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# Yamhill County Transit Area

## GENERAL PROCUREMENT POLICIES

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## 1. GENERAL POLICIES

The purpose of these Yamhill County Transit Area (YCTA) Procurement Policies is to establish a broad framework of policies and guidelines to ensure that YCTA's purchasing and contracting functions promote administrative flexibility and efficiency, while also maintaining prudent internal controls and compliance with applicable state and federal regulations.

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### 1.0 AUTHORITY

Authority for this policy is contained in Yamhill County Board Order No. XXXX dated XXXXX

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### 1.1 OBJECTIVES

Specific objectives include, but are not limited to the following:

1. **Fairness and Objectivity:** Providing a fair, objective, and equitable selection and contracting environment for all individuals and firms seeking to do business or contracting with YCTA.
2. **Ensuring Reasonable Costs:** Promoting competition, and negotiating (where applicable), to ensure that YCTA receives the most favorable prices and terms in its contracts.
3. **Efficiency:** Ensuring that supplies and services are obtained efficiently and effectively.
4. **Accountability:** Promoting accountability of contracting actions by YCTA employees and encouraging employees to protect YCTA's financial and other interests.
5. **Value-Added Procurement:** Facilitating a procurement process that provides service and value to YCTA in obtaining goods and services.
6. **Ethical Standards:** Ensuring that YCTA's procurement activities are implemented with the highest regard for integrity, avoidance of conflicts of interest, and consistent with applicable ethical standards.
7. **Focus on Compliance:** Complying with all applicable federal, state, and local statutes and regulations.

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### 1.2 SCOPE

YCTA receives funds from federal and state funding sources. YCTA has developed procurement procedures designed to ensure compliance with applicable laws and regulations without necessarily imposing a higher standard than is necessary to ensure compliance.

Where a requirement in these policies is based only on federal requirements, YCTA may, on a case-by-case basis for non-federally funded contracts, apply a less stringent standard than outlined in the federal requirements, provided it is otherwise consistent with applicable Yamhill County procurement standards and that all State or other associated contract and legal requirements are met.

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### 1.3 POLICY ADMINISTRATION

The Yamhill County Commissioners is the governing body of YCTA. This policy is adopted by the Commission for the purposes of establishing the administrative authority of the Transit Manager (TM).

The Transit Manager is responsible for day-to-day operations of YCTA involving personnel, finances, payments of invoices, facilities, real and personal property, and other assets. The TM shall regularly inform and consult with the County Commissioners regarding significant information, business

transactions and policies. The TM shall be responsible for the day-to-day direction and conduct of business transactions of YCTA subject to the policies, limitations, and directives in this Policy.

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#### 1.4 DELEGATION OF AUTHORITY

The Transit Manager is delegated authority by the County Commission to execute all procurement documents for goods and/or services and public works contracts up to ~~XXXXXX~~. The provisions of the annual adopted budget limit this procurement authority to those items in adopted budgets.

In executing the authority, the Transit Manager will be responsible for:

- Determining need and providing justification (all).
- Technical specifications or adequate item description (all).
- Obtaining price quotes (all) At least 3 quotes (from email, website, fax, or phone call) will be needed to ensure the price is fair and reasonable.
- Conducting price analysis.
- Providing sole-source justifications.
- Purchasing or issuing a purchase order with the appropriate authorized signature, estimated costs, price quotes, and any special terms.
- Accepting the item(s) and forwarding the coded invoice or other evidence of receipt and acceptance to Accounts Payable.

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#### 1.5 ETHICS

In order to avoid any appearance of conflict of interest in purchasing or contract award, YCTA's employees, officers, board members, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from present or potential contractors or sub-recipients. Unsolicited gifts of nominal intrinsic value not related to any purchase or contract may be kept.

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#### 1.6 CONFLICT OF INTEREST

YCTA's employees, officers, board members, or agents are prohibited from participating in the selection, award, or administration of a contract if a real or apparent conflict of interest would be involved. Such a conflict would arise when any of the parties set forth below has a financial or other interest in the firm or entity selected for award:

- The employee, officer, board member or agent;
- Any member of his or her immediate family;
- His or her partner;
- An organization that employs, or is about to employ, any of the above

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#### 1.7 BIDDERS AND PROPOSERS

Contract awards may be made only to "responsible" contractors possessing the ability, willingness, and integrity to perform successfully under the terms and conditions of the contract (49 U.S.C. Section 5325). The prospective contractor must meet the following criteria as well as any additional criteria described in the solicitation document:

- a) Is not debarred or suspended from Federal programs per the Excluded Parties List System or equivalent.

- b) Is in compliance with applicable licensing, tax laws, and regulations,
- c) Has, or can obtain, sufficient resources to perform the contract,
- d) Is not, or has not recently been seriously deficient in contract performance, unless it is determined that the circumstances were beyond the bidder or proposer's control, or unless the bidder or proposer has taken appropriate corrective action.

Purchasing shall ensure there is an IRS form W-9 (or substitute form) on file prior to payment to a vendor.

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## 1.8 RECORDS AND RECORDKEEPING

The YCTA shall maintain a contract administration system to ensure that it and its third party contractors comply with the terms, conditions, and specifications of contracts or purchase orders and applicable Federal, State and local requirements. All contracts shall include provisions adequate to form a sound and complete agreement.

### DOCUMENTING SOLICITATIONS

All solicitations shall include the Procurement Summary Form Checklist (X) which will document the procurement type chosen as well as the actions taken and responses received.

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### CONTRACT DOCUMENTS

Contract records shall include, at a minimum:

1. Name of YCTA Contract Administrator
2. Vendor information
3. Award identification and notification
4. Documents recording compliance with terms, conditions, and specifications of contracts
5. Correspondence

All records shall be retained in accordance with the Record Retention Policy

### CONTRACT ADMINISTRATION SYSTEM

YCTA staff are responsible for ensuring the contract:

- Provides quality supplies and services that meet or exceed contract specifications,
- Meets project timeline and budget
- Closeout is problem free.

In order to meet these standards, the designated Contract Administrator must:

- Monitor the actual contract and progress;  
As appropriate timelines and milestones should be set
- Highlight contract requirements and make sure they are met  
Administrator and vendor/contractor should be aware of what is required both throughout the contract and upon completion.
- Maintain regular and open communication with the contractor  
Administrator should have regular check ins and should encourage contractor to discuss any issues or concerns upfront.

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## 1.9 PUBLIC RECORDS

All procurement information generated and acquired through any of the procurement processes shall be open to public inspection following the Intent to Award a contract through a request to the County Counsel after contract award.

