



COLORADO
Department of Transportation

DIVISION OF TRANSIT AND RAIL QUICK PROCUREMENT GUIDE 2019





This guide includes tools and guidelines for a subrecipient conducting a third-party procurement.

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BASIC REQUIREMENT

Organizations use their own procurement procedures that reflect applicable state and local laws and regulations, provided that the process ensures competitive procurement and the procedures conform to applicable Federal law, including 2 CFR Part 200 (specifically Sections 200.317-200.326), and FTA Circular 4220.1F, "Third Party Contracting Guidance."

LIST OF ABBREVIATIONS

A&E	Architectural and Engineering
ADA	Americans with Disabilities Act
CASTA	Colorado Association of Transit Agencies
CDOT	Colorado Department of Transportation
DBE	Disadvantaged Business Enterprise
EEO	Equal Employment Opportunity
FMVSS	Federal Motor Vehicle Safety Standards
FTA	Federal Transit Administration
ICE	Independent Cost Estimate
IFB	Invitation for Bid
ITS	Information Technology Solutions
NA	Notice of Acceptance
PA	Purchase Authorization
PCR	Procurement Concurrence Request
RFP	Request for Proposals
RFQ	Request for Quotation
SA	Security Agreement
TVM	Transit Vehicle Manufacturer



PROCUREMENT THRESHOLDS



STATE

\$0 to \$4,999	Micro-Purchase
\$5,000 to \$24,999	Documented Quote
\$25,000 to \$150,000	Quick Bid
≥ \$150,000	IFB/RFP/QBS



FEDERAL

\$0 to \$10,000	Micro-Purchase
\$10,001 to \$250,000	Small Purchase (Documented Quotes)
> \$250,000	Above Small Purchase (RFP)

METHOD OF PROCUREMENT DECISION MATRIX

To determine which method of procurement is best suited, classify the situation by checking off the applicable boxes in each of the procurement methods below. All elements must apply to justify use of the method.

I. Micro-purchase

- ☐ Amount is under the Micro-purchase threshold
- ☐ Three or more vendor quotes available

II. Small Purchase (Documented Quote)

- ☐ Amount is within the Documented Quote Threshold
- ☐ Two or more vendor quotes available (Competitive Procurement)

III. Competitive Procurement

- ☐ Amount is above the Documented Quote Threshold
- ☐ Multiple sources available



☐ Not an Emergency Procurement

IV. Sole Source (not all elements need to apply for this category)

- ☐ Emergency Procurement (Subset of Sole Source)
- ☐ Original Equipment Manufacturer, Custom Item
- ☐ Only one source available
- ☐ Approved by CDOT - Sole Source
- ☐ Public exigency issue/emergency
- ☐ Competition is inadequate after public solicitation
(If all elements apply, continue to Emergency Procurement below)
- ☐ This is a health and safety issue that prohibits delay

V. Sealed Bid—Invitation For Bid (IFB)

- ☐ Complete & adequate specifications or purchase description
- ☐ Two or more responsible bidders willing to compete
- ☐ Selection can be made on basis of price
- ☐ Procurement suitable for firm, fixed price

VI. Informal Competitive Bidding—Request for Quotation (RFQ)

- ☐ Complete & adequate specifications or purchase description
- ☐ Does not require complicated solicitation evaluation

VII. Competitive Proposals—Request for Proposal (RFP)

- ☐ Complete specification not feasible
- ☐ Bidder input needed for specification
- ☐ Two or more responsible bidders willing to compete
- ☐ Discussion needed with bidder after receipt of proposals, prior to award

