

FINAL REPORT

FY 2015 TRIENNIAL REVIEW

of the

**City and County of Honolulu
Honolulu, HI
Recipient ID: 1703**

Performed for:

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

Prepared by:

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Scoping Meeting Date: December 17, 2014

Site Visit Dates: February 2 – 5, 2015

Final Report Date: April 9, 2015

Table of Contents

I. Executive Summary.....	1
II. Review Background and Process.....	3
1. Background.....	3
2. Process.....	3
3. Metrics.....	3
III. Grantee Description.....	5
IV. Results of the Review.....	9
1. Financial Management and Capacity.....	9
2. Technical Capacity.....	10
Enhanced Review Module.....	10
3. Maintenance.....	12
4. Americans with Disabilities Act.....	12
Enhanced Review Module.....	12
5. Title VI.....	13
6. Procurement.....	14
Enhanced Review Module.....	15
7. Disadvantaged Business Enterprise.....	18
8. Legal.....	18
9. Satisfactory Continuing Control.....	18
10. Planning/Program of Projects.....	19
11. Public Comment on Fare Increases and Major Service Reductions.....	19
12. Half Fare.....	20
13. Charter Bus.....	20
14. School Bus.....	20
15. Security.....	20
16. Drug Free Workplace and Drug and Alcohol Program.....	20
17. Equal Employment Opportunity.....	21
V. Summary of Findings.....	22
VI. Attendees.....	27
VII. Appendices.....	30

I. Executive Summary

This report documents the Federal Transit Administration’s (FTA) Triennial Review of the City and County of Honolulu, Hawaii (City). The review was performed by Milligan and Company, LLC. During the site visit, administrative and statutory requirements were discussed and documents were reviewed. The City’s transit facilities were toured to provide an overview of activities related to FTA-funded projects.

The Triennial Review focused on the City’s compliance in 17 areas. Deficiencies were found in the areas listed below.

Review Area	Deficiencies	
	Code	Description
Financial Management and Capacity	7	Insufficient financial capacity
	142	ECHO documentation deficient
Technical Capacity	68	Progress reports lack required information (<i>repeat</i>)
	79	Untimely grant closeouts (<i>repeat</i>)
	122	Incorrect FFR reporting (<i>repeat</i>)
	175	FFATA reporting deficiencies
Americans with Disabilities Act (ADA)	33	Improper ADA complementary paratransit eligibility determination process
	73	ADA complementary paratransit service deficiencies
	650	Insufficient oversight of contractors for ADA complementary paratransit
Title VI	62	Insufficient oversight of Title VI
	304	Inadequate written fare and service change equity analysis procedures
Procurement	22	Policies and procedures incomplete or out of date
	183	No verification that excluded parties are not participating
	302	Improper use of options
	344	Responsibility determination deficiencies
Disadvantaged Business Enterprise (DBE)	365	Other - ARRA quarterly reports were not submitted timely
Satisfactory Continuing Control	58	Inadequate equipment records
	84	Lacking excess real property utilization inventory/plan out of date
Planning/Program of Projects	55	Elements missing in POP public participation procedures

Review Area	Deficiencies	
	Code	Description
Equal Employment Opportunity	520	Employment practices analyses deficiencies

As part of this year’s Triennial Review of the City, FTA incorporated Enhanced Review Modules (ERMs) in the Technical Capacity, Procurement, and ADA areas. The purpose of an ERM is to conduct a more comprehensive review of underlying or contributing issues identified during the pre-assessment stage of the Triennial Review. Deficiencies resulting from the ERM are presented in the Technical Capacity, Procurement, and ADA sections of this report.

II. Review Background and Process

1. Background

The United States Code, Chapter 53 of Title 49, requires the FTA of the United States Department of Transportation (USDOT) to perform reviews and evaluations of Urbanized Area Formula Grant activities at least every three years. This requirement is contained in 49 U.S.C. 5307(f) (2). This review was performed in accordance with FTA procedures (published in FTA Order 9010.1B, April 5, 1993). 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 grantee's compliance in 17 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 City. 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 are referenced in this report and are available at FTA's regional office or at the grantee's office.

2. Process

The Triennial Review process includes a pre-review assessment, a review scoping meeting with the FTA regional office, and an on-site visit to the grantee's location. The review scoping meeting was conducted with the Region IX Office on December 17, 2014. Necessary files retained by the regional office were sent to the reviewer electronically. A grantee information request and review package was sent to the City advising it of the site visit and indicating information that would be needed and issues that would be discussed. The site visit to the City occurred February 2 through 5, 2015.

The onsite 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. A tour of the City's Kalihi-Palama and Pearl City Bus Facilities was conducted to provide an overview of activities related to FTA-funded projects. A sample of maintenance records for FTA-funded vehicles and equipment was also examined during the site visit. Upon completion of the review, a summary of preliminary findings was provided to the City at an exit conference. The individuals participating in the review are listed in Section VI of this report.

3. Metrics

The metrics used to evaluate whether a grantee 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. Grantee Description

Organization

The City consists of the Executive Branch, Legislative Branch, and semi-autonomous agencies. The Executive Branch consists of the Mayor's Office, which oversees the Managing Director's Office, the Culture and the Arts Office, the Economic Development Office, the Neighborhood Commission Office, the Office of Housing, and the Royal Hawaiian Band. There are 19 other departments under this branch including the Department of Transportation Services (DTS). There are four offices within the Legislative Branch including City Council, the City Clerk's Office, the Office of Council Services, and the Office of the Auditor. The Honolulu Authority for Rapid Transportation (HART) and the Honolulu Board of Water Supply fall under the semi-autonomous agencies.

DTS: DTS consists of four divisions: Public Transit, Traffic Engineering, Transportation Planning, and Traffic Signals and Technology. Public Transit is responsible for operating the public transit program, which includes TheBus and TheHandi-Van. Traffic Engineering is responsible for the operation of streets and intersections. They investigate traffic safety issues, conduct maintenance investigations, provide administration for traffic related projects, and conduct traffic safety campaigns. Transportation Planning is responsible for planning related to citywide transportation and coordination of Federal grants activities and Federal compliance. They conduct traffic surveys, respond to data queries, and review environmental assessments. Traffic Signals and Technology is responsible for the City's traffic signal systems, the Traffic Management Center, Street Use Permits, and the traffic camera system.

