

**FINAL REPORT**

**FISCAL YEAR 2023  
TRIENNIAL REVIEW**

of

**Biddeford Saco Old Orchard Beach Transit Committee  
(BSOOB)  
Biddeford, ME  
ID: 7126**

*Performed for:*

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

*Prepared By:*

**Advanced Systems Technology & Management, Inc.  
under subcontract to Qi Tech, LLC**

**Scoping Meeting Date: February 24 & 27, 2023  
Virtual Site Visit Entrance Conference Date: March 28, 2023  
Virtual Site Visit Exit Conference Date: June 27, 2023  
Final Report Date: August 15, 2023**

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## I. Executive Summary

This report documents the Federal Transit Administration's (FTA) Triennial Review of the Biddeford Saco Old Orchard Beach Transit Committee (BSOOB) of Biddeford, ME. 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 Advanced Systems Technology & Management, Inc. under subcontract to Qi Tech, LLC. 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 BSOOB'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 that BSOOB 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 BSOOB'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 two repeat deficiencies from the FY 2019 Triennial Review in the Procurement area.

Deficiencies were found in the areas listed below.

Review Area	Deficiencies	
	Code	Description
Procurement	P11-1*	Missing FTA clauses
	P12-2*	Lobbying certifications not included in procurement solicitations or signed by bidders
	P12-3	Buy America provisions not in solicitation and/or contract
	P20-2	Pre-award and/or post-delivery audits not performed
	P20-3	Pre-award and/or post-delivery certifications lacking
Disadvantaged Business Enterprise	DBE11-1	Unreported transit vehicle purchases

\* Denotes repeat deficiency

## **II. Review Background and Process**

### **1. Background**

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 1 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 Public Health Emergency, a virtual site visit was conducted of each recipient. In addition, the review was expanded to address the recipient's compliance with the administrative relief and flexibilities FTA granted and the requirements of the COVID-19 relief funds received through the CARES Act, CRRSAA of 2021, and the ARP Act of 2021. 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 November 23, 2022, indicating a review would be conducted. While the recipient prepared its response to the RIR, the regional office and review team conducted the scoping meeting on February 24 and 27, 2023. Regional office staff provided electronic files as necessary to the reviewers 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 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 to the recipient on April 28, 2023 an agenda package indicating the issues that would be discussed, records to be reviewed, and interviews to be conducted.

The virtual site visit portion of the review began with an entrance conference on March 28, 2023, 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 reviewer and the FTA regional office staff provided a summary of preliminary findings to the recipient at the exit conference on June 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*: 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*: An area is considered deficient if any of the requirements within the area reviewed were not met.
- *Not Applicable*: 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

The Biddeford-Saco-Old Orchard Beach Transit Committee (BSOOB) was established in 1978 to provide public transportation service in Biddeford, Saco, and Old Orchard Beach in York and Cumberland Counties, Maine. BSOOB is governed by a nine-member board that includes at least one elected official from each of the three municipalities. Each community's mayor or town manager appoints two additional members.

BSOOB's transit service includes five deviated-fixed routes that operate within the municipal boundaries of Biddeford, Saco, and Old Orchard Beach in York County; a commuter-oriented express service between Biddeford, Saco, and Portland; and an intercity route that provides service between Saco and Portland, via Old Orchard Beach, Scarborough and the Maine Mall in Portland. BSOOB Transit also provides summer trolley services oriented around the seasonal activities in Old Orchard Beach.

Service operates Monday through Saturday between the hours of 5:00 a.m. and 10:00 p.m. and between 5:00 a.m. and 7:00 p.m. on Sundays. The regular one-way cash fare is \$2.00. Persons 65 and older, persons with disabilities, and individuals with a Medicare card pay \$1.00. Along with two other regional transit partners, GPMetro and South Portland Bus Service, BSOOB Transit collects and records fare activity with a contactless, smartcard fare collection system, branded as DiriGO. Cash fares are also accepted.