VIII. Procurement for Architectural/Engineering Professional Services - Qualification Based Solicitation (QBS)

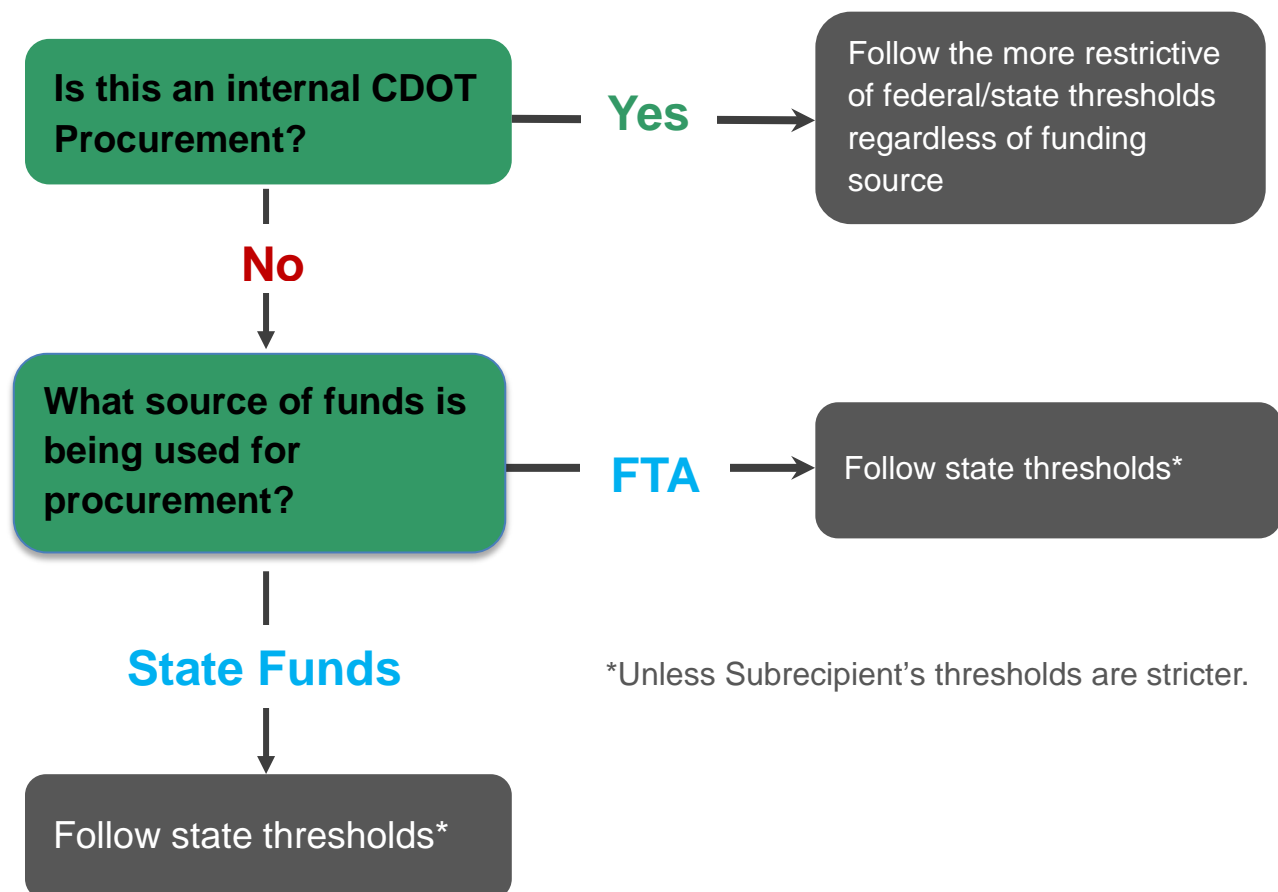
- ☐ Complete specification not feasible
- ☐ Bidder input needed for specification



- ☐ Two or more responsible bidders willing to compete
- ☐ Discussion needed with bidder after receipt of proposals, prior to award

Note: You cannot divide or reduce the size of the procurement to avoid the additional procurement requirements. Avoid unreasonable qualifications, specifying brand names, or exhibiting geographic preference. The successful bidder can be selected on the basis of price only.

