

5310 POS Grant Application Questions

Who can the Lead Agency be in my region? **That decision is left for the RCC to decide and formally approve, with a few limitations. Under the FTA 5310 Program, eligible applicants can be private non-profit organization, Governmental authorities approved by the State to coordinate services for the elderly individuals or individuals with disabilities, or governmental authorities that certify that no non-profit corporation or association is available in an area to provide service. Therefore the RCC should formally approve a 5310 POS Lead Agency.**

Describe any efforts to leverage funds from other sources to support this project. Would this include matching funds for the 80/20 match? **. Yes, leveraged funds could include the match, as well as other funds that might be used to support it.**

Describe any eligibility limitations on passengers who will be served. What does this mean? **Some 5310 agencies or Lead Agencies only serve their clients, or a limited group of people. These 5310 POS funds are for services for elderly and people with disabilities as defined by your RCC's Purchase of Service application and we want to be made aware of any restrictions—age restrictions, mobility restrictions, etc.**

Public Notice of grant application. Can you explain this requirement? **A public notice needs to be published in the newspaper and should also be placed on the Lead Agency's website and/or the Regional Planning Commission(s) involved in the project.**

Section 3 of the application refers to the need to provide *information on civil rights compliance review activities* and a *Title VI notification process* - I'm not sure if we're required to have either of these as we're not an FTA service provider:

- a. List minority population in the service area. **You can provide US Census data and statistics based on the population for the areas you would provide service to.**
- b. Describe any active lawsuits or complaints alleging discrimination based on race, color, or nation origin. **You can answer the question as yes or no to any active lawsuits. If yes, you would need to describe.**
- c. Describe civil rights compliance review activities of your agency that have been conducted in the past three years. **If you agency has not had any civil rights compliance review activities in the past three years, does your agency have in place a policy or procedure that addresses civil rights complaints? If a civil rights complaint was processed, what procedures would be followed to address the complaint?**
- d. Describe your agency's Title VI notification process and complaint tracking procedures. **Does your agency have a policy or procedure in place that provides notification to the general public in regards to submitting a Title VI complaint? How would someone from the general public know they could submit a complaint and the process for submitting and tracking a complaint - please explain.**

New Funding (SFY14)

Will my region receive at least as much money as we did, per year, in SFY 12 & SFY 13? **Yes, each region will be receiving more in SFY14 than they did in SFY12 or SFY13 respectively because the Department was able to combine its \$800,000 STP transfer funds with \$355,000 of carryover 5310 POS funds that regions did not apply for in prior years.**

- Exactly how much money will my region receive? **Please refer to the table of funding available to each region in SFY14 (included on SFY14 5310 POS funding notice)**

How the funding will be disseminated to the region will influence the decision on the amount the region will apply for:

- Will SFY14 funding be incorporated into the existing 2-year grant contracts or will there be new contracts for SFY14 funding? **SFY14 funds will be included in a new contract. SFY12-13 POS contracts are set to expire on June 30, 2013.**

How long will my region "lay claim" to the SFY14 POS allocation? **SFY14 funds will "belong" to a region for a two-year period (SFY14-15) and after that time any unobligated (no applied for & programmed) or unexpended regional funds will be placed back into the general 5310 POS funding pot for formula-based distribution to all the regions.**

General Service Delivery Questions

If I am the Lead Agency can I purchase service from my own agency? **No, a Lead Agency is not allowed to "purchase service" from itself. The Lead Agency may access the Region's mobility management allocation, but must purchase all transportation services from another entity.**

If a volunteer driver drives a client from his/her house in Town A to Boston but does not bring the client back on the return trip from Boston to Town A, can the driver count the miles from the return trip as eligible for reimbursement? A similar question is - Can a volunteer driver count the miles driven from his/her home unoccupied to the client's house they are picking up as reimbursable miles? **Each region should develop its own policy on reimbursement of mileage for volunteer drivers and whether or not to reimburse for "dead head miles" (not transporting an individual). It is recommended to reimburse for the mileage, but the agency should establish a policy.**

If a volunteer driver picks up an individual living in Town A to go to the hospital and then picks up a second individual living in a different location but he is also going to the hospital, can each trip be counted as a separate trip (even though the destination is the same)? **Yes, you would count each trip separate even though the destination is the same. It would be considered 2 trips.**

