

ADA Paratransit Eligibility Certification Services

Scope of Work

1. OVERVIEW

The Ventura County Transportation Commission (VCTC) is soliciting technical and price Proposals to provide Americans with Disabilities Act (ADA) Paratransit Eligibility Certification Services. The period of performance will be for three years with the option for two 1-year extensions.

2. ORGANIZATION

VCTC is responsible for countywide transportation planning, programming transportation funds, managing and providing transportation programs and services, delivering transportation projects, and setting transportation priorities. In addition, VCTC provides commuter bus service connecting the various urbanized areas, as well as local bus service under the brand name “Valley Express” in the cities of Santa Paula and Fillmore and the adjacent unincorporated area.

3. INTRODUCTION

The Ventura County Transportation Commission (VCTC) is soliciting technical and price Proposals to provide Americans with Disabilities Act (ADA) Paratransit Eligibility Certification Services.

The American with Disabilities Act (ADA) of 1990 and its implementing federal regulations established categories of persons who are eligible to receive paratransit services complementary to fixed-route bus services. The three categories of persons with rights to complementary paratransit are:

1. An individual’s inability to use the public fixed route bus system without the assistance of another individual (except the operator of a wheelchair lift).
2. An individual who needs the assistance of a wheelchair or other boarding device but cannot be accommodated on an otherwise accessible fixed route (e.g. vehicle’s lift does not meet standard or boarding/disembarking location is inaccessible).
3. An individual who, because of their disability, is prevented from independently getting to or from the bus stop.

Any individual is to be certified as ADA paratransit eligible if there is any part of the transit system that cannot be used or navigated by that individual because of a disability. Persons are not to be qualified or disqualified on the basis of a specific

diagnosis or disability. This criterion is outlined in DOT 49 CFR Part 37, Subpart F, and Section 37.123 ADA Paratransit Eligibility Standards.

Public transportation providers who operate demand response systems are required to establish an ADA paratransit eligibility process that strictly limits eligibility to individuals who are specified under the aforementioned ADA eligibility standards. Applicant's functional capabilities may vary with circumstances such as weather conditions, terrain, and travel training availability. The existence of these conditions can allow for trip-by-trip eligibility by applying ADA eligibility standards to individual trip requests. Additionally, the ADA regulations specify that recertification may be required at reasonable intervals.

The ADA mandates that each public entity operating a fixed route transit system provide complementary paratransit service to individuals whose functional disabilities prevent use of accessible fixed route bus and rail systems. The level of service for these individuals is to be comparable to the level of service provided to individuals without disabilities. The paratransit service is intended to be comparable to the fixed route system in specific listed criteria such as days and hours of service, fares, service area, response time, etc. It is to serve strictly defined categories of individuals with functional disabilities as described in this document, which reflect the ADA requirements.

4. SCOPE OF SERVICES

VCTC is seeking proposals from qualified firms to perform functional and cognitive assessments and make eligibility recommendations for individuals seeking ADA eligibility and paratransit services across all of Ventura County and its 9 transit operators. The Contractor shall be responsible for establishing, maintaining and carrying out procedures for the processing and certification of such new applications for ADA paratransit eligibility and applications for recertification during the contract period and any extensions thereof. The contractor's place of business must be open on all holidays except for the following: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

During the most recently completed fiscal year (FY23/24), VCTC received 1,345 applications for ADA certification and issued 1,166 determinations. As of July 1, 2024, VCTC has implemented a hybrid model for ADA certifications, which includes both phone and in-person interviews when necessary. A new permanent certification category has been established, which was not utilized in prior years. This change, along with the transition from a three-year to a five-year certification period, has impacted the volume and types of applications received and determinations issued. The historical data in the table below reflects the previous model, while the data from July 2024 onward is based on the updated model. See Table X for additional information.

	Jul 2024 - Oct 2024	Jul 2023 – Jun 2024	Jul 2022 – Jun 2023
Applications Received			
New Applications	189	654	665
Recertifications	181	691	833
Total Received	370	1,345	1498
Determinations			
New Applications	137	489	494
Recertifications	173	677	888
Total Determinations	310	1,166	1,382
Interviews			
Completed Phone Interviews	119	411	293
Completed In-Person Interviews	6	0	0
Total Interviews	125	411	293

Proposers should refer to archived agendas for TRANSCOM meetings to understand the current ADA Monthly Report provided by VCTC’s current contractor:
<https://www.goventura.org/meeting-archives/?mtype=3>.