Each proposal shall be open to public inspection. Only portions of the proposal that were specifically noted within the ITB or RFP as available for confidential cover (and adequately marked) will be withheld in accordance with State and Federal Freedom of Information Act laws.

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## 1.10 COMMITMENT TO BIDDERS/PROPOSERS

YCTA will strive to ensure the procurement process meets standards for:

1. **Competition:** As a government agency and stewards of the public's money, YCTA acknowledges the importance of competition to ensure it receives the best quality of goods and services at the most competitive prices. YCTA also acknowledges the importance of spreading public contracting opportunities to the larger business community.
2. **Efficiency:** YCTA will look for procurement elements (e.g. contract terms, simplified procurement processes, low price bid, etc.) that offer efficiencies which still meet overall procurement requirements but also provide benefits for both the business community and YCTA.
3. **Fairness:** In order to ensure fairness and meet the expectations of the business community, the length of any YCTA contract shall be limited to the time specified in the advertised solicitation. YCTA shall generally not extend a contract beyond the advertised period, except for good and sufficient reasons as approved by the Transit Manager

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## 1.11 CONTRACT DURATION

As part of our commitment to fairness, the following shall govern the length of YCTA contracts and any contract extensions:

1. Generally, a supply or service contract shall be established for one to five years, with options to extend the contract for up to a total of seven years. The decision on the length of a contract shall be determined on a case-by-case basis, provided that the Transit Manager approves the contract length.
2. Solicitation documents and contracts shall include language about the anticipated length of a particular procurement.
3. Contracts shall generally include provisions outlining the process or formula to be followed in negotiating the price for an extension of a contract's original term.

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## 1.12 DISADVANTAGED BUSINESS ENTERPRISES

YCTA invites and encourages disadvantaged business enterprises (small, minority, and woman-owned) to participate in the procurement process for all purchases.

YCTA will take all necessary affirmative steps to assure that DBE's are contracted with when possible.

Affirmative steps shall include:

- Placing qualified DBE's on solicitation lists;
- Ensuring that DBE's are solicited whenever they are potential sources.

- Dividing total requirements (within the limits of this policy), when economically feasible, into smaller tasks or quantities to permit maximum DBE participation.
- Establishing delivery schedules, when requirements permit, that encourage DBE participation;
- Using the services and assistance of the Small Business Administration (SBA) and the Minority Business Development Agency of the Department of Commerce; and
- Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in items 1-5 above. In construction contracts, if required by federal grant provisions, the YCTA may require the prime contractor to attain the minimum percentage of Disadvantaged Business Enterprises subcontractor participation as stated in the bid proposal. The contractor shall submit with each monthly invoice a billing specification which clearly outlines the dollar amount of DBE participation for that billing period.

## 2 REASONABLE COSTS

One of the key elements in the procurement process is ensuring that YCTA pays a reasonable cost for goods and services. Prices which are unreasonably low can be detrimental to YCTA as they can indicate a mistake or misunderstanding regarding the work to be performed. Prices which are unreasonable high means YCTA is paying more than it needs and can indicate a lack of competition or flexibility in the procurement process.

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### 2.1 PRICE & COST ANALYSIS

YCTA staff shall exercise their best professional judgment to evaluate the reasonableness of a proposed expenditure. An independent cost estimate shall be made prior to solicitations, or prior to starting contract negotiations after making a selection based on a Request for Qualifications. The estimate will be used to evaluate reasonableness or unreasonableness of price and/or the estimated costs to perform the contract.

**Price Analysis:** A written review and evaluation of competitive prices to determine whether the proposed price is reasonable when compared with prices provided by others in the market.

**Cost Analysis:** A written review and evaluation of the proposed cost elements (labor, materials, overhead) and profit of a contract, purchase order, or change order to ensure the price is reasonable. It is usually used for professional consulting and Architectural & Engineering services contracts. A Cost Analysis is necessary whenever a Price Analysis cannot be performed.

***All federal grant funded procurements must have a Price Analysis or Cost Analysis, per FTA Circular 4220.1.f VI.6***

#### EXTENT OF ANALYSIS

The requirements for ensuring reasonable costs in contracting apply to most YCTA procurement activities (goods, supplies, construction, consulting, services, contract changes). The method and degree of analysis depends upon the facts of a particular procurement situation, including the size, nature, and complexity of the contract or change order. The estimate can range from a simple budgetary estimate to a complex estimate based on inspection of the product itself and review of such items as drawings, specifications, and prior data.

#### WHEN NOT REQUIRED

An independent estimate of costs (Price Analysis or Cost Analysis) is required for all procurements **EXCEPT** for Direct Payments as outlined in Section 4.6. Direct payments are exempt from this requirement.

YCTA staff are expected to exercise prudent and conservative judgment in evaluating the reasonableness of all proposed expenditures. The independent cost analysis will usually be prepared by YCTA staff, however, an independent party may assist in evaluation of reasonableness of costs.

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## 2.4 PRICE ANALYSIS PURPOSE

The purpose of a Price Analysis is to ensure YCTA pays a reasonable price, based on market prices.

Accepted forms of Price Analysis techniques are:

1. Comparison of catalog or market prices (internet search)
2. Comparison to prior purchases
3. Comparing vendor quotes
4. Adequate price competition (at least 2 offerors respond satisfactorily to solicitation)
5. Pricing set by law or regulation (ex: utilities)
6. Comparing proposed prices with independently developed cost estimates.
7. Value Analysis. This may include consideration of life cycle costs such as productivity gains, services/training provided, or efficiency gains.

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## 2.5 COST ANALYSIS PURPOSE

The purpose of the Cost Analysis is to ensure that the proposed price is reasonable. It shall include an analysis of a proposal's separate cost elements and profit compared to what the cost of the contract should be, (assuming reasonable economy and efficiency).

**WHEN REQUIRED:** The following situations require a Cost Analysis:

1. Price Analysis will not provide sufficient information to determine the reasonableness of the contract cost
2. Sole source, including emergency, selections (unless waived by the Transit Manager)
3. Single response to a solicitation
4. Contracts based on a Request for Qualifications (A&E)
5. Change orders or other modifications that change the contract amount.
6. Contracts based on Formal (ITB, RFP) or Informal Solicitations where price is one of the evaluation criteria.

**LEVEL OF SPECIFICITY:** YCTA staff (or contractor/consultant) with the relevant experience and knowledge should conduct the Cost Analysis. The analysis must have a level of specificity and independence appropriate to the contract or Change Order under review that describes what was analyzed. For any contract or Change Order subject to a Cost Analysis, YCTA shall require that the Contractor/Consultant submit a cost breakdown of their price for use in evaluating reasonableness of price.

