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WYOMING DEPARTMENT OF TRANSPORTATION

State Management Plan

Appendix D:

Section 5339

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2024



Outline

2	D1	Section 5339	1
3		D1.1 Program Goals and Objectives.....	1
4		D1.2 Roles and Responsibilities.....	1
5		D1.3 State and Local Coordination.....	3
6		D1.4 Eligible Subrecipients	4
7		D1.5 Local Share and Local Funding Requirements	5
8		D1.6 Project Selection Criteria and Method of Distributing Funds.....	5
9		D1.6.1 Application Process and Evaluation Criteria	6
10		D1.6.2 Evaluation Criteria	6
11		D1.6.3 Method of Distributing Funds.....	7
12		D1.7 Annual Program of Projects Development and Approval Process	8
13		D1.8 Transfer of Funds	8
14		D1.9 Civil Rights.....	10
15		D1.10 Section 504 and Americans with Disabilities Act Reporting.....	11
16		D1.11 Reporting Requirements	11
17		D1.12 State Program Management	11
18		D1.12.1 Procurement Policies and Procedures.....	12
19		D1.12.2 Vehicle Use, Maintenance, and Disposition	12
20		D1.12.3 Property Management	12
21		D1.12.4 Financial Management and Audit.....	12
22		D1.12.5 Project Close-Out.....	13
23		D1.13 Other Provisions	13
24		D1.13.1 Subrecipient Oversight	13
25		D1.13.2 NEPA/Environmental Protections.....	14
26		D1.13.3 Buy America and Pre-Award and Post-Delivery Audits and Certifications.....	14
27		D1.13.4 Lobbying.....	14
28		D1.13.5 Drug and Alcohol Testing.....	14
29		D1.13.6 Charter Bus Service.....	15
30		D1.13.7 Exclusive School Transportation	15

Tables

33	Table D1.1	Responsibilities Related to Transit Funds Administration	2
34	Table D1.2	Local Match Requirements.....	5



D1 SECTION 5339

D1.1 Program Goals and Objectives

The purpose of the Section 5339 program is to provide capital funding to replace, rehabilitate, and purchase buses and related equipment, and to construct bus-related facilities. The program is also available for supporting clean fuel projects and to advance transit-related technology.

Documents that govern how the Wyoming Department of Transportation (WYDOT) administers Section 5339 funds include:

- Federal Transit Administration (FTA) Circular 5100.1.
https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Final_FTA_C_5100_4-16-15.pdf
- FTA website Overview: <https://www.transit.dot.gov/bus-program>

The goal of the state's Section 5339 program is to supplement funding to eligible Wyoming public transit providers for capital bus and bus-related projects which support the continuation and expansion of public transportation services in the State of Wyoming. Additional program goals are as follows:

- (1) Promote safety, efficiency and expansion of transit services in the state;
- (2) Create and maintain inviting and safe facilities as well as other transit related infrastructure
- (3) Support vehicle replacement and rehabilitation or facility improvement and/or construction for public transit systems;
- (4) Maintain a state commitment to public transportation; and
- (5) Meet the needs of individual transit providers to the extent they are consistent with the other goals stated above.

D1.2 Roles and Responsibilities

WYDOT is the designated direct recipient for Section 5339 funds.

As such, WYDOT is responsible for:

- Developing the program of projects (POP) and the project selection process.
- Certifying that all projects are included in the Five-Year Lookahead that is required as part of the locally developed Coordinated Public Transit Human Services Transportation Plan (Coordinated Plan).
- Overseeing the implementation of projects as prioritized in the Five-Year Lookahead.
- Certifying a fair and equitable distribution of funds to subrecipients.
- Managing all aspects of grant distribution and oversight for subrecipients receiving funds.



- 1 • Submitting reports as required by FTA.
- 2 The parts of WYDOT’s organization that are involved in the administration of FTA and state transit funds
- 3 are listed in the following table.

