

Compliance Overview Section

Webinar
July 15, 2019



Compliance Overview



Compliance Topics

- Overview
- What's new
- Review results
- Common findings
- Tips for improving compliance
- STIF compliance



Compliance

Overview

- 75 recipients reviewed at least every 3-5 years
- Conduct 20 reviews per year
- Timing of reviews determined by ODOT risk assessment and other factors



HANDOUT:
Risk Assessment Tool

Compliance

Overview

- 122 site reviews completed between 2012-2019
- Round 2 began in 2016: 51 completed to date
- Number of findings are down 35%



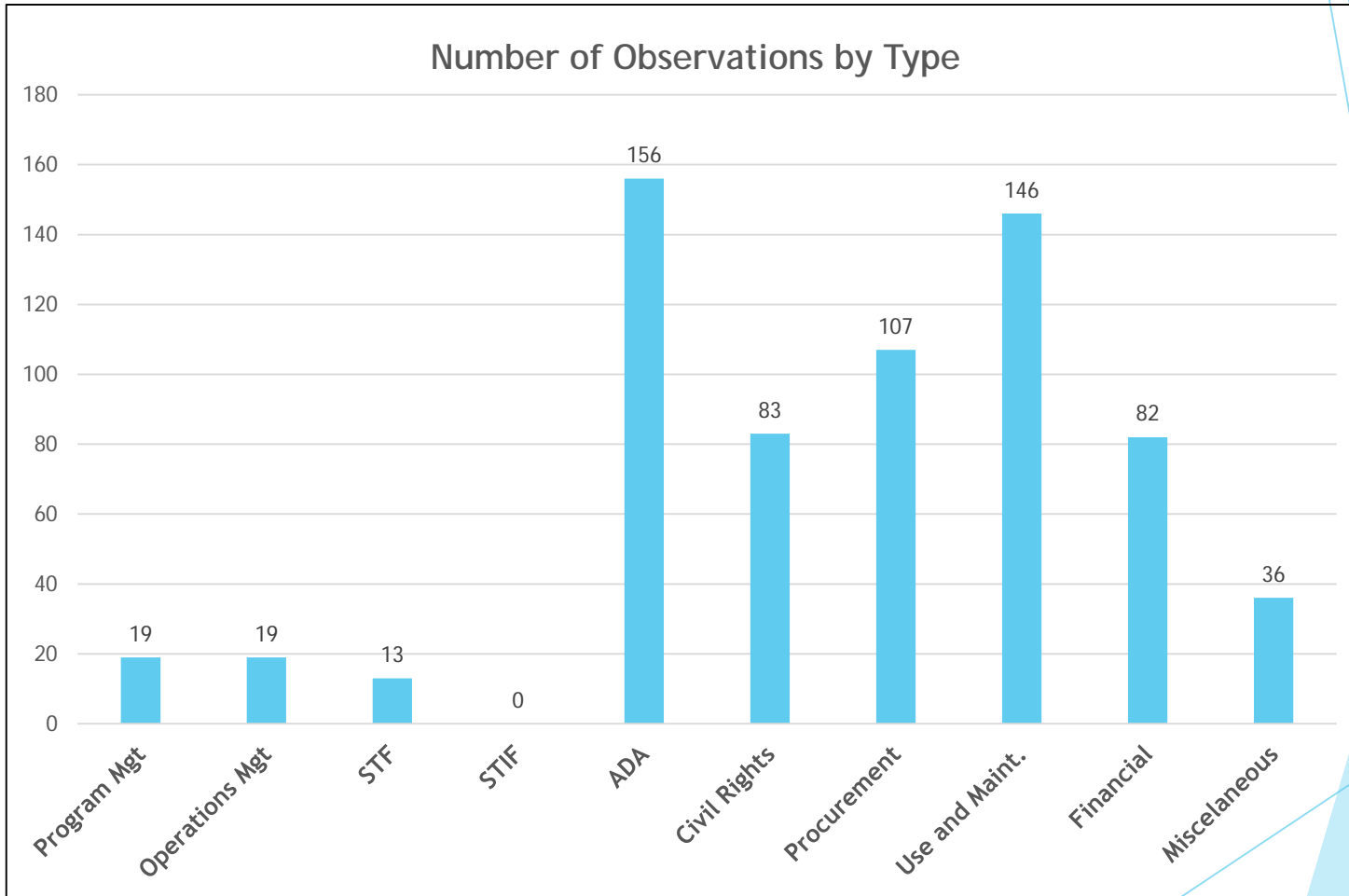
What's New

Compliance reports

- Compliance reports reduced by 50% in size
- Regulatory requirements removed; refer to compliance field guides instead
- Reports contain more specific written guidance on remedies for non-compliance



Compliance Findings



Compliance Findings

Procurement

- Poorly written policies
- Lack of recognition of federal requirements in purchasing policies
- No protest procedures
- Failure to include third party clauses in lower tier contracts



