

TRANSIT AGENCY PROCUREMENT POLICY

The _____, provides
(Agency name and Address)
_____ public transportation in _____
(Type of service) (Service area)
Michigan. The transit system operates _____ transit vehicles and transports about _____
(Number)
passengers per year. _____ is committed to full and open
(Agency name)
competition in its procurements. The goal is to obtain the lowest price or the best value for the agency, and the citizens
and units of government who support it.

The _____ follows the Michigan Department of Transportation's
(Agency name)
(MDOT) *Procurement Guidelines for Grantees Receiving Federal Transit Administration (FTA) Funds via MDOT, Revised September 2018*, and all subsequent editions, in its procurements.

GENERAL RESPONSIBILITIES

The _____ is responsible for administering procurements and ensuring
(Title)
compliance with MDOT guidance documents. The _____ or her/his
(Title)
designee is also responsible for maintaining written selection procedures, all required procurement records, and
avoiding unnecessary purchases.

PROCUREMENT METHODS

Micro-purchases are purchases of up to \$10,000 and require a fair and reasonable price determination.

Small purchases are relatively simple and informal purchases of more than \$10,000, but less than \$250,000. Small purchases are not advertised and are a direct solicitation to an adequate number of qualified vendors.

Invitations for Bids (IFB) are sealed bid procurements for any dollar amount.

Request for Proposals (RFP) are competitive proposal procurements for any dollar amount.

Sole source procurements may only be used when other types of procurements are inappropriate and only in the certain circumstances outlined in the guidance documents.

SPECIAL PROVISIONS

Architectural and Engineering (A&E) Services must be qualifications-based procurements consistent with the "Brooks Act". Geographic location may be a selection criterion in procurements for architectural and engineering services provided an adequate number of qualified firms are available to compete for the contract. Geographic preferences are prohibited in all other procurements.

Davis-Bacon Act prevailing wage protections apply to construction projects of more than \$2,000. Construction is defined as the construction, renovation or repair of real property. The Davis-Bacon Act does not apply to maintenance or installation.

Brand name specifications are unacceptable and must always be used with the words "or equal". An independent cost estimate is required for every purchase of more than \$10,000. Splitting a procurement to avoid a more stringent procurement method is prohibited.

The appropriate Federal Contract Clauses apply to all procurements as required by FTA and MDOT guidelines and can be accessed on the MDOT Office of Passenger Transportation website.

COST ANALYSIS OR PRICE ANALYSIS

A cost analysis or price analysis is required for every procurement. A price analysis is required to determine the reasonableness of a proposed price when competition is adequate. A cost analysis is required when a price analysis is inadequate, such as when competition is inadequate to determine price reasonableness or in qualifications-based procurements.

AWARD OF CONTRACTS AND PURCHASES

Contracts and purchases shall be awarded when prices are determined to be fair and reasonable in a micro purchase, to the lowest quote in a small purchase, to the lowest bid in an IFB solicitation and to the highest scored proposal in an RFP solicitation. Award will only be made to "responsive" and "responsible" vendors consistent with the criteria in guidance documents.

The _____ reserves the right to reject any and all price quotes, bids or proposals submitted in response to a solicitation for sound, documentable, business reasons. The _____ reserves the right to award to other than the lowest priced proposal in an RFP solicitation.

WRITTEN PROTEST PROCEDURES

Contractors wishing to protest procurement decisions or processes must submit the protest in writing to the _____ at the _____.

Protests about solicitation specifications or processes must be received _____ business days before the solicitation due date. Protests received after the due date, but before award must be received before _____ business days after the due date. Post award protests must be received by the _____ no later than _____ business days after the award decision.

The protester must qualify as an "interested party" in the procurement. An "interested party" is an actual or prospective bidder or offeror whose direct economic interest would be affected by the award or failure to award the procurement at issue.

The written protest must identify the protesting party, clearly define the decision or process being protested and the reason(s) for the protest, and the relief desired of the _____'s procurement award.

The _____ reserves the right to not accept solicitations, postpone or extend the solicitation due date, cancel any award or re-solicit based on the protest received. The _____ or her/his designee will review the written protest and provide a written decision to the protestor within _____ business days of receiving the protest.

The protestor can appeal the _____'s or her/his designee's decision to _____. That appeal must be filed with the _____'s or her/his designee within _____ business days of the _____'s or her/his designee's decision. The _____'s decision on the appeal will be final.

Protestors can appeal the _____'s decision to the FTA Region V Office, 200 West Adams Street, Suite 320, Chicago, Illinois 60606; Phone: (312) 353-2789; FAX (312) 886-0351.
(Local oversight entity)

CONTRACT ADMINISTRATION

The _____ will maintain a contract administration system to ensure it and its third-party contractors comply with the terms, conditions and specifications of their contracts and purchase orders.
(Agency name)

The _____ or her/his designee is responsible for keeping a procurement's documentation in a centralized contract administration file, for responding to requests for contract interpretation, and for modifying or terminating the contract. The _____ or her/his designee must also monitor and ensure compliance with contract terms such as Davis-Bacon, Buy America, prompt payment to subcontractors and Disadvantaged Business Enterprises (DBE).
(Title)

The _____ or her/his designee must also inspect and test supplies or services to determine if they conform to contract requirements, provide an authorized representative to approve the supplies or services, and maintain procedures to close a contract.
(Title)

FIELD(S) FOR ADDITIONAL SECTIONS

WRITTEN STANDARDS OF CONDUCT

No _____ employee, officer, agent, Board member or their immediate family member, partner or organization will participate in the selection, award, or administration of a contract if a conflict of interest, real or apparent, is involved.
(Agency name)

No _____ employee, officer, agent, Board member or their immediate family member, partner or organization will solicit or accept substantial gifts, gratuities, favors or anything of monetary value from contractors or potential contractors.
(Agency name)

FIELD(S) FOR ADDITIONAL SECTIONS

OTHER LOCAL PROCUREMENT POLICIES

Other local procurement policies in effect for a transit agency may be more stringent than FTA and MDOT guidelines but cannot be less stringent. In any inconsistency between a local procurement policy and FTA and MDOT guidelines, the FTA and MDOT guidelines prevail. FTA and MDOT guidelines only apply to procurements made with FTA and MDOT funding.

INTERPRETATIONS OR CLARIFICATIONS

Any interpretations or clarifications in this policy will be based on the Michigan Department of Transportation’s (MDOT) *Procurement Guidelines for Grantees Receiving Federal Transit Administration (FTA) Funds via MDOT, Revised September 2018*, the *Federal Transit Administration Circular FTA C 4220.1F Third Party Contracting Guidance, Rev. 4, March 18, 2013*, and *FTA’s Best Practices Procurement & Lessons Learned Manual, October 2016*, and all subsequent editions, as available on the internet, and the _____’s decision will be final.
(Agency name)

ADOPTED BY <i>(Adopting body)</i>	
PRINT NAME AND TITLE <i>(Authorized signatory)</i>	
SIGNATURE	DATE ADOPTED