***SECTION 5310 APPLICATION***

***APPENDICES***

***APPENDIX A – GLOSSARY OF TERMS***

***APPENDIX B – VEHICLE CATALOG***

***APPENDIX C – HOW TO RESOLVE OBJECTIONS MANUAL***



[](http://www.tta-wv.com/)

***APPENDIX A***

**SECTION 5310**

**GLOSSARY OF TERMS**

**ADMINISTRATION COSTS**

TTA's costs incurred in the implementation and monitoring of the Section 5310 project, which are directly related to the grant.

**CAPITAL EQUIPMENT OR FACILITIES**

Vehicles, equipment and facilities which have a multi-year usable life. For the purpose of this program only transportation related capital equipment is eligible for funding.

**CROSS-COUNTRY**

Land, not owned or maintained by the State or local governments, but used as access to private residences. Roadbed may also be creek bed, farm field access, etc.

**DEMAND-RESPONSIVE**

Service which is tailored to meet the specific transportation needs of travelers, usually through route deviations based on requests for the service. Dial-A-Ride is a common form of demand-responsive transportation.

**DIAL-A-RIDE**

Dial-A-Ride is a term that has been applied to a variety of shared-ride services operated by the private sector. These services utilize vans, small buses, or other vehicles larger than a taxi cab, but in many respects they resemble a shared-ride taxi service in that they provide door-to-door service. However, most Dial-A-Ride services do not pick up in response to hailing in the street.

**DISABLED INDIVIDUAL**

Any individual who due to a physical or mental impairment is substantially limited in one or more of the major life activities; has a record of such an impairment; or is regarded as having such an impairment.

**DUAL LANE SURFACED HIGHWAY**

Hard surfaced (concrete/68) roadways maintained by and listed within the State Highway Department's Primary or Secondary System.

**FIXED ROUTE/FIXED SCHEDULE**

Vehicles operating on a definite route and schedule.

**FTA**

Federal Transit Administration

**INCIDENTAL USE**

Incidental use means use of equipment or facilities purchased under the Section 5310 Program during periods when the equipment is not used for specific grant related purposes. This type of use is allowed, but should be kept to a minimum, and **must not interfere** with any transportation service to seniors and individuals with disabilities.

**LOCAL FUNDS OR SHARE**

Refers to the match for the Section 5310 Federal dollars.

**LOCAL INTERGOVERNMENTAL REVIEW**

A process whereby all levels of government are notified of proposed projects involving Federal funds. It is intended to assure that conflicting projects or projects not in the best interest of the community are identified early in the planning phase. This review can be done by the regional planning and development council or metropolitan planning organization.

**MODIFIED FIXED ROUTE/DEMAND RESPONSIVE**

Vehicles that operate on a fixed route, but will detour from the route to pick up or drop off passengers. After the passenger is served, the vehicle will return to the fixed route.

**NON-PROFIT ORGANIZATION**

Non-profit organization means a corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. Section 501(c) which is exempt from taxation under 26 U.S.C. 501(a) or Section 101.

**OFFICIALLY ADOPTED TRANSPORTATION PLAN**

That plan and portions of the plan which has been adopted by the policy body of the Metropolitan Planning Organization in the applicant's service area. In urbanized areas the short range portion of the transportation plan is known as the Transportation Improvement Program. In non-urbanized areas it is known as the Transportation Development Program. All Section 5310 projects must be part of an official transportation plan.

**OPERATING ASSISTANCE**

Financial assistance for transit operation (not capital expenditures) which originates at the local level.

**OPERATING EXPENSES**

Any costs incurred while running the project, such as salaries, fuel, maintenance, insurance, training, etc.

**PARATRANSIT**

Paratransit services are "those forms of intra-urban passenger transportation which are available to the public, are distinct from conventional transit (scheduled bus and rail), and can operate over the highway and street system." They include conventional taxi services, shared-ride taxi services, dynamically routed and scheduled bus and van services, jitneys, car pools, van pools and bus pools.

**PASSENGERS**

The number of one-way passenger trips, a round trip taken by the same individual should be counted as two passengers.

