



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

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Pennsylvania, Virginia,  
West Virginia

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July 27, 2023

Mr. Rick Mutchler  
Board Chair  
Monroe County Transportation Authority/MCTA  
134 MCTA Drive  
Swiftwater, PA, 18370

**Re: Fiscal Year 2023 Triennial Review – Final Report**

Dear Mr. Mutchler:

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 Monroe County Transportation Authority (MCTA) in Swiftwater, PA. Although not an audit, the Triennial Review is the FTA's assessment of MCTA'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 MCTA'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 MCTA's compliance in 23 areas. Deficiencies were found in two (2) areas: Procurement and Americans with Disabilities Act (ADA) – Complementary Paratransit. MCTA had no repeat deficiencies from the Fiscal Year 2019 Triennial Review.

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 Ben Stoltenberg, Transportation Program Specialist, by email at [benjaminstoltenberg@dot.gov](mailto:benjaminstoltenberg@dot.gov).

Sincerely,

Anthony Tarone  
Deputy Regional Administrator



## **FINAL REPORT**

### **FISCAL YEAR 2023 TRIENNIAL REVIEW**

**of**

**Monroe County Transportation Authority  
MCTA  
Swiftwater, PA  
ID: 5975**

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: May 22, 2023  
Virtual Site Visit Exit Conference Date: May 25, 2023  
Draft Report Date: June 27, 2023  
Final Report Date: July 27, 2023**

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## I. Executive Summary

This report documents the Federal Transit Administration's (FTA) Triennial Review of the Monroe County Transportation Authority (MCTA) of Swiftwater, PA. 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 MCTA'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 MCTA 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 MCTA'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. No deficiencies related to the COVID-19 Relief funds were identified. There were no repeat deficiencies from the FY 2019 Triennial Review. Deficiencies were found in the areas listed below.

Review Area	Deficiency Codes		Corrective Action(s)	Response Due Date(s)
	Code	Rationale		
Procurement	P4-1: Responsibility determination deficiencies	Responsibility determinations were not present in the procurement files for the Bus Wash, Maintenance Testing/Training System (MTS), Bike racks, and Bus Shelters/Amenities as required.	For any contracts where the recipient was found to have failed to verify that the contractor was responsible, the recipient must verify the responsibility of contractors. The recipient must submit evidence of completion to the Region 3 office.  The recipient must submit to the Region 3 office documentation of an implemented process to make adequate responsibility determinations prior to award of a contract.  The recipient must train all procurement related staff on its new process and provide evidence of completed training to the Region 3 office.	10/2/2023

Review Area	Deficiency Codes		Corrective Action(s)	Response Due Date(s)
	Code	Rationale		
	P5-1: Insufficient documentation of procurement history	Written documentation of procurement history was not present in procurement files for CNG Buses, and the Bus Wash as required.	For any contracts where the recipient was found to have failed to document the history of the procurement, the recipient must complete appropriate documentation of the procurement's history. The recipient must provide the Region 3 office evidence of completion.  The recipient must submit to the Region 3 office documentation of an implemented process to sufficiently document procurement history for all contracts.  The recipient must train all procurement related staff on its new process and provide evidence of completed training to the Region 3 office.	10/2/2023
	P11-1: Missing FTA clauses	Required FTA clauses were missing from the procurements for the Wash Bay, Maintenance Training System, Bike racks, and Shelters/Amenities as required.	The recipient must submit to the Region 3 office revised procurement procedures that include a process for annually searching for and including all FTA-required third-party contract clauses through use of a clause checklist or other mechanism. This mechanism should be updated to include all current applicable FTA required clauses and annually thereafter.	10/2/2023
Americans with Disabilities Act (ADA) – Complementary Paratransit	ADA-CPT6-2: ADA complementary paratransit service denial tracking deficiencies	MCTA's definition of a trip denial did not include those trips that cannot be scheduled within one hour before or after the requested trip time. As a result, trip denials have not been tracked appropriately.	The recipient must submit to the FTA Office of Civil Rights via <a href="mailto:FTACivilRightsSupport@dot.gov">FTACivilRightsSupport@dot.gov</a> documentation, such as an updated definition of denials, and a procedure for capturing and tracking those rides scheduled outside the hour before-or-after the scheduling window.  The recipient must submit to the FTA Office of Civil Rights via <a href="mailto:FTACivilRightsSupport@dot.gov">FTACivilRightsSupport@dot.gov</a> evidence of training completed with relevant staff on the new definition and procedures for appropriately categorizing and tracking denials.	10/2/2023

