

Application

Federal Award Identification Number (FAIN)	OK-2021-027-00
Temporary Application Number	6759-2021-1
Application Name	Cherokee Nation FY2021 Section 5311c CRRSAA operating and expansion vehicles
Application Status	Final Concurrence / Reservation
Application Budget Number	0

Period of Performance Start Date	N/A	
Original Period of Performance End Date	12/30/2023	
Current Period of Performance End Date	N/A	Revision #: N/A

Part 1: Recipient Information

Name: THE CHEROKEE NATION

Recipient ID	Recipient OST Type	Recipient Alias	Recipient DUNS
6759	Indian Tribe	CHEROKEE NATION	077345494

Location Type	Address	City	State	Zip
Headquarters	17675 SOUTH MUSKOGEE AVE	TAHLEQUAH	OK	744645492
Physical Address	17675 SOUTH MUSKOGEE AVE	TAHLEQUAH	OK	74464
Mailing Address	PO 809	TAHLEQUAH	OK	74465

Union Information

There are no union contacts for this application

Part 2: Application Information

Title: Cherokee Nation FY2021 Section 5311c CRRSAA operating and expansion vehicles

FAIN	Application Status	Application Type	Date Created	Last Updated Date	From TEAM?
OK-2021-027-00	Final Concurrence / Reservation	Grant	3/15/2021	3/15/2021	No

Application Executive Summary

This is an FFY2021 Section 5311c CRRSAA application in the amount of \$862,452.00 operation expenses and expansion vehicles, representing 100% federal share of the total eligible amount. This will be used for operating assistance to continue operations such as salaries, fuels, maintenance, and supplies and capital acquisition in FY2021 and FY2022. Split amounts between Cherokee Nation and United Keetowah Band are listed in the attached letter. IDC will be applied to this award at the rate of 11.52% as detailed in the attached letter.

The Recipient certifies that it, and its subrecipients and contractors that are providers of public transportation, have not furloughed any employees since March 27, 2020 (the enactment date of the CARES Act);

Purpose: To provide transportation services in previously underserved areas of the reservation in response to COVID-19

- Activities to be performed: Operating vehicles in under served communities for safe community transportation
- Expected Outcomes: Transportation to vital areas such as medical, food, and governmental facilities
- Intended Beneficiaries: citizens of the Cherokee Nation reservation boundaries
- Subrecipient Activities: Provide dispatch and drivers under contracts

The Recipient agrees that if it receives Federal funding from the Federal Emergency Management Agency (FEMA) or through a pass-through entity through the Robert T. Stafford Disaster Relief and Emergency Assistance Act, a different Federal agency, or insurance proceeds for any portion of a project activity approved for FTA funding under this Grant Agreement, it will provide written notification to FTA, and reimburse FTA for any Federal share that duplicates funding provided by FEMA, another Federal agency, or an insurance company.

Per the CRRSAA, the project(s) in this application is/are not required to be programmed in the Long-Range Transportation Plan, Statewide Transportation Plan, or Statewide Transportation Improvement Program.

Frequency of Milestone Progress Reports (MPR)

Annual

Frequency of Federal Financial Reports (FFR)

Annual

Does this application include funds for research and/or development activities?

This award does not include research and development activities.

Pre-Award Authority

This award is using Pre-Award Authority.

Does this application include suballocation funds?

Recipient organization is suballocated these apportioned funds and can apply for and receive these funds directly.

Will this Grant be using Lapsing Funds?

No, this Grant does not use Lapsing Funds.

Will indirect costs be applied to this application?

This award is applying an approved Indirect cost rate(s).

Indirect Rate Details: Indirect Rate Details: The current IDC rate is 11.52%

Requires E.O. 12372 Review

No, this application does not require E.O. 12372 Review.

Delinquent Federal Debt

No, my organization does not have delinquent federal debt.

Application Point of Contact Information

First Name	Last Name	Title	E-mail Address	Phone
Luciana	Nears	Transportation Program Specialist.	luciana.nears@dot.gov	(817) 978-0569
Sherry	Waters	Infrastructure Data Coord	sherry-waters@cherokee.org	9184535731

Application Budget Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5311 Tribal Formula (CRRSAA)	5311-9B	20509	\$862,452
Local			\$0
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$862,452

Application Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
OK-2021-027-01-00	600-00 (600- OTHER PROGRAM COSTS	\$862,452.00	\$0.00	\$862,452.00	7

		A1)					
OK-2021-027-01-00	11.13.15	BUY VAN FOR SVC EXPANSION	\$456,902.00	\$0.00	\$456,902.00	7	
OK-2021-027-01-00	30.09.08	EMER RELIEF - OPERATING ASSIST - 100% Fed Share	\$405,550.00	\$0.00	\$405,550.00	0	

Discretionary Allocations

This application does not contain discretionary allocations.

