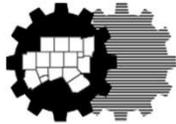


AGENDA

**Transit Providers Virtual Meeting
via Microsoft Teams
Monday, March 8, 2021, 9:30 AM**

1. Welcome and Introductions.....Shannon Stevenson
2. FY2021 Apportionment of Funding/Program of Projects Development.....Allysha Mason
3. Procurement & Contract Compliance Discussion.....Lorena Carrillo/Emily Beckham
4. New NCTCOG Transit Management & Planning [Website](#).....Vivian Fung
5. Fiscal Management Team FTA Closeout Procedure Discussion.....Michelle Ward
6. Fast FactsVarious
 - a. Oversight & Compliance Update.....Shawn Dintino
 - b. Public Transportation Agency Safety Plan (PTASP) UpdateShawn Dintino
 - c. Disadvantaged Business Enterprise (DBE) General LedgersBobby Gomez
 - d. COVID Relief Funding Update.....Dylan Hernandez
 - e. Access North Texas Update.....Gypsy Gavia
 - f. [Transit Studies Discussion](#).....David Garcia
7. Questions & Answers.....All



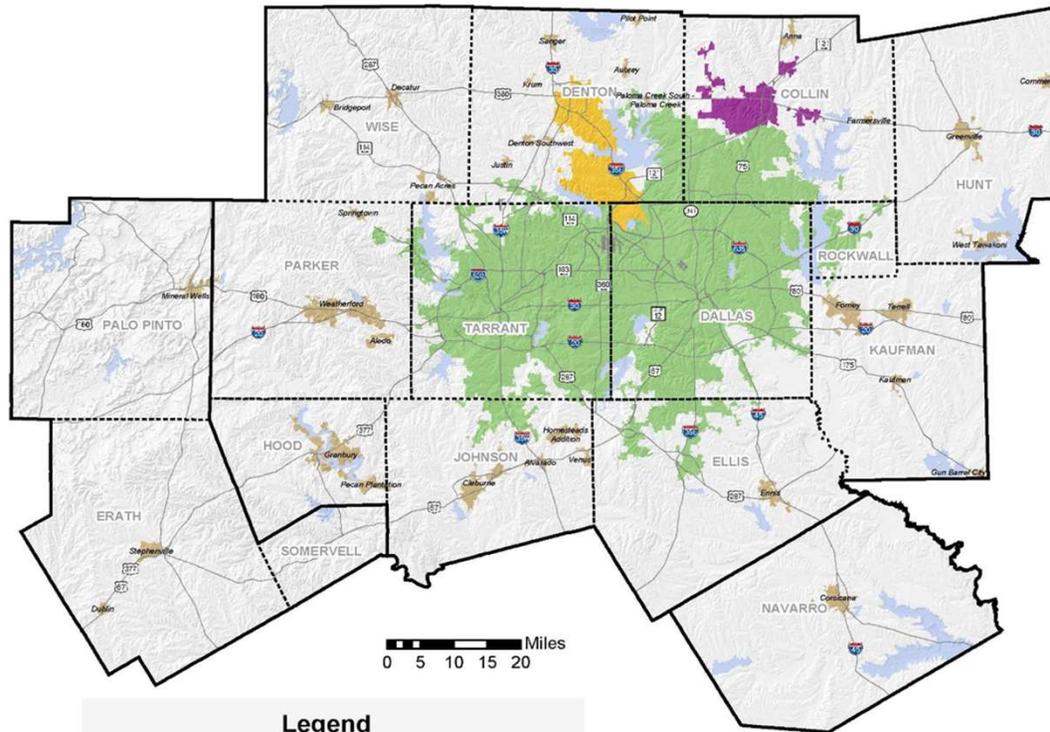
North Central Texas
Council of Governments

2021 APPORTIONMENT FUNDING AND PROGRAM OF PROJECTS DEVELOPMENT

ALLYSHA MASON, TRANSPORTATION PLANNER III



U.S. Census Bureau Urbanized Areas and Urban Clusters (2010)



