

New Freedom (Large UA) Cycle 4 Subrecipient Workshop

April 24, 2012, 2:00 - 3:00 p.m.

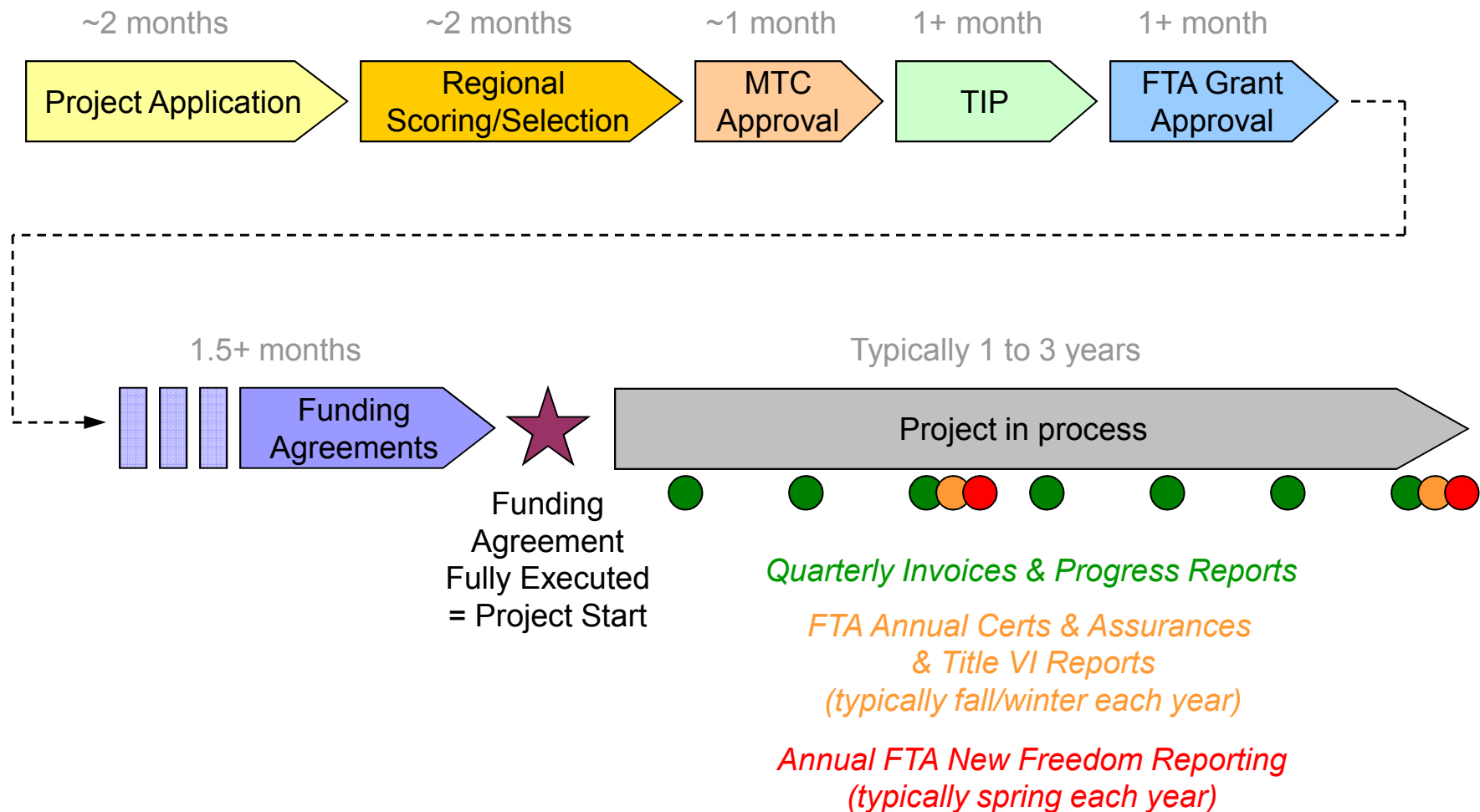
Kristen Mazur, MTC Staff
(510) 817-5789 or
kmazur@mtc.ca.gov



