



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION III
Delaware, District of
Columbia, Maryland,
Pennsylvania, Virginia,
West Virginia

1835 Market Street
Suite 1910
Philadelphia, PA 19103-2932
215-656-7100

September 18, 2023

Mr. Tyrone Nelson
Chairman of the Board
Greater Richmond Transit Company (GRTC)
301 East Belt Blvd
Richmond, VA 23224

Re: Fiscal Year 2023 Triennial Review – Final Report

Dear Mr. Nelson:

I am pleased to provide you with a copy of this Federal Transit Administration (FTA) report as required by 49 U.S.C. Chapter 53 and other Federal requirements. The enclosed final report documents the FTA's Fiscal Year (FY) 2023 Triennial Review of the Old Dominion Transit Management, Greater Richmond Transit Company (GRTC) in Richmond, VA. Although not an audit, the Triennial Review is the FTA's assessment of GRTC's compliance with Federal requirements, determined by examining a sample of award management and program implementation practices. As such, the Triennial Review is not intended as, nor does it constitute, a comprehensive and final review of compliance with award requirements.

Due to the Coronavirus 2019 (COVID-19) Public Health Emergency, a virtual site visit was conducted for this Triennial Review. In addition, the review was expanded to address GRTC's compliance with the administrative relief and flexibilities FTA granted and the requirements of the COVID-19 Relief funds received through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) of 2021, and the American Rescue Plan (ARP) Act of 2021.

The Triennial Review focused on GRTC's compliance in 23 areas. Deficiencies were found in four (4) areas: Procurement, Americans with Disabilities Act-General, Charter Bus, and Drug and Alcohol Program. GRTC had no repeat deficiencies from the Fiscal Year 2019 Triennial Review.

As part of this year's Triennial Review of GRTC, the FTA incorporated an Enhanced Review Focus (ERF) in the Satisfactory Continuing Control area. The purpose of an ERF is to conduct a more comprehensive review of underlying or contributing issues identified during the pre-assessment stage of the Triennial Review.

Mr. Nelson

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Thank you for your cooperation and assistance during this Triennial Review. If you need any technical assistance or have any questions, please do not hesitate to contact Mr. Anthony Matthews, Transportation Program Specialist at Anthony.Matthews@dot.gov or Mr. Ben Stoltenberg, Transportation Program Specialist at Benjamin.Stoltenberg@dot.gov.

Sincerely,



Anthony Tarone
Deputy Regional Administrator

FINAL REPORT

FISCAL YEAR 2023 TRIENNIAL REVIEW

of

**Old Dominion Transit Management
Greater Richmond Transit Center
GRTC
Richmond, VA
ID: 1458**

Performed for:

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION
REGION 3**

Prepared By:

Calyptus Consulting Group, Inc

**Desk Review/Scoping Meeting Date: March 1-2, 2023
Virtual Site Visit Entrance Conference Date: July 24, 2023
Virtual Site Visit Exit Conference Date: July 27, 2023
Draft Report Date: August 25, 2023
Final Report Date: September 18, 2023**

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I. Executive Summary

This report documents the Federal Transit Administration's (FTA) Triennial Review of the Old Dominion Transit Management, Greater Richmond Transit Center (GRTC) of Richmond, VA. The FTA wants to ensure that awards are administered in accordance with the requirements of Federal public transportation law 49 U.S.C. Chapter 53. The review was performed by Calyptus Consulting Group, Inc. (Reviewer). During the virtual site visit, the Reviewer discussed the administrative and statutory requirements and reviewed Recipient documents.

Due to the Coronavirus 2019 (COVID-19) Public Health Emergency, the FTA conducted a virtual site visit for this Triennial Review. In addition, the FTA expanded the review to address GRTC's compliance with the administrative relief and flexibilities that the FTA granted, and the requirements of the COVID-19 Relief funds received through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) of 2021, and the American Rescue Plan (ARP) Act of 2021. The FTA also requested the GRTC share if and/or how it suspended, deviated from, or significantly updated or altered its transit program due to the public health emergency.

The FY2023 Triennial Review focused on GRTC's compliance in 23 areas. Deficiencies related to the COVID-19 Relief funds have been clearly identified as part of the deficiency description in the respective review area. There were no repeat deficiencies from the FY 2019 Triennial Review.

As part of this year's Triennial Review of GRTC, the FTA incorporated an Enhanced Review Focus (ERF) in the Satisfactory Continuing Control area. The purpose of an ERF is to conduct a more comprehensive review of underlying or contributing issues identified during the pre-assessment stage of the Triennial Review. No deficiencies resulted from this ERF. Deficiencies were found in the areas listed below.

Review Area	Deficiency Codes		Corrective Action(s)	Response Due Date(s)
	Code	Rationale		
Procurement	P10-2: Lacking required cost or price analysis	GRTC did not conduct the required analysis of the cost elements for two sole source procurements that included an analysis of contractor profit.	<p>The recipient must submit to the FTA regional office:</p> <ul style="list-style-type: none">• Documentation that it has updated its procurement procedures to include performing applicable cost for sole source procurements above the Federal Simplified Acquisition Threshold.• Documentation that the required analysis was implemented for the next applicable procurement.	2/28/2024

Review Area	Deficiency Codes		Corrective Action(s)	Response Due Date(s)
	Code	Rationale		
	P11-1: Missing FTA clauses	Five contracts were missing the clause “Notice to FTA and U.S. DOT Inspector General of information related to fraud, waste, abuse, or other legal matters”. One contract was missing the clause “Prohibition on certain telecommunications and video surveillance services or equipment”.	The recipient must submit to the FTA regional office: <ul style="list-style-type: none">• Revised procurement procedures that address inclusion of all FTA-required third- party contract clauses through use of a clause checklist or other mechanism.• A procedure for updating the required contract clauses on an annual basis.• Documentation that the required clauses are included for the next applicable procurement.	2/28/2024
Americans with Disabilities Act (ADA) – General	ADA-GEN9-1: Elevator service deficiency	GRTC does not inform the public how to obtain assistance when elevators are out of service.	The recipient must submit to FTACivilRightsSupport@dot.gov: <ul style="list-style-type: none">• Documentation that it has implemented procedures to accommodate passengers when an elevator is out of service.	11/28/2023
	ADA-GEN5-1: Demand-response service deficiency	GRTC is not monitoring service provided by Uber to ensure equivalent service is provided to individuals who require accessible vehicles.	The recipient must submit to FTACivilRightsSupport@dot.gov: <ul style="list-style-type: none">• Procedures for monitoring the demand-response service to ensure that equivalent service is provided to persons with disabilities, including wheelchair users, according to the criteria described in 49 CFR 37.77(c).	11/28/2023
Charter Bus	CB2-1: Charter bus records and notices not maintained	GRTC does not provide public notice to charter providers when charter service is requested.	The recipient must submit to the FTA regional office: <ul style="list-style-type: none">• Procedures for providing public notices to registered charter providers• Evidence that the procedures have been implemented.	11/28/2023
Drug and Alcohol Program	DA4-1: Missing qualifications of service agents	GRTC could not provide documentation of all service agent qualifications for personnel supporting GRTC's testing program.	The recipient must submit to the FTA regional office the qualifications of the medical review officers, substance abuse professionals, breath alcohol technicians, and collectors that support its programs.	11/28/2023
	DA5-1: Insufficient oversight over drug & alcohol programs of subrecipients, contractors, subcontractors, and/or lessees	GRTC could not provide documentation it is ensuring service agent qualifications for personnel supporting the operating contractor's testing program are current.	The recipient must submit to the FTA regional office: <ul style="list-style-type: none">• The qualifications of the medical review officers, substance abuse professionals, breath alcohol technicians, and collectors that support the programs of its operating contractors,• Procedures for ensuring that the service agents that support the drug and alcohol programs of subrecipients, contractors, subcontractors, and lessees have current qualifications.	11/28/2023

II. Review Background and Process

1. Background

The United States Code, Chapter 53 of Title 49 (49 U.S.C. 5307(f)(2)) requires that “At least once every 3 years, the Secretary shall review and evaluate completely the performance of a recipient in carrying out the recipient’s program, specifically referring to compliance with statutory and administrative requirements...” The FTA performs this Triennial Review in accordance with its procedures (published in FTA Order 9010.1B, April 5, 1993).

