



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

REGION VI  
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New Mexico, Oklahoma,  
Texas

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June 20, 2018

Mr. Wade Cooper  
Chair, Board of Directors  
Capital Metropolitan Transportation Authority  
2910 E. 5<sup>th</sup> Street  
Austin, TX 78702

Re: Federal Transit Administration (FTA) Fiscal Year 2018 Triennial Review – Final Report

Dear Mr. Cooper:

The enclosed Final Report documents the Federal Transit Administration's (FTA) Triennial Review of the Capital Metropolitan Transportation Authority (CapMetro). This review is required by Chapter 53 of Title 49, United States Code, Section 5307. Although not an audit, the Triennial Review is the FTA's assessment of CapMetro'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.

The Triennial Review focused on CapMetro's compliance in 20 areas. No deficiencies were found with the FTA requirements in 17 areas. Deficiencies were found in three areas: Technical Capacity - Award Management, Procurement, and Disadvantaged Business Enterprise (DBE). CapMetro had no repeat deficiencies from the 2015 Triennial Review.

Subsequent to the site visit, CapMetro submitted updated procedure for ensuring all required information, including change orders that exceed \$100,000, is included in future Milestone Progress Reports (MPRs) submitted by CapMetro. This addressed part of the Technical Capacity – Award Management deficiency. The remaining corrective action for verifying compliance in this area will be assessed after your agency's next MPR submissions in the Transit Award Management System (TrAMS), FTA's platform to award and manage federal grants.

In addition, CapMetro provided its revised process to ensure that future awards of FTA-funded transit vehicle purchases are reported timely to the FTA Office of Civil Rights. This was deemed acceptable by the FTA Regional Civil Rights Officer (RCRO) to close the deficiency in the DBE area with the issuance of this Final Report.



Thank you for your cooperation and assistance during this Triennial Review. If you need any technical assistance or have any questions, please do not hesitate to contact Mr. Suleman Shoaib, General Engineer, by phone at 817-978-0556 or [suleman.shoaib@dot.gov](mailto:suleman.shoaib@dot.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Robert C. Patrick", with a long horizontal flourish extending to the right.

Robert C. Patrick  
Regional Administrator

Enclosure

cc: Randy Clarke, President/CEO, CapMetro

1875

**FINAL REPORT**

**FISCAL YEAR 2018  
TRIENNIAL REVIEW**

of the

**Capital Metropolitan Transportation Authority  
(CapMetro)  
Austin, TX  
Recipient ID: 5143**

*Performed for:*

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

*Prepared by:*

**Qi Tech, LLC**

**Scoping Meeting Date: March 2, 2018  
Site Visit Date: April 24-26, 2018  
Final Report Date: June 20, 2018**

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## I. Executive Summary

This report documents the Federal Transit Administration’s (FTA) Triennial Review of the Capital Metropolitan Transportation Authority (CapMetro) of Austin, TX. The review was performed by Qi Tech, LLC. During the site visit, administrative and statutory requirements were discussed and documents were reviewed. CapMetro’s transit facilities were toured to provide an overview of activities related to FTA-funded projects.

The Triennial Review focused on CapMetro’s compliance in 20 areas. Deficiencies were found in the areas listed below.

Review Area	Deficiencies	
	Code	Description
Technical Capacity – Award Management	TC-AM3-1	Milestone Progress Reports (MPRs) lack required information
Procurement	P9-2	Non-state A&E procurement deficiencies
Disadvantaged Business Enterprise (DBE)	DBE11-1	Unreported transit vehicle purchases

Subsequent to the site visit, CapMetro submitted updated procedure for ensuring all required information, including change orders that exceed \$100,000, is included in future MPRs. This addressed part of the Technical Capacity – Award Management deficiency. The remaining corrective action for verifying compliance in this area will be assessed with CapMetro’s next MPR submissions in TrAMS. In addition, CapMetro provided its revised process to ensure that future awards of FTA-funded transit vehicle purchases are reported timely to the FTA Office of Civil Rights. This was deemed acceptable by the FTA Regional Civil Rights Officer (RCRO) to close the deficiency in the DBE area with the issuance of this Final Report.

