

GEORGIA STATE MANAGEMENT PLAN

AND

APPLICATION PACKAGE

FOR

TRANSPORTATION

OF

ELDERLY PERSONS AND PERSONS

WITH

DISABILITIES

SFY2010

B. J. Walker
Commissioner

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PART I

STATE

MANAGEMENT

PLAN

**DEPARTMENT OF HUMAN SERVICES
OFFICE OF FACILITIES AND SUPPORT SERVICES
TRANSPORTATION SERVICES SECTION**

**ASSISTANCE PROVIDED UNDER SECTION 5310
FEDERAL TRANSIT ACT, AS AMENDED**

**ASSISTANCE PROVIDED UNDER SECTION 5310
FEDERAL TRANSIT ACT, AS AMENDED**

I - STATE MANAGEMENT PLAN

The program (49 U.S.C. 5310) provides formula funding to States for the purpose of assisting private nonprofit groups in meeting the transportation needs of the elderly and persons with disabilities when the transportation service provided is unavailable, insufficient, or inappropriate to meeting these needs. Funds are apportioned based on each State's share of population for these groups of people.

Funds are obligated based on the annual program of projects included in a statewide grant application. The State agency ensures that local applicants and project activities are eligible and in compliance with Federal requirements, that private not-for-profit transportation providers have an opportunity to participate as feasible, and that the program provides for as much coordination of Federally assisted transportation services, assisted by other Federal sources. Once FTA approves the application, funds are available for state administration of its program and for allocation to individual sub recipients within the state.

The Georgia Department of Human Services (DHS) administers the Section 5310 Program for the State of Georgia employing federal and state funding authorized for the implementation of public transportation programs.

It is not the intent of the Federal Transit Administration (FTA) or of DHS that funds provided for herein should supplant or be substituted for other federal funds available and previously used for the purposes of these grant programs.

DHS Coordinated Transportation System

The DHS Coordinated Transportation System is administered by the Transportation Services Section within the Office of Facilities and Support Services. The system is designed to provide services to DHS and other eligible clients and citizens, and therefore is a human service transportation system. The system provides services to the DHS Division of Aging, Division of Family and Children's Services (DFCS) (Temporary Assistance to Needy Families (TANF)) and the Department of Behavioral Health and Developmental Disabilities (DBHDD) clients. The system also serves clients from the Department of Labor's Vocational Rehabilitative Services.

The state is divided into twelve regions. A Regional Transportation Office (RTO) is staffed in of each of the state's regions. The RTO is the focal point within each region, and is responsible for transportation provider monitoring and compliance. Three Field Operations Coordinators (FOCs) oversee the RTOs. Each FOC is responsible for one of three districts. Each district contains four of the twelve regions.

The coordinated system operates through a series of purchase of service contracts within each region. Providers are a mix of governmental entities, for-profits, and private non-profits. In many regions a lead provider is the prime contractor. A prime contractor, such as a Regional Development Center (RDC), provides overall contract management in coordination with the RTO and subcontracts with additional entities to provide the transportation services.

Each region has a Regional Transportation Coordinating Committee (RTCC). The purpose of the committee is to establish policies and procedures within each region. In addition, the committee is responsible for contractor oversight and approval of new contacts and contractors each year. The Committee is made of regional division and human service provider representation. All committee members have a vested interest in the system and are either provided services by the system or play an active role in the system.

A. PROGRAM GOAL

1. The goal of the Section 5310 Program is to provide assistance in meeting the transportation needs of elderly and disabled persons where public transportation services are unavailable, insufficient or inappropriate. Specifically, the program goal is to provide assistance for the purchase of passenger trips for the transportation of elderly and disabled persons by private nonprofit organizations or public bodies in urbanized, small urban and rural areas.

2. The DHS, as Section 5310 program administrator for the State of Georgia has instituted the policy that all federal and state funds used in the delivery of transportation services in this program will be applied in the purchase of services rather than in capital expenditures. No program funds will be used to purchase vehicles or related equipment. States have the option to designate the use of funds to meet the transportation needs of the target population. Within the state of Georgia, a Coordinated Transportation System has been developed to increase efficiency of transportation efforts / resources. The use of Section 5310 funds within a coordinated effort is considered a high priority objective. Where applicable, and in the best interests of the client population served, Section 5310 funds are only solely used for purchase of service agreements and are used in lieu of vehicle purchases. Under this state management plan no funds will be made available to sub-recipients for the purchase of capital equipment.

B. STATE ROLE IN PROGRAM ADMINISTRATION- The Georgia Department of Human Services has the principal responsibility and authority for administration of the Section 5310 Program, including developing program criteria. The department's role in working with transportation providers includes:

1. Ensuring adherence to federal program guidelines by all recipients;
2. Notifying eligible local recipients of the availability of the program;
3. Developing project selection criteria;
4. Soliciting applications;
5. Ensuring fair and equitable distribution of program funds;
6. Ensuring maximum coordination of public transportation;
7. Ensuring a process whereby private transit and Para transit operators are provided an opportunity to participate to the maximum extent feasible.

C. PROGRAM MANAGEMENT – Federal Requirements and Certifications
Recipients of Section 5310 funding must comply with the following Federal Regulations and Certifications:

1. Lobbying

Byrd Anti-Lobbying Amendment, 31 U.S.C. 1352, as amended by the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, et seq.]

Contractors who apply or bid for award of \$100,000 or more shall file the certification required by 49 CFR part 20, "New Restrictions on Lobbying." Each tier certifies to the tier above that it will not and

has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of a registrant under the Lobbying Disclosure Act of 1995 who had made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier up to the recipient.

APPENDIX A, 49 CFR PART 20-CERTIFICATION REGARDING LOBBYING Certification for Contracts, Grants, Loans, and Cooperative Agreements (To be submitted with each bid of offer exceeding \$100,000) The undersigned [Contractor] certifies, to the best of his or her knowledge and belief, that:

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

2. School Bus and Charter Bus Requirements

Charter Service

Title 49 U.S.C. Part 604.5 defines Charter Service as transportation using buses or vans, or facilities funded under the Acts of a group of persons who pursuant to a common purpose, under a single contract, at a fixed charge (in accordance with the carrier's tariff) for the vehicle or service, have acquired the exclusive use of the vehicle or service to travel together under an itinerary either specified in advance or modified after having left the place of origin. This definition includes the incidental use of FTA funded equipment for the exclusive transportation of school students, personnel, and equipment.

This is not applicable to any FTA 5310 funds used in the administration of the DHS, Coordinated Transportation Program. Charter Service transportation service is not offered as a service in any of the DHS programs.

School Transportation

Title 49 U.S.C. 5323(f) prohibits the use of FTA funds for exclusive school bus transportation for school students and school personnel. The implementing regulation, 49 CFR part 605, does permit regular service to be modified to accommodate school students along with the general public (so called "tripper service"). For the purpose of FTA's school bus regulation, Headstart is a social service, not a school program. Rules for the Headstart program limit the types of vehicles which may be used to transport children participating in the Headstart program. FTA recipients may operate multi-functional vehicles which meet the safety requirements for school transportation, but may not provide exclusive school service.

This is not applicable to any FTA 5310 funds used in the administration of the DHS, Coordinated Transportation Program. School transportation service is not offered as a service in any of the DHS programs.

3. Procurement

Procurement of Supplies, Equipment, or Services by State [49 CFR Part 18; FTA C 4220.JD; FTA C 9040.1E (VL3); FTA C 9070.1E; FTA C 4220.1F]

When procuring supplies, equipment, or services using FTA funds, a state will follow the same policies and procedures it uses for procurements with non-Federal funds and will comply with the following Federal statutory requirements:

- Ensure that every purchase order and contract executed using Federal funds includes all clauses required by Federal statutes and executive orders and their implementing regulations.
- Conduct all procurement transactions in a manner providing full and open competition.
- Exclude the use of statutorily or administratively imposed in-state or local geographical preferences in the evaluation of bids or proposals except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference.
- Obtain prior written FTA approval before entering into any contract with a period of performance exceeding five years inclusive of options.
- Use competitive proposal procedures based on the Brooks Act when contracting for architectural and engineering services if the state has not adopted a state governing the procurement of such services.

Procurement of Supplies, Equipment or Services by Sub recipients [49 CFR Part 18; 49 CFR Part 19; FTA C 4220.1D; FTA C 9040.1E; FTA C 9070.1E; FTA C 4220.1F]

Sub recipients of states which are public bodies (local or Indian tribal governments) follow state law and procedures and Federal statutory requirements when awarding and administering FTA assisted contracts. Sub recipients of states which are non-profit organizations follow state law and procedures, Federal statutory requirements and FTA third party contracting requirements when awarding and administering FTA assisted contracts. States are responsible for ensuring that sub recipients are aware of and comply with these requirements.

Certification [FTA C 4220.1DJ]

States must annually certify to FTA that they will: 1) comply with all applicable requirements imposed by Federal laws, executive orders, or regulations and the requirements of FTA Circular 4220.1D, Third Party Contracting Requirements, and other implementing guidance or manuals FTA may use; 2) include in contracts financed in whole or in part with FTA assistance all clauses required by Federal laws, executive orders, or regulations; and 3) ensure that each sub recipient and contractor will include in its sub agreements and contracts financed in whole or in part with FTA assistance all applicable clauses required by Federal laws, executive orders, or regulations.

4. Civil Rights Requirements- The following is necessary documentation for compliance with civil rights requirements.

REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM. FTA requires recipients to report certain general information to determine compliance with Title VI. The collection and reporting of this program constitute the recipients' Title VI Program. To ensure compliance with 49 CFR Section 21.9(b), FTA requires that all recipients document their compliance with this chapter by submitting a Title VI Program to FTA's regional civil rights officer once every three years.

The submission shall include the following information:

- (1) A summary of public outreach and involvement activities undertaken since the last submission and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities.
- (2) A copy of the agency's plan for providing language assistance for persons with limited English proficiency that was based on the DOT LEP Guidance or a copy of the agency's alternative framework for providing language assistance. The DHS LEP Plan is included as Appendix I.
- (3) A copy of the agency procedures for tracking and investigating Title VI complaints. The DHS Title VI complaint procedure is included as Appendix J.
- (4) A list of any Title VI investigations, complaints, or lawsuits filed with the agency since the time of the last submission. This list should include only those investigations, complaints, or lawsuits that pertain to the agency submitting the report, not necessarily the larger agency or department of which the entity is a part.
- (5) A copy of the agency's notice to the public that it complies with Title VI and instructions to the public on how to file a discrimination complaint. The DHS Title VI complaint procedure is included as Appendix J.

Disadvantaged Business Enterprise (DBE)

Local recipients of Section 5310 funds must meet the requirements of the U. S. Department of Transportation's Disadvantaged Business Enterprise Program (49 CFR, Part 26). More information regarding DBE can be found in Appendix H.

D. ELIGIBILITY

1. **Eligible Applicants** Private nonprofit organizations which provide or which desire to provide transportation services to elderly and/or disabled persons are eligible to apply to the department for funding under the Section 5310 program. While the assistance is intended primarily for private non-profit organizations, public bodies approved by the state to coordinate services for the elderly and disabled, or any public body that certifies to the satisfaction of the state that private non-profit organizations in the area are not readily available to carry out the services, may be eligible to receive Section 5310 funds through the state.

Certification to the state will require, as a minimum, the following documents dated no more than six months earlier than the application for assistance.

- a. A resolution by a recognized public board certifying that there are no private non-profit organizations in the subject area willing to provide services.
- b. Evidence of public notice announcing the public body's intent to apply for eligibility for Section 5310 funding.
- c. Written request by the public body to the state requesting approval of eligibility to receive Section 5310 funds, to include assurance that all reasonable efforts to encourage private nonprofit participation have been exhausted.

2. **Eligible Services:** The following types of transportation services are eligible:

- a. Trips dedicated to the special needs of elderly and disabled citizens.
- b. Regular community-wide fixed route/fixed schedule service.
- c. Community-wide demand responsive or route deviation service as required, to satisfy individual trip needs and to maximize economies of operation.
- d. Contract or subscription service to maximize revenue and provide a community service.
- e. Public transit passes

3. **Eligible Project Expenses**

Capital Projects: Funding ratios of capital projects for Section 5310 are as follows:

Federal	80% (maximum allowable)
Other	20% (includes state and/or local)

The funding ratio for the federal share indicates the maximum allowed funding. At the department's option, this share may be less. The department will request state appropriations in an amount sufficient to provide a level of funding of 20%. Applicants are encouraged to provide as much as possible in order to maximize statewide services.

E. LOCAL MATCH REQUIREMENTS: As stated in paragraph C.3.a., above, the department will request state appropriations in an amount sufficient to provide the entire non-federal **required match of 20%**. Should this amount not be appropriated in full, applicants may be required to provide some portion or the entire non-federal share. If this should occur, applicants for capital projects will be required to certify that funds are available for payment of the local share before the application can be approved. The department will notify potential applicants of the local share requirement as a part of the application review and approval process. The local share must be from sources other than federal funds except where specific legislative language of a federal program permits its fund to be used to match other federal funds.

F. EVALUATION CRITERIA FOR PROJECT APPROVAL: The department will use the following criteria for the evaluation and selection of applicants for Section 5310 assistance. Carefully plan the development of your project description based on the points below. Describe efforts to meet these criteria in as much detail as possible to help us determine the quality of service provided by your agency and its financial capability. Each applicant will be evaluated on the points assigned to each of the below categories. Applicants must meet basic qualifications and will be scored in each category. Applicants with the highest overall score will be eligible for award. Selection / non-selection notifications will be provided all applicants, and will be maintained on file within the Office of Facilities and Support Services, Transportation Services Section for a three years.

1. **Ability to Service Target Population** (25%) Describe the target population which this project is designed to serve and what gap in public services will be filled through the use of these funds. Describe as part of the project description the measures which will be taken to insure that qualitative services will result. Since program funds are limited, the project review process is designed to identify projects of exceptional merit. Among factors considered will be linkages with other transportation services to fill gaps in existing transportation infrastructure, and providing services that are affordable, useable, safe, clean, comfortable, and responsive to the travel patterns of local citizens.

2. **Coordination** (30%) Describe any working relationships you have with local governments, public agencies, or the private sector to ensure the best use of existing transportation resources, include: a listing of any public and private transit providers in the area to be served, and the ability of your clients to access these services; report on the degree of coordination with local transportation providers and any agreements you may have with public or private maintenance facilities to ensure both maximum use and operating efficiency of vehicles you operate; relate any other areas (such as driver training) where you work closely with other organizations; submitting a joint application with other applicants in your area; or sharing vehicles with other transportation providers in your area whenever possible. Applicants that maximize transportation benefits to all of the elderly persons and persons with disabilities in their community will be ranked highest.