BSOOB Transit operates out of an FTA-funded operations and maintenance facility located on Pomerleau Street in Biddeford. Its fleet consists of 18 FTA-funded vehicles and three vehicles that are locally funded.

#### 2. Award and Project Activity

Below is a list of BSOOB's open awards at the time of the review.

Award Number	Award Amount	Year Executed	Description
ME-2021-019	\$1,246,029	2021	FY2022 FTA 5307 Grant
ME-2020-031	\$1,923,340	2020	FY2021 FTA 5307 Grant and 5339 (b) Trolley Replacement
ME-2020-022	\$1,045,460	2020	Zoom Coaches FY20, 5339 Funding
ME-2022-007	\$792,473	2022	BSOOB Transit Urbanized Area CARES Act PHASE V Funding
ME-2019-020	\$1,270,000	2019	FY20 Electric Bus Purchase

BSOOB received Supplemental Cares Act funds for operating assistance in award number ME-2022-007. This is not BSOOB's first time receiving operating assistance from the FTA.

## **Projects Completed**

In the past few years, BSOOB completed the following noteworthy projects:

- Purchased four diesel trolleys and two commuter coach buses
- Purchased two battery-electric buses and installed depot-based charging infrastructure
- Implemented a timed transfer service redesign
- Acquired cameras for buses, a security surveillance system for its facilities, and implemented an electronic fare collection system.

## **Ongoing Projects**

BSOOB is currently implementing the following noteworthy projects:

- Engaging with an engineering firm to finalize a security fence site plan and get the appropriate permits and easements to install the security fence in 2023
- Purchasing two additional battery-electric buses
- Developing specifications for three new vehicles including a replacement maintenance truck, a support van, and an ADA-compliant passenger van
- Finalizing a contract award for a new CAD/AVL system that will include APC hardware and other customer and operational management improvements that will allow the agency to provide transit service more efficiently and effectively.

## **Future Projects**

BSOOB plans to pursue the following noteworthy projects in the next three to five years:

- Install on-route pantographic charging infrastructure for the battery electric bus fleet at the Saco Transportation Center
- Improve customer facing information including static bus stop signs and digital display terminals at key transit hubs
- Acquire a small fleet of micro transit vehicles, along with the technology to operate the on-demand service
- Replace and upgrade the existing diesel fuel tank and pumping system, which will reach its useful life in 2026
- Enhance and improve the maintenance and storage facility at 13 Pomerleau Street. As the agency continues to grow, there will be a need for additional bus storage, storage for the active fleet, an improved bus wash facility, and new facility backup electric generators.

## **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 BSOOB, 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 BSOOB, 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 BSOOB, 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.

This section only applies to recipients that have subrecipients; therefore, the related requirements are not applicable to the Triennial Review of BSOOB.



## 5. Technical Capacity – Project Management

Basic Requirement: The recipient must be able to 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 BSOOB, 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 BSOOB, 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 to be used for its originally authorized purpose throughout its useful life until disposition.

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

## 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 BSOOB, 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 BSOOB, deficiencies were found with the FTA requirements for Procurement.

Deficiency Description:

***Missing FTA clauses (P11-1)***

In one of BSOOB's reviewed procurements, the purchase of Proterra buses, a required clause regarding the prohibition of certain telecommunications and video surveillance services or equipment was missing. This clause, as found in 2 CFR 200.216, went into effect on August 13, 2020. BSOOB awarded the contract for the vehicles on August 12, 2021, so the clause should have been included in the contract. This is a repeat deficiency from BSOOB's FY2019 Triennial Review.

Corrective Actions and Schedule: For the deficiency *Missing FTA clauses (P11-1)*, by September 30, 2023, BSOOB must submit to the FTA regional office revised procurement procedures that address inclusion of all FTA-required third-party contract clauses through use of a clause checklist or other mechanism.