In our Region, Provider ABC is only being reimbursed for fixed cost per trip (\$XX.XX per trip) and is not receiving mileage reimbursement. Can the Provider ABC bill for a volunteer driver 'trip' (not the gas mileage reimbursement) that does not have an individual in the vehicle (e.g. return trip to Town A from Boston after transporting an individual)? **If it is the Region/Lead Agency's policy/practice to reimburse the trip both ways, then NHDOT will reimburse the cost for both ways. It would be up to the Region/Lead Agency to establish a policy regarding reimbursement of trips with and without an individual.**

What trainings are required for the 5310 POS and which ones are available to volunteer drivers for no cost by the State? **The RCC's establish the training requirements. RTAP funds will cover the cost of Defensive Driving training only, if scheduled through NHDOT's RTAP program. NHRTAP only covers DDC registration fees and not staff time for attendance. Regions or individual providers can include the cost of driver trainings, including non-RTAP sponsored DDCs, into their per unit cost calculation.**

Are my drivers subject to Drug & Alcohol testing? **The rule for the FTA 5310 program is that a drug and alcohol-testing program is required only if the drivers in question operate CDL vehicles, in which case Federal Motor Carrier Administration rule applies. See page VIII-10 of the 5310 circular (C9070.1F) for more information.**

Can people other than elderly/disabled, such as the general public ride on vehicles in the program? **Yes, as long as there is space and it doesn't detract from service to elderly and disabled riders.**

How many trips in a week can one rider take? Do we have to provide service if there is a fixed-route operator that can provide the service? Can we prioritize trip purpose? **These questions and a myriad of others should be resolved by the RCC and Lead Agency when creating program rules. Eligibility rules, restrictions and such should be created to resolve some of these issues; bear in mind that rules must be implemented across the board and cannot be unjustly applied to only persons requesting Accessible Vehicle trips.**

Will NHDOT pay the GSA Mileage Rate or the IRS Mileage Rate? What if these rates change during the contract term? **NHDOT will reimburse the rate in which the region stated in their applications to NHDOT, which can be no higher than the GSA mileage rate. If an application states that it will utilize the GSA rate, then when the GSA rate changes (increases or decreases), your approved mileage reimbursement rate will change accordingly.**

What's the difference between "fares" and "donations"? **Fares and donations are two very different things and therefore should be explained as such:**

- **Donations or suggested donations are recommended, but not required, to help offset an agency's cost of providing service and are not directly tied to a specific trip. Case in point, if an individual does not provide a donation their trip is not cancelled. Therefore:**
 - **Donations or suggested donations do not have to be netted out (subtracted from) the expenses associated with that specific trip and subsequent request for POS reimbursement.**
 - **Donations go to the bottom line and can be used as local cash match if desired.**
- **Fares are a required direct payment for a trip. If an individual does not pay a fare, the trip is not provided and thus a fare is directly associated with service delivery and is a revenue directly derived as a result of that service delivery, which if subsidized with federal funds requires:**
 - **Fare revenues must be netted (deducted) out before your request FTA 5310 POS reimbursement so that the federal participation is on net operating expenses, as is a required of the FTA 5310 program.**
 - **(Rate or cost of service) – fares = net expenses**
 - **Note: The NHDOT-created reporting form can accommodate deducting fare revenue and your Lead Agency should work with NHDOT staff to inquire about this**
 - **You must treat all 5310-eligible populations the same; if disabled riders have to pay a fare, then elderly riders must be charged the same fare. You cannot allow seniors to have a donation-only option and require that persons with disabilities pay a required fare. 5310-eligible populations must be treated the same; both elderly individuals and individuals with disabilities can either be "donations-requested" or "fare-required" and the fares must be the same.**

If a volunteer group or Lead Agency is unable to find a provider to provide an accessible vehicle, can we still provide ambulatory trips? **No, a provider or Lead Agency, depending what the application states, must identify an accessible vehicle provider that can be contracted with for accessible service or project funds cannot be used.**

A volunteer driver program is organized on the basis of availability of volunteers. Application of the accessible vehicle component for the purposes of this program means having access to lift-equipped vehicle if an individual requires one and cannot be accommodated in a volunteer vehicle. The accessible vehicle and service availability is similarly allocated on the basis of availability, so we can reasonably ask the person requesting an accessible ride to reschedule as we do a volunteer car rider due to inability to schedule due to capacity at the time/date requested? **This is correct.**