**PRIVATE**

Private means non-public, to wit: bodies which are not municipalities or other political subdivision of States; are not public agencies or instrumentalities of one or more States, municipalities or political subdivision of States; are not Indian tribes (except private non-profits that were formed by Indian tribes); are not public corporations, boards, or commissions established under the laws of any state; or are not subject to control by public authority, State or municipal.

**ROUTE**

A fixed path traversed by a transit vehicle in accordance with a predetermined schedule.

**RUN**

One transit vehicle trip in one direction from the beginning of a route to the end of it. When a transit vehicle makes a round trip on one route, it has completed two runs.

**SECTION 5311 PROGRAM**

A federal transportation program that provides operating and capital assistance to agencies that provide public transportation services in the small urban and rural areas of the State. TTA is the administering agency.

**SECTION 5311 RECIPIENT**

Those agencies that receive Section 5311 funds.

**SENIOR**

Any person 65 years of age or older

**SERVICE AREA**

Geographic area over which the project is operating and the area whose population is served by the project including adjacent areas affected by it.

**SIGN-OFF LETTERS**

Letters sent to and returned by transportation providers in your service area offering comments on your agency's proposed Section 5310 project.

**SPARE**

Reserve vehicle to be used only when regular van(s) cannot be operated, (i.e., breakdown, emergency, etc.).

**STORAGE COST**

Fees charged for storing the vehicles until they can be presented to the agencies who receive them.

**SUBSCRIPTION BUS**

A transit service operating on specified schedules on fixed routes (although such routes can be modified), but not available to the general public.

**UNPAVED ROADS**

Roadways not surfaced by artificial means (concrete/blacktop) but whose surface is maintained by the State Highway Department.

**UNPAVED-UNSURFACED ROADS**

Roadways open to the general public but not surfaced or serviced by the State Highway Department.

***APPENDIX B***

**Vehicle Catalog**

***PLEASE CONTACT KYOVA FOR A CURRENT LISTING OF AVAILABLE VEHICLES – (304)-523-7434***

**NOTES:**

1. All vehicles will be white and carry the logo of the Section 5310 Program. All vehicles will have the agency's name and phone number. This information can be deleted at an agency's request.

2. ADA requires that all wheelchair spaces be forward facing. See seating diagrams on pages following the description of the vehicle

***APPENDIX C***

**SECTION 5310**

**HOW TO RESOLVE OBJECTIONS MANUAL**

***RESOLUTION OF SIGN-OFF OBJECTIONS***

Section 5310 applicants, requesting expansion vehicles, must obtain a sign-off from every taxi company, transit system, head start provider or other paratransit operator in the proposed service area. ***The agency must send all transportation providers a*** ***sign-off letter and form****.* **All sign-off letters must be sent certified mail, and all** **certified mail return receipts, as well as a copy of the letter sent must be** **submitted with the application on or before May 31, 2017.**

The transportation provider may sign-off or object to the agency's proposed service. Should the transportation provider fail to return the sign-off within 30 days, they forfeit the right of objection. The 30-day period begins on the day the transportation provider receives the sign-off letter (date listed on the certified mail receipt).

**STEP I**

Should a transportation provider submit an objection as a result of the request for signoff, the agency must review the objection and **must** send a letter **(within five (5)** **business days of receipt of the objection)** offering the transportation provider an opportunity to **submit a proposal to provide the service**. **This letter must be sent certified mail and the return** **receipt must be submitted with the application by May 31, 2017**.

Should the transportation provider refuse or fail to respond within fifteen (15) days, (the 15-day period begins on the day the transportation provider receives the letter, which is the date listed on the certified mail return receipt) the objection will be considered resolved.

**STEP II**

If the transportation provider wants to respond with a proposal, the applying agency will notify their Local Metropolitan Planning Organization that an objection has arisen and request the formation of a local resolution committee. The applicant and private provider will submit their proposals to the Metropolitan Planning Organization for review. One of the following methods will be used by the Metropolitan Planning Organization in resolving the objection or dispute:

A. The Metropolitan Planning Organization will review both proposals in-house and reach a decision based upon the established evaluation criteria shown.

B. The Metropolitan Planning Organization can form a local resolution committee. A list of the individuals, selected by the Organization to serve on the committee will be provided to the applicant and private provider for their review. Both parties shall agree on the list of Committee members prior to the review of their proposals.