4 Table D1.1 Responsibilities Related to Transit Funds Administration

Organization	Role
WYDOT Office of Local Government Coordination - Transit (LGC)	<p>As the primary entity responsible for the management of FTA funds and for the oversight of subrecipients, performs the roles identified in Circular 9040 (5311) and Circular 9070 (5310) and outlined in this SMP. These include, but are not limited to:</p> <ul style="list-style-type: none"> • Participates in statewide planning process, coordinates with MPOs regarding TIPs and STIP. • Develops Coordinated Public Transit Human Services Transportation Plan. • Conducts annual grant application process and awards program funds. • Prepares Program of Projects (POP) and manages grant budgets and schedules. • Reviews and approves subrecipient reimbursements. • Prepares and submits required reporting to FTA, including FFR, FFATA, Milestone Progress Reports, Program Measures Reports, and NTD reports. <p>Provides technical support to subrecipients and manages submittals through BlackCat.</p>
Transportation Commission	<p>Adopts the STIP.</p> <p>Approves annual transit budget and recommended list of awards as shown in the STIP.</p>
WYDOT Director’s Office (or its designee)	Adopts the WYDOT SMP.
State of Wyoming Attorney General	<p>Reviews agreements between WYDOT and subrecipients for compliance with state and federal requirements</p> <p>Reviews and certifies FTA certifications and assurances.</p>
Assistant Chief Engineer	<p>Reviews and certifies FTA certifications and assurances.</p> <p>Signs the FTA award agreements.</p> <p>Approves high-level policy criteria and transit metrics by which transit funds are evaluated and allocated.</p>
State Planning Engineer	Reviews and signs project amendments and transfer of funds between funding programs.
Office of Program Performance	<p>Produces STIP amendments for Commission approval.</p> <p>Requests FTA and FHWA concurrence on STIP.</p>



Organization	Role
Budget Office	Sets accounting and budget structures and verifies fiscal constraint of STIP. Sets up and closes FTA accounts, projects, and budgets in PeopleSoft. Processes ECHO drawdown from FTA. Processes subrecipient reimbursement requests, reconciles project budgets and apportionments, approves final reimbursement request to FTA.
Grants and Contracts Policy Program	Provides guidance on agreement and/or contract-related questions. Oversees WYDOT’s contracting processes and signs off on transit subaward agreements. Verifies available discretionary grant match
Procurement Services Program	Advertises statewide contracts for state and local government agencies to purchase items. Assists Office of Civil Rights in communicating contracting opportunities, including DBEs and small businesses.
Engineering Services Department	Advertises RFPs for personal services contracts (architectural/engineering).
Office of Civil Rights	Serves as the Disadvantaged Business Enterprise Liaison Officer (DBELO) to WYDOT’s Director. Develops civil rights programs and policies, including the Triennial DBE Participation goal. Provides LGC guidance on civil rights requirements. Oversees subrecipients’ compliance with civil rights requirements in providing services and third-party contracting. Maintains WYDOT’s and subrecipients’ required civil rights documentation. Reports semiannually to FTA on DBE participation.
Office of Internal Review Services	Reviews Single Audit Certification Form or Single Audit Reports. Participates in subrecipient risk assessment evaluations.
Office of Public Affairs	Issues public notices of public comment periods for statewide planning process. Advertises statements of project awards.
Wyoming Department of Health (WDH)	Monitors use of WYDOT-administered federal funds that overlap with WDH federal funds that support senior centers throughout the state, as needed to assist WYDOT.
Wyoming Transit Advisory Committee (WyTAC)	Reviews applications against evaluation criteria and recommended amount of project awards.

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D1.3 State and Local Coordination

3 WYDOT’s statewide planning process, inclusive of transit, follows federal and state regulations and
 4 provides a direction and framework for decision-making regarding investments in Wyoming’s
 5 multimodal transportation system. The statewide planning process, with a documented public



1 involvement process, supports sound investment choices that promote responsible and effective use of
2 taxpayer dollars.

3 WYDOT's statewide planning processes are described in Chapter 2 of the State Management Plan.

4 Transit-related plans include:

- 5 • WYDOT Long-Range Transportation Plan
- 6 • Metropolitan Planning Organizations Long-Range Plans
- 7 • WYDOT Intercity Bus Service Study
- 8 • WYDOT Coordinate Public Transit Human Services Transportation Plan

9 Transit funding is outlined in:

- 10 • WYDOT Transit Five-Year Financial Plan
- 11 • State Transportation Improvement Program
- 12 • Metropolitan Transportation Improvement Plans

13 Performance-based planning includes:

- 14 • WYDOT Transit Asset Management Plan
- 15 • Public Transportation Agency Safety Plans

16 **D1.3.1.1 WYDOT Coordinated Public Transit Human Services Transportation Plan**