The awarded contractor will meet or exceed the standards set forth in the ADA for determining paratransit eligibility as well as adhere to all requirements outlined in this Request for Proposals. Successful candidates will demonstrate an ability to follow all standards outlined in DOT 49 CFR Part 37, Subpart F, and Section 37.123 ADA Paratransit Eligibility Standards and this Request for Proposals to determine paratransit eligibility recommendations.

5. CERTIFICATION PROCESS

A. VCTC Staff Duties

Under this contract, VCTC’s responsibilities in administering the ADA Paratransit Eligibility Certification Services Program will include the following:

- Providing direction to the incumbent contractor with regard to transitioning of the program to the newly-selected Contractor;

- Website information about ADA certification, with downloadable applications;
- Providing paper with VCTC letterhead to the Contractor for use in issuing approvals and denials, along with text in English and Spanish, with Mandarin available upon request for use in the letter;
- Providing the ADA certification application in both pdf and printed format, in English, Spanish and Mandarin;
- ADA eligibility card design with the VCTC logo;
- Providing printed informational brochures about the certification process and related programs.
- A Professional Evaluation template for distribution to health professional;
- Appeal notifications, with VCTC responsible for reviewing and deciding on appeals;
- Coordinating with the responsible transit agencies to regarding their monitoring and feedback of the certification process;
- Providing general transit system information brochures and schedules for distribution to applicants as appropriate.
- Marketing and outreach for its programs. The Contractor may not initiate and/or perform any outreach activities on behalf of VCTC or the transit operators without the expressed prior consent of VCTC. VCTC will only give such permission if it has obtained consent of the affected transit operators.
- Providing RideCo Software for maintaining the countywide ADA eligibility list.

B. Obtaining an Application

Individuals who are interested in becoming eligible to utilize ADA paratransit services are required to fill out an application form and coordinate the completion of the Healthcare Professional Verification form with their healthcare provider. A person can receive an application for ADA paratransit service by either calling or emailing the Contractor or by obtaining an application on the VCTC's website. Applicants or healthcare professionals can choose to obtain the forms by mail, facsimile, e-mail or online.

C. Submission of Application

Contractor assists potential applicants in completing the application process. Applicants submit their completed application and Health Care Professional form to the Contractor. The information is then reviewed by the Contractor's staff for completeness. Contractor notifies applicant of any missing or incomplete information and provides support to applicants in order to complete the forms correctly; however, the Contractor is not responsible for nor shall the Contractor be required to complete

application for applicants.

D. Review and Determination of Eligibility by Contractor

Upon completion of all required applications and healthcare professional forms, Contractor's professional evaluators make an eligibility determination based on the ADA and in accordance with VCTC policy. Eligibility status categories are based on the following:

<u><i>Unconditional</i></u>	An individual who cannot use the fixed-route bus system on a regular basis under any conditions.
<u><i>Eligible by age</i></u>	For those individuals who are frail elderly, who have numerous health and mobility issues that, require assistance with, or limit their activities of daily living. (65 years of age and older)
<u><i>Permanent</i></u>	For those individuals who, due to a profound and permanent disability, cannot use the fixed-route bus system under any conditions without the assistance of another individual or those individuals who are 85 years of age and older.
<u><i>Conditional</i></u>	An individual who may use the fixed-route for certain trips but not others, or under certain environmental conditions and not others may be eligible on a <i>trip-by-trip</i> basis. Or an individual who has strength and endurance issues, good days and bad days that may use the fixed-route bus system on good days but not on a bad day may be eligible on a <i>conditional</i> basis.
<u><i>Temporary</i></u>	An individual who, for a limited period of time, cannot independently use the fixed-route bus system either due to a temporary disability or where the applicant has an identified treatment plan expected to increase their functional mobility within a short period of time.
<u><i>Visitor</i></u>	An individual who does not reside in the jurisdictional service area, who presents documentation from their home jurisdictions' paratransit system, or proof of residence somewhere else and acceptable proof of the disability.
<u><i>Denied</i></u>	Individuals whose disability and/or functional abilities do not prevent them from using the accessible fixed route bus services will be denied ADA Paratransit eligibility.
<u><i>Ineligible</i></u>	An individual may be deemed to be ineligible to use ADA

Paratransit services if they do not meet the VCTC's minimum age or if their application is withdrawn for failure to complete the necessary information and/or certification process.