Legend

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



APPROPRIATION OF FUNDS

Authorization Act passed (FAST Act); Apportionments authorized annually

Authorization Act signed; Annual apportionments signed

Apportionment funds distributed to Department of Transportation
Funding appropriated through federal formula process

Funding to urbanized areas distributed using Census data, transit service metrics (NTD), and agency need

North Central Texas Urbanized Areas

Congress

President

Department of Transportation

Federal Transit Administration

North Central Texas Council
of Governments

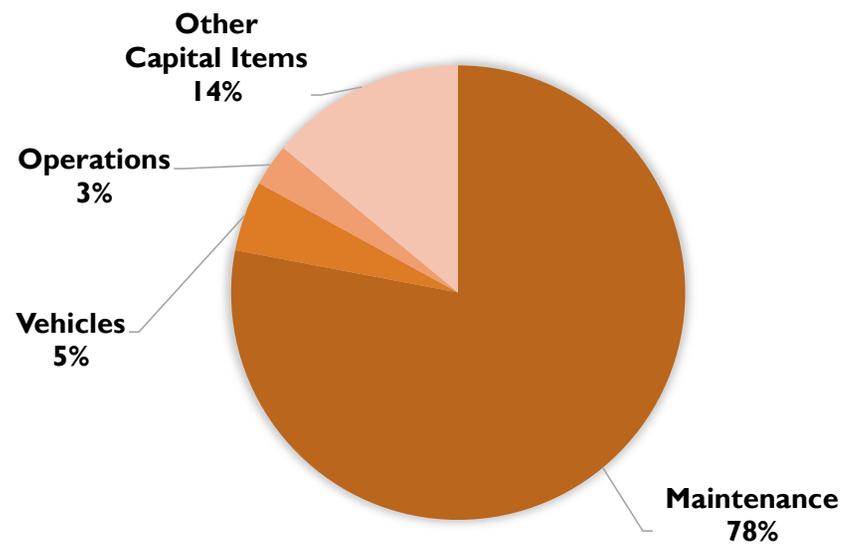
Dallas-Fort Worth-
Arlington Urbanized Area

Denton-Lewisville
Urbanized Area

McKinney Urbanized Area

A LOOK BACK: 2020 APPORTIONMENT DISTRIBUTION

DISTRIBUTION BY PROJECT TYPE



A LOOK BACK: FEDERAL TRANSIT ADMINISTRATION (FTA) 2020 APPORTIONMENT FUNDING

Summary of Available 2020 Formula Funds			
Program	Dallas-Fort Worth-Arlington	Denton-Lewisville	McKinney ¹
Urbanized Area Formula (Section 5307)	\$82.5M	\$6.3M	\$3.1M
Enhanced Mobility (Section 5310)	\$3.8M	\$241K	TxDOT Award
State of Good Repair (Section 5337)	\$30.1M	\$1.9M	N/A
Bus and Bus Facilities (Section 5339)	\$7.6M	\$538K	TxDOT Award

¹Funding administered by TxDOT

FTA INTERIM 2021 APPORTIONMENT FUNDING

(PUBLISHED ON JANUARY 19TH, 2021)

Summary of Available 2021 Formula Funds

Program	Dallas-Fort Worth-Arlington	Denton-Lewisville	McKinney ¹
Urbanized Area Formula (Section 5307)	\$86M ²	\$6.4M ²	\$3.1M
Enhanced Mobility (Section 5310)	\$3.8M ²	\$247K ²	TxDOT Award
State of Good Repair (Section 5337)	\$31M	\$2.2M	N/A
Bus and Bus Facilities (Section 5339)	\$7.2M	~\$485K	TxDOT Award

¹Funding administered by TxDOT

²Amounts listed do not include funds set-aside for Strategic Partnerships, to be awarded to eligible Job Access/Reverse Commute and Enhanced Mobility projects