C. The Metropolitan Planning Organization may develop another method for local resolution of objections and/or disputes. Any additional methods for resolving disputes and/or objections must be submitted to TTA for review and approval prior to implementation.

Should the decision made by the Metropolitan Planning Organization be unsatisfactory to either party, an appeal may be made to TTA. This appeal shall be done through a "*Request for Special Transit Advisory Committee Meeting*" (request form included). This form must be included in your Application at the time it is submitted to TTA on **May 31, 2107**, should your agency or private provider require such a meeting, TTA will, upon written request of either party, form a Special Transit Advisory Committee (STAC) to review the dispute or objection. STAC will be composed of members who will be representatives of the following groups: public transit, private transit, and paratransit, as well as a governmental agency representative and a consumer.

It shall be the responsibility of TTA to select the members of STAC and to determine the time and location of the Special Committee meeting. Every effort will be made to select members for the Special Committee from areas other than those involved in the dispute of the proposed projects.

The applicant involved in the objection or dispute and a representative of the objector or opposing individual will both be allowed to present their cases both orally and written to STAC and to answer any questions that may arise during the meeting.

Only one (1) meeting of STAC will be held and a decision will be made by its members after each side has presented their case. Members of TTA staff will be present at the meeting, but will not be involved in reaching the decision of the Committee. A private vote of the Committee members will be taken, and the two parties involved in the dispute will be notified of the Committee's decision in writing.

The decision of the Special Transit Advisory Committee shall be final and **there is no appeal process**. However, private providers may appeal to the Federal TransitAdministration (FTA), but "only upon procedural grounds that the local planning and programming process has not established procedures for the maximum feasible participation of private transportation providers consistent with Section 8(e) of theFederal Transit Act, as amended; procedures were not followed; or that the process does not provide for the fair resolution of disputes."

Private transportation providers can file their appeal with FTA at the following address:

Brigid Hynes-Cherin, Regional Administrator

United States Department of Transportation

Federal Transit Administration-Region III

1760 Market Street, Suite 500

Philadelphia, Pennsylvania 19103

***"OPPORTUNITY TO PARTICIPATE" LETTER***

***(Please place on your agency’s letterhead)***

**RE: “OPPORTUNITY TO PARTICIPATE”**

Name and Address of Transit/Private Provider(s)

Dear \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

(Transit/Private Provider)

This letter is in response to your communication concerning an application to be submitted by our organization for capital assistance under Section 5310 of the Federal Transit Act, as amended. I understand your concern relative to our proposed services and the role of public and private carriers in the provision of such services in the **(name** **of service area)**.

As you are aware, the Section 5310 Program provides capital assistance to private non-profit organizations to provide transportation services for seniors and individuals with disabilities, where existing mass transportation services are unavailable, insufficient, or inappropriate. Consequently, in reviewing each application, the Metropolitan Planning Organization in our service area will compare the proposed services outlined in the application with existing transportation services and resources to determine if the proposed services can be provided by existing carriers. As a part of the review, TTA requires applicants to contact private carriers, such as yourself, explain the services they intend to provide and obtain a sign-off from each carrier stating that the services (the private carrier) is providing or is prepared to provide, are not designed to meet the special needs of seniors or individuals with disabilities within the area.

In your response, you stated that you object to the proposed service to be provided by our organization because the service would result **(state reason for objection**). **A** **detailed description of the proposed service and the procedures that will be** **followed in providing these services, with the requested vehicle, is attached to** **this letter.** We invite you to comment on the need for such services and how they will result in duplication of transportation services in the area, as well as compete with the proposed services you provide.

Additionally, if your company would like to provide the proposed services, we invite you to submit a proposal outlining the details of the service you could provide to the Metropolitan Planning Organization. A letter notifying our organization that you intend to submit a proposal must be sent within fifteen (15) working days after receipt of this letter so that our organization can notify the Metropolitan Planning Organization of the need for a local resolution committee.

You should use the form provided with this letter in preparing your proposal as it has been designed to follow the same format as ours. This will ensure a fair and accurate comparison of our two proposals. A listing of the criteria to be used in evaluating the two proposals has also been attached for your information. Please note that your proposal **cannot** be changed after it is submitted; therefore, you should be sure to review and proof it carefully before submission.