Part 3: Project Information

Project Title: 2021 CRRSAA

Project Number	Temporary Project Number	Date Created	Start Date	End Date
OK-2021-027-01-00	6759-2021-1-P1	4/5/2021	5/3/2021	12/30/2022

Project Description

This grant will be used to provide transportation services in previously underserved areas of the reservation in response to COVID-19. This includes operations such as salaries, fuels, maintenance, and supplies and capital acquisition in FY2021 and FY2022.

Project Benefits

Using FY2021 apportionment to provide transit services in underserved areas in FY2021 and FY2022. New vehicles will be added to the fleet to cover underserved areas in response to Covid-19. Underserved communities will receive transit services to essential areas such as but not limited to medical and governmental facilities and banking institutions.

Additional Information

None provided.

Location Description

The Cherokee Nation 14 county reservation area.

Project Location (Urbanized Areas)

UZA Code	Area Name
400000	Oklahoma

Congressional District Information

State	District	Representative
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Program Plan Information

STIP/TIP

Date: Not Provided

Description: N/A

UPWP

Date: Not Provided

Description: N/A

Long Range Plan

Date: Not Provided

Description: N/A

Project Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5311 Tribal Formula (CRRSAA)	5311-9B	20509	\$862,452
Local			\$0
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$862,452

Project Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
OK-2021-027-01-00	600-00 (600-A1) OTHER PROGRAM COSTS	\$862,452.00	\$0.00	\$862,452.00	7
OK-2021-027-01-00	11.13.15 BUY VAN FOR SVC EXPANSION	\$456,902.00	\$0.00	\$456,902.00	7
OK-2021-027-01-00	30.09.08 EMER RELIEF - OPERATING ASSIST - 100% Fed	\$405,550.00	\$0.00	\$405,550.00	0

Share

Project Budget Activity Line Items

Budget Activity Line Item: 30.09.08 - EMER RELIEF - OPERATING ASSIST - 100% Fed Share

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
OTHER PROGRAM COSTS (600-00)	30.09.08	EMER RELIEF - OPERATING ASSIST - 100% Fed Share	OPERATING ASSISTANCE	0

Extended Budget Description

These vans will be used in underserved areas in response to Covid-19. These vans will be used until the useful life benchmark has been reached 4yrs/100kmiles

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5311 Tribal Formula (CRRSAA)	5311-9B	20509	\$405,550
Local			\$0
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$405,550

Milestone Name	Est. Completion Date	Description
Start Date	10/1/2021	Funds will be obligated to transit operators for service.
Contract award	11/1/2021	
End Date	12/30/2022	All funds are expended

Budget Activity Line Item: 11.13.15 - BUY VAN FOR SVC EXPANSION

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
OTHER PROGRAM COSTS (600-00)	11.13.15	BUY VAN FOR SVC EXPANSION	BUY EXPANSION - CAPITAL BUS	7

Extended Budget Description

These vans will be used in underserved areas in response to Covid-19. These vans will be used until the

useful life benchmark has been reached 4yrs/100,000 miles. The number of vehicles may vary according to van bid amount.

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5311 Tribal Formula (CRRSAA)	5311-9B	20509	\$456,902
Local			\$0
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$456,902

Milestone Name	Est. Completion Date	Description
Advertisement for bid	5/3/2021	Bid advertisement for 7 ADA vans
Bid award	6/4/2021	Bid awarded to contractor
Delivery of vans	2/1/2022	Transit vans should be delivered to the Cherokee Nation
End Date	9/30/2022	All funds for vans are expended

Project Environmental Findings

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 07: Acquisition, installation, rehabilitation, replacement, and maintenance of vehicles or equipment, within or accommodated by existing facilities, that does not result in a change in functional use of the facilities, such as: equipment to be located within existing facilities and with no substantial off-site impacts; and vehicles, including buses, rail cars, trolley cars, ferry boats and people movers that can be accommodated by existing facilities or by new facilities that qualify for a categorical exclusion.

Date	Description
	Class IIc CE Approved

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
OTHER PROGRAM COSTS (600-00)	11.13.15	BUY VAN FOR SVC EXPANSION	7	\$456,902.00	\$456,902.00

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 04: Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

Date	Description
	Class IIc CE Approved

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
OTHER PROGRAM COSTS (600-00)	30.09.08	EMER RELIEF - OPERATING ASSIST - 100% Fed Share	0	\$405,550.00	\$405,550.00

Part 4: Fleet Details

No fleet data exists for this application.