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

### **1. Background**

The United States Code, Chapter 53 of Title 49 (49 U.S.C. 5307(f) (2)) requires that “At least once every three years, the Secretary shall review and evaluate completely the performance of a grantee in carrying out its program, specifically referring to compliance with statutory and administrative requirements.”

The Triennial Review includes a review of the recipient’s compliance in 20 areas. The basic requirements for each of these areas are summarized in Section IV.

This report presents the findings from the Triennial Review of CapMetro. The review concentrated on procedures and practices employed during the past three years; however, coverage was extended to earlier periods as needed to assess the policies in place and the management of grants. The specific documents reviewed and referenced in this report are available at FTA’s regional office or the recipient’s office.

### **2. Process**

The Triennial Review process includes a pre-review assessment, a review scoping meeting with the FTA regional office, and a site visit to the recipient’s location. A Recipient Information Request (RIR) package was sent to CapMetro advising it of the review and site visit, and containing a list of items and questions that the recipient was required to submit to the reviewer. The review scoping meeting was conducted with the Region VI Office on March 2, 2018. Additional files retained by the regional office were sent to the reviewer electronically. A Site Visit Agenda package was sent to CapMetro advising it of the site visit date and indicating information that would be needed and issues that would be discussed. The site visit to CapMetro occurred on April 24-26, 2018.

The on site portion of the review began with an entrance conference, at which the purpose of the Triennial Review and the review process were discussed. The remaining time was spent discussing administrative and statutory requirements and reviewing documents. The reviewers visited the following CapMetro facilities to provide an overview of activities related to FTA-funded projects.

- Paratransit Maintenance (MetroAccess) - 509 Thompson Lane, Austin, TX 78742
- Bus Maintenance Capital Metro HQs - 2910 East 5<sup>th</sup> Street, Austin, TX 78702
- Bus Maintenance North Operations Facility - 9315 McNeil Road, Austin, TX 78758
- Rail Maintenance North Operations Facility - 9315 McNeil Road, Austin, TX 78758
- North Lamar Transit Center - 8001 US-183, Austin, TX 78758

The reviewers examined a sample of maintenance records for FTA-funded vehicles and equipment. Upon completion of the review, FTA and the reviewers provided a summary of preliminary findings to CapMetro at an exit conference. Section VI of this report lists the individuals participating in the review.



### 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, no findings were noted with the grantee's implementation of the requirements.
- *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 grantee does not conduct activities for which the requirements of the respective area would be applicable.

### **III. Recipient Description**

#### **1. Organization and Services**

The Capital Metropolitan Transportation Authority (CapMetro) provides transit service in the Austin Metropolitan area, serving all of the City of Austin and the surrounding communities of San Leanna, Leander, Lago Vista, Point Venture, and the Anderson Mill area of Williamson County, Precinct Two of Travis County, Jonestown, and Manor. CapMetro was created in 1985 under the laws of the State of Texas. The policy board consists of eight Board members who are appointed by various governing entities within the service area. CapMetro contracts with McDonald, MV, Capital Area Rural Transportation System (CARTS), Herzog, and Ride Right. The population of its service area is approximately 1,225,614 persons.

CapMetro operates a network of 88 fixed bus routes and one commuter rail line route (MetroRail). Bus service is provided weekdays from 12:00 a.m. to 11:59 p.m., Saturdays from 12:00 a.m. to 11:59 p.m., and Sundays from 5:31 a.m. to 11:46 p.m. Rail service is provided weekdays from 4:00 a.m. to 1:00 a.m., Saturdays from 5:25 a.m. to 1:00 a.m., and Sundays from 5:25 a.m. to 11:00 p.m. The recipient's complementary paratransit service, known as MetroAccess, operates during the same days and hours of service as the fixed routes.

