

COLORADO
DEPARTMENT OF TRANSPORTATION



PROCUREMENT
GUIDEBOOK

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Section 1: Procurement Overview

Introduction

State and federal regulations regarding the procurement of goods and services are complex, detailed, and ever changing. As a result, CDOT has developed this guidebook to assist its Grant Partners with the procurement process and explain what is expected at both the state and federal levels. It is important for Grant Partners to understand that regardless of the complexities of the regulations, any agency that accepts state and/or federal grants must accept full responsibility for the procurement process and for assuring state and federal compliance.

While this Guidebook provides a good foundation, it is recommended that any Grant Partner conducting its own procurement become familiar with the FTA's "[Circular C 4220.1F: Third Party Contracting Guidance](#)" for a more complete understanding of federal procurement guidelines. Additionally, the FTA has created Procurement PRO, a web-based tool that guides FTA grant recipients through the federal procurement process (<http://nationalrtap.org/supportcenter/PRO-Apps/ProcurementPRO>).

Grant Partners should begin exploring procurement options as soon as a CDOT grant award notification is received. CDOT Grant Coordinators work with Grant Partners to develop and finalize a *Scope of Work* for all funded capital projects that contain a comprehensive, accurate description of the project. Based on this, the Grant Partner may select a preferred procurement option.

Procurement Levels

The FTA identifies three unique categories of purchases: Micro-purchases, Documented Quotes (also known as small purchases), and Large Procurements. Micro-purchases and Documented Quotes are exempt from Buy America provisions.

Micro-purchases – Procurements less than or equal to \$3,000. If permitted by state and local law, you may acquire equipment valued up to \$3,000 without obtaining competitive quotations. The following procedures apply to micro purchases:

- Micro-purchases should be equitably distributed among qualified suppliers.
- Grant Partners may not divide or reduce the size of the procurement expressly to be within the micro-purchase limit.
- Grant Partners should document that the purchase was “fair and reasonable” with a description of how this determination was made (FTA does not require that a rationale be provided for the procurement method used, selection of contract type, or the reason for contractor selection or rejection).

Documented Quotes – Procurements greater than \$3,000 but less than \$150,000. Lower thresholds may be set for Documented Quotes in compliance with local laws, or as organizations deem appropriate. The following procedures apply to Documented Quotes:

- Perform an independent cost estimate (discussed later in this section).
- Grant Partners cannot divide or reduce the size of the procurement to avoid the additional procurement requirements applicable to larger acquisitions.
- Clear, accurate and complete specifications that provide for full and open competition.

- Avoid unreasonable qualifications, specifying brand-name products without allowing offers of an approved equal product and geographic preference.
- Contract term limitation should be considered to foster competition, pricing, fairness and public perception. Contract extensions that amount to an out-of-scope change will require a sole-source justification.
- Grant Partners must obtain documented quotations from an adequate number of qualified sources.
- The successful bidder can be selected on the basis of price and those price-related factors listed in the solicitation including, but not limited to, transportation costs, life cycle costs, and discounts expected to be taken. Apart from responsibility determinations discussed in later sections of this Chapter, contractor selection may not be determined on the basis of other factors whose costs cannot be measured at the time of award
- Grant Partners must perform a cost or price analysis (discussed later in the section).

Large Procurements – Procurements greater than \$150,000. These procurements require a formal bid process and must adhere to all FTA procurement requirements (including Buy America) regardless of whether an Invitation to Bid (IFB) or Request for Proposal (RFP) process is followed. The vehicles and equipment procurement must be publicly solicited and the vehicles and equipment specifications should follow the Full and Open Competition Principle and not restrict competition.

- IFB – Award is based on the lowest responsive bid (i.e., lowest cost). This method is well-suited for uniform goods and services readily available and comparable in quality and function. Depending on the level of experience among the Grant Partner’s staff, the procurement process may be conducted directly.
- RFP – Award is based on a combination of cost and non-cost factors that equate to “best value.” This method is ideal for unique goods and services that vary in design and quality and may not be readily comparable. This method is also used if the Grant Partner has not determined a product or service, relying instead on the contractor/ vendor to propose a solution. In this case, the Grant Partner would evaluate the proposals to determine which best satisfies its needs. Depending on the level of experience among the Grant Partner’s staff, the procurement process may be conducted directly.
- Joint Procurement – Whether IFB or RFP, the Grant Partner jointly participates in another transit agency’s or organization’s bid. This requires all parties to agree on a common specification for a product and then commit to the results of the joint procurement, including quantities to be purchased. This includes purchasing off a state or CDOT price agreement when available.