By January 31, 2024, for the next procurement, BSOOB must submit to the FTA regional office documentation that the required process was implemented.

Deficiency Description:

***Lobbying certifications not included in procurement solicitations or signed by bidders (P12-2)***

Per Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards, and (I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352), contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-federal funds that takes place in connection with obtaining any federal award. Such disclosures are forwarded from tier-to-tier up to the non-federal award.

An AVL system contract dated 1/17/2022 and a HVAC-UV system contract dated 2/10/2021 were both missing lobbying certifications signed by the contractors. This is a repeat deficiency from BSOOB's FY2019 Triennial Review.

Corrective Actions and Schedule: For the deficiency *Lobbying certifications not included in procurement solicitations or signed by bidders (P12-2)*, by September 30, 2023, BSOOB must submit to the FTA regional office procedures for obtaining signed lobbying certifications.

By January 31, 2024, BSOOB must also submit to the FTA regional office a copy of the signed lobbying certification with the next applicable procurement.

Deficiency Description:

***Buy America provisions not in solicitation and/or contract (P12-3)***

An AVL system procurement dated 1/17/2022 was missing a Buy America Certification signed by the bidder. Per 49 CFR 661.6, if steel, iron, or manufactured products (as defined in §§661.3 and 661.5 of this part) are being procured, the appropriate certificate as set forth shall be completed and submitted by each bidder or offeror in accordance with the requirement contained in §661.13(b) of this part.

Corrective Actions and Schedule: For the deficiency *Buy America provisions not in solicitation and/or contract (P12-3)*, by September 30, 2023, for the AVL system procurement for which a Buy America certification was not obtained, BSOOB must provide the FTA regional office information documenting that the procurement complies with the Buy America provisions.

By September 30, 2023, BSOOB must submit to the FTA regional office revised procurement procedures that require the recipient to include Buy America provisions in solicitation documents and to obtain signed certifications from vendors when procuring steel, iron, or manufactured products not subject to a general waiver.

By January 31, 2024, for the next procurement, BSOOB must submit to the FTA regional office documentation that the required process was implemented.

Deficiency Description:

***Pre-award and/or post-delivery audits not performed (P20-2)***

BSOOB could not provide documentation of completing pre-award and post-delivery audits for a Prevost bus procurement dated 5/20/2021 and a Proterra bus procurement dated 8/12/2021. Per 49 CFR 663.21 pre-award audit requirements: A recipient purchasing revenue service rolling stock with FTA funds must ensure that a pre-award audit under this part is complete before the recipient enters into a formal contract for the purchase of such rolling stock. Per 49 CFR 663.31 post-delivery audit requirements: A recipient purchasing revenue service rolling stock with FTA funds must ensure that a post-delivery audit under this part is complete before title to the rolling stock is transferred to the recipient.

Corrective Actions and Schedule: For the deficiency *Pre-award and/or post-delivery audits not performed (P20-2)*, by September 30, 2023, BSOOB must submit to the FTA regional office post-delivery audit documentation for the Prevost and Proterra contracts.

By November 30, 2023, BSOOB must submit to the FTA regional office procedures for conducting pre-award and post-delivery review and inspection audits.

By September 30, 2024, for the next rolling stock procurement, BSOOB must submit to the FTA regional office documentation that the required process was implemented.

Deficiency Description:

***Pre-award and/or post-delivery certifications lacking (P20-3)***

A recipient purchasing rolling stock with FTA funds is required by 49 CFR 663.31 through 663.41 to perform audits and sign certificates to demonstrate compliance with Buy America, Purchaser's Requirements, and Federal Motor Vehicle Safety Standards (FMVSS) before taking title to the vehicles. BSOOB could not provide documentation of completing pre-award and post-delivery audit certifications for a Prevost bus procurement dated 5/20/2021 and a Proterra bus procurement dated 8/12/2021.