The basic adult fare for bus service is \$1.25. A reduced fare of \$0.60 is offered to seniors, Medicare cardholders, active-duty military personnel, students 6 to 18 years of age, and riders with disabilities during all hours. The one-way fare for ADA paratransit service is \$1.75.

CapMetro operates a fleet of 277 FTA-funded and 145 locally funded buses for fixed-route service. CapMetro operates a fleet of 10 hybrid rail vehicles, all of which are locally funded. Its bus fleet consists of standard 28-, 35-, 40-, 45-, and 60-foot transit coaches. The current peak requirement is for 333 vehicles. CapMetro also has a fleet of 172 vans, which are operated by MV and Ride Right for ADA paratransit service.

CapMetro operates from its administrative headquarters, located on 5<sup>th</sup> Street in Austin. CapMetro operates nine transit centers throughout its service area, including the following:

- Seventh Street/Pleasant Valley Neighborhood Transit Center
- Twelfth Street/Chicon Neighborhood Transit Center
- Austin Community College/Riverside Transit Center
- Highland Mall Neighborhood Transit Center
- North Lamar Transit Center
- Rogge/Manor Neighborhood Transit Center
- Rundberg/Lamar Neighborhood Transit Center
- South Congress Transit Center
- Woodward/Parker Neighborhood Transit Center

In addition, CapMetro operates service to the following 12 park and ride lots:

- Great Hills Park & Ride
- Elgin Park & Ride
- Oak Hill Park & Ride
- Pavilion Park & Ride
- Tech Ridge Park & Ride
- Triangle Park & Ride
- Jonestown Park & Ride
- Lago Vista Park & Ride
- Manor Park & Ride
- Leander Park & Ride
- Lakeline Park & Ride
- Howard Park & Ride

## 2. Award and Project Activity

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

<b>Award Number</b>	<b>Award Amount</b>	<b>Year Executed</b>	<b>Description</b>
TX-03-0304	\$31,589,539	4/16/2012	Bus Rapid Transit
TX-04-0039	\$742,500	9/25/2008	Bus Stop Signage
TX-16-X019	\$341,548	9/3/2014	FY14 Sec 5310 Subs
TX-16-X031	\$1,073,448	11/18/2015	FY14.15 Sec 5310
TX-2016-028	\$28,199,913	7/22/2016	2016 Section 5307
TX-2016-051	\$52,890	8/31/2016	FY14 Sec 5310
TX-2017-015	\$1,077,655	3/2/2017	FY17 Sec 5310
TX-2017-026	\$1,182,096	5/26/2017	FY17 Sec 5339
TX-2017-027	\$17,207,119	5/26/2017	FY17 Sec 5307
TX-2017-075	\$11,249,240	9/22/2017	FY16 5339b
TX-37-X065	\$1,314,149	9/20/2011	JARC Projects-FY2009 and FY2010
TX-37-X101	\$1,285,324	9/17/2012	FY2012 Selected JARC Projects
TX-37-X107	\$232,130	9/3/2013	JARC FY12
TX-57-X042	\$394,028	8/23/2012	New Freedom Projects FY12
TX-57-X046	\$340,297	8/14/2013	NF FY11 FY12
TX-79-0002	\$11,337,989	7/11/2014	CapMetro TIGER V
TX-90-Y007	\$22,601,825	2/12/2013	FY2012 Section 5307
TX-90-Y076	\$27,679,292	11/23/2015	2015 Section 5307
TX-95-X053	\$4,000,000	2/19/2013	City of Austin: Urban Rail

## **Projects Completed**

During the review period, CapMetro has completed the following noteworthy projects:

- Launched Pickup, an innovative on-demand ride hailing demo service where riders can request a ride directly from their phone to anywhere within its service zone.
- Purchased over 100 buses for expansion and replacement.
- Added 450 spaces to Lakeline Rail Station Park & Ride and 85 parking spaces at the Howard Station Park & Ride.
- Launched new Customer Traveler Tools on website, mobile web, and mobile application.
- Received and commissioned 4 new rail cars.
- Implemented Plaza Saltillo track relocation.