3. **Need and Use of Proposed funds** (25%) Applicant must include: the degree and urgency of need for funds and as it relates to the applicant's ability to expand or continue program services; the proposed use of funds and ridership projections. Priority will be given to those projects which maximize financial resources available through good coordination and establish or expand financial relationships with other providers.

4. **Fiscal and Managerial Capability** (20%) Applicant must describe: its ability to provide efficient/effective transportation services, this would include scheduling, dispatching, compliance with reporting requirements; its fiscal accountability; process for hiring and training of drivers and other personnel; and funding sources which will enable the applicant to provide required local match, if needed. In addition, projects should maximize use and operating efficiency of existing vehicles, eliminate

duplicative services and establish or expand financial relationships with other HST providers. Projects should also use or share vehicles during off-peak times.

Agencies presently participating in DHS programs may have their ratings reduced for failing to comply with reporting procedures prescribed by those programs.

Applications are rated based upon the above criteria. The department expects, at a minimum, that applicants submit a complete grant application. Failure to adequately address every requirement will adversely affect the rating and may eliminate the application from further consideration. The department intends to concentrate review time on the merits and technical aspects of an application and not on compiling missing or inadequate information. Department staff is available to assist applicants with the application process.

Previous assistance for the purchase of passenger trips will receive some consideration in the review process. However, no applicant will be assured funding solely on the basis that they were previous Section 5310 recipients.

Since program funds are limited, the applicant review process is designed to identify projects of exceptional merit.

5. **Appeals-** Applicants may appeal any decision reached in the award of grant funds by filing a written grievance to the Office of Facilities and Support Services, Transportation Services Section, 2 Peachtree Street NW, Atlanta, Georgia 30303

G. DISTRIBUTION OF FUNDS- For the Section 5310 Program are distributed between DHS regions as reflected on the regional map provided at Appendix E. The actual distribution of funds is determined by the percentage of elderly and disabled clients who reside in each respective region. The latest census data is used to determine the number and percent of elderly and disabled clients residing in a given region. If there is a lack of demand for Section 5310 funds in a service area, the monies for that area are distributed by the department to programs in other service areas.

H. ANNUAL PROGRAM OF PROJECTS- The Department submits to FTA an annual program of projects. As program administrator, DHS certifies the eligibility of applicants and project activities, reviews applications, selects projects for funding, ensures compliance with federal requirements, monitors local projects, and oversees project audit and closeout.

The Program of Projects (POP) is a listing of projects that have been approved to be funded using the 5310 grant. The process for developing the POP starts with the FTA releasing the year's appropriations. Once the appropriations are known, the DHS Regional Transportation Offices (RTOs) prepare the publication for the newspapers notifying eligible local recipients of the availability of the funds. The RTOs receive responses from interested entities and provide application packets to them. Entities complete the applications and return to the RTOs for review. The RTOs review and score the application, using identified gaps in service from local needs assessments as a gauge to determine how to best meet the needs in their areas. Applications are then submitted to the TSS Atlanta office for final approval. Approved applicants are notified by the RTOs. The POP is developed listing the approved applicants and the amount of funding approved for each. The POP is then attached to the 5310 application and submitted to the FTA in TEAM.

I. COORDINATED TRANSPORTATION- A system of transportation that combines all relevant transportation under a single transportation provider who has direct operating control. The system

transports a variety of DHS customers together in order to meet everyone's needs in the most cost effective way possible. By doing so, the system is able to serve more people.

1. For human services programs "relevant transportation" includes transportation for passengers who can safely and feasibly be transported in a coordinated system. It does not include transportation for those passengers who, because of the nature of their condition, cannot safely be transported in a coordinated system. Human service providers are responsible for determining which consumers are appropriate for services under the coordinated system, based on the local system design and the individual consumer's needs.
2. For public and private service "relevant transportation" means any such service that can feasibly be coordinated with DHS trips. The coordinated system may incorporate the use private non-profit or public systems where such service is available, and based on local systems designs.
3. A "single provider that has direct operating control" means that a single operator is held responsible for the delivery of varying types of transportation service over a defined geographical area. The provider has control over day-to-day operations necessary for accomplishing direct transportation service delivery.

The department recognizes that there may be a need in a given county for both a Section 5310 program as well as other specialized or broader-scope transportation programs. In such cases, funding may be authorized, provided a satisfactory operating plan is submitted to the department. The plan will assure (1) there is no duplication of services, (2) the service is a cost-effective use of transportation sources; and (3) that the service benefits the maximum number of citizens.

Planning Requirements - In urbanized areas, planning should be coordinated with the Metropolitan Planning Organization (MPO). Projects should be identified in the MPO's Transportation Improvement Program (TIP). The applicant is required to maintain current files for documentation purposes.

SAFETEA-LU Planning Process and Requirements, per FTA C 907031F

SAFETEA-LU requires that projects selected for funding be "derived from a locally developed, coordinated public transit-human services transportation plan" and that the plan be "developed through a process that includes representatives of public, private and non-profit transportation and human services providers and participation by members of the public". An integral part of the planning process is soliciting public input regarding local issues, needs and possible solutions. The DHS Coordinated Transportation System has, in each region of the state, a Regional Transportation Coordinating Committee (RTCC). These local committees are uniquely set to address gaps in service and other transportation service delivery issues. Membership is comprised of key transportation personnel who perform limited planning and provide oversight of local human service transportation. Representatives from the public, private and non-profit transportation and human services providers are included in the planning process. All of the human service client groups affected by transportation in their local areas are part of these committees. This includes those who serve the elderly, the disadvantaged, and the developmentally disabled.

Since all areas of the state are covered by an RTCC, local human service transportation planning is truly local, but encompasses the entire state in its process. All human service client groups are represented as well as the needs of the public, including the disability community. Through the individual committees' looking at local issues and developing solutions to their problems, the State of Georgia developed a Coordinated Public Transit-Human Services Transportation Plan. The plan is locally derived and reflects the needs of citizens in each area of the state.

In conjunction with RTCC and public input, needs assessments, questionnaires and evaluations are conducted within each region to determine the transportation resources available, number of unmet needs, and resources needed to meet the needs. The RTCCs are able to identify program shortfalls and develop solutions that meet the identified needs. Additionally, the needs assessment determines how current transportation resources are being used, classify unmet need by population group and classify additional providers by type. The overall results of the DHS needs assessment, as well as the local needs assessment results, can be found as Appendices 1 and 2 in the Coordinated Public Transit-Human Services Transportation Plan. Strategies identified in the Coordinated Public Transit-Human Services Transportation Plan to address gaps in service are in direct relation to the findings of the research performed during the local planning process. Projects will be selected based on information identified in the Coordinated Public Transit-Human Services Transportation Plan.

Private Enterprise Coordination As part of the application approval process each applicant must assure that all affected for-profit providers have been notified of the proposed project and that they have had adequate opportunity to present their views and offer service proposals for consideration.

Applicants should resolve complaints from transportation providers at the local level. Some local mechanism should be established to resolve disputes. The applicant is to keep correspondence related to the complaint. If the complaint is not satisfactorily resolved, the originating party may appeal directly to the state.

In order for a state review to take place, the originating party must send, by certified mail, a description of the issues involved, all related information and the results obtained at the local level within 15 calendar days of the Section 5310 application deadline date. The Section 5310 Program Manager and the Director of the Office of Facilities and Support Services (OFSS) will review appeals to the state. The OFSS Director will make the final decision on the appeal. The DHS staff will review all pertinent information, interview all sides concerned and issue a written notification of its decision to the originating party and the applicant within 15 calendar days of receipt of the complaint.

Other requirements of the ongoing program are reviewed annually in the program compliance certification review described later in this document.

J. STATE ADMINISTRATION- DHS provides technical assistance in the preparation of grant applications as well as program development, administration and operation. It does so through its Office of Facilities and Support Services, Transportation Services Section, which coordinates these functions as they are performed by statewide DHS organizational units and by local and area planning agencies.

1. **Program Monitoring-** Monitoring of service is an established part of the program. The various monitoring activities assure compliance with the contract agreement, service goals, objectives, types of service provided and service criteria. Examples of monitoring techniques include site inspections, riding vehicles and interviews with system directors, transportation coordinators, dispatchers and drivers. Regional Transportation Coordination staff assigned to each transportation region is responsible for program monitoring. A list of the regional offices is provided at Appendix F.

Written reports are an integral part of the monitoring process. Each individual operating agency will submit monthly reports which include such data as passenger trip cost associated with a purchase of services contract, mileage, ridership, operating revenues and expenses, and days in service. Agencies submitting incomplete or late reports will not be favorably considered for additional funds for the purchase of passenger trips.

2. **Service Goals** The following represents the state's goals for the Para transit programs:
 - a. To develop and maintain an effective and efficient network of public transportation services available to all Georgians with priority given to the needs of elderly and disabled.
 - b. To offer the best possible level of service consistent with travel demand and resources available.
 - c. To achieve efficient utilization through coordination with other transportation providers within both the private and public sectors.
3. **Service Objectives**
 - a. To provide for the accessibility of transportation for essential trip purposes.
 - b. To provide a service that is affordable, available and usable.
 - c. To provide a service that is safe, clean and comfortable.
 - d. To provide a service that is responsive to the travel patterns of local citizens.
4. **Service Criteria**
 - a. The service should be complementary and not duplicate other transportation services.
 - b. All services for passenger trips should be available on a daily basis.
 - c. All appropriate policies and procedures set forth in the Georgia Department of Human Services, Office of Facilities and Support Services, Transportation Services Section, Transportation Manual will be adhered to.
5. **Program Measures**
 - a. As indicated in FTA Circular 9070.1F Chapter 2, The State will be capturing overall program measures to be used with the Government Performance Results Act (GPRA) and the Performance Assessment Rating Tool process for the Office of Management and Budget. The following indicators are targeted to capture overarching program information as part of the annual report that DHS will submit to the FTA. Quantitative and qualitative information, as available, will be provided on each of the following measures:
 - (1) **Gaps in Service Filled**. Provision of transportation options that would not otherwise be available for older adults and individuals with disabilities measured in numbers of older adults and people with disabilities afforded mobility they would not have without program support. For DHS services provided using the FTA 5310 funds this will be measures by clients served. Data will be captured by the DHS Regional Transportation Offices.
 - (2) **Ridership**. Actual or estimated number of rides (as measured by one-way trips) provided annually for individuals with disabilities and older adults using Section 5310 funds.

The State will ensure that the above information is reported for all recipients and subrecipients of Section 5310 funding in projects selected by the State. The State will consolidate information for all projects in the

annual report for any open Section 5310 grant awarded to the designated recipient. This data is collected from monthly reports generated by each DHS Regional Transportation Office through invoice data provided by transportation providers. Data is collected and input into a regional report. The regional report is fed into a statewide report each month. Trips, clients served and financial data are also part of this monthly report.

6. **Property & Vehicle Management, Recordkeeping and Reporting**

- a. The department manages property and vehicles, maintains records and reports in accordance with the policies and procedures set forth in the Georgia Department of Human Services, Office of Facilities and Support Services, Transportation Manual.

7. **Financial Management**

- a. The department expends and accounts for grant funds in accordance with the laws of the State of Georgia and procedures set forth in the department's Administrative Policy and Procedure Manual.
- b. The state contracts with local recipients for approved projects. The contracting and subsequent procurement will conform to guidelines set out in OMB Circular A-102, (49 CFR Part 18), FTA'S Third Party Contracting Guidelines (FTA Circular 4220, 1B, issued May 5, 1988), and the Federal Transit Project Management Guidelines for Grantees (FTA Circular 5010.1A).
- c. Annual audit compliance is documented in accordance with OMB Circular A-128 by the Georgia Department of Audits.
- d. A Financial Status Report (SF269A) is submitted annually to FTA on each active grant. This report is also used to notify FTA of grant closeout.

8. **Section 504/ADA Reporting-** The department submits assurances to the FTA that it will conduct any project in compliance with all applicable requirements. These assurances are maintained on file by the department and the FTA. Program staff also conducts random on-site monitoring visits to assure 504/ADA compliance.

9. **Other Provisions**

Assurances for Certifications - The department also submits assurances that all requirements are met for certifications, whether they be certifications by the state, vendors, manufacturers of vehicles or local recipients of capital assistance. These include, but are not limited to, the drug-free workplace certification, non-procurement suspension and debarment certification, bus testing certification and certification of restrictions on lobbying.

K. Use of Sub-contractors

Grant recipients selected for funding will insure that if any sub-contractors of grant recipients are used in the delivery of services that all provisions of the FTA Master Agreement will be adhered to by the sub-contractor. The FTA Master Agreement is the official document that contains standard terms and conditions governing the administration of a project supported with federal assistance. All sub-contractors will agree to all the terms, conditions, certifications, applicable assurances, and federal laws contained in

the Master Agreement. Any funding to a sub-contractor provided by way of a grant recipient using FTA Section 5310 funds will adhere to these provisions.

L. APPLICATION PACKAGE

Applications for funding under Section 5310 can be obtained by contacting the Office of Facilities and Support Services, Transportation Services Section, 2 Peachtree Street, Atlanta, Georgia 30303 or through one of the Regional Transportation Offices (TRO) listed in Appendix E by mail or e-mail. Applications are usually available in January of each year and completed applications are normally due in April. The application packet for each year will specify a due date.

For current sub-recipients who are currently providing transportation services to DHS clients, applications may also be submitted, as part of the proposal package, with a contract for DHS Coordinated Transportation Services in regions where Section 5310 funds are allocated for that purpose.

Applicants must submit two (2) originals or an electronic copy of the application to the RTO's office. If the electronic method is used for sending the application, two (2) originals each of all notarized and signature pages must also be received by the RTO's office to complete the application process.

PART II

APPLICATION

PACKAGE

II – APPLICATION PACKAGE

A. SPECIAL INSTRUCTIONS

1. **Application Format-** Please organize your application materials in the order indicated on the checklist as shown in **(Exhibit 24)**. Answers should be clear, complete and concise. The application should be bound or stapled together (if mailed), or sent electronically. All notarized and signature pages must be mailed.
2. **Signatures-** Only the person designated in the Board Resolution is authorized to sign legal documents.
3. **Legal Names-** Where legal names are required, special attention should be given to ensure that the correct legal name is used. The correct legal name (including exact abbreviations, commas, periods, etc.) should be used throughout the document.

B. APPLICATION REQUIREMENTS- An application is required of eligible recipients for Section 5310 funds. New applicants and current sub-recipients are both required to submit an application. Incomplete or applications not containing all the required information may be unfavorably considered for funding.

All applications must include the following:

1. **Project Description- (Exhibit 17)** - Instructions for Exhibit 17 is included on the page following the exhibit. **(Reminder: this is where you are to address your local share contribution).**
2. **Estimated Budget** (all estimates will be based on a State Fiscal Year (1 July – 30 June)
 - a. **Transportation Needs:** Estimate the number of one-way passenger trips for clients needing service. Provide by client category the estimated number of trips you would anticipate for current service plus new clients.