Applications will be deemed to have been withdrawn from the certification process if the applicant does not return an application which has been sent back to them for completion of missing information and/or signatures; does not return or reply to repeated, documented telephone calls and letters from the Contractor's Eligibility staff and/or the Certification Contractor requesting additional information or to schedule an in-person assessment; or fails to appear for a scheduled in-person assessment.

E. Mailing of Determination Letters to Applicants

If certified, Contractor mails the applicant an ID card and personalized letter with eligibility status, along with additional information regarding ADA services, no later than 21 days from receipt of all completed forms. If found ineligible, Contractor mails a personalized denial letter to the applicant with an explanation of the reason for denial and an explanation of the right to appeal. Contractor shall also mail out replacement ID cards upon request. Currently no photo is required for the ID card.

6. REPORTING AND RECORD KEEPING

All reports must be kept confidential except to designated VCTC staff and as legally required under the Health Insurance Portability and Accountability Act (HIPPA) and California Confidentiality of Medical Information Act (CIMA). Required reporting must be available electronically.

By the 5th day of each month, along with a detailed invoice, Contractor will be required to submit annual and monthly printed and/or electronic reports. Monthly reports shall include the following information from the previous month:

- a. Applications and Healthcare Professional Verification Forms completed, by client name, during the month including eligibility status and specifying either recertification or new.
- b. Number of applications and Healthcare Professional Verification Forms in progress.
- c. Eligibility by Disability report by specified date range.
- d. Number of total currently certified applicants.
- e. Other appropriate reports as requested.

Currently, original records are retained and maintained by the Contractor. Through the web-based software (RideCo's Eligibility Portal), VCTC staff has access to view and print the applicant's application and healthcare professional form, details of the professional evaluation, eligibility notification letters, and riders profile information. The

riders profile information is a synopsis of information required for the Operations Contractor. Currently this data is transmitted to each respective Operator for reservations and scheduling. This data required for transmittal to bus operators includes:

- Unique Customer ID
- Type such as new or recertification
- Category of disability
- Name, address, daytime phone, evening phone, and Telephone Device for the Deaf (TDD)
- Date of Birth and gender
- Certification dates: Start date and expiration date
- Eligibility type
- PCA eligible status
- Barriers and restricted destinations
- Mobility device
- Emergency contact information

7. TRANSITIONING CONTRACT

VCTC is seeking a new ADA Certifications Evaluations Contract. VCTC desires to refine processes and procedures to ensure an efficient and cost-effective eligibility services program. In addition to responsibilities identified elsewhere in the Scope of Work, the following responsibilities are additionally identified but not limited to:

- A. Establish a method of accurately and efficiently transferring existing client data from the current contractor to Contractors proposed data system.
- B. Establish overall certification procedures which conform to the federal ADA requirements.
- C. Establish certification criteria, which will accept qualified applications under ADA guidelines, while denying certification to those who do not meet these criteria. It is reasonable to expect denials, VCTC may require explanations for any month with an unusually low (less than 10%) denial rate or an unusually high acceptance or denial rate.
- D. Coordinate with VCTC staff to make any revision or enhancements to the VCTC client certification applications form, letters or ID cards, (subject to VCTC's approval) for improved clarity and ease of use.
- E. Reproduce a sufficient number of copies of VCTC forms and any other

necessary client information and assume responsibility for its distribution.

- F. Ensure all written materials are available in alternative formats, as required by the ADA.
- G. Assist clients with all certification forms.
- H. Process new and renewal certifications consistent with the above-stated procedures.
- I. Establish procedure for the transfer of data to the bus operators on a daily or not less than twice weekly basis.
- J. Develop a database to track each application including, at minimum, the information as detailed on the attached rider's profile.
- K. Establish methods to secure, back up, and store confidential client data.
- L. Submit documented billings for services and required reporting on a monthly basis.
- M. Track certification expirations and mail renewal notices to clients.
- N. With Notification of Certification, mail copies of the VCTC ADA Riders Guide and any other informational notices or riders alerts.
- O. Provide testimony, information or other assistance to the Eligibility Appeals Committee.
- P. Testify in court if required.

8. VCTC OVERSIGHT AND MANAGEMENT

Contractor performance and day-to-day oversight of Certification Contractor will be conducted by VCTC staff.