Corrective Actions and Schedule: For the deficiency *Pre-award and/or post-delivery certifications lacking (P-20-3)*, by September 30, 2023, BSOOB must submit to the FTA regional office post-delivery audit certifications for the Prevost and Proterra contracts. If they cannot certify compliance, it must confer with the FTA regional office for the appropriate corrective action.

By November 30, 2023, BSOOB must procedures for completing the applicable pre-award and post-delivery audits certifications for future revenue rolling stock procurements.

By September 30, 2024, for the next procurement, BSOOB must submit to the FTA regional office documentation that the required process was implemented.

## **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 BSOOB, a deficiency was found with the US DOT requirements for DBE.

Deficiency Description:

***Unreported transit vehicle purchases (DBE11-1)***

The DBE regulations at 49 CFR 26.49 (a) (4) state that FTA recipients are required to submit within 30 days of making an award the name of the successful bidder and the total dollar value of the contract. This notification should be submitted by using the online Transit Vehicle Award Reporting Form located on FTA's Civil Rights DBE Webpage. During the review period, BSOOB awarded a contract for buses to Prevost on 5/20/2020 and reported it on 8/18/2020. Another contract was awarded to Proterra on 8/20/2021 and again on 12/31/2022 and was not reported until 6/8/2023. All the awards were reported late.

Corrective Action and Schedule: For the deficiency *Unreported transit vehicle purchases (DBE11-1)*, by November 30, 2023, BSOOB must submit to the FTA Office of Civil Rights an implemented process to ensure that future awards of FTA-funded transit vehicle purchases are reported timely to the FTA Office of Civil Rights.

## 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 BSOOB, 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 BSOOB, no deficiencies were found with the US DOT requirements for ADA – General.

## 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 BSOOB, no deficiencies were found with US DOT 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 BSOOB, 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 BSOOB, 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. Recipient may operate charter only when the service meets a specified exception defined in rule.

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

## 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 BSOOB, 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 BSOOB, no deficiencies were found with the FTA requirements for Drug and Alcohol Program.

## 19. Section 5307 Program Requirements

Basic Requirement: The recipient 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 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 BSOOB, 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 title to the leased vehicles.

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

## **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 BSOOB.

## **22. Public Transportation Agency Safety Plan (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 BSOOB, 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).

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



## V. Summary of Findings

Review Area	Finding	Deficiency Code(s)	Corrective Action(s)	Response Due Date(s)	Date Closed
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	P11-1*: Missing FTA clauses	BSOOB must submit to the FTA regional office revised procurement procedures that address inclusion of all FTA-required third-party contract clauses through use of a clause checklist or other mechanism.  For the next procurement, BSOOB must submit to the FTA regional office documentation that the required process was implemented.	September 30, 2023  January 31, 2024	
		P12-2*: Lobbying certifications not included in procurement solicitations or signed by bidders	BSOOB must submit to the FTA regional office procedures for obtaining signed lobbying certifications.  BSOOB must also submit to the FTA regional office a copy of the signed lobbying certification with the next applicable procurement.	September 30, 2023  January 31, 2024	
		P12-3: Buy America provisions not in solicitation and/or contract	For the AVL system procurement for which a Buy America certification was not obtained, the BSOOB must provide the FTA regional office information documenting that the procurement complies with the Buy America provisions.  BSOOB must submit to the FTA regional office revised procurement procedures that require the recipient to include Buy America provisions in	September 30, 2023  September 30, 2023	