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## 2.6 CONTRACT COST CONSIDERATIONS

**TIME AND MATERIALS CONTRACTS:** A Time and Materials contract may be used only after a determination that no other contract payment type is suitable. This is generally when the extent of work is unknown when the work is solicited.

**NEGOTIATION OF PROFIT:** Profit shall be negotiated separately in all cases where there is no price competition. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

**PERCENTAGE OF COST METHOD PROHIBITED:** "The 'cost plus a percentage of cost' and 'percentage of construction cost' methods of contracting shall not be used" (CFR 48.1.C.102c).

### 3. METHODS OF PROCUREMENT

This Section deals primarily with the purchase of goods, services, supplies, equipment, materials, and ancillary services (ex: installation, maintenance packages, etc.), and is frequently referred to as “goods and services.” Typically, there are three “thresholds for procurement in this area. Those under \$3000 are called micro-purchases; those from \$3000-100,000 – which are called “small purchases – which are traditionally handled through an informal procurement process; and those over \$100,000 which are formal procurements. Formal procurements come in two standard forms the Invitation to Bid (ITB) and the Request for Proposal (RFQ). The specifics of these procurement types are outlined in detail below.

All YCTA Purchases (micro; small or formal) must include a procurement summary check list. The checklist can be found in the appendix of this document

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#### 3.1 MICRO-PURCHASES

Micro purchase procurements are for the purchases of goods and services under \$3,000, as defined by FTA Circular 4220.1F Section VI.

Employees are expected to use their best professional judgment when making micro purchases and maximize YCTA dollars for value. Although competition is not required, it is expected that the best possible price be obtained and that no favoritism be shown in selecting suppliers.

Micro-purchases:

- a) Shall be distributed equitably among qualified suppliers, service providers, consultants, and contractors.
- b) Shall not be divided or reduced merely to comply with the micro-purchase limit.
- c) Are exempt from FTA’s Buy America requirements.
- d) Pricing shall be fair and reasonable.

All projects that are subject to Prevailing Wage rules (FTA C4220.1.f) as well as bidding and contract requirements may not be purchased under this section; see Section 11.5.

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#### 1.2 SMALL PURCHASES

Small purchases are procurements costing \$100,000 or less. This means that they are not subject to formal advertising as part of the selection process. While these procurements may be conducted under less formal selection procedures they do require that the process include comparing competitive prices from more than one vendor.

In small purchases the procurement documents should provide

- a) Clear and accurate description of the technical requirements of the item(s) to be purchased in a way that does not unduly restrict competition. Ideally this should be done without specifying a brand name. If a brand name is the best way to accurately describe the item that is to be purchased– the document should include a note indicating that those products which are comparable to the specified brand will also be considered.
- b) Price Analysis performed, generally by comparing prices from vendors. If a Price Analysis cannot be performed, an Independent Cost Estimate must be developed for bids or quotations.
- c) Criteria that will guide selection. In most all cases price should be the primary (and in many cases only) evaluation criteria to consider. However, if other factors are to be considered in the

assessment they should be well documented in purchase requisition forms along with the weighting of the criteria.

## **INFORMAL SOLICITATION**

An informal solicitation may be used for buying goods and supplies that will cost \$100,000 or less. A contract, single or multi-year, based on an informal solicitation shall not exceed \$100,000 (including change orders, transportation, and sales tax).

In an informal solicitation over \$3000, the process should include the solicitation and price comparison of at least three vendors to ensure adequate and sufficient competition. Under special circumstances and for good and sufficient reasons, the Transit Manager may approve solicitation of just two vendors.

Price quotations may be received orally, by fax, e-mail, internet search, or other means. The decision about whether to request and receive price quotations orally or in writing shall be made by Transit Manager based on the complexity of the solicitation

Simple solicitations may be handled orally or through an internet search, while more complex ones should be handled in writing. Solicitations and responses for goods which must be manufactured or assembled specifically for YCTA, or for which installation is a component, should generally be in writing. As should all solicitations that are to select a vendor on a best value determination rather than low bid or solicitations for goods and supplies valued over \$10,000 or more.

Purchases over \$10,000 should also allow sufficient time for vendors to prepare and submit their prices.

### **Extending the Contract of Vendor under an Informal Solicitation**

Extending the contract of vendor who was selected through an informal bid is allowed if total amount of the contract (contract & extension) does not exceed the \$100,000 threshold. If goods and supplies in excess of \$100,000 are required under a contract based on an informal solicitation, a competitive selection process should be initiated immediately.

In cases, where a termination would adversely affect YCTA business operations, the Transit Manager may reasonably extend the existing contract. However, the Transit Manager should notify the County Administrator and should begin a new procurement process as soon as possible.

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## **1.3 FORMAL PROCUREMENTS**

### **INVITATION TO BID**

A formal Invitation to Bid (ITB) is a formally advertised and competitive selection process used for obtaining goods and services. Typically, a ITB is used for those solicitations that will cost more than \$100,000 (41 USC Section 403(11)), where award is made based on the lowest price submitted by a responsible bidder with a responsive bid. However, a formal ITB can also be used for solicitations that will be under a \$100,000 if the Transit Manager sees value in a more formalized process.

**When to Use ITBs:** Generally, vendors providing goods, supplies, equipment, materials, and some services should be selected based on competitive bids. If the following criteria are met, an ITB should be utilized:

- a.) The amount of the procurement, including any potential change orders, transportation, and sales tax will cost more than \$100,000.

- b.) A complete, adequate, and realistic specification or purchase description is available.
- c.) Two or more responsible bidders are willing and able to compete effectively for the work.
- d.) The project lends itself to a firm fixed price contract, and the selection of the successful bidder can be made principally on the basis of price.

**Price is the Evaluation Criteria:** In an ITB price shall be the only evaluation criterion used, provided the bid is submitted by a responsible bidder with a responsive bid. An ITB is **NOT** appropriate when the project does not lend itself to a firm-fixed price contract approach.