Types of Procurement Methods

A transit system may conduct its own procurement, join with other systems in an inter-agency procurement led by one of the participants, use a state administered procurement conducted on behalf of one or more transit systems, or use an existing state contract if the procurement satisfies all FTA requirements. Below is a summary of the various types of procurement methods an agency may use.

- Individual Agency. Individual agency procurement is a procurement process that is undertaken by one agency for specific good(s) or service(s). No other agencies are involved in the process.
- Joint Procurement. This is a competitive procurement involving more than one transit system. Each transit system must agree on the specifications and work together with one lead agency/person developing common specifications.
- Piggybacking. “Piggybacking” is the post award practice of allowing someone who was not included in the original procurement to purchase the same supplies or equipment through the original contract. Piggybacking is only allowed under certain circumstances, please contact your Grant Coordinator to learn more.



- CDOT Price Agreements. CDOT’s Division of Transit & Rail has established price agreements for commonly purchased buses and transit vehicles. This procurement method simplifies the procurement steps for Grant Partners.
- State Price Agreements. The State of Colorado procures many services and commodities under State Commodity & Service Agreements. Agreements generally run for a year, with the possibility of renewal for a set period after the year is over. State agencies, and properly registered counties, municipal corporations, regional transit authorities, airport authorities, school districts, park districts and other political subdivisions can use the State of Colorado agreements. The State’s current contracts can be found at <https://www.colorado.gov/pacific/dfp/price-agreements>.

CDOT’s Oversight of the Procurement Process

As the designated recipient of FTA grant funds, CDOT must ensure that its Grant Partners are aware of and comply with Federal procurement requirements described in FTA Circular C 4220.1 (as amended). CDOT’s involvement in the procurement process is expected/available at the following points in each Grant Partner’s procurement process. ***Please note that your procurement may be deemed invalid by CDOT should you not allow CDOT adequate review throughout your procurement process as listed below.***

- Notification to CDOT that your agency intends to procure goods and/or services with federal funds;
- Provide guidance for setting up procurement policies if your agency does not already have them in place (requirement for expending FTA funds)
- Once your bid package is ready, your Grant Coordinator must review and approve your procurement packet (Section 4, Procurement Concurrence Request Form);
- Prior to your intent to award, your Grant Coordinator must review and approve the selection process you followed in arriving at your decision (Section 4, Purchase Authorization Form);
- After award and/or delivery, your agency must follow the correct steps and provide proper documentation to receive reimbursement (Section 4, Notice of Acceptance and Security Agreement Forms).

Requirements for All Procurements

This section of the handbook is intended to provide a brief explanation of procurement requirements that apply to all procurements except micropurchases under \$3,000.

I. Grant Partner Requirements

Written Procurement Process and Policies

A prerequisite for your agency to expend federal and/or state funds is to have written procurement processes and policies. If your agency does NOT have written procurement policies in place, you will need to do this at this time. An example of basic “Procurement Standards” for you to use to develop your agency’s guidelines can be found in Section 5, Exhibit 1. The “Procurement Standards” sample is based on the State of Colorado’s Procurement Code and Rules. Remember, that while all local agency procurement standards must comply with the regulations of the State of Colorado, when you are using federal funds to procure goods and services you must also comply with all federal regulations and comply the rules and regulations that are most stringent.

Written Protest Procedures

Agencies must have written protest procedures to handle and resolve disputes relating to their procurements and shall in all instances disclose information regarding protests to CDOT and FTA. All protest decisions must be in writing. A protest must exhaust all administrative remedies with the agency before pursuing a protest with FTA.

Written Standards of Conduct

Agencies are required to protect the integrity of the procurement process by adopting written standards of conduct that assure that employees, board members and others do not participate in the selection, award or administration of contracts if they have real or apparent conflicts of interest.