DETERMINATION OF STATE OR FEDERAL FUNDING



*Unless Subrecipient's thresholds are stricter.



DEFINITIONS USED IN DTR's PROCUREMENT PROCESSES

1

PCR Procurement Concurrence Request

The PCR is made for the purpose of reviewing the request to ensure that it avoids duplicative or unnecessary purchases and considers opportunities for intergovernmental or inter-entity sharing of goods/services. The Project Coordinator reviews the rationale for the request and procurement method, and then approves or rejects the PCR in COTRAMS.

2

PA Purchase Authorization

Subrecipients must prepare this form and submit it for approval prior to finalizing its agreement with the vendor for goods or services purchased with federal/state funding. The Project Coordinator reviews the required documentation (as seen in Procurement Documentation Requirement chart) and approves or rejects the PA in COTRAMS.

3

NA Notice of Acceptance

Subrecipients submit the NA after they have accepted any equipment or rolling stock. The NA also includes a Vehicle Inspection Checklist and allows for the Post Delivery Audit to be reported to the Project Coordinator. Post Delivery Audit includes: Buy America Certification (as applicable), Purchaser's Requirements Certification, Federal Motor Vehicle Safety Standards Certification, and Altoona Testing as applicable.

4

SA Security Agreement

The SA is made for the purpose of securing the State or Federal interest in transit vehicles purchased with State or Federal funds awarded by CDOT to the subrecipient. This form is taken to the agency's county DMV to register and title the vehicle. In order to ensure proper use of vehicles throughout the useful life, CDOT holds a first lien on all vehicles in the amount of the Federal or State share of the vehicle cost.

FTA AND FASTER CERTIFICATIONS AND ASSURANCES

FTA ANNUAL CERTIFICATIONS AND ASSURANCES CLAUSES

CLAUSE	Above Small Purchase (Greater than \$250,000)					Small Purchase (\$10,001 - \$250,000)					Micro-Purchase (\$0 - \$10,000)				
	Professional Services/A&E	Operations/ Management	Rolling Stock Purchase/ Refurbishments	Construction	Equipment, Materials and Supplies	Professional Services/A&E	Operations/ Management	Rolling Stock Purchase/ Refurbishments	Construction	Equipment, Materials and Supplies	Professional Services/ A&E	Operations/ Management	Rolling Stock Purchase/ Refurbishments	Construction	Equipment, Materials and Supplies
A&E = Architectural and Engineering; ADA = Americans with Disabilities Act; DBE = Disadvantaged Business Enterprise; EEO = Equal Employment Opportunity															
Fly America	Involving foreign transport or travel by air	Involving foreign transport or travel by air	Involving foreign transport or travel by air	Involving foreign transport or travel by air	Involving foreign transport or travel by air	Involving foreign transport or travel by air	Involving foreign transport or travel by air	Involving foreign transport or travel by air	Involving foreign transport or travel by air	Involving foreign transport or travel by air				Construction contracts over \$2,000	
Buy America			All	All	All			>\$150,000	>\$150,000	>\$150,000 (for steel, iron, manufactured products)					
Charter Bus Service Operations		All					All							Construction contracts over \$2,000	
School Bus Operations		All					All							Construction contracts over \$2,000	
Cargo Preference			Involving property that may be transported by ocean vessel	Involving property that may be transported by ocean vessel	Involving property that may be transported by ocean vessel			Involving property that may be transported by ocean vessel	Involving property that may be transported by ocean vessel	Involving property that may be transported by ocean vessel				Involving property that may be transported by ocean vessel	
Seismic Safety	A&E for new buildings and additions			New buildings and additions		A&E for new buildings and additions			New buildings and additions					Construction contracts over \$2,000	
Energy Conservation	All	All	All	All	All	All	All	All	All	All				Construction contracts over \$2,000	
Clean Water	All	All	All	All	All	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000					
Bus Testing (not minivans)			All					All							
Pre-Award and Post Delivery Audit Requirements			All					All							
Lobbying	All	All	All	All	All	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000					
Access to Records and Reports	All	All	All	All	All	All	All	All	All	All				Construction contracts over \$2,000	
Federal Changes	All	All	All	All	All	All	All	All	All	All				Construction contracts over \$2,000	