In an ITB the procurement documents should include a:

- Detailed, clear, and accurate description of the product and/or scope of work presented in a way that does not unduly restrict competition. Ideally this should be done without specifying a brand name. If a brand name is the best way to accurately describe the item that is to be purchased— the document should include a note indicating that those products which are comparable to the specified brand will also be considered.
- Statement indicating price is the only selection criteria.
- List of items to be submitted with the bid.
- Outline procurement process, including any preproposal meetings and dates
- Sample Contract including where applicable, contract language required by 49 CFR 19.48 and Appendix A to Part 19, FTA Circular 4220.1.f Section IV, including these items:
  - Contract type
  - Cost rates and restrictions
  - Civil rights,
  - Environmental protection,
  - Audit requirements
  - Breach of Contract
  - Termination of Contract
  - Claims and litigation
  - Settlements and Court and Arbitration awards (C4220.1.f VII(5))
  - EEO Requirements: Executive Order 11246, entitled 'Equal Employment Opportunity,' as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR 60)
  - Copeland "Anti-Kickback" Act: 18 U.S.C. 874 as supplemented in Department of Labor regulations 29 CFR 3. • Davis-Bacon Act: 40 U.C. 276a as supplemented by Department of Labor regulations 29 CFR 5
  - Contract Work Hours and Safety Standards Act (40 USC. 327-330) as supplemented by Department of Labor regulations (29 CFR 5).
  - Restrictions on Lobbying: Contractors who apply or bid for an award of \$100,000 or more shall file the certification required by 49 CFR 20.
  - Debarment and Suspension: Parties listed on GSA's debarment list are excluded from participation in federal contracts.
  - Third party contracts shall contain provisions extending FTA and State requirements to subcontractors.

In addition, the ITB must:

- Be Publicly advertised in the local paper, on the website and in other media as appropriate.
- Be Available for review by vendors for a sufficient length of time to prepare and submit bids.

- At a minimum, we recommend 21 days however staff should take into consideration the work to be performed and the complexity of the project or procurement.

## REQUEST FOR PROPOSAL

A Request for Proposals (RFP) is a formally advertised and competitive selection process used to obtain consultant services more than \$100,000, and where the evaluation and selection of a Consultant cannot be based on price alone, but is based on established criteria that include price and other factors. However, an RFP can also be used for solicitations that will be under a \$100,000 if the Transit Manager sees value in a more formalized process.

When to Use an RFP: Generally, consultant or vendors providing a unique or specialized service or products/projects which require more flexibility (software, technology, rolling stock) should use an RFP process. Typically, if the following criteria are met, an RFP should be utilized:

- a.) The amount of the procurement, including any potential change orders, transportation, and sales tax will cost more than \$100,000.
- b.) A scope of work rather than an adequate, and realistic specification or purchase description is available.
- c.) Two or more responsible bidders are willing and able to compete effectively for the work.
- d.) Purchase criteria involves multiple factors with price as only one criteria.

**Multiple Criteria make up the Evaluation:** Price is just one of multiple factors that are used to consider selection. An RFP is **NOT** appropriate when the project lends itself to a firm-fixed price contract approach.

In an RFP, the procurement documents should include a:

- Detailed, consistent and clear outline of the scope of work and expected roles
- Statement indicating what evaluation criteria will be considered and how those criteria will be weighted.
- List of items to be submitted with the bid
- Overview of procurement timeline including any preproposal meetings
- Sample Contract including where applicable, contract language required by 49 CFR 19.48 and Appendix A to Part 19, FTA Circular 4220.1.f Section IV, including these items:
  - Contract type
  - Cost rates and restrictions
  - Civil rights,
  - Environmental protection,
  - Audit requirements
  - Breach of Contract
  - Termination of Contract
  - Claims and litigation
  - Settlements and Court and Arbitration awards (C4220.1.f VII(5))
  - EEO Requirements: Executive Order 11246, entitled 'Equal Employment Opportunity,' as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR 60)
  - Copeland "Anti-Kickback" Act: 18 U.S.C. 874 as supplemented in Department of Labor regulations 29 CFR 3. • Davis-Bacon Act: 40 U.C. 276a as supplemented by Department of Labor regulations 29 CFR 5

- Contract Work Hours and Safety Standards Act (40 USC. 327-330) as supplemented by Department of Labor regulations (29 CFR 5).
- Restrictions on Lobbying: Contractors who apply or bid for an award of \$100,000 or more shall file the certification required by 49 CFR 20.
- Debarment and Suspension: Parties listed on GSA's debarment list are excluded from participation in federal contracts.
- Third party contracts shall contain provisions extending FTA and State requirements to subcontractors.

In addition, the RFP must:

- Be Publicly advertised in the local paper, on the website and in other media as appropriate.
- Be Available for review by vendors for a sufficient length of time to prepare and submit bids.
  - At a minimum, we recommend 21 days however staff should take into consideration the work to be performed and the complexity of the project or procurement.

## 4. SPECIAL PROCUREMENT CONSIDERATIONS

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### 4.1 ARCHITECTURAL AND ENGINEERING (A&E) PROCUREMENTS

Architectural & Engineering (A & E) Procurements are a subset of the formal RFP procurement process. The primary distinction between the two is that YCTA may not use cost as an evaluation criterion when selecting a firm for performing A & E work.

Consistent with the requirements of RCW 39.80 and the Brooks Act (40 USC. Sections 1101-1104), the evaluation criteria must be limited to factors that relate to a Consultant's qualifications and competence to perform the desired work. YCTA must select the most highly qualified A & E Consultant to provide the services.

In some instances, A&E procurements may include geographic preference requirements, which are typically not allowed in other procurements. However, local preference should only be considered in those cases where there is a sufficient number of local firms to offer a competitive pool from which to select a contractor.

The following services are included in A & E Procurements:

**Professional Services:** Program management, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping and related services (CFR 49 Sec 5325(b)). Landscape architectural services (RCW 39.80.020).

**Related to Real Property:** Professional services of an architectural or engineering nature performed by contract that are associated with research, planning, development, design, construction, alteration, or repair of real property. The nature of the work to be performed and its relationship to construction, not the nature of the prospective contractor, determine whether qualifications-based procurement procedures may be used. (40 U.S.C. 1102).

**Typically Performed By:** Other professional services of an architectural or engineering nature, or incidental services, which members of the architectural and engineering professionals (and individuals in their employ) may logically or justifiably perform, including studies, investigations, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual design, plans and specifications, value engineering, construction phase services, soils engineering, drawing reviews, preparation of operation and maintenance manuals, and other related services (40 U.S.C. 1102).

#### DISTINGUISHING BETWEEN A & E WORK AND NON-A & E WORK

Generally, A & E work and non-A & E work is based on:

If State law requires that the work in question be performed by someone licensed or registered in one of the professions cited above, then the work should be considered as A & E work and price may not be used as an evaluation criterion.

#### HOW IS THE PROCESS DIFFERENT?

While generally the same process as the informal, ITB and RFP processes described above there are five significant differences:

1. All solicitations (formal and informal) must be in writing.
2. Price or cost may not be used as an evaluation criterion.
3. All evaluation criteria and their weight shall be included in the informal solicitation.

