

FTA Section 5310 Grant Application Questions & Answers

RCC Formula & Purchase-of-Service (POS) Programs

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Tip: use <CTRL> + <F> to search for a specific word within the document (e.g., “in-kind”)

NOTE: If this document does not provide an answer to your question, please consult FTA [Circular C9070.1G](#) for additional information related to the 5310 program.

Q: Who can the grant applicant be in my region?

A: RCC FORMULA: 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 organizations, Governmental authorities approved by the State to coordinate services for the seniors 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 Formula-funded Regional Transportation Coordinator (RTC) or Lead Agency. The Department’s preference is that regions consider selecting RTCs that will begin coordinating and providing regionally-coordinated transportation services.

A: POS: 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 seniors 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.

Q: Does the Lead Agency for the 5310 Formula funds have to be the same as the Lead Agency for the 5310 Purchase of Service (POS) funds?

A: No, the region can have a different Lead Agency for the formula funds and the POS funds; NHDOT recommends that the region select a Lead Agency that is a Regional Transportation Coordinator for the 5310 Formula funds and is an entity that will coordinate and provide regional transportation services and eventually utilize the NH Statewide coordination software when that comes online.

Q: *How does a region know if a particular project/applicant is eligible to receive 5310 funds? (12/18/15)*

A: All Section 5310 projects must be derived from a locally developed, coordinated public transit-human service transportation plan.

Q: *Can a taxi operator be an applicant for 5310 funds? (01/13/16)*

A: Per [FTA Circular 9070.1G](#): In certain circumstances, if your business provides shared ride taxi services your business might be an eligible subrecipient.... FTA considers private taxi companies that provide shared-ride taxi service to the public or to special categories of users (such as older adults or individuals with disabilities) on a regular basis to be operators of public transportation, and therefore eligible subrecipients. "Shared-ride" means two or more passengers in the same vehicle who are otherwise not traveling together. Similar to general public and demand response service for individuals with disabilities, every trip does not have to be shared-ride in order for a taxi company to be considered a shared-ride operator, but the general nature of the service must include shared rides. Taxi companies that provide only exclusive-ride service are not eligible subrecipients; however, they may participate in the Section 5310 program as contractors. (NOTE: A subrecipient can have funding allocated to it directly from NHDOT, the recipient, to administer a project or program without a competitive solicitation process. A contractor would be a vendor that receives funding through a competitive solicitation to carry out a specific project.)

Q: *How often do Regional Coordinated Public Transit-Human Services Transportation Plan(s) need to be updated? (01/06/16)*

A: All Coordinated public transit-human service transportation plans must be updated according to the following passage on page V-9 of [FTA Circular 9070.1G](#):

- a. [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). 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 and to receive funds in a timely manner.

To further clarify, per EPA's Ariel Garcia (in emails to Fred Butler on 12/14/15 and 01/06/16), MPOs should have their Coordinated Plans updated every FOUR years. For Manchester and Nashua, this is based on the carbon monoxide maintenance area status, which will be satisfied in 2020 (at the completion of the second ten-year maintenance plan term). So, after 2020 maintenance for CO (and in-turn, Transportation Conformity for CO) is no longer required. After that point in time, the Coordinated Plans can switch over to being updated every five years, if desired, as long as there have been no new nonattainment designations for one of the NAAQS. For Rockingham MPO (RPC), the 4-year cycle requirement stems from parts of Rockingham County being in nonattainment for the 2010 sulfur dioxide standard. See the EPA's Green Book website for additional information: <http://www3.epa.gov/airquality/greenbook/>

Q: *The application includes: "Describe any efforts to leverage funds from other sources to support this project." Would this include matching funds for the 80/20 match?*

A: Yes, leveraged funds could include the match, as well as other funds that might be used to support it.

Q: *Describe any eligibility limitations on passengers who will be served. What does this mean?*

A: Some transportation providers or Lead Agencies only serve their clients, or a limited group of people. FTA Section 5310 funds are for services for seniors and people with disabilities as defined by your RCC's application and we want to be made aware of any restrictions—age restrictions, mobility restrictions, etc.