The Triennial Review includes a review of the recipient’s compliance in 23 areas. The basic requirements for each of these areas are summarized in Section IV. The FTA contracts with experienced Reviewers to lead and conduct the Triennial Reviews, in partnership with the staff of the regional office.

This report presents the findings from the Triennial Review of the recipient. The review concentrated on procedures and practices employed since the recipient’s previous Triennial Review in 2019; however, coverage was extended to earlier periods as needed to assess the policies in place and the management of award funds. The specific documents reviewed and referenced in this report are available at the FTA’s Region 3 office or the recipient’s office.

2. Process

The Triennial Review includes a pre-review assessment, a desk review and scoping meeting with the FTA regional office, and a site visit to the recipient’s location. Due to the [COVID-19 relief funds](#) received through the Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES), Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA), and American Rescue Plan Act of 2021(ARP). The FTA also requested that the recipient share if and/or how it suspended, deviated from, or significantly updated or altered its transit program due to the public health emergency

The fiscal year (FY) 2023 process began with the regional office transmitting, a notification of the review and a Recipient Information Request (RIR) to the recipient on December 2 2022 indicating a review would be conducted. While the recipient prepared its response to the RIR, the regional office and Reviewer conducted a desk review and scoping meeting was held on March 1-2, 2023. Regional office staff provided electronic files as necessary to the Reviewer who also accessed recipient information in the FTA electronic award management (TrAMS) AND oversight (OTrak) systems. Following the desk review and scoping meeting, the reviewer(s) and the recipient corresponded and exchanged information and documentation in preparation for the virtual site visit. Prior to the virtual site visit, the Reviewer sent an agenda package to the recipient on March 13, 2023 indicating the issues that would be discussed, records to be reviewed, and interviews to be conducted. The virtual site visit to GRTC occurred from July 24, 2023 entrance conference) to July 27, 2023 (exit conference).

The virtual site visit portion of the review began with an entrance conference, at which the Reviewer and regional staff discussed the purpose of the Triennial Review and the review process. The Reviewer conducted additional interviews and reviewed documentation to evidence the recipient's compliance with FTA requirements.

Upon completion of the virtual site visit, the Reviewers and the FTA regional office staff provided a summary of preliminary findings to the recipient at the exit conference on July 27, 2023. Section VI of this report lists the individuals participating in the site visit.

3. Metrics

The metrics used to evaluate whether a recipient is meeting the requirements for each of the areas reviewed are:

- **Not Deficient (ND)**: An area is considered not deficient if, during the review, nothing came to light that would indicate the requirements within the area reviewed were not met.
- **Deficient (D)**: An area is considered deficient if any of the requirements within the area reviewed were not met.
- **Not Applicable (NA)**: An area can be deemed not applicable if, after an initial assessment, the recipient does not conduct activities for which the requirements of the respective area would be applicable.

III. Recipient Description

1. Organization

Greater Richmond Transit Company (GRTC) is a general public transportation system jointly owned by the City of Richmond and the County of Chesterfield. GRTC primarily operates in the City of Richmond, Henrico County, and parts of Chesterfield County. GRTC operates under policies set by its Board of Directors, which consists of nine (9) members. Three (3) are appointed by the City Council of Richmond, three (3) are appointed by the Chesterfield County Board of Supervisors, and three (3) are appointed by Henrico County Board of Supervisors. Each member's term is for one (1) year. Members are eligible to serve multiple years with each annual appointment.

The service area population of GRTC is 544,968. GRTC's system comprises 33 bus fixed routes, three (3) bus fixed express routes, and one (1) bus rapid transit (BRT) route. Specialized transportation services that meet the requirements of the Americans with Disabilities Act (ADA) are provided by a contractor. National Express (NEXT), on behalf of GRTC. Those services include CARE and CARE On-Demand. GRTC also provides specialized transportation services beyond the required $\frac{3}{4}$ mile to the greater area of Henrico County as part of CARE Plus. GRTC offers a travel training program for those age 15 and older to who are eligible for the CARE program to learn skills that will enable them to use the GRTC fixed-route service. GRTC partners with RideFinders to provide vanpooling services.

GRTC's current fleet is composed of 157 FTA-funded fixed-route vehicles, 96 FTA-funded paratransit vehicles, and 13 FTA-funded BRT vehicles. GRTC's total fleet of 266 transit vehicles includes motor coaches, cutaway vans, and sedans. Compressed natural gas (CNG) vehicles make up 85 percent of GRTC's entire fleet. GRC's goal is to have an all-CNG fleet by 2024.

GRTC is currently operating service fare free. GRTC introduced fare suspension during the pandemic as a safety precaution for the operators, as rear-door only boarding was implemented, which restricted access to the farebox. COVID Relief funds were used to subsidize fares. With the highlight of public transportation as an essential service, and the majority of riders being low-income, GRTC successfully secured grant funding through the Department of Rail and Public Transportation (DRPT) to extend zero fares. The City of Richmond and Virginia Commonwealth University (VCU) have provided local match support for this grant opportunity. GRTC board has approved for this to continue in FY2024, and GRTC continues to seek partnerships to make zero fares sustainable long term. Zero fares have been a major factor in ridership excelling pre-pandemic levels, as well as has a positive return on formula funding from state and FTA.

The GRTC system also includes an FTA-funded bus operations and maintenance facility at 301 E. Belt Boulevard, Richmond, VA, and FTA-funded bus shelters at GRTC's temporary transit center at 9th Street and Marshall Street, Richmond, VA, and throughout the system. Other FTA-funded support facilities include the Church Annex Building, located at 325 E. Belt Boulevard, Richmond, VA., and the BRT Pulse Platform Training Platform at 4000 Gaskins Road Park-n-Ride, Henrico County, VA.

2. Award and Project Activity

A list of GRTC's open awards at the time of the review is provided on the following page.

Award Number	Award Amount	Year Executed	Description
VA-2020-009	\$17,013,286	2020	GRTC FFY 2017 and FFY 2018 Section 5307 Capital Projects
VA-2023-008	\$3,807,765	2023	The Greater Richmond Transit Company (GRTC) FFY 2020 Section 5307 - Purchase of Security Equip., Hardware, Software, Signage, TSP, Consultant Svcs, Shop Equip, Eng/Design Admin/Maintenance Facility and Rehab/Renovation Admin/Maintenance Facility
VA-2023-005	\$12,540,000	2023	The Greater Richmond Transit Company (GRTC) FFY 2022 Section 5339 Low or No Emission Vehicle Program - Bus Purchase
VA-2017-022	\$15,845,969	2017	FY 2017 Capital Program
VA-2023-007	\$2,520,218	2023	The Greater Richmond Transit Company (GRTC) FY 2008 Surface Transportation Program Funds (STP) Temporary Transfer Center Construction
VA-2021-040	\$4,045,536	2021	The Greater Richmond Transit Company (GRTC) FFY 2019 Section 5307 - Purchase of Security Cameras, Hardware, Software, Feasibility Study, TAM Plan Consultant and Rehab/Renovation of an Admin Maintenance Facility
VA-2016-021	\$14,308,962	2016	Greater Richmond Transit Company
VA-2016-027	\$14,942,446	2016	Greater Richmond Transit Company
VA-2020-011	\$3,885,960	2020	GRTC FFY 2017 Section 5339 Purchase Para-transit vans
VA-2018-010	\$1,374,450	2018	FFY 2015 High Priority and FY 2017 STP Funds
VA-2022-023	\$29,173,123	2022	Greater Richmond Transit Company (GRTC) Section 5307 ARPA Operating Assistance
VA-2022-007	\$5,758,613	2022	The Greater Richmond Transit Company (GRTC) FFY 2019 and FFY 2020 Section 5307 Purchase of Security Equipment, Purchase of Storage Shed, Hardware, Software, Support Vehicles, Shop Equipment, Rehab Renovate Administrative Maintenance Facility
VA-2021-034	\$27,275,797	2021	The Greater Richmond Transit Company (GRTC) FFY 2018 and FFY 2019 Section 5307 and FFY 2018 and FFY 2019 Section 5339 and CMAQ - Bus Purchase, Capital Cost of Contracting, Preventive Maintenance and ADA paratransit