4. The evaluation panel appointed by the Transit Manager shall evaluate submittals only on established criteria.
5. Once the proposals have been ranked based on the evaluation criteria, YCTA shall negotiate a contract with the top ranked (most qualified) firm for A&E services at a price which YCTA determines is fair and reasonable. In making its determination, YCTA shall take into account the estimated value of the services to be rendered (from the detailed price analysis) as well as the scope, complexity, and professional nature of the project. If those negotiations are unsuccessful, YCTA may negotiate with the next highest ranked firm.

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## 4.2 DESIGN-BID-BUILD AND DESIGN-BUILD OPTIONS

### DESIGN-BID-BUILD

The Design Bid- Build is the most traditional process in the U.S. construction industry, where the owner contracts separately with a designer and a contractor. The design firm is hired to deliver 100 percent complete design documents. The owner or agent then solicits fixed price bids from contractors to perform the work. Designers and contractors bear no contractual obligation to one another and the owner bears all risk associated with the completeness of the design documents.

### DESIGN-BUILD

Under the Design build method, an owner typically hires a single entity, the design/builder, to perform both design and construction under a single contract. Portions or all of the design and construction may be performed by the entity or subcontracted to other companies. DB is characterized by high levels of collaboration between the design and construction disciplines, input from multiple trades into the design, and a single entity bearing project risk. Typically, the general contractor is responsible contractually for this delivery method.

It is important to note, that in a Design-Build option the follow procurement rules must be considered:

- a) When construction costs are estimated to be more than A&E costs, qualifications-based procurement procedures may not be used to acquire A&E services, unless the FTA determines otherwise in writing or if required by State law.
- b) When A&E services are estimated to be more than construction costs, qualifications-based procurement procedures based on the Brooks Act, and described above shall be used.

In determining which project delivery method and contractual arrangement to employ, YCTA should carefully analyze their:

- Capacity and technical capability to closely manage the process
- Individual project drivers
- Sensitivity to cost and schedule escalations
- Degree of comfort with bearing project risk

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### **4.3 TWO STEP PROCUREMENT PROCESSES**

Two-Step Procurement Procedures (41 U.S.C. Section 253.m) may be used in competitively negotiated procurements, such as rolling stock or technology or professional services provided the opportunity for full and open competition is retained, consistent with State and FTA requirements.

#### **STEP 1: REVIEW OF TECHNICAL QUALIFICATIONS AND APPROACH**

The first step is a review of the prospective offerors' technical approach to YCTA's request and technical qualifications to carry out that approach. The competitive range may be narrowed to prospective offerors that demonstrate a technically satisfactory approach and have satisfactory qualifications.

#### **STEP 2: REVIEW OF BIDS AND PROPOSALS SUBMITTED BY QUALIFIED PROSPECTIVE CONTRACTORS**

The second step consists of soliciting and reviewing complete proposals, including price, submitted by each prospective offeror determined to be qualified. Proposals should be solicited from at least three qualified prospective offerors, absent exceptional circumstances. Unlike qualifications-based procurement procedures required for A&E services (Section 4.1), and other contracts covered by CFR 49 Section 5325(b) discussed in Section 1.3 (ITBs), proposal prices of all proposers in the competitive range are to be considered along with evaluation factors relating to qualifications and technical factors.

In the interests of efficiency, YCTA may elect to obtain submittals of both steps with a single solicitation.

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### **4.4 CONTRACT OR COOPERATIVE PURCHASING AGREEMENTS**

When determined by informal inquiry to be in the best interests of YCTA and, when afforded the opportunity, items may be procured from state, federal or other public agency contract or cooperative purchasing agreements without further competition.

#### **PIGGYBACK PROCUREMENTS**

Piggybacking is a form of intergovernmental cooperative purchasing in which an entity will be extended the same pricing and terms of a contract entered into by another entity - thereby gaining economies of scale that they would otherwise not receive if they competed on their own.

While generally encouraged, specific requirements must be in place in order for YCTA to enter into a piggyback agreement with another agency, they must ensure that the original contract with the vendor contains an express assignability clause that provides for the quantities to be ordered by YCTA and that these quantities were included in the original bid and evaluated as part of the contract award decision. Additional requirements for "piggybacking" are outlined in the Appendix C: Piggyback Procurement Checklist.

Note that "piggybacking" is not permissible when the action would call for an increase in quantities that were not originally bid on and not originally evaluated as part of the contract award. See Tag-ons under Section 5. Prohibited Procurement Practices below.

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### **4.5 SOLE SOURCE PROCUREMENTS**

In certain instances, and situations, the procurement of goods and services without adequate competition is permissible:

1. Sole Source: The service or item is available only from a single source, based on a documented good faith review of available sources.
2. Emergency: An emergency exists that seriously threatens the public health, welfare, or safety, endangers property, or would otherwise cause serious injury to YCTA. This may occur through flood, earthquake, epidemic, fire, riot, equipment failure, or other event. Needs arising from this event will not permit a delay resulting from competitive solicitation.
3. Inadequate Competition: After solicitation from a number of sources, only a single response is received, or competition is determined to be inadequate.

#### SOLE SOURCE JUSTIFICATION

Each sole source procurement is required to be justified. This means documenting the reasons why competitive selection requirements should be waived and documenting that the price is reasonable with a detailed Price or Cost Analysis (Section 2). Sole source justification forms can be found in X of this document.

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#### 4.6 COMPETITIVE EXCEPTIONS (DIRECT PAYMENTS)

Competitive Exceptions, or Direct Payments, are transactions which, by their nature, are impractical or impossible to competitively bid because of market or other conditions, and are thus exempt from competitive bidding requirements. These transactions do not have to be justified as a Sole Source Procurements (Section 4.4) but may be obtained directly by the Transit Manager. Depending on the item, there may or may not be a contract or Purchase Order outlining the terms and conditions.

The following is the existing list of Direct Payment Purchases that do not require competitive processes: (Direct Payment List).

1. Utility bills (Water, Sewer, Electricity, Gas, other regulated utilities)
2. Postage and other purchases from the U.S. Postal Service
3. Licenses, permits, and fees from governmental or regulatory entities
4. Purchases from other governmental entities for goods or services not available from the private sector.
5. Fees paid to governmental cooperative purchasing organizations.
6. Charges for official YCTA business on personal credit card while on YCTA travel status.
7. Legal services such as arbitration fees, litigation fees, witness fees, court costs, and related expenses (but not the cost of outside counsel, investigations, or related matters), when endorsed by County Counsel.
8. Legal settlements of disputed matters, and judgment claims against YCTA (for use only with endorsement by County Counsel).
9. Payments for existing annual maintenance, service, or support agreements for computer, telecommunication-related services, and existing software license agreements.
10. Travel expenses for YCTA employees, program participants, volunteers, or the County Commissioners necessary to conduct YCTA business.
11. Training registration fees and tuition for pre-established, non-YCTA specific, off-site classes, seminars, workshops, etc. for YCTA employees, program participants, volunteers, and the County Commissioners.
12. Testing and travel expenses of employment applicants (including moving expenses for eligible personnel). This includes travel expenses of certain out-of-state job applicants. Travel expenses of job applicants must be approved by the Transit Manager.