Due to time constraints we are facing relative to the submission of the application to the Federal Government, we must receive a reply from you within fifteen (15) working days after receipt of this letter (the 15-day period begins on the date listed on the certified mail return receipt). If you decline to respond to our letter, TTA will continue processing our application for Section 5310 assistance.

If you would like to submit a proposal to provide the proposed services, within fifteen (15) working days after receipt of this letter (the 15-day period begins on the date listed on the certified mail return receipt), forward your proposal to our Metropolitan Planning Organization and it will be evaluated along with the proposal submitted by us. A decision, based on the merits of each proposal, will be rendered by the Metropolitan Planning Organization.

Should the decision made by the Metropolitan Planning Organization be considered unsatisfactory by your agency or ours, an appeal may be made to the State level.

We recognize your interest in this application and hope a satisfactory solution can be reached. Should you require additional information, please let me know.

Sincerely,

Applicant

A completed Transportation Budget for the **vehicle(s)** needed to provide the proposed service.

**TRANSPORTATION BUDGET**

**Annual**

A. Salaries (include fringe benefits \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

B. Overhead (rent and other) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

C. Fuel, Lubricants, and Tires \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

D. Maintenance \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

E. Insurance \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

F. Contract Service \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

G. Administration and Reporting Cost \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

H. Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

TOTAL ESTIMATED ANNUAL COST $\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**REVENUES DONATIONS**

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2. Level of service you would provide to meet the needs of the proposed service. List days and hours of operation; vehicle accessibility for seniors and individuals with disabilities; passenger fares, etc.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. Show what it would cost your agency to provide this proposed service (cost per vehicle). Fully allocated costs should be shown, including all subsidies, capital grants, and the use of public facilities.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4. Describe any training that your drivers have received that would exhibit safe driving records, specialized skills in handling seniors and individuals with disabilities, etc.

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5. Describe your current preventative maintenance and/or safety check program.

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6. What existing facilities does your agency have for wheelchair users?

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7. Certification that your agency will comply with all applicable Federal laws and regulations such as: Equal Employment Opportunity: Non-Discrimination on the Basis of a Handicap; Title VI of the Civil Rights Act of 1964; Americans with Disabilities Act; School Transportation Operations; the Disadvantaged Business Enterprise Procurement Program; Energy Conservation; No Federal Government Obligations to Third Parties; Program Fraud and False or Fraudulent Statements or Related Acts; Debarment, Suspension, and Other Responsibility Matters, and requirements of the Section 5310 Program

8. Attach a copy of your organization's most recent financial statement.

9. Other

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***CRITERIA***

Criteria to be utilized in evaluating public/private service decisions shall include but not be limited to the following:

1. Certification that the provider has or will have the legal, financial and technical capabilities to carry out the proposed transportation service. This includes but is not restricted to the following: regulatory approval, if the private provider is a regulated carrier (e.g. taxi); financial solvency now and in the near future; insurance coverage to cover the type of vehicle that is being requested by the private non-profit agency; administrative capability to effectively and efficiently run their operation; and, trained personnel to properly operate and maintain their vehicles.
2. The existence or planned implementation of a documented preventative maintenance and daily safety check program to insure the vehicles are in a safe operating condition.
3. That vehicle operators have a safe driving record, proper training, have or will complete a defensive driving course, and will complete the Passenger Service and Safety Training Course.
4. That the proposed private service be less expensive to operate than the present or proposed public service based on the fully allocated cost of the service. Fully allocated costs will include all subsidies utilized by public providers (e.g. operating subsidies, capital grants and the use of public facilities).

In addition, at least the following ratios should be examined: cost/revenue; cost/passenger; and cost/route mile.

1. That the proposed private service offer at least a comparable level of service to the community in terms of convenience and cost as the existing or proposed public service.

Factors to consider include but are not limited to: frequency of service; daily hours of service; vehicle accessibility for seniors and individuals with disabilities; and, passenger fares, especially non-peak fares for seniors and individuals with disabilities.