Does a Region or provider have to provide 100% service delivery to individuals requesting accessible trips? **No, trip denials for accessible requests should be of a similar ratio to that of ambulatory requests and Regions should review that periodically to ensure non-discriminatory service delivery.**

- **For instance, a region or provider should not have a 5% ambulatory service denial rate and an 80% accessible service denial rate, as this would indicate that the service was designed for ambulatory individuals and precluded those requiring accessible service from benefiting from the program, which utilizes federal funds.**

Is there anything else we need to know about providing accessible service? **Yes, here are a few items to consider:**

- **Any and all marketing materials, service descriptions, websites, etc that advertise and describe your 5310 POS-funded service must include that the service is fully accessible.**
- **Lead Agencies are required to submit NHDOT-created 5310 POS invoices and reports that include information on service delivery that is segmented by ambulatory and accessible trip requests and service delivery, therefore providers should work with their Lead Agency to ensure that the agency's data collection and call in-take process addresses the NHDOT required data collection.**
- **If your agency, or project, is providing open door hours of service with an accessible vehicle and requires no advance scheduling or reservations, you should delineate ambulatory and accessible service as follows:**
 - **Accessible trips = trips that required use of your wheelchair lift or deployment of your ramp**
 - **Ambulatory trips = trips that did not require use of your lift or ramp**

5310 POS In-Kind Information

NHDOT has more clearly defined the ability to utilize In-Kind match, as follows:

- 1. In-Kind match must be derived (earned) in the billing period in which it is being applied.**
 - 1. In-kind match must be generated & used in the billing period in which it occurred.**
 - a. Example of a Region that bills monthly and submits an invoice for the month of January:**
 - i. There are volunteer driver hours (and corresponding in-kind match) worked/earned in January**
 - ii. Volunteer hours & in-kind match are in excess of the match required for the month of January**
 - iii. "Extra" in-kind match cannot be "banked" and used in February. February invoice must have enough volunteer hours/in-kind match generated within that month to leverage February's reimbursement request**
 - 2. Regions/agencies may bill less frequently (quarterly) if they want to have a more generous billing period in which to generate & use in-kind match. Whatever billing period is used must include all cash-based and in-kind based expenses for that billing period**
 - a. Example of a Region that bills quarterly and submits an invoice for January 1 – March 31**
 - i. There are volunteer hours (and corresponding in-kind match) worked/earned in all three months**
 - ii. Volunteer hours (and corresponding in-kind match) can be totaled for the entire billing period and used to leverage the reimbursement request in the entire 3-month billing period**

- iii. "Extra" in-kind match from January – March cannot be used in April or subsequent months.
2. **Regional "pooling" of in-kind match is allowed, if a region so desires, and so requests in their grant application**
 - i. **If one project generates more in-kind match than they need for their own project, the excess of in-kind match can be applied to other regional projects, if it was so specified in the grant application.**
 1. **Example: An RCC has two volunteer driver programs, that accumulate volunteer driver in-kind match, and the region also has one subcontractor that has all cash-based expenses (paid drivers). If the volunteer driver programs anticipate accumulating "extra" in-kind match that "extra" in-kind match can be used to leverage the draw down of federal funds for the cash-based POS contractor in their region. (Again, the in-kind contribution must be earned/accumulated in the current billing period and must have been explained as such in the grant application, which is subject to NHDOT approval)**

Is there a maximum rate that volunteer driver time can be valued at? **NHDOT is establishing a statewide cap (maximum rate) of \$15 per hour for volunteer driver time. Regions can value volunteer driver time at a lower rate if they chose to, but NHDOT is capping the rate at \$15 per hour.**

- **Note: This rate is based on reviewing the US Bureau of Labor Statistics average hourly mean wage for "Other Transit and Ground Transportation" employees plus allowances for employer-required FICA contributions.**

What documentation is needed to use volunteer driver time as in-kind match? **In accordance with Federal requirements, time worked should be documented monthly and time reports shall be signed by the volunteer and the agency. If an electronic program or system is being used to track and capture volunteer work (hours, mileage, etc), an agency must have the volunteer's signature on file and when the volunteer driver completes their log electronically & hits submit the system should generate a message or something that essentially states, "By submitting this form, I certify that the information on this form is accurate and my submission should constitute as my signature."**