GRTC received Supplemental Funds for operating assistance in award numbers VA-2022-011, and VA-2020-023. This is the GRTC's first time receiving operating assistance from the FTA.

Projects Completed

In the past few years, GRTC completed the following noteworthy project:

- In 2018, Bon Secours and GRTC joined forces to invest in and install new bus stops and related pedestrian improvements in Richmond's East End. After months of planning, and construction delays due to COVID-19, 10 of the 14 shelter installations were complete by Spring 2021. Bon Secours and GRTC made enhancements to the stops based on input and engagement from the local community. At the 14 new bus stops, enhancements include installation of new amenities including benches, trash cans and one- to three-sided shelters.

Ongoing Projects

GRTC is currently implementing the following noteworthy projects:

- New Temporary Transfer Station – GRTC Transit System is relocating the temporary transfer center that currently occupies 9th Street in Downtown Richmond to the adjacent City-owned parcel at 808 E Clay Street. The new site, 2.05 acres, is bound by 9th Street, Leigh Street, 8th Street, and Clay Street. The improvements accommodate 12 buses in sawtooth bays, pavement, sidewalks, curb ramps, signs, pavement markings, storm drainage, electrical and communications services, conduit, lighting, and site amenities including benches, trash cans, shelters, and a restroom facility for operators only. The facility is anticipated to be in-service in May 2023.
- Micro-Transit Pilot – GRTC plans to pilot micro-transit in 5 zones throughout the region – Henrico County, Chesterfield County, Ashland, Powhatan, and New Kent. Zones are designed to maximize opportunities to connect to major regional employers, medical facilities, and government and community services. Some of the zones connect to fixed route service, providing first and last mile connections for individuals just beyond the service area to connect to the rest of the network and improve access. One zone will replace an underperforming fixed route, and improve access opportunities. All zones will allow movement within the zone to provide a mode of public transportation where there was a need, especially for transit dependent populations.
- Essential Transit Infrastructure Plan (ETI) – GRTC aspires to provide seating or shelter at 75% of our local stops within 5 years. Today GRTC has a bench or shelter at 26% of stops. ETI elements are intended to provide comfort, convenience, accessibility, safety, and dignity to riders. Considerations for improvements include landing pads, shelters, benches, and trash cans.
- ERP – GRTC is undertaking an initiative to replace its current Microsoft Great Plains (2015) ERP system that is no longer supported with an Oracle cloud ERP. GRTC completed an assessment of the existing system, with a comprehensive analysis of current business processes, development of detailed functional requirements which assisted in the identification of the procured software. The full implementation and migration to the new Oracle system will greatly improve and integrate functions at GRTC.
- Station Modification for articulated vehicles – GRTC will be expanding its fleet with the additional of articulated vehicles. The BRT stations will need minimal modifications to allow for the 3rd door of the vehicles to access the platform. A feasibility study was

complete, and GRTC is beginning engineering, and plans to begin construction by the end of the year.

- Fleet Storage – GRTC is in the process of making improvements to 325 E. Belt Blvd. This property is adjacent to the administration and maintenance building, and currently utilized for bus parking. The current conditions of the lot include a dilapidated building that is planned to be demolished by the end of the year. After the removal of the building, GRTC will pave the property for optimal fleet parking needs, and storage.

Future Projects

GRTC plans to pursue the following noteworthy projects in the next three (3) to five (5) years:

- Downtown Transfer Center – This project would construct a permanent downtown transfer center location to meet GRTC's current and future needs.
- Dedicated Lanes – This project would aim to identify and convert corridors or corridor segments system-wide that are good candidates for bus-only dedicated lanes with the aim of improving system efficiency and increasing overall system reliability and on-time performance.
- Western Pulse – BRT Expansion - This project would extend the existing BRT Pulse route west to Short Pump. The Greater RVA Transit Vision Plan deemed this extension ready to launch based on ridership projections and the transit-supportive characteristics of the corridor. This project is planned to be phased, with the consideration of a western park and ride incorporated into the first phase.
- Facility Expansion – GRTC is working on a facilities master plan that will evaluate how GRTC's administration and maintenance building and property are utilized and the fleet storage property at 325 E. Belt Blvd. The base will be evaluated with considerations on needed improvements for current operations and improvements needed to support expansion. An alternative fuel study is also in the works, and the results of the study will also be an input in the recommendations in the plan.
- N/S Pulse – BRT Expansion – GRTC is currently conducting a phase 1 study to identify the locally preferred alternative corridors for the N/S Pulse expansion. This expansion has been identified as a regional priority in the Long-Range Transportation Plan and the Greater RVA Transit Vision Plan 2040. A technical Phase 2 study will be completed next year to include engineering, environmental analysis, capital and operating costs. GRTC plans to work with the region and apply for grant funds for the construction of the new line.

IV. Results of the Review

1. Legal

Basic Requirement: The recipient must promptly notify the FTA of legal matters and additionally notify the USDOT Office of Inspector General (OIG) of any instances relating to false claims under the False Claims Act or fraud. Recipients must comply with restrictions on lobbying requirements.

Finding: During this Triennial Review of GRTC, no deficiencies were found with the FTA requirements for Legal.

2. Financial Management and Capacity

Basic Requirement: The recipient must have financial policies and procedures; an organizational structure that defines, assigns and delegates fiduciary authority; and financial management systems in place to manage, match, and charge only allowable costs to the award. The recipient must conduct required Single Audits, as required by 2 CFR part 200, and provide financial oversight of subrecipients.

Finding: During this Triennial Review of GRTC, no deficiencies were found with the FTA requirements for Financial Management and Capacity.

3. Technical Capacity – Award Management

Basic Requirement: The recipient must report progress of projects in awards to the Federal Transit Administration (FTA) and close awards timely.

Finding: During this Triennial Review of GRTC, no deficiencies were found with the FTA requirements for Technical Capacity – Award Management.

4. Technical Capacity – Program Management & Subrecipient Oversight

Basic Requirement: States must document and follow a public involvement process for the development of the long-range statewide transportation plan and State Transportation Improvement Program (STIP). Designated recipients of Sections 5310, 5311, and 5339 funds must develop and submit a State Management/Program Management Plan to the FTA for approval. Recipients must enter into an agreement with each subrecipient, obtain required certifications from subrecipients, report in the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) on subawards, and ensure subrecipients comply with the terms of the award.

Finding: During this Triennial Review of GRTC, the FTA requirements for Technical Capacity – Program Management & Subrecipient Oversight were not applicable.

5. Technical Capacity – Project Management

Basic Requirement: The recipient must implement the FTA-funded projects in accordance with the award application, the FTA Master Agreement, and applicable laws and regulations using sound management practices.