Provide an estimate of the total number of one-way passenger trips for clients currently receiving services. This figure will be the number you are now serving.

Provide an estimate of the total number of one-way passenger trips to be provided, per year if this project is approved.
 - b. **Transport Cost:** (all estimates should be based on the total cost for the fiscal year). Estimate the total cost for services needed; the cost per trip multiplied by the number of trips equals the total cost.

What percent of current funding is covered by another funding source(s)? Give the percentage and the amount it is costing for the current clients receiving service. Identify the balance of the funding source (co-pay, Medicaid, Aging, etc.) If there should be more than one funding source, use the next area to identify the percentage and source.

Estimated cost for the Section 5310. Identify the percentage you are requesting from the 5310 funds. Base this estimate on the number of one-way passenger trips per year if the project is approved.

3. **Applicant Certifications-** Submit the following certifications together. The certifications are to be signed by the applicant's executive director or chief administrative officer.

a. **Applicants** must submit written certification that the agency is one of the following:

1. A private nonprofit organization 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. Section 501(a) or Section 101.
2. A public body that certifies to the Governor that no nonprofit corporations or associations are readily available in an area to provide the service.
3. A public body approved by the state to coordinate services for elderly persons and persons with disabilities.

Please note that certifications for 2 or 3 above must meet eligibility requirements set forth in part I.D (Eligibility) of the State Management Plan.

4. **Private Enterprise Coordination-** A requirement of the Section 5310 Program is to ensure, to the maximum extent feasible, that private-for-profit transportation providers have been given a fair and timely opportunity to participate in the development of the local transportation plans and programs, and have been afforded every feasible opportunity to provide the proposed transit service.

To ensure that all private for-profit providers have been notified of the proposed project, and that they have had adequate opportunity to present their views and to offer their own service proposals for consideration, the applicant should satisfy the requirement to notify private providers through one of the following methods:

- (1) Public Notice published in the newspaper.

OR

- (2) Send a letter to each private provider in the area to be served.

If the applicant chooses to publish a newspaper notice, the notice should allow a minimum of 15 days for public comment after date of publication. Applicants must submit a summary of any comments received and a copy of the notice. A sample public notice is shown in **(Exhibit 18)**.

Note: The preceding requirements do not fully address all of the private enterprise coordination requirements. Other private enterprise requirements, which are not a part of the formal application process, are outlined in Appendix A. The applicant is required to satisfy those additional requirements and maintain those files for documentation purposes.

5. **Civil Rights Requirements -** The following is necessary documentation for compliance with civil rights requirements:

- a. **Federal Transit Administration Civil Rights Assurance-** This assurance must be signed and included in the grant application (**Exhibit 19**).
- b. **Title VI Ridership-** Applicants must include a racial and national origin breakdown of the persons likely to receive service (**Exhibit 20**).
- c. **Department of Transportation Title VI Assurance-** This Assurance must be signed and included in the grant application (**Exhibit 21**).
- d. **Data Collection and Reporting Requirements for Title VI**

REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM. FTA requires recipients to report certain general information to determine compliance with Title VI. The collection and reporting of this program constitute the recipients' Title VI Program. To ensure compliance with 49 CFR Section 21.9(b), recipients should update information as conditions warrant and shall maintain and submit upon request to DHSA the following general information as it pertains to transportation services.

The submission shall include the following information:

- (1) A summary of public outreach and involvement activities undertaken since the last submission and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities.
 - (2) A copy of the agency's plan for providing language assistance for persons with limited English proficiency that was based on the DOT LEP Guidance or a copy of the agency's alternative framework for providing language assistance. The DHS LEP Plan is included as Appendix I.
 - (3) A copy of the agency procedures for tracking and investigating Title VI complaints. The DHS Title VI complaint procedure is included as Appendix J.
 - (4) A list of any Title VI investigations, complaints, or lawsuits filed with the agency since the time of the last submission. This list should include only those investigations, complaints, or lawsuits that pertain to the agency submitting the report, not necessarily the larger agency or department of which the entity is a part.
 - (5) A copy of the agency's notice to the public that it complies with Title VI and instructions to the public on how to file a discrimination complaint. The DHS Title VI complaint procedure is included as Appendix J.
- e. **DBE (Disadvantaged Business Enterprise)** Local recipients of Section 5310 funds must meet the requirements of the U.S. Department of Transportation's Disadvantaged Business Enterprise Regulations (49 CFR, Part 26).
6. **Private Nonprofit or Public Body Board Resolution** The applicant should include an original Resolution from the Private Nonprofit or Public Body Board (**Exhibit 22**). The correct legal name should be used.

7. **Checklist (Exhibit 23)** - This exhibit lists the necessary components for a grant application and should be used to determine if all paperwork has been included. Please include the name and telephone number of the person responsible for compilation of the application as a point of contact for subsequent coordination and clarification.
8. **Federal Fiscal Year Certifications and Assurances** The above assurances must be completed, signed and included in the grant application to comply with FTA requirements (Appendix A, B & C).

C. SUBMISSION OF THE APPLICATION Applicants should submit two (2) originals or an electronic copy of the application to the Transportation Services Section, Regional Transportation Coordinator's office.

Applications can also be submitted, as part of the package, with the Transportation Proposal for coordinated transportation services.

All notarized and original signature pages must be sent by mail to the Regional Transportation Office to complete the application process.

**APPLICATION PACKAGE
GRANT 34
Elderly Persons and Persons with Disabilities
FTA Section 5310 Program**

Client Transportation Profile

Legal Name of Applicant Organization:	
Street Address:	
City, State & Zip:	
Contact Name:	
Telephone #:	
FEI #:	

Organization is Minority Owned/Operated: ☐ Yes ☐ No
(See Appendix C for definitions of minority and minority organizations)

Organization Provides Assistance to Minority Communities: ☐ Yes ☐ No
(See Appendix C for definition of minority community)

Organization Service Area Includes the Following Counties:

Following this page are the forms that will complete your application for the Section 5310 project. Complete each form using the legal name of your agency and have each form signed and notarized as required. Submit two (2) originals by mail or send an electronic copy of the completed application to the Transportation Services Section, Regional Transportation Office as listed in Appendix F.

Applications can also be submitted, as part of the package, with the Transportation Proposal for coordinated transportation services.

DO NOT SEND copies of the State Management Plan (Part I) or the Application Package Instructions (Part II)

Date Received by Regional Transportation Office _____

Client Transportation Profile

Human Service Provider

Name:	Contact Name:
Address:	DHS Division of Service:
City/State/Zip:	DHS Service Region:
Phone #:	County(s) Name:

☐ Urban ☐ Non-Urban

Type of Service Needed: ☐ Fixed Route ☐ Demand-Response

Project Intent: ☐ New Service ☐ Expansion

Transportation Needs in the DHS Service Area. (Data is in number of One-Way Passenger Trips per year):

Client's Category	Estimate Number of One-Way Passenger Trips for Clients Needing Service	Total Number of One-Way Passenger Trips For Clients Currently Receiving Service	Estimate Number of Total One-Way Passenger Trips Per Year if Project is Approved
Mental Disabilities			
Physical Disabilities			
Elderly			

Transportation Cost for this Agency. (Data is an estimate of current cost per One-Way Passenger Trip):

Client's Category	Total Cost Services Needed Cost Per Trip X Total Trips = Total Cost	What Percentage is Covered by Another Funding Source(s)? % of What Source?	Estimated Cost for the Section 5310 % Cost
Mental Disabilities			
Physical Disabilities			
Elderly			

If more than one funding source is applicable, then list the other source indicating the percentages.

Fund Source	Percentage

Days of Transportation Services Needed Weekly: _____ (Example: Monday-Friday)

Number of Days Transportation Services Needed Annually: _____ (Example: 250 Days)

Hours of Transportation Services Needed Daily: _____ (Example: 8am – 5pm)

EXHIBITS

EXHIBIT 17
SECTION 5310 PROJECT DESCRIPTION
(See Instructions on next page)

1. Applicant: _____

2. Address: _____

3. Contact Person: _____

4. Telephone: _____ 5. New Applicant: (Y) (N) _____

6. Urban Status: ☐ Non-urbanized area ☐ Urban area

7. County(s) to be served:

	County
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	

8. Total project cost: _____

9. Types of service provided:

☐ Demand Responsive ☐ Expand existing service

☐ Fixed Route ☐ Start new service

☐ Other (specify) _____ ☐ Replace existing service

10. Operations:

Hours of service: _____ Days of Service: _____

11. Clients Served; Percent and Number:

Client Group	Number	Percentage
Elderly		
Disabled		
Other (Specify)		
Total		

12. Number of passenger seats available in your fleet as of 10/1/2008 :

13. Description of current vehicle fleet: include DHS owned, and all other vehicles. (Attach additional sheets, if needed)

[illegible]

14. Project description narrative: (attach additional sheets)

15. Does your agency contract with DHS? (Yes/No) If yes, for which DHS Program?

PROJECT DESCRIPTION NARRATIVE

INSTRUCTIONS FOR COMPLETING PROJECT DESCRIPTION

- 1-5. **General Information** – Enter the name of applicant organization, address, contact person and telephone number - if applicant is not the agency which will provide services, please provide an explanation in your Project Description.
6. **Urban Status** - An urbanized area has a population of 50,000 or more and is so designated by the U.S. Bureau of Census. Non-urbanized, rural or small urban area - these terms are used interchangeably to mean any area outside an urbanized area with a population of less than 50,000.
7. **County(s) to be served** - List the county(s) in which service is to be provided in.
8. **Project cost** – Enter the total project cost from your estimated budget.
9. **Types of service** - Demand responsive includes dial-a-ride and door-to-door specialized service. Fixed route refers to service following an established route or schedule.
10. **Operations** - Specify the routine hours of service (example: 9:00 a.m. to 3 p.m.) and days of service (example: Monday to Friday).
11. **Clients Served** - Estimate the percent, within each client category, that your agency serves.
12. **Project description** - Fully discuss the items listed in section II-Application Package, B. Application Requirements. This section is your opportunity to describe the service to be provided and demonstrate the fiscal, managerial and operational capabilities of your organization. Describe the clientele that will be receiving the service; estimate the monthly number of passenger trips to be provided; document your organizations' ability to provide transportation service in an efficient and effective manner, including data such as operating cost/mile, passenger trips/vehicle mile, operating cost/passenger trip and any other information that reflects the quality and efficiency of your organization; list the type and number of personnel such as, drivers, dispatchers, mechanics, etc. and if the employees are paid or are volunteers and if they are full or part time; describe provisions made to ensure proper maintenance of vehicles and indicate who will provide the maintenance; describe the driver hiring process and training given to the drivers; **specify the percentage and dollar amount your organization is willing to contribute towards the total cost of your project (this is also your certification that the local match dollars are available) Once again, your application will be rated on your response to the elements in part I.D. of this guide.**
13. **Contractor status** - circle yes if your organization provides services to DHS as a contractor or subcontractor. If your response is yes, then list the DHS program that you provide services for. Examples of these programs would be Aging Services, Mental Health, Developmental Disabilities and Addictive Diseases, DFCS, Rehabilitative Services, etc.

EXHIBIT 18
SAMPLE PUBLIC NOTICE FOR SECTION 5310

The _____ is applying for funding under the Section 5310

(Private Nonprofit or Public Body)

Elderly and Disabled Transportation Program to meet the special needs of the elderly and disabled located in_____.

(City/County)

timely opportunity to participate in the development of this program, the

_____solicits private sector input and participation during the

(Private Nonprofit or Public Body)

planning process.

Any private for-profit transportation operator interested in providing any or all of the above services or participating in any or all of the above services should submit a written notice of intent by 15 days from date of this publication to:

EXHIBIT 19
FEDERAL TRANSIT ADMINISTRATION CIVIL RIGHTS ASSURANCE

The _____ hereby certifies that, as a condition to receiving
(Private Nonprofit or Public Body)

Federal financial assistance under the Federal Transit Act of 1964, it will ensure that:

1. No person on the basis of race, color, or national origin, will be subjected to discrimination in the level and quality of transportation services and transit related benefits.
2. The _____ will compile, maintain, and submit in a timely
(Private Nonprofit or Public Body)

manner Title VI information required by FTA Circular 1160.1A and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.9.Z
3. The _____ will make it known to the public that those person
(Private Nonprofit or Public Body)

or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.

The person whose signature appears below is authorized to sign this assurance on behalf of the recipient.

DATED: _____

Signature

Name and Title of Authorized Officer

EXHIBIT 20
TITLE VI RIDERSHIP INFORMATION

COUNTY: _____

AGENCY: _____

Number of Persons likely to receive service. (Estimate).

Percentage of
Service Area Population
By Minority Group

Number of
Persons Expected
To Be Served

_____ %	White	_____
_____ %	Black	_____
_____ %	Hispanic	_____
_____ %	Asian-Pacific	_____
_____ %	Asian-Indian	_____
_____ %	Native American	_____
_____ <u>100</u> %	TOTAL	_____

EXHIBIT 21
STANDARD ASSURANCE OF COMPLIANCE WITH
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

The _____ (hereinafter referred to as the
(Private Nonprofit or Public Body)

"Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000D-42 U.S.C. 2000D-4 (hereinafter referred to as the Act) and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, Part 21, Nondiscrimination Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Transit Administration (FTA), and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to the project:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with a project under the Federal Transit Act of 1964, (The FTA Act) and, in adapted form in all proposals for negotiated agreements:

The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000D to 2000D-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties; (a) for the subsequent transfer of real property acquired or improved under this

project, and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under this project.

8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the project, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, and Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under Federal Transit Programs and is binding on it, other recipients, sub grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Transit Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

DATED: _____
Signature of Authorized Officer

Name and Title of Authorized Officer

Attachments:

Appendices A, B, and C

(Appendix A to Title VI Assurance)

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter, referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontracts, Including Procurement of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Transit Administration (FTA) to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information is required or a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Recipient, or the Federal Transit Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Recipient shall impose such contract sanctions as it or the Federal Transit Administration may determine to be appropriate, including, but not limited to:
 - (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b) Cancellation, termination or suspension of the contract in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Recipient or the Urban Mass Transportation Administration may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Recipient to enter into such litigation to protect the interests of the Recipient, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(Appendix B to Title VI Assurance)

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Recipient will accept title to the lands and maintain the project constructed thereon, in accordance with the Federal Transit Act and the policies and procedures prescribed by the Federal Transit Administration of the Department of Transportation and, also in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of Secretary, Part 21, Nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000D TO 2000D-4), does hereby remise, release, quitclaim and convey unto the

_____ (hereinafter referred to as the

(Name of Applicant)

"Recipient") all the right, title, and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the Recipient and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Recipient, its successors and assigns.