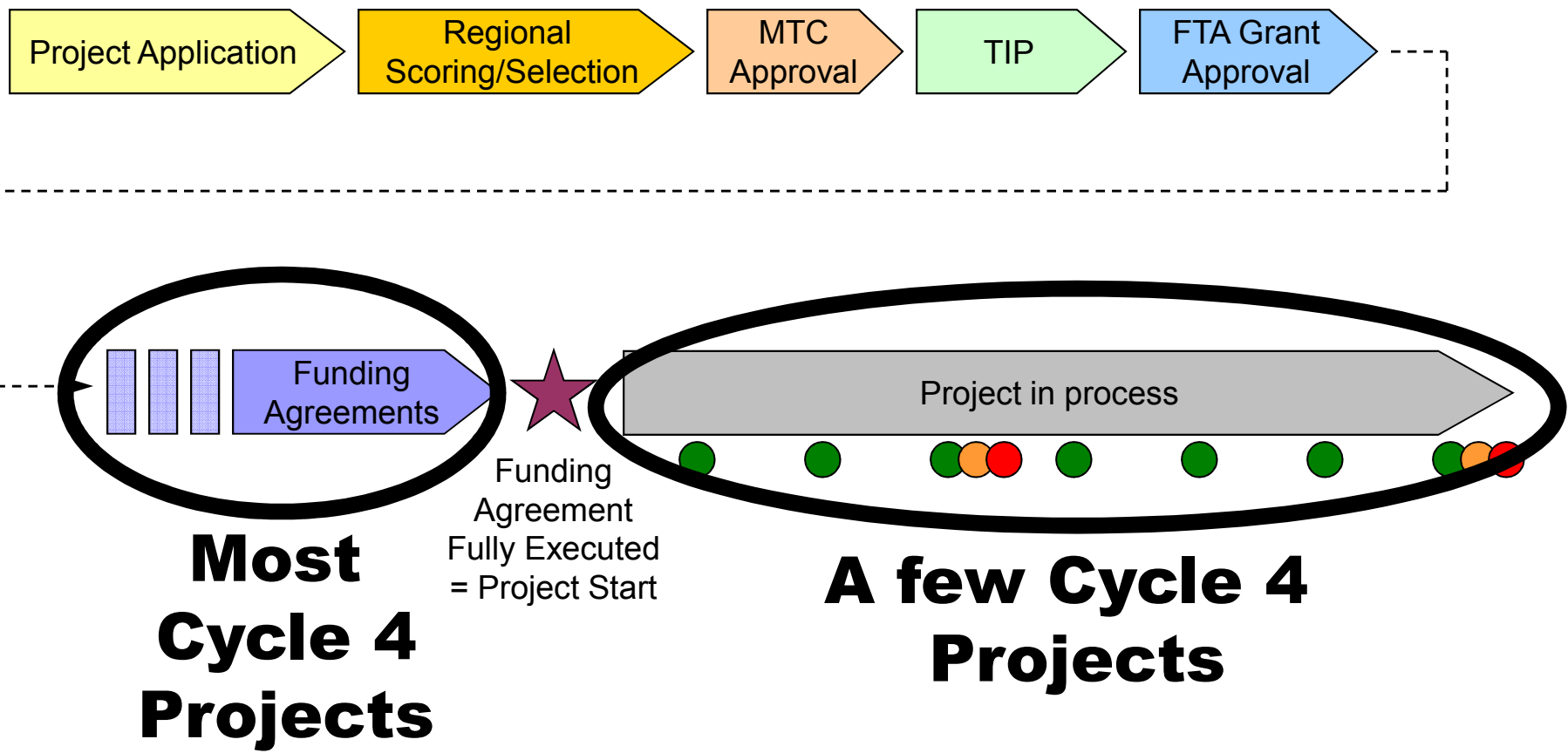
Agenda

- New Freedom Large UA Grant Process
- Funding Agreements
- Quarterly Invoices
- Quarterly Progress Reports
- Title VI Requirements
- Annual FTA New Freedom Program Reporting
- Future New Freedom Grant Cycles