Finding: During this Triennial Review of GRTC, no deficiencies were found with the FTA requirements for Technical Capacity – Project Management.

6. Transit Asset Management

Basic Requirement: Recipients must comply with 49 CFR part 625 to ensure public transportation providers develop and implement transit asset management (TAM) plans.

Finding: During this Triennial Review of GRTC, no deficiencies were found with the FTA requirements for Transit Asset Management.

7. Satisfactory Continuing Control

Basic Requirement: The recipient must ensure that FTA-funded property will remain available and used for its originally authorized purpose throughout its useful life until disposition.

Finding: During this Triennial Review of GRTC, no deficiencies were found with the FTA requirements for Satisfactory and Continuing Control.

As part of this year's Triennial Review of GRTC, the FTA incorporated an Enhanced Review Focus (ERF) in the Satisfactory Continuing Control area. This ERF focused on GRTC's spare vehicles and included the following topics:

- Current Spare Ratio
- Fleet Plan for Expansion and Replacement
- Short-Term Deviation Request

Spare Ratio Review

In 2019 GRTC received a finding for having an excessive spare ratio as the result of implementing a route restructuring which lowered their peak vehicle requirement. The corrective action required GRTC to submit a plan to reduce the spare ratio to the required 20% for recipients with more than 50 vehicles in peak service and report on it quarterly. In January 2020, GRTC reported a spare ratio of 23%; however, service disruptions as a result of COVID-19 again reduced GRTC's peak vehicle requirement resulting in a spare ratio of 46% as of May 2023.

At the time of the FY23 Triennial Review GRTC has 138 revenue vehicles with 94 vehicles used in peak service and 44 spares resulting in a current spare ratio of 46%.

Fleet Plan for Expansion and Replacement

In 2019 GRTC was awarded State funds to expand service and began implementing a fleet expansion plan, to include the purchase of additional vehicles. This service expansion was halted as a result of COVID-19 and existing service was reduced due to the drop in ridership starting in April 2020. At the time of the FY23 Triennial Review, GRTC stated no new vehicles have been purchased for this expansion.

The GRTC Fleet Plan for Replacement and Expansion submitted during the review indicates GRTC anticipates purchasing 28 total new vehicles between FY25 and FY28 as service levels resume to pre-COVID-19 levels and the service expansion is implemented. The anticipated number of revenue vehicles, anticipated peak requirement, new vehicles to be purchased, and resulting spare ratio for this time-period is shown in the table below:

Fiscal Year	FY25	FY26	FY27	FY28
Total Revenue Vehicles (excluding 9 vehicles in contingency fleet)	152	152	155	176
Anticipated Peak Vehicle Requirement	129	134	138	156
Anticipated Vehicle Purchases (included in total revenue vehicles above)	4	0	3	21
Spare Ratio	17%	13%	12%	12%

Spare Ratio Deviation Request

At the time of the desk review and scoping meeting, GRTC had a spare ratio of 46% (as noted above) and an award application (VA-2023-005-00) which includes funds to purchase nine (9) vehicles. During the review, GRTC staff stated these nine (9) vehicles are being purchased to replace existing vehicles that have met their useful life and will be disposed of. The purchase of these nine (9) vehicles is not expected to change the total number of revenue vehicles or current spare ratio.

GRTC submitted a spare ratio deviation request to FTA in May 2023 along with a plan to bring the spare ratio under 20% by FY24 as shown in the table on the following page:

Fiscal Year	Current Fleet Status	FY23/24 Change	FY27
Total Revenue Vehicles (excluding 9 vehicles in contingency fleet)	148	148	158
Anticipated Peak Vehicle Requirement	94	109	127
Spare Ratio	46%	35%	16%

GRTC received approval from the FTA Region 3 office on July 21, 2023, meeting the requirements under the Triennial Review. As such, no finding was made in this area.

8. Maintenance

Basic Requirement: Recipients must keep federally-funded vehicles, equipment, and facilities in good operating condition. Recipients must keep Americans with Disabilities Act (ADA) accessibility features on all vehicles, equipment, and facilities in good operating order.

Finding: During this Triennial Review of GRTC, no deficiencies were found with the FTA requirements for Maintenance.

9. Procurement

Basic Requirement: The non-Federal entity must use its own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, and conform to applicable Federal law and the standards identified in 2 CFR Part 200. State recipients can use the state's overall policies and procedures. When applied to Federal procurements, those policies and procedures must still be compliant with all Federal requirements as applied to non-state recipients. The flexibility afforded by 2 CFR Part 200 should not be misconstrued as absolving a state from Federal requirements. For example, the FTA does not require each State DOT to have policies and procedures separate from the state education department.

Finding: During this Triennial Review of GRTC, two (2) deficiencies were found with the FTA requirements for Procurement.

Deficiency Description #1: Lacking required cost or price analysis (P10-2)

The contract files for two (2) sole source procurements included in the file sample did not contain the required cost analysis including an analysis of the individual cost elements and contractor profit.

2 CFR 200.324 Contract cost and price

(a) The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.

(b) The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

(c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices

would be allowable for the non-Federal entity under subpart E of this part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.

(d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

FTA Circular 4220.1F Chapter VI 6. a. Cost Analysis

The recipient must obtain a cost analysis when a price analysis will not provide sufficient information to determine the reasonableness of the contract cost. The recipient must obtain a cost analysis when the offeror submits elements (that is, labor hours, overhead, materials, and so forth) of the estimated cost, (such as professional consulting and A&E contracts, and so forth). The recipient is also expected to obtain a cost analysis when price competition is inadequate, when only a sole source is available, even if the procurement is a contract modification, or in the event of a change order. The recipient, however, need not obtain a cost analysis if it can justify price reasonableness of the proposed contract based on a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation.

Corrective Action(s) and Schedule: By February 8, 2024, GRTC must submit to the Region 3 office:

- Documentation that it has updated its procurement procedures to include performing the applicable cost analysis including an analysis of contractor profit for sole source procurements above the Federal Simplified Acquisition Threshold.
- Documentation that the required analysis was implemented for the next applicable procurement.

Deficiency Description #2: Missing FTA Clauses (P11-1)

The contract files for five (5) procurements included in the file sample did not include the required FTA clause “Notice to FTA and U.S. DOT Inspector General of information related to fraud, waste, abuse, or other legal matters”. One (1) procurement file for IT software installation was also missing the prohibition on certain telecommunications and video surveillance services or equipment.

Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with

the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387).

Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(J) See §200.322 Procurement of recovered materials—A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

FTA Master Agreement (28), Section 16.d.

Required Clauses in Third Party Contracts. In addition to other applicable provisions of federal law, regulations, requirements, and guidance, all third party contracts made by the Recipient under the Federal award must contain provisions covering the following, as applicable:

- (1) Simplified Acquisition Threshold. Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. § 1908, or otherwise set by law, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate. (Note that the simplified acquisition threshold determines the procurement procedures that must be employed pursuant to 2 C.F.R. §§ 200.317–200.327. The simplified acquisition threshold does not exempt a procurement from other eligibility or processes requirements that may apply. For example, Buy America’s eligibility and process requirements apply to any procurement in excess of \$150,000. 49 U.S.C. § 5323(j)(13).)*
- (2) Termination. All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-federal entity including the manner by which it will be effected and the basis for settlement.*
- (3) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 C.F.R. § 60-1.4(b), in accordance with Executive Order No. 11246, “Equal Employment Opportunity,” 42 U.S.C. § 2000e note (30 Fed. Reg. 12319, 12935, 3 C.F.R. 1964–1965 Comp., p. 339), as amended by Executive Order No. 11375, “Amending Executive Order No. 11246 Relating to Equal Employment Opportunity,” (32 Fed. Reg. 14,303) and implementing regulations at 41 CFR Part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”*
- (4) Davis-Bacon Act, as amended (40 U.S.C. §§ 3141 – 3148). When required by federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. §§ 3141 – 3144, and 3146 – 3148) as supplemented by Department of Labor regulations (29 CFR*

Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-federal entity must report all suspected or reported violations to the federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. § 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of a public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-federal entity must report all suspected or reported violations to the federal awarding agency.

