

**FINAL REPORT**

**FISCAL YEAR 2022  
TRIENNIAL REVIEW**

of

**Sacramento Area Council of Governments  
(SACOG)  
Sacramento, CA**

**ID: 1658**

Performed for:

**U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL TRANSIT ADMINISTRATION  
REGION 9**

Prepared By:

**Calyptus Consulting Group, Inc.**

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## I. Executive Summary

This report documents the Federal Transit Administration's (FTA) Triennial Review of the Sacramento Area Council of Governments (SACOG) in Sacramento, California. 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, administrative and statutory requirements were discussed and documents were reviewed.

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 the SACOG's compliance with the administrative relief and flexibilities 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 American Rescue Plan (ARP) Act of 2021. The SACOG was also requested to share if and/or how it suspended, deviated from, or significantly updated or altered its transit program due to the public health emergency.

The Triennial Review focused on the SACOG's compliance in 23 areas. Four (4) areas were not applicable. Deficiencies related to the COVID-19 Relief funds have been clearly identified as part of the deficiency description in the respective review area.

Deficiencies were found in the areas listed below.

Review Area	Deficiencies	
	Code	Description
Legal (L)	L3-2	Recipient did not submit OMB Standard Form LLL/ quarterly update
Procurement (P)	P4-1	Responsibility determination deficiencies
	P11-1	Missing FTA clauses
	P12-2	Lobbying certifications not included in procurement solicitations or signed by bidders
Americans with Disabilities Act – General	ADA-GEN1-2	Insufficient ADA complaint record retention

## **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...” This Triennial Review was performed in accordance with the FTA procedures (published in the FTA Order 9010.1B, April 5, 1993).

The Triennial Review process includes a review of the recipient’s compliance in 23 areas. The basic requirements for each of these areas are summarized in Section IV.

This report presents the findings from the Triennial Review of the SACOG. The review concentrated on procedures and practices employed since the SACOG’s previous Triennial Review; 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 through the FTA’s regional office or the recipient’s office.

### **2. Process**

The Triennial Review includes a pre-review assessment, a desk review and scoping meeting with the FTA regional office, and a virtual site visit. Due to the COVID-19 Public Health Emergency, a virtual site visit was conducted of each recipient. In addition, the review was expanded to address the recipient’s compliance with the administrative relief and flexibilities The FTA granted and the requirements of the COVID-19 relief funds received through the CARES Act, CRRSAA of 2021, and ARP Act of 2021. Recipients were also requested to 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) 2022 process began with the regional office transmitting, a Recipient Information Request (RIR) to the SACOG on November 23, 2021, indicating a review would be conducted. While the SACOG prepared its response to the RIR, the regional office and review team conducted a desk review and scoping meeting on March 2, 2022. Necessary files retained by the regional office were sent to the Reviewer electronically. 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. As a result of this review, an agenda package indicating the issues that would be discussed, records to be reviewed, and interviews to be conducted was then sent to the SACOG on March 31, 2022. The virtual site visit occurred May 10-17, 2022.

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

Upon completion of the review, the FTA and the Reviewer provided a summary of findings to the SACOG 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, nothing came to light that would indicate the requirements within the area reviewed were not met.
- *Deficient*: An area is considered deficient if any of the requirements within the area reviewed were not met.
- *Not Applicable*: An area can be deemed not applicable if, after an initial assessment, the recipient does not conduct activities for which the requirements of the respective area would be applicable.

### III. Recipient Description

#### 1. Organization

The Sacramento Area Council of Governments (SACOG) is an association of local governments in the six-county Sacramento region. Its members include the counties of El Dorado, Placer, Sacramento, Sutter, Yolo, Yuba and the 22 cities within.

The SACOG provides transportation planning and funding for the region and serves as a forum for the study and resolution of regional issues. In addition to preparing the region's long-range transportation plan, the SACOG approves the distribution of affordable housing in the region and assists in planning for transit, bicycle networks, clean air and airport land uses.

Originally formed in 1965, the SACOG is a joint powers authority of city and county governments, organized "...to provide a forum for the discussion and study of area-wide problems of mutual interest and concern to the cities and counties, and to facilitate the development of policies and action recommendations for the solution of such problems. The SACOG serves six counties and 22 cities, comprising a 6,190 square mile area with an estimated population of 2.5 million. Member agencies are El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba counties; the cities of Auburn, Citrus Heights, Colfax, Davis, Elk Grove, Folsom, Galt, Isleton, Lincoln, Live Oak, Marysville, Placerville, Rancho Cordova, Rocklin, Roseville, Sacramento, West Sacramento, Wheatland, Winters, Woodland, Yuba City; and the town of Loomis.