9. CHANGES TO CERTIFICATION PROCESS

During the term of this Agreement, including any extensions thereof, VCTC may choose to implement changes to the ADA paratransit certification processes or forms described herein for the benefit of the county operators, VCTC and its ADA program. In such event, VCTC shall provide Contractor with a description of the changes to be implemented, including any modification of the Contractor's requirements and responsibilities related to such change and the timing thereof. The contractor will make all necessary modifications and adjustments subject to VCTC final approval.

10. ADA CERTIFICATION SERVICE REQUIREMENTS

The following paragraphs describe in detail all the requirements for staffing, training, facilities, equipment, processing applications, reporting, and Contractor performance standards.

A. STAFF REQUIREMENTS

Contractor shall provide the necessary management and qualified staff to satisfy the tasks and requirements of this Scope of Work. Contractor shall provide training of qualified staff, capable of performing all assessment activities under the supervision of a licensed physical therapist, occupational therapist, ophthalmologist, or certified independent living counselor. The following management and staffing requirements are minimums and Contractor shall exceed these where necessary to accomplish the specified Scope of Work. Proposed changes in key personnel and/or job duties are subject to prior review and approval by VCTC. Contractor shall submit a resume to VCTC for any proposed replacement candidate and an interview of the proposed replacement candidate may be required.

1. Project Manager

- a. The Project Manager will be the person in charge of all management and day-to-day operations of the Contractor on behalf of the VCTC. The Project Manager must maintain consistent and sufficient contact and communications with VCTC. VCTC intends that this communication shall establish a working partnership to ensure that VCTC's ADA eligibility certification process works effectively and efficiently to the benefit of ADA applicants and from the perspective of both VCTC and the Contractor.
- b. Project Manager will demonstrate, by decision and action, competency in all aspects of VCTC's ADA eligibility certification process. The Project Manager must be knowledgeable about ADA rules, regulations and compliance regarding eligibility and certification. The Project Manager will function as line supervisor of all Contractor staff assigned to VCTC's project. The responsibilities of the Project Manager include, but are not limited to, the following:
 - (1) Ensuring the availability of a responsible individual with decision making authority by phone or in-person during the hours of 8:00 am to 5:00 p.m., Monday through Friday excluding VCTC holidays;
 - (2) Recruitment, selection, hiring, and training of appropriate staff to satisfy the requirements of this Scope of Work;
 - (3) Assignment of personnel to perform the tasks specified in this Scope of Work;
 - (4) Administration of the eligibility certification process, including the review of applications, conduct of telephone interviews and inquiries, and preparation of correspondence to applicants, documentation of certification findings and the basis for recommended determinations.

- (5) Attendance at such meetings as the VCTC may require, including, but not limited to, a biannual meeting or meetings “as needed” with the VCTC’s supervisory staff;
- (6) Preparation and submission of Contractor's monthly invoice for certification services;
- (7) Preparation and submission of the Monthly Certification Report and other reports as may be requested by the VCTC; and
- (8) Working with VCTC staff to develop any improvements to the ADA eligibility certification process as determined appropriate to ensure an effective and efficient process.

2. Certification Staff

Contractor shall recruit, hire, train and employ such qualified staff as are required to meet the requirements specified herein for the administration and conduct of VCTC’s ADA eligibility certification process. Personnel assigned to administer and conduct VCTC’s certification process shall have the appropriate education, licensing and certification, and experience to perform the functions of their assigned positions, including, but not limited to:

- a. Related experience with regard to the functional assessment of individuals with disabilities along with experience working with individuals with disabilities;
- b. Supervisory experience as appropriate to their job assignments;
- c. Familiarity with Ventura County public transit and ADA paratransit services and the functional abilities needed to use these public transportation services;
- d. Familiarity with the VCTC fixed route system and environment, system map and bus stop locations. Staff must maintain a working knowledge of VCTC policy and understand transferring, in-bound/out-bound routes, and how to utilize the transfer points.
- d. Ability to work well with the elderly and individuals with disabilities;
- e. Good written and oral communications skills;
- f. Knowledge of ADA complementary paratransit regulations, including, but not limited to, the regulatory definition of ADA paratransit eligibility found

in the ADA Regulations in 49 CFR Part 37, Section 37.123; and

- g. Thorough familiarity with the VCTC's ADA paratransit eligibility certification process and competence in making determinations of ADA eligibility in compliance with federal, state, county laws, regulations and policies.

B. STAFFING POLICIES

1. Vacancy of Key Positions

If, during the course of normal employee turnover, the position of Project Manager shall remain open for a period in excess of 30 calendar days, the VCTC may, at its discretion deduct a penalty of \$100.00 per day for each day which the position remains unfilled beyond the first 30 days.