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)

## **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 virtual visits with the recipient. 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 1, 2022, indicating a review would be conducted. While the recipient prepared its response to the RIR, the regional office and review team conducted a desk review and scoping meeting, which was held on March 1-2, 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 an agenda package to the recipient on March 7, 2023, indicating the issues that would be discussed, records to be reviewed, and interviews to be conducted. The virtual site visit to MCTA occurred from May 22, 2023 (entrance conference) to May 25, 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 Reviewer and the FTA regional office staff provided a summary of preliminary findings to the recipient at the exit conference on May 25, 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**

The Monroe County Transportation Authority (MCTA) is a municipal authority that operates under the policies set by its nine-member Board of Directors. MCTA provides Fixed Route, ADA Complementary, Shared Ride, FLEX, and Microtransit services in Monroe County, Pennsylvania serving a population of 169,273. MCTA's Shared Ride services extend to 7 neighboring counties as needed (Lehigh, Northampton, Carbon, Luzerne, Lackawanna, Wayne, and Pike).

MCTA operates 3 fixed routes within the county, using 5 heavy-duty transit buses during peak hours of operation. Demand-response service is provided Monday through Friday with 25 cutaway and small transit vehicles in maximum service. The Americans with Disabilities Act (ADA) complementary service is provided Monday through Saturday. FLEX services are operated with Shared Ride vehicles to more rural regions of the county that function like a fixed route with specific bus stops on 3 lines, the Orange, Violet, and Yellow, running Monday through Friday. Lastly, Microtransit services are operated with 2 vehicles during peak periods, serving two geofenced areas of the county Monday through Friday. MCTA is also the exclusive vendor for the county's Medical Assistance Transportation Program.

Fares for MCTA's fixed-route service for a single-ride fare are \$1.50 for adults and \$1.00 for students. MCTA offers a variety of fare pass programs from a daily pass to an annual pass. Reduced fares starting at \$0.75 are offered to customers with disabilities. Adults 65 and older ride Fixed Route for free. MCTA's fixed-route system starts at 5:35 a.m. Monday through Friday, and one hour later on Saturdays. The last bus returns to MCTA's facilities at 10:30 p.m. on all days of operation.

MCTA's fleet consists of 14 Fixed Route buses (7 diesel and 7 CNG). All other revenue vehicles fall under demand-response operations and include 25 cutaways, 5 Ford Transit buses, and 2 Dodge Caravans.

#### **2. Award and Project Activity**

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

<b>Award Number</b>	<b>Award Amount</b>	<b>Year Executed</b>	<b>Description</b>
PA-2023-018-00	\$2,598,389	2023	MCTA-Monroe FY2018 and 2019 Section 5307 Bus Support Equip/Facilities, and Operating Assistance
PA-2020-035-00	\$223,005	2020	MCTA-Monroe FY 2015 Section 5307 Bus Accessories and Associated Transit Improvements FFY2015-5307
PA-2022-022-00	\$1,000,000	2022	MCTA-Monroe FFY2022-23 Section 5307 Operating Assistance

MCTA received Supplemental Funds for operating assistance in award numbers PA-2020-024-00 and PA-2022-011-00.

### **Projects Completed**

In the past few years, MCTA completed the following noteworthy projects utilizing Section 5307 funds:

- Installation of a new Bus Wash
- Purchase of two new 35-foot Gillig CNG buses

### **Ongoing Projects**

MCTA is currently implementing the following noteworthy project:

- Continued streamlining of MCTA services to best meet the needs of the communities and riders it serves

### **Future Projects**

MCTA has been redesignated as a rural area in the most recent census. As a result, the Authority will no longer receive 5307 funds as a designated recipient until or unless its designation changes as the result of a future census.

## **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 MCTA, 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 MCTA, 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 MCTA, 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 MCTA, 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 MCTA, 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 MCTA, 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 MCTA, 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 MCTA, 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 MCTA, three (3) deficiencies were found with the FTA requirements for Procurement.

Deficiency Description #1: Responsibility determination deficiencies (P4-1)

Written responsibility determinations were not present in the procurement files for the Bus Wash, Maintenance Testing/Training System (MTS), Bike racks, and Bus Shelters/Amenities as required.