17 WYDOT completed a Coordinated Public Transit Human Services Transportation Plan for the state that
18 identifies and assesses the needs and transportation challenges of older adults, those with disabilities,
19 and low-income individuals. Developed with input from transit providers and users across the state, it
20 presents goals and objectives and a plan for improving the accessibility of a specialized transit network.
21 The plan meets the requirement that the projects, activities, and/or strategies funded by the FTA
22 Section 5310 program be included in a Coordinated Public Transit Human Services Transportation Plan.
23 WYDOT's 2024 Plan will be located on this website once it is finalized:

24 [https://www.dot.state.wy.us/home/planning_projects/transportation_programs/transit-in-](https://www.dot.state.wy.us/home/planning_projects/transportation_programs/transit-in-wyoming.html)
25 [wyoming.html](https://www.dot.state.wy.us/home/planning_projects/transportation_programs/transit-in-wyoming.html).

26 **D1.4 Eligible Subrecipients**

27 Eligible subrecipients for Section 5339 funds include the following:

- 28 • A state or local governmental entity
- 29 • Private non-profit organizations.
- 30 • Operators of public transportation services, including private operators of public transit services.

31 WYDOT requires private nonprofit applicants to:

- 32 • Hold a 501 (c) (3) certificate verifying non-profit status.



- Register with the Wyoming Secretary of State.
- WYDOT does not allow for-profit operators to apply directly for Section 5339; such enterprises, however, may subcontract for such services with any of the above listed subrecipients.

Minimum requirements for subrecipients are detailed in Chapter 3 of the SMP.

D1.5 Local Share and Local Funding Requirements

All projects funded through FTA programs require some form of local match and sufficient operating funds to operate and maintain FTA-funded programs and projects. Local match requirements are outlined in WYDOT’s BlackCat Application Guidelines that are updated annually and provided below.

Table D1.2 Local Match Requirements

	Program	Local/State Match (%)	Federal Share (%)
Operating*	PTA, 5311	43.44	56.56
Project Administration Cannot exceed 40% of the total project budget (per WYDOT policy)	PTA, 5311	20	80
Preventive Maintenance	PTA, 5311	20	80
Mobility Management	5310	20	80
Voucher Program-Operating	5310	50	50
Capital (other than vehicles)	5311, 5339	20	80
ADA and Clear Air Act Vehicle**	5310, 5311, 5339	15	85
Non-ADA Vehicle** Only approved in extenuating circumstances and with compelling substantiating data	5311, 5339	50	50
Planning	5305, 5311	20	80
State Loan and Investment Board		10/10	Varies

PTA = State Public Transit Account

*WYDOT is eligible for sliding scale rates for Section 5311 funds. Refer to FTA Circular 9040.1G for additional information.

**Local match amount is per WYDOT policy (differs from FTA).

Information about what qualifies as a local match is included in Chapter 3 of the SMP.

D1.6 Project Selection Criteria and Method of Distributing Funds.

WYDOT public transit funding for Section 5339 is distributed annually through a competitive grant application process. Funding is divided between the Rural and Urban areas of Wyoming. The urban areas of Wyoming are Casper and Cheyenne. Projects must be consistent with the Five-Year Lookahead that is part of WYDOT’s Coordinated Public Transit Human Services Transportation Plan.

Project types funded by Section 5339 include but are not limited to:



- 1 • New or replacement vehicles
- 2 • Miscellaneous
 - 3 ○ Refurbishment, retrofits, replacement
 - 4 ○ Supporting equipment
 - 5 ○ Supporting infrastructure
- 6 • Facilities (existing, new facility construction, facility rehabilitation)

7 **D1.6.1 Application Process and Evaluation Criteria**

8 The application period is typically open for forty-five (45) days. WYDOT’s for applications through
9 projects becoming active is as follows:

Public Notice	Application Deadline	Application Reviews*	Project Selections	Submittal to STIP	Project Approval and Awards	Projects Active**
March 1	April 15	Mid-April to Mid-June	June	July	August	October

10 *LGC, Internal Review Services, Wyoming Transit Advisory Committee (WyTAC).

11 **Upon full execution of the WYDOT subaward agreement.

12 **D1.6.2 Evaluation Criteria**

13 WYDOT reviews each application against the evaluation criteria and compliance with all requirements.
14 Evaluation criteria are continually monitored for applicability to the program, and new criteria are added
15 as regulations change. A copy of the evaluation criteria is included in the annual application materials.
16 WYDOT presents its award recommendations to the Wyoming Transit Advisory Committee (WyTAC) for
17 further evaluation, concurrence, comment, or changes.