2. Assignment of Contractor Staff to VCTC Certification

To promote coordination between the VCTC and Contractor, certification services for VCTC shall be assigned to limited number of designated Contractor staff sufficient to provide these services under normal circumstances. Names of the designated staff and any changes to this staffing shall be provided to the VCTC in writing.

3. Turn-Over

Contractor shall take appropriate steps and actions to minimize the turnover of employees assigned to this Agreement and to minimize the impact of such turnover as it occurs.

4. Removal of Employees

VCTC may require that any Contractor employee assigned to provide services under this Agreement be removed from work on VCTC's program for cause. VCTC may require immediate removal if, in its determination, this is warranted by the circumstances.

5. Staffing Policies

VCTC will notify the Contractor's Project Manager in writing of any employee determined to be unsuitable for assignment to VCTC's program and shall provide documentation as to the basis for this determination. Unless VCTC is requiring immediate reassignment, within five (5) business days of receipt of such notice Contractor shall, at its sole discretion, either propose to replace the employee or present to VCTC a plan for correcting the employee's performance deficiencies within a 30-day period thereafter. If either VCTC rejects the plan or the employee's

performance deficiencies are not corrected to VCTC's satisfaction within the 30-day plan period, the Contractor shall immediately replace the employee.

6. Language

Contractor staff assigned to VCTC's program who work predominantly with the public shall be fluent in both written and/or spoken English and Spanish. Certification Contractor may, but is not required to, provide staff who is fluent in languages other than English and Spanish should these be required by applicants. Applicants not fluent in English and Spanish may be required to provide their own interpreter.

C. TRAINING OF CERTIFICATION PERSONNEL

1. All training of Contractor staff shall be the responsibility of the Contractor. Contractor shall develop and provide a training program sufficient to meet the transportation, Americans with Disabilities Act and eligibility certification requirements as stated under *Section A, 2. Certification Staff*. The Contractor's training program shall be reviewed and approved by VCTC staff prior to implementation.
2. Prior to their assignment to VCTC's program, each employee shall receive, at a minimum, the following training:
 - a. Contractor's training program as described above;
 - b. VCTC orientation on ADA paratransit services, policies, and procedures, to be provided by VCTC staff; and
 - c. Training in sensitivity issues regarding working with individuals with disabilities. All Contractor staff involved in the certification process or coming into contact with applicants, including the Contractor's Project Manager, shall receive this training to be provided by the Contractor. Proof of such training shall be documented and available for inspection by VCTC.

D. TRAINING OF VCTC ADMINISTRATION STAFF

On an annual basis, Contractor shall permit up to (8) VCTC staff and local bus operator staff to attend and participate in Contractor's training program for application review/eligibility determination conducted for its own staff as described in Section A, above, at no cost to VCTC or local bus operators. VCTC and local bus operator staff shall be responsible for any travel costs incurred by its employees attending such training.

E. TRAINING OF VCTC STAFF AND COMMITTEES

On a periodic basis, estimated to be no more frequent than two (2) times per year, the VCTC may request that the Certification Contractor's Project Manager, or other staff as appropriate, provide training to certain community bases, social service groups, transit operators, or other VCTC staff, committees or groups, in the requirements of the ADA for certification of paratransit eligibility and the VCTC's certification process. The class size will consist of no more than eight (8) individuals.

11. COMMUNICATIONS SYSTEMS

The Contractor shall be responsible for providing, installing and maintaining communications systems for support and conduct of the services described herein. At a minimum, these communications systems shall consist of the following:

A. Applicant Telephone Services

Voice telephone services shall be provided for certification inquiries and return of calls from Contractor staff to applicants, their guardians, and/or health care providers. Contractor shall obtain, install and maintain a toll-free phone number accessing sufficient telephone lines to result in callers receiving a busy signal on no more than ten (10%) percent of all attempted phone calls at peak call times. Contractor shall provide and maintain a telephone message recorder or voicemail so that callers may leave a message after business hours. All messages must be picked up, transcribed, and returned on the next business day. The contractor's place of business must be open on all holidays except for the holidays referenced above in scope. Telephone Device for the Deaf (TDD)

In addition to voice telephone services, the Contractor shall provide, install and maintain access to the hearing disabled, preferably using a TDD system. A separate, dedicated, toll-free telephone line will be provided by the Contractor for communications with applicants who are hearing-impaired and will be installed in a location where calls will be promptly answered during all normal hours of certification office operation. TDD machine will be set up to allow for automated greetings during after-hours and allow messages to be left on the unit. All messages must be picked up, and returned on the next business day.