13. Conference and convention expenses and fees for YCTA employees, program participants, volunteers, or members of the County Commissioners conducting YCTA business.
14. Advertisements for employment opportunities, purchasing and contracting solicitations, sale of surplus items, public announcements and outreach, etc. (all media). This exception does not include printing, design, or graphics services.
15. Freight bills, express shipping, common carriers, delivery services.
16. Honoraria and stipends.
17. Insurance deductible and/or retained losses
18. Taxi, public transportation, and toll fares; mileage and incidental parking expenses for employees on agency business.
19. Publications, books, and subscriptions.
20. Mailing lists.
21. Professional association dues, fees, licenses, and certifications.
22. Petty cash purchases and reimbursements less than \$200.
23. Transactions not subject to these Procurement Policies as noted in Section 2: Scope.

#### **ADDING TO THE DIRECT PAYMENT LIST**

Additional items may be added to the list without seeking approval of the County Commissioners, if the changes are consistent with applicable statutory and regulatory requirements and the current list is made readily available to YCTA employees and the County Commissioners. In the event of ambiguity or uncertainty as to whether an item is or is not subject to competition and whether it should be included on the Direct Payments List, the County Counsel shall review the matter and make the final decision

## 5. PROHIBITED PROCUREMENT PRACTICES

Procurement practices that restrict competition are prohibited (49 USC Section 5325(h)). Examples of such practices, include the following:

1. **Unreasonable Requirements.** Placing unreasonable requirements on firms in order for them to qualify to do business.
2. **Improper Prequalification.** Using prequalification procedures that conflict with prequalification standards described in the FTA Circular 4220.1.f VI-1c.
3. **Retainer Contracts.** A noncompetitive award to any person or firm on a retainer contract if that award is not for the property or services specified for delivery under the retainer contract.
4. **Experience and Bonding.** Requiring unnecessary experience and excessive bonding.
5. **Brand Name Specificity.** Specifying only a brand name product instead of allowing an equal product to be offered and describing the performance of other relevant requirements of the procurement.
6. **Geographic Restrictions.** Local or In-State geographical preferences are not allowed in the evaluation of bids or proposals, except in those rare cases where applicable Federal statutes expressly mandate or encourage geographic preference. This requirement does not preempt State licensing laws. It also does not discourage procurement requirements that ask businesses to meet local uniform standard specifications or provide a local office/facility to ensure efficiency.
7. **Tag-Ons.** Tag-ons are not permitted (Tag-ons are defined by FTA as adding quantities on to the contracted quantities (base and option) as originally advertised, competed, and awarded, whether for the use of the buyer or for others and then treating the add-on portion as though it met the requirement of the original competition)
8. **Conflict of Interest.** An organizational conflict of interest occurs when any of the following circumstances arise:
  - **Lack of Impartiality or Impaired Objectivity.** When the contractor is unable, or potentially unable, to provide impartial and objective assistance or advice to the recipient due to other activities, relationships, contracts, or circumstances.
  - **Unequal Access to Information.** The contractor has an unfair competitive advantage through obtaining access to nonpublic information during the performance of an earlier contract.
  - **Biased Ground Rules.** During the conduct of an earlier procurement, the contractor has established the ground rules for a future procurement by developing specifications, evaluation factors, or similar documents.
  - **Restraint of Trade.** Supporting or acquiescing in noncompetitive pricing practices between firms or between affiliated companies. Questionable practices would include, but not be limited to:
    - submissions of identical bid prices for the same products by the
    - same group of firms, or an unnatural pattern of awards that had
    - the cumulative effect of apportioning work among a fixed group
    - of bidders or proposers.
  - **Arbitrary Action.** Any arbitrary action in the procurement process.

## 6. PROTESTS, APPEALS AND DISPUTES

An interested party may protest the award of a contract, the proposed award of a contract, or a solicitation for supplies, services, professional services, or construction by YCTA. The protest must be submitted in writing to County Legal Counsel and include the following information:

- a) Name, address, email address, and telephone number of the protester;
- b) Signature of the protester or their representative;
- c) Identification of the solicitation;
- d) Detailed statement of the legal and factual grounds of the protest;
- e) Copies of all relevant documents; and
- f) The form of relief requested.

Issues and facts not stated in the Notice of Protest will not be considered. All communications with involved parties shall be in writing and open for public inspection.

### TIME FOR FILING A PROTEST.

A protest based on alleged improprieties or ambiguities in a solicitation must be filed at least 7 days before the due date of the bid or proposal. A protest based upon alleged improprieties in an award of a contract or a proposed award of a contract must be filed within 3 days after notification to an unsuccessful proposer or bidder that they were not selected.

### NOTICE OF PROTEST.

YCTA shall immediately give notice of a protest to the contractor if a contract has been awarded. If no award has been made, notice will be provided to all interested parties.

### STAY OF AWARD.

If a protest is filed, the award may be made unless the County Legal Counsel determines in writing that a

- a) Reasonable probability exists that the protest will be sustained; or
- b) Stay of the award is not contrary to the best interests of YCTA.

### REVIEW OF PROTESTS

The County Finance Director shall review and investigate properly filed protests and issue a written decision to the protestor.

### APPEAL

A Protestor may appeal the County Legal Counsel formal decision to the County Administrator. The written appeal must be received by YCTA within two business days after receipt of the written decision by the Protestor, or the appeal will not be considered. Properly filed appeals of the decisions of the County Administrator shall be reviewed and investigated by the County Administrator who shall issue YCTA's final decision no later than 21 days after receipt.

### FTA FUNDED PROJECTS

In general, FTA will not substitute its judgment for that of YCTA unless the matter is primarily a Federal concern. Protests of solicitations, intent to award, or contracts funded with any FTA grants will be managed in accordance with FTA Circular 4220.1.f Ch VII guidelines.

## FEDERAL ASSISTANCE IN CONTRACT DISPUTES

If YCTA intends to request FTA permission to use Federal assistance to support payments to a third party contractor to settle a dispute, or intends to request increased Federal assistance for that purpose, YCTA must comply with the requirements pertaining to notification of FTA, documentation, audit, and other requirements set forth in FTA Circular 4220.1 VII(e).