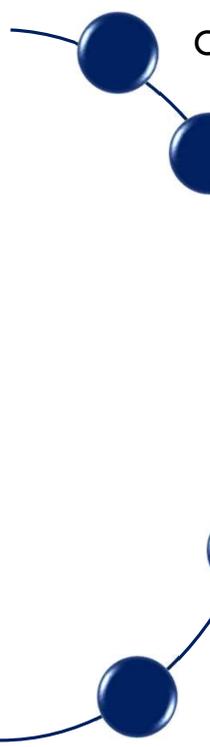
PROGRAM OF PROJECTS (POP) DEVELOPMENT

- What is POP Development?
 - Process by which NCTCOG works with traditional transit providers to determine funding needs based on current funding levels and expenditures
 - Traditional Transit Providers – agencies providing public transportation services and recognized by the state as rural or urban transit providers
 - NCTCOG staff review funding requests and work with providers to accommodate those requests within the confines of the current year apportionment in accordance with applicable regulations
- Per NCTCOG's Regional Transportation Council policy, small provider needs will continue to be met first, with the transit authorities receiving the remainder of the funds
- Awarded funding will be communicated through the Split Letter sent out by NCTCOG
 - Split Letter – notifies FTA of the allocation of formula funds

POP DEVELOPMENT SCHEDULE

Activity	Timeframe/Deadline
2021 Apportionment Published	January 19, 2021
Prepare Sub-Allocation Tables and Matrices	February – March 2021
2021 POP Development	March 2021
Submit Proposed POPs	March 29, 2021
POP Review	March 29 – April 19, 2021
August TIP Cycle Due Date	April 23, 2021
Public Meeting	Week of June 7, 2021
RTC Action of August TIP Cycle	July 8, 2021
Executive Board (Action Item)	July 22, 2021
2021 Apportionment Split Letter	Late July 2021

KEYS TO POP DEVELOPMENT



Only expenses attributable to the urbanized area are eligible

Funding requests should account for the public health emergency

Single Split Letter Process

Subrecipients: Requests should account for capital expenditures through March 2023

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

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

KEYS TO FORMULA FUNDS

- Focus on [National Transit Database](#) reporting
 - More service provided and reported in the urbanized area = More [urban funds](#) for the region
- Plan ahead on how formula funds will be used for urban services
 - Ensure financial resources are proportionate to the federal funding requested
 - Ensure a local match is in place for the federal funding requested
- NCTCOG requirements to continue receiving formula funds
 - Work with your Project Managers to develop your Program of Projects
 - Submission of annual audits
 - Adequate financial controls carried out by qualified personnel with checks and balances in place
- FTA requirements must be met to continue receiving formula funds
 - FTA's [Certifications and Assurances](#)
 - Direct recipients can reach out to their FTA contact for further information



- [FTA Grant Program Information](#)
- [2 CFR 200](#)
- [TIP Webpage](#)
- [TIP Modification Cycle Schedule](#)
- [TrAMS Guidance and Training](#)
- [Scope and Activity Line Item Codes](#)
- NCTCOG Staff
- FTA Staff

RESOURCES

CONTACTS

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PROCUREMENT AND CONTRACT COMPLIANCE

NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS, MARCH 2021





AGENDA

- Procurement Acquisition Thresholds
- Top 5 Procurement & Contract Compliance Concerns
- DBE Goals
- Upcoming Tools and Resources
- Q&A

PROCUREMENT ACQUISITION THRESHOLDS

- Micro-Purchases revised from \$3,500 to \$10,000
- Simple Acquisition Threshold from \$150,000 to \$250,000
- Applies to all FTA-funded procurements, unless agency must follow a lower threshold in State law
 - Texas State law thresholds (applicable to Municipalities and Councils of Governments):
 - Micro-Purchase \$3,000
 - Simple Acquisition \$50,000
- All policies and procedures related to procurements need to be revised to reflect changes
 - If updates aren't complete, must be adhering to strictest thresholds currently documented