B. Contractor Administrative Telephones

Contractor is responsible for the installation and maintenance of sufficient telephone lines and equipment to support the Contractor's administrative requirements so that the toll-free applicant telephone lines are not utilized for administrative purposes.

C. Facsimile Machine

For the purpose of expedient transmission of reports, documents and other communications between VCTC and Contractor, Contractor will provide a plain paper facsimile (FAX) machine installed on a dedicated telephone line. This FAX machine will

be installed and operational in the Contractor's office facility no later than one week prior to initiation of services under this Agreement and shall be promptly repaired or replaced in the event of equipment failure so that FAX service is reestablished within one business day.

D. Computer Systems

Contractor shall provide any and all computer hardware and software necessary for the provision and support of services provided pursuant to this Agreement. VCTC currently uses RideCo's Eligibility Portal to perform ADA Eligibility Certifications. All documents, reports, and forms prepared for submission to the VCTC or for use in conjunction with the certification services provided pursuant to this Agreement shall be prepared with compatible hardware/software and shall be submitted in electronic form as well as hard copy. Currently VCTC's current contractor is using an Excel-based system with a website hosted by VCTC on network servers with built in redundancy and back-ups. VCTC shall have full access to read, write, edit and print customer files.

12. ADA ELIGIBILITY APPLICATION PROCESSING

Assessment results should be in line with the generally accepted ratio of 10% denials per 100 applicants. This rate will be calculated quarterly. Failure to maintain an acceptable level of eligibility denials will be investigated and could result in sanctions ranging from an audit of assessment procedures to the termination of contract.

Contractor shall be responsible for processing of applications to determine and make recommendations on each applicant's eligibility in accordance with the Americans with Disabilities Act and VCTC policy. Contractor shall develop, implement and follow procedures to accomplish the processing of certification applications, including, but not limited to, the following:

A. Eligibility Determination

The determination of eligibility shall be based on the applicant's functional and cognitive abilities to independently utilize public fixed route transit services, as indicated by review of the information provided in their application or supplemental information obtained through telephone interviews. It is expected that the Contractor will follow a process generally as follows:

1. Application Review

If the information provided in the application is sufficient, eligibility may be granted without further contact with the applicant. In this case, the Contractor staff prepares a summary of their evaluation and the basis for their eligibility determination, prepares the Applicant Notification Letter and ID Card.

2. Telephone Interview

- (a) If the application data is insufficient to make an eligibility determination, Contractor staff may contact the applicant and/or their identified health care provider by telephone or TDD to obtain additional information which might permit a determination. If this telephone contact provides adequate information, an eligibility determination can be made at this point. Again, if this is possible, the Contractor staff prepares a summary of the evaluation and the basis for the eligibility determination, prepares the Applicant Notification Letter and ID card.
- (b) Contractor shall attempt to contact applicants by telephone or TDD on a minimum of three (3) occasions, on different days and at different times of day. Each attempt shall be noted on the application as to day and time. If the Contractor has been unsuccessful in contacting the applicant after three attempts, Contractor staff shall attempt to contact the applicant through the "Emergency Contact" indicated on the application. If the Contractor is unsuccessful in contacting the Emergency Contact or, after a period of five (5) days from such contact, the applicant has not made contact with the Contractor, the Contractor shall prepare and mail an Ineligible letter to the applicant. If, by a date ten (10) business days from the date of the Ineligible letter, the applicant has not contacted the Contractor, that application shall be marked as "Ineligible/Withdrawn".

B. Time Requirements for Processing

1. The ADA Regulations specify that "If, by a date 21 days following the submission of a completed application, the entity has not made a determination of eligibility, the applicant shall be treated as eligible and provided service until and unless the entity denies the application."
2. To enable the VCTC to comply with the ADA's "21-Day Rule,{149 CFR 37 Section37.125 (c)} the Contractor shall process, make a determination recommendation, document, prepare the applicant determination letter and transmit all required documentation to the applicant no later than the seventeenth (17) calendar day from the date on which the application was accepted by the Contractor as complete, with the days counted as follows:
 - (a) Day 1 is the date stamped by Contractor staff on an application indicating that the form is complete and properly signed by the applicant.
 - (b) Delays in Processing Not Due to Contractor: the counting of days shall be temporarily stopped: on the day that Contractor staff determines that telephone interview is needed and they fail to reach the applicant and/or their health care provider. The counting of days starts again when

telephone contact is made and information is obtained. All such delays must be documented for tracking and reporting purposes.