49 U.S.C 5325(j) AWARDS TO RESPONSIBLE CONTRACTORS

*(1) IN GENERAL. Federal financial assistance under this chapter may be provided for contracts only if a recipient awards such contracts to responsible contractors possessing the ability to successfully perform under the terms and conditions of a proposed procurement.*

*(2) CRITERIA. Before making an award to a contractor under paragraph (1), a recipient shall consider:*

- A. the integrity of the contractor;*
- B. the contractor's compliance with public policy;*
- C. the contractor's past performance, including the performance reported in the Contractor Performance Assessment Reports required under section 5309(l)(2); and*
- D. the contractor's financial and technical resources.*

2 CFR 180.300 What must I do before I enter into a covered transaction with another person at the next lower tier?

*When you enter into a covered transaction with another person at the next lower tier, you must verify that the person with whom you intend to do business is not excluded or disqualified. You do this by: (a) Checking SAM Exclusions; or (b) Collecting a certification from that person; or (c) Adding a clause or condition to the covered transaction with that person.*

2 CFR 180.310 What must I do if a Federal agency excludes a person with whom I am already doing business in a covered transaction?

*(a) You as a participant may continue covered transactions with an excluded person if the transactions were in existence when the agency excluded the person. However, you are not required to continue the transactions, and you may consider termination. You should make a decision about whether to terminate and the type of termination action, if any, only after a thorough review to ensure that the action is proper and appropriate. (b) You may not renew or extend covered transactions (other than no-cost time extensions) with any excluded person, unless the Federal agency responsible for the transaction grants an exception under §180.135.*

*2 CFR 1200.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?*

*In addition to the contracts covered under 2 CFR 180.220(b) of the OMB guidance, this part applies to any contract, regardless of tier, that is awarded by a contractor, subcontractor, supplier, consultant, or its agent or representative in any transaction, if the contract is to be funded or provided by the Department of Transportation under a covered nonprocurement transaction and the amount of the contract is expected to equal or exceed \$25,000. This extends the coverage of the Department of Transportation nonprocurement suspension and debarment requirements to all lower tiers of subcontracts under covered nonprocurement transactions, as permitted under the OMB guidance at 2 CFR 180.220(c) (see optional lower-tier coverage in the figure in the appendix to 2 CFR part 180).*

*Frequently Asked Questions (FAQ) Regarding Coronavirus Disease 2019 (COVID-19), CE2*

*Under the authority of the Emergency Relief program to set the necessary terms and conditions of a grant (49 USC 5324 (d)(1), FTA will permit funds to be used for operations and maintenance expenses incurred after January 20, 2020, even if the original contract did not meet all Federal requirements. Any new contracts would need to follow all federal requirements.*

*Corrective Action(s) and Schedule:* By October 2, 2023, MCTA must for any contracts where the recipient was found to have failed to verify that the contractor was responsible, the recipient must verify the responsibility of contractors. The recipient must provide to the Region 3 office evidence of completion.

The recipient must submit to the Region 3 office documentation of an implemented process to make adequate responsibility determinations prior to award of a contract.

The recipient must train all procurement related staff on its new process and provide evidence of completed training to the Region 3 office.

*Deficiency Description #2: Insufficient documentation of procurement history (P5-1)*

Written documentation of procurement history was not present in procurement files for CNG Buses, and the Bus Wash as required.

*2 CFR 200.318(i)*

*The non-Federal entity must maintain records sufficient to detail the history of the procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.*

*Frequently Asked Questions (FAQ) Regarding Coronavirus Disease 2019 (COVID-19), CE2*

*Under the authority of the Emergency Relief program to set the necessary terms and conditions of a grant (49 USC 5324 (d)(1), FTA will permit funds to be used for operations and*

*maintenance expenses incurred after January 20, 2020, even if the original contract did not meet all Federal requirements. Any new contracts would need to follow all federal requirements.*

**Corrective Action(s) and Schedule:** By October 2, 2023, for any contracts where MCTA was found to have failed to document the history of the procurement, the recipient must complete appropriate documentation of the procurement's history. The recipient must provide the Region 3 office evidence of completion.

MCTA must submit to the Region 3 office evidence of an implemented process to sufficiently document procurement history for all contracts.

MCTA must train all procurement related staff on its new process and provide evidence of the completed training to the Region 3 office.

**Deficiency Description #3:** Missing FTA clauses (P11-1)

Required FTA clauses were missing from the procurement files for the Wash Bay, Maintenance Training System, Bike racks, and Shelters/Amenities.