Compliance Findings

Equipment Use and Maintenance

- Failure to meet own preventive maintenance intervals
- Lacks lift maintenance procedures
- Lacks facility maintenance program
- Failure to name ODOT as additional insured



Compliance Findings

Americans with Disabilities Act

- Printed public materials not available in alternative formats for the visually impaired



Compliance Tips

Procurements

- Use RPTD website resources
- Work with capital program coordinator on each step



Compliance Tips

Equipment and Preventive Maintenance

- Establish a PM tracking process
- Use sample forms on RPTD website

Americans with Disabilities Act

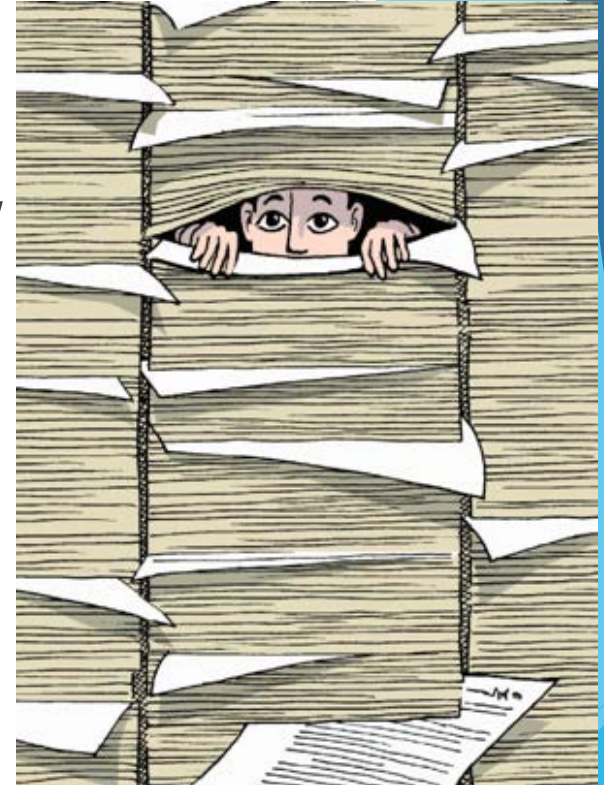
- Update passenger guides and website with required languages



Compliance Tips

Upload documents at least one week prior to review date

- Allows for a more organized review
- Saves time for all
- No surprises at the exit interview or when the final report is presented



STIF Compliance



STIF Compliance Topics

- Overview
- Who and what is reviewed
- Oversight approach and review process
- Review content
- Formula Fund
- Discretionary funds
- Assets



STIF Compliance Overview

- STIF Formula Fund compliance is different from Special Transportation Formula Fund Oversight
 - STF Formula is an entitlement
 - STIF is a conditional entitlement
- Qualified Entities (QEs) are responsible for oversight of their Formula Fund Public Transportation Service Provider subrecipients



STIF Compliance Overview

What's new

- Field guide updated to include STIF
- Urban/small urban providers will be reviewed
- New field guide for urban/small
- New guide for QE Formula Fund oversight of PTSP sub-recipients



Compliance Oversight Approach

- Roll STIF into existing review processes, to the extent possible
- On site compliance monitoring program
- Quarterly and annual report review



Who and What is Reviewed

WHO

- All recipients of Formula and discretionary funds
- Urban/small urbans will be reviewed now

WHAT

- Scope varies depending on fund type and whether recipient is already reviewed by FTA



What Cont.

- Urban/small urban scope limited to STIF, STF, and subrecipient oversight
 - Presume compliance with FTA financial management, procurement and ADA requirements, confirmed by desk review of FTA triennial report and last 3 single audits
- All other recipients continue to receive full reviews with addition of STIF



On-site Review Process

- STIF topics included in regular on-site reviews
- Independent 3rd party reviewer
- Scheduled 3-4 months in advance
- 30-day consultant intro email/doc request
- Provide documents 7 days prior to site review
- Desk review occurs prior to on-site review
- Exit conference at end of last day to review deficiencies and determine remedy due dates
- Final report issued within 60 days



Types of Site Review Processes

Three types of reviews:

- Full direct provider: 11 topics over 2 days
- Pass-through: Exclude Ops Management, Procurement, Use and Maintenance or Charter and School Bus. These take less than a full day.
- Urban/Small Urban: STIF, STF, and monitoring subrecipients in less than 1 day.