The Recipient, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over and under such land hereby conveyed (,) and)* (2) that the Recipient shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

(Appendix C to Title VI Assurance)

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the _____ (hereinafter referred to as the "Recipient")

(Name of Applicant)

pursuant to the provisions of Assurance 10(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (add, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantees, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964; and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, the Recipient shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, the Recipient shall have the right to re-enter said lands and the facilities thereon, the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Recipient and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Recipient pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the ground of race, color, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination and (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, the Recipient shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, the Recipient shall have the right to re-enter said lands and the facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Recipient and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

EXHIBIT 22

Appendix A

FEDERAL FISCAL YEAR 2008 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

(Signature page alternative to providing Certifications and Assurances in TEAM-Web)

Name of Applicant: _____

The Applicant agrees to comply with applicable provisions of Categories 01 - 24. _____

OR

The Applicant agrees to comply with the applicable provisions of the following Categories it has selected:

<u>Category</u>	<u>Description</u>	
01.	For Each Applicant.	
02.	Lobbying.	X
03.	Procurement Compliance.	X
04.	Private Providers of Public Transportation.	
05.	Public Hearing.	X
06.	Acquisition of Rolling Stock.	X
07.	Acquisition of Capital Assets by Lease.	
08.	Bus Testing.	X
09.	Charter Service Agreement.	X
10.	School Transportation Agreement.	
11.	Demand Responsive Service.	X
12.	Alcohol Misuse and Prohibited Drug Use.	X
13.	Interest and Other Financing Costs.	
14.	Intelligent Transportation Systems.	X
15.	Urbanized Area Formula Program.	
16.	Clean Fuels Grant Program.	
17.	Elderly Individuals and Individuals with Disabilities Formula Program and Pilot Program.	X
18.	Nonurbanized Area Formula Program.	

19. Job Access and Reverse Commute Program.
20. New Freedom Program.
21. Alternative Transportation in Parks and Public Lands Program.
22. Tribal Transit Program
23. Infrastructure Finance Projects.
24. Deposits of Federal Financial Assistance to a State Infrastructure Banks.

(Both sides of this Signature Page must be appropriately completed and signed as indicated.)

FEDERAL FISCAL YEAR 2008 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE

(Required of all Applicants for FTA assistance and all FTA Grantees with an active capital or formula project)

AFFIRMATION OF APPLICANT

Name of Applicant: _____

Name and Relationship of Authorized Representative: _____

BY SIGNING BELOW, on behalf of the Applicant, I declare that the Applicant has duly authorized me to make these certifications and assurances and bind the Applicant's compliance. Thus, the Applicant agrees to comply with all Federal statutes, regulations, executive orders, and directives applicable to each application it makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2009.

FTA intends that the certifications and assurances the Applicant selects on the other side of this document, as representative of the certifications and assurances in this document, should apply, as provided, to each project for which the Applicant seeks now, or may later, seek FTA assistance during Federal Fiscal Year 2009.

The Applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in the statements submitted herein with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31 apply to any certification, assurance or submission made to FTA. The criminal fraud provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized in 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing certifications and assurances, and any other statements made by me on behalf of the Applicant are true and correct.

Signature _____ Date: _____

Name _____
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): _____

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under state and local law to make and comply with the certifications and assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the certifications and assurances have been legally made and constitute legal and binding obligations on the Applicant.

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these certifications and assurances, or of the performance of the project.

Signature: _____ Date: _____

Name: _____
Attorney for Applicant

Each Applicant for FTA financial assistance (except 49 U.S.C. 5312(b) assistance) and each FTA Grantee with an active capital or formula project must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its signature in lieu of the Attorney's signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year

EXHIBIT 23
PRIVATE NONPROFIT or PUBLIC BODY BOARD RESOLUTION

WHEREAS, THE (_____) hereinafter referred to
(Legal Name of Organization)
as the "Applicant" has requested assistance from the Georgia Department of Human Services for the purpose of capital assistance; and

WHEREAS, this project is considered to be important and necessary to public transportation in
_____; and
(City/County)

THAT the Applicant while making application to or receiving grants from the Federal Transit Administration will comply with the Federal statutes, regulations, executive orders and administrative requirements as listed in Appendix A of the FTA Circular FTA C 9070.1C and as also included in Appendix B of the Georgia Department of Human Services State Management Plan and Application Package for Elderly and Disabled Transportation inclusive;

THAT the Applicant has or will make available in the required amounts non-federal funds to meet local share requirements;

THAT _____ is empowered to sign
(Name and Title of Designated Official)
contract on behalf of the Applicant; and

THAT the above named official may sign on behalf of the Applicant any assurance, certification, or other documentation that may be required as a part of the application submitted.

Passed this _____ day of _____, 20____

Board Chairman

Signed, sealed and delivered this _____ day of _____,
20____ in the presence of:

Witness

Notary Public - Notary Seal

EXHIBIT 24
SECTION 5310
GRANT APPLICATION CHECKLIST

PREPARED BY: _____ PHONE: _____

Indicate by N/A any items that are not applicable.

1. Project Description
_____ All sections of (Exhibit 17) complete.
2. Applicant Certifications
_____ Written certification on nonprofit or public body status
_____ Written certification of equivalent transportation services for persons with disabilities.
3. _____ Copy of public notice or private enterprise notification (Exhibit 18)
4. Civil Rights Requirements
_____ a. FTA Civil Rights Assurance (Exhibit 19)
_____ b. Title VI Ridership (Exhibit 20)
_____ c. U.S. D.O.T. TITLE VI Assurance (Exhibit 21)
_____ d. Limited English Proficiency Plan
_____ e. Title VI Complaint Procedures
5. Certifications and Assurances for FTA Assistance
_____ All sections of (Appendix A) complete
6. Private Enterprise Coordination
_____ Private Nonprofit or Public Body Board Resolution (Exhibit 22)
7. _____ Original and one copy
8. Application Checklist
_____ All above items have been addressed

APPENDICES

APPENDIX A

PRIVATE ENTERPRISE COORDINATION REQUIREMENTS

Requirements 1-3 are addressed in the application process.

1. The current participation of private providers in Section 5310 supported services.
2. All efforts to provide written notice to private providers of proposed services.
3. All forums, meetings, hearings, or other opportunities for involving the private sector early in the project development process.

The remaining requirements 4-9 are to be addressed, as appropriate, maintained on file and kept current by the applicant.

4. Description of private sector proposals, if any, offered for consideration, and the rationale for inclusion or exclusion.
5. Methods for periodically reviewing existing services to determine whether they can be provided more efficiently by the private sector.
6. Any locally established criteria for making public/private service decisions.
7. The local methodology for making true cost comparisons when there are two or more operators interested in providing service.
8. Any complaints from private operators and how these were resolved, and the local mechanism for resolving complaints.

APPENDIX B

LISTS OF STATUTES, REGULATIONS, EXECUTIVE ORDERS, AND ADMINISTRATIVE REQUIREMENTS APPLICABLE SECTION 5310

(Briefly described and provided for the convenience of the applicant.)

STATUTES

Section 3(e) of the FTA Act, 49 U.S.C. 1602(E) which requires, among other things, the recipient to provide to the maximum extent feasible for the participation of private mass transportation companies.

Section 12(c) of the FTA Act, 49 U.S.C. 1608(C) Which, among other things, prohibits discrimination on the basis of race, color, creed, national origin, sex or age.

Section 5310 of the FTA Act, 49 U.S.C. 1612 Which provides, among other things, for the planning and design of mass transportation facilities to meet the special needs of the elderly and disabled.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) Which, among other things, prohibits discrimination on the basis of race, color or national origin by recipients of Federal financial assistance.

Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000(a) Which, among other things, prohibits discrimination in employment.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 Which, among other things, prohibits discrimination on the basis of handicap by recipients of Federal financial assistance.

"Hatch Act," 5 U.S.C. 1501, et seq. which, among other things, imposes certain restrictions on political activities of recipients of federal financial assistance.

"Buy America Requirements," Section 5310 of the Surface Transportation Assistance Act of 1982, P.L. 97-424. which, among other things, requires that steel, cement and manufactured products procured under FTA-funded contracts of a certain size be of domestic manufacture or origin (with four exceptions).

Contract Work and Safety Standards Act, 40 U.S.C. 327-333 which, among other things, establishes the required basis and conditions for hours of work and for overtime pay of laborers and mechanics, and directs the Department of Labor to formulate construction safety and health standards.

National Environmental Policy Act of 1969, 42 U.S.C. 4321, ET. SEQ. which, among other things, prohibits Federal assistance that will adversely affect the quality of the environment.

Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977, 33 U.S.C. 1251, ET SEQ which, among other things, sets limits on pollutants discharged in international waterways and requires safeguard against spills from oil storage facilities.

Clean Air Act of 1955, as amended, 42 U.S.C. 7401, ET SEQ. which, among other things, establishes national standards for vehicle emissions Energy Policy and Conservation Act, 42 U.S.C. 6321 which, among other things, authorizes development and implementation of state energy conservation plans.

National Flood Insurance Act of 1969, 42 U.S.C. 4011, ET SEQ. which, among other things, authorizes a national flood insurance program.

Flood Disaster Protection Act of 1973, 42 U.S.C. 4012A, ET SEQ. which among other things, requires the purchases of flood insurance by recipients of federal financial assistance who are located in areas having special flood hazards.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act, a Legacy for Users (Public Law 109-059) signed into law on August 10, 2005, and codified in 49 U.S.C. Chapter 53.

APPENDIX B (continued)

REGULATIONS

49 C.F.R. Part 600, et seq. regulations promulgated by FTA 49 C.F.R. Parts 18,20,21, 23, 24, 25, 27, 29, 37, 38,639,661,663 and 665 regulations promulgated by the Department of Transportation governing Title VI of the Civil Rights Act of 1964, Minority Business Enterprise, Relocation and Land Acquisition, Uniform Relocation Assistance and Real Property Acquisition, Nondiscrimination on the Basis of Handicap, Drug-Free Workplace Act of 1988, Bus Testing, Transportation for Individuals with Disabilities, Pre-award and Post-delivery audits, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, New Restrictions on Lobbying, Capitol Leases, 56 Fed. Reg. 51786, dated 10-15-91, Buy America Requirements: Surface Transportation Assistance Act of 1982, respectively.

0 C.F.R. Part 601 regulations promulgated by the Department of Energy governing Restrictions on Lobbying. 36 C.F.R. Part 800 regulations promulgated by the Advisory Council on Historic Preservation .

46 C.F.R. Part 381 regulations promulgated by the Maritime Administration governing cargo preference requirements.

31 C.F.R. Part 205 regulations promulgated by the Department of Treasury governing letter of credit.

40 C.F.R. Part 15 regulations promulgated by the Environmental Protection Agency pertaining to administration of Clean Air and Water Pollution requirements for grantees.

EXECUTIVE ORDERS

E.O. 11988 which establishes certain specific requirements related to flood protection and control.

E.O. 12372 which rescinds OMB Circular A-95 and establishes new requirements currently being implemented.

ADMINISTRATIVE REQUIREMENTS

Office of Management and Budget (OMB) Circular A-87 which provides costs principles applicable to grants and grants and contracts with State and local governments.

Office of Management and Budget (OMB) Circular A-102 which provides uniform requirements for assistance to State and local governments.

Federal Transit Administration Circular FTA C 9070.IF Dated May 1, 2009, Elderly Individuals and Individuals with disabilities Program Guidance and application Instructions.

APPENDIX C

DEFINITIONS

Applicant - A private nonprofit organization or public body which applies to the department for financial assistance under the Section 16 capital assistance program.

Capital Equipment - Vehicles and ancillary support equipment with a multi-year usable life. For the purpose of this program this includes, but is not limited to vehicles, radios, passenger shelters, etc.

Elderly Person - All persons age 60 and over.

Eligible Services - Transportation services intended for regular non-emergency passenger use with priority given to the elderly and disabled. Other services (e.g., special charters) are allowed, however, these must be incidental and not in conflict with regular schedules or services.

Disabled Person - Individuals who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, including those who are non-ambulatory wheelchair bound and those with semi-ambulatory capabilities are unable, without special facilities or special planning or design, to utilize mass transportation facilities and services effectively.

Incidental Use - The use of equipment or facilities purchased under this grant program for other than principle grant related purposes.

Metropolitan Planning Organization (MPO) - Organizations designated by the Governor which, together with the state, are responsible for transportation planning in urbanized areas.

Program of Projects means a list of projects to be funded in the grant application submitted to FTA by a State. The program of projects (POP) lists the subrecipients and indicates whether they are private non-profit agencies or local government authorities, designates the areas served (including rural areas), and identifies any tribal entities. In addition, the POP includes a brief description of the projects, total project cost and Federal share for each project, and the amount of funds used for program administration from the 10 percent allowed.

Human Service Transportation means transportation services provided by or on behalf of a human service agency to provide access to agency services and/or to meet the basic, day-to-day mobility needs of transportation-disadvantaged populations, especially individuals with disabilities, older adults, and people with low incomes.

Locally Developed Coordinated Public Transit-Human Services Transportation Plan means a plan that identifies the transportation needs of individuals with disabilities, older adults, and people with low incomes, provides strategies for meeting those local needs, and prioritizes transportation services for funding and implementation.

Minority Communities – A community that has a percentage of minority population greater than the percentage of minority population in the state.

Minority Individual – A person whose origins are in any of the black racial groups of Africa; a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin regardless of race; a person who is an American Indian, Eskimo, Aleut, or Native Hawaiian; a person whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the US Trust Territories of the Pacific, or the Northern Marianas; or a person whose origins are from India, Pakistan, or Bangladesh.

Minority Organization – A small business concern which is at least 51 percent owned by one or more minority individuals or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned by one or more minority individuals, and whose management and daily business operations are controlled by one or more of the minority owners.

Nonprofit Organization - A corporation or association determined by the Secretary of the Treasury to be an organization described by 26 USC Section 501(C) which is exempt from taxation under Section 501(a) or 101 or one which has been determined under state law to be nonprofit and for which the department has received documentation certifying the status of nonprofit organization.

Non-Urbanized Areas - Areas with a population of less than 50,000.

Private - means non public, to wit: bodies which are not municipalities or other political subdivisions of states; are not public agencies or instrumentalities of one or more states; are not Indian tribes; are not public corporations, boards, or commissions established under the law of any state; or are not subject to control by public authority, state or municipal.

Recipient - An applicant which has been awarded financial assistance under the Section 5310 capital assistance program.

Sub-Recipient – means a private non-profit organization, if the public transportation service provided is unavailable, insufficient, or inappropriate; or a governmental authority that is approved by the State to coordinate services for elderly individuals and individuals with disabilities or certifies that there is not any non-profit organizations readily available in the area to provide services.

Service Area – Is the geographic area which elderly and disabled clients will be served using funds from this grant.

Transportation Improvement Program (TIP) - A list of transportation projects for which funding will be sought over a three to five year period prepared by the MPO representing an urbanized area.