HART: HART was created in July 2011 as a semi-autonomous agency that is responsible for planning, constructing, operating, and extending the rail system in Honolulu. HART is currently working on creating a \$5.12 billion dollar elevated rapid transit line that will run 20 miles from Kapolei, near the University of Hawaii's West Oahu campus, to Ala Moana Center. The line will travel along southern Oahu via the Honolulu International Airport and the downtown area of the City. The project will also include the construction of 21 commuter stations including Aloha Stadium and Pearl Harbor. Per the Full Funding Grant Agreement (FFGA), the Revenue Service Date is January 31, 2020.

The agency consists of a 10-member board of directors, including three mayor-appointed members, three members who are selected by the Honolulu City Council, and the transportation directors for the city and state. The board chooses the ninth member from the community. The City's Director of Planning and Permitting serves as the tenth non-voting member.

Services

In the 1970s the City established by ordinance an instrumentality of the City, Oahu Transit Services, Inc. (OTS). OTS is the employer of record for all operating and maintenance personnel. The City also contracts for two positions (President and Vice President) for management of OTS. TheHandi-Van service is supplemented by two taxi cab companies under contract to OTS. There were no new routes or schedules placed in TheHandi-Van service since the prior review.

The City operates a fixed-route bus network of 100 routes. One bus route (40) operates service 24 hours per day 365 days per year. The remainder of daily bus service is provided weekdays from approximately 3:30 a.m. to 1:30 a.m. and Saturdays and Sundays from approximately 4:00 a.m. to 1:00 a.m. Complementary paratransit service is available during the same hours of operation as fixed route service. No new fixed route bus routes or schedules were placed in service since the prior review.

The basic adult fare for bus service is \$2.50. A reduced fare of \$1.00 is offered to seniors, persons with disabilities, and Medicare cardholders. Students are charged \$1.25. The City also has various pass programs.

The City operates a fleet of 519 buses for fixed-route service. The current peak requirement is for 433 vehicles. The City also owns a fleet of 160 small vehicles operated by OTS in TheHandi-Van service. The primary operations and maintenance facility, the Kalihi-Palama Bus Facility, is located in Honolulu. A second operating facility is in Pearl City. TheHandi-Van operations site is located next to the Kalihi-Palama Bus Facility. The City also has eight transit centers and six major park and ride lots. The City’s administrative offices are located at 650 South King Street.

The City's National Transit Database Report for FY2013 provided the following financial and operating statistics for its fixed-route and paratransit service:

	Fixed-Route Service	Paratransit Service
Unlinked Passengers	69,242,214	841,447
Revenue Hours	1,310,605	366,795
Operating Expenses	\$179,780,320	\$34,031,310

Grant Activity

Below is a list of the City’s open grants at the time of the review.

Grant Number	Grant Amount	Year Executed	Description
HI-03-0046-00	\$42,981	2010	Purchase buses & paratransit vehicles
HI-03-0047-04	\$493,954,941	2014	Honolulu Rail Transit Project FFGA
HI-04-0006-00	\$15,894	2010	Purchase paratransit vehicles
HI-04-0011-00	\$45,490	2012	State of Good Repair (SGR) 32 (40ft) Replacement Buses
HI-04-0015-00	\$5,000,000	2014	SGR 10 (60ft) Replacement Buses
HI-05-0206-00	\$1,887,657	2013	Bus Acquisition
HI-05-0207-00	\$1,949,267	2014	Bus Acquisition
HI-37-X002-01	\$311,000	2009	Purchase van, service and coordination
HI-37-X004-00	\$46,212	2010	Job Access Reverse Commute (JARC) service and coordination
HI-37-X005-00	\$261,737	2011	JARC service and coordination
HI-37-X007-00	\$472,298	2012	JARC service and coordination
HI-37-X009-00	\$382,402	2014	JARC service and coordination

Grant Number	Grant Amount	Year Executed	Description
HI-57-X004-00	\$11,432	2010	New Freedom service and coordination
HI-57-X005-00	\$137,015	2011	New Freedom service and coordination
HI-57-X007-00	\$161,281	2012	New Freedom service and coordination
HI-57-X009-00	\$247,682	2014	New Freedom service and coordination
HI-88-0001-00	\$5,061,000	2011	Transit Investments for Greenhouse Gas and Energy Reduction (TIGGER) II, 8-45' Hybrid Electric Buses
HI-90-X026-00	\$0	2012	Bus purchase, transit centers, Preventative Maintenance (PM)
HI-90-X030-00	\$366,275	2012	Bus PM, Bus Acquisition, and Transit Security
HI-90-X033-00	\$12,676,373	2013	Bus PM, Bus Acquisition, and Transit Security
HI-90-X034-00	\$2,436,118	2014	Bus PM & JARC
HI-96-X001-00	\$6,162,158	2009	Bus purchase, bus facilities

Completed Projects

During the last three years, the City completed the Alapai Transit Center and the Short Range Operations Plan. The City also completed the procurement of approximately 226 revenue vehicles comprised of 30'/40'/60' diesel buses, 40'/60' series hybrid buses and 25' paratransit vehicles.

Projects Underway

On-going projects include:

- Mobility Management - leveraging City funds combined with FTA Sections 5316 and 5317 grant funds to improve transit-related services to target populations of the City's Human Services Transportation Coordination Program.
- Agency-provided trips - providing City support that enables special needs day programs to operate transit services for their program participants, many of whom are subscription paratransit riders, thereby increasing the availability of spaces on paratransit vehicles for demand-response paratransit riders.
- Kalaeloa Shuttle - providing free shuttle service between homeless shelters and the Kapolei Transit Center.
- Bus-rail integration and transit-oriented development planning includes the re-deployment of buses and routing to align with the planned rail system; and transit oriented development planning for each station and its neighborhood to attract residents, visitors and workers.
- Electronic fare media system - developing an electronic fare medium system which would be used for both the rail and fixed route systems capable of capturing passenger data and information essential in operating and improving delivery of service.
- Paratransit reservations and dispatch practices - reviewing, analyzing and modifying to include revisions to policies related to no-show/late cancellations and the advance reservation window, along with initiating real-time scheduling.