Is in-kind match allowed for the Lead Agency's 5% Mobility Management funding? **Yes, however acceptable forms of in-kind match are limited to personnel time involved with related mobility management functions and must be documented in accordance with aforementioned guidance. NHDOT will make some of NHDOT Director Patrick Herlihy's time (and expenses) available as in-kind match for the Regions. If NHDOT staff in-kind match is requested, the Department will review, approve, and work with your Region on the utilization of this match.**

Are there other maximum or established rates for other eligible in-kind services? **Currently volunteer driver time is the only in-kind contribution that has been proposed and utilized by regions for POS activities. NHDOT will review, and as necessary, establish a statewide cap (maximum rate) for other eligible in-kind contributions or in-kind services.**

5310 POS Invoicing & Reporting

Do we have to use the invoice and reporting forms that NHDOT distributed for our 5310 POS contract? **Yes. NHDOT created a structured and thorough 5310 invoice and reporting form that captures all the information and data necessary for our office to quickly process invoices and track service delivery.**

Common invoicing and reporting provides efficiencies and allows NHDOT to compare projects and service delivery for all regions.

Do we really need to segregate Ambulatory trip requests/denials from Accessible Vehicle trip requests/denials? **Yes. FTA requires that all POS projects, including volunteer driver programs, have accessible vehicles available for persons with disabilities. FTA Section 5310 funds are made available to provide service to Elderly Individuals AND Individuals with Disabilities and therefore each region must ensure that accessible vehicles are available to provide accessible trips.**

Report Ambulatory and Accessible trips requested and delivered separately to track how many lift-equipped vehicle trips there are for persons needing accessible vehicles vs. ambulatory persons riding "conventional" volunteer trips. Is the purpose of the separate trip reporting is to provide audit evidence that the denial rates for ADA and non ADA service are comparable. **This is correct; service delivery/denial data should be reviewed, at least, every quarter to review trends and any disparity in service delivery for ADA and non-ADA riders.**

Does my region have to provide all accessible trips that are requested? **No, the goal is to provide a comparable level of service to individuals requiring an accessible vehicle. The data collection form that NHDOT requires tracks and captures that data and allows each region to monitor the progress of their projects and review service delivery. Regions should monitor their projects and ensure that the denial rate for persons requiring an accessible vehicle is approximately the same rate as ambulatory persons.**

Accessible vehicle trips are expensive; what if we can't find an accessible provider that will provide the trip as inexpensively as a volunteer driver will? **NHDOT fully agrees that you might have to pay an accessible vehicle provider a higher rate and the Lead Agency's NHDOT-funded contract will allow you to pay the accessible provider their fully allocated cost, which will be higher than a volunteer driver rate.**

What rate can a region pay to an accessible vehicle provider that might provide some accessible trips for us? **The rates billed for these services will be the fully allocated hourly operating rates (including wait times), or the agreed upon rate of the contracted service provider. Rates should be negotiated with providers.**

Does the 5% Mobility Management (admin) require a local match? How much Admin money can I request at a time? **The 5% Mobility Management (administration) charges are reimbursable at a ratio of 80% Federal and 20% local, not 100% unless the Region has requested and received approval from NHDOT to utilize in-kind match for the required match requirement. Additionally, the Department will allow more than 5% of each billing period's expenses to be charged to the Mobility Management (administration) category provided that the expenses are substantiated with back up and the total request for Mobility Management (administration) reimbursement does not exceed the maximum amount allowed under contract. Also, the Lead Agency must fulfill its contractual obligations and continue to provide its scope of services throughout the contract period regardless of whether they have used all their Mobility Management funds or not. (Basically, a region can request its entire year's worth of Mobility Management (admin) funding in the first quarter as long as (1) there is back-up to support the request and (2) no subsequent invoices are submitted for additional Mobility Management (admin) funds and (3) the Lead Agency fulfills its contract obligations for the year. Once a region has requested its contracted Mobility Management (admin) funding it can only request Purchase of Service funding.)**

Procurement of Alternate ADA Service:

The experience of some volunteer programs with accessible vehicle components is that a very small number of trips in accessible vehicles are provided relative to the number of volunteer trips. The expectation is that the number of requests will be low based on the experience at these other established volunteer driver programs and therefore if a contract with another provider is necessary, it will fall under the threshold for a micro

purchase. It is fine to make arrangements for the service with one or several providers. The service would fall under the category of a Micro Purchase (under FTA rules) as it would be for an amount of under \$3,000. The following is excerpted from FTA Circular 4220.1F, which discusses procurement:

- a.) *Micro-Purchases. Consistent with the Federal Acquisition Regulation (FAR), FTA considers micro-purchases to be those purchases of \$3,000 or less.*
- (1) *When Appropriate. If permitted by State and local law, the recipient may acquire property and services valued at \$3,000 or less without obtaining competitive quotations. These purchases are exempt from FTA's Buy America requirements Davis-Bacon prevailing wage requirements, however, will apply to construction contracts exceeding \$2,000, even though the recipient uses micro-purchase procurement procedures. FTA does not intend to imply that the recipient must treat any purchase of \$3,000 or less as a micro-purchase. The recipient may set lower thresholds for micro-purchases in compliance with State and local law, or otherwise as it considers appropriate.*
- (2) *Procedures. The following procedures apply to micro-purchases:*
- Page VI-8 FTA C 4220.1F
11/01/2008
Rev. 1, 04/14/2009
Rev. 2, 07/01/2010
Rev. 3, 02/15/2011R
- (a) *Competition. The recipient should distribute micro-purchases equitably among qualified suppliers.*
- (b) *Prohibited Divisions. The recipient may not divide or reduce the size of its procurement merely to come within the micro-purchase limit.*
- (c) *Documentation. FTA's only documentation requirement for micro-purchases is a determination that the price is fair and reasonable and a description of how the recipient made its determination. FTA does not require the recipient to provide its rationale for the procurement method used, selection of contract type, or reasons for contractor selection or rejection.*

The Lead Agency or their contractor could enter into contracts with (through a micro-purchase procurement) one or several accessible providers to provide accessible trips in their region. Rates could be negotiated with these accessible subcontractors based on a per hour, per trip or per mile basis. Lead Agencies and Contractors will want to consider what the training requirements of any subcontractors will be. NHDOT did not stipulate what the training requirements were for each region, but allowed each region to dictate its own training requirements.

5310 POS Contracting & Reimbursement Information

What are the insurance requirements for SFY14 5310 POS contracts? **NHDOT is using the recommendation of the SCC Insurance Review Committee to develop insurance requirements for 5310 POS contracts. The SCC Insurance Issues Review Committee recommended the minimum coverage limit requirements of:**

General Liability	\$1,000,000 per occurrence, \$3,000,000 (aggregate)
Auto Liability	\$1,000,000 combined single liability
Workers' Comp	\$500,000 per occurrence
Umbrella coverage	\$5,000,000

It was noted that coverage limits would need to be evaluated based on the need of the RCC and participating agencies. Appropriate coverage depends on the individual agency and the proposed liability the agency and Lead Agency assume based on the scope of services in the partnership.

Will NHDOT amend contract language to be reflective of "new" insurance requirements? **NHDOT will still use the State's P-37 contracting form, but will include a special provision allowing lowered insurance minimums as noted above.**

What type of documentation is required to either reimburse volunteer drivers for mileage or to document volunteer driver time for utilization as in-kind match? **In accordance with Federal requirements, time worked (hours) or expenses incurred (mileage reimbursement) should be documented at least monthly and time & expense reports shall be signed by the volunteer and the agency. If an electronic program or system (software) is being used to track and capture volunteer work (hours, mileage, etc), an agency must have the volunteer's signature on file and when the volunteer driver completes their log electronically & hits submit the system should generate a message or something that essentially states, "By submitting this form, I certify that the information on this form is accurate and my submission should constitute as my signature."**

How frequently will NHDOT accept Lead Agency invoices? **NHDOT will process invoices monthly or quarterly, whatever timeframe is more palatable for Lead Agency to submit for. Understanding that 5310 POS is a reimbursement-only program, NHDOT fully understands that most Lead Agencies will prefer monthly invoices. Please bear in mind that 5310 POS invoices must be accompanied by the required 5310 POS report that is reflective of the same period that the invoice is submitted for.**

Who reimburses individual providers? **Lead Agencies will reimburse individual providers. Lead Agencies submit (aggregate) regional invoices to NHDOT and NHDOT will reimburse Lead Agencies. Lead Agencies are responsible for paying their individual subcontractors/individual providers.**

What backup does a Lead Agency have to submit to NHDOT with its invoices? **NHDOT only requires the NHDOT-developed 5310 POS invoice and report. All other backup should be available to NHDOT upon request, but is not requested or required for NHDOT to process invoices.**