Urbanized Areas - Areas designated by the Bureau of Census, with a population of 50,000 or more.

APPENDIX D

REQUIRED CERTIFICATIONS FOR PURCHASES OF SERVICES

Appendix D is not used as part of the application process for FTA Program 5310 funds in the state of Georgia. Funds under this grant will be used in purchase of service agreements.

APPENDIX E

DHS COORDINATED TRANSPORTATION MAP

(Attached as a Microsoft PowerPoint Document. File Name: MAP FY10)

APPENDIX F

DHS REGIONAL TRANSPORTATION COORDINATORS

(Attached as a Microsoft Excel Document. File Name: Contact List1 with ZIPS)

APPENDIX G

FEDERAL REGISTER

www.fta.dot.gov

APPENDIX H

Disadvantaged Business Enterprise Program

Georgia Department of Human Services

Submitted for: Federal Fiscal Year 2009-2010

A. Policy Statement

Section 26.1, 26.23 Objectives/Policy Statement

It is the policy of the Georgia Department of Human Services (GDHS) to ensure that Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in GDHS-assisted contracts.

The GDHS has established a DBE program for the Section 5310 program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The GDHS has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the GDHS has signed an assurance that it will comply with 49 CFR Part 26.

In order to carry out this assurance while supporting existing programs related to the DBE plan, the GDHS has included the information from programs already in place that are administered by the Georgia Department of Administrative Services (DOAS) Governor's Small Business Center and the Georgia Department of Transportation (GDOT)/Metropolitan Atlanta Rapid Transit Authority (MARTA) State of Georgia Unified Disadvantaged Business Enterprise Certification Program (UCP). These programs are used to certify minority businesses as Disadvantaged Business Enterprises (DBEs) with the state of Georgia therefore allowing increased participation in state contracting and purchasing. GDHS will refer all DBE candidates to these offices for certification and orientation. Representatives from GDHS will also participate in the DOAS Governor's Small Business Center and GDOT/MARTA UCP programs to ensure all aspects relative to the DBE plan are addressed.

Policy – 26.23

A. Policy Statement

It is the policy of the Georgia Department of Human Services (GDHS) to ensure that Disadvantaged Business Enterprises (DBE), as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in GDHS-assisted contracts.

The GDHS has established a DBE program for the Section 5310 program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The GDHS has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the GDHS has signed an assurance that it will comply with 49 CFR Part 26.

In order to carry out this assurance while supporting existing programs related to the DBE, the GDHS has included the information for the programs already in place that is administered by the Department of Administrative Services (DOAS) Governor's Small Business Center and the Georgia Department of Transportation (GDOT)/Metropolitan Atlanta Rapid Transit Authority (MARTA) State of Georgia Unified Disadvantaged Business Enterprise Certification Program (UCP). These programs are used to certify minority businesses as Disadvantaged Business Enterprises (DBEs) with the state of Georgia therefore allowing increased participation in state contracting and purchasing. GDHS will refer all DBE candidates to these offices for certification and orientation. Representatives from GDHS will also participate in the programs to ensure all aspects relative to the DBE plan are addressed.

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

- To ensure nondiscrimination in the award and administration of GDHS assisted contracts;
- To create a level playing field on which DBEs can compete fairly for GDHS assisted contracts;
- To ensure that the DBE program is narrowly tailored in accordance with applicable law;
- To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- To help remove barriers to the participation of DBEs in GDHS assisted contracts; and
- To assist the development of firms that can compete successfully in the market place outside the DBE Program.

The Director of the Office of Facilities and Support Services (OFSS) (current incumbent is Mr. James T. Bricker) has been delegated as the DBE Liaison Officer. In that capacity, the OFSS Director is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the Department of Human Services in its financial assistance agreements with the Department of Transportation.

Section 26.3 Applicability

The Department of Human Services is the recipient of federal transit funds authorized by Titles I, III, V, and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of the Teas-21, Pub. L. 105-178.

Section 26.5 Definitions

The Department of Human Services will adopt the definitions contained in Section 26.5 for this program.

Section 26.7 Non-discrimination Requirements

The Department of Human Services will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the Department of Human Services will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11(b)

We will report DBE participation following the necessary requirements as they apply to the GDHS.

Bidders List: 26.11 (c)

When necessary, the GDHS will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on GDHS-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals.

We will collect this information in the following ways:

A contract clause requiring prime bidders to report the names/addresses, and possibly other information, of all firms who quote to them on subcontracts; a recipient-directed survey of a statistically sound sample of firms on a name/address list to get age/size information; a notice in all solicitations, and otherwise widely disseminated, request to firms quoting on subcontracts to report information directly to the recipient.

Monitoring Payment to DBEs

We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. The records will be made available for inspection upon request by any authorized representative of GDHS or GDOT. This reporting requirement also extends to any certified DBE subcontractor.

We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

Section 26.13 Federal Financial Assistance Agreement

Assurances 26.13(a)

We will ensure that the following clause is placed in all future GDHS-assisted contract and subcontract:

Department of Human Services shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient's DBE Program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Department of Human Services of its failure to carry out its approved program, the Department may impose sanction as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

This language will appear in financial assistance agreements with sub-recipients.

Contract Assurance: 26.13b

We will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this

contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

SUBPART B – ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Since the Department of Human Services has received a grant of \$250,000 or more in FTA planning capital, and or operating assistance in a federal fiscal year. We will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

Section 26.23 Policy Statement

The Policy Statement is elaborated on the first page of this program.

Section 26.25 DEB Liaison Officer (DBELO)

The Director of the Office of Facilities and Support Services (OFSS) (current incumbent is Mr. James T. Bricker) has been delegated as the DBE Liaison Officer (DBELO). In that capacity, the OFSS Director is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the GDHS in its financial assistance agreements with the Department of Transportation. The DBELO will attend the class offered by the DOAS Governor's Small Business Center and GDOT/MARTA UCP in order to be knowledgeable and helpful in explaining the certification process to DBE candidates.

James T. Bricker can be reached at 404-656-4427. Please send correspondence to:

Grantee ID# 5423
Georgia Department of Human Services
Office of Facilities and Support Services
2 Peachtree Street, Room 29.490
Atlanta, Georgia, 30303
Jtbricker@dhr.state.ga.us

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Department of Human Services complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the *[indicate chief executive officer of recipient]* concerning DBE program matters. *An organization chart displaying the DBELO's position in the organization is found in Attachment A to this program.*

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has a staff of one to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.

5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress.
6. Analyzes [Name Recipient]'s progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO/governing body on DBE matters and achievement.
9. Chairs the DBE Advisory Committee.
10. Participates in pre-bid meetings.
11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
12. Plans and participates in DBE training seminars.
13. Certifies DBEs according to the criteria set by DOT and acts as liaison to the Uniform Certification Process in Georgia.
14. Provides outreach to DBEs and community organizations to advise them of opportunities.
15. Maintains the Department of Human Services updated directory on certified DBEs.

Section 26.27 DBE Financial Institutions

It is the policy of the GDHS to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on GDHS-assisted contracts to make use of these institutions. The practices set in place by the DOAS Governor's Small Business Center and GDOT/MARTA UCP will be used to complete this requirement. Information on the availability of such institutions can be obtained from the DBE Liaison Officer.

Section 26.29 Prompt Payment Mechanisms

We will include the following clause in all future GDHS-assisted prime contracts: The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract in a timely manner. The prime contractor agrees further to return retainage payments to each subcontractor in a timely manner after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the GDHR. This clause applies to both DBE and non-DBE subcontractors.

Section 26.31 Directory

The DOAS Governor's Small Business Center and the GDOT/MARTA UCP maintain a directory identifying all firms eligible to participate as DBEs. GDHS will refer to this list as the DBE directories. The directories list the firm's name, address, phone number, and the type of work the firm has been certified to perform as a DBE. The Directories may be found at www.doas.georgia.gov and www.dot.state.ga.us/construction/contractrsadm/document/dbe/dbe_dir.pdf.

Section 26.33 Overconcentration

GDHS has not experienced problems resulting from overconcentration issues.

Section 26.35 Business Development Programs

The Governor's Small Business Center has established a Mentor Protégé program. This program pairs emerging companies with established, successful businesses to offer smaller firms the resources and guidance they need to succeed

Section 26.37 Monitoring and Enforcement Mechanisms

The Department of Human Services will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.37. We also will consider similar action under our own legal authorities, including responsibility determinations in future contracts.

Contractor Reporting Requirements

In order to monitor and evaluate the progress of GDHS and its third party contractors towards meeting the goals of the DBE Plan, GDHS shall develop and maintain a record keeping system in line with that of the DOAS Governor's Small Business Center and the GDOT/MARTA UCP.

Public Participation and Outreach Efforts

It will be the responsibility of the DBELO to recommend to GDHS whether firms are qualified and eligible. GDHS will use information collected from the DOAS Governor's Small Business Center and the GDOT/MARTA UCP to determine this eligibility

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

When funds are identified for DBE needs, notices will be published by GDHS in newspapers of general circulation.

Section 26.45 Overall Goals

In accordance with Section 26.45(f) the Department of Human Services will submit its overall goal to DOT on August 1 of each year. Before establishing the overall goal each year, Department of Human Services will consult with the FTA DBE Officer, our contractors, Human Service Providers, and supported organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Department of Human Services efforts to establish a level playing field for the participation of DBEs.

Following this consultation, we will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at your principal office for 30 days following the date of the notice, and informing the public that you and DOT will accept comments on the goals for 45 days from the date of the notice. This notice will be published on the DHS, TSS website and published in newspapers of general circulation. Normally, we will issue this notice by June 1 of each year.

Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

We will begin using our overall goal on October 1 of each year, unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

Overall Goal/Method

Step One: 1,111 (Ready, willing and able DBEs) / 12,214 (All firms ready, willing, and able-including DBEs and non-DBEs) = 9.1 %.

Based on the above method used, we believe we can accomplish 9.1 % of our goal setting for fiscal year 2009-2010. The method is based on the total number of ready, willing and able DBE's registered with DOAS Governor's Small Business Center and the total number of all firms ready, willing and able registered with GDOT/MARTA UCP.

Step 2: The percentage is lower because there was a significant increase of registered DBEs with DOAS Governor's Small Business Center and GDOT/MARTA UCP.

Section 26.49 Transit Vehicle Manufacturers Goals

In the event that GDHS plans to purchase transit vehicles, the GDHS will require transit vehicle manufacturers (TVM) to provide a certification, as a condition to bidding on transit vehicle purchases funded by FTA that it has complied with requirements. The TVM will certify to the GDHR that:

- They have submitted the required annual overall DBE goals to FTA; and that
- FTA has either approved their annual goals, or that FTA has not disapproved their annual overall goals.

Section 26.51 (a-c) Breakout of Estimated Race- Neutral & Race-Conscious Participation

GDHS will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. We estimate that, in meeting our overall goal of 9.1 %, we will obtain 4.55 % from race-neutral participation and 4.55% through race-conscious measures.

Section 26.51 (d-g) Contract Goals

DHS will use contract goals to meet any portion of the overall goal GDHR does not project being able to meet using race-neutral means. These goals will be ones established by the DOAS Governor's Small Business Center and the GDOT/MARTA UCP. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

We will establish contract goals only on those GDHS-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work).

We will express our contract goals as a percentage of the total amount of FTA funding to be received by GDHS for both operating and capital improvements and the dollar value of these funds available for contracting purposes.

Section 26.53 Good Faith Efforts Procedures - 26.53

Demonstration of good faith efforts (26.53 (a) & (c))

GDHS will ensure that all information is complete and accurate and adequately documents the bidder/offer's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

GDHS treats bidder/offerors' compliance with good faith effort requirements as a matter of responsibility.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and;
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (26.53(d))

Contracts will be awarded only to bidder/offerors who make good faith efforts to meet the established contract goal. When reconsideration decisions are made, the decision must be made by an official who did not take place in the original determination that the bidder/offeror failed to meet the goal or to make adequate good faith efforts.

The officials are:

GDOT/MARTA Official – Vance C. Smith, Commissioner – (404)631-1990
DOAS Official – Brad Douglas, Commissioner – (404) 657-9441

Good Faith Efforts when a DBE is replace on a contract (26.53(f))

Department of Human Services will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Section 26.55 Counting DBE Participation

We will count DBE participation toward overall and contract goals as provided in 26.55.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

GDHS will use the certification standards of Subpart D of part 26 as well as those used by the DOAS Governor's Small Business Center and the GDOT/MARTA UCP to determine the eligibility of firms to participate as DBEs in GDHR-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. We will make our certification decision based on the facts as a whole.

A. Burdens of Proof

The firm seeking certification must prove to the GDHR that it meets the requirements for inclusion as defined in 26.61.

B. Group Membership Determinations

Individuals in questionable status must demonstrate that he or she is a member of the disadvantaged group or disadvantaged on an individual basis.

C. Social and Economic Disadvantage Statement

Applicants must meet rules determined for the disadvantaged status as stated in 26.67 as well as those set forth by the DOAS Governor's Small Business Center and the GDOT/MARTA UCP.

D. Business Size Determinations

The firm must meet requirements defined by Small Business Administration standards to be eligible.

E. Ownership Determinations

To be an eligible DBE, the firm must meet requirements as defined in 26.69 as well as those set forth by the DOAS Governor's Small Business Center and the GDOT/MARTA UCP.

F. Control Determinations

Only an independent business may be certified as a DBE.

G. Other Considerations

GDHS will participate in and abide by the rules of the program in place at the DOAS Governor's Small Business Center and the GDOT/MARTA UCP.

For information about the certification process or to apply for certification, firms should contact:

Ms Vickie Young
Department of Human Services
Office of Facilities and Support Services
Transportation Services Section
2 Peachtree Street NW, 29th Floor
Email: vkyoung@dhr.state.ga.us

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

Department of Human Services is the member of a Unified Certification Program (UCP) administered by the Georgia Department of Transportation. The UPC will meet all of the requirements of this section in accordance with the plan approved by the USDOT.

Section 26.83 Procedures for Certification Decisions

Recertification Procedures 26.83(a-c))

- A. Unified Certification Program**
GDHS will comply with requirements as outlined in 26.81.
- B. Initial Certification Procedures**
GDHS will use the certification procedures of Subpart E of part 26 to determine the eligibility of firms to participate as DBEs in GDHS-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. We will make our certification decisions decision based on the facts as a whole.
- C. Recertification Procedures**
GDHS will comply with requirements as outlined in 26.81.

Section 26.85 Denials and Reapplication Procedures

As defined in 26.86.

Section 26.87 Removal of a DBE's Eligibility

As defined in 26.87.

Section 26.89 Certification of Appeals

GDHS will comply with requirements as outlined in 26.81.

