

Fiscal Year 23 Triennial Reviews Top 10 Deficiencies

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**APTA Legislative Conference
Federal Procedures and Regulations Subcommittee**

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U.S. Department of Transportation
Federal Transit Administration

Agenda

1. Program Oversight: Fiscal Year (FY) 23 Activities
2. FY19 – FY23 Comprehensive Review
3. FY23 Comprehensive Reviews
4. FY23 Triennial Review: Top 10 Findings
5. Comprehensive Review Areas
6. FTA's Comprehensive Review Guide
7. FY23 – Education and Training Activities

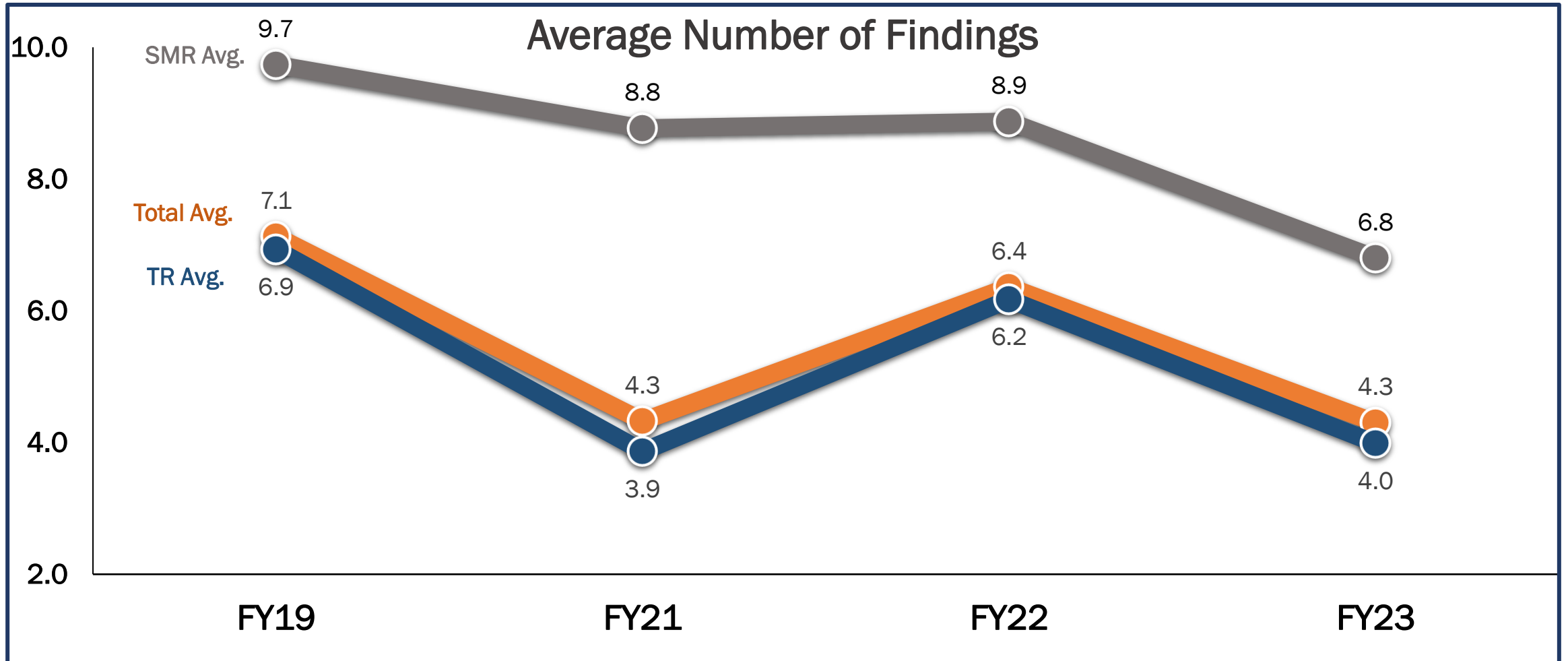


Program Oversight: FY23 Activities

| Oversight Activity | FY23 | Findings Issued |
|------------------------------|------------|-----------------|
| Triennial Review | 202 | 818 |
| State Management Review | 12 | 85 |
| Combined TR/SMR | 5 | 30 |
| COVID-19 Financial Reviews | 45 | 15 |
| Financial Management Review* | 17 | 7 |
| Procurement System Review | – | – |
| Total | 281 | 955 |