(5) Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 3701 – 3708). Where applicable, all contracts awarded by the non-federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. §§ 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. § 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer based on a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. § 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(6) Rights to Inventions Made Under a Contract or Agreement. If the federal award meets the definition of “funding agreement” under 37 C.F.R. § 401.2(a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(7) Clean Air Act (42 U.S.C. §§ 7401 – 7671q.) and the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 – 1388), as amended. Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. §§ 7401 – 7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. §§ 1251 – 1388). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(8) *Debarment and Suspension (Executive Orders 12549 and 12689). A covered transaction (see 2 C.F.R. §§ 180.220 and 1200.220) must not be entered into with any party listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 C.F.R. 180 that implement Executive Orders 12549 (31 U.S.C. § 6101 note, 51 Fed. Reg. 6370,) and 12689 (31 U.S.C. § 6101 note, 54 Fed. Reg. 34131), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549. The Recipient agrees to include, and require each Third Party Participant to include, a similar provision in each lower tier covered transaction, ensuring that each lower tier Third Party Participant:*

- (i) *Complies with federal debarment and suspension requirements; and*
- (ii) *Reviews the SAM at https://www.sam.gov, if necessary to comply with U.S. DOT regulations, 2 CFR Part 1200.*

(10) *Solid Wastes. A Recipient that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.*

200.216 Prohibition on certain telecommunications and video surveillance services or equipment.

(a) *Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:*

- (1) *Procure or obtain;*
- (2) *Extend or renew a contract to procure or obtain; or*

(3) *Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).*

(i) *For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation,*

Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

(ii) Telecommunications or video surveillance services provided by such entities or using such equipment.

(iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(b) In implementing the prohibition under Public Law 115-232, section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

FTA Master Agreement (25) Section 34. Safe Operation of Motor Vehicles.

(a) Seat Belt Use. The Recipient agrees to implement Executive Order No. 13043, “Increasing Seat Belt Use in the United States,” April 16, 1997, 23 U.S.C. § 402 note, (62 Fed. Reg. 19217), by: 90 (1) Adopting and promoting on-the-job seat belt use policies and programs for its employees and other personnel that operate company-owned vehicles, company-rented vehicles, or personally operated vehicles; and (2) Including a “Seat Belt Use” provision in each third party agreement related to the Award.

FTA Master Agreement (25) Section 34. Safe Operation of Motor Vehicles. (b) Distracted Driving, Including Text Messaging While Driving.

The Recipient agrees to comply with: (1) Executive Order No. 13513, “Federal Leadership on Reducing Text Messaging While Driving,” October 1, 2009, 23 U.S.C. § 402 note, (74 Fed. Reg. 51225); (2) U.S. DOT Order 3902.10, “Text Messaging While Driving,” December 30, 2009; and (3) The following U.S. DOT Special Provision pertaining to Distracted Driving: (i) Safety. The Recipient agrees to adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers, including policies to ban text messaging while using an electronic device supplied by an employer, and driving a vehicle the driver owns or rents, a vehicle Recipient owns, leases, or rents, or a privately-owned vehicle when on official business in connection with the Award, or when performing any work for or on behalf of the Award; (ii) Recipient Size. The Recipient agrees to conduct workplace safety initiatives in a manner commensurate with its size, such as establishing new rules and programs to prohibit text messaging while driving, re-evaluating the existing programs to prohibit text messaging while driving, and providing education, awareness, and other outreach to employees about the safety risks associated with texting while driving; and (iii) Extension of Provision. The Recipient agrees to include the preceding Special Provision of section 34(b)(3)(i) – (ii) of this Master Agreement in its third party agreements, and encourage its Third Party Participants to comply with this Special

Provision, and include this Special Provision in each third party subagreement at each tier supported with federal assistance.

FTA Master Agreement (28) Section 39(b).

Notification to FTA; Flow Down Requirement. If a current or prospective legal matter that may affect the Federal Government emerges, the Recipient must promptly notify the FTA Chief Counsel and FTA Regional Counsel for the Region in which the Recipient is located. The Recipient must include a similar notification requirement in its Third Party Agreements and must require each Third Party Participant to include an equivalent provision in its subagreements at every tier, for any agreement that is a “covered transaction” according to 2 C.F.R. §§ 180.220 and 1200.220.

(1) The types of legal matters that require notification include, but are not limited to, a major dispute, breach, default, litigation, or naming the Federal Government as a party to litigation or a legal disagreement in any forum for any reason.

(2) Matters that may affect the Federal Government include, but are not limited to, the Federal Government’s interests in the Award, the accompanying Underlying Agreement, and any Amendments thereto, or the Federal Government’s administration or enforcement of federal laws, regulations, and requirements.

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(3) Additional Notice to U.S. DOT Inspector General. The Recipient must promptly notify the U.S. DOT Inspector General in addition to the FTA Chief Counsel or Regional Counsel for the Region in which the Recipient is located, if the Recipient has knowledge of potential fraud, waste, or abuse occurring on a Project receiving assistance from FTA. The notification provision applies if a person has or may have submitted a false claim under the False Claims Act, 31 U.S.C. § 3729, et seq., or has or may have committed a criminal or civil violation of law pertaining to such matters as fraud, conflict of interest, bid rigging, misappropriation or embezzlement, bribery, gratuity, or similar misconduct involving federal assistance. This responsibility occurs whether the Project is subject to this Agreement or another agreement between the Recipient and FTA, or an agreement involving a principal, officer, employee, agent, or Third Party Participant of the Recipient. It also applies to subcontractors at any tier. Knowledge, as used in this paragraph, includes, but is not limited to, knowledge of a criminal or civil investigation by a Federal, state, or local law enforcement or other investigative agency, a criminal indictment or civil complaint, or probable cause that could support a criminal indictment, or any other credible information in the possession of the Recipient. In this paragraph, “promptly” means to refer information without delay and without change. This notification provision applies to all divisions of the Recipient, including divisions tasked with law enforcement or investigatory functions.

Corrective Action(s) and Schedule: By February 8, 2024, GRTC must submit to the Region 3 office:

- Revised procurement procedures that address inclusion of all FTA-required third- party contract clauses through use of a clause checklist or other mechanism.
- A procedure for updating the required contract clauses on an annual basis.
- Documentation that the required clauses are included for the next applicable procurement.

10. Disadvantaged Business Enterprise (DBE)

Basic Requirement: Recipients must comply with 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. Recipients also must create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts.

Finding: During this Triennial Review of GRTC, no deficiencies were found with the USDOT requirements for DBE.

11. Title VI

Basic Requirement: The recipient must ensure that no person shall, on the grounds of race, color, or national origin, be excluded from participating in, or be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance without regard to whether specific projects or services are federally funded. The recipient must ensure that all transit services and related benefits are distributed in an equitable manner.

Finding: During this Triennial Review of GRTC, no deficiencies were found with the FTA requirements for Title VI.

12. Americans with Disabilities Act (ADA) – General

Basic Requirement: Titles II and III of the Americans with Disabilities Act of 1990 provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service, including complementary paratransit service.

Finding: During this Triennial Review of GRTC, two (2) deficiencies were found with the USDOT requirements for ADA – General.