Part 5: FTA Review Comments

FTA Comments for DOL

Comment By Luciana Nears

Comment Type DOL Review for Information

Date 9/13/2021

Comment DOL Section 5333(b) Certification
Per FTA program requirements, this grant application is being sent to DOL for information purposes only.

Grantee contact:
Sherry Waters Email: Sherry-Waters@cherokee.org

Application Review Comments

Comment By Luciana Nears

Comment Type	Pre-Award Manager Returns Application
Date	6/25/2021
Comment	use Scope 600-00 and attach current IDC letter

Comment By Luciana Nears

Comment Type	Pre-Award Manager Returns Application
Date	7/30/2021
Comment	

Application Review Comments

Comment By Laura Wallace

Comment Type	Line Item Review
Date	8/26/2021
Project Title	2021 CRRSAA
Project Number	OK-2021-027-01-00

(With Respect to Line Item: 11.13.15)

Comment

- Recipient must not acquire telecommunications and video surveillance equipment for rolling stock from: Huawei Technologies Company; ZTE Corporation; Hytera Communications Corporation; Hangzhou Hikvision Digital Technology Company; or Dahua Technology Company. This prohibition includes rolling stock telecommunications and video surveillance equipment, commercial items and micro-purchases in accordance with Section 889 of the 2019 National Defense Authorization Act.
- Recipients must not procure rolling stock from certain transit vehicle manufacturers. Refer to 49 U.S.C. Section 5323(u) of federal public transportation law, which limits the use of FTA funds, and in some circumstances local funds, to procure rolling stock from certain transit vehicle manufacturers. Refer to <https://www.transit.dot.gov/funding/procurement/frequently-asked-questions-regarding-section-7613-national-defense> for additional guidance.
- 49 CFR Part 26.49(a) states 'If you are an FTA recipient, you must require in your DBE program that each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, certify that it has complied with the requirements of this section.' FTA's current list of eligible TVMs can be found at <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/eligible-transit-vehicle-manufacturers>.
- 49 CFR Part 26.49(a)(4) states 'FTA recipients are required to submit within 30 days of making an award, the name of the successful bidder, and the total dollar value of the contract in the manner prescribed in the grant agreement.' The Transit Vehicle Award Reporting Forms can be found on FTA's website at <https://www.surveymonkey.com/r/vehicleawardreportsurvey>. Please take a screenshot of

the completed report before submission and retain locally to demonstrate compliance with this requirement during oversight activities such as Triennial Review and/or State Management Reviews.

- Recipient must comply with the statutory requirements in FTA Circular 4220.1F, 3rd Party Contracting Guidance, as they apply to acquiring rolling stock including 49 CFR Part 661, Buy America Requirements, 49 CFR 663, Pre-Award and Post-Delivery Audits, accessibility, minimum service life, spare ratios, air pollution and fuel economy, bus testing, in-state dealers, basis for contract award and five-year limitation.
- Recipient must comply with the Recipient's procurement policies and procedures as they apply to FTA-funded projects.
- The information provided above is intended as technical assistance and applies only to the project as described. Should the project scope change or new information on the project be provided, FTA may require a re-evaluation of the project information as it relates to federal compliance and require additional information. This confirmation is not an express or implied promise of project compliance with federal requirements.

Part 6: Agreement

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION**

**GRANT AGREEMENT
(FTA G-28, February 9, 2021)**

On the date the authorized U.S. Department of Transportation, Federal Transit Administration (FTA) official signs this Grant Agreement, FTA has obligated and awarded federal assistance as provided below. Upon execution of this Grant Agreement by the Recipient named below, the Recipient affirms this FTA Award, enters into this Grant Agreement with FTA, and binds its compliance with the terms of this Grant Agreement.

The following documents are incorporated by reference and made part of this Grant Agreement:

- (1) "Federal Transit Administration Master Agreement," FTA MA(28), February 9, 2021, <http://www.transit.dot.gov>,
- (2) The Certifications and Assurances applicable to the FTA Award that the Recipient has selected and provided to FTA, and
- (3) Any Award notification containing special conditions or requirements, if issued.

WHEN THE TERM "FTA AWARD" OR "AWARD" IS USED, EITHER IN THIS GRANT AGREEMENT OR THE APPLICABLE MASTER AGREEMENT, "AWARD" ALSO INCLUDES ALL TERMS AND CONDITIONS SET FORTH IN THIS GRANT AGREEMENT.

FTA OR THE FEDERAL GOVERNMENT MAY WITHDRAW ITS OBLIGATION TO PROVIDE FEDERAL ASSISTANCE IF THE RECIPIENT DOES NOT EXECUTE THIS GRANT AGREEMENT WITHIN 90 DAYS FOLLOWING FTA's AWARD DATE SET FORTH HEREIN.