- HART – On the island of Oahu, installing 20 miles of rail guide way from Kapolei to Ala Moana and designing and constructing 21 train stations from Kapolei to Ala Moana. The rail system is to be in service by January 2020.

Future Projects

In the next three to five years, the City plans to procure revenue vehicles to support the fixed route and paratransit service and complete the Honolulu Rail Transit project.

ARRA Projects

The City has one ARRA grant still active. FTA has provided an Office of Management and Budget (OMB) waiver, which allows the City to disburse all ARRA funds beyond the September 30, 2013 deadline as set forth in OMB’s September 15, 2011 Memorandum 11-34, “Accelerating Spending of Remaining Funds from the American Recovery and Reinvestment Act for Discretionary Grant Programs”. The statutory deadline of September 30, 2015 remains the final date that ARRA funds may be outlaid. The grant includes:

- Honolulu-High Capacity Transit Corridor Project: The ARRA-funded work includes preliminary engineering of the guideway and stations, sufficient to support the Environmental Impact Statement. This project is completed.
- TheBus and TheHandi-Van Acquisition Program: The ARRA-funded work includes the purchase of 19- 60’ hybrid electric buses and 24- 60’ hybrid articulated buses.
- Middle Street Intermodal Center: The ARRA-funded work includes construction of an interim park-and-ride facility consisting of 100 parking stalls. The project also includes construction of a security wall and fence along a portion of the perimeter. This interim park-and-ride facility has been in operation since October 2011 and will be in use until the planned 1,000 stall multi-level parking structure at the Middle Street Transit Center is completed.
- Bus Stop Pad Improvements Rehabilitation/Renovation: The ARRA-funded work includes the construction of concrete material bus pads at bus stops at various locations to strengthen the roadway. This replaces the asphalt material which is unable to hold up against the constant weight and stress from buses.
- Pearl City Bus Facility Parking Expansion: The ARRA-funded work at this existing bus maintenance facility includes relocation of the existing sound barrier perimeter fencing, installation of requisite lighting, and re-paving of portions of the lot.
- Wahiawa Transit Center: The ARRA-funded work includes the installation of four murals executed by local artists.

IV. Results of the Review

1. Financial Management and Capacity

Basic Requirement: The grantee must demonstrate the ability to match and manage FTA grant funds, cover cost increases and operating deficits, cover maintenance and operational costs for FTA funded facilities and equipment, and conduct and respond to applicable audits.

Finding: During this Triennial Review of the City, deficiencies were found with the FTA requirements for Financial Management and Capacity.

Insufficient financial capacity (7)

In light of recent project cost projections, HART's financial plan does not demonstrate sufficient financial capacity to complete the rail project as currently planned. General Excise Tax (GET) receipts are currently running four percent short of projections. HART's current Estimate at Completion (EAC) indicates that the project will exceed the FFGA budget unless HART receives extremely favorable bids on the remaining contract packages and continues implementing valid cost mitigation measures successfully. HART will be revising its financial plan based on the current cost projections, updated revenue forecast, and local funding increase decisions by the State Legislature and City Council to be made this spring.

ECHO documentation deficient (142)

During the review, DTS was unable to provide supporting documentation for selected ECHO transactions for grants HI-90-X026 and HI-90-X034.

Regarding ECHO deficiencies for grant HI-90-X026, DTS resubmitted email correspondence between itself and FTA addressing the reimbursement of \$1.027 million from this grant to resolve an overdraft issue from grant HI-04-0005. However, supporting documentation for the draw amount equaling \$1.027 million has not been provided.

Subsequent to the on-site review, DTS provided payroll records to support the ECHO sample selected for grant HI-90-X034. ECHO deficiencies related to this grant are now resolved.

Corrective Actions and Schedules:

- For the deficiency *insufficient financial capacity (7)*, by July 13, 2015, submit to the FTA regional office an updated financial plan, which identifies all funding sources for funding the HART project through completion, within the FFGA scope and budget.
- For the deficiency *ECHO documentation deficient (142)*, by April 30, 2015, submit to the FTA regional office the required documentation to support the DTS ECHO drawdown sample selected for grant HI-90-X026.

2. Technical Capacity

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

Finding: During this Triennial Review of the City, deficiencies resulting from the ERM conducted were found with the FTA requirements for Technical Capacity.

Enhanced Review Module

Progress reports lack required information (68) - Repeat deficiency from the 2012 Triennial Review

FTA Circular 5010.1D states, “The Milestone Progress Report (MPR) is the primary written communication between the grantee and FTA.” Furthermore, the circular requires that MPRs provide the FTA with such information as the current status of each activity line item (ALI) within the grant, a narrative description of problems encountered in project implementation, a detailed discussion of budget and schedule changes, revised estimated completion dates when original estimated completion dates are not met, and a detailed explanation of why scheduled milestones or completion dates were not met.