Deficiency Description #1: Demand-response service deficiency (ADA-GEN5-1)

GRTC has an agreement with Uber to provide demand-response service along certain routes during the late evening and early morning hours. When Uber is unable to provide accessible vehicles, riders can contact the recipient who will provide this service directly. During the review, it was determined that GRTC is not monitoring the response time for the service they provide directly to ensure it is equivalent to the service provided by Uber.

49 CFR 37.5 Nondiscrimination

(a) No entity shall discriminate against an individual with a disability in connection with the provision of transportation service.

49 CFR 37.23 Service under contract

(a) When a public entity enters into a contractual or other arrangement (including, but not limited to, a grant, subgrant, or cooperative agreement) or relationship with a private entity to operate fixed route or demand responsive service, the public entity shall ensure that the private entity meets the requirements of this part that would apply to the public entity if the public entity itself provided the service.

(b) A private entity which purchases or leases new, used, or remanufactured vehicles, or manufactures vehicles, for use, or in contemplation of use, in fixed route or demand responsive service under contract or other arrangement or relationship with a public entity, shall acquire accessible vehicles in all situations in which the public entity itself would be required to do so by this part.

(c) A public entity which enters into a contractual or other arrangement (including, but not limited to, a grant, subgrant, or cooperative agreement) or relationship with a private entity to provide fixed-route service shall ensure that the percentage of accessible vehicles operated by the public entity in its overall fixed route or demand responsive fleet is not diminished as a result.

(d) A private entity that provides fixed route or demand responsive transportation service under contract or other arrangement (including, but not limited to, a grant, subgrant, or cooperative agreement) with another private entity shall be governed, for purposes of the transportation service involved, by the provisions of this part applicable to the other entity.

Corrective Action(s) and Schedule: By November 28, 2023, GRTC must submit to the RCRO via FTACivilRightsSupport@dot.gov (per instructions in Section VII of this report)

- Procedures for monitoring the demand-response service to ensure that equivalent service is provided to persons with disabilities, including wheelchair users, according to the criteria described in 49 CFR 37.77(c).

Deficiency Description #2: Elevator service deficiency (ADA-GEN9-1)

The recipient has procedures in place to provide assistance when elevators are out of service; however, there is no process in place to inform the public on how to obtain this assistance when needed and no information is provided on signage alerting the public that elevators are out of service.

49 CFR 37.161 Maintenance of accessible features: General

(b) Accessibility features shall be repaired promptly if they are damaged or out of order. When an accessibility feature is out of order, the entity shall take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature.

(c) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.”

Corrective Action(s) and Schedule: By November 28, 2023, GRTC must submit to the RCRO via FTACivilRightsSupport@dot.gov (per instructions in Section VII of this report):

- Documentation that it has implemented procedures to accommodate passengers when an elevator is out of service including how it will make this information available to the public.

13. ADA – Complementary Paratransit

Basic Requirement: Under 49 CFR 37.121(a), each public entity operating a fixed-route system shall provide paratransit or other special service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed-route system. “Comparability” is determined by 49 CFR 37.123-37.133. Requirements for complementary paratransit do not apply to commuter bus, commuter rail, or intercity rail systems.

Finding: During this Triennial Review of GRTC, no deficiencies were found with USDOT requirements for ADA – Complementary Paratransit.

14. Equal Employment Opportunity

Basic Requirement: The recipient must ensure that no person in the United States shall on the grounds of race, color, religion, national origin, sex, age or disability be excluded from participating in, or denied the benefits of, or be subject to discrimination in employment under any project, program or activity receiving Federal financial assistance under the Federal transit laws.

Finding: During this Triennial Review of GRTC, no deficiencies were found with the FTA requirements for Equal Employment Opportunity.

15. School Bus

Basic Requirement: Recipients are prohibited from providing school bus service in competition with private school bus operators unless the service qualifies and is approved by the FTA Administrator under an allowable exemption. Federally-funded equipment or facilities cannot be used to provide exclusive school bus service.

Finding: During this Triennial Review of GRTC, no deficiencies were found with the FTA requirements for School Bus.

16. Charter Bus

Basic Requirement: Recipients are prohibited from using the FTA-funded equipment and facilities to provide charter service that unfairly competes with private charter operators. Recipients may operate charter only when the service meets a specified exception defined in rule.

Finding: During this Triennial Review of GRTC, one (1) deficiency was found with the FTA requirements for Charter Bus.

Deficiency Description: Charter bus records and notices not maintained (CB2-1)

GRTC could not provide documentation demonstrating public notice is given to all charter providers each time charter service is requested.

FTA Charter Service Quarterly Exceptions Reporting Form and Instructions

49 CFR Part 604.2 Applicability

(b) The requirements of this part shall not apply to a recipient transporting its employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors and official guests, to or from transit facilities or projects within its geographic service area or proposed geographic service area for the purpose of conducting oversight functions such as inspection, evaluation, or review.

(c) The requirements of this part shall not apply to private charter operators that receive, directly or indirectly, Federal financial assistance under section 3038 of the Transportation Equity Act for the 21st Century, as amended, or to the non-FTA funded activities of private charter operators that receive, directly or indirectly, FTA financial assistance under any of the following programs: 49 U.S.C. 5307, 49 U.S.C. 5309, 49 U.S.C. 5310, 49 U.S.C. 5311, 49 U.S.C. 5316, or 49 U.S.C. 5317.

(d) The requirements of this part shall not apply to a recipient transporting its employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors and official guests, for emergency preparedness planning and operations.

(e) The requirements of this part shall not apply to a recipient that uses Federal financial assistance from FTA, for program purposes only, under 49 U.S.C. 5310, 49 U.S.C. 5311, 49 U.S.C. 5316, or 49 U.S.C. 5317.

(f) The requirements of this part shall not apply to a recipient, for actions directly responding to an emergency declared by the President, governor, or mayor or in an emergency requiring immediate action prior to a formal declaration. If the emergency lasts more than 45 days, the recipient shall follow the procedures set out in subpart D of 49 CFR 601.

(g) The requirements of this part shall not apply to a recipient in a non-urbanized area transporting its employees, other transit system employees, transit management officials, and transit contractors and bidders to or from transit training outside its geographic service area.

49 CFR Part 604.12 Reporting requirements for all exceptions

(a) A recipient that provides charter service in accordance with one or more of the exceptions contained in this subpart shall maintain the required notice and records in an electronic format for a period of at least three years from the date of the service or lease. A recipient may maintain the required records in other formats in addition to the electronic format.

(b) In addition to the requirements identified in paragraph (a) of this section, the records required under this subpart shall include a clear statement identifying which exception the recipient relied upon when it provided the charter service.

(c) Beginning on July 30, 2008, a recipient providing charter service under these exceptions shall post the records required under this subpart on the FTA charter registration Web site 30 days after the end of each calendar quarter (i.e., January 30th, April 30th, July 30th, and October 30th). A single document or charter log may include all charter service trips provided during the quarter.

(d) A recipient may exclude specific origin and destination information for safety and security reasons. If a recipient excludes such information, the record of the service shall describe the reason why such information was excluded and provide generalized information instead of providing specific origin and destination information.

Corrective Action(s) and Schedule: By November 28, 2023, GRTC must submit to the Region 3 office:

- Procedures for providing public notices to registered charter providers.
- Evidence that the procedures have been implemented.

17. Drug Free Workplace Act

Basic Requirement: Recipients are required to maintain a drug free workplace for all award-related employees; report any convictions occurring in the workplace timely; and have an ongoing drug free awareness program.

Finding: During this Triennial Review of GRTC, no deficiencies were found with the FTA requirements for Drug-Free Workplace Act.

18. Drug and Alcohol Program

Basic Requirement: Recipients receiving Section 5307, 5309, 5311, or 5339 funds that have safety-sensitive employees must have a drug and alcohol testing program in place for such employees.