Full Direct Provider Review

- Program, financial, and operations management
- Procurement
- Use and maintenance of equipment
- Civil Rights and Americans with Disabilities Act
- Charter and school bus
- **Statewide Transportation Improvement Fund**
- Special Transportation Fund
- **Monitoring of subrecipients**



Pass-Through Provider Review

- Program management
- Financial management
- Civil Rights
- ADA (facilities only)
- **Statewide Transportation Improvement Fund**
- Special Transportation Fund
- **Monitoring of subrecipients**



Urban/Small Urban Review

- Statewide Transportation Improvement Fund
- Special Transportation Fund
- Financial Management
- Requirements for STIF-funded assets
- Americans with Disabilities Act
- Monitoring of lower tier subrecipients



7 Sub-Sections of STIF Review

- Budget and accounting requirements
- STIF advisory committee
- Formula Fund allocation method
- STIF Plan contents
- STIF reporting
- Discretionary funds
- Capital assets



Budget and Accounting

Has the Qualified Entity:

- Submitted its budget to ODOT within 30 days of adoption?
- Established separate accounts for all three STIF funds, as relevant?
- Deposited STIF funds in an interest bearing account and reported the interest to ODOT?
- Established a record retention policy consistent with Oregon requirements?
 - Financial Records: Six years following final disbursement
 - Capital: Three years following asset disposition



STIF Advisory Committee

By-Law Requirements

- Name and purpose
- Number of members and membership criteria
- Description of the appointment process
- Terms of office and frequency of meetings
- Public notice procedures for all meetings
- Process for evaluating PTSP proposals
- Decision-making criteria for evaluating proposals
- Definition of “high percentage of low-income households”



STIF Advisory Committee

Composition

- Indian Tribe: Three members
- Transportation District or County: Five members
- Mass Transit District: Seven members
- Joint Committee of two or more QE's: Based on the entities involved (Minimum number that would be required for each type of QE participating in the joint committee)



STIF Advisory Committee

Representation

- For all QEs except tribes, at least one member who is or represents:
 - Low-income
 - Age 65 or older or people with disabilities
 - PTSP or non-profit entities that provide public transportation services
- Mass transit or transportation districts must include members from within and outside its area of responsibility



Formula Fund Sub-allocation Method

- Did the QE work collaboratively with PTSPs and other potential subrecipients to develop the method?
- Is the method proportionate to revenue generated within geographic territory of each PTSP, to the extent possible, using best available data?



STIF Plan Requirements

For each project

- Project description
- Project budget by category and activity detail
- Whether it will improve/expand or maintain service
- Rationale proposing to maintain an existing service
- Anticipated benefits and measurable outcomes
- Budget allocated to each of the seven benefit areas
- Consistency with Oregon Public Transportation Plan



STIF Reporting

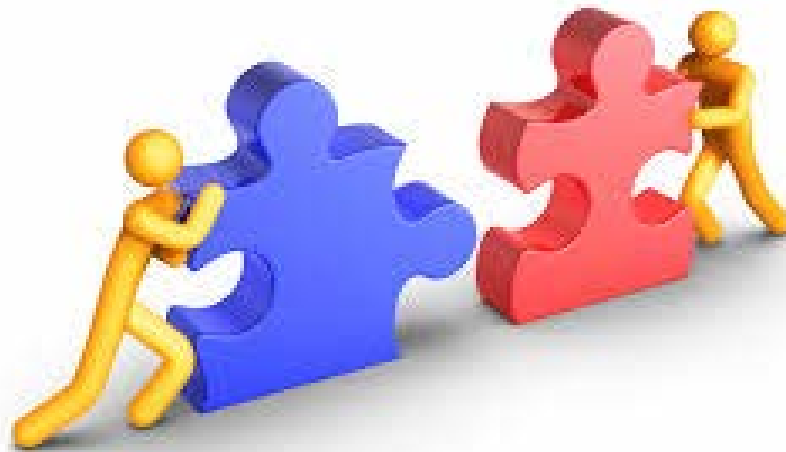
Were all reporting requirements met?

- Financial Audits: 30 days after receipt
- QE's adopted budget: 30 days after adoption
- QEs written agreement for joint management: 30 days after adoption
- Written agreement with subrecipients: 30 days after execution
- Provision information to ODOT if PTAC recommends rejection of STIF Plan: 30 days after notice
- Capital asset reports: Quarterly
- Quarterly reports for 1st-3rd quarters: 45 days after the end of each quarter; and 4th quarter



Discretionary Funds

- Evaluate match
- Review of recipient qualifications (OAR 732-44-0020)
- Review of reporting performance (OAR 732-44-0040)



Capital Asset Requirements

Asset inventories

- All elements for assets and vehicles are listed in the field guide and in OAR 732-042-0040 (2)

Asset maintenance

- Maintenance plan for asset (vehicle, facility)
- Maintenance intervals in plans at least manufacturer recs
- Maintenance performance (80% on-time) - vehicle and facility



Resources by Provider Type

- Direct Provider Compliance Field Guide
- Pass-Through Compliance Field Guide
- Urban/Small Urban Compliance Field Guide
- STIF Formula Qualified Entity - Subrecipient Oversight Guide
- All located here:
<https://www.oregon.gov/ODOT/RPTD/Pages/Compliance-Review.aspx>



Compliance



Any Questions?



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