TOP FIVE PROCUREMENT & CONTRACT COMPLIANCE CONCERNS

- Incomplete Independent Cost Estimate
- Missing Required FTA and Federal Clauses
- Missing or Incomplete Price Analysis
- Lacking Appropriate Compliance Checks (e.g., Organizational Conflicts of Interest, Debarment)
- Missing or Inadequate Sole Source Justification

INDEPENDENT COST ESTIMATE (ICE)

- Purpose of ICE: Done before solicitation to determine estimation of what the item or service “should” cost.
- Different Methodologies for ICE:
 - Historical pricing information from previous contracts awarded
 - Utilize appropriate inflation rate to bring to current consumer price index
 - Comparable purchases by other agencies
 - Utilize contract award amount versus independent cost estimate for project
 - Independent third-party estimates
- Only use one methodology as an element for ICE.
- Provide sufficient documentation to clarify any “grey” areas and to add as much detail about the methodology as possible.
- Ensure comparison is of similar data and information.

REQUIRED FTA AND FEDERAL CLAUSES

- Ensure FTA required clauses are included in Solicitation & Contract with Awarded Contractor
 - Utilize the Contract Clause Matrix to Determine FTA Required Clauses (FTA C 4220.1F, Appendix D-4)
- If ICE or Contract is within \$10,000 of threshold, recommend adding in required clauses above the threshold
 - Ex: ICE is \$20,000 recommend including Debarment & Suspension which is required for contracts greater than \$25,000
- Ensure required provisions under 2 Code of Federal Regulations 200 (2 CFR 200) are included in Solicitation & Contract Award

TYPE OF PROCUREMENT					
PROVISION	Professional Services/A&E	Operations/ Management	Rolling Stock Purchase	Construction	Materials & Supplies
No Federal Government Obligations to Third Parties (by Use of a Disclaimer)	All	All	All	All	All
False Statements or Claims Civil and Criminal Fraud	All	All	All	All	All
Access to Third Party Contract Records	All	All	All	All	All
Changes to Federal Requirements	All	All	All	All	All
Termination	>\$10,000 if 49 CFR Part 18 applies.	>\$10,000 if 49 CFR Part 18 applies.	>\$10,000 if 49 CFR Part 18 applies.	>\$10,000 if 49 CFR Part 18 applies.	>\$10,000 if 49 CFR Part 18 applies.
Civil Rights (Title VI, ADA, EEO except Special DOL EEO clause for construction projects)	All	All	All>\$10,000	All	All
Special DOL EEO clause for construction projects				>\$10,000	
Disadvantaged Business Enterprises (DBEs)	All	All	All	All	All
Incorporation of FTA Terms	All	All	All	All	All
Debarment and Suspension	>\$25,000	>\$25,000	>\$25,000	>\$25,000	>\$25,000
Buy America			>\$100,000 As of Feb. 2011, FTA has not adopted the FAR 2.101 \$150,000 standard.	>\$100,000 As of Feb. 2011, FTA has not adopted the FAR 2.101 \$150,000 standard.	>\$100,000 As of Feb. 2011, FTA has not adopted the FAR 2.101 \$150,000 standard.
Resolution of Disputes, Breaches, or Other Litigation	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Lobbying	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Clean Air	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Clean Water	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Cargo Preference			Transport by ocean vessel.	Transport by ocean vessel.	Transport by ocean vessel.
Fly America	Foreign air transp. /travel.	Foreign air transp. /travel.	Foreign air transp. /travel.	Foreign air transp. /travel.	Foreign air transp. /travel.