Finding: During this Triennial Review of GRTC, two (2) deficiencies were found with the FTA requirements for Drug and Alcohol Program.

Deficiency Description #1: Missing qualifications of service agents (DA4-1)

GRTC could not provide documentation demonstrating that the substance abuse professionals supporting its drug and alcohol program have up to date certifications.

49 CFR 40.281 Who is qualified to act as a SAP?

To be permitted to act as a SAP in the DOT drug and alcohol testing program, you must meet each of the requirements of this section:

(d) Continuing education. During each three-year period from the date on which you satisfactorily complete the examination under paragraph (c)(2) of this section, you must complete continuing education consisting of at least 12 professional development hours (e.g., CEUs) relevant to performing SAP functions.

(e) Documentation. You must maintain documentation showing that you currently meet all requirements of this section. You must provide this documentation on request to DOT agency representatives and to employers and C/TPAs who are using or contemplating using your services.

DOT COVID-19 Drug & Alcohol Testing Statement of Enforcement Discretion for Substance Abuse Professionals and Service Agents

SAP Assessments and Evaluations

Under 49 CFR §§ 40.291, 40.293, and 40.301, the SAP must conduct a face-to-face assessment and evaluation of an employee who has violated DOT drug and alcohol regulations. DOT has always maintained that the “face-to-face” assessment and evaluation must be done “in person” and is essential to the SAP process. ODAPC recognizes that conducting face-to-face assessments

and evaluations during the COVID-19 public health emergency may not be possible or advisable for certain individuals. ODAPC will allow SAPs to conduct a remote “face-to-face” evaluation and assessment while this policy is in effect.

The flexibility to conduct remote assessments and evaluations is voluntary, and SAPs may continue to conduct in-person face-to-face assessments and evaluations as appropriate. ODAPC recommends that, when a SAP conducts assessments and evaluations remotely, the format of the assessment be documented in the final report for reference.

ODAPC realizes that performing evaluations remotely may not provide as much information to the SAP as a face-to-face evaluation would, but believes remote evaluations are preferable to not performing the evaluations at all. While ODAPC will not prescribe the exact manner in which the remote evaluations should be conducted, SAPs who choose to conduct initial assessments and evaluations and follow up evaluations remotely should consider the following parameters:

- 1. The technology you use should permit a real-time two-way audio and visual communication and interaction between you and the employee.*
- 2. You should determine if the quality of the technology (e.g., speed of the internet connection, clarity of the display, application being used, etc.) is sufficient for you to gather all the visual (e.g., non-verbal physical cues) and audible information you would normally observe in an in-person face-to-face interaction.*
- 3. You may only utilize the technology if your State-issued license authorizes you to do so and within the parameters of that authority.*

ODAPC will not consider an evaluation or assessment performed remotely as an act of serious non-compliance for purposes of starting a public interest exclusion proceeding against the service agent while this statement of enforcement discretion is in effect.

Re-qualification Timelines for Certain Service Agents

Under 49 CFR §§ 40.33(e), 40.121(d), 40.213(e), and 40.281(d), collectors, MROs, STT/BATs, and SAPs are required to maintain their DOT required qualifications to continue to act as service agents in the DOT drug and alcohol testing program. Specifically, collectors and STT/BATs must complete refresher training every five years, MROs must complete requalification training every five years, and SAPs must complete 12 professional development hours every three years.

DOT realizes that during the COVID-19 public health emergency, these service agents may find it difficult to find the necessary resources (e.g., exam location or personnel to conduct mock collections, etc.) to meet their re-qualification requirements. If a service agent is unable to meet their re-qualification due date while this statement of enforcement discretion is in effect, DOT will not consider it a non-compliance for purposes of starting a public interest exclusion proceeding against the service agent. DOT is providing this flexibility for service agents who cannot meet their re-qualification requirements by their respective due dates due to restrictions imposed by Federal, State and local authorities, and health agencies related to the COVID-19 public health emergency (e.g., facility closures, State or locally imposed quarantine

requirements, or other impediments). DOT will consider these service agents qualified per Part 40 to continue providing the Part 40 required services while this policy is in effect.

Corrective Action(s) and Schedule: By November 28, 2023, GRTC must submit to the Region 3 office qualifications of the substance abuse professionals that support its programs.

Deficiency Description #2: Insufficient oversight over drug & alcohol programs of subrecipients, contractors, subcontractors, and/or lessees (DA5-1)

GRTC could not provide documentation it is ensuring the substance abuse professionals that support the operating contractor's testing program have current certifications.

49 CFR 655.72 Reporting of results in a management information system

(a) Each recipient shall annually prepare and maintain a summary of the results of its anti-drug and alcohol misuse testing programs performed under this part during the previous calendar year.

(b) When requested by FTA, each recipient shall submit to FTA's Office of Safety and Security, or its designated agent, by March 15, a report covering the previous calendar year (January 1 through December 31) summarizing the results of its anti-drug and alcohol misuse programs.

(c) Each recipient shall be responsible for ensuring the accuracy and timeliness of each report submitted by an employer, contractor, consortium or joint enterprise or by a third party service provider acting on the recipient's or employer's behalf.

49 CFR 655.81 Grantee oversight responsibility

A recipient shall ensure that a subrecipient or contractor who receives 49 U.S.C. 5307, 5309, or 5311 funds directly from the recipient complies with this part.

Corrective Action(s) and Schedule: By November 28, 2023, GRTC must submit to the Region 3 office:

- The qualifications of the substance abuse professionals that support the programs of its operating contractors,
- Procedures for ensuring that the service agents that support the drug and alcohol programs of subrecipients, contractors, subcontractors, and lessees have current qualifications.

19. Section 5307 Program Requirements

Basic Requirement: Recipients must participate in the transportation planning process in accordance with FTA requirements and the metropolitan and statewide planning regulations.

Recipients shall develop, publish, afford an opportunity for a public hearing on, and submit for approval, a program of projects (POP).

Recipients are expected to have a written, locally developed process for soliciting and considering public comment before raising a fare or carrying out a major transportation service reduction.

For fixed-route service supported with Section 5307 assistance, fares charged to seniors, persons with disabilities or an individual presenting a Medicare card during off peak hours will not be more than one half the peak hour fares.

Finding: During this Triennial Review of GRTC, no deficiencies were found with the FTA requirements for Section 5307 Program Requirements.

20. Section 5310 Program Requirements

Basic Requirement: Recipients must expend Section 5310 funds on eligible projects that meet the specific needs of seniors and individuals with disabilities. Projects selected for funding must be included in a locally developed, coordinated public transit-human services transportation plan. Recipients must approve all subrecipient leases of Section 5310-funded vehicles. Leases of Section 5310-funded vehicles must include required terms and conditions. Either the recipient or subrecipient must hold the title to the leased vehicles.

This section only applies to recipients that receive Section 5310 funds directly from the FTA; therefore, the related requirements are not applicable to the Triennial Review of GRTC.

21. Section 5311 Program Requirements

Basic Requirement: States must expend Section 5311 funds on eligible projects to support rural public transportation services and intercity bus transportation.

This section only applies to recipients that receive Section 5311 funds directly from FTA; therefore, the related requirements are not applicable to the Triennial Review of GRTC.

22. Public Transportation Agency Safety Plans (PTASP)

Basic Requirement: Recipients must comply with the Public Transportation Agency Safety Plan (PTASP) regulation (49 CFR Part 673) to ensure public transportation providers develop and implement an Agency Safety Plan (ASP).

Finding: During this Triennial Review of GRTC, no deficiencies were found with the FTA requirements for PTASP Requirements.