An examination of DTS’ active grants identified the following issues:

- The MPRs for nine grants (HI-03-0046, HI-04-0006, HI-04-0011, HI-37-X002, HI-37-X004, HI-37-X007, HI-57-X004, HI-90-X026 and HI-90-X030) were not updated to accurately reflect the status of projects. Although projects are still ongoing, the related milestones do not indicate expected completion dates. Out-of-date project milestones are one indication that a project has fallen behind schedule. This issue is the result of DTS not having procedures to verify the milestone dates and confirm the dates’ validity. DTS staff has been informed of the importance of providing accurate and up-to-date information in the MPRs.
- The MPRs for eleven grants (HI-04-0011, HI-37-X002, HI-37-X004, HI-57-X004, HI-57-X005, HI-57-X007, HI-88-0001, HI-90-X029, HI-90-X030, HI-90-X033 and HI-90-X034) lacked sufficient details in the project narrative on reasons for projects falling behind schedule. The narratives for these grants also lacked recovery plans explaining why each project was behind schedule, what remedies would be implemented by the grantee, and an updated project schedule.
- The fourth quarter MPRs for Section 5307 grants (HI-90-X026, HI-90-X029, HI-90-X030, HI-90-X033 and HI-90-X034) filed for FY2012, FY2013, and FY2014 did not contain the required associated transit improvement reports. In UZAs with a population of at least 200,000, the designated recipient or designated recipients must certify that no less than one percent of the fiscal year’s 5307 apportionment will be expended on associated transit improvements. The associated transit improvement reports filed as part of the fourth quarter MPRs for the grantees Section 5307 grants are to document the grantee’s expenditure of Section 5307 funds on associated transit improvements.

Untimely grant closeouts (79) - Repeat deficiency from the 2012 Triennial Review

According to the FTA grant award and management system, the last disbursement of funds for DTS grant HI-90-X026 was made on August 26, 2014, leaving a balance of \$0. The October 2014 Federal Financial Report (FFR) completed by the grantee also shows that there are no federal funds remaining, yet this grant remains open. FTA places a priority on closing out grants for which activity has ceased. FTA Circular 5010.1D states, “The grantee must initiate close-out of a grant when all approved activities are completed and/or applicable Federal funds expended. All close-out documentation must be submitted within 90 days of the completion of all activities in the grant.”

Incorrect FFR reporting (122) - Repeat deficiency from the 2012 Triennial Review

According to the FTA grant award and management system, the October 2014 and January 2015 FFRs for three DTS grants (HI-05-0206, HI-05-0207 and HI-88-0001) reported \$0 in unliquidated obligations. The MPRs for these grants reported that contracts for the purchase of rolling stock had been awarded in the previous two quarters. The contract amount for these awards was not reflected on Line “I” as unliquidated obligations of the FFRs.

FFATA reporting deficiencies (175)

DTS has not been reporting awards exceeding \$25,000 to its subrecipients to the Federal Subaward Reporting System (FSRS) as required by the Federal Funding Accountability and Transparency Act of 2006 (FFATA). DTS awards JARC and New Freedom funds to subrecipients for the provision of service.

Corrective Actions and Schedules:

- For the deficiency *progress reports lack required information (68)*, DTS must perform the following:
 - By April 30, 2015, submit MPRs that include all missing information in the FTA grant award and management system.
 - By July 13, 2015, submit to the FTA regional office DTS procedures for ensuring that all required information is included in future reports.
- For the deficiency *untimely grant closeouts (79)*, by April 30, 2015, DTS must work with the FTA regional office to close the grant.
- For the deficiency *incorrect FFR reporting (122)*, DTS must perform the following:
 - By April 30, 2015, submit corrected FFRs in the FTA grant award and management system.
 - By July 13, 2015, submit to the FTA regional office DTS procedures for reconciling FFRs and MPRs and for validating FFR data.
- For the deficiency *FFATA reporting deficiencies (175)*, by July 13, 2015, DTS must perform the following:
 - Submit to the FTA regional office procedures for reporting future sub-awards to FSRS.
 - Notify the FTA regional office when DTS has reported subawards to FSRS.

3. Maintenance

Basic Requirement: Grantees and subrecipients must keep federally funded vehicles, equipment and facilities in good operating condition. Grantees and subrecipients must keep ADA accessibility features on all vehicles, equipment and facilities in good operating order.

Finding: During this Triennial Review of the City, no deficiencies were found with the FTA requirements for Maintenance.

4. Americans with Disabilities Act

Basic Requirement: Titles II and III of the Americans with Disabilities Act of 1990 (ADA) 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 City, deficiencies resulting from the ERM conducted were found with the USDOT requirements for ADA.

Enhanced Review Module

Improper ADA complementary paratransit eligibility determination process (33)

The City contracts with Innovative Paradigms to operate TheHandi-Van Eligibility Center, which performs eligibility determinations for ADA complementary paratransit service. During the site visit, a sample of eligibility records from October and December 2014 was selected for review. There were seven instances where the eligibility letter was mailed after the twenty-one day requirement and two instances where the actual eligibility date was not included in the file. The City does not have documented oversight procedures to monitor Innovative Paradigms certification eligibility activities for the City's application processing times.

ADA Complementary Paratransit service deficiencies (73)

The City contracts the operations of the ADA complementary paratransit service to OTS. The City's published Community Access Routes (414, 501, 503, and 504) and OTS ADA Complimentary Paratransit Policies and Procedures currently describe route deviation as an amenity, allowing TheHandi-Van riders to request pickups via a circulator van. During the review, the City clarified the publications are erroneous; TheHandi-Van has not provided any paratransit trips through route deviation during the review period.

OTS ADA Complimentary Paratransit Policies and Procedures, TheHandi-Van's origin-to-destination policy, and public information states that passengers requiring door-to-door service from vehicle operators must provide advance notice of their need for the additional assistance. The DOT ADA regulatory requirement states that while it would be reasonable for the transit provider to ask for advance notice from the passenger of this need for assistance, if a passenger did not provide this notice, the transit provider would still need to make its best efforts to provide the needed assistance. OTS plans to update all sources of information to reflect the requirements.

Insufficient oversight of contractors for ADA complementary paratransit (650)

The City is responsible for ensuring that its ADA complementary paratransit service is operated without a pattern or practice of capacity constraints. 49 CFR 37.131(f)(3)(i)(A), (B) and (C) requires monitoring of each aspect of service provision, including denials, missed trips, untimely pickups for initial or return trips, and trip length.

