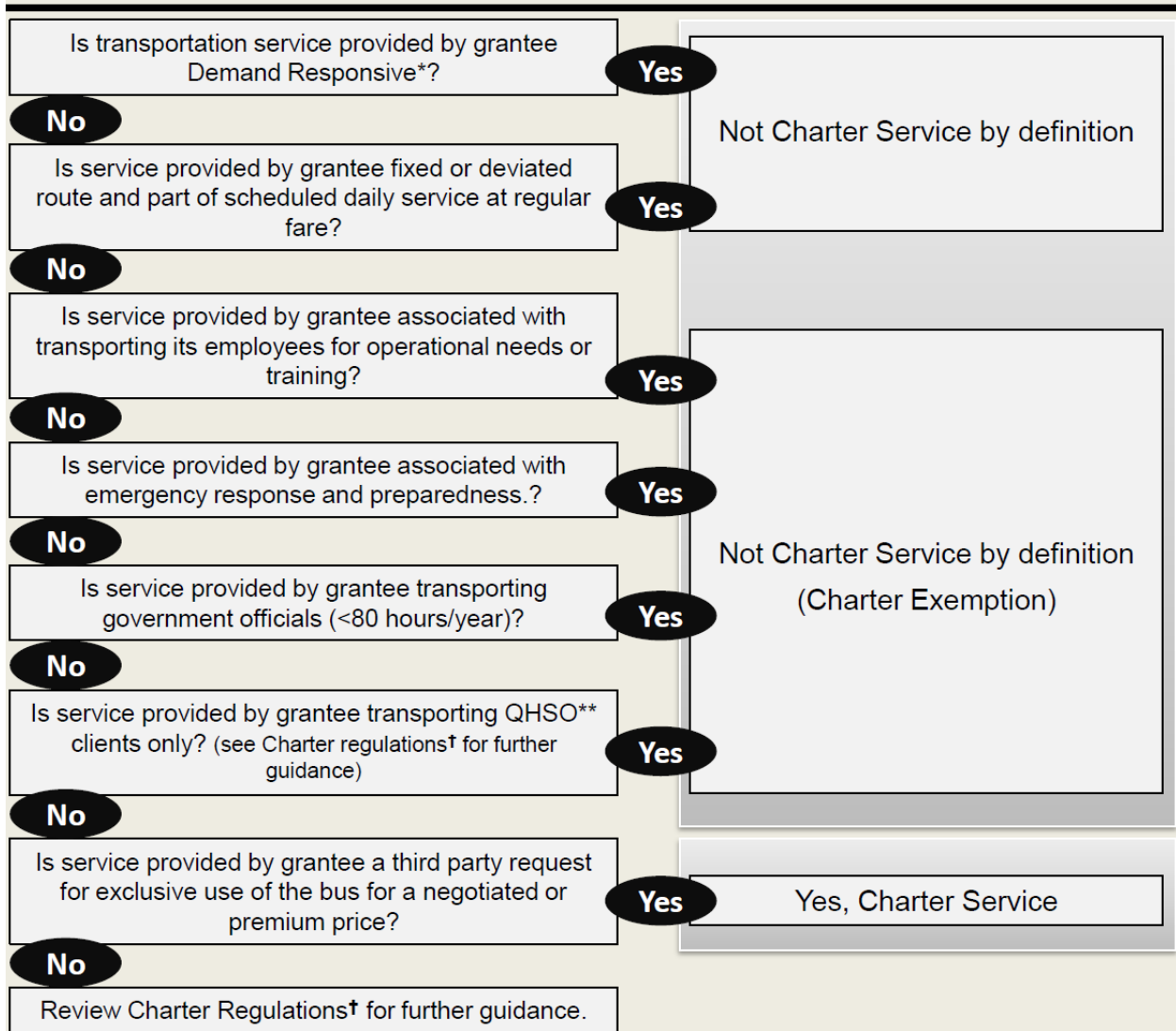
Recipients should not be advertising charter service. Recipients of federal operating funds should not be competing with private charter operators unless providing service under the exceptions above.