Q: *Public Notice of grant application. Can you explain this requirement? (updated 01/13/16)*

A: To help ensure all interested parties have a chance to provide input into each region's projects, a public notice needs to be published in a newspaper with general circulation within the affected region for a minimum of one day. Public notice should be "timely" per Circular [C9070.1G](#), which NHDOT interprets to mean roughly 1-3 weeks in advance of any meeting at which projects are voted upon. Additionally, a notice should also be placed on the Lead Agency's website and/or the Regional Planning Commission(s) involved in the project. Public notice is not needed when a vote takes place to select a lead agency within the region, as the RCC has the discretion to determine its own lead agency.

Q: *May the RCC vote via email when formalizing the region's projects and/or application? (1/29/15)*

A: After consulting the Attorney General’s office, it is apparent that [RSA 91-A](#) applies to the RCCs, and therefore any voting regarding 5310 projects (or otherwise) is required to be done in a public meeting rather than via email. Some members may participate via telephone or video chat, provided that the meeting complies 91-A:2, III. Here are the relevant aspects of 91-A:2, III:

III. A public body may, but is not required to, allow one or more members of the body to participate in a meeting by electronic or other means of communication for the benefit of the public and the governing body” under the following conditions:

- (a) When an individual’s “attendance is not reasonably practical” and the reason is “stated in the minutes of the meeting;”
- (b) Unless there is an emergency, “a quorum of the public body shall be physically present at the location specified in the meeting notice as the location of the meeting;”
- (c) Most importantly, if someone is to participate electronically or telephonically must be “audible or otherwise discernable to the public at the location specified in the meeting notice as the location of the meeting” and “[e]ach member participating electronically or otherwise must be able to simultaneously hear each other and speak to each other during the meeting, and shall be audible or otherwise discernable to the public in attendance at the meeting's location.” This means that the members would need to participate via speaker phone or video conference or some other simultaneous communication method, i.e., not via email.
- (e) Any votes taken at meetings where someone is participating electronically or telephonically must be by roll call.

Q: *Can a region modify its budget or its rates after NHDOT has approved the application?* (7/10/15)

A: Yes, but any modifications to the budget subsequent to that which was included in the RCC’s original application to NHDOT are subject to the same formal voting requirements that are required as part of the initial application process. (See above question related to the Right-to-Know law for more info related to the formal voting requirements.) In addition, after the vote, the RCC must then request the change to NHDOT, whose role is essentially to ensure the funding remains eligible given the deviation from the RCC’s application. As the money is the RCC’s, it – rather than individual agencies within the region – should dictate both the original budget allocation as well as subsequent budget reallocations.

Q: *If provider #1 within a region runs out of funding, can funding be taken from another provider (#2) if provider #2 projects to have funds leftover at the end of the contract period?* (7/10/15)

A: NHDOT defers to each RCC as to whether this is allowed or not. However, if the RCC determines it is allowed, the same requirements that apply to budget modifications/reallocations, as detailed in the above question, would apply.

Q: *If a provider within a region runs out of either POS or Formula funding for operations, can it utilize funding from the other (POS or Formula) program? (7/10/15)*

A: POS and Formula Funds are subject to separate applications and budgets and therefore if one source of funds is depleted by a project, access to the other funding source is only permitted with RCC approval, which is in turn subject to NHDOT approval.

Q: *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. Specifically:*

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 your 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.