The SACOG is governed by a 32-member Board of Directors (31 voting and one non-voting). Voting members are appointed by member jurisdictions from their county board of supervisors or city councils. The one non-voting member is the Caltrans District 3 Director. The organization's mission statement is: *Provide leadership and a dynamic, collaborative public forum for achieving an efficient regional transportation system, innovative and integrated regional planning, and a high quality of life within the greater Sacramento Region.*

Under the SACOG's Joint Powers Agreement (JPA), each member city (excluding the city of Sacramento) and each member county (excluding Sacramento County) are entitled to one seat and one vote on the SACOG Board. The City of Sacramento may appoint two directors and is entitled to two votes. Sacramento County may appoint three directors and is entitled to three votes. In addition, jurisdictions may appoint an alternate who shall have full voting rights in the absence of the jurisdiction's appointed director.

The SACOG's various designations and certifications include:

Designations as:

- Regional Transportation Planning Agency for Sacramento, Sutter, Yolo, and Yuba counties by the California State Secretary of Business, Transportation and Housing Agency.

- Metropolitan Planning Organization (MPO) by the Governor and the U.S. Department of Transportation for the Sacramento, Yuba City, and Davis Urbanized Areas.
- Metropolitan Planning Organization in the Sacramento Metropolitan Planning Area (MPA) by the California State Secretary of Transportation Agency.
- Airport Land Use Commission for Sacramento, Sutter, Yolo, and Yuba counties.
- Capitol Valley Regional Service Authority for Freeway and Expressways for Sacramento, San Joaquin, Yolo, Yuba, Sutter, and El Dorado counties.
- Area Wide Clearinghouse for the counties of Sacramento, Sutter, Yolo, and Yuba and the cities of Lincoln, Rocklin, and Roseville by the State of California Procedures of Intergovernmental Review of Federal Financial Assistance and Direct Development Activities.
- Metropolitan Planning Organization for the federally designated ozone nonattainment area in Sacramento, Yolo, Yuba, Sutter, El Dorado, and Placer counties.

Joint Certification as:

- Sacramento Area Metropolitan Planning Process by the Federal Highway Administration (FHWA) and the FTA.



## 2. Award and Project Activity

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

Federal Award Identification Number	Award Amount	Year Executed	Award Name
CA-90-Y989	\$1,650,000	2013	Dwtn/Riverfront Transit Alt/CC Survey
CA-2020-226	\$198,089	2020	Connect Card (Earmark Repurposing)
CA-2017-074	\$275,000	2021	SACOG - Transit Asset Management Plans

The SACOG did not receive supplemental COVID-19 funds for operating assistance during the review period.

### Projects Completed

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

- Even before the pandemic, the regional transit system has been challenged with declines in ridership and funding. The Next Generation Transit Strategy provides a framework for transit operators and jurisdictions to address these challenges. Informed by a policy advisory committee, technical advisory committee, and stakeholders, as well as feedback from the SACOG Board of Directors, the strategy addresses how to build a transit system that provides a seamless user experience, expand funding and service frequency, and reduce mobility disparities.
- Implementation of the strategy will be driven by the SACOG and will require continued partnership and support to move to fruition. There are plans in motion to arrange funding for and begin work on the strategy by the end of the year.

### Ongoing Projects

The SACOG is currently implementing the following noteworthy projects:

- Connect Card Implementation (FTA funded) – The Connect Card was implemented in 2017 and is the region's new electronic transit fare payment system. This enabled our region's transit riders to purchase transit fare for all transit agencies on one platform. They can manage payments online and through our Corporate Accounts program employers have been able to streamline the transit fare purchasing process for employees. Participating agencies include Sacramento Regional Transit (which now includes e-tran and Folsom Stage Line), El Dorado Transit, Placer County Transit, Roseville Transit, SCT/Link, YoloBus, and Yuba-Sutter Transit.
- Transit Asset Management (TAM) Planning (FTA funded) – the SACOG continues to assist regional operators in complying with Transit Asset Management (TAM) Plan

requirements and improve the region's TAM practices. The SACOG provides assistance through a TAM planning tool and continues to provide ongoing support and assistance for both Tier I and Tier II providers across the region to update their TAM plans as needed, coordinate transit capital investment planning, and providing the information needed to report to NTD on their TAM Plans and progress.