**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.*

*(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 October 2, 2023, MCTA must submit to the Region 3 office revised procurement procedures that include a process for annually searching for and including all FTA-required third-party contract clauses through use of a clause checklist or other mechanism. This mechanism should be updated to include all current applicable FTA required clauses and annually thereafter.

## **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 MCTA, 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 MCTA, 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 MCTA, no deficiencies were found with the USDOT 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 MCTA, one (1) deficiency was found with USDOT requirements for ADA – Complementary Paratransit.

Deficiency Description: ADA complementary paratransit service denial tracking deficiencies (ADA-CPT6-2)

MCTA’s definition of a trip denial did not include those trips that cannot be scheduled within one hour before or after the requested trip time. As a result, trip denials have not been tracked appropriately.

### 49 CFR 37.131 Service criteria for complementary paratransit

(a) Response time.

(1) *The entity may negotiate pickup times with the individual, but the entity shall not require an ADA paratransit eligible individual to schedule a trip to begin more than one hour before or after the individual's desired departure time.”*

(b) Capacity constraints. *The entity shall not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following:*

- (1) *Restrictions on the number of trips an individual will be provided;*
- (2) *Waiting lists for access to the service; or*
- (3) *Any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons.*

- (i) *Such patterns or practices include, but are not limited to, the following:*
  - (A) *Substantial numbers of significantly untimely pickups for initial or return trips;*
  - (B) *Substantial numbers of trip denials or missed trips;*
  - (C) *Substantial numbers of trips with excessive trip lengths.*
- (ii) *Operational problems attributable to causes beyond the control of the entity (including, but not limited to, weather or traffic conditions affecting all vehicular traffic that were not anticipated at the time a trip was scheduled) shall not be a basis for determining that such a pattern or practice exists.*

Corrective Action(s) and Schedule: By October 2, 2023, MCTA must submit to the FTA Office of Civil Rights via [FTACivilRightsSupport@dot.gov](mailto:FTACivilRightsSupport@dot.gov) documentation, such as an updated definition of denials, and a procedure for capturing and tracking those rides scheduled outside the hour before-or-after the scheduling window.

The recipient must submit to the FTA Office of Civil Rights via [FTACivilRightsSupport@dot.gov](mailto:FTACivilRightsSupport@dot.gov) evidence of training completed with relevant staff on the new definition and procedures for appropriately categorizing and tracking denials.

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

## **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 MCTA, 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 MCTA.

## 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 MCTA.

## 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 MCTA, 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 MCTA, the FTA requirements for Cybersecurity Requirements were not applicable.

## 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	P4-1	Responsibility determination deficiencies	<p>For any contracts where the recipient was found to have failed to verify that the contractor was responsible, the recipient must verify the responsibility of contractors. The recipient must provide the Region 3 office evidence of completion.</p> <p>The recipient must submit to the Region 3 office documentation of an implemented process to make adequate responsibility determinations prior to award of a contract.</p> <p>The recipient must train all procurement related staff on its new process and provide evidence of completed training to the Region 3 office.</p>	October 2, 2023	

Review Area	Finding	Deficiency Code(s)		Corrective Action(s)	Response Due Date(s)	Date Closed
		Code	Description			
		P5-1	Insufficient documentation of procurement history	<p>For any contracts where the recipient was found to have failed to document the history of the procurement, the recipient must complete appropriate documentation of the procurement's history. The recipient must provide the Region 3 office evidence of completion.</p> <p>The recipient must submit to the Region 3 office evidence of an implemented process to sufficiently document procurement history for all contracts.</p> <p>The recipient must train all procurement related staff on its new process and provide evidence of completed training to the Region 3 office.</p>	October 2, 2023	
		P11-1	Missing FTA clauses	<p>The recipient must submit to the Region 3 office revised procurement procedures that include a process for annually searching for and including all FTA-required third-party contract clauses through use of a clause checklist or other mechanism. This mechanism should be updated to include all current applicable FTA required clauses and annually thereafter.</p>	October 2, 2023	
10. Disadvantaged Business Enterprise	ND					
11. Title VI	ND					
12. Americans with Disabilities Act (ADA) – General	ND					
13. ADA – Complementary Paratransit	D	ADA-CPT6-2	ADA complementary paratransit service denial tracking deficiencies	<p>The recipient must submit to the FTA Office of Civil Rights via <a href="mailto:FTACivilRightsSupport@dot.gov">FTACivilRightsSupport@dot.gov</a> documentation, such as an updated definition of denials, and a procedure for capturing and tracking those rides scheduled outside the hour before-or-after the scheduling window.</p> <p>The recipient must submit to the FTA Office of Civil Rights via <a href="mailto:FTACivilRightsSupport@dot.gov">FTACivilRightsSupport@dot.gov</a> evidence of training completed with relevant staff on the new definition and procedures for appropriately categorizing and tracking denials.</p>	October 2, 2023	
14. Equal Employment Opportunity	ND					
15. School Bus	ND					
16. Charter Bus	ND					
17. Drug-Free Workplace	ND					
18. Drug and Alcohol Program	ND					