Q: *My Region plans to request funding for several individual projects that will be carried out by multiple agencies/transportation providers. How do we address this in the application and when providing a budget?*

A: The application should be presented to NHDOT as a “Regional Scope of Services” which will include several projects and provide more narrative details about the individual (or agency-level) projects. Within the “Regional Scope of Services” narrative, details and explanations about each individual project and a corresponding budget justification must be included. Regarding budgets: NHDOT will require a single (and separate) “Regional Scope of Services” budget page that will include a SUMMARY of the projects in their region, by SFY, and will include:

Agency Name	Project Type & short desc	Total \$	FTA \$	Local \$
Agency Name	Project Type & short desc	Total \$	FTA \$	Local \$
Agency Name	Project Type & short desc	Total \$	FTA \$	Local \$
REGIONAL TOTAL		Total \$	FTA \$	Local \$

Any individual project that utilizes “Operating funds” will also be required to submit a separate Attachment A (Excel) budget form; the same as Section 5311 operating requests are required to use. (Note: if a Regional application has 2 “operating” projects, each project will require a separate supplemental Attachment A budget form.

Q: *How much money will my region receive each year?*

A: Please refer to the table of funding available to each region posted on NHDOT website, here: <http://www.nh.gov/dot/org/aerorailtransit/railandtransit/grants.htm>

Q: *How is the regional funding allocation determined?*

A: NHDOT uses Census/American Community Survey data to determine the senior (65+) and individuals with disabilities age 0-64 within each town. The available funding is then divided by the senior/disability totals to get a “per person” dollar figure. For instance, if NHDOT had \$500,000 and there were 100,000 seniors statewide, the “per senior” amount would be \$5. The town data is then compiled by region, and the “per person” amounts allocated to each region. For POS, each region is given a base of \$20K.

Q: *How long will my region “lay claim” to each year’s 5310 Formula/POS fund allocation?*

A: Funds within each contract period will “belong” to a region only until the end of that contract period. After that time any unobligated or unexpended regional funds will be placed back into the general 5310 funding pot for re-distribution.

Q: *What is the eligible FTA percentage for the above activities?*

A: The Federal share of eligible capital costs (which include Mobility Management activities, purchase of service, vehicles & equipment) generally does not exceed 80% of the net cost. The Federal share of eligible Operating costs may not exceed 50% of the net operating costs.

General Service Delivery Questions

Q: *If I am the Lead Agency can I purchase service from my own agency?*

A: **RCC FORMULA:** No, a Lead Agency is not allowed to “purchase service” from itself. The Lead Agency may be a recipient of a myriad of other “5310 eligible activities,” but just like under the 5310 POS program, may not purchase service from itself.

A: **POS:** 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.

Q: *What other activities are eligible for funding under the 5310 Formula funds allocated to my region?*

A: In Circular [C9070.1G](#), FTA defines 5310 eligible activities as:

- Public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable.
- Public transportation projects that exceed the requirements of the ADA.
- Public transportation projects that improve access to fixed-route service and decrease reliance by individuals with disabilities on complementary paratransit.
- Alternatives to public transportation that assist seniors and individuals with disabilities. (Mobility Management, travel training, voucher programs, etc.)

Note: Section III of Circular [C9070.1G](#) provides additional details regarding eligible activities.

Q: *Can people other than seniors/persons with disabilities, such as the general public, ride on vehicles in the program?*

A: Yes, as long as there is space and it doesn't detract from service to seniors and persons with disabilities.

Q: *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?*

A: 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.

Q: *Will NHDOT pay the GSA Mileage Rate or the IRS Mileage Rate? What if these rates change during the contract term?*

A: 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.

Q: *What's the difference between "fares" and "donations"?*

A: 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 5310 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 you request FTA 5310 reimbursement so that the federal participation is on net operating expenses, as is 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 individuals with disabilities have to pay a fare, then seniors must be charged the same fare. You cannot allow

seniors to have a donation-only option and require that individuals with disabilities pay a required fare. 5310-eligible populations must be treated the same; both seniors and individuals with disabilities can either be “donations-requested” or “fare-required” and the fares must be the same.

Q: *If a volunteer group or Lead Agency is unable to find a provider to provide an accessible vehicle, can we still provide ambulatory trips?*

A: No. A provider or Lead Agency, depending on what the application states, must identify an accessible vehicle provider that can be contracted with for accessible service or project funds cannot be used.

Q: *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 can we 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?*

A: Yes.