FTA REQUIRED CLAUSE MATRIX

TYPE OF PROCUREMENT					
PROVISION	Professional Services/A&E	Operations/ Management	Rolling Stock Purchase	Construction	Materials & Supplies
Davis-Bacon Act				>\$2,000 (also ferries).	
Contract Work Hours and Safety Standards Act		>\$100,000 (transportation services excepted).	>\$100,000	>\$100,000 (also ferries).	
Copeland Anti-Kickback Act Section 1 Section 2				All > \$2,000 (also ferries).	
Bonding				\$100,000	
Seismic Safety	A&E for new buildings & additions.			New buildings & additions.	
Transit Employee Protective Arrangements		Transit operations.			
Charter Service Operations		All			
School Bus Operations		All			
Drug Use and Testing		Transit operations.			
Alcohol Misuse and Testing		Transit operations.			
Patent Rights	R & D				
Rights in Data and Copyrights	R & D				
Energy Conservation	All	All	All	All	All
Recycled Products		EPA-selected items \$10,000 or more annually.		EPA-selected items \$10,000 or more annually.	EPA-selected items \$10,000 or more annually.
Conformance with ITS National Architecture	ITS projects.	ITS projects.	ITS projects.	ITS projects.	ITS projects.
ADA Access	A&E	All	All	All	All
Notification of Federal Participation for States	Limited to States.	Limited to States.	Limited to States.	Limited to States.	Limited to States.

FTA REQUIRED CLAUSE MATRIX

FEDERALLY REQUIRED CONTRACT PROVISIONS

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



PROHIBITION ON CHINESE TELECOMMUNICATIONS

- Prohibits the use of federal funds to procure, contract with entities who use, or extend contracts with entities who use certain telecommunications and video surveillance equipment provided by Chinese controlled entities (2 CFR §200.216, §200.471).
- Effective August 13, 2020
- Recommend adding language to solicitations, subrecipients agreements, contracts, and purchase orders.
 - For subrecipient agreements and contracts, also recommend including a certification statement.

PRICE ANALYSIS

- Price Analysis is used to determine the reasonableness of prices once bids have been received.
- Price Analysis should be compared to the ICE completed before solicitation (both should be completed for every procurement).
- 6 Methodologies for acceptable Price Analyses:
 - Adequate price competition
 - At least two offerors respond to solicitation & satisfies the requirements
 - Each offeror must submit priced offers responsive to the expressed requirements of solicitation
 - Prices set by law or regulation
 - Acquire a copy of the rate schedules, verify they apply to your situation, and that you are charged the correct price
 - Established catalog prices and market prices
 - Dependent on if catalog prices exist, the items are commercial in nature, sold in substantial quantities, and are sold to general public
 - Comparison to previous purchases
 - Comparison to a valid Grantee independent estimate
 - Have the estimator give you method and data used in developing estimate
 - Value analysis
 - look at the item and the function it performs so its worth can be determined

COMPLIANCE CHECKS

- A Conflict of Interest means no employee, officer, agent, board member, or immediate family member, partner, or organization that employs or is about to employ the parties may participate in the selection, award, or administration of a contract supported by FTA funding.
- Organizational Conflict of Interest should be evaluated at the time of solicitation.
 - If acquiring quotes, then review of potential conflicts should be completed prior upon award and prior to issuance of a purchase order.
- The overarching question for Conflict of Interests:
 - Does anyone inside of your agency have a conflict of interest before awarding your contract?
- The Conflict-of-Interest Questionnaire can be used to review and evaluate potential conflicts.
- Debarment & Suspension checks through www.sam.gov confirms a potential Contractor has not been debarred or doesn't have another active exclusion.
 - Should be evaluated prior to contract award and prior to amendments or is recommended to be reviewed prior to amendments and change orders.