### **Future Projects**

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

- Regional Transit Network Development Plan (will be FTA funded) - This effort will begin implementation the Next Generation Transit Strategies and will focus on developing a regional transit network that improves transit travel speed and near-term infrastructure improvements to support high-capacity transit services to assist our regional transit operators in their post-pandemic recovery. A Regional Return to Work surveying will be part of this project. Planning for the future is a critical piece of recovery for transit in our region and helps define what our transit system will be working towards and implementing as we move out of recovery.

## IV. Results of the Review

### 1. Legal

Basic Requirement: The recipient must promptly notify the 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 the SACOG, one (1) deficiency was found with the FTA requirements for Legal.

Deficiency Description: Recipient did not submit OMB Standard Form LLL/ quarterly updates (L3-2)

The SACOG used local funds to compensate two (2) lobbyists during the review period for transit purposes. The SACOG relies on the lobbyists to process Standard LLL Forms. The SACOG does not file a disclosure form with the FTA.

49 CFR 20.100

*(a) No appropriated funds may be expended by the recipient of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered Federal actions: the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.*

*(c) Each person who requests or receives from an agency a Federal contract, grant, loan, or a cooperative agreement shall file with that agency a disclosure form, set forth in appendix B, if such person has made or has agreed to make any payment using nonappropriated funds (to include profits from any covered Federal action), which would be prohibited under paragraph (a) of this section if paid for with appropriated funds.*

49 CFR 20.110

*(a) Each person shall file a certification, and a disclosure form, if required, with each submission that initiates agency consideration of such person for: (1) Award of a Federal contract, grant, or cooperative agreement exceeding \$100,000; or (2) An award of a Federal loan or a commitment providing for the United States to insure or guarantee a loan exceeding \$150,000.*

*(b) Each person shall file a certification, and a disclosure form, if required, upon receipt by such person of: (1) A Federal contract, grant, or cooperative agreement exceeding \$100,000; or (2) A Federal loan or a commitment providing for the United States to insure or guarantee a loan*

*exceeding \$150,000, unless such person previously filed a certification, and a disclosure form, if required, under paragraph (a) of this section.*

*(c) Each person shall file a disclosure form at the end of each calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed by such person under paragraphs (a) or (b) of this section. An event that materially affects the accuracy of the information reported includes: (1) A cumulative increase of \$25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered Federal action; or (2) A change in the person(s) or individual(s) influencing or attempting to influence a covered Federal action; or, (3) A change in the officer(s), employee(s), or member(s) contacted to influence or attempt to influence a covered Federal action.*

*(d) Any person who requests or receives from a person referred to in paragraphs (a) or (b) of this section: (1) A subcontract exceeding \$100,000 at any tier under a Federal contract; (2) A subgrant, contract, or subcontract exceeding \$100,000 at any tier under a Federal grant; (3) A contract or subcontract exceeding \$100,000 at any tier under a Federal loan exceeding \$150,000; or, (4) A contract or subcontract exceeding \$100,000 at any tier under a Federal cooperative agreement, shall file a certification, and a disclosure form, if required, to the next tier above.*

*(e) All disclosure forms, but not certifications, shall be forwarded from tier to tier until received by the person referred to in paragraphs (a) or (b) of this section. That person shall forward all disclosure forms to the agency.*

Corrective Action(s) and Schedule: By August 25, 2022, the SACOG must submit to the FTA Region 9 office:

- 1) A process for reporting lobbying activities on [OMB Standard Form LLL](#) and any quarterly updates.
- 2) An initial OMB Standard Form LLL and/or a report for any quarter in which there was a material change.

## **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 the SACOG, 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 and close awards timely.

Finding: During this Triennial Review of the SACOG, 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 the SACOG, no deficiencies were found with the FTA requirements for Technical Capacity – Program Management & Subrecipient Oversight.

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

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

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

## 7. Satisfactory Continuing Control

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

Finding: During this Triennial Review of the SACOG, 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 the SACOG, 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 the SACOG, three (3) deficiencies were found with the FTA requirements for Procurement.