Q: *Does a Region or provider have to provide 100% service delivery to individuals requesting accessible trips?*

A: No, trip denials for ADA 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.

Q: *Is there anything else we need to know about providing accessible service?*

A: Yes, here are a few items to consider:

- Any and all marketing materials, service descriptions, websites, etc., that advertise and describe your 5310-funded service must include that the service is fully ADA accessible.
- Lead Agencies are required to submit NHDOT-created 5310 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

Q: *What is the transportation operator's obligation to complete the 5310 contract if they exhaust their funding prior to the end of the period of performance? (7/10/15)*

A: DOT expects programs to operate for the full 12 months of the contract period (or other timeframe stated within the contract, which is unusual) and would like to see the federal funding spread more equally over the 12 months of the contracts so that funds are not exhausted on a first-come, first-served basis and to ensure that a consistent quality and level of service is available year round as explained in Regional applications and as purported when the contracts were approved by the Governor & Executive Council. If the application indicated 12 months of services, then the NHDOT, per the contract, expects 12 months of services be provided. The Department's award of project funds is based on the application content and proposed scope of services. In most cases, the scope of services is based on 12 months of service. NHDOT fully acknowledges that the funding it provides cannot provide all trips to all people for a 12 month period, however the FTA funds provided by NHDOT should fund a consistent level and consistent quality of service, including accessible service, for the 12 month contracting period within the region and as described in the regional applications. Service levels above and beyond what DOT is able to fund are acceptable and anticipated in many cases, but those enhanced service levels will require private funding to augment the DOT funds.

Q: *What options would a transportation operator have to ensure the funding lasts for the entire 12 months (or as otherwise stated in the application)? Why is it important? (7/10/15)*

A: As it is detrimental to the program and individuals if service has to be curtailed for any lengthy period of time, DOT funds may require that Regions and subcontractors (transportation providers) consider developing rules and reasons for limiting the service on a more even basis over a 12 month period and without discriminating against or screening out a subset of eligible riders (such as those individuals requiring accessible services). An example would be limiting the number of rides per month a person could request per month or per quarter, ensuring that there is no differentiation between "ambulatory" and "accessible" trips. An accessible component needs to be maintained year round and regions and providers shouldn't try to expend the 5310 funding in a compressed timeframe so that they don't have to provide

accessible services for the remaining months. There is an expectation of year-round service with the FTA funds contracted through NHDOT, which includes an accessible component.

Q: *What trainings are required for the 5310 POS and which ones are available to volunteer drivers for no cost by the State?*

A: 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.

Driver-Related Questions

Q: *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?*

A: 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.

Q: *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)?*

A: Yes, you would count each trip separate even though the destination is the same. It would be considered 2 trips.

Q: *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)?*

A: 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.

Q: *If a volunteer driver donates their time and does not request mileage reimbursement, should the Lead Agency bill NHDOT for mileage?*

A: No, the Lead Agency should not bill NHDOT for mileage.

Q: *If a volunteer driver donates their time and does not request mileage reimbursement, can a Lead Agency bill NHDOT for the loading fee?*

A: Yes, if the Lead Agency has an approved loading fee, which covers approved costs (scheduling, dispatch, etc.), that loading fee could be billed as long as a trip occurred and regardless of whether mileage reimbursement was requested.

Q: *Is the time accumulated for an uncompensated volunteer driver permitted to be used towards local match?*

A: Uncompensated volunteer driver time, regardless of whether the volunteer received mileage reimbursement, would be eligible in-kind match.

Q: *Can a Lead Agency offer a reimbursement rate to a volunteer driver that is less than what was proposed in an agreement?*

A: The rate proposed in an agreement is the **maximum** rate approved by the NHDOT and volunteers can be reimbursed a lower amount so long as it does not conflict with either:

(a) what the RCC approved and/or gives the Lead Agency the latitude to change (lower) or

(b) the lower reimbursement rate does not conflict with any written or binding contractual relationship the Lead Agency has with the Volunteer Driver Program or individual volunteers themselves.