**Additional Comments:**

**Recipient Comments:**

# SECTION 5311 CHARTER SERVICE IDENTIFICATION FLOW CHART

May 2010



**This chart was prepared by DPIT to guide your organization with basic scenarios. Please, rely on the FTA Charter Regulations† for final determination of service if your scenario in review does not meet any of the exceptions above.**

**\*Demand Responsive:**  
Any Non-fixed route service to individuals that require advanced scheduling by the customer

**\*\*Qualifying Human Sources Organization:**  
Any organization providing service to persons with disabilities, low income, or to the elderly.

**† Charter Regulations:**  
Can be found on the FTA website at: <http://edocket.access.gpo.gov/2008/pdf/08-86.pdf>



**Wyoming Department of Transportation**  
Office of Local Government – Transit Program  
5300 Bishop Boulevard, Planning Building, Room 215  
Cheyenne, WY 82009

**Vehicle Procurement Procedures**

WYDOT assists sub-recipients with vehicle procurements in accordance with FTA C 4220.1F and the FTA “Best Practices Procurement Manual.” WYDOT reviews and approves the bid documents and procedures in the manner described below:

- 1) Contact WYDOT LGC Staff for Authorization
- 2) Conduct Needs Assessment
- 3) Devise Proposed Budget
  - a) SLIB
  - b) FTA 5310
  - c) Local Match
- 4) Agreement Creation and Execution
- 5) Compile Bid Package
- 6) Bid Vehicle
- 7) Check EPLS on Bidders prior to award
- 8) Award to responsive and responsible bidder
- 9) WYDOT Bid Award and Concurrence form - purchaser agrees that he has reviewed the offer and determined that the offer, as submitted, meets the requirements outlined in the above referenced bid.

WYDOT requires that all vehicles purchased with FTA funding must be accessible and comply with ADA requirements.



Facility Tracking Log		Have Federal Interest Y/N	Facility Maintenance Plan in place Y/N	Project Number	Site Review Date
FEDERAL RECIPIENTS	Campbell County Senior Citizens Association, Inc.				
	Douglas Senior Citizens, Inc. - Douglas Public Transportation				
	Fremont County Association of Government - Wind River Transportation Authority (WRTA)				
	Goshen County, WY Senior Friendship Center - Goshen Area Transit				
	Riverton Senior Citizens Center, Inc.				
	Senior Citizens Council - Sheridan MiniBus				
	Southern Teton Area Rapid Transit - START Bus				
	Sweetwater Transit Authority Resources - STAR				
	University of Wyoming - Transit & Parking Services				
STATE RURAL TRANSIT RECIPIENTS	Buffalo Senior Center, Inc.				
	Carbon County Senior Services, Inc. - Transporting Rural Area Citizens (TRAC)				
	Child Development Services of Fremont County, Inc. - CDS				
	Children's Learning Center				
	Cody Council on Aging, Inc.				
	Crook County Senior Services, Inc.				
	Diversified Services, Inc.				
	Eppson Center for Seniors, Inc.				
	High Country Senior Citizens, Inc.- Dubois				
	Hot Springs County Senior Citizens Center, Inc.				
	Kemmerer Senior Citizens, Inc.				
	Lander Senior Citizens Center, Inc.				
	Meeteetse Recreation District				

**Appendix 8  
Facility Tracking System**

<b>Facility Tracking Log</b>	<b>Have Federal Interest Y/N</b>	<b>Facility Maintenance Plan in place Y/N</b>	<b>Project Number</b>	<b>Site Review Date</b>
Niobrara Senior Center, Inc.				
North Big Horn Senior Center- Lovell				
NOWCAP Foster Grandparents Program				
Powell Senior Citizens Center Ago-go, Inc.				
Rehabilitation Enterprises of North Eastern Wyoming - RENEW				
Rendezvous Pointe				
Senior Center of Jackson Hole				
Services for Seniors, Inc.- Wheatland				
Shoshoni Senior Citizens, Inc.				
South Big Horn Senior Citizens, Inc.				
Southwest Sublette County Pioneers				
Star Valley Senior Citizens, Inc. - Salt River Center- Afton				
Ten Sleep Senior Center, Inc.				
Thayne Senior Center				
Town of Mills				
Washakie County Senior Citizens Center				
Weston County Senior Services- Newcastle				
Casper Area Transportation Coalition - CATC				
City of Cheyenne, Transit Program - CTP				