II. Individual Procurement Requirements

Written Record of Procurement History

The Grant Partner must maintain records to detail the history of procurement. The FTA's Procurement Best Practices Manual recommends that agencies maintain records for three years following project completion. Some examples of documentation to maintain in a written record of procurement history include:

- Purchase request, acquisition planning information and other pre-solicitation documents
- Rationale for the method of procurement (i.e. RFP, IFB, Sole Source)
- Independent cost estimate
- Copy of the solicitation, all addenda and all amendments
- List of sources solicited
- Copies of published notices of proposed contract action
- An abstract of each offer or quote
- Reasons for contractor selection or rejection
- Determination that contractor is responsive and responsible
- Determination that price is fair and reasonable including an analysis of the cost and price data
- Required internal approvals for award
- Notice of award
- Notice to unsuccessful quoters or offerors and record of any debriefing
- Record of any protest
- Required insurance documents, if any, and
- Notice to proceed

Independent Cost Estimate

The Grant Partner must establish a cost estimate in advance of bidding out work to ensure a clear basis for analysis of cost or price. The cost estimate is developed based on product knowledge, experience, and market status, and is used in performing price and cost analysis later on in the procurement process. To see a sample cost estimate, see Section 5, Exhibit 2.

Clear, Accurate and Complete Specifications

The Grant Partner is required to provide adequate and realistic specifications or purchase descriptions for every procurement funded with FTA dollars. The specifications or purchase descriptions must be detailed, clearly written and must be reviewed by CDOT Grant Coordinators for accuracy and clarity prior to be released for bid.

Written Procurement Selection Procedures

The Grant Partner must include in all solicitations, regardless of dollar amount, identification of all requirements that vendors/bidders must fulfill and all other factors to be used in evaluating bids or proposals. This ensures that procurements are awarded in a fair and equitable manner.

Cost or Price Analysis

The Grant Partner must perform a price or cost analysis before awarding a contract to determine if the bids provided are fair and reasonable. This analysis must be used in conjunction with the independent cost estimate created prior to the solicitation of price quotes for all types of procurements. The type (price or cost) and degree of analysis is dependent on the facts surrounding the particular procurement situation. In general the rule behind whether to do a PRICE or COST analysis is the following:

- Price analysis (which is comparing quotes to catalog or market prices, via previous contracts or comparison with other competitive proposals) may be performed for most procurements.

Sources of information that are available to conduct a price analysis include:

- Comparisons with other competitive proposals
 - Previous contracts
 - Catalog or market prices
 - Historical prices and trending
 - Independent cost estimates
- Cost analysis (which includes examining variances from the independent estimate as well as the differences between bids recorded, rather than assuming that open market pricing always equates to appropriate pricing) must be performed for procurements that:
 - Require the contractor to submit estimates for labor hours, overhead, and materials
 - Result in a situation where price competition is lacking
 - Consist of a sole source procurement

FTA Required Clauses

FTA REQUIRED clauses must be included in the procurement process, specifically at the time of bid to ensure compliance with applicable federal regulations. See Section 3, Federal Clauses Table for applicable clauses required.

Competition

The Federal Transit Administration requires all procurements to be conducted in a manner providing for full and open competition. The principle of full and open competition has one primary and two secondary purposes. The primary purpose is to obtain the best quality and service at minimum cost. In other words, to get the best buy. The secondary purposes are to guard against favoritism and profiteering at public expense, and to provide equal opportunities to participate in public business to every potential proposer. The FTA considers the following practices to be restrictive of competition:

- Unreasonable requirements placed on firms in order for them to qualify to do business;
- Unnecessary experience and excessive bonding requirements;
- Noncompetitive pricing practices between firms or between affiliated companies;
- Noncompetitive awards to any person or firm on retainer contracts;
- Restrictive use of brand names ;

- Any arbitrary action in the procurement process;
- Geographic preferences ;
- Organizational Conflicts of Interest; and
- Prohibitive or restrictive type contracts.

FTA recommends soliciting at least three firms to ensure that an adequate level of competition is attainable.

Award to Responsible Contractors

Grant Partners are to only award contracts to contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Responsibility determination factors include whether the prospective contractor has:

- The appropriate financial, material, equipment, facility and personnel resources and expertise (or the ability to obtain them) necessary to indicate its capability to meet all contractual requirements;
- The capability to comply with the required delivery schedule considering all their existing business commitments;
- A satisfactory record of performance – prior to awarding the contract, agencies must verify the vendor is not excluded from receiving federal contracts by searching a government website (www.sam.gov);
- A satisfactory record of integrity;
- Legal qualification to contract with Grant Partner; and supplied all necessary information in connection with the inquiry concerning responsibility.