Review Area	Finding	Deficiency Code(s)	Corrective Action(s)	Response Due Date(s)	Date Closed
			<p>solicitation documents and to obtain signed certifications from vendors when procuring steel, iron, or manufactured products not subject to a general waiver.</p> <p>For the next procurement, BSOOB must submit to the FTA regional office documentation that the required process was implemented.</p>	January 31, 2024	
		P20-2: Pre-award and/or post-delivery audits not performed	<p>BSOOB must submit to the FTA regional office post-delivery audit documentation for the Prevost and Proterra contracts.</p> <p>BSOOB must submit to the FTA regional office procedures for conducting pre-award and post-delivery review and inspection audits.</p> <p>For the next rolling stock procurement, BSOOB must submit to the FTA regional office documentation that the required process was implemented.</p>	<p>September 30, 2023</p> <p>November 30, 2023</p> <p>September 30, 2024</p>	
		P20-3: Pre-award and/or post-delivery certifications lacking	<p>BSOOB must submit to the FTA regional office post-delivery audit certifications for the Prevost and Proterra contracts. If they cannot certify compliance, it must confer with the FTA regional office for the appropriate corrective action.</p> <p>BSOOB must submit procedures for completing the applicable pre-award and post-delivery audits certifications for future revenue rolling stock procurements.</p> <p>For the next procurement, BSOOB must submit to the FTA regional office documentation that the required process was implemented.</p>	<p>September 30, 2023</p> <p>November 30, 2023</p> <p>September 30, 2024</p>	

Review Area	Finding	Deficiency Code(s)	Corrective Action(s)	Response Due Date(s)	Date Closed
10. Disadvantaged Business Enterprise	D	DBE11-1: Unreported transit vehicle purchases	BSOOB must submit to the FTA Office of Civil Rights an implemented process to ensure that future awards of FTA-funded transit vehicle purchases are reported timely to the FTA Office of Civil Rights.	November 30, 2023	
11. Title VI	ND				
12. Americans with Disabilities Act (ADA) - General	ND				
13. ADA – Complementary Paratransit	ND				
14. Equal Employment Opportunity	ND				
15. School Bus	ND				
16. Charter Bus	ND				
17. Drug Free Workplace Act	ND				
18. Drug and Alcohol Program	ND				
19. Section 5307 Program Requirements	ND				
20. Section 5310 Program Requirements	NA				
21. Section 5311 Program Requirements	NA				
22. Public Transportation Agency Safety Plan	ND				
23. Cybersecurity	ND				

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)

\* Denotes repeat deficiency

## VI. Attendees

Name	Title	Phone Number	E-mail Address
<b><i>BSOOB</i></b>			
Chad Heid	Executive Director	207-283-3645	cheid@bsoobtransit.org
Caroline Freespirit	Finance Manager	207-571-0613	cfreespirit@bsoobtransit.org
Rod Carpenter	Deputy Director	207-571-0624	rcarpenter@bsoobtransit.org
Marianne Walters	Grant Program Manager	207-571-0617	mwalters@bsoobtransit.org
<b><i>FTA</i></b>			
Peter Butler	Regional Administrator	617-494-2729	peter.butler@dot.gov
Michelle Muhlanger	Deputy Regional Administrator	617-494-2630	michelle.muhlanger@dot.gov
Alex Hammond	General Engineer	617-494-2304	alexander.hammond@dot.gov
Bert Pechhold	General Engineer	617-494-4914	bert.pechhold@dot.gov
Nathaniel Fowler	Program Analyst	202-366-3232	nathaniel.fowler@dot.gov
<b><i>AdSTM, Inc.</i></b>			
Keith Carlson	Reviewer	608-780-8141	keith.carlson@adstm.com

## VII. Appendices

### Civil Rights Corrective Action Procedures:

Please submit corrective actions for all Civil Rights deficiencies to the following email address and copy your FTA Region I Program Manager:

**FTACivilRightsSupport@dot.gov**

- A separate email should be sent to address each deficiency separately with attached supporting documentation.
- Email Subject Line: FY 23 CORTAP Review Corrective Actions – Findings Code – Recipient Name/Acronym + TrAMS ID

***Example:*** FY23 CORTAP Review Corrective Actions – DBE11-1 – Biddeford Saco Old Orchard Beach/BSOOB #7126

- The body of the email should contain a short summary of the corrective action.
- Supporting documents should be sent as PDF files. Do not send MS Word or Excel spreadsheets.