FTA ANNUAL CERTIFICATIONS AND ASSURANCES CLAUSES

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	Professional Services/A&E	Operations/ Management	Rolling Stock Purchase/ Refurbishments	Construction	Equipment, Materials and Supplies	Professional Services/A&E	Operations/ Management	Rolling Stock Purchase/ Refurbishments	Construction	Equipment, Materials and Supplies	Professional Services/ A&E	Operations/ Management	Rolling Stock Purchase/ Refurbishments	Construction	Equipment, Materials and Supplies
A&E = Architectural and Engineering; ADA = Americans with Disabilities Act; DBE = Disadvantaged Business Enterprise; EEO = Equal Employment Opportunity															
Bonding (not required of states)				All (including ferry vessels)											
Clean Air	All	All	All	All	All	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000					
Recycled Products		All		All	All		Contracts for items designated by EPA, when procuring \$10,000 or more per year		Contracts for items designated by EPA, when procuring \$10,000 or more per year	Contracts for items designated by EPA, when procuring \$10,000 or more per year					
Davis-Bacon and Copeland Anti-Kickback Act				All (including ferry vessels)					All (including ferry vessels)					Section 1: All Section 2: >\$2,000 (including ferry vessels)	
Contract Work Hours and Safety Standards Act		All	All	All (including ferry vessels)			>\$100,000	>\$100,000	>\$100,000 (including ferry vessels)						
No Government Obligations to Third Parties	All	All	All	All	All	All	All	All	All	All				Construction contracts over \$2,000	
Program fraud and false or fraudulent statements and related acts	All	All	All	All	All	All	All	All	All	All				Construction contracts over \$2,000	
Termination Provisions	All	All	All	All	All	>\$10,000	>\$10,000	>\$10,000	>\$10,000	>\$10,000					
Gov't-wide Debarment and Suspension	All	All	All	All	All	>\$25,000	>\$25,000	>\$25,000	>\$25,000	>\$25,000					
Privacy Act	All	All	All	All	All	All	All	All	All	All					
Civil Rights (Title VI, Equal Employment Opportunity (EEO), Americans with Disability Act (ADA))	All	All	All	All	All	All	All	All	All	All	All	All	All	All	All
Breaches and Dispute Resolution	All	All	All	All	All	>\$150,000	>\$150,000	>\$150,000	>\$150,000	>\$150,000					
Patent Rights and Rights in Data (& Copyrights Requirements)	Research & development					Research & development					Research & development			Construction contracts over \$2,000	

FTA ANNUAL CERTIFICATIONS AND ASSURANCES CLAUSES

CLAUSE	Above Small Purchase (Greater than \$250,000)					Small Purchase (\$10,001 - \$250,000)					Micro-Purchase (\$0 - \$10,000)				
	Professional Services/A&E	Operations/ Management	Rolling Stock Purchase/ Refurbishments	Construction	Equipment, Materials and Supplies	Professional Services/A&E	Operations/ Management	Rolling Stock Purchase/ Refurbishments	Construction	Equipment, Materials and Supplies	Professional Services/ A&E	Operations/ Management	Rolling Stock Purchase/ Refurbishments	Construction	Equipment, Materials and Supplies
A&E = Architectural and Engineering; ADA = Americans with Disabilities Act; DBE = Disadvantaged Business Enterprise; EEO = Equal Employment Opportunity															
Transit Employee Protective Arrangements		Transit operations funded with Section 5307, 5309, 5311, 5316 funds					Transit operations funded with Section 5307, 5309, 5311, 5316 funds							Construction contracts over \$2,000	
Disadvantaged Business Enterprises (DBE)	All	All	All	All	All	All	All	All	All	All	All	All	All	All	All
Prompt Payment	All if threshold for DBE program met	All if threshold for DBE program met	All if threshold for DBE program met	All if threshold for DBE program met	All if threshold for DBE program met	All if threshold for DBE program met	All if threshold for DBE program met	All if threshold for DBE program met	All if threshold for DBE program met	All if threshold for DBE program met				All if threshold for DBE program met	
Incorporation of FTA Terms	All	All	All	All	All	All	All	All	All	All				Construction contracts over \$2,000	
Drug and Alcohol Testing		Transit operations funded with Section 5307, 5309, 5311 funds					Transit operations funded with Section 5307, 5309, 5311 funds					Transit operations funded with Section 5307, 5309, 5311 funds		Construction contracts over \$2,000	