Section 2: Detailed Procurement Steps

These procurement steps are intended to offer guidance through a procurement process when utilizing federal and/or state funding. It is important to note that when local regulations are more restrictive than the federal/state regulations, or if the regulations should differ, the agency must follow the regulation that is most restrictive.

STEP 1 – Identify the Solicitation Process (how are you going to purchase the good or service?)

- CDOT Price Agreement:** A simplified process to purchase common transit vehicles such as a body-on-chassis (BOC) cutaway bus or ADA accessible minivan. CDOT staff has already completed many of the procurement requirements (See Method 1 under STEP 2).
- State of Colorado Price Agreement:** For use with FASTER funds **only**. This option is a simplified process to purchase common vehicles through Colorado state price agreements. The price agreements are open to any Colorado local government body and non-profits (non-profits must first register). To learn more, see <https://www.colorado.gov/pacific/dfp/price-agreements>. (See Method 1 under STEP 2).
- Micropurchase: Purchases under \$3,000 (e.g., tires, parts, maintenance services, etc.) may be made without obtaining competitive quotes if the agency determines that the price is fair and reasonable.**
- Documented Quote:** A procurement process for purchases between \$3,000 and \$150,000 that is simpler and less formal than larger dollar threshold procurements. Grant Partners must obtain at least two quotes (See Method 2 under STEP 2).
- Invitation for Bid/Request for Proposal (IFB/RFP):** A competitive procurement with formal rules and procedures. This must be used for all purchases over \$150,000 (see Method 3 under STEP 2).
- Piggyback:** Use an existing contract approved by other government entities for goods/services (See Method 4 under STEP 2).
- Qualification Based (Brooks Act):** This "qualifications based procurement method" must be used for the procurement of architectural and engineering services related to construction (See Method 5 under STEP 2).
- Sole Source:** Procurements done through solicitation of a proposal from only one source. A contract change that is not within the scope of the original contract is also considered a sole source procurement (See Method 6 under STEP 2).

STEP 2 – Develop Your Solicitation (select ONE “method” of acquisition that corresponds with the Solicitation Process you chose above. After completing the appropriate method, proceed to the next step)

Method 1 – For CDOT Price Agreement OR Colorado Price Agreement Purchases

1. Using CDOT’s Procurement Concurrence Request (PCR) Form (see Section 4), obtain written approval from CDOT giving approval for using this process.
2. Contact the agreement vendor and obtain a vehicle quote that reflects your Scope of Work.

**CDOT required documentation for Step 2, Method 1:**

- Completed CDOT PCR Form
- Completed CDOT PA Form
 - A copy of the vendor quote

Additionally, the Grant Partner must also have the following items in their records:

- All official correspondence related to the procurement
- A copy of the signed purchase order with vendor

3. Forward your quote, along with your completed portion of CDOT's Purchase Authorization (PA) Form, to your Grant Coordinator. Once CDOT returns the form to you with the appropriate signature, you are authorized to complete the purchase agreement with the vendor.

4. Continue to "STEP 4 – Award and Contract Administration Requirements"

Method 2 – For Micropurchase (under \$3,000) Procurements

1. Identify and contact a vendor/supplier to complete the purchase. You may also obtain quotes (orally or written), but it is not required.
2. In your procurement file, document that the price is reasonable. Price reasonableness normally will be based on a comparison with historical prices paid for the item, commercial catalog prices, or other offers.
3. Your purchase is complete. There are no further steps for micropurchases. Proceed to Step 5 that discusses delivery and reimbursement.