Any firm or complainant may appeal our decision in a certification matter to DOT. Such appeals may be sent to:

Department of Transportation
Office of Civil Rights Certification Appeals Branch
400 7th Street, SW
Room 2104
Washington, D.C. 20590

We will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting (e.g. certify a firm if DOT has determined that our denial of its application was erroneous).

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 ...Information, Confidentiality, Cooperation

We will safeguard from disclose to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Monitoring Payment to DBEs

We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. The records will be made available for inspection upon request by any authorized representative of GDHS or GDOT. This reporting requirement also extends to any certified DBE subcontractor.

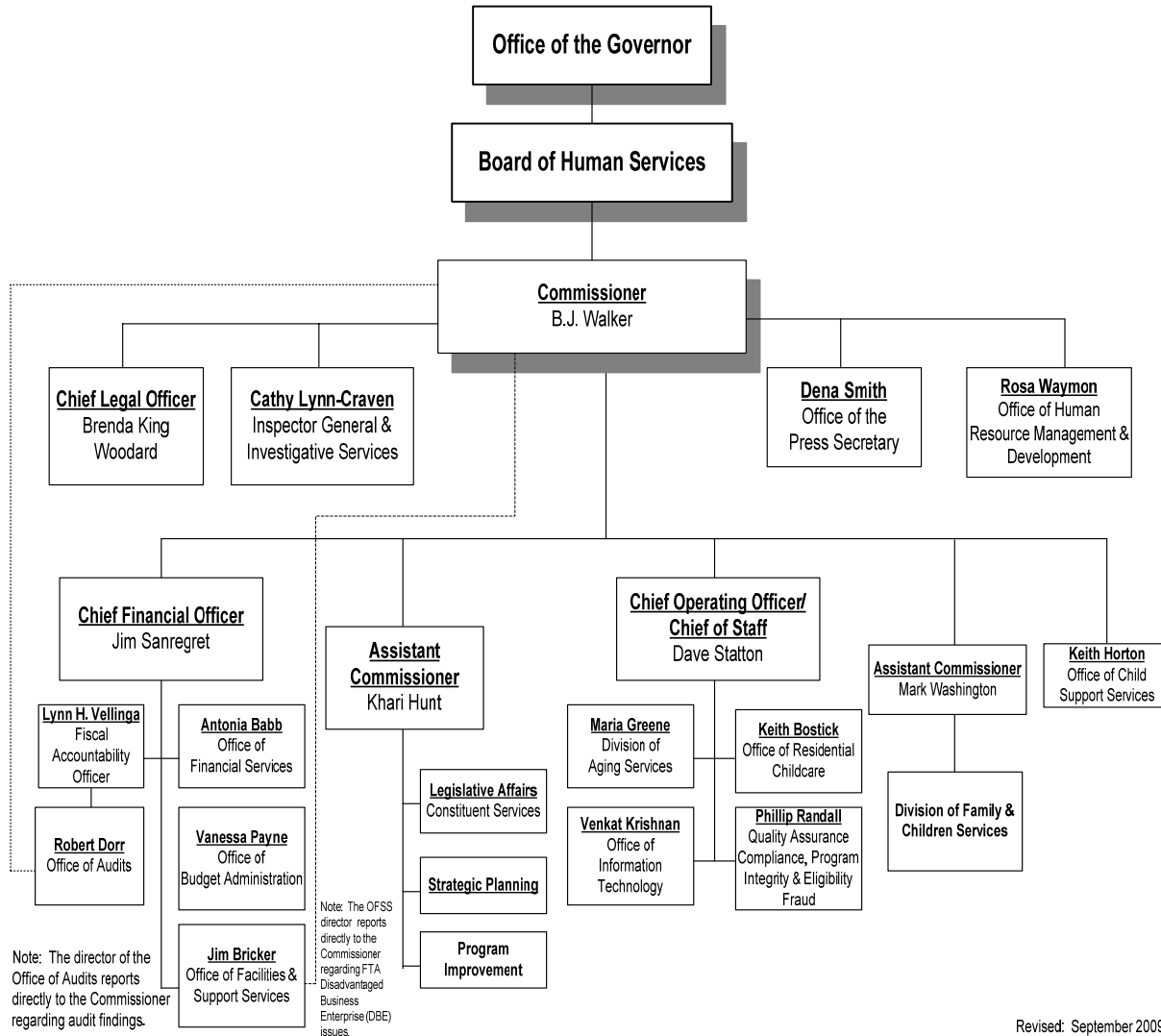
We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

ATTACHMENTS

- | | |
|--------------|---|
| Attachment 1 | DHS Organizational Chart |
| Attachment 2 | State of Georgia UCP Plan
www.dot.state.ga.us |
| Attachment 3 | Regulations: 49 CFR Part 26
www.fta.dot.gov |

ATTACHMENT 1

Georgia Department of Human Services Organization Chart First 100 Days



Revised: September 2009

SOURCES:

- 1. DEPARTMENT OF ADMINISTRATIVE SERVICES**
- 2. GOVERNOR'S SMALL BUSINESS CENTER
CERTIFICATION AND ORIENTATION INFORMATION**
- 3. GDOT/MARTA UNIFIED DISADVANTAGED BUSINESS
ENTERPRISE DIRECTORY**

APPENDIX I

Limited English Proficiency Policy and Procedures

	Department of Human Services Online Directives Information System	Index: Revised: Review:	POL1701 3/26/07 3/1/11
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SUBJECT: Language Access for Limited English Proficient (LEP) and Sensory Impaired (SI) customers

POLICY

The policy of the Georgia Department of Human Services (DHS) is to provide meaningful language access to limited English proficient and/or sensory impaired customers to all programs and activities conducted or supported by the department.

A. Authority

- [Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000 et.seq.](#)
- [Americans with Disabilities Act \(ADA\) of 1990, Title II](#)
- [Rehabilitation Act of 1973 \(Sec. 504\)](#)

B. References

DHS Limited English Proficiency and Sensory Impaired Procedures (released August 25, 2006)

C. Applicability

This policy applies to all Divisions and Offices of DHS for programs, services and activities.

D. Definitions

Language – Refers to the method by which an individual communicates with another and includes languages other than English and generally accepted means of communication used by customers with sensory impairments.

Limited English Proficient – Refers to Persons who do not speak English as their native/primary language and who have a limited ability to read, speak, write or understand English.

Meaningful Access – Meaningful access to programs and services is the standard of access required of federally funded entities to comply with Title VI language access requirements. LEP/SI customers must be given the opportunity to benefit from all available resources, services, and activities to the same extent as non-LEP/SI customers.

Sensory Impaired - Refers to Individuals who are deaf, deafened and hearing impaired, visually impaired, blind, or deaf and blind.

E. Responsibilities

The Director of the Policy Planning and Compliance Group, Office of the Commissioner, is responsible for issuing and updating, as appropriate, procedures to implement this policy.

F. History

This revision replaces Policy 1701 which was effective August 25, 2006.

G. Evaluation

The LEP/SI service delivery is evaluated using feedback from randomly selected customers receiving services from DHS, staff securing services for customers and language services contractors providing services to DHS customers. The LEP/SI Program Office uses the feedback to enhance programmatic operations and service delivery.

H. Authentication

B.J. Walker
Commissioner

3/29/07
Date

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SUBJECT: Language Access for Limited English Proficient (LEP) and Sensory Impaired (SI) Customers

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SECTION I Introduction

Purpose

The Georgia Department of Human Services (DHS or the Department) is committed to ensuring that limited English proficient (LEP) and sensory impaired (SI) customers have meaningful language access to all programs and activities conducted or supported by the Department. Those services include programs and assistance provided directly by the Department, its Divisions and Offices (Division of Aging Services, Division of Family and Children Services, Division of Mental Health, Developmental Disabilities and Addictive Diseases, Division of Public Health, Office of Child Support Enforcement, Office of Regulatory Services, Office of Investigative Services). For a comprehensive listing of services by Division and Office, the Department maintains a website at <http://www.georgia.gov/portal/site/DHR/>. Refer to [Attachment 1](#) for a list of definitions of words and terms used throughout these procedures.

DHS offers communication assistance by securing and utilizing interpreters, translators and other necessary communicative resources when serving LEP and SI customers. In all situations, language and other communication assistance is administered in accordance with the DHS's Language Access for Limited English Proficient and Sensory Impaired Customers Policy #1701 and is included as [Attachment 2](#).

The United States Department of Health and Human Services, Office For Civil Rights (HHS/OCR) approved the initial DHS State LEP/SI Plan in July, 2002. The plan has been integrated into the DHS Language Access for Limited English Proficient and Sensory Impaired Customers Policy and Procedures #1701 Policy and Procedures and establishes the policy and procedures for implementing a statewide strategy to determine service needs and to identify and develop the necessary resources and methods for service delivery to LEP/SI customers.

The responsibility for implementing DHS Language Access for Limited English Proficient and Sensory Impaired Customers Policy #1701 Policy and Procedures is shared between the Department as a whole through the joint effort of the Policy Planning and Compliance Group (PPCG), Limited English Proficient/Sensory Impaired Program (LEP/SI) and the various DHS County Offices, Regional Offices, Health Districts and State Office Programs that provide direct benefits and services to LEP/SI customers. For a description of DHS's organizational commitment, including the staff structure and teams, to ensure meaningful language access to programs and services for LEP/SI customers, see [Attachment 3](#).

Legal Authority

Limited English Proficient (LEP)

[Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d.et. seq.](#) prohibits recipients of Federal financial assistance from discriminating on the basis of race, color, or national origin. Specifically Section 601 of Title VI states: "No person in the United States shall on the ground of race, color or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance".

Regulations implementing Title VI provide in part at 45 C.F.R. Section 80.3 (b):

"(1). A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on ground of race, color, or national origin:

- (i). Deny an individual any service, financial aid, or other benefit provided under the program;
 - (ii). Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program; ...
- (2). A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided... may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin."

Sensory Impairment (SI)

- [Section 504 of the Rehabilitation Act of 1973](#)
- [Title II of the Americans with Disabilities Act of 1990 \(ADA\)](#)

Section 504 and the ADA prohibit covered entities from discriminating against persons with disabilities in the provision of benefits and services or the conduct of programs or activities on the basis of their disability.

Section 504 applies to programs or activities that receive Federal financial assistance. Title II of the ADA covers all of the services, programs, and activities conducted by public entities (state and local governments, departments, agencies, etc.) including licensing.

Section 504 and the ADA protect qualified individuals with disabilities from discrimination on the basis of their disability. An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment. Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, breathing, learning and working.

SECTION II Needs Assessment

Language assistance for customers who are limited English proficient and/or sensory impaired may be needed at the following customer contact points:

- Program Intake
- Assessments (eligibility, diagnostic)
- Service Plan Development
- Discharge Planning
- Caseworker and Care Coordinator Contacts
- Home Visits
- Field Contacts
- Telephone Contacts
- Appointments with custodial and non-custodial parents

- Court hearings involving child support

DHS Divisions and Offices that provide social services to customers at the local level develop local Language Access Plans to ensure that service delivery is consistent with the needs of the LEP/SI population in the service area. (Local level is defined by each DHS Division and Office based on programmatic operations). A sample Language Access Plan template is included as [Attachment 4](#). An electronic copy of the completed local Language Access Plan is submitted to the LEP/SI Office at lepsi@dhr.state.ga.us.

DHS Divisions and Offices complete an annual review of its Language Access Plans as well as a self-assessment of needs and resources at the county level for LEP/SI customers that is administered by the LEP/SI Office. The LEP/SI Office administers a random telephone assessment of all customer contact points twice each fiscal year to determine if LEP/SI customers are able to communicate via telephone with targeted DHS Divisions/Offices.

SECTION III Staff Orientation and Training

Employees are informed of DHS's Policy of Non-Discrimination during new employee orientation. Also, the DHS Language Access for Limited English Proficient (LEP) and Sensory Impaired (SI) Customers Policy and Procedures are located accessible in DHS's ODIS and the Employee INTRANET. The DHS website (Language Access portal) includes resources to aid staff in the delivery of services to LEP/SI customers. A comprehensive multi-approach training plan, i.e., Train-the-Trainer, classroom, web-based and self-paced, which is designed to reach employees who are likely to have direct contact with LEP/SI customers, is under development. This training will include all of the DHS notices, forms, and resources available for assisting LEP/SI customers. During the interim, the LEP/SI Program staff is providing training as requested by Divisions and Offices.

SECTION IV Service Delivery to LEP/SI Customers

The Four-factor Analysis is used to determine the level of services provided at the local level. This Analysis includes a look at:

- the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee/recipient,
- the frequency with which LEP individuals come in contact with the program,
- the nature and importance of the program, activity, or service provided by the program to people's lives, and
- the resources available to the grantee/recipient and costs.

Providing Notice to LEP/SI Customers

A Notice of Free Interpretation Services Wall Poster ([Attachment 5](#)) is located in DHS's waiting rooms and intake and reception areas. This poster informs the public of DHS's Language Access policy to provide free interpretation services (in the major languages spoken in Georgia, Sign Language and Braille). Wall posters are available through the LEP/SI Office.

Identifying LEP/SI Customers

When services are delivered to LEP/SI customers, whether by Departmental employees or contract vendors,

Languages spoken by LEP/ SI customers are identified at all customer contact points through the use of either bi-lingual staff when available, the "I SPEAK" card ([Attachment 6](#)) or through a telephone interpretation service. Note that the "I SPEAK" card is also available on the DHS Website at <http://lepsi.dhr.georgia.gov/>.

- Staff takes immediate steps to identify the language spoken by the customer, ensuring that unreasonable delays do not occur, so that the appropriate communication resource is secured. The LEP/SI customer is informed by the bi-lingual staff or an interpreter of their right to free interpreter services and how/when services will be provided (i.e. staff, contract interpreter, telephone interpreter, services provided immediately or an appointment is scheduled).
- Services for LEP/SI customers are provided at all times using the same standards as for English speaking customers.

Providing Language Assistance

Interpreters and/or assistive technology and adaptive equipment are used in the following situations when:

- Requested by a customer.
- Requested by a service provider of a LEP/SI customer.
- Necessary to establish or maintain a customer's eligibility for DHS programs or services.
- Interpreter services are necessary to access public meetings sponsored by DHS or those under contract to DHS.
- Necessary for the customer to access any service funded directly or indirectly by DHS.