18 Additional details about WYDOT’s application, evaluation, and award processes are included in Chapter
19 3 of the SMP.

20 Section 5339 is a capital-only program, and funds are limited to capital projects to replace,
21 rehabilitate, and purchase buses and bus-related equipment, and to construct bus-related facilities.
22 Thus, Section 5339 funds cannot be used for operating assistance. Facility requests must complete the
23 NEPA process prior to applying for funds.

24 Specific evaluation criteria for Section 5339 projects include:

- 25 • Availability of funds.
- 26 • Equity analysis of geographic area.
- 27 • Qualifications of applicant.
- 28 • Service area.
- 29 • Cost estimate and local match availability.
- 30 • Proposed procurement method.
- 31 • Identified needs to be addressed by the Capital request.
- 32 • Existing Public Transit services provided in the service area are identified.



- 1 • Number of persons estimated to be served.
- 2 • If a replacement vehicle, evaluation of existing vehicle fleet factors.
- 3 • If requesting a new or additional vehicle, factors necessitating additional equipment show need.
- 4 • Availability of the equipment to the general public, if requesting vehicle.
- 5 • Adequacy of Maintenance Plan for equipment and facilities.

6 **D1.6.3 Method of Distributing Funds**

7 To determine the dollar amount of awards to recommend, WYDOT takes into consideration the amount
8 requested by the applicant, previous year(s) awards to the applicant, available funding in each of the
9 programs, demonstrated need, and a fair and equitable distribution of funds statewide. WYDOT's
10 approach is to fund transit projects for existing subrecipients before funding a project for a new
11 subrecipient. New subrecipients are required to demonstrate the coordination they have conducted and
12 the need for the funding.

13 The funding administered by WYDOT will be awarded by priority, in the following order:

- 14 • Projects that preserve and maintain currently established public transit operations, administration,
15 maintenance, vehicles, facilities, and equipment funded with FTA and state transit funds.
- 16 • Projects and/or strategies that are included in the LRPT and/or Coordinated Public Transit Human
17 Services Transportation Plan so that service gaps are addressed without duplicating service.
- 18 • Projects that ensure state of good repair under the Transit Asset Management Plan.
- 19 • Projects for non-profit, public transportation providers not currently in the WYDOT program (if
20 funding allows).

21 Because of limited available funding, WYDOT continues to put an emphasis on a fix-it-first approach—
22 that is, giving higher priority to the replacement and refurbishment of buses, facilities, and equipment,
23 rather than on new or expansion capital or planning projects. This does not mean, however, that
24 expansion or planning projects are not funded—only that an applicant seeking funding for expansion
25 projects must make a very strong case, with documented justification and evidence of sustainability, in
26 order for the project to be considered.

27 Funds are awarded to eligible subrecipients according to the following priority:

- 28 1. Capital assistance for preservation of existing public transit systems.
- 29 2. Capital assistance to bring existing vehicles and facilities into the FTA's definition of the state of
30 good repair to meet asset management requirements.
- 31 3. Capital assistance for the provision of public transit services in a community or area not
32 currently served by public transit.

33 With the development of the Wyoming State Transit Asset Management Plan, eligible subrecipients will
34 be required to prepare and submit documents that conform to all elements required in the Plan. The



1 Plan allows WYDOT and subrecipients to prioritize those assets that fall below the requirements of State
2 of Good Repair. These assets will then be considered priority replacement. Subrecipients can then apply
3 for Section 5339 funding to replace substandard assets.

4 Consideration of Section 5339 funding requests will be based on, but not limited to, the following
5 criteria:

- 6 • Criteria 1: The asset does not meet State of Good Repair criteria or falls below 2.0 on the Condition
7 Assessment Scale
- 8 • Criteria 2: All NEPA processes are completed for a facility.
- 9 • Criteria 3: All Asset Management data is completed for a replacement or renovation project.
- 10 • Criteria 4: Subrecipient is in compliance with all FTA regulations.

11 **D1.7 Annual Program of Projects Development and Approval Process**

12 From the final list of subawards, as determined through the process described in Section A1.6, a
13 Program of Projects (POP) is created for the program. WYDOT then assembles an award application in
14 the FTA Award Management System (TrAMS) based on the POP. FTA reviews the POP and application
15 for compliance, then approves the award of funds to WYDOT.