**Data as of 3/20/2024, FMO and PSR conducted across multiple FYs*

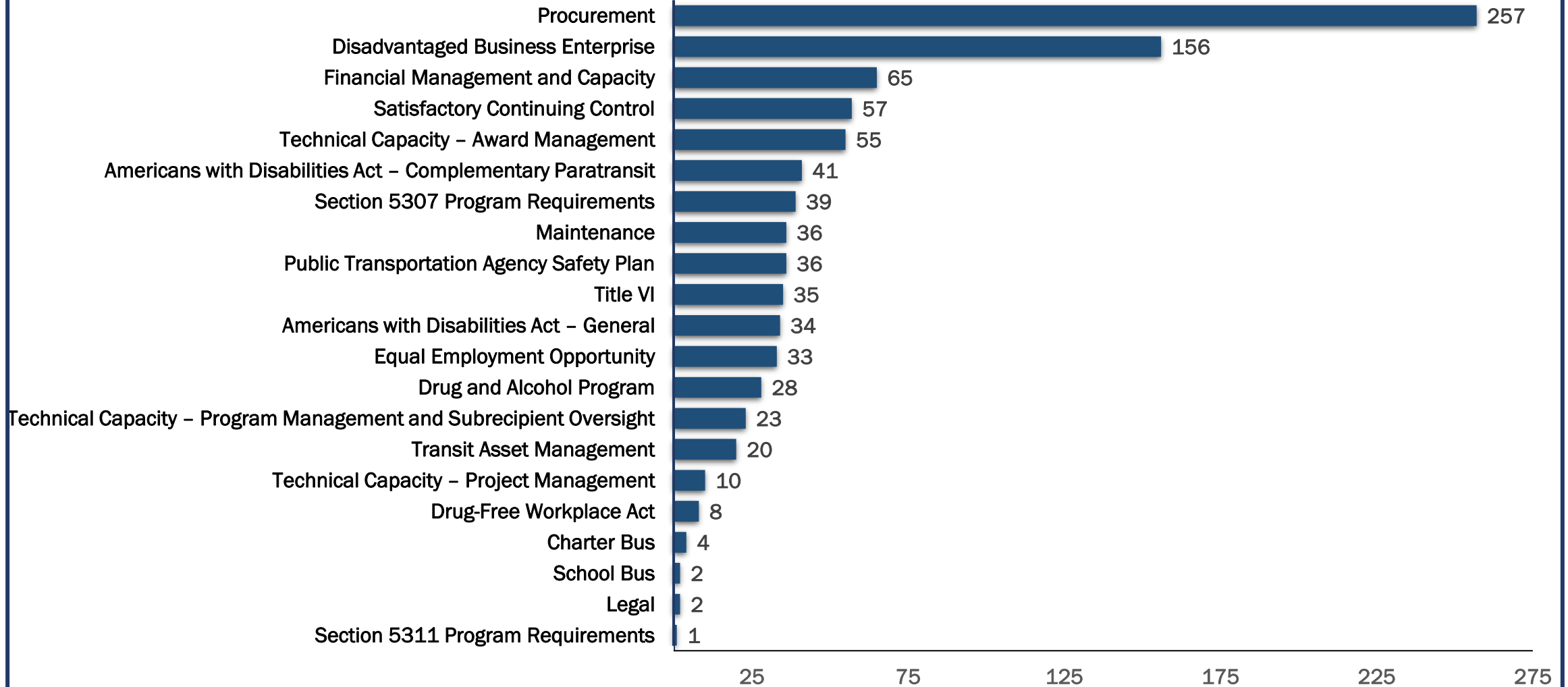
FY19 – FY23 Comprehensive Review



* Data as of 3/20/2024, average number of findings per issued report

FY23 Comprehensive Reviews

Findings by Review Area



FY23 Triennial Review: Top 10 Findings

| Review Area | Finding | FY23 | FY22 | FY21 | FY19 |
|--|---|------|------|------|------|
| Procurement | P11-1 - Missing FTA clauses | ● | ● | ● | ● |
| Disadvantaged Business Enterprise | DBE5-1 - DBE uniform reports contain inaccuracies and/or are missing required information | ● | ● | ● | ● |
| Procurement | P4-1 - Responsibility determination deficiencies | ● | ● | ● | |
| Procurement | P12-2 - Lobbying certifications not included in procurement solicitations or signed by bidders | ● | ● | | |
| Procurement | P5-1 - Incomplete written documentation of procurement history | ● | ● | ● | |
| Technical Capacity – Award Management | TC-AM2-1 - Incorrect FFR reporting | ● | | ● | ● |
| Procurement | P10-1 - Lacking independent cost estimate | ● | ● | ● | ● |
| Disadvantaged Business Enterprise | DBE11-1 - Unreported transit vehicle purchases | ● | | | ● |
| Public Transportation Agency Safety Plan | PTASP3-1 - ASP missing required element(s) | ● | | | |
| Drug and Alcohol Program | DA5-1 - Insufficient oversight over drug & alcohol programs of subrecipients, contractors, subcontractors, and/or lessees | ● | | | |