In October 2014, OTS initiated Real-Time Scheduling, where the scheduling features of Trapeze were more fully utilized. OTS uses Trapeze to collect and report data on missed trips, on-time performance, and trip lengths. The City currently has no procedure to assess and monitor the results of the reports generated. During the review of records for December 2014, January 2015, and February 2015, on-time performance was reported at eighty-two percent. No goal has been established in the contract the City has with OTS, nor in the contracts that OTS has with its taxi providers. There is a ninety percent on-time performance goal in the City's recently completed Short Range Transit Service Operations Plan.

Corrective Actions and Schedules:

- For the deficiency *improper ADA complementary paratransit eligibility determination process (33)*, by June 12, 2015, the City must develop and submit to the FTA Region IX and X Civil Rights Officers its procedures for ensuring that the eligibility process of Innovative Paradigms meets the regulatory requirements for making eligibility determinations.
- For the deficiency *ADA Complementary Paratransit service deficiencies (73)*, by June 12, 2015, the City must submit to the FTA Region IX and X Civil Rights Officers:
 - Revised OTS ADA Complementary Paratransit Policies and Procedures that explicitly state that route deviation is not provided.
 - Revised OTS ADA Complimentary Paratransit Policies and Procedures to state that when advance notice for door-to-door service is not given, OTS will make its best efforts to provide the needed assistance.
- For the deficiency *insufficient oversight of contractors for ADA complementary paratransit (650)*,
 - By June 12, 2015, the City must develop and submit to the FTA Region IX and X Civil Rights Officer DTS interim procedures for ensuring OTS' and its taxi subcontractors' processes comply with the regulatory requirements for monitoring service provision.
 - By December 31, 2015, the City must submit to the FTA Region IX and X Civil Rights Officer final standards and monitoring procedures, along with evidence of its implementation for the months of October and November 2015.

5. Title VI

Basic Requirement: The grantee 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 grantee must ensure that federally supported transit services and related benefits are distributed in an equitable manner.

Note: The 2015 Triennial Review covers a three-year period in which the FTA issued a revised circular for Title VI, which provided more information on how to comply and changed requirements for some grantees with populations over 200,000. FTA Circular 4702.1B became effective October 1, 2012. Title VI programs submitted to FTA after this date must comply with the requirements of this circular. The Triennial Review will look at compliance with the requirement of FTA Circular 4702.1A for the period prior to October 1, 2012, and compliance with the revised circular for activities after this date.

Finding: During this Triennial Review of the City, deficiencies were found with the FTA requirements for Title VI.

Insufficient oversight of Title VI (62)

The City's subrecipient, Goodwill Industries, does not have a compliant Title VI program.

Inadequate written fare and service change equity analysis procedures (304)

The City has not developed written procedures for conducting fare and service equity analyses.

Corrective Actions and Schedules:

- For the deficiency *insufficient oversight of Title VI (62)*, by June 12, 2015, the City must submit to the FTA Region IX and X Civil Rights Officers:
 - Procedures for monitoring subrecipients for compliance with Title VI requirements.
 - An up-to-date subrecipient list.
 - The approved Goodwill Industries Title VI program.
- For the deficiency *inadequate written fare and service change equity analysis procedures (304)*, by December 15, 2015, the City must submit to the FTA Region IX and X Civil Rights Officers:
 - Policies for major service change, disparate impact, or disproportionate burden, along with procedures for implementing these policies.
 - Evidence of public engagement to develop the policies and procedures associated with fare and major service changes.
 - Evidence of board approval of applicable policies, procedures or equity analysis.

6. Procurement

Basic Requirement: Grantees use their own procurement procedures that reflect applicable state and local laws and regulations, provided that the process ensures competitive procurement and the procedures conform to applicable federal law, including 49 CFR Part 18 (specifically Section 18.36) and FTA Circular 4220.1F, "Third Party Contracting Guidance."

Finding: During this Triennial Review of the City, deficiencies resulting from the ERM conducted were found with the FTA requirements for Procurement.

Enhanced Review Module

Policies and procedures incomplete or out of date (22)

Policies and Procedures

FTA funded procurements for DTS are administered by the City and County Budget and Financial Services (BFS) Division of Purchasing. These procurements are guided by several policies and procedures that include: the Hawaii Revised Statutes (HRS), Hawaii Administrative Rule (HAR), City Procurement Policies (01.1 through 01.12), BFS Procurement Manual, Charter of Honolulu (including Chapter 3 of Article IX – Procurement and Disposition of Property and Article XI – Standards of Conduct), Honolulu General Instructions to Offerors, and Honolulu General Terms and Conditions. Subsequent to the City and County’s 2012 FTA Procurement System Review, City Procurement Policy 01.9 was replaced with Policy 01.12, Federally Funded Procurement, dated July 12, 2013. A review of these policies and procedures found that some FTA policies such as prohibition for tag-ons, prohibition of unreasonable requirements, requirement that grantee’s cost principles for evaluation of costs are consistent with Federal cost principles, and hiring preference for Veterans are not addressed. The lack of a comprehensive, succinct procurement guide and accompanying checklists contributed to deficiencies on BFS FTA-funded procurements conducted on behalf of DTS.

The latest revisions to HART’s procurement policies and procedures were approved February 2, 2015 by HART’s Project Director and HART’s Director of Quality Assurance and Quality Control. During the course of the Triennial Review site visit, HART made modifications to these procedures and drafted revisions in the areas of standards of conduct, revenue contracts, protest procedures, and procurement record keeping, which will be submitted for internal review and approval. HART also updated accompanying procurement file checklists. These revisions, once approved, address required items of FTA Circular 4220.1F.

The basis for many procurement policies for HART and BFS is the HAR and the HRS; however, BFS and HART treat some of the local policies differently in their procurement policies used for FTA funded procurements. Examples of these are the inclusion of bid price preferences for being party to an apprenticeship agreement registered with the State of Hawaii, Department of Labor and Industrial Relations and the acceptance of campaign contributions in standards of conduct policies. Additionally, HART has recently revised its protest procedures to make bidders aware of their right to appeal protests to FTA, but BFS’ policy differs. Because interpretation of local and other requirements when procuring with FTA funds should be consistent among entities within one grantee, the policies and procedures of BFS and HART should be reviewed and appropriately aligned. Additionally, procurement processes should address identification mechanisms for contracts such that FTA funded procurements are clearly and readily distinguished from non-FTA funded procurements.