16 F This process is illustrated in the [FTA Award Application flowchart](#) included in Chapter 3.

17 **D1.8 Transfer of Funds**

18 Section 5339 funds are eligible to be transferred to supplement urban and rural formula programs
19 (Section 5307 and Section 5311, respectively). The national distribution funds may be transferred
20 between small urbanized areas (UZA), large UZAs, and rural areas.

21 WYDOT's current approach for awarding funds results in an equitable distribution of funds throughout
22 the state without transferring funds. If at some point in the future needs shift within the state, WYDOT
23 will consider transferring funds at that time.

24 If the state initiates the transfer of FTA funds, it must do so by notifying FTA's regional administrator of
25 its intent to transfer funds. Notices to transfer funds to the state's apportionment would include the
26 following: (1) Information on the entity that the funds were originally allocated to; (2) the amount of
27 funds to be transferred, the fiscal year in which they were apportioned, and the program section(s) (e.g.,
28 Section 5307); and (3) contact information if questions arise that the state must address before FTA can
29 process the transfer. A notice of transfer of funds must also include the specific projects to which the
30 state will apply the transferred funds.

31 All contractual, procurement and payment procedures must follow state and federal guidelines.
32 Notification to FTA of the intent to transfer funds is in accordance with FTA Circular C 5100.1.



1 The 1993 Wyoming Legislature passed legislation, Wyoming State Statute (WSS) 24-15-101 thru 24-15-
2 102, and amended in 1999, which set forth the following:

3 WSS 24-15-101. Public Transit Program

4 (a)created a "Public Transit Program" to be administered by the Wyoming Department of
5 Transportation. The department shall

- 6 i. Accept public transit funds from the Federal Transit Administration on behalf of the
7 State;
- 8 ii. Adopt rules and regulations to implement the purpose of this chapter;
- 9 iii. Distribute State and Federal public transit funds to eligible grantees pursuant to Federal
10 requirements and rules and regulations of the Department.

11 WSS 24-15-102. Public Transit Account

12 (a) There is created a Public Transit Account within the Highway Fund. The Department
13 shall fund the program annually with one million five hundred thousand dollars (\$1,500,000)
14 using unrestricted state highway funds. Funds provided to the State under the Federal Transit
15 Act and other funds that may become available to assist the urban and rural public transit
16 programs shall be in addition to funding provided from unrestricted highway funds. Funds in
17 the account shall be distributed and expended in accordance with federal requirements and
18 Department rules and regulations.

19 (b) Recipients of funds under the Federal Transit Act may transfer unused grant funds for the
20 benefit of other public transit programs in the state, subject to the following:

- 21 i. Any transfer of funds under this paragraph require the approval of the Governor;
- 22 ii. Transferred Federal funds under this unrestricted State highway funds to be used as
23 local match for Federal funds at the rate of one dollar (\$1.00) for every three dollars
24 (\$3.00) of Federal funds transferred by the transfer or;
- 25 iii. To the extent not reimbursed from unrestricted State funds, the Federal funds
26 transferred shall be used for the benefit of public transit program grantees for the
27 acquisition of new transit vehicles, replacement of transit vehicles or rehabilitation of
28 vehicles in the transit fleet;
- 29 iv. Federal funds transferred by a program grantee may be carried over into the following
30 fiscal year by the Department or a recipient public transit program grantee.

31 All contractual, procurement and payment procedures must follow state and federal guidelines.
32 Notification to FTA of the intent to transfer funds is in accordance with FTA Circular 9070.1G.



1 D1.9 Civil Rights

2 The mission of WYDOT’s Office of Civil Rights is to promote equal access to and participation in WYDOT
3 programs and activities. Additionally, the Office of Civil Rights collaborates with various WYDOT program
4 staff to foster equality in WYDOT’s transportation contracting processes. LGC is responsible for
5 incorporating equal access to programs and activities during the planning, development, operation, and
6 integration of transit into the statewide transportation system.