New Freedom Grant Process



New Freedom Grant Process





Funding Agreements

- FTA recently approved the New Freedom Cycle 4 Grant, therefore Cycle 4 funding agreements can now be executed
- A few Cycle 4 funding agreements are already fully-executed
- Remainder of Cycle 4 funding agreements will be executed soon



Overview of Recipient Responsibilities

- Adhere to all requirements included in the funding agreement
- As per funding agreement, Recipients agree to comply with, and have all subcontractors comply with the provisions of 49 U.S.C.



Funding Agreements

- Letter Agreement
- Attachment A – Scope of Work
- Attachment B – Project Budget & Schedule
 - Note: dollar amounts by task are estimates
- Attachment C – Quarterly Progress Reporting Requirements
- Attachment D – Terms & Conditions
 - Let MTC know about any concerns ASAP (e.g., insurance requirements)
- Attachment D1 – Additional Federal Clauses (*only for Construction or Equipment Purchases >\$100K*)



Funding Agreements (cont.)

- Attachment E – FFY12 FTA Certifications & Assurances
 - Let MTC know about any concerns ASAP
- Attachment E-2 – Certs & Assurances Signature Page
- Attachment F & F-1– DBE Info & UDBE Commitment
(nonprofit subrecipients only)
- Attachment G – Final Report – Utilization of DBE First-Tier Subcontracts *(nonprofit subrecipients only)*
- Attachment H – Title VI Requirements
 - Let MTC know about any concerns ASAP



Cycle 4 Funding Agreements: Next Steps

(For those who don't already have an executed agreement)

1. Project Sponsor reviews draft agreement and provides comments on Attachments A & B (if any) to Drennen Shelton
2. The agreement is formally reviewed by MTC's contracts, legal, finance, and executive staff
3. The agreement is signed by MTC's Executive Director
4. Two copies of signed agreement are sent to Project Sponsor
5. Project Sponsor reviews final agreement (minor changes may have been made during MTC's formal review process)
6. Project Sponsor signs two copies of agreement and returns one to MTC



Quarterly Invoices

- Detailed invoicing instructions are on p.2 of the Funding Agreement
 - Due 15 days after the end of each quarter (Dec. 31, March 31, June 30 and Sept. 30)
 - Mailing Address:
 - Accounting Department
 - Metropolitan Transportation Commission
 - Joseph P. Bort MetroCenter
 - 101 -- 8th Street
 - Oakland, CA 94607-4700



Quarterly Invoices (cont.)

- To expedite the approval process, you can also email a copy of the invoice and quarterly report to kmazur@mtc.ca.gov
- All invoices must be accompanied by a Quarterly Progress Report
- Invoices must be accompanied by back-up documentation to justify total costs



Quarterly Invoices (cont.)

- MTC will reimburse a certain % of your costs (as stipulated in your funding agreement)
 - You must include invoices for all work, including work that is paid for with “local match” (e.g., number of volunteer driver hours x hourly rate)
- Note the appropriate New Freedom Cycle on the invoice (Cycle 4, Cycle 3, etc.)



Quarterly Invoices (cont.)

- Make sure math is correct
- Make sure dates are correct
 - Dates on invoice must match the dates on quarterly report & backup documentation
 - Dates cannot precede the project start date in the funding agreement (see p. 3)
- Invoice & Progress Report Checklist can be downloaded at:
<http://www.mtc.ca.gov/funding/FTA/>



Quarterly Progress Reports

- Submit with each quarterly invoice
- Attachment C of Funding Agreement
 - Question #6 contains project-specific information (if applicable)
- MS Word version of Quarterly Report can be downloaded at:
<http://www.mtc.ca.gov/funding/FTA/>



Title VI Requirements

- Attachment H of Funding Agreement
 - Annual Title VI Reporting
 - Annual FTA Certifications and Assurances