Subsequent to the site visit, HART provided the FTA regional office with a list of projected procurements for the next six months.

Contracting

For a HART construction project, HART issued a request for bids in December 2013. All five bidders were deemed non-responsive due to various issues relating to state licensing requirements. Because of this, HART cancelled the solicitation via an addendum. A protest was filed by one of the bidders regarding the rejection of its bid. During the bid protest, HART reconsidered some of the basis for rejection of responses. HART concluded that its reconsideration resulted in having two responsive bidders from the initial five bids. It then issued an addendum rescinding the solicitation cancellation and providing notification of award of the contract to the second lowest bidder, who was determined to be the lowest priced responsive and responsible bidder. The initial low bidder filed an award protest; however HART denied this protest because it determined that this bidder did not have standing to protest the award, as it should have filed its protest within five days of its initial bid being rejected and that it listed the incorrect trade name of the contractor that held one of the licenses it listed.

The aforementioned processes implemented by HART of rescinding a contract cancellation through a solicitation amendment and challenging the standing of a bidder to protest an award is not clearly delineated in HART's procurement procedures or its bid documents.

For a BFS procurement of 40' transit vehicles, awarded in October 2013, an evaluation criterion with point values was provided in the request for proposals. The point value for price was repeated on the pricing sheet submitted by bidders. However, the evaluation sheet used to score the proposals differed in both categories and point values. BFS' procedures did not clearly delineate that the evaluation criterion used during the solicitation process must be used during the evaluation process and the circumstances under which there may be exceptions.

No verification that excluded parties are not participating (183)

BFS has a policy regarding verification through SAM.gov that excluded parties are not participating in FTA-funded contracts. However, documentation of conducting this search was not provided for the BFS-led procurements reviewed. Prior to the exit conference, BFS did confirm that SAM.gov was checked and that neither of the bidders for the contracts reviewed was suspended or debarred.

Improper use of options (302)

BFS awarded a contract for up to 32 40' transit buses in October 2013, with an option for an additional 32 40' transit buses. Neither the request for or evaluation of proposals demonstrated that option prices were factored into the price evaluation. After the base order, BFS exercised an option for 20 buses; however there was no evidence that BFS determined that the option price was better than prices available in the market prior to exercising the option.

Responsibility determination deficiencies (344)

BFS has a policy for conducting responsibility determinations prior to award, however documentation that this policy was followed was not provided for the procurements reviewed.

Corrective Actions and Schedules:

- For the deficiency, *policies and procedures incomplete or out of date (22)*, perform the following:
 - By May 13, 2015, provide the FTA regional office with a list of projected DTS procurements for the next six months.
 - By July 13, 2015, submit to the FTA regional office revised DTS and HART procurement procedures that address all FTA requirements and consistently interpret local requirements for procurement of FTA funded goods and services.
 - By July 13, 2015, submit to the FTA regional office revised HART procurement procedures that clearly address all components of the procurement process, including procedures for rescinding bid cancellations, and clarification of interested parties for purposes of protests of awards and timeliness of protests of awards.
 - By July 13, 2015, submit to the FTA regional office revised DTS procedures that ensure all FTA funded contract awards identify the evaluation factors and indicate the relative importance that each has towards the award as stated in the competitive proposals/request for proposal and that these criteria are used.
- For the deficiency, *no verification that excluded parties are not participating (183)*, perform the following:
 - By July 13, 2015, submit to the FTA regional office procedures to search SAM.gov during the DTS procurement process before entering into applicable transactions and to maintain documentation of the search in the procurement file.
 - By July 13, 2015, submit to the FTA regional office documentation that DTS has implemented the required procedures for the next applicable federally funded procurement.
- For the deficiency, *improper use of options (302)*, perform the following:
 - By July 13, 2015, develop and submit to the FTA regional office procedures to ensure that DTS complies with FTA requirements for evaluating and exercising options.
- For the deficiency, *responsibility determination deficiencies (344)*, perform the following:
 - By July 13, 2015, submit to the FTA regional office a process to ensure that DTS documents adequate responsibility determinations prior to award of FTA funded contracts.
 - For the next federally funded procurement and by July 13, 2015, submit to the FTA regional office documentation that the required responsibility determination process was implemented.

7. Disadvantaged Business Enterprise

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

Finding: During this Triennial Review of the City, a deficiency was found with the USDOT requirements for DBE.

Other - ARRA quarterly reports were not submitted timely (365)

The City has not submitted any of the required quarterly ARRA reports.

Corrective Actions and Schedule:

- For the deficiency *Other - ARRA quarterly reports were not submitted timely (365)*, by May 13, 2015, perform the following:
 - Develop and submit to the FTA Region IX and X Civil Rights Officers DTS procedures to ensure that future ARRA reports will be submitted quarterly.
 - Notify the FTA Region IX and X Civil Rights Officers when missing reports have been uploaded to the FTA grant award and management system.

8. Legal

Basic Requirement: The grantee must be eligible and authorized under state and local law to request, receive, and dispense FTA funds and to execute and administer FTA funded projects. The authority to take actions and responsibility on behalf of the grantee must be properly delegated and executed. Grantees must comply with Restrictions on Lobbying requirements.

Finding: During this Triennial Review of the City, no deficiencies were found with the FTA requirements for Legal.

9. Satisfactory Continuing Control

Basic Requirement: The grantee 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 City, deficiencies were found with the FTA requirements for Satisfactory Continuing Control.

Inadequate equipment records (58)

The City's equipment records for FTA-funded equipment do not indicate vested title.

Lacking excess real property utilization inventory /plan out of date (84)

The City's FTA-funded property, the Halawa Bus Maintenance facility, is not being used for its intended purpose. The City has not yet prepared a written excess property inventory and utilization plan.