1. That the provider will comply with Federal laws and regulations in the areas of: Equal Employment Opportunity: Non-Discrimination on the Basis of a Handicap; Title VI of the Civil Rights Act of 1964; Americans With Disabilities Act; School Transportation Operations; the Disadvantaged Business Enterprise Procurement Program; Energy Conservation; No Federal Government Obligations to Third Parties; Program Fraud and False or Fraudulent Statements or Related Acts; Debarment, Suspension, and Other Responsibility Matters, and requirements of the Section 5310 Program.

***CERTIFICATION***

**Organization Name:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I hereby certify on behalf of the above mentioned organization that it does have or will have the legal, financial and technical capabilities to carry out the proposed transportation service.

This includes but is not restricted to the following: regulatory approval, if the private provider is a regulated carrier (e.g. taxi); financial solvency now and in the near future; insurance coverage to cover the type of vehicle being requested by the private non-profit agency; administrative capability to effectively and efficiently run their operation; and, trained personnel to properly operate and maintain the vehicle.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Signature/Title of Authorized Representative)

***REQUEST FORM FOR***

***SPECIAL TRANSIT ADVISORY COMMITTEE MEETING***

If, for any reason you need to request a Special Transit Advisory Committee meeting, please complete the form below.

***REQUEST FOR***

***SPECIAL TRANSIT ADVISORY COMMITTEE MEETING***

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, hereby request a meeting of the Special

*(Name of Individual)*

Transit Advisory Committee (STAC) to resolve the objections(s) to the

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ proposed service stated by

(Private Non-Profit Agency)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

(Objecting Transit/Private Provider)

I understand that the Special Committee's decision will be final and that there is no appeal process. The decision by the STAC will be accepted by my agency. Should the Special Committee rule in favor of the objecting transit/private provider, I understand that my options will be to:

1. lease the vehicle to the objecting transit/private provider;
2. develop a coordinated plan in that both the transit/private provider and paratransit agency provide a joint transportation service or;
3. withdraw the Application.

I understand that this decision must be made and submitted in writing TTA within five (5) days after the Special Committee's decision.

Should we decide to lease the vehicle to the objecting transit provider or coordinate services, I understand that our agency will be responsible for finalizing the lease agreement and/or coordination plan by **May 31, 2017**.

I further understand that if the lease agreement and/or coordination plan is not finalized by this date, our application will not be considered for funding.

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ hereby agrees to, and

(Private Non-Profit Agency)

shall comply with all of the aforementioned terms and conditions.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Date) (Signature/Title)

***THE COMPETITIVE SERVICES BOARD'S PRINCIPLES ON COST COMPARISONS IN COMPETITIVE BIDDING***

The current interest in encouraging competition for the provision of public transportation services has raised a number of issues regarding the proper way to compare public and private-sector costs. The Competitive Services Board has developed the principles presented here with the intent of helping state and local decision makers resolve these issues. These principles are responses to actual concerns raised by state and local decision makers and public and private operators with respect to cost comparisons in competitive bidding. The Board recognizes that cost comparison is an important consideration, but not the sole consideration, in evaluating competitive bids. Other considerations include service quality, service continuity, financial and managerial ability to carry out the contract, and relevant experience in the provision of public transportation services.

In developing these principles, the Competitive Services Board recognized the complexities inherent in balancing the demands of public policy, sound economics, and service to the public. The Board also recognized that competition which draws upon the skills and resources of both the public and private sectors is extremely valuable. Accordingly, the Board has developed these principles on cost comparisons as a practical, general guide to help in fostering an even-handed competitive environment for public transportation.

The public agency has a responsibility to minimize public-sector costs and to maximize the amount of service that can be provided. Guided by this objective, the Board has adopted the principle that public/private cost comparisons should employ a fully allocated costing procedure.

Fully allocated costs include all direct and shared costs of capital, operations, and administration attributable to the services under consideration for competition. Fully allocated cost comparisons in competitive bidding require that all public-sector costs be shown with an explanation of what is attributable and what is not. Such cost comparisons will provide the information necessary for decision makers to assess both the short-run and long-run cost implications of public versus private-sector transit operations. In the evaluation of the bids, however, decision makers should take into account the fact that upon contracting out for service, some or all of the shared public-sector costs attributable to such service may not be eliminated, and therefore may not produce cost savings for the public agency, and the fact that public operators bidding on new services under fully allocated costs may not actually incur some of the costs identified.