Deficiencies in review of procurement files

During the virtual site visit to the SACOG, four (4) procurement files were reviewed: three (3) requests for proposals for software service and professional services and one (1) sole source for software services.

Procurement #	1	2	3	4
Goods/Services Procured	Software Service/ Subscription	Software Service/ Subscription	Professional Services	Professional Services
Date	7/1/2018	11/23/2020	4/10/2020	2/1/2018
Dollar Value	\$301,932	\$240,000	\$100,000	\$1,274,100
Vendor/ Supplier	Thing Tech	Remix Software	Four Nine Technologies	Sloan Sakai Yeung & Wong LLP
Method	RFP	RFP/ Sole Source	RFP	RFP
New Start or Small Start	No	No	No	No
Awarded by Contractors or Subrecipients	No	No	No	No
Change Order	No	No	Yes	Yes
DBE Goal	No	No	No	No
Protest	No	No	No	No
Deficiencies	P4-1 P11-1 P12-2	P4-1 P11-1 P12-2	P4-1 P11-1 P12-2	P4-1 P11-1 P12-2

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

The SACOG does not have a process for documenting responsibility determinations. No documentation was available for the four (4) procurement files.

Following the review, the SACOG completed a procurement awarded to Jacobs Engineering Group, Inc. The SACOG's Bidder's Responsiveness and Responsibility Checklist was submitted as evidence of implementing the new form documenting responsibility. The SACOG is completing the revision to their procurement manual to incorporate the new process. This will be finalized by August 25, 2022.

#### *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.*

Corrective Actions and Schedule: By August 25, 2022, the SACOG must submit to the FTA Region 9 office:

- 1) Documentation of the verification of responsibility of contractors for ongoing contracts.
- 2) Documentation of the revised procedures to make adequate responsibility determinations prior to award of a contract.

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

All applicable procurements did not include the Section 6002 of the Solid Waste Disposal Act, Notice to the FTA and the U.S. DOT Inspector General of information related to fraud, waste, abuse, or other legal matters as required by the *FTA Master Agreement* or the 2 CFR 200.216 Prohibition on certain telecommunications and video surveillance services or equipment.

Following the review, the SACOG completed a procurement awarded to Jacobs Engineering Group, Inc. The SACOG submitted the executed agreement as evidence of documentation that the required clauses are included. The SACOG is completing the revision to their procurement manual to incorporate the missing clauses. This will be finalized by August 25, 2022.

*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.*

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

*(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.*

*(9) Restrictions on Lobbying (31 U.S.C. § 1352). Contractors that apply or bid for an award exceeding \$100,000 must file the certification required by 49 CFR Part 20. Each tier certifies to the tier above that it will not and has not used federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant or any other award covered by 31 U.S.C. § 1352. Each tier must also disclose any lobbying with non-federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-federal award.*

*(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 (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 Actions and Schedule: By August 25, 2022, the SACOG must submit to the FTA Region 9 office:

- 1) A revised procedure that addresses the inclusion of all FTA required third party contract clauses including the notice to the FTA on fraud and the telecommunications clause.
- 2) A procedure for annually updating its clauses to include all the FTA required third party contract clauses.

Deficiency Description #3: Lobbying certifications not included in procurement solicitations or signed by bidders (P12-2)

The SACOG does not have a process for obtaining signed lobbying certifications from potential contractors with the contractors' bids. The SACOG also must require its prime contractors to obtain certifications from bidders for subcontracts in excess of \$100,000, and so on for all contracting tiers.

Following the review, the SACOG completed a procurement awarded to Jacobs Engineering Group, Inc. The SACOG submitted the executed agreement, including the Certification of Restrictions of Lobbying (Exhibit J) as evidence of implementing the new form. The SACOG is completing the revision to their procurement manual to incorporate the new process and form. This will be finalized by August 25, 2022.

*Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards. (I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)*

*Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.*

Corrective Actions and Schedule: By August 25, 2022, the SACOG must submit to the FTA Region 9 office procedures for obtaining signed lobbying certifications.

## **10. Disadvantaged Business Enterprise (DBE)**

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

Finding: During this Triennial Review of the SACOG, no deficiencies were found with the US DOT 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 the SACOG, 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 the SACOG, one (1) deficiency was found with the US DOT requirements for ADA – General.