* Data as of 1/29/2024

Comprehensive Review Areas

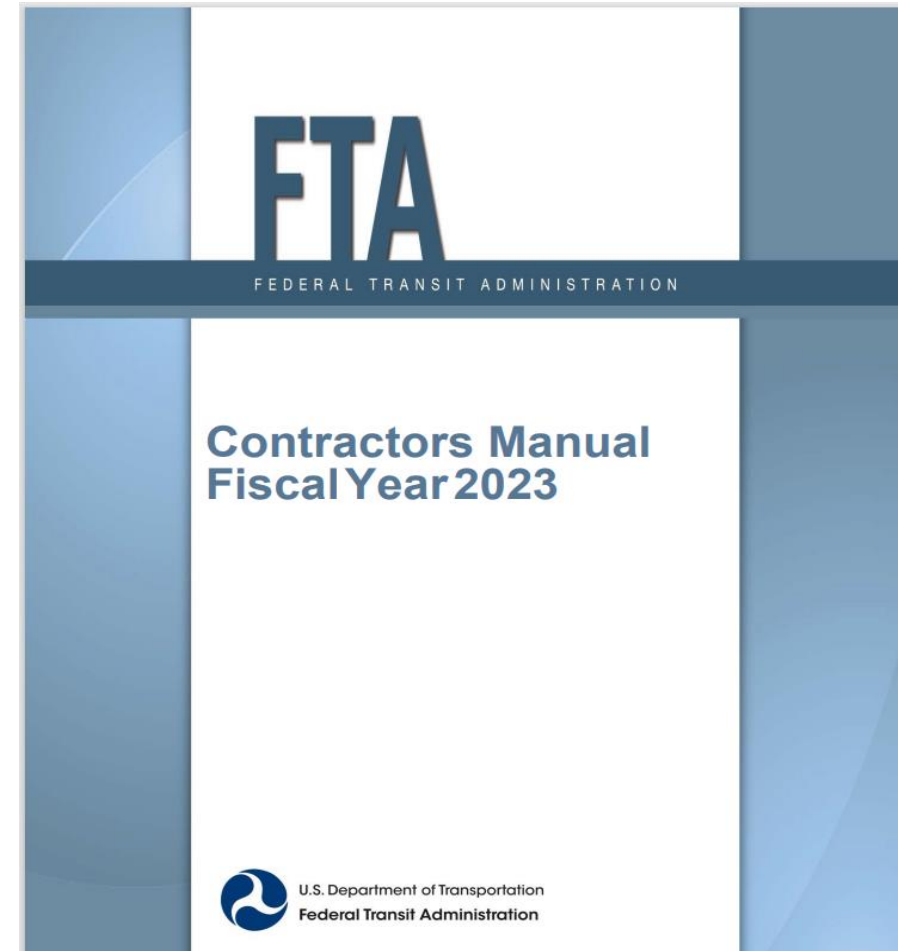
23 Review Areas

1. Legal
2. Financial Management and Capacity
3. Technical Capacity - Award Management
4. Technical Capacity - Program Management and Subrecipient Oversight
5. Technical Capacity – Project Management
6. Transit Asset Management
7. Satisfactory Continuing Control
8. Maintenance
9. Procurement
10. Disadvantaged Business Enterprise
11. Title VI
12. ADA – General
13. ADA – Complementary Paratransit
14. Equal Employment Opportunity
15. School Bus
16. Charter Bus
17. Drug-Free Workplace Act
18. Drug and Alcohol Program
19. Section 5307 Program Requirements
20. Section 5310 Program Requirements
21. Section 5311 Program Requirements
22. Public Transportation Agency Safety Plan
23. Cybersecurity

FTA's Comprehensive Review Guide

Each overarching question has six basic parts:

1. **Basic Requirement:** high-level, clear statement of what a recipient is required to do
2. **Applicability:** Recipients to whom the requirement applies
3. **Explanation:** Detailed description of the basic requirement
4. **Indicators of Compliance:** How reviewers will assess compliance with the basic requirement
5. **Instruction to Reviewer for Determination:** Based on result of indicators
6. **Governing Directives:** Citation from law, regulation, agreement, or other guidance forming the basis of a potential finding



For more information, visit the [Comprehensive Review Guide](#)

FY23 – Education and Training Activities



Training (Workshops and Webinars)

- New 5307 Recipient Training
- Developed and delivered 2 of 5 modules
 - New resource webpage (recorded webinars, training slides, recommended resources)
- Top 10 Procurement Findings and How to Avoid Them
- Recipient Information Request Package



Revised PSR Program

- Proactive approach
- Enhance understanding of procurement requirements through:
 - Technical assistance
 - Targeted training to address recurring or systemic issues
 - Contractor's Manual as a resource for understanding requirements
- Online learning modules
- Resource Toolkit (in development)

Thank you!

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