NHDOT allows the lower rate if it is RCC-supported and doesn't have any legal/contractual restrictions.

Q: *Are my drivers subject to Drug & Alcohol testing?*

A: The rule for the FTA 5310 program is that a drug and alcohol-testing program is required only if the drivers in question hold commercial driver's licenses, in which case Federal Motor Carrier Administration rules apply. See page VIII-9 of the 5310 circular ([C9070.1G](#)) for more information.

Q: *Are drivers allowed to fuel buses while passengers are onboard? (12/18/15)*

A: There is no RSA that can be cited in NH. Per RLS & Associates: It is a standard practice and a "common sense" policy implemented within most transportation programs that you never fuel

with passengers on board. In fact, most agencies have a policy that mandates buses are never parked with less than half a tank to ensure the start of the day has plenty of fuel and can plan fueling around trips.

5310 Matching Funds (Including In-Kind) Information

Q: Can you please provide more guidance regarding the use of in-kind match?

A: 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.
 - a) In-kind match must be generated & used in the billing period in which it occurred.
 - i) Example of a Region that bills monthly and submits an invoice for the month of January:
 - (1) There are volunteer driver hours (and corresponding in-kind match) worked/earned in January
 - (2) Volunteer hours & in-kind match are in excess of the match required for the month of January
 - (3) “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
 - b) 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
 - i) Example of a Region that bills quarterly and submits an invoice for January 1 – March 31
 - (1) There are volunteer hours (and corresponding in-kind match) worked/earned in all three months
 - (2) 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
 - (3) “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
 - a) 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.
 - i) 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 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)

Q: *Is there a maximum rate that volunteer driver time can be valued at?*

A: 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.

Q: *What documentation is needed to use volunteer driver time as in-kind match?*

A: 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."

Q: *Do volunteers need to record their odometer readings or just miles driven? (12/18/15)*

A: No, there’s no need for a volunteer to record the actual odometer reading from NHDOT’s perspective. However, there’s nothing to prevent an agency from requiring that for internal audit purposes, etc. The check on mileage should instead likely come from the agency’s cross-checking the estimated vs actual mileage. For instance, a dispatcher may call a volunteer to provide a ride that’s estimated to be X miles per Google Maps, prior knowledge, etc. If the volunteer then submits reimbursement for “X+Y” miles, the agency would be expected to elicit details from the driver regarding the excess “Y” miles. Either way, a log signed by the driver that includes the date and miles driven (NOT necessarily the odometer readings) and the agency’s software/spreadsheet used to generate the invoice for NHDOT reimbursement would suffice as backup for our audit purposes.

Q: *Are there other maximum or established rates for other eligible in-kind services?*

A: **RCC FORMULA:** The only other requested and utilized in-kind category allowed has been RCC meeting participation for RCC mobility management projects.

- NHDOT will continue to allow RCC meeting participation (for non-USDOT funded RCC members) to be utilized as in-kind match, as follows:
- The rate for RCC meeting participants is valued at \$35 per hour
- Only meeting hours, not travel time, may be utilized
 - A copy of meeting minutes and the meeting sign-in sheet will be required to verify in-kind match accumulation
- The meeting participation must be necessary for and related to the “Regional Scope of Services” as proposed in region’s application and subsequently approved by NHDOT.

NHDOT will review, and as necessary, establish a statewide cap (maximum rate) for other eligible in-kind contributions or in-kind services.

A: **POS:** 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

Q: (POS ONLY) Is in-kind match allowed for the Lead Agency’s 5% Mobility Management funding?

A: 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, which must be requested as part of the application. If NHDOT staff in-kind match is requested, the Department will review, approve, and work with your Region on the utilization of this match. Note: Director Herlihy’s time is not an eligible in-kind match for RCC Formula programs.

Q: (POS ONLY) Does the 5% Mobility Management (admin) require a local match? How much Admin money can I request at a time?

A: 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.)