The following sections deal with the application of the fully allocated costing principle to specific aspects of public/private cost comparisons.

**Government Financial Support**

The total cost, regardless of source of financial support, should be used in cost comparisons to reflect actual costs to the taxpayer. For example, if vehicles are purchased with 75 percent federal funds, 10 percent state funds, and 15 percent local funds, the full 100 percent cost should be used in the cost comparison.

**Administrative Costs**

The portion of a transit agency's administrative costs that are attributable to the service should be included in the cost comparison, including the attributable portion of senior management compensation.

**Contributions from Other Government or Agency Units**

Some public operators use without charge the services or facilities of other government or agency units (for example, legal or clerical services, or parking lots). Because these contributions are real costs to the taxpayer, they should be included in cost comparisons at their actual cost to the relevant government or agency unit.

**Non-attributable Public-Sector Costs**

Public-sector costs that benefit both public and private operators should not be included by the public carrier in a fully allocated cost comparison if they are not attributable to the service up for bid. Fund raising, grants management, and financial reporting, among others, generally fall into this category. Other activities, such as marketing and planning, may be partly attributable and partly non-attributable. For example, to the extent that a private operator is responsible under the contract for planning and marketing a proposed service, the public agency's costs of performing the same functions should be included in the cost comparison.

**Capital Assets**

Public agencies' physical assets should be included in cost comparisons using generally accepted accounting principles for computing appropriate depreciation charges; however, if the public agency provides the capital assets (such as vehicles or facilities) for a private bidder, those capital costs should not be included in the cost comparison.

**Costs Imposed by Federal and State Requirements**

Public agencies incur some costs as a result of federal and state requirements for grant fund recipients. Some of these costs are not attributable to the service up for bid (such as financial reporting), and should not be included in a fully allocated cost comparison. Other costs, such as handicapped accessibility, will be attributable, and should be included in both public and private-sector costs.

**Taxes and Fees**

Taxes and fees paid by some operators and not others should be recognized by decision makers as revenue to the public sector. To some extent, these revenues may be available for local public transportation purposes, and to that extent should be considered as an offset against the bid costs of those operators that pay them. Ideally, efforts should be made to remove these tax and fee differentials through changes in relevant laws and regulations.

**Disclosures of Private-Sector Cost Information**

Whether private carriers should be required to disclose the composition of their bids, and if so, to what level of detail, are matters to be decided based on local conditions and preferences. In principle, full disclosure is not necessary for cost-comparison reasons, since the "bottom line" provides sufficient cost information to award a contract.

However, there are other reasons for requiring disclosure. Some limited disclosure is necessary to take advantage of the capital cost of contracting policy, although competitive pressures and FTA's percentage limits on the capital component of contracts can provide adequate safeguards without requiring detailed information. Disclosure is necessary also when the outcome of the contract competition is legally challenged, and may be preferred in order to ensure fairness in terms of bid preparation costs, reassure the public agency about the validity of the private carrier's cost structure, or guard against "low-balling" (bidding low to win the initial contract, with the intention of recovering losses in subsequent negotiations). Identification of taxes and fees paid by the private operator may also be necessary if they are to be adequately considered in cost comparisons.

On the other hand, strict disclosure requirements may greatly increase paperwork, and may discourage private operators from bidding, especially where the information would be public knowledge under freedom of information laws.

**Private-Sector Donations**

Some transit providers' costs are offset by contributions of services or facilities from private organizations or individuals (for example, volunteer drivers for specialized services). Since no financial costs are incurred in these instances, there is no need to impute a cost in cost comparisons.

**Interest**

The cost of capital equipment used to provide transit services will often include interest charges. These charges should be included in the cost comparison to reflect the cost of capital. Although the public agency will often have access to a lower interest rate than private operators, this appears to be an advantage inherent to the public sector, and there is no valid reason to compensate for it in the cost comparison. Where public-sector interest charges are much lower, it may be preferable for the public agency to obtain the vehicles, regardless of who operates them.

**Costs of Contracting**

Certain costs will arise as a result of contracting services to the private sector, such as bid preparation, labor protection, and contract management. To the extent that these costs are identifiable and unavoidable, they should be included in the costs associated with the contracting option.