SOLE SOURCE PROCUREMENTS

- All sole source procurements require NCTCOG's pre-approval.
 - New procurements
 - Annual License Renewals
 - Request for Proposals resulting in one bid
- Sole Source Procurements require completion of an ICE
- Sole Source Procurements require specific justification and documentation
- If submitted in an invoice without pre-approval, invoice may be returned unpaid while documentation is reviewed and approved
- If pre-approval isn't received, sole source procurement may not be eligible or approved for reimbursement

DBE GOALS

- FTA Subrecipient DBE Goals:
 - Building Construction 29.7%
 - Marketing, Advertising and Public Relations Services 5.7%
 - Includes specialty print services, printing and postage costs, sign manufacturing, and advertising agency support
 - Office Supplies and Equipment (Rental & Purchases) 1.0%
 - Operational Administrative, Communications, and Support Services 4.9%
 - Includes insurance, uniforms, security, janitorial, landscaping, pest control services, communication services, audit services, building maintenance, training, and specialty trade contractors for general operations support
 - Planning and Engineering 26.7%
 - Software and Ancillary Information Technology Professional Services 1.6%
 - Vehicle Maintenance and Operations Support 1.2%
 - Includes tires, engine oils, fluids, stock parts, stock supplies, shop tools for preventative maintenance, vehicle graphics, towing, fuel, and preventative maintenance
- Weighted by Contract Award 3.2%



UPCOMING TOOLS AND RESOURCES

- FTA Procurement Training
- Templates/Examples
 - DBE language for inclusion in Solicitations
 - Prohibition on Chinese Telecommunications Language/Certifications
 - ICE
 - Clause Matrix
 - Procurement Checklist



QUESTIONS?

COVID Relief Funding Update

DYLAN HERNANDEZ, TRANSPORTATION PLANNER

TRANSIT MANAGEMENT & PLANNING, FUNDING ADMINISTRATION



COVID-19 Relief Funding Update

Coronavirus Aid, Relief, and Economic Security (CARES) Act

- Signed into Law March 27th, 2020
- Funding provided at 100-percent federal share, with no local match required
 - Available for capital, operating, and other expenses generally eligible under Section 5307 to prevent, prepare for, and respond to COVID-19
 - Expenses incurred on or after January 20, 2020 are eligible for reimbursement
- Funding not required to be included in the Transportation Improvement Program unless project involves a substantial change to the location, function, or capacity of an asset

Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA)

- Signed into Law December 27, 2020
- Prioritized operations and payroll needs
- CRRSAA allocated \$50M for Section 5310 public transportation providers
 - Projects must be included or consistent with the coordinated public transit-human services transportation plan ([Access North Texas](#))

CARES Act Funding for North Texas¹

UZA	Section 5307
DFW-Arlington	\$318,629,129
Denton-Lewisville	\$23,461,867

¹FTA CARES Act funding for the McKinney UZA is administered through TxDOT

CRRSAA Funding for North Texas²

UZA	Section 5307	Section 5310	TOTAL
DFW-Arlington	\$128,511,228	\$661,250	\$129,172,478
Denton-Lewisville	\$0	\$41,938	\$41,938

² McKinney UZA was not appropriated any funding by the FTA through CRRSAA

American Rescue Plan Act

- Bill passed by the Senate on Saturday, March 6th
- Section 5307
 - Following previous COVID relief bills, funding will be provided to prevent, prepare for, and respond to the coronavirus public health emergency
 - Urbanized areas set to receive an amount equal to 132 percent of the urbanized area's 2018 operating costs when combined with amounts from the CARES Act and CRRSAA
- Section 5310
 - Amounts to be made available under this bill would be allocated to urbanized areas in the same ratio as funds provided under Section 5310 for Fiscal Year 2020
- Questions?
 - Please contact the Transit Management & Planning Team at TOTeam@nctcog.org