## **Ongoing Projects**

CapMetro is currently in the process of implementing the following noteworthy projects:

- Plaza Saltillo Development, which will include apartments, retail space, office space, and establishment of the MetroRail station.

## **Future Projects**

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

- Continue implementation of service initiatives from the Connections 2025 Plan
- Continue construction on the 10-acre transit supportive Plaza Saltillo station
- Add improvements to the rail infrastructure to double the capacity and frequency of Metrorail service
- Redevelop of the North Lamar Transit Center
- Expand bus storage area at North Operations and Maintenance Facility
- Acquire site to develop new Paratransit Operations Facility
- Continue ongoing state of good repair program.

## **IV. Results of the Review**

### **1. Legal**

Basic Requirement: The recipient must promptly notify the Federal Transit Administration (FTA) of legal matters and additionally notify the U.S. Department of Transportation (US DOT) 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 CapMetro, 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 authority; and financial management systems in place to match, manage, and charge only allowable cost to the award. The recipient must conduct required single audits and provide financial oversight of subrecipients.

Finding: During this Triennial Review of CapMetro, 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 FTA timely.

Finding: During this Triennial Review of CapMetro, deficiencies were found with the FTA requirements for Technical Capacity – Award Management.

FTA recipients are required to submit Milestone Progress Reports (MPR) for each active award and include the required data listed in Chapter III, Section 3. Reporting Requirements in FTA Circular 5010.1E – Award Management Requirements. CapMetro had executed a number of change orders that had exceeded \$100,000 but had not included the data in any MPRs submitted in TrAMS. CapMetro is required to list all potential and executed change orders, as defined in Circular 4220.1F, for amounts exceeding \$100,000, pending or settled, during the reporting period. This list should be accompanied by a brief description as identification of change orders does not imply notification, acceptance, or approval of budgetary changes that might be required.

Corrective Actions and Schedule: By July 31, 2018, CapMetro must submit reports with the next submission in TrAMS that include the missing information (change orders) and the recipient must submit to the FTA regional office procedures for ensuring all required information is included in future reports.

Subsequent to the site visit, CapMetro submitted updated procedure for ensuring all required information, including change orders that exceed \$100,000, is included in future MPRs. This addressed part of the deficiency. The remaining corrective action for verifying compliance in this area will be assessed with CapMetro’s next MPR submissions in TrAMS.

#### **4. Technical Capacity – Program Management and Subrecipient Oversight**

Basic Requirement: The recipient must follow the public involvement process for transportation plans; develop and submit a State Management Plan to the FTA for approval; 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 CapMetro, no deficiencies were found with the FTA requirements for Technical Capacity – Program Management and Subrecipient Oversight.

#### **5. Technical Capacity – Project Management**

Basic Requirement: The recipient must be able to implement FTA-funded projects in accordance with the award application, FTA Master Agreement, and all applicable laws and regulations, using sound management practices; and prepare force account plans.

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

#### **6. 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 CapMetro, no deficiencies were found with the FTA requirements for Satisfactory Continuing Control.

#### **7. 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 CapMetro, no deficiencies were found with the FTA requirements for Maintenance.

## 8. Procurement

### Basic Requirement:

**States:** When procuring property and services under a Federal award, a state must follow the same policies and procedures it uses for procurements from its non-Federal funds. The state will comply with 2 CFR §200.322 (*Procurement of Recovered Materials*) and ensure that every purchase order or other contract includes any clauses required by section 2 CFR §200.326 (*Contract Provisions*). All other non-Federal entities, including subrecipients of a state, will follow 2 CFR §§200.318 (*General Procurement Standards*) through 200.326 (*Contract Provisions*).

**Non-state recipients:** 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.

**Finding:** During this Triennial Review of CapMetro, deficiencies were found with the FTA requirements for Procurement.

During this review period, CapMetro conducted two qualifications-based procurements for firms to perform architectural/engineering (A&E) services, specifically General Engineering Services and Civil Engineering Services. The contracts and vendors chosen are listed in the table below.