Method 3 – For Documented Quote (\$3,000-\$150,000) Procurements

1. Complete an Independent Cost Estimate (see Section 5, Exhibit 2).
2. Develop a Documented Quotation (DQ) solicitation package. The solicitation package should contain at a minimum the following content (see Section 5, Exhibit 3 for a sample DQ package):
 - a. The DQ document, which includes such things as the contact person, quantities to be bought, delivery terms, technical specifications, evaluation and submission criteria, etc.
 - b. If using federal funds, identify all required FTA clauses (see Section 3, Federal Clauses Table)
 - c. If using federal funds, include all relevant FTA certifications for proposers to sign (see Section 3, Federal Certs Table). This may include:
 - i. Debarment and Suspension Certification (all procurements)
 - ii. Bus Testing Certification (all transit vehicle procurements)
 - iii. TVM Certification (all transit vehicle procurements)
 - iv. FMVSS Certification (all transit vehicle procurements)
3. Notes about advertising DQs: Vendors should be allowed a minimum of three days to prepare quotes. Also, be sure to avoid geographic preferences when advertising.
4. Using CDOT's Procurement Concurrence Request (PCR) Form (see Section 4), obtain written approval from CDOT giving authorization to proceed with your solicitation.
5. Continue to "STEP 3 – Solicitation and Bid Opening Submission Requirements"

CDOT required documentation for Step 2, Method 3

- Completed CDOT PCR Form
 - Draft DQ solicitation package

Additionally, the Grant Partner must also have the following items in their records:

- All official correspondence related to the procurement
- Independent Cost Estimate



Method 4 – For Formal Competition Procurements (IFB/RFP over \$150,000)

1. Complete an Independent Cost Estimate (see Section 5, Exhibit 2).
2. Develop an IFB/RFP solicitation package. The solicitation package should contain at minimum the following content:
 - a. Project Scope, Technical Specifications, Evaluation and Selection Criteria and their relative importance, protest procedures, etc.
 - b. If using federal funds, identify all required FTA clauses (see Section 3, Federal Clauses Table).
 - c. If using federal funds, include all relevant FTA certifications for proposers to sign (see Section 3, Federal Certs Table). This may include:
 - i. Lobbying Certification (all procurements)
 - ii. Debarment and Suspension Certification (all procurements)
 - iii. Bus Testing Certification (all transit vehicle procurements)
 - iv. TVM Certification (all transit vehicle procurements)
 - v. FMVSS Certification (all transit vehicle procurements)
 - vi. Buy America Certification (vehicle and construction procurements over \$150,000)
3. Notes about advertising IFBs/RFPs: Solicitations should be advertised a minimum of 14 days for IFBs and 30 days for RFPs. Also, be sure to avoid geographic preferences when advertising.
4. Using CDOT's Procurement Concurrence Request (PCR) Form (see Section 4), obtain written approval from CDOT giving authorization to proceed with your solicitation.
5. Continue to "STEP 3 – Solicitation and Bid Opening Submission Requirements"

CDOT required documentation for Step 2, Method 4

- Completed CDOT PCR Form
 - Draft IFB/RFP solicitation package

Additionally, the Grant Partner must also have the following items in their records:

- All official correspondence related to the procurement
- Independent Cost Estimate

Method 5 – For Piggyback Procurements

Your agency may be able to take advantage of existing contracts awarded by other governmental entities for goods/services which you currently need. This practice is called "piggybacking."

1. Using CDOT's Procurement Concurrence Request (PCR) Form (see Section 4), obtain written approval from CDOT giving approval to proceed with the piggyback solicitation.
2. Request in writing to the contracting agency the right to piggyback off the existing contract.
3. Complete the Piggybacking Worksheet (see Section 5, Exhibit 5) to determine if you are able to participate in the piggybacking of an existing agreement.
4. Complete the pre-award self-certifications for Buy America and Purchaser's Requirements (see Section 3).
5. Using CDOT's Purchase Authorization (PA) Form, obtain written approval to proceed with the purchase (see Section 4).
6. Continue to "STEP 4 – Award and Contract Administration Requirements"

CDOT required documentation for Step 2, Method 5

- Completed CDOT PCR Form
 - Completed Piggybacking Worksheet
- Completed CDOT PA Form

Additionally, the Grant Partner must also have the following items in their records:

- Written approval from original agency
- Supporting documentation for Piggybacking Worksheet
- Self-certifications for Buy America and Purchaser's Requirements

Method 6 – For Architectural/Engineering Procurements

Qualifications-based proposal procedures (Brooks Act Procedure) are required for projects related to or leading to a construction project. These procedures must be used not only when contracting for architectural and engineering services, but also for program management, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping and related services. The dollar amount of the project does not affect whether the Brooks Act is required. An offeror's qualifications must be evaluated and price