Title VI of the Civil Rights Act of 1964

- No person is to be excluded from participation in, denied the benefits of, or discriminated against under projects, programs or activities on the basis of race, color, creed, national origin, sex or age, as provided in Title VI of the Civil Rights Act and 49 Code of Federal Regulations Section 5332.
- FTA Title VI Circular 4702.1A, ["Title VI and Title VI-Dependent Guidelines to Federal Transit Recipients"](#)



Title VI of the Civil Rights Act of 1964

Recipient agrees to comply, and assures the compliance of each third party contractor and each subrecipient at any tier of the Project, with all the requirements imposed by Title VI of the Civil Rights Act of 1964, as amended, (47 U.S.C. § 2000d *et seq.*) and the Title VI regulations of the Department of Transportation.

Recipients must:

- a) Provide meaningful access to persons with Limited English Proficiency;
- b) Provide a Notice to the Public; and
- c) Develop complaint procedures and prepare and maintain a list of active investigations.



Meaningful Access to Persons with Limited English Proficiency

Recipient shall take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP).

- LEP Persons are persons for whom English is not their primary language and who have a limited ability to speak, understand, read, or write English.
- Examples of assistance:
 - a) Translation of vital documents
 - b) Review prior experiences with LEP populations to determine the types of language services that are needed.
 - c) Contract with a language translation firm for on-call assistance (for example, interpreters for public meetings or translating documents).



Title VI Complaint Procedures, Notice to Public & Investigation

- Recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make these procedures available to members of the public. In order to reduce the administrative burden associated with this requirement, Recipients may adopt the Title VI complaint investigation and tracking procedures developed by MTC.
- Recipients shall Provide a Notice to the Public of their rights under Title VI, and how to file a complaint.



Title VI Complaint Procedures, Notice to Public & Investigation (cont.)

- Recipients shall prepare and maintain a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient and/or subrecipient that allege discrimination on the basis of race, color, or national origin. This list shall include:
 - a) the date of the investigation, lawsuit, or complaint was filed;
 - b) a summary of the allegation(s);
 - c) the status of the investigation, lawsuit, or complaint; and
 - d) actions taken by the recipient or subrecipient in response to the investigation, lawsuit, or complaint.

NOTE: Recipients should submit to MTC in writing notice of any Title VI complaints received, as soon as possible after receipt.



Monitoring

MTC will monitor Recipients for compliance with Title VI, other federal and Insurance requirements.

Title VI Report (submitted annually with FTA certs & assurances):

MTC requires the following be submitted on an annual basis:

1. A summary of public outreach and involvement activities undertaken and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities.
2. Recipient's plan for providing language assistance for persons with LEP that was based on the DOT LEP Guidance, or Recipient's alternative framework for providing language assistance.
3. Recipient procedures for tracking and investigating Title VI complaints.
4. A list of any Title VI investigations, complaints, or lawsuits filed with the Recipient.
5. A copy of the Recipient's notice to the public that it complies with Title VI and instructions to the public on how to file a discrimination complaint.



Monitoring (Cont.)

Failure of to carry out all Title VI requirements included in Recipient Agreements is a material breach of Agreement which may result in:

- a) The withholding of payments to Recipient under the Agreement until Recipient complies;
- b) The termination of the Agreement; or
- c) Such other remedy as MTC deems appropriate.



Annual FTA New Freedom Program Reporting

- FFY 2011 Annual Reporting
 - For projects active during FFY 2011
(October 1, 2010 to Sept. 30, 2011)
 - Reporting open: typically ~2 month period
each spring



Future New Freedom Grant Cycles

- Federal highway and public transportation authorization bill (SAFETEA-LU)
 - SAFETEA-LU extended through June 30, 2012 (*three quarters of FFY 2012*)
 - FY12/Cycle 5 timing TBD, likely start in Spring/Summer 2013

- Reauthorization Proposals:
 - Potential consolidation of senior, disabled, low-income grant programs
 - 5310 & New Freedom (JARC separate w/ 5307)
 - 5310, JARC, & New Freedom



Questions?

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MTC website for New Freedom and other FTA programs:
<http://www.mtc.ca.gov/funding/FTA/>