5310 Invoicing & Reporting

Q: *Do we have to use the invoice and reporting forms that NHDOT distributes for 5310 funds?*

A: Yes. NHDOT created a structured and thorough 5310 Purchase of Service invoice and reporting form and will be working on developing a similarly appropriate 5310 Formula fund invoice and reporting form. Common invoicing and reporting provides efficiencies and allows NHDOT to compare projects and service delivery for all regions. NHDOT reporting requirements may be subject to change per FTA guidance and data collection requirements. Excel spreadsheets should be submitted electronically, as this will allow NHDOT to quickly process invoices and track service delivery.

Q: *For POS projects, do we really need to segregate Ambulatory trip requests/denials from Accessible Vehicle trip requests/denials?*

A: 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 Seniors AND Individuals with Disabilities and therefore each region must ensure that accessible vehicles are available to provide accessible trips.

Q: *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 to provide audit evidence that the denial rates for ADA and non ADA service are comparable?*

A: 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.

Q: *(POS) Does my region have to provide all accessible trips that are requested?*

A: 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.

Q: *(POS) 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?*

A: 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.

Q: *(POS) What rate can a region pay to an accessible vehicle provider that might provide some accessible trips for us?*

A: 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 must be negotiated with providers, with the maximum rate being submitted as part of the application to NHDOT.

5310 Contracting & Reimbursement Information

Q: *What are the insurance requirements for 5310 contracts?*

A: NHDOT is using the recommendation of the SCC Insurance Review Committee to develop insurance requirements for 5310 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.

Q: *Will NHDOT amend contract language to be reflective of "new" insurance requirements?*

A: NHDOT will still use the State's [P-37](#) contracting form, but will include a special provision allowing lowered insurance minimums as noted above.

Q: *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?*

A: 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."

Q: *How frequently will NHDOT accept Lead Agency invoices?*

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

Q: *Who reimburses individual providers?*

A: 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.

Q: *What backup does a Lead Agency have to submit to NHDOT with its invoices? (updated 01/13/16)*

A: NHDOT only requires the NHDOT-developed 5310 invoice/report for the POS program, or an approved invoice & report for the 5310 Formula program. All other backup should be available to NHDOT upon request, but is not requested or required for NHDOT to process invoices.

Q: *Can a transit provider request reimbursement of an ineligible Medicaid trip that is deemed an eligible POS trip?*

A: If a trip is deemed to be Medicaid-eligible, but would be an eligible POS trip (senior or person with disability and for a trip purpose/location that is in the Lead Agency's approved scope), then that trip can be billed under the 5310 POS program provided that:

- There is information provided on why the trip was not eligible through Medicaid as anticipated
- An invoice is submitted for the month(s) in which expenses were incurred (request should be for incremental/new expenses only)
- A revised reporting worksheet should be submitted to reflect any new trips and should correspond with the expenses billed per the above
- A revised regional reporting worksheet that tallies all the trips and expenses within the revised timeframes (old expenses plus new expenses and old trips plus new trips) so there is one report on file that has all the correct regional data for reporting and tracking purposes

With these conditions being met, and if the Lead Agency is comfortable, NHDOT will process for reimbursement. (Note: Agencies will be required to keep good recordkeeping on the financials and trips provided and funding sources that are reimbursing so that everyone is comfortable that one trip is getting reimbursed twice from two different funding sources.)

Language will be added to 5310 POS contracts that states "Contractor attests that reimbursement for eligible 5310 POS trips is for non-Medicaid eligible trips."

Q: *Is there a procedure for pro-rating 5310 service charges if more than one individual is transported?*

A: No, there is no current procedure. Please contact NHDOT for additional guidance.

Q: *What is the procedure for calculating the costs for trips shared among a Bureau of Elderly Adult Service (BEAS) rider, Medicaid client and a 5310 rider? Are each of the programs just billed for the full trip amount?*

A: NHDOT does not have a "procedure" defined, but any such calculations would have to be in accordance with Federal guidelines.

Procurement of Alternate ADA Service

Q: *Can you please provide some general guidance on procuring contracted services?*

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 an excerpt 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:
 - (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.