- limited to submissions of identical bid prices for the same products by the same group of firms, or an unnatural pattern of awards that had the cumulative effect of apportioning work among a fixed group of bidders or proposers.
- Arbitrary Action. Any arbitrary action in the procurement process.

## APPENDICES

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### APPENDIX A: PROCUREMENT CHECKLIST

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**APPENDIX B: SOLE SOURCE JUSTIFICATION SHEET**

**APPENDIX C: PIGGYBACK WORKSHEET CHECKLIST**

**Definition:** *Piggybacking is the post-award use of a contractual document/process that allows someone who was not contemplated in the original procurement to purchase the same supplies/equipment through that original document/process. ("FTA Dear Colleague" letter, October 1, 1998).*

In order to assist in the performance of your review, to determine if a situation exists where you may be able to participate in the piggybacking (assignment) of an existing agreement, the following considerations are provided. Ensure that your final file includes documentation substantiating your determination.

WORKSHEET	YES	NO
1. Have you obtained a copy of the contract and the solicitation document, including the specifications and any Buy America Pre-award or Post- Delivery audits?		
2. Does the solicitation and contract contain an express "assignability" clause that provides for the assignment of all or part of the specified deliverables?		
3. Did the Contractor submit the "certifications" required by Federal regulations? See BPPM Section 4.3.3.2.		
4. Does the contract contain the clauses required by Federal regulations? See BPPM Appendix A1.		
5. Were the piggybacking quantities included in the original solicitation; i.e., were they in the original bid and were they evaluated as part of the contract award decision?		
6. If this is an indefinite quantity contract, did the original solicitation and resultant contract contain both a minimum and maximum quantity, and did these represent the reasonably foreseeable needs of the parties to the contract?		
7. If this piggybacking action represents the exercise of an option in the contract, is the option provision still valid or has it expired?		
8. Does your State law allow for the procedures used by the original contracting agency: e.g., negotiations vs. sealed bids?		
9. Was a cost or price analysis performed by the original contracting agency documenting the reasonableness of the price? Obtain a copy for your files.		
10. If the contract is for rolling stock or replacement parts, does the contract term comply with the five-year term limit established by FTA? See FTA Circular 4220.1F, Chapter IV, 2 (14) (i).		
11. Was there a proper evaluation of the bids or proposals? Include a copy of the analysis in your files.		
12. If you will require changes to the vehicles (deliverables), are they "within the scope" of the contract or are they "cardinal changes"? See BPPM Section 9.2.1.		

**Note:** This worksheet is based upon the policies and guidance expressed in (a) the FTA Administrator's "Dear Colleague" letter of October 1, 1998, (b) the *Best Practices Procurement Manual*, Section 6.3.3—*Joint Procurements of Rolling Stock and "Piggybacking,"* and (c) FTA Circular 4220.1F.

# Sole Source Justification Form

This form must be placed in the file whenever a sole source purchase is requested.

1. Vendor proposed as a Sole Source:
2. Please check all applicable categories below and provide additional information where indicated.
  - a. The requested product is an integral repair part or accessory compatible with existing equipment.  
Existing Equipment Description: \_\_\_\_\_  
Manufacturer/Model Number: \_\_\_\_\_  
Age of the Equipment: \_\_\_\_\_ Current Value: \_\_\_\_\_  
Asset or Original PO Number: \_\_\_\_\_
  - b. The requested product has unique design/performance specifications or quality requirements which are essential to YCTA's needs and are not available in comparable products.
  - c. The requested product is essential in maintaining operational continuity and/or to remain in compliance with established standards. (Check applicable category below.)
    - Requested product is being used in other vehicles or equipment
    - I have standardized the requested product and the use of another brand/model would require considerable time and funding to evaluate
  - d. The requested product is one with which I and/or my staff have specialized training/extensive expertise, and retraining would incur substantial cost in time/money.
  - e. The requested provider of services has unique or exclusive capabilities that no other provider has.
  - f. Other factors are involved. (Provide detailed explanation below.)

3. Provide a detailed explanation for categories checked in 2a. through 2f. above. **Attach additional sheets if necessary.**

4. Was an evaluation of other equipment, products, or services completed?  YES  NO.  
**If yes, please attach the results of the evaluation.**

5. Was a notice of intent to select award advertised?  YES  NO.  
**If so attach advertisement(s) & date?**

6. Is the price fair and reasonable?

*Local, State and federal law subjects YCTA to competitive bidding rules. Purchase Requisitions for goods and services that are to be purchased from a specific vendor or limited to a specific brand, where substitutes to the suggested vendor or brand are unacceptable, must be accompanied by a written justification explaining the circumstances that make alternatives unacceptable. The justification must be signed by the YCTA Transit Manager. The individuals signing the justification must disclose in writing whether or not they have a potential or actual conflict of interest (see PPM Section 380-16).*

*The County Counsel will determine whether the justification is appropriate. Sole source justifications are to be supported by factual statements that will pass an internal or Federal audit. It is the salient features of a product that make it a sole source.*

5. I certify that I have read the above statement, that the information entered on this form is factual and that a signed copy of this Sole Source Justification document, and all associated disclosure statements, will be kept on file in my department.

\_\_\_\_\_  
Signature  
YCTA Transit Director

\_\_\_\_\_  
Printed Name and Title\*

\_\_\_\_\_  
Date

## Notification of Intent to Award

The YCTA intends to enter into a contract with {Name of Vendor} for {service/product they will provide} in the Yamhill County. The {Name of Vendor} is {provide overview of vendor}.

The purpose of the contract is to provide {outline purpose here} . The term of the contract is expected to be {# of years} years beginning on {Insert expected contract date}.