- (c) Determinations Requiring Clarification: if, upon review an application is returned to the applicant for clarification of the summary of assessment findings or basis for the recommended determination, the counting of days shall resume with the day the clarification is requested and end when the review is again completed. A clear process to document and monitor the number of days as described above shall be approved by VCTC and implemented by the Contractor. All such delays must be documented for tracking and reporting purposes.

13. DOCUMENTATION AND REPORTING

A . Documentation of Eligibility Determination

The Contractor shall fully document the processing of each application as well as the assessment findings and make a determination of eligibility, denial or ineligibility for ADA paratransit services. All documentation will be written or typed so that it can be easily read and understood by VCTC staff, applicants and Eligibility Appeals Committee members. Such other data and reporting as may be requested by VCTC. Modifications and additions to the recommended reporting may be proposed by Contractor and are subject to approval by VCTC Contractor shall be responsible for:

1. Completed Evaluation

Contractor shall be responsible for the preparation and submission of a completed evaluation for each application processed and/or applicant interviewed. Each "completed evaluation" shall include documentation of the full and complete answers to each pertinent evaluation question noted by the Contractor staff conducting the analysis, a detailed written explanation of the basis for the Contractor's determination, and the eligibility recommendation. This documentation may take the form of a checklist or other format, which is developed by the Contractor and subject to approval of VCTC prior to implementation.

2. Determination Letters

- (a) The Contractor shall be responsible for the preparation of Letters of Determination to be sent to each applicant notifying them of the determination which has been made on their application for ADA paratransit eligibility. VCTC shall work with the Contractor to determine the format and text for the determination letters to be prepared by the Contractor and sent to each applicant. It should be noted that all correspondence prepared by Contractor on behalf of VCTC and

information materials shall be approved by VCTC prior to use. VCTC shall work with the Contractor to provide the format of printed applications and the format and text for the summary of eligibility and determination letters to be prepared by the Contractor. Other form and letters required for the efficient processing and documentation of the certification process shall be developed by the Contractor in cooperation with the VCTC's administrative staff and shall become, pursuant to the terms of the Agreement, property of VCTC.

B. Monthly Certification Report

On a monthly basis, Contractor shall prepare a Monthly Certification Report which shall be submitted to VCTC with the monthly invoice on or before the 5th business day of the following month. The Monthly Certification Report shall include at a minimum, the following:

The data on completed determinations and applications in progress.

1. A daily roster of individuals for whom an eligibility determination was completed and those applications still in progress during the month, listing the following data:
 - (a) Applicant name;
 - (b) VCTC identification number;
 - (c) Date of completed determination;
 - (d) Recommended eligibility;
 - (e) Name of Contractor's certification analyst who completed the determination; and
 - (f) Invoice amount / fees
2. Such other data and reporting as may be requested by VCTC. Modifications and additions to the recommended reporting may be proposed by Contractor and are subject to approval by VCTC.

C. Attendance at Meetings

1. Contractor's Project Manager and, as appropriate, designated certification staff shall attend meetings with VCTC on a regular basis to review the ADA certification process, Contractor performance, to identify areas for analysis and improvement, and to effect training of and coordination between VCTC and Contractor staff. Meetings with transit operators may also be required as needed to ensure comprehensive collaboration and support across the county's transit services. Regular meetings will include:
 - a) Monthly Certification Meeting of Contractor's Project Manager with VCTC's Program Manager. This meeting shall be held at a location in agreement with VCTC and the Contractor. Meetings are typically conducted virtually. Should in-person meetings be necessary, they will take place at a location agreed upon by both VCTC and the Contractor.
 - b) Quarterly Certification Coordination Meeting of VCTC and Contractor staffs. These meetings are intended to facilitate coordination and to discuss practices, procedures, challenges, and opportunities for improvement of the certification process.
 - c) Transit Operators Advisory Committee (TRANSCOM) serves as an advisory body to VCTC for purposes of transit planning and programming, including review of the Program of Projects, and to provide a forum for discussion and input on transit issues. TRANSCOM meets the second Wednesday of each month at 1:30 pm at the VCTC Office Large Conference Room.
 - d) Citizens Transportation Advisory Committee/Social Services Transportation Advisory Committee (CTAC/SSTAC) The CTAC/SSTAC is charged with providing input to the VCTC on a variety of transportation issues, including the review of findings developed from an annual public hearing on possible "unmet transit needs," which is held each Spring. CTAC/SSTAC meets four (4) times per year in January, April, June, and September. Meetings are held on the second Tuesday of the month at the County Government Center Hall of Justice Pacific Meeting Room at 1:30 p.m. Contractor is a member of the Committee.
2. The locations and times of these meetings shall be as determined by VCTC, with the exception of the Monthly Certification Coordination Meeting, the time and location of which will be coordinated between the Contractor's Project Manager and the VCTC's Program Manager. In addition to these regular meetings, Contractor's Project Manager may be requested to attend and participate in other meetings relating the VCTC's ADA certification process.