Deficiency Description: Insufficient ADA complaint record retention (ADA-GEN1-2)

The SACOG record retention policy does not include complaints or ADA complaints. ADA complaints must be retained for at least one year and summaries of ADA complaints or the complaints themselves for at least five years.

*49 CFR 27.121(b) Compliance information*

*(b) Compliance reports. Each recipient shall keep on file for one year all complaints of noncompliance received. A record of all such complaints, which may be in summary form, shall be kept for five years.*

Corrective Action(s) and Schedule: By August 25, 2022, the SACOG must submit to the Regional Civil Rights Officer (RCRO) a procedure for retaining copies of ADA complaints for at least one year and summaries of ADA complaints or the complaints themselves for at least five years.



### **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 the SACOG, the US DOT requirements for ADA – Complementary Paratransit were not applicable.

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

### **16. Charter Bus**

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

Finding: During this Triennial Review of the SACOG, 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 the SACOG, 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 the SACOG, no deficiencies were found with the FTA requirements for Drug and Alcohol Program.

## **19. Section 5307 Program Requirements**

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

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

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

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

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

## **20. Section 5310 Program Requirements**

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

Finding: This section only applies to recipients that receive Section 5310 funds directly from the FTA; therefore, the related requirements are not applicable to the review of the SACOG.

## **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.

Finding: This section only applies to recipients that receive Section 5311 funds directly from the FTA; therefore, the related requirements are not applicable to the review of the SACOG.

## **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 the SACOG, no deficiencies were found with the FTA requirements for Public Transportation Agency Safety Plan 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 the SACOG, the FTA requirements for Cybersecurity Requirements were found to be not applicable.

## V. Summary of Findings

Review Area	Finding	Deficiency Code(s)	Corrective Action(s)	Response Due Date(s)	Date Closed
1. Legal	D	L3-2: Recipient did not submit OMB Standard Form LLL/ quarterly update	The SACOG must submit to the FTA Region 9 office: 1) A process for reporting lobbying activities on OMB Standard Form LLL and any quarterly updates. 2) An initial OMB Standard Form LLL and/or a report for any quarter in which there was a material change.	August 25, 2022	
2. Financial Management and Capacity	ND				
3. Technical Capacity – Award Management	ND				
4. Technical Capacity – Program Management and Subrecipient Oversight	ND				
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	The SACOG must submit to the FTA Region 9 office: 1) Documentation of the verification of responsibility of contractors for ongoing contracts. 2) Documentation of the revised procedures to make adequate responsibility determinations prior to award of a contract.	August 25, 2022	
		P11-1: Missing FTA Clauses	The SACOG must submit to the FTA Region 9 office: 1) A revised procedure that addresses the inclusion of all FTA required third party contract clauses including the notice to the FTA on fraud and telecommunications. 2) A procedure for annually updating its clauses to include all FTA required third party contract clauses.	August 25, 2022	

Review Area	Finding	Deficiency Code(s)	Corrective Action(s)	Response Due Date(s)	Date Closed
		P12-2: Lobbying certifications not included in procurement solicitations or signed by bidders	The SACOG must submit to the FTA Region 9 office procedures for obtaining signed lobbying certifications.	August 25, 2022	
10. Disadvantaged Business Enterprise	ND				
11. Title VI	ND				
12. Americans with Disabilities Act (ADA) – General	D	ADA-GEN8-11: Insufficient monitoring of operations for ADA service provisions	The SACOG must submit to the Regional Civil Rights Officer (RCRO) a procedure for retaining copies of ADA complaints for at least one year and summaries of ADA complaints or the complaints themselves for at least five years.	August 25, 2022	
13. ADA – Complementary Paratransit	NA				
14. Equal Employment Opportunity	ND				
15. School Bus	ND				
16. Charter Bus	ND				
17. Drug-Free Workplace	ND				
18. Drug and Alcohol Program	ND				
19. Section 5307 Program Requirements	ND				
20. Section 5310 Program Requirements	NA				
21. Section 5311 Program Requirements	NA				
22. Public Transportation Agency Safety Plan	ND				
23. Cybersecurity	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. Participants

Name	Title	Phone Number	E-mail Address
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Ellen Harvey	Reviewer	617-577-0042	eharvey@calyptusgroup.com

## **VII. Appendices**

No appendices are included in this report.