{Name of Vendor} has been selected because {provide sole source justification here}. A copy of the scope and contract are available for view at: (Website link here)

If any other **company/firm** feels that it can provide equal or superior {service/product they will provide}, they should contact :

YCTA  
Address  
Phone

# YCTA Procurement Checklist

## Procurement Basics (Required)

Name of Project Manager: \_\_\_\_\_

Date: \_\_\_\_\_

Description of Purchase:	
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Project is in budget (Check One)  Yes  No

Type of Purchase (Select One)

Professional Services

Cost estimate

\_\_\_\_\_

## Price/Cost Analysis (Required)

Independent Cost Estimate (Describe process for price estimate) Help can be found:  
([http://www.fta.dot.gov/documents/Hotline\\_Price\\_Guide.doc](http://www.fta.dot.gov/documents/Hotline_Price_Guide.doc))

--

Purchase Approved by

Date

\_\_\_\_\_

\_\_\_\_\_

**Procurement Type (Required - Check One)**

- Micro Purchase (Under \$3000)  YCTA Purchased Order Used
- ORPIN or other established government procurement process please note (Under \$100K Only)
- Sole Source \_\_\_\_\_ YCTA Justification Sheet Attached
- Informal Bid (Under \$100K Only) \_\_\_\_\_ YCTA Bid Sheet & Purchase Order Used
- Piggyback Procurement (Piggybacking or using another agencies contract to purchase vehicles)

- Full contract file - including all addendum & pricing sheets
- Checklist complete ( [http://www.fta.dot.gov/documents/BPPM\\_appB16.doc](http://www.fta.dot.gov/documents/BPPM_appB16.doc))
- Contract change order & pricing differential attached (Checked for "Cardinal Contract Change")

- Invitation to Bid (Price & ability to complete the work is the only allowed criteria)

- Pricing Sheets are Attached (Sealed Bid)
- Reference check is complete
- Solicitation Addenda/Amendments are attached Total number: \_\_\_\_\_

- Competitive RFP /Bid (Selection is based on numerous criteria) Solicitation

- Documents are attached
- Selection criteria and weighting are spelled out in RFP (Pricing is not allowed as criteria for A&E)
- Solicitation Addenda/Amendments are attached Total number: \_\_\_\_\_

**Only Required if you are using a Subset of the Competitive or Formal Bid Process**

- Design/Bid Procurement (Has necessary signatures)
- Prequalification is being required prior to competitive or formal bid

**Advertising (Required for Procurements over \$3K)**

- Solicited specific firms to Bid/Respond (only available for procurements under \$100K)
- Advertised RFQ or BID/RFP (Ads Attached)

**Pre-Bid Meeting (Not Required)**

- Held Pre-Bid Meeting \_\_\_\_\_ Date \_\_\_\_\_
- Pre-bid participant list and meeting minutes attached

**Transparency in Procurement Process (Required for Procurements over \$3k)**

- There was one point of contact for vendors/offers throughout the RFP/Bid process
- The RFP/Bid process ensured all vendors/offers got the same information

**DBE Inclusion (Required)**

- Searched OMWESB website and solicited specific DBE firms to bid/respond (<https://oregon4biz.diversitysoftware.com/FrontEnd/VendorSearchPublic.asp?XID=6787&TN=oregon4biz>)

**Formal Request for Qualification (RFQ) or Pre-qualification (Not required)**

A formal RFQ process was conducted before RFP/Bid. (Documents attached)

RFP/Bid Responses assessed for minimum qualifications before formal review (assessment attached)

Please note: RFQ must be part of process. You cannot use a standing list of qualified vendors for a federal procurement.

**Selection of Vendor/Consultant (Required for Procurements over \$3K)**

Price & Ability to Deliver Only - Vendors Price List Attached

Selection Committee & pre-established criteria- (Vendor ranking based on criteria attached)

Provide a brief justification for the selection of contractor.

**Pre-award checks (Required for Procurements over \$3K)**

References were checked and no major concerns found

Search was made in FTAs Excluded Parties Listing System (<https://www.epls.gov/>). Please attach results.

**Notice of Award (Required for Procurements over \$3K)**

Price is consistent with initial cost/price analysis.

Selected vendor/consultant was provided a notice of award (please attach).

Notice was sent to unsuccessful bidders/offerors (please attach)

Final contract was reviewed by legal department

Date \_\_\_\_\_

**Contract (Required for Procurements over \$3K)**

Approved by Authorized Transit Manager - Formal County Contract (\$3K - \$100,000)

County Commission Approval & Signature (over \$100,000 please attached)

**Please attach the contract or purchase order as well as all the required documentation to this summary**

**Federal Clauses (Required)**

The contract includes the following federal clauses (First 12 always required)

Applicable to:	Requirement
All	<input checked="" type="checkbox"/> No Federal government obligations
All	<input checked="" type="checkbox"/> Program fraud and false or fraudulent statements
All	<input checked="" type="checkbox"/> Access to Records
All	<input checked="" type="checkbox"/> Federal Changes
All	<input checked="" type="checkbox"/> Civil Rights (EEO, Title VI & ADA)
All	<input checked="" type="checkbox"/> Incorporation of FTA Terms
All	<input checked="" type="checkbox"/> Energy Conservation
All	<input checked="" type="checkbox"/> Termination
All	<input checked="" type="checkbox"/> Suspension /Debarment (Language and Form)
All	<input checked="" type="checkbox"/> Recycled Products
All	<input checked="" type="checkbox"/> Prompt Payment and Return of Retainage
All	<input checked="" type="checkbox"/> Privacy Act
Transport of Person	<input type="checkbox"/> Fly America
Transport of Property	<input type="checkbox"/> Cargo Preference
Research/Planning	<input type="checkbox"/> Patent Rights
Research/Planning	<input type="checkbox"/> Rights in Data and Copy Rights
Over \$100,000	<input type="checkbox"/> Lobbying (Language & Form)
Over \$100,000	<input type="checkbox"/> Clean Water
Over \$100,000	<input type="checkbox"/> Clean Air
Over \$100,000	<input type="checkbox"/> Buy America (all certifications)
Over \$100,000	<input type="checkbox"/> Breaches and Dispute Resolution
Bus Purchase / Piggyback	<input type="checkbox"/> Bus Testing
Bus Purchase / Piggyback	<input type="checkbox"/> Pre Award & Post Delivery Audit
Bus Purchase / Piggyback	<input type="checkbox"/> TMV Certification
Manufacture / Construction	<input type="checkbox"/> Work Hours & Safety Standards Act
Manufacture / Construction	<input type="checkbox"/> Bonding Requirements
Construction	<input type="checkbox"/> Davis Bacon Act
Construction	<input type="checkbox"/> Copeland Anti Kickback
Construction	<input type="checkbox"/> Seismic Safety
Operating	<input type="checkbox"/> Transit Employee Protectiveness Act
Operating	<input type="checkbox"/> Drug & Alcohol Testing
Operating	<input type="checkbox"/> Charter Bus
Operating	<input type="checkbox"/> School Bus

**Other Documentation in File**

As applicable

- | Insurance Documentation
  - | Bonding Documentation
  - | Signed Buy America Documents (\$100,000 +)
  - | Signed Lobbying Certification (\$100,000)
  - | Signed Suspension/Debarment Form (\$25,000 +)
  - | Notice of any Protest
  - | Contract Close Out Sheet
  - | Other (please list)
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