Review Area	Finding	Deficiency Code(s)		Corrective Action(s)	Response Due Date(s)	Date Closed
		Code	Description			
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	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
<b><i>Monroe County Transportation Authority (MCTA)</i></b>			
Peggy Howarth	Executive Director	570-243-3411	<a href="mailto:phowarth@gomcta.com">phowarth@gomcta.com</a>
Rich Schlameuss	Assistant Executive Director	570-243-3432	<a href="mailto:rschlameuss@gomcta.com">rschlameuss@gomcta.com</a>
Iris Rivera	Executive Office Analyst	570-243-3433	<a href="mailto:irivera@gomcta.com">irivera@gomcta.com</a>
Robert Gress	HR and Safety Officer	570-243-3421	<a href="mailto:rgress@gomcta.com">rgress@gomcta.com</a>
Walter Quadarella	Maintenance Manager	570-243-3417	<a href="mailto:wquadarella@gomcta.com">wquadarella@gomcta.com</a>
Joan Davidge	Chief Financial Officer	570-243-3412	<a href="mailto:jdavidge@gomcta.com">jdavidge@gomcta.com</a>
Helen Yanulus	Governmental Support Administrator	570-243-3435	<a href="mailto:hyanulus@gomcta.com">hyanulus@gomcta.com</a>
Guy LaBar	Shared Ride Manager	570-243-3413	<a href="mailto:gabar@gomcta.com">gabar@gomcta.com</a>
<b><i>PennDOT</i></b>			
Nicholas Baldwin	Program Manager	717-787-1209	<a href="mailto:nicbaldwin@pa.gov">nicbaldwin@pa.gov</a>
Aiden Thomas	Program Manager	717-612-4793	<a href="mailto:aidthomas@pa.gov">aidthomas@pa.gov</a>
<b><i>FTA</i></b>			
Tony Tarone	Deputy Regional Administrator	215-656-7100	<a href="mailto:Tony.Tarone@dot.gov">Tony.Tarone@dot.gov</a>
Tony Cho	Director, Office of Program Management and Project Oversight	215-656-7100	<a href="mailto:Tony.Cho@dot.gov">Tony.Cho@dot.gov</a>
Karen Roscher	Transportation Program Specialist	215-656-7100	<a href="mailto:Karen.Roscher@dot.gov">Karen.Roscher@dot.gov</a>
Ben Stoltenberg	Transportation Program Specialist	215-656-7100	<a href="mailto:Benjamin.Stoltenberg@dot.gov">Benjamin.Stoltenberg@dot.gov</a>
David Burns	General Engineer	215-656-7100	<a href="mailto:David.Burns@dot.gov">David.Burns@dot.gov</a>
Anthony Romero	Procurement Specialist (Contractor)	215-656-7100	<a href="mailto:Anthony.Romero.CTR@dot.gov">Anthony.Romero.CTR@dot.gov</a>
<b><i>Contractor</i></b>			
Sherry Snyder	Lead Reviewer	617-577-0042	<a href="mailto:ssnyderconsulting@outlook.com">ssnyderconsulting@outlook.com</a>
Trysh Strayhand	Associate Reviewer	617-577-0042	<a href="mailto:Tstrayhand@calyptusgroup.com">Tstrayhand@calyptusgroup.com</a>

## VII. Appendices

### Civil Rights Corrective Action Submission

All Civil Rights corrective actions should be submitted to [FTACivilRightsSupport@dot.gov](mailto: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 searchable .pdf files in the following format:

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

For example, **Region3-MCTA-5975-ADA-CPT6-2.pdf**

- **Email Subject Line:** FY 23 CORTAP Review Corrective Actions – [Findings Code(s)] – [Recipient Name/Acronym + TrAMS ID]

For example, **FY23 CORTAP Review Corrective Actions – ADA-CPT6-2 – MCTA #5975**

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