Corrective Actions and Schedules:

- For the deficiency *inadequate equipment records (58)*, by October 12, 2015, submit to the FTA regional office updated DTS equipment records that contain all required information.
- For the deficiency *lacking excess real property utilization inventory/plan out of date (84)*, by July 13, 2015, submit to the FTA regional office an excess real property utilization plan for DTS.

10. Planning/Program of Projects

Basic Requirement: The grantee must participate in the transportation planning process in accordance with FTA requirements, MAP-21, and the metropolitan and statewide planning regulations. Each recipient of a Section 5307 grant shall develop, publish, afford an opportunity for a public hearing on, and submit for approval, a program of projects (POP).

Finding: During this Triennial Review of the City, a deficiency was found with the FTA requirements for Planning/POP.

Elements missing in POP public participation procedures (55)

The City uses their Metropolitan Planning Organization (MPO)'s public involvement process for the Transportation Improvement Plan (TIP) to meet public involvement requirements for the POP. The MPO's public participation plan does not state that the MPO's public participation process for the TIP is used to satisfy the City's public participation process for the POP.

Corrective Actions and Schedule:

- For the deficiency *elements missing in POP public participation procedures (55)*, by July 13, 2015, submit to the FTA regional office:
 - A revised MPO public participation plan for the TIP that contains the missing elements.
 - Procedures to ensure that the MPO public participation plan for the TIP continues to include the required elements with every update cycle.

11. Public Comment on Fare Increases and Major Service Reductions

Basic Requirement: Section 5307 grantees 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.

Finding: During this Triennial Review of the City, no deficiencies were found with the FTA requirements for Public Comment on Fare Increases and Major Service Reductions.

12. Half Fare

Basic Requirement: For fixed route service supported with Section 5307 assistance, fares charged elderly persons, 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 City, no deficiencies were found with the FTA requirements for Half Fare.

13. Charter Bus

Basic Requirement: Grantees 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. Grantees are allowed to operate community based charter services excepted under the regulations.

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

14. School Bus

Basic Requirement: Grantees are prohibited from providing exclusive school bus service 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. School tripper service that operates and looks like all other regular service is allowed.

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

15. Security

Basic Requirement: As recipients of Section 5307 funds, grantees 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.

Finding: During this Triennial Review of the City, no deficiencies were found with the FTA requirements for Security.

16. Drug Free Workplace and Drug and Alcohol Program

Basic Requirement: All grantees are required to maintain a drug-free workplace for all transit-related employees and to have an ongoing drug-free awareness program. Grantees receiving Section 5307, 5309 or 5311 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 City, no deficiencies were found with the FTA requirements for Drug-Free Workplace and Drug and Alcohol Program.

17. Equal Employment Opportunity

Basic Requirement: The grantee 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: EEOC's regulation only identifies/recognizes religion and not creed as one of the protected groups.)

Finding: During this Triennial Review of the City, a deficiency was found with the FTA requirements for EEO.

Employment practices analyses deficiencies (520)

The City has not conducted a detailed narrative and statistical assessment of present employment practices to identify those practices that operate as employment barriers and unjustifiably contribute to underutilization.

Corrective Actions and Schedule:

- For the deficiency *employment practices analyses deficiencies (520)*, by May 13, 2015, submit to the FTA Region IX and X Civil Rights Officers:
 - A detailed narrative assessment that describes the agency's current procedures for hiring, recruitment, promotions, terminations, training, tests (if any), seniority practices and disciplinary actions.
 - A statistical assessment of hires, promotions, terminations and disciplinary actions.

V. Summary of Findings

Review Area	Finding	Deficiency	Corrective Action	Response Date	Date Closed
1. Financial Management and Capacity	D-7	Insufficient financial capacity	Submit to the FTA regional office an updated financial plan, which identifies all funding sources for funding the HART project through completion, within the FFGA scope and budget.	July 13, 2015	
	D-142	ECHO documentation deficient	Submit to the FTA regional office the required documentation to support the DTS ECHO drawdown sample selected for grant HI-90-X026.	April 30, 2015	
2. Technical Capacity	D-68	Progress reports lack required information (<i>repeat</i>)	Submit MPRs that include all missing information in the FTA grant award and management system.	April 30, 2015	
			Submit to the FTA regional office DTS procedures for ensuring that all required information is included in future reports.	July 13, 2015	
	D-79	Untimely grant closeouts (<i>repeat</i>)	DTS must work with the FTA regional office to close the grant.	April 30, 2015	
	D-122	Incorrect FFR reporting (<i>repeat</i>)	Submit corrected FFRs in the FTA grant award and management system.	April 30, 2015	
			Submit to the FTA regional office DTS procedures for reconciling FFRs and MPRs and for validating FFR data.	July 13, 2015	
	D-175	FFATA reporting deficiencies	Submit to the FTA regional office procedures for reporting future sub-awards to FSRS.	July 13, 2015	
Notify the FTA regional office when DTS has reported subawards to FSRS.			July 13, 2015		
3. Maintenance	ND				
4. ADA	D-33	Improper ADA complementary paratransit eligibility determination process	Develop and submit to the FTA Region IX and X Civil Rights Officers the City's procedures for ensuring that the eligibility process of Innovative Paradigms meets the regulatory requirements for making eligibility determinations.	June 12, 2015	
	D-73	ADA Complementary Paratransit service deficiencies	Submit to the FTA Region IX and X Civil Rights Officers the City's revised OTS ADA Complementary Paratransit Policies and Procedures that explicitly state that route deviation is not provided.	June 12, 2015	