COVID-19 Relief Funding Update

DFW-Arlington UZA	2018 Operating Expenses	CARES Act Allocation	CRRSAA Allocation
City of Arlington	\$3,291,878	\$10,955,694	N/A
City of Grand Prairie	\$801,084	\$3,852,375	N/A
City of Mesquite	Reported to NTD by STAR Transit	\$3,442,401	N/A
City/County Transportation	\$310,255	\$899,600	N/A
Community Transit Services	\$193,513	\$1,781,036	N/A
Dallas Area Rapid Transit	\$510,268,560	\$229,627,520	\$128,511,228
Trinity Metro/ Fort Worth Transportation Authority (FWTA)	\$71,452,030	\$55,161,034	N/A
North Central Texas Council of Governments	N/A	\$796,572	N/A
Northeast Transportation Services (NETS)	Reported to NTD by FWTA	\$4,813,723	N/A
Public Transit Services	\$472,239	\$396,081	N/A
Span, Inc.	\$1,026,700	\$2,204,136	N/A
STAR Transit	\$3,869,114	\$4,698,957	N/A
Denton-Lewisville UZA	2018 Operating Expenses	CARES Act Allocation	CRRSAA Allocation
Denton County Transportation Authority	\$28,350,849	\$23,461,867	N/A

Access North Texas Update

North Central Texas Council of Governments

Gypsy Gavia, Senior Transportation Planner
Transit Provider Meeting
Monday, March 8, 2021



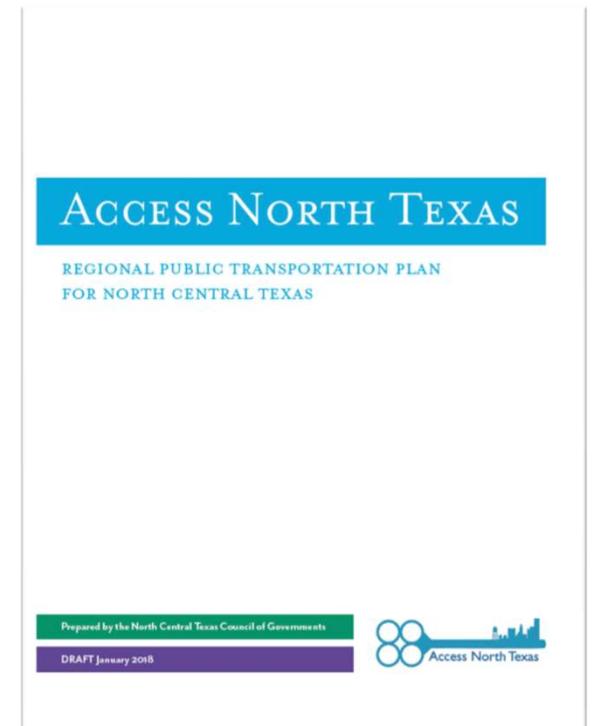
ACCESS NORTH TEXAS

Focuses on transportation needs of:

- Older adults
- Individuals with disabilities
- Individuals with lower incomes

Identifies ways to enhance or expand public transportation availability and efficiency at the regional and county-level

Focuses on coordinating existing services



TIMELINE



UPDATING THE PLAN

Continue to identify successfully implemented strategies

Work with communities to identify transportation needs

Identify, select, and update solutions

Incorporate into recommendations for transit

County	Point of Contact
Collin	Akia Pichon, City of McKinney Kendra Bullard, Dallas Area Rapid Transit Mary Worthington, Denton County Transportation Authority
Dallas	Kendra Bullard, Dallas Area Rapid Transit Cliff Cravens, Community Council of Greater Dallas
Denton	Diane Beck, Span Mary Worthington, Denton County Transportation Authority
Ellis/Navarro	Katie Ragan, Community Transit Services (CTS)
Erath/Hood/Somervell	Linda McArthur, The Transit System
Hunt County	Danny Allembaugh, Senior Center Resources and Public Transit
Johnson	Rhonda Daugherty, City/County Transportation
Kaufman	Tommy Henricks, STAR Transit
Parker/Palo Pinto	Reta Brooks/Terry Roberson, Public Transit Services
Rockwall	Tommy Henricks, STAR Transit
Tarrant	Detra Whitmore, Trinity Metro Rachel Albright, Tarrant Transit Alliance Wendell Willis, MHMR of Tarrant County
Wise	TAPS Public Transit – TBD

ACCESS NORTH TEXAS COUNTIES

QUESTIONS OR COMMENTS

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