7 LGC monitors compliance with the FTA’s civil rights requirements through the following:

- 8 • Including civil rights requirements in the annual application process, including:
 - 9 – Title VI Program annual review Internal Review Services Questionnaire
 - 10 – FTA Standard Certifications and Assurances
 - 11 – Nondiscrimination in Federal Transit Programs Assurance
 - 12 – Assurance of Nondiscrimination on the Basis of Disability
 - 13 – Protections for Private Providers of Public Transportation
- 14 • Requiring subrecipients to submit an updated Title VI Program every three (3) years or if the
15 subrecipient has a new Authorized Representative.
- 16 • Review of subrecipient Title VI and ADA complaint procedures and records of investigations,
17 complaints, and lawsuits.
 - 18 – Assistance in resolving complaints.
- 19 • Oversight of third-party contracting procedures and inclusion of required civil rights clauses.
- 20 • Review of the subrecipient Title VI, DBE, ADA, and EEO (if required) program documents annually
21 prior to awarding funds and during scheduled SIR and Site Review process every three (3) years.
 - 22 – The checklist used during on-site monitoring reviews includes verifying compliance with civil
23 rights requirements.
- 24 • Review of subrecipient websites.
- 25 • Review of ADA service requirements, including complementary paratransit.
- 26 • Technical assistance and training to subrecipients in the development of and execution of their
27 programs, including minority applicants and those serving minority or traditionally underserved
28 populations.
- 29 • Collecting DBE participation data from subrecipients twice a year to inform WYDOT’s DBE semi-
30 annual report to FTA.

31 [Additional detail about WYDOT’s civil rights programs and WYDOT’s subrecipient oversight activities is](#)
32 [included in Chapter 5 of the SMP.](#)



1 D1.10 Section 504 and Americans with Disabilities Act Reporting

2 WYDOT oversees subrecipient compliance with ADA requirements. WYDOT is responsible for ensuring
3 that subrecipients of FTA funding meet the ADA requirements for vehicles, services, and facilities.
4 Oversight involves review of the subrecipient's ADA complaint process; review and approval of vehicle
5 procurement documents; and a review of ADA service requirements, including complementary
6 paratransit.

7 [Additional information about WYDOT's Section 504 requirements and oversight of subrecipients is](#)
8 [included in Chapter 5 of the SMP.](#)

9 D1.11 Reporting Requirements

10 WYDOT reports the following information on behalf of its subrecipients:

- 11 • **Program Measures Reports.** For those subrecipients receiving Section 5310 funds, WYDOT reports
12 service and ridership performance measures and targets annually through TrAMS.
- 13 • **Annual Program of Projects (POP) Status Report.** An updated POP, as well as any significant civil
14 rights issues, notable accomplishments, or difficulties with projects are reported by October 30 of
15 each year.
- 16 • **Milestone Progress Report (MPR).** Revisions and status updates on projects including revised
17 completion dates by Monthly Progress Report line item. Reports are due by October 30 annually and
18 may be required quarterly.
- 19 • **Federal Financial Report (FFR).** Accrual reports for each project within the federal programs are
20 provided by October 30 of each year for all projects and quarterly for Section 5339 open construction
21 projects.
- 22 • **National Transit Database (NTD).** For those subrecipients receiving Section 5311 funds, WYDOT
23 reports transit asset management state of good repair performance measures and targets on behalf
24 of agencies participating in the Group Transit Asset Management (TAM) Plan.
- 25 • **Semiannual Disadvantaged Business Enterprise (DBE) Reports.** Reports on WYDOT and subrecipient
26 DBE participation in FTA-assisted contracts by June 1 and December 1.

27 D1.12 State Program Management

28 Once an executed subaward agreement is in place, WYDOT is responsible for oversight of the
29 subrecipient and its implementation of the project. Oversight includes monitoring, scheduled reviews,
30 training, and technical support for subrecipients to support them in compliance with federal and state
31 regulations and guidelines associated with receiving and disbursing funds.



1 When subrecipients enter into contracts with contractors and subcontractors to perform work funded
2 by the FTA or state transit funds, the subrecipients are responsible for oversight and compliance of the
3 contractors and subcontractors with federal and state regulations and guidelines.

4 WYDOT utilizes the Comprehensive Review Contractor's Manual, updated annually by the FTA, as a
5 guide to conduct oversight. The most current Manual can be found through a link on FTA's Program
6 Oversight web page ([https://www.transit.dot.gov/regulations-and-programs/program-oversight/fy23-
7 comprehensive-review-contractors-manual](https://www.transit.dot.gov/regulations-and-programs/program-oversight/fy23-comprehensive-review-contractors-manual)).

8 **D1.12.1 Procurement Policies and Procedures**

9 Information about WYDOT's procurement policies and procedures, including third-party procurement
10 and oversight is included in Chapter 4 of the SMP.