Review Area	Finding	Deficiency	Corrective Action	Response Date	Date Closed
			Submit to the FTA Region IX and X Civil Rights Officers the City's revised OTS ADA Complimentary Paratransit Policies and Procedures to state that when advance notice for door-to-door service is not given, OTS will make its best efforts to provide the needed assistance.	June 12, 2015	
	D-650	Insufficient oversight of contractors for ADA complementary paratransit	Develop and submit to the FTA Region IX and X Civil Rights Officers DTS interim procedures for ensuring OTS' and its taxi subcontractors' processes comply with the regulatory requirements for monitoring service provision.	June 12, 2015	
			Submit to the FTA Region IX and X Civil Rights Officer final standards and monitoring procedures, along with evidence of its implementation for the months of October and November, 2015.	December 31, 2015	
5. Title VI	D-62	Insufficient oversight of Title VI	Submit to the FTA Region IX and X Civil Rights Officers procedures for monitoring subrecipients for compliance with Title VI requirements.	June 12, 2015	
			Submit to the FTA Region IX and X Civil Rights Officers an up-to-date subrecipient list.	June 12, 2015	
			Submit to the FTA Region IX and X Civil Rights Officers the approved Goodwill Industries Title VI program	June 12, 2015	
	D-304	Inadequate written fare and service change equity analysis procedures	Submit to the FTA Region IX and X Civil Rights Officers policies for major service change, disparate impact, or disproportionate burden, along with procedures for implementing these policies.	December 15, 2015	
			Submit to the FTA Region IX and X Civil Rights Officers evidence of public engagement to develop the policies and procedures associated with fare and major service changes.	December 15, 2015	
			Submit to the FTA Region IX and X Civil Rights Officers evidence of board approval of applicable policies, procedures or equity analysis.	December 15, 2015	

Review Area	Finding	Deficiency	Corrective Action	Response Date	Date Closed
6. Procurement	D-22	Policies and procedures incomplete or out of date	Provide the FTA regional office with a list of projected DTS procurements for the next six months.	May 13, 2015	
			Submit to the FTA regional office revised DTS and HART procurement procedures that address all FTA requirements and consistently interpret local requirements for procurement of FTA funded goods and services.	July 13, 2015	
			Submit to the FTA regional office revised HART procurement procedures that clearly addresses all components of the procurement process, including procedures for rescinding bid cancellations, and clarification of interested parties for purposes of protests of awards and timeliness of protests of awards.	July 13, 2015	
			Submit to the FTA regional office revised DTS procedures that ensure all FTA funded contract awards identify the evaluation factors and indicate the relative importance that each has towards the award as stated in the competitive proposals/request for proposal and that these criteria are used.	July 13, 2015	
	D-183	No verification that excluded parties are not participating	Submit to the FTA regional office procedures to search SAM.gov during the DTS procurement process before entering into applicable transactions and to maintain documentation of the search in the procurement file.	July 13, 2015	
			Submit to the FTA regional office documentation that DTS has implemented the required procedures for the next applicable federally funded procurement.	July 13, 2015	
	D-302	Improper use of options	Develop and submit to the FTA regional office procedures to ensure that DTS complies with FTA requirements for evaluating and exercising options.	July 13, 2015	
	D-344	Responsibility determination deficiencies	Submit to the FTA regional office a process to ensure that DTS documents adequate responsibility determinations prior to award of FTA funded contracts.	July 13, 2015	
			For the next federally funded procurement, submit to the FTA regional office documentation that the required responsibility determination process was implemented.	July 13, 2015	

Review Area	Finding	Deficiency	Corrective Action	Response Date	Date Closed
7. DBE	D-365	Other - ARRA quarterly reports were not submitted timely	Develop and submit to the FTA Region IX and X Civil Rights Officers DTS procedures to ensure that future ARRA reports will be submitted quarterly.	May 13, 2015	
			Notify the FTA Region IX and X Civil Rights Officers when missing reports have been uploaded to the FTA grant award and management system.	May 13, 2015	
8. Legal	ND				
9. Satisfactory Continuing Control	D-58	Inadequate equipment records	Submit to the FTA regional office updated DTS equipment records that contain all required information.	October 12, 2015	
	D-84	Lacking excess real property utilization inventory/plan out of date	Submit to the FTA regional office an excess real property utilization plan for DTS.	July 13, 2015	
10. Planning/ POP	D-55	Elements missing in POP public participation procedures	Submit to the FTA regional office a revised MPO public participation plan for the TIP that contains the missing elements.	July 13, 2015	
			Submit to the FTA regional office procedures to ensure that the MPO public participation plan for the TIP continues to include the required elements with every update cycle.	July 13, 2015	
11. Public Comment on Fare Increase and Major Service Reductions	ND				
12. Half Fare	ND				
13. Charter Bus	ND				
14. School Bus	ND				
15. Security	ND				
16. Drug-Free Workplace/ Drug and Alcohol Program	ND				
17. EEO	D-520	Employment practices analyses deficiencies	Submit to the FTA Region IX and X Civil Rights Officers a detailed narrative assessment that describes the agency's current procedures for hiring, recruitment, promotions, terminations, training, tests (if any), seniority practices and disciplinary actions.	May 13, 2015	
			Submit to the FTA Region IX and X Civil Rights Officers a statistical assessment of hires, promotions, terminations and disciplinary actions.	May 13, 2015	

VI. Attendees

Name	Title	Phone Number	E-mail Address
City and County of Honolulu			
<i>Department of Transportation Services (DTS)</i>			
Michael D. Formby	Director	808-768-8301	mformby@honolulu.gov
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Coreen Blanco	Facilities and Equipment	808-768-8375	cblanco@honolulu.gov
<i>Honolulu Authority for Rapid Transportation (HART)</i>			
Daniel Grabauskas	Executive Director and CEO	808-768-6146	dgrabauskas@honolulu.gov
Brennon Morioka	Deputy Executive Director	808-768-6186	bmorioka@honolulu.gov
Nicole Chapman	Director, Procurements & Contracts	808-768-6135	nchapman@honolulu.gov

Name	Title	Phone Number	E-mail Address
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Pamela Gordon	HVEC	808-538-0033	pamelag@theeligibilitycenter.org
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Ketnah Parchment	Assist Reviewer	215-496-9100	kparchment@milligancpa.com
Anthony Chantharath	Assist Reviewer	215-496-9100	achantharath@milligancpa.com

VII. Appendices

No appendices included in this report.