FTA AWARD

Federal Transit Administration (FTA) hereby awards a Federal Grant as follows:

Recipient Information

Recipient Name: THE CHEROKEE NATION

Recipient ID: 6759

DUNS No: 077345494

Application Information

Federal Award Identification Number: OK-2021-027-00

Application Name: Cherokee Nation FY2021 Section 5311c CRRSAA operating and expansion vehicles

Application Start Date: N/A

Original Award End Date: 12/30/2023

Current Award End Date: N/A

Application Executive Summary: This is an FFY2021 Section 5311c CRRSAA application in the amount of \$862,452.00 operation expenses and expansion vehicles, representing 100% federal share of the total eligible amount. This will be used for operating assistance to continue operations such as salaries, fuels, maintenance, and supplies and capital acquisition in FY2021 and FY2022. Split amounts between Cherokee Nation and United Keetowah Band are listed in the attached letter. IDC will be applied to this award at the rate of 11.52% as detailed in the attached letter.

The Recipient certifies that it, and its subrecipients and contractors that are providers of public transportation, have not furloughed any employees since March 27, 2020 (the enactment date of the CARES Act);

Purpose: To provide transportation services in previously underserved areas of the reservation in response to COVID-19

- Activities to be performed: Operating vehicles in under served communities for safe community transportation
- Expected Outcomes: Transportation to vital areas such as medical, food, and governmental facilities
- Intended Beneficiaries: citizens of the Cherokee Nation reservation boundaries
- Subrecipient Activities: Provide dispatch and drivers under contracts

The Recipient agrees that if it receives Federal funding from the Federal Emergency Management Agency (FEMA) or through a pass-through entity through the Robert T. Stafford Disaster Relief and Emergency Assistance Act, a different Federal agency, or insurance proceeds for any portion of a project activity approved for FTA funding under this Grant Agreement, it will provide written notification to FTA, and reimburse FTA for any Federal share that duplicates funding provided by FEMA, another Federal agency, or an insurance company.

Per the CRRSAA, the project(s) in this application is/are not required to be programmed in the Long-Range Transportation Plan, Statewide Transportation Plan, or Statewide Transportation Improvement Program.

Research and Development: This award does not include research and development activities.

Indirect Costs: This award is applying an approved Indirect cost rate(s).

Suballocation Funds: Recipient organization is suballocated these apportioned funds and can apply for and receive these funds directly.

Pre-Award Authority: This award is using Pre-Award Authority.

Application Budget

Total Application Budget: \$862,452.00

Amount of Federal Assistance Obligated for This FTA Action (in U.S. Dollars): \$862,452.00

Amount of Non-Federal Funds Committed to This FTA Action (in U.S. Dollars): \$0.00

Total FTA Amount Awarded and Obligated (in U.S. Dollars): \$862,452.00

Total Non-Federal Funds Committed to the Overall Award (in U.S. Dollars): \$0.00

Application Budget Control Totals

(The Budget includes the individual Project Budgets (Scopes and Activity Line Items) or as attached)

Funding Source	Section of Statute	CFDA Number	Amount
5311 Tribal Formula (CRRSAA)	5311-9B	20509	\$862,452
Local			\$0
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$862,452

(The Transportation Development Credits are not added to the amount of the Total Award Budget.)

U.S. Department of Labor Certification of Public Transportation Employee Protective Arrangements:

Original Certification Date:

Special Conditions

There are no special conditions.

FINDINGS AND DETERMINATIONS

By signing this Award on behalf of FTA, I am making all the determinations and findings required by federal law and regulations before this Award may be made.

FTA AWARD OF THE GRANT AGREEMENT

Awarded By:

FEDERAL TRANSIT ADMINISTRATION
U.S. DEPARTMENT OF TRANSPORTATION
Contact Info:
Award Date:

EXECUTION OF THE GRANT AGREEMENT

Upon full execution of this Grant Agreement by the Recipient, the Effective Date will be the date FTA or the Federal Government awarded Federal assistance for this Grant Agreement.

By executing this Grant Agreement, the Recipient intends to enter into a legally binding agreement in which the Recipient:

- (1) Affirms this FTA Award,
- (2) Adopts and ratifies all of the following information it has submitted to FTA:
 - (a) Statements,
 - (b) Representations,
 - (c) Warranties,
 - (d) Covenants, and
 - (e) Materials,
- (3) Consents to comply with the requirements of this FTA Award, and
- (4) Agrees to all terms and conditions set forth in this Grant Agreement.

Executed By:

THE CHEROKEE NATION