11 **D1.12.2 Vehicle Use, Maintenance, and Disposition**

12 Information about WYDOT's management and oversight of vehicles is included in Chapter 6 of the SMP.

13 **D1.12.3 Property Management**

14 Information about WYDOT's management and oversight of real property and equipment is included in
15 Chapter 6 of the SMP.

16 **D1.12.4 Financial Management and Audit**

17 WYDOT manages funds in compliance with federal statutes, regulations, and terms and conditions.
18 Information received from subrecipients must provide detailed information on expenditures and
19 services provided in support of projects for payment for grant funds. The subaward agreements held
20 with subrecipients require that all funds be expended and accounted for as required by federal, state,
21 and local law.

22 Information about WYDOT's policies and procedures related to invoicing and reimbursement are
23 included in Chapter 4 of the SMP.

24 WYDOT uses Peoplesoft, a commercial product customized to fit WYDOT needs for project financial
25 management consistent with federal Office of Management and Budget (OMB) procedures. PeopleSoft
26 is maintained by the WYDOT Budget Office. It tracks project budgets and issues reimbursements to
27 subrecipients for funds expended.

28 BlackCat is a web-based tool for grant administration. It is the main depository for documents and
29 information related to subrecipients, applications, awards, project implementation, subrecipient
30 monitoring, required documents, and reporting. BlackCat contains the yearly grant application
31 documents, and tracks monthly reimbursement requests and payments. It is a repository for monthly
32 ridership and mileage data for submission to the National Transit Database. It also stores fleet inventory
33 and assets and maintenance records.



1 **D1.12.4.1 Single Audit**

2 In accordance with 2 CFR § 200.501(a) and (b), subrecipients that expend \$750,000 or more in a year in
3 federal assistance from all sources must have a single audit conducted, except when they elect to have a
4 program-specific audit conducted, 2 CFR 200.501(c). The audit must be completed, and the data
5 collection form and reporting package must be submitted within the earlier of thirty (30) calendar days
6 after receipt of the auditor's report(s), or nine (9) months of the end of the audit period. Subrecipients
7 are required to submit one (1) copy of their annual single audit report to WYDOT and the Federal Audit
8 Clearinghouse.

9 **D1.12.5 Project Close-Out**

10 A project is complete after the purchase of the goods for capital projects or at the end of the service
11 period for operating or mobility management agreements as provided in 2 CFR § 200.343-344 and
12 within 45 days of the final invoice being paid. The executed subaward agreement includes the required
13 project close-out elements or other project deliverables.

14 WYDOT submits the final reimbursement request in FTA's electronic payment system (ECHO-Web). If
15 needed, WYDOT updates the POP, budget worksheets and fixed asset listing for submission to FTA's
16 TrAMS and revises the budget.

17 WYDOT's project close-out processes are included in Chapter 4 of the SMP. The drawdown process is
18 described in Chapter 3 (3.10.6.1).

19 **D1.13 Other Provisions**

20 **D1.13.1 Subrecipient Oversight**

21 A subrecipient applying for assistance under any FTA program must annually submit Certifications and
22 Assurances that are applicable to the subrecipient's award during the current federal fiscal year.

23 In addition to the annual Certifications and Assurances, subrecipients are required to maintain
24 Important Documents on file in BlackCat in the Important Documents module. These documents are
25 reviewed during the annual application process and can be specifically requested and reviewed by
26 WYDOT during the SIR and Site Review Process; however, subrecipients are expected to maintain
27 updated documents on an ongoing basis. These documents cover the applicable areas of review in the
28 FTA's Comprehensive Review Contractor's Manual for a specific fiscal year, which is available at this
29 website: [https://www.transit.dot.gov/regulations-and-programs/program-oversight/fy23-
30 comprehensive-review-contractors-manual](https://www.transit.dot.gov/regulations-and-programs/program-oversight/fy23-comprehensive-review-contractors-manual).

31 All subrecipients are required complete the SIR and participate in a Site Review at least once as a new
32 subrecipient, unless otherwise decided by WYDOT and then at a minimum every three (3) years. The
33 frequency of the reviews is higher for subrecipients that have a risk assessment rating of Medium or
34 High, with check-ins and Site Reviews determined as needed.



1 Information about the risk assessment is included in Chapter 3. Details about WYDOT's subrecipient
2 oversight activities are included in Chapter 4 of the SMP

3 **D1.13.2 NEPA/Environmental Protections**

4 Environmental protection requirements for a specific project are reviewed during the annual application
5 process, where WYDOT confirms that the required environmental clearances for the project have been
6 obtained.