Guide for Providing Meaningful Language Access to LEP/SI Customers

1	Identify customers who do not speak English as their primary language and have a limited ability to read, speak, write or understand English (LEP) or are either deaf, deafened and hearing impaired, blind, visually impaired or deaf/blind (SI).
2	If LEP customer, use either bi-lingual staff, the "I SPEAK" Language Identification Card (Attachment 6), or telephone interpretation service to determine language spoken. Note that telephone interpretation services can identify the language spoken and provide interpretation for the LEP customer on the telephone via 3-way calling.
3	<p>If SI customer, communication with the deaf <u>and hearing impaired</u> is generally through sign language, video recording transmitter, a TeleTYpewriter (TTY) or a Telecommunications Device for the Deaf (TDD). Use of TTY/TDD services may be accessed through the Georgia Relay Service, 24 hours a day, 7 days a week by dialing: 711 or 1-800-255-0135 (for hearing callers) or 1-800-255-0056 (for text telephones). See Attachment 7 for a description of how to use the Relay Service. This service may be used for incoming and outgoing calls.</p> <p>If SI customer, communication with the <u>visually impaired</u> is generally through voice, Braille, large print and cassette audiotapes.</p>
4	Determine how communication with the customer will occur (i.e. bi-lingual employee interpreter, contract interpreter from the DHS List of Language Contractors maintained by the LEP/SI Office, Telephone Interpreter Service, or Other Services). Attachment 8 includes Tips for Using an Interpreter to Improve Service Delivery and Suggested Guidelines for Sign Language Interpreters.
5	<p>Secure the language assistance resource needed to communicate with the LEP/SI customer. Please inform the customer of their right to FREE interpreter services. (DHS provides interpreter/translation services FREE to LEP/SI customers. Under <u>NO</u> condition will DHS require a LEP/SI customer to provide their own interpreter/translator. When free interpreter services are declined, the Waiver of Rights to Free Interpreter Services (Attachment 9) is signed by the customer and interpreter providing services for the customer).</p> <p>Place signed Waiver in customer file/record and provide a copy to the customer. (DHS will provide either an on-site or telephone interpreter to observe communication when interpreter services are not provided by DHS. Documentation is placed in the customer's file regarding the appropriateness or non-appropriateness (i.e., proficiency in English, understanding of terminology, sufficient knowledge of program, confidentiality is not breached, information is not compromised) of the non-DHS provided interpreter. If there are questions or concerns about the appropriateness of an interpreter providing services for a customer, DHS shall request the assistance of a DHS provided interpreter. The LEP/SI customer may revoke the Waiver at any time and request the services of a free Interpreter).</p>
6	Schedule an appointment within 2 business days for non-emergency cases. Service to the LEP/SI customer is consistent with service delivery to English speaking customers.
7	Create customer file/record. Complete LEP/SI Intake and Tracking Form (Attachment 10) or local reporting document/system. Information from the Intake and Tracking form is used for reporting and includes type of service provided (specific SI or language for LEP), number of times service is provided, resources provided, cost of services and if Waiver form was signed).
8	Confirm that the Policy/Notice of Non-Discrimination in Services (Attachment 11- 1, 11-2 DFCS) sign is posted and that copies of the Discrimination Complaint Form (Attachment 12-1, 12-2 DFCS) are available at the front desk for the customer in the appropriate language.

9	Record all services provided on the LEP/SI Intake and Tracking Form or local reporting document/system. File completed LEP/SI Intake and Tracking Form in customer file/record and a copy in the central LEP/SI file. (NOTE: Central LEP/SI files are maintained for tracking and reporting purposes.)
10	Complete Employee Feedback Form (Attachment 13) if the services of a Contractor were utilized and mail, FAX or e-mail to the LEP/SI Office. Feedback forms are also provided to the Contractor (Attachment 14) and to randomly selected LEP/SI customers (Attachment 15). Process invoice for payment of contractor for services upon receipt.

NOTE: When utilizing the services of a language contractor, staff must be present for on-site and telephone interpretation services. Staff persons are required to be present either via speaker telephone or 3-way conference when language contractors (interpreters) contacts customers via telephone. When DHS services are provided through a 3-way conference call, the staff person must use an agency phone (LAN line or cell phone) to set up the call.

DHS Master List of Language Contractors

The LEP/SI office recruits and maintains a Master List of Language Contractors to provide language assistance services to DHS offices on an “as needed” basis. These contractors have terms and conditions that have been agreed upon, thus Divisions and Offices are not required to enter into negotiations prior to or during service delivery. All contractors meet standards established by the Department (see [Attachment 16](#) for the Selection and Evaluation Criteria for Interpreters and Interpreter Services) and are required to adhere to a Code of Professional Conduct ([Attachment 17](#)) and Code of Ethics ([Attachment 18](#)). The Master List of Language Contractors is updated on an ongoing basis to ensure accuracy and is available on the DHS Language Access SharePoint site which is accessible by the Language Access Coordinators, located in local offices, and the Language Access Team members (at least one state level representative for each Division/Office). Divisions/Offices may also contact the LEP/SI office for the Master List of Language Contractors. DHS Divisions/Offices may recommend contractors to the LEP/SI Office for consideration to determine if there is a need for the language and if the potential contractor meets the standards established by the Department.

Departmental Employees/ Pay Supplements

Based on the language needs of a Division or Office, an employee of the Department may be placed on the list of DHS Bi/Multi-lingual employees by demonstrating proficiency in English and the language for which they will interpret. Proficiency is evidenced by achieving a passing score on a standard Interpreters' Skills examination administered by a language testing service or completion of an interpreter training program that includes receiving a passing score on an Interpreter's oral examination. With supervisory approval, employees are eligible to receive a 5% or 10% pay supplement for providing language services (e.g., 5% - one language, 10% - two or more language).

Supervisors who wish to have employees tested may contact the Language Access Coordinator (LAC) for copies of testing information which is located on the Language Access SharePoint Site. Also, supervisors may contact the LEP/SI Office for testing information.

Cultural competency training for staff providing services to LEP/SI customers is being incorporated into the overall DHS LEP/SI training.

SECTION V Translation of Documents

The Policy Planning and Compliance Group (PPCG) LEP/SI Office coordinates the translation of documents, forms and brochures such as applications, consent forms, letters containing information regarding participation in a program, notices pertaining to the reduction, denial or termination of services or benefits and notices advising LEP/SI customers of the availability of free language assistance. The translation process is described as follows:

- When translations are needed, the Translation Request Form ([Attachment 19](#)) is completed by DHS Divisions/Offices and submitted to the LEP/SI Office. The LEP/SI Office identifies appropriate certified/qualified translators or translation service providers capable of producing camera ready, formatted documents suitable for printing or publishing to the DHS website and forwards the Request for a Quote ([Attachment 20](#)) to at least 3 vendors. Unless there is a compelling reason, the lowest bidder is selected.
- Translators and translation services ensures that the translated text reflects a sound conceptual understanding of the source material; hence, translators will secure a verifiable and independent, certified or qualified translator to proof read the final document. All proofreaders will meet the criteria established for primary translators.
- Translators and translation services take into consideration the foreign language and English literacy levels of the intended audience when translating DHS materials.
- Translators and translation services return all source documents and related files to the Department with the finished product.
- Documents containing occupation-specific terminology (such as medical and legal) will be translated by individuals who are qualified or certified to translate in those specific fields.

SECTION VI Monitoring and Complaint Resolution Process

Monitoring

The PPCG LEP/SI staff monitors services to LEP and SI customers in collaboration with monitoring activities conducted by each Division or Office. Three methods are used to monitor: (1) LEP/SI staff accompanies staff from DHS's Divisions and Offices as they conduct regular, on-site monitoring activities, (2) an annual assessment of service delivery, including telephone surveys and (3) responding to customer complaints. When feasible, the LEP/SI staff collaborates with Divisions/Offices when conducting customer satisfaction surveys.

The following criteria are used when monitoring LEP/SI service delivery:

- Compliance with the LEP/SI Service Delivery Checklist ([Attachment 21](#)).
- Total number of LEP/SI customers receiving service.
- Total number of instances, by language category, services are provided.
- Total number of hours, by language category, services is made available.
- Competence of the interpreter used (Bi-lingual employee, DHS Listing, qualified/certified/licensed vs. unqualified/non-certified or unlicensed).
- Timeliness of service.
- Frequency of Waiver of Rights to Free Interpreter Services usage.
- Corrective action taken, if needed.

Complaint Resolution Process

Managing complaints of discrimination by LEP and SI customers is accomplished in accordance with existing Departmental policies and procedures. In addition, complaints related to access to services by LEP and SI customers are forwarded to the LEP/SI office. Complaints may be submitted in any format; however, the preferred format is to complete the LEP/SI Discrimination Complaint Form ([Attachment 12-1, 12-2 DFCS](#)). The LEP/SI staff shares the complaint with the LEP/SI Complaint Resolution Team (CRT) within 2 business days after receipt. The CRT consists of the LEP/SI staff, the Language Access Team (LAT) member from the affected Division/Office and two additional LAT members. The CRT will work together to investigate and respond to the complaint. Complaints will be responded to in 5 business days.

SECTION VII

Attachments

[1 - Definitions](#)

[2 - LEP/SI Policy](#)

[3 - Organizational Commitment](#)

LEP/SI Program Responsibilities

Language Access Team (LAT) Responsibilities

Language Access Coordinators (LAC) Responsibilities

Complaint Resolution Team Responsibilities

Community Advisory Council Responsibilities

[4 - Local Language Access Plan Template](#)

[5 - Notice of Free Interpretation Services Wall Poster](#)

[6 - "I SPEAK" card](#)

[7 - Georgia Relay Services – How to Guide](#)

[8 - Tips for Using an Interpreter to Improve Service Delivery](#)

[Suggested Guidelines for Sign Language Interpreters](#)

[9 - Waiver of Rights Form](#)

[10 - Intake and Tracking Form and Instructions](#)

[11 - 1 Policy/Notice of Non-Discrimination in Services – General](#)

(English & Spanish)

[11 - 2 Policy/Notice of Non-Discrimination in Services – DFCS](#)

(English & Spanish)

[12 - 1 LEP/SI Discrimination Complaint Form – General](#)

(English & Spanish)

[12 - 2 LEP/SI & Title VI Discrimination Complaint Form – DFCS](#)

(English & Spanish)

[13 - LEP/SI Employee Feedback Form & Instructions](#)

[14 - LEP/SI Contractor Feedback Form & Instructions](#)

[15 - LEP/SI Customer Feedback Form & Instructions](#)

[16 - Selection and Evaluation Criteria for Interpreter and Interpreter Services](#)

[17 - Code of Professional Conduct](#)

[18 - Code of Ethics](#)

[19 - Translation Request Form](#)

[20 - Request for a Quote Form](#)

[21 - LEP/SI Service Delivery Checklist](#)

APPENDIX J

Title VI

Your Rights Under Title VI of the Civil Rights Act of 1964

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Department of Human Services/Office of Facilities and Support Services/Transportation Services Section (DHS/OFSS/TSS)

Title VI Policy Statement

DHS/OFSS/TSS assures that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and as amended, and the Civil Right Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Washington State Department of Transportation.

DHS/OFSS/TSS further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event DHS/OFSS/TSS distributes federal aid funds to another governmental entity or other sub-recipient, DHS/OFSS/TSS will include Title VI language in all written agreements and will monitor for compliance.

DHS/OFSS/TSS Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports and other DHS/OFSS/TSS responsibilities as required pursuant to Title VI of the Civil Rights Act of 1964; FTA Circular 4702.1A, “Title VI and Title VI-Dependent Guidelines For Federal Transit Administration Recipients,” dated May 13, 2007..

Title VI Complaint Filing Procedure

Title VI Complaint Process

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal assistance. Specifically, Title VI provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance” (42 U.S.C. Section 2000d).

How to file a Title VI Complaint

The complainant may file a signed, written complaint up to thirty (30) days from the date of the alleged discrimination. The complaint should include the following information:

- Name, address and contact information (i.e., telephone number, email address, etc.)

- How, when, where and why the complainant believes he or she was discriminated against. Details including location, names and contact information of any witnesses should be included.
- Other information deemed significant

The complaint may be filed in writing with the DHS OFSS Transportation Services Section at the following address, or may be routed through the Transportation Provider, Human Service Provider or Regional Transportation Office:

Department of Human Services
Office of Facilities and Support Services
Transportation Services Section
2 Peachtree Street, 29th Floor
Atlanta, Georgia 30303

COORDINATED PLANNING

1. THE COORDINATED PUBLIC TRANSIT-HUMAN SERVICES

TRANSPORTATION PLAN. Federal transit law, as amended by SAFETEA-LU, requires that projects selected for funding under the Section 5310, Job Access and Reverse Commute (JARC), and New Freedom programs be “derived from a locally developed, coordinated public transit-human services transportation plan” and that the plan be “developed through a process that includes representatives of public, private, and non-profit transportation and human services providers and participation by members of the public.” The experiences gained from the efforts of the Federal Interagency Coordinating Council on Access and Mobility (CCAM), and specifically the United We Ride (UWR) Initiative, provide a useful starting point for the development and implementation of the local public transit-human services transportation plan required under the Section 5310, JARC, and New Freedom programs. Many States have established UWR plans that may form a foundation for a coordinated plan that includes the required elements outlined in this chapter and meets the requirements of 49 U.S.C. 5310.

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2. DEVELOPMENT OF THE COORDINATED PUBLIC TRANSIT-HUMAN SERVICES TRANSPORTATION PLAN.

- a. **Overview.** A locally developed, coordinated public transit-human services transportation plan (“coordinated plan”) identifies the transportation needs of individuals with disabilities, older adults, and people with low incomes, provides strategies for meeting those local needs, and prioritizes transportation services for funding and implementation. Local plans may be developed on a local, regional, or statewide level. The decision as to the boundaries of the local planning areas should be made in consultation with the State and the metropolitan planning organization (MPO), where applicable. The agency leading the planning process is decided locally and does not have to be the State.

A coordinated plan should maximize the programs’ collective coverage by minimizing duplication of services. Further, a coordinated plan shall be developed through a process that includes representatives of public and private and non-profit transportation and human services transportation providers, and participation by members of the public. Members of the public should include representatives of the targeted population(s) including individuals with disabilities, older adults, and people with low incomes. While the plan is only required in communities seeking funding under one or more of the three specified FTA programs, a coordinated plan should also incorporate activities offered under other programs sponsored by Federal, State, and local agencies to greatly strengthen its impact.

- b. Required Elements. Projects shall be derived from a coordinated plan that minimally includes the following elements at a level consistent with available resources and the complexity of the local institutional environment:

- (1) An assessment of available services that identifies current transportation providers (public, private, and non-profit);
- (2) An assessment of transportation needs for individuals with disabilities, older adults, and people with low incomes. This assessment can be based on the experiences and perceptions of the planning partners or on more sophisticated data collection efforts, and gaps in service (Note: If a community does not intend to seek funding for a particular program (Section 5310, JARC, or New Freedom), then the community is not required to include an assessment of the targeted population in its coordinated plan);
- (3) Strategies, activities, and/or projects to address the identified gaps between current services and needs, as well as opportunities to achieve efficiencies in service delivery; and
- (4) Priorities for implementation based on resources (from multiple program sources), time, and feasibility for implementing specific strategies and/or activities identified.