<b>Contract No.</b>	<b>Vendor</b>	<b>Description</b>	<b>Dollar Value</b>	<b>Award Date</b>
137986	HNTB Corporation	General Engineering Services, Task Order Rotation	\$2,500,000	8/3/2015
137987	Huitt-Zollars, Inc.	General Engineering Services, Task Order Rotation	\$2,500,000	8/3/2015
200248	Doucet & Associates, Inc.	Civil Engineering Services, Task Order Rotation	\$100,000	11/28/2017
200247	Half Associates, Inc.	Civil Engineering Services, Task Order Rotation	\$100,000	11/28/2017
200246	Huitt-Zollars, Inc.	Civil Engineering Services, Task Order Rotation	\$100,000	11/28/2017
200249	MWM Design Group	Civil Engineering Services, Task Order Rotation	\$100,000	11/28/2017

2 CFR § 200 states that the non-Federal entity may use competitive proposal procedures for qualifications-based procurement of A&E professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A&E professional services. FTA Circular 4220.1F has long administered the requirement for using qualifications-based procurement procedures for selection of contractors that perform A&E services, generally associated with the construction, alteration, or repair of real property. FTA interprets 49 U.S.C. Section 5325(b) to authorize the use of qualifications-based procurement procedures only for those services that directly support

or are directly connected or related to construction, alteration, or repair of real property. FTA’s interpretation of 49 U.S.C. Section 5325(b) is consistent with typical Federal policies implementing the “Brooks Act,” 40 U.S.C. Section 1102, which limits qualifications-based procurement procedures to research, planning, development, design, construction, alteration, or repair of real property.

CapMetro issued a “Note of Award” to each vendor listed as an “indefinite quantity, indefinite delivery, task order rotation contract” with an initial not to exceed dollar amount based on an estimated value of collective contracts to each firm. Included in each Note of Award, each firm was informed of its ranking with the highest rated, or first on the task order list, and so forth for the total number of vendors deemed “qualified” for each SOQ. CapMetro stated that task orders will be awarded in accordance with Paragraph 6 of Exhibit E, Contractual Terms and Conditions noted in Paragraph 6(a) that states:

*Initially, task orders will be awarded on a rotational basis. Award of the first task order under this contract shall be to the contractor whose proposal received the highest rating during the evaluation process. Award of the second task order shall be to the second highest rated firm. This process shall be followed until all contractors are awarded at least one task order. The Authority intends to follow this rotational process when possible; however, the Authority reserves the right to consider other factors in the award of subsequent task orders.*

The use of the qualifications-based process to award multiple contracts and method of awarding task orders on a “rotational” basis by CapMetro is not in compliance with 2 CFR § 200 or FTA Circular 4220.1F.

Corrective Actions and Schedule: By September 27, 2018, CapMetro must provide to the FTA regional office procedures for following qualifications-based procedures when using FTA assistance to contract for A&E services. For the next procurement, CapMetro must submit to the FTA regional office documentation that the required process was implemented.

## **9. Disadvantaged Business Enterprise**

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

Finding: During this Triennial Review of CapMetro, deficiencies were found with the U.S. Department of Transportation (US DOT) requirements for DBE.

Per 49 CFR 26.49, for transit vehicle awards made November 3, 2014 and after, FTA recipients are required to submit, within 30 days of making an award, the name of the successful bidder for transit vehicles 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. The online reporting form was initiated in June 2016. Prior to that, recipients were to communicate awards made November 3, 2014 and after to their FTA Regional Civil Rights



Officer (RCRO). CapMetro failed to notify the FTA's Office of Civil Rights of its FTA-funded vehicle procurement for fixed-route, wheelchair accessible vans awarded September 8, 2016 to Creative Bus Sales, Inc.

Corrective Action and Schedule: CapMetro must submit to the FTA RCRO an implemented process to ensure that future awards of FTA-funded transit vehicle purchases are reported timely to the FTA Office of Civil Rights.