7 Details about the required environmental clearances are included in Chapter 3 of the SMP (Section
8 3.10.1).

9 **D1.13.3 Buy America and Pre-Award and Post-Delivery Audits and Certifications**

10 WYDOT monitors subrecipient compliance with 49 CFR parts 661 -Buy America, and 49 CFR part 663 –
11 Pre-Award and Post-Delivery audits, bid specifications, and federal vehicle safety requirements during
12 the vehicle procurement process. WYDOT reviews subrecipient procurement documents to ensure that
13 the required Buy America notices are in the documents and that the required vendor Buy America
14 certifications are part of the bid documents.

15 For rolling stock, pre-award and post-delivery certifications include Buy America (if more than
16 \$150,000), Purchaser's Requirements (Specifications), and Federal Motor Vehicle Safety Standards.
17 WYDOT confirms the pre-award and post-delivery audit certifications by the subrecipients are submitted
18 through BlackCat for review and approval during the procurement process.

19 In addition, pursuant to the Buy America, Buy America Act, which was part of the 2021 Bipartisan
20 Infrastructure Law, all of the iron, steel, manufactured products, and construction materials used in
21 construction projects after November 10, 2022 (not subject to a general waiver), must be produced in
22 the United States. Notification to subrecipients about this recent requirement is provided in the annual
23 grant application documents. Signed Buy America certifications by the vendors are required.

24 Details about third-party procurement process are included in Chapter 4 of the SMP (Section 4.5.5).

25 **D1.13.4 Lobbying**

26 Restrictions on lobbying are included as part of the subaward agreement and are reaffirmed through
27 annual Certifications and Assurances submittals through BlackCat.

28 **D1.13.5 Drug and Alcohol Testing**

29 WYDOT requires Section 5339 grant recipients to comply with FTA's Drug and Alcohol regulations that
30 require drug and alcohol testing for direct employees or contractors who perform safety-sensitive
31 functions. Covered employees include revenue vehicle operators, dispatchers, holders of Commercial
32 Driver License (CDL) holders operating non-revenue vehicles and those maintaining revenue service
33 vehicles and equipment.



1 WYDOT requires subrecipients to request from the drug testing firms the qualifications of the medical
2 review officers, substance abuse professionals, breath alcohol technicians, and collectors that support
3 the subrecipient drug testing programs and to upload them to BlackCat. WYDOT reviews the
4 qualifications to ensure that they are complete and current.

5 WYDOT requires that subrecipients complete a quarterly Drug and Alcohol Testing report on a Google
6 Form. In January, WYDOT notifies subrecipients that receive federal funding of their login to complete
7 annual reporting on FTA's Drug and Alcohol Testing Management Information System (DAMIS) for the
8 prior calendar year. Subrecipients must review and verify their quarterly reports and complete the
9 DAMIS forms in February. WYDOT reviews the reports and approves them in DAMIS, verifying the
10 annual report with the quarterly reports. WYDOT works with subrecipients to make sure the reports are
11 accurately submitted by the March 15 deadline.

12 [Details about WYDOT's monitoring and oversight of subrecipient compliance with drug and alcohol
13 regulations and training related to these requirements is included in Chapter 6 of the SMP.](#)

14 **D1.13.6 Charter Bus Service**

15 A subrecipient considering charter service is responsible for complying with the public participation
16 process described in 49 CFR Part 604 (the Charter Rule). A Local Government Specialist reviews
17 compliance with Charter Rule during the SIR and Site Review Process and monthly report monitoring
18 reviews.

19 [Details about requirements related to Charter Rule are included in Chapter 6 \(Section 6.3.1\).](#)

20 **D1.13.7 Exclusive School Transportation**

21 A subrecipient is prohibited from providing school bus service in competition with private school bus
22 operators unless the service qualifies and is approved by the FTA Administrator under an allowable
23 exemption. Federally funded equipment or facilities cannot be used to provide exclusive school bus
24 service. Contractors, lessees, and subrecipients must also comply with school bus regulations.

25 WYDOT is responsible to ensure that exclusive school bus service operated by a subrecipient is provided
26 under one of the statutory exemptions. Compliance is confirmed during the SIR and Site Review Process.

27 [Details about requirements related to school transportation are included in Chapter 6 \(Section 6.2\).](#)