23. Cybersecurity

Basic Requirement: Recipients that operate rail fixed guideway public transportation systems must certify compliance with the requirements for establishing a cybersecurity process under 49 U.S.C. § 5323(v), a new subsection added by the National Defense Authorization Act for Fiscal Year 2020, Pub. L. 116-92, § 7613 (Dec. 20, 2019).

This section only applies to recipients that operate rail fixed guideway public transportation systems; therefore, the related requirements are not applicable to the Triennial Review of GRTC.

V. Summary of Findings

Review Area	Finding	Deficiency Code(s)		Corrective Action(s)	Response Due Date(s)	Date Closed
		Code	Description			
1. Legal	ND					
2. Financial Management and Capacity	ND					
3. Technical Capacity – Award Management	ND					
4. Technical Capacity – Program Management and Subrecipient Oversight	NA					
5. Technical Capacity – Project Management	ND					
6. Transit Asset Management	ND					
7. Satisfactory Continuing Control	ND					
8. Maintenance	ND					
9. Procurement	D	P10-2	Lacking required cost or price analysis	The recipient must submit to the FTA regional office: <ul style="list-style-type: none">• Documentation that it has updated its procurement procedures to include performing the applicable cost analysis including an analysis of contractor profit for sole source procurements above the Federal Simplified Acquisition Threshold.• Documentation that the required analysis was implemented for the next applicable procurement.	2/28/2024	
		P11-1	Missing FTA clauses	The recipient must submit to the FTA regional office: <ul style="list-style-type: none">• Revised procurement procedures that address inclusion of all FTA-required third- party contract clauses through use of a clause checklist or other mechanism.• A procedure for updating the required contract clauses on an annual basis.• Documentation that the required clauses are included for the next applicable procurement.	2/28/2024	
10. Disadvantaged Business Enterprise	ND					
11. Title VI	ND					

Review Area	Finding	Deficiency Code(s)		Corrective Action(s)	Response Due Date(s)	Date Closed
		Code	Description			
12. Americans with Disabilities Act (ADA) – General	D	ADA-GEN5-1	Demand-response service deficiency	The recipient must submit to FTACivilRightsSupport@dot.gov <ul style="list-style-type: none"> Procedures for monitoring the demand-response service to ensure that equivalent service is provided to persons with disabilities, including wheelchair users, according to the criteria described in 49 CFR 37.77(c). 	11/28/2023	
		ADA-GEN9-1	Elevator service deficiency	The recipient must submit to FTACivilRightsSupport@dot.gov <ul style="list-style-type: none"> Documentation that it has implemented procedures to accommodate passengers when an elevator is out of service including how it will make this information available to the public. 	11/28/2023	
13. ADA – Complementary Paratransit	ND					
14. Equal Employment Opportunity	ND					
15. School Bus	ND					
16. Charter Bus	D	CB2-1	Charter bus records and notices not maintained	The recipient must submit to the FTA regional office: <ul style="list-style-type: none"> Procedures for providing public notices to registered charter providers. Evidence that the procedures have been implemented. 	11/28/2023	
17. Drug-Free Workplace	ND					
18. Drug and Alcohol Program	ND	DA4-1	Missing qualifications of service agents	The recipient must submit to the FTA regional office qualifications of the substance abuse professionals that support its programs.	11/28/2023	
		DA5-1	Insufficient oversight over drug & alcohol programs of subrecipients, contractors, subcontractors, and/or lessees	The recipient must submit to the FTA regional office: <ul style="list-style-type: none"> The qualifications of the substance abuse professionals that support the programs of its operating contractors, Procedures for ensuring that the service agents that support the drug and alcohol programs of subrecipients, contractors, subcontractors, and lessees have current qualifications. 	11/28/2023	
19. Section 5307 Program Requirements	ND					
20. Section 5310 Program Requirements	NA					
21. Section 5311 Program Requirements	NA					

Review Area	Finding	Deficiency Code(s)		Corrective Action(s)	Response Due Date(s)	Date Closed
		Code	Description			
22. Public Transportation Agency Safety Plan	ND					
23. Cybersecurity	NA					

The metrics used to evaluate whether a recipient is meeting the requirements for each of the areas reviewed are: Deficient (D)/Not Deficient (ND)/Not Applicable (NA)

VI. Attendees

Name	Title	Phone Number	E-mail Address
Old Dominion Transit Management, Greater Richmond Transit Center			
Sheryl Adams	CEO	804-474-9798	Sheryl.adams@ridegrtc.com
Adrienne Torres	Chief of Staff	804-474-9338	Adrienne.torres@ridegrtc.com
John M. Zinzarella	Chief Financial & Administrative Officer	804-474-9375	John.zinzarella@ridegrtc.com
Raquel Aguirre	Bus stop and Amenities Program Manager	804-474-9913	Raquel.aguirre@ridegrtc.com
Kesha Reed	Sr. Financial Analyst	804-474-9310	KReed@ridegrtc.com
Sam Sink	Director of Planning	804-474-9368	Sam.sink@ridegrtc.com
Soumya Vijayan	Financial Analyst	804-474-9386	Soumya.vijayan@ridegrtc.com
Tonya Thompson	Director of Procurement	804-474-9372	Tonya.thompson@ridegrtc.com
Antionette Haynes	Procurement Services Administrator	804-474-9357	Antionette.haynes@ridegrtc.com
Angela Malloy	Human Resources Director	804-592-5382	Angela.malloy@ridegrtc.com
Joe Dillard	Director of Equitable Innovation & Legislative Policy	804-474-9346	Joe.dillard@ridegrtc.com
Patricia Robinson	Planning Manager	804-835-5209	Patricia.robinson@ridegrtc.com
Timothy Barham	Chief of Transit Operations	804-358-0201	Tim.barham@ridegrtc.com
Tony Byrd	Director of Maintenance	804-474-9925	Tony.byrd@ridegrtc.com
Anthony Carter	Director of Risk Management	804-474-9378	Anthony.carter@ridegrtc.com
Monica Carter	Safety and Service Compliance Officer	804-474-9378	Monica.carter@ridegrtc.com
David Horne	Senior Transit Scheduler and Special Projects	804-414-9323	David.horne@ridegrtc.com
FTA			
Tony Tarone	Deputy Regional Administrator	215-656-7100	tony.tarone@dot.gov
Tony Cho	Director, Office of Program Management	215-656-7250	tony.cho@dot.gov

Anthony Matthews	Transportation Program Specialist	215-391-7657	Anthony.Matthews@dot.gov
Ben Stoltenberg	Transportation Program Specialist	215-656-7247	benjamin.stoltenberg@dot.gov
Anthony Romero	Procurement Specialist (Contractor)	215-656-7100	anthony.romero.ctr@dot.gov
Contractor			
Jameson Beekman	Lead Reviewer	617-577-0042	jamesonb@calyptusgroup.com
Ellen Harvey	Associate Reviewer	617-577-0042	eharvey@calyptusgroup.com

VII. Appendices

Civil Rights Corrective Action Submission

All Civil Rights corrective actions should be submitted to FTACivilRightsSupport@dot.gov in the following format:

- A separate email should be sent to address each deficiency separately with attached supporting documentation.

Do not submit MS Word or Excel spreadsheets.

- Supporting documents should be sent as .pdf files in the following format:

Region Number-Grantee Name-TrAMSRcipID-Finding Code.pdf

For example, **Region3- GRTC-1419-D BE6-1.pdf**

- **Email Subject Line:** TR FY23 Corrective Action: Grantee Name-Recipient ID, Deficiency Code, and Deficiency Title

For example, **Triennial Review FY23 Corrective Action: GRTC-1419, DBE6-1 DBE Shortfall Analyses**

The body of the email should contain a short summary of the corrective action.