Note: FTA will consider plans developed before the issuance of final program circulars to be an acceptable basis for project selection for FY 2009 if they meet minimum criteria. Plans for FY 2009 should include 1) an assessment of available services; 2) an assessment of needs; and 3) strategies to address gaps for target populations; however, FTA recognizes that initial plans may be less complex in one or more of these elements than a plan developed after the local coordinated planning process is more mature. Addendums to existing plans to include these elements will also be sufficient for FY 2009. Plans must be developed in good faith in coordination with appropriate planning partners and with opportunities for public participation.

- c. Local Flexibility in the Development of a Local Coordinated Public Transit-Human Services Transportation Plan. The decision for determining which agency has the lead for the development and coordination of the planning process should be made at the State, regional, and local levels. FTA recognizes the importance of local flexibility in developing plans for human service transportation. Therefore, the lead agency for the coordinated planning process may be different from the State or the agency that will serve as the designated recipient for JARC and/or New Freedom. Further, FTA recognizes that many communities have conducted assessments of transportation needs and resources regarding individuals with disabilities, older adults, and/or people with low incomes. FTA also recognizes that some communities have taken steps to

develop a comprehensive, coordinated, human service transportation plan either independently or through United We Ride efforts. FTA supports communities building on existing assessments, plans, and action items. As all new Federal requirements must be met, however, communities may need to modify their plans or processes as necessary to meet these requirements. FTA encourages communities to consider inclusion of new partners, new outreach strategies, and new activities related to the targeted programs and populations.

Plans will vary based upon the availability of resources and the existence of populations served under these programs. A rural community may develop its plans based on perceived needs emerging from the collaboration of the planning partners, whereas a large urbanized community may use existing data sources to conduct a more formal analysis to define service gaps and identify strategies for addressing the gaps.

This type of planning is also an eligible activity under three other FTA programs—the Metropolitan Planning (Section 5303), Statewide Planning (Section 5304), and Urbanized Area Formula (Section 5307) programs, all of which may be used to supplement the limited (10 percent) planning and administration funding under this program. Other resources may also be available from other entities to fund coordinated planning activities. All “planning” activities undertaken in urbanized areas, regardless of the funding source, must be included in the Unified Planning Work Program (UPWP) of the applicable MPO.

- d. Tools and Strategies for Developing a Coordinated Plan. States and communities may approach the development of a coordinated plan in different ways. The amount of available time, staff, funding, and other resources should be considered when deciding on specific approaches. The following is a list of potential strategies for consideration:
 - (1) Community planning session. A community may choose to conduct a local planning session with a diverse group of stakeholders in the community. This session would be intended to identify needs based on personal and professional experiences, identify strategies to address the needs, and set priorities based on time, resources, and feasibility for implementation. This process can be done in one meeting or over several sessions with the same group. It is often helpful to identify a facilitator to lead this process. Also, as a means to leverage limited resources and to ensure broad exposure, this could be conducted in cooperation, or coordination, with the applicable metropolitan or statewide planning process.
 - (2) Self-assessment tool. *The Framework for Action: Building the Fully Coordinated Transportation System*, developed by FTA and available at www.unitedweride.gov, helps stakeholders realize a shared perspective and build a roadmap for moving forward together. The self-assessment

tool focuses on a series of core elements that are represented in categories of simple diagnostic questions to help groups in States and communities assess their progress toward transportation coordination based on standards of excellence. There is also a *Facilitator's Guide* that offers detailed advice on how to choose an existing group or construct an ad hoc group. In addition, it describes how to develop elements of a plan, such as identifying the needs of targeted populations, assessing gaps and duplications in services, and developing strategies to meet needs and coordinate services.

- (3) Focus groups. A community could choose to conduct a series of focus groups within communities that provides opportunity for greater input from a greater number of representatives, including transportation agencies, human service providers, and passengers. This information can be used to inform the needs analysis in the community. Focus groups also create an opportunity to begin an ongoing dialogue with community representatives on key issues, strategies, and plans for implementation.
 - (4) Survey. The community may choose to conduct a survey to evaluate the unmet transportation needs within a community and/or available resources. Surveys can be conducted through mail, e-mail, or in-person interviews. Survey design should consider sampling, data collection strategies, analysis, and projected return rates. Surveys should be designed taking accessibility considerations into account, including alternative formats, access to the Internet, literacy levels, and limited English proficiency.
 - (5) Detailed study and analysis. A community may decide to conduct a complex analysis using inventories, interviews, Geographic Information Systems (GIS) mapping, and other types of research strategies. A decision to conduct this type of analysis should take into account the amount of time and funding resources available, and communities should consider leveraging State and MPO resources for these undertakings.
3. PARTICIPATION IN THE COORDINATED PUBLIC TRANSIT-HUMAN SERVICES TRANSPORTATION PLANNING PROCESS. States shall certify that the coordinated plan was developed through a process that included representatives of public, private, and non-profit transportation and human services providers, and participation by members of the public. Note that the required participants include not only transportation providers but also providers of human services, and members of the public (e.g., individuals with disabilities, older adults, and individuals with low incomes) who can provide insights into local transportation needs. It is important that stakeholders be included in the development and implementation of the local coordinated public transit-human services transportation plan. A planning process in which stakeholders provide their opinions but have no assurance that those opinions will be considered in the outcome does not meet the requirement of "participation." Explicit consideration and response should be provided to public input received during the development of

the coordinated plan. Stakeholders should have reasonable opportunities to be actively involved in the decision-making process at key decision points, including, but not limited to, development of the proposed coordinated plan document. The following possible strategies facilitate appropriate inclusion:

- a. Adequate Outreach to Allow for Participation. Outreach strategies and potential participants will vary from area to area. Potential outreach strategies could include notices or flyers in centers of community activity, newspaper or radio announcements, e-mail lists, website postings, and invitation letters to other government agencies, transportation providers, human services providers, and advocacy groups. Conveners should note that not all potential participants have access to the Internet and they should not rely exclusively on electronic communications. It is useful to allow many ways to participate, including in-person testimony, mail, e-mail, and teleconference. Any public meetings regarding the plan should be held in a location and time where accessible transportation services can be made available and adequately advertised to the general public using techniques such as those listed above. Additionally, interpreters for individuals with hearing impairments and English as a second language and accessible formats (e.g., large print, Braille, electronic versions) should be provided as required by law.
- b. Participants in the Planning Process. Metropolitan and statewide planning under 49 U.S.C. 5303 and 5304 require consultation with an expansive list of stakeholders. There is significant overlap between the lists of stakeholders identified under those provisions (e.g. private providers of transportation, representatives of transit users, and representatives of individuals with disabilities) and the organizations that should be involved in preparation of the coordinated plan.

The projects selected for funding under the Section 5310, JARC, and New Freedom programs must be “derived from a locally developed, coordinated public transit-human services transportation plan” that was “developed through a process that includes representatives of public, private, and non-profit transportation and human services providers and participation by members of the public.” The requirement for developing the local public transit-human services transportation plan is intended to improve services for people with disabilities, older adults, and individuals with low incomes. Therefore, individuals, groups, and organizations representing these target populations should be invited to participate in the coordinated planning process. Consideration should be given to including groups and organizations such as the following in the coordinated planning process if present in the community:

(1) Transportation partners:

- (a) Area transportation planning agencies, including MPOs, Councils of Government (COGs), Rural Planning Organizations (RPOs), Regional

Councils, Associations of Governments, State Departments of Transportation, and local governments;

- (b) Public transportation providers (including Americans with Disabilities Act (ADA) paratransit providers and agencies administering the projects funded under FTA urbanized and nonurbanized programs);
 - (c) Private transportation providers, including private transportation brokers, taxi operators, van pool providers, school transportation operators, and intercity bus operators;
 - (d) Non-profit transportation providers;
 - (e) Past or current organizations funded under the Section 5310, JARC, and/or the New Freedom programs; and
 - (f) Human service agencies funding, operating, and/or providing access to transportation services.
- (2) Passengers and advocates:
- (a) Existing and potential riders, including both general and targeted population passengers (individuals with disabilities, older adults, and people with low incomes);
 - (b) Protection and advocacy organizations;
 - (c) Representatives from independent living centers; and
 - (d) Advocacy organizations working on behalf of targeted populations.
- (3) Human service partners:
- (a) Agencies that administer health, employment, or other support programs for targeted populations. Examples of such agencies include but are not limited to Departments of Social/Human Services, Employment One-Stop Services, Vocational Rehabilitation, Workforce Investment Boards, Medicaid, Community Action Programs (CAP), Agency on Aging (AoA); Developmental Disability Council, Community Services Board;
 - (b) Non-profit human service provider organizations that serve the targeted populations;
 - (c) Job training and placement agencies;
 - (d) Housing agencies;

- (e) Health care facilities; and
 - (f) Mental health agencies.
- (4) Other:
- (a) Security and emergency management agencies;
 - (b) Tribes and tribal representatives;
 - (c) Economic development organizations;
 - (d) Faith-based and community-based organizations;
 - (e) Representatives of the business community (e.g., employers);
 - (f) Appropriate local or State officials and elected officials;
 - (g) School districts; and
 - (h) Policy analysts or experts.

Note: Participation in the planning process will not bar providers (public or private) from bidding to provide services identified in the coordinated planning process. This planning process differs from the competitive selection process (required for JARC and New Freedom projects), and it differs from the development and issuance of a Request for Proposal (RFP) as described in the common grant rule (49 CFR part 18).

- c. Levels of Participation. The suggested list of participants above does not limit participation by other groups, nor require participation by every group listed. Communities will have different types of participants depending on population and size of community, geographic location, and services provided at the local level. FTA expects that planning participants will have an active role in the development, adoption, and implementation of the plan. Participation may remain low even though a good faith effort is made by the lead agency to involve passengers, representatives of public, private, and non-profit transportation and human services providers, and others. The lead agency convening the coordinated planning process should document the efforts it utilized, such as those suggested above, to solicit involvement.

In addition, Federal, State, regional, and local policy makers, providers, and advocates should consistently engage in outreach efforts that enhance the coordinated process because it is important that all stakeholders identify the opportunities that are available in building a coordinated system. To increase participation at the local levels from human service partners, State Department of Transportation offices are encouraged to work with their partner agencies at

the State level to provide information to their constituencies about the importance of partnering with human service transportation programs and the opportunities that are available through building a coordinated system.

- d. Adoption of a Plan. As a part of the local coordinated planning process, the lead agency in consultation with participants should identify the process for adoption of the plan. A strategy for adopting the plan could also be included in the State's State Management Plan (PMP) further described in Chapter VII.

FTA will not formally review and approve plans. The State's grant application (see Appendix A) will document the plan from which each project listed is derived, including the lead agency, the date of adoption of the plan, or other appropriate identifying information. This may be done by citing the section of the plan or page references from which the project is derived.

4. RELATIONSHIP TO OTHER TRANSPORTATION PLANNING PROCESSES.

- a. Relationship Between the Coordinated Planning Process and the Metropolitan and Statewide Transportation Planning Processes. The coordinated plan may either be developed separately from the metropolitan and statewide transportation planning processes and then incorporated into the broader plans, or be developed as a part of the metropolitan and statewide transportation planning processes. If the coordinated plan is not prepared within the broader process, the lead agency for the coordinated plan should ensure coordination and consistency between the coordinated planning process and metropolitan or statewide planning processes. For example, planning assumptions should not be inconsistent.

Projects identified in the coordinated planning process, and selected for FTA funding must be incorporated into both the Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP) in urbanized areas with populations of 50,000 or more; and incorporated into the STIP for nonurbanized areas under 50,000 in population.

The lead agency developing the coordinated plan should communicate with the relevant MPOs or State planning agencies at an early stage in plan development. States with coordination programs may wish to incorporate the needs and strategies identified in local coordinated plans into statewide coordination plans.

Depending upon the structure established by local decision-makers, the coordinated planning process may or may not become an integral part of the metropolitan or statewide transportation planning processes. State and local officials should consider the fundamental differences in scope, time horizon, and level of detail between the coordinated planning process and the metropolitan and statewide transportation planning processes. However, there are important areas of overlap between the planning processes, as well. Areas of

overlap represent opportunities for sharing and leveraging resources between the planning processes for such activities as: (1) needs assessments based on the distribution of targeted populations and locations of employment centers, employment-related activities, community services and activities, medical centers, housing, and other destinations; (2) inventories of transportation providers/resources, levels of utilization, duplication of service and unused capacity; (3) gap analysis; (4) any eligibility restrictions; and (5) opportunities for increased coordination of transportation services. Local communities may choose the method for developing plans that best fits their needs and circumstances.

- b. Relationship Between the Requirement for Public Participation in the Coordinated Plan and the Requirement for Public Participation in Metropolitan and Statewide Transportation Planning. SAFETEA–LU strengthened the public participation requirements for metropolitan and statewide transportation planning. Title 49 U.S.C. 5303(i)(5) and 5304(f)(3), as amended by SAFETEA–LU, require MPOs and States to engage the public and stakeholder groups in preparing transportation plans, TIPs, and STIPs. “Interested parties” include, among others, affected public agencies, private providers of transportation, representatives of users of public transportation, and representatives of older adults and individuals with disabilities.

MPOs and/or States may work with the lead agency developing the coordinated plan to coordinate schedules, agendas, and strategies of the coordinated planning process with metropolitan and statewide planning in order to minimize additional costs and avoid duplication of efforts. MPOs and States must still provide opportunities for participation when planning for transportation related activities beyond the coordinated public transit-human services transportation plan.

- c. Cycle and Duration of the Coordinated Plan. At a minimum, the coordinated plan should follow the update cycles for metropolitan transportation plans (MTPs) (i.e., four years in air quality nonattainment and maintenance areas and five years in air quality attainment areas). However, communities and States may update the coordinated plan to align with the competitive selection process that is required for JARC and New Freedom projects based on needs identified at the local levels. States, MPOs, designated recipients, and public agencies that administer or operate major modes of transportation should set up a cycle that is conducive to and coordinated with the metropolitan and statewide planning processes, to ensure that selected projects are included in the TIP and STIP, to receive funds in a timely manner.
- d. Role of Transportation Providers that Receive FTA Funding Under the Urbanized and Other Than Urbanized Formula Programs in the Coordinated Planning Process. Recipients of Section 5307 and Section 5311 assistance are the “public transit” in the public transit-human services transportation plan and

their participation is assumed and expected. Further, 49 U.S.C. 5307(c)(5) requires that, “Each recipient of a grant shall ensure that the proposed program of projects (POP) provides for the coordination of public transportation services ... with transportation services assisted from other United States Government sources.” In addition, 49 U.S.C. 5311(b)(2)(C)(ii) requires the Secretary of DOT to determine that a State’s Section 5311 projects “provide the maximum feasible coordination of public transportation service ... with transportation service assisted by other Federal sources.” Finally, under the Section 5311 program, States are required to expend 15 percent of the amount available to support intercity bus service. FTA expects the coordinated planning process in rural areas to take into account human service needs that require intercity transportation.