D. Customer Comments/Complaints

1. All applicants and other individuals contacting the Certification Contractor wishing to make a comment on the ADA eligibility certification process shall be referred by Contractor staff to the VCTC's Customer Service department at (800) 438-1112.
2. Comments received by Customer Service will be tracked and forwarded to the Contractor for investigation and response. Customer comment responses must be submitted to the VCTC's Program Manager, in writing, within five (5) business days.

E. Retention of Files and Records

All files and records relating to the processing of applications and the provision of services under this Agreement which are not returned to VCTC shall be retained by Contractor for a period of five (5) years. Upon request from VCTC, such records will be made

14. PERFORMANCE STANDARDS

Performance standards are included to encourage high quality and effective services and in recognition of the ADA-required time parameters for processing ADA applications. For the initial startup of operation under this contract, VCTC and Contractor will monitor performance of Contractor against the following performance measures to ensure that standards have been established which are appropriate and fair. During this period, no incentives or penalties will be assessed.

A. Recommendations for Improvement

VCTC encourages the Contractor to make suggestions and recommendations to improve the ADA eligibility certification process. An incentive payment may be made for any suggestion or recommendation which VCTC determines to implement and results in a measurably more effective and efficient process. This incentive payment is \$150.00 per implemented suggestion or recommendation and will be provided to the Contractor thirty (30) days after implementation and review of effectiveness.

B. Timely Processing of Applications

The Contractor must complete its processing of applications in a timely manner to meet ADA requirements. Each evaluation and completed documentation must be processed within twenty one (21) calendar days of receipt of the applications. (See *Section 12 B. Time Requirements for Processing* of this document for a complete discussion of timely processing requirements.)

C. Completed Documentation

The Contractor must ensure that its documentation is complete when submitted to VCTC. Evaluations not fully documented, or which require clarification, will be considered incomplete. Each evaluation determined to be incomplete by VCTC will be returned to the Contractor for completion. Penalties may be assessed and incentives awarded according to the following criteria:

1. Failure to meet the completed documentation requirement on less than five percent (5%) of the determinations completed in any calendar month will result in a penalty award to Contractor of \$100.00 for that month. Failure to meet the completed documentation requirement on more than ten percent (10%) but less than fifteen percent (15%) of the determinations completed in any calendar month may result in assessment of a penalty of \$200.00 for that month; and
2. Failure to meet the completed documentation requirement on more than fifteen percent (15%) of the determinations completed in any calendar month may result in assessment of a penalty of \$400.00 for that month.

D. Assessment Procedure

Before assessing penalties, VCTC will use the following procedure:

- a. VCTC will notify the Contractor of its intent to assess a penalty.
- b. The Contractor will be given an opportunity to demonstrate that the Contractor could not reasonably have prevented the failure. Failures caused by actions of VCTC staff, natural disasters, or extreme and unusual weather or traffic conditions will be considered not preventable. Any such claim must be supported by adequate documentation.
 - If VCTC determines that the failure was not preventable, then the penalty will be waived.
 - VCTC's decision to waive the assessment of any penalty will in no way affect VCTC's right to assess a penalty for a similar failure in the future and will in no way affect the Contractor's obligation to meet the associated performance standard.
 - Continued nonperformance of Contractor and/or serious violation of service standards may result in assessment of penalties up to and including termination of contract.

15. CONTINUITY OF CURRENT SERVICE VENDOR

VCTC currently uses a proprietary system that includes an online application via the internet and via the telephone. ADA applicants are able to call and/or email check the status of their applications. VCTC deems it to be in the best interest of the agency and its ADA clients to continue using the RideCo Eligibility Portal, in order to successfully continue the service as anticipated by the ADA clients.