Subsequent to the site visit, CapMetro provided its process to ensure that future awards of FTA-funded transit vehicle purchases are reported timely to the FTA Office of Civil Rights. This was deemed acceptable by the FTA RCRO to close the deficiency with the issuance of the Final Report.

## 10. 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 CapMetro, no deficiencies were found with the FTA requirements for Title VI.

## 11. Americans With Disabilities Act – 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 CapMetro, no deficiencies were found with the US DOT requirements for Americans With Disabilities Act (ADA) – General.

## 12. Americans With Disabilities Act – Complementary Paratransit

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 CapMetro, no deficiencies were found with the US DOT requirements for ADA – Complementary Paratransit.

### **13. 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. (Note: Equal Employment Opportunity Commission’s regulation only identifies/recognizes religion and not creed as one of the protected groups.)

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

### **14. 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 CapMetro, no deficiencies were found with the FTA requirements for School Bus.

### **15. Charter Bus**

Basic Requirement: Recipients are prohibited from using federally funded equipment and facilities to provide charter service if a registered private charter operator expresses interest in providing the service. Recipients are allowed to operate community based charter services excepted under the regulations.

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

### **16. 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 CapMetro, no deficiencies were found with the FTA requirements for Drug-Free Workplace Act.

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

## 18. Section 5307 Program Requirements

Basic Requirements: 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.

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.

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

Recipients must annually certify that they are spending at least one percent of such funds for transit security projects or that such expenditures for security systems are not necessary.

Recipients must ensure that least one percent of such funds are expended on associated transit enhancement projects.

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

## 19. Section 5310 Program Requirements

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

Finding: During this Triennial Review of CapMetro, no deficiencies were found with the FTA requirements for Section 5310 Program Requirements.

## 20. Section 5311 Program Requirements

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

This review area only applies to recipients that are direct recipients of Section 5311 funds; therefore, the requirements of this review area are not applicable to the review of CapMetro.

## V. Summary of Findings

Review Area	Deficiencies		Corrective Action	Response Due Date	Date Closed
	Code	Description			
1. Legal	ND				
2. Financial Management and Capacity	ND				
3. Technical Capacity – Award Management	TC-AM3-1	MPRs lack required information	CapMetro must submit revised reports with the next submission in TrAMS that include the missing information (change orders) and the recipient must submit to the FTA regional office procedures for ensuring all required information is included in future reports.	7/31/2018	
4. Technical Capacity – Program Management and Subrecipient Oversight	ND				
5. Technical Capacity – Project Management	ND				
6. Satisfactory Continuing Control	ND				
7. Maintenance	ND				
8. Procurement	P9-2	Non-state A&E procurement deficiencies	CapMetro must provide to the FTA regional office procedures for following qualifications-based procedures when using FTA assistance to contract for A&E services. For the next procurement, CapMetro must submit to the FTA regional office documentation that the required process was implemented.	9/27/2018	
9. Disadvantaged Business Enterprise (DBE)	DBE11-1	Unreported transit vehicle purchases	CapMetro must submit to the FTA RCRO an implemented process to ensure that future awards of FTA-funded transit vehicle purchases are reported timely to the FTA Office of Civil Rights.	7/31/2018	Closed With Issuance of Final Report
10. Title VI	ND				
11. Americans With Disabilities Act (ADA) - General	ND				
12. Americans With Disabilities Act (ADA) – Complementary Paratransit	ND				
13. Equal Employment Opportunity (EEO)	ND				
14. School Bus	ND				
15. Charter Bus	ND				

Review Area	Deficiencies		Corrective Action	Response Due Date	Date Closed
	Code	Description			
16. Drug-Free Workplace Act	ND				
17. Drug and Alcohol Program	ND				
18. Section 5307 Program Requirements	ND				
19. Section 5310 Program Requirements	ND				
20. Section 5311 Program Requirements	NA				

## VI. Attendees

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## **VII. Appendices**

No appendices included in this report.