FASTER CERTIFICATIONS AND ASSURANCES CLAUSES

CLAUSE	IFB/RFP/QBS (>\$100,000)		Quick Bid (\$25,000 - \$99,999)		Documented Quote (\$5,000 - \$24,999)		Micro-Purchase (\$0 - \$4,999)	
	FASTER		FASTER		FASTER		FASTER	
	Rolling Stock	Other (Operating, Planning/Professional Services, Equipment Purchases, ITS)	Rolling Stock	Other (Operating, Planning/Professional Services, Equipment Purchases, ITS)	Rolling Stock	Other (Operating, Planning/Professional Services, Equipment Purchases, ITS)	Rolling Stock	Other (Operating, Planning/Professional Services, Equipment Purchases, ITS)
A&E = Architectural and Engineering; ADA = Americans with Disabilities Act; DBE = Disadvantaged Business Enterprise; EEO = Equal Employment Opportunity								
Fly America								
Buy America								
Charter Bus Service Operations								
School Bus Operations								
Cargo Preference								
Seismic Safety								
Energy Conservation								
Clean Water								
Bus Testing (not minivans)	All		All		All		All	
Pre-Award and Post Delivery Audit Requirements								
Lobbying	>\$150,000	>\$150,000						
Access to Records and Reports	All	All	All	All	All	All	All	All
Federal Changes								
Bonding (not required of states)								
Clean Air								
Recycled Products								
Davis-Bacon and Copeland Anti-Kickback Act								
Contract Work Hours and Safety Standards Act		>\$150,000 (Construction)						
No Government Obligations to Third Parties	All	All	All	All	All	All	All	All
Program fraud and false or fraudulent statements and related acts								
Termination Provisions	All	All	All	All	>\$10,000	>\$10,000		
Gov’t-wide Debarment and Suspension (#22)	All	All	All	All				
Privacy Act (#23)								
Civil Rights (Title VI, Equal Employment Opportunity (EEO), Americans with Disability Act (ADA))	All	All	All	All	All	All	All	All
Breaches and Dispute Resolution								
Patent and Rights in Data								
Transit Employee Protective Arrangements								
Prompt Payment								
Incorporation of FTA Terms								
Drug and Alcohol Testing								



PROCUREMENT DOCUMENTATION REQUIREMENTS

Subrecipients must maintain sufficient records that detail the significant history of a procurement. At a minimum, such records must include:



Rationale for the method of procurement (i.e., Request for Proposals, Invitation for Bids, sole source)



Selection of contract type (i.e., fixed price, cost reimbursement)



Reason for contractor selection or rejection



Basis for the contract price (i.e., cost/price analysis)



The extent of documentation should be reasonable. Documents included in a procurement history should be commensurate with the size and complexity of the procurement itself. FTA recognizes that these written records will vary greatly for different procurements.

PROCUREMENT DOCUMENTATION REQUIREMENTS

Procurement Type	Description	PCR (see additional required documentation)	PA (see additional required documentation)	NA & Post Delivery Audit (Altoona Testing, Purchasers Requirements, FMVSS, \$150K or More [Buy America])	SA (for rolling stock, property and buildings only)	PCR Required Documentation (to be submitted in COTRAMS)	PA Required Documentation (Certifications in COTRAMS to be completed by Subrecipients)	Reimbursement Documentation
CDOT Price Agreements	Procurement using CDOT/DTR's negotiated price agreements for commonly purchased buses and transit vehicles.	X	X	X	X	<ul style="list-style-type: none"> Independent Cost Estimate (ICE) 	<ul style="list-style-type: none"> Cost and Price Analysis* Check SAM.GOV for vendor registration and eligibility - Screenshot or Print out* Signed Transit Vehicle Manufacturer (TVM) Certification* Bus Testing Certification* Federal Motor Vehicle Safety Standards (FMVSS) Certification* Purchasers Requirement Certification* More than \$100k Lobby Certification* More than \$150k Buy America Certification* Price Agreement Vendor Quotes* <p>*Obtained from CDOT Price Agreement Contractor for vehicle procurement</p> <p>Additional: TVM Survey Monkey - CDOT Staff</p>	<ul style="list-style-type: none"> Independent Cost Estimate Procurement Concurrence Request Purchase Authorization Notice of Acceptance Security Agreement Application for Title or Title Invoice Proof of Payment Post Delivery Certifications
State Price Agreements (State funds only)	Procurements using State of Colorado State Commodity & Service Agreements. Agreements generally run for a year, with the option for renewal. The State's current contracts can be found at https://www.colorado.gov/pacific/osc/price-agreements .	X	X	X	X	<ul style="list-style-type: none"> ICE 	<ul style="list-style-type: none"> Cost and Price Analysis Check SAM.GOV for vendor registration and eligibility - Screenshot or Print out* Signed TVM Certification (vehicles only) Bus Testing Certification (vehicles only) FMVSS Certification (vehicles only) Purchasers Requirement Certification (vehicles only) More than \$100k Lobby Certification More than \$150k Buy America Certification Price Agreement Vendor Quotes <p>Additional: TVM Survey Monkey (FTA funds only) - CDOT Staff</p>	
Piggybacking (Non-federal funds)	A post award practice that allows a party that was not included in the original procurement to purchase supplies or equipment through the contract. Piggybacking is only allowed under certain circumstances.	X	X	X	X	<ul style="list-style-type: none"> ICE 	<ul style="list-style-type: none"> All official correspondence related to the procurement Written approval from original agency Supporting documentation for Piggybacking Worksheet Self-certifications for Buy America and Purchaser's Requirements <p>Additional: TVM Survey Monkey (FTA funds only) - CDOT Staff</p>	

PROCUREMENT DOCUMENTATION REQUIREMENTS

Procurement Type	Description	PCR (see additional required documentation)	PA (see additional required documentation)	NA & Post Delivery Audit (Altoona Testing, Purchasers Requirements, FMVSS, \$150K or More [Buy America])	SA (for rolling stock, property and buildings only)	PCR Required Documentation (to be submitted in COTRAMS)	PA Required Documentation (Certifications in COTRAMS to be completed by Subrecipients)	Reimbursement Documentation
Micro-Purchases	Purchases under \$10,000. Do not require competitive quotes.	--	--	--	--	<ul style="list-style-type: none"> ICE 	<ul style="list-style-type: none"> Documentation that the price is reasonable 	
Documented Quotes	Purchases between \$10,000 and \$250,000. Require a minimum two quotes.	X	X	X	X	<ul style="list-style-type: none"> ICE 	<ul style="list-style-type: none"> Cost and Price Analysis Check SAM.GOV for vendor registration and eligibility - Screenshot or Print out* Signed TVM Certification (vehicles only) Bus Testing Certification (vehicles only) FMVSS Certification (vehicles only) Purchasers Requirement Certification (vehicles only) More than \$100k Lobby Certification More than \$150k Buy America Certification Vendor Quotes Additional: TVM Survey Monkey (FTA funds only) - CDOT Staff	
Invitation for Bid (IFB)/ Request for Proposal (RFP)	Purchases over \$250,000. Competitive procurement with defined rules and procedures.	X	X	X	X	<ul style="list-style-type: none"> ICE RFP with applicable clauses* *To be downloaded from Procurement Pro 2.0	<ul style="list-style-type: none"> Cost and Price Analysis Check SAM.GOV for vendor registration and eligibility - Screenshot or Print out* Signed TVM Certification (vehicles only) Bus Testing Certification (vehicles only) FMVSS Certification (vehicles only) Purchasers Requirement Certification (vehicles only) More than \$100k Lobby Certification More than \$150k Buy America Certification Additional: TVM Survey Monkey (FTA funds only) - CDOT Staff	
Qualification-based (Brooks Act)	Used for procuring architectural/engineering professional services.	X	X	--	X	<ul style="list-style-type: none"> ICE RFP with applicable clauses* *To be downloaded from Procurement Pro 2.0	<ul style="list-style-type: none"> Cost and Price Analysis Check SAM.GOV for vendor registration and eligibility - Screenshot or Print out* More than \$100k Lobby Certification More than \$150k Buy America Certification Additional: TVM Survey Monkey (FTA funds only) - CDOT Staff	

PROCUREMENT DOCUMENTATION REQUIREMENTS

Procurement Type	Description	PCR (see additional required documentation)	PA (see additional required documentation)	NA & Post Delivery Audit (Altoona Testing, Purchasers Requirements, FMVSS, \$150K or More [Buy America])	SA (for rolling stock, property and buildings only)	PCR Required Documentation (to be submitted in COTRAMS)	PA Required Documentation (Certifications in COTRAMS to be completed by Subrecipients)	Reimbursement Documentation
Sole Source	Procurements soliciting proposal from one source. Also used for a contract change not within scope of the original contract.	X	X	X	X	<ul style="list-style-type: none"> ICE 	<ul style="list-style-type: none"> Cost and Price Analysis Check SAM.GOV for vendor registration and eligibility - Screenshot or Print out* Signed TVM Certification (vehicles only) Bus Testing Certification (vehicles only) FMVSS Certification (vehicles only) Purchasers Requirement Certification (vehicles only) More than \$100k Lobby Certification More than \$150k Buy America Certification Sole Source Justification Proposed contract with applicable clauses <p>Additional: TVM Survey Monkey (FTA funds only) - CDOT Staff</p>	

FMVSS = Federal Motor Vehicle Safety Standards; ICE = Independent Cost Estimate; IFB = Invitation for Bid; NA = Notice of Acceptance; PA = Purchase Authorization; PCR = Procurement Concurrence Request; RFP = Request for Proposals; SA = Security Agreement; TVM = Transit Vehicle Manufacturer



LINKS & TIPS

FTA Procurement Website

<https://www.transit.dot.gov/funding/procurement/procurement>

FTA Circular C 4220.1F: Third Party Contracting Guidance provides contracting guidance for recipients of federal assistance awarded by the FTA when using that federal assistance to finance its procurements (third-party contracts)

<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/third-party-contracting-guidance>

FTA Best Practices Procurement Manual includes procedures, methods, and examples of procurement practices covering the entire procurement cycle

<https://www.transit.dot.gov/funding/procurement/third-party-procurement/best-practices-procurement-manual>

Federal Title 49 – Part 18 Subpart C, Section 18.36 Procurement

<https://www.gpo.gov/fdsys/pkg/CFR-1999-title49-vol1/pdf/CFR-1999-title49-vol1-sec18-36.pdf>

National RTAP ProcurementPRO website—especially helpful for managing RFP's

<http://www.nationalrtap.org/Web-Apps/ProcurementPRO-20>

RTAP Procurement Assistance is available to rural agencies by contacting Colorado Association of Transit Agencies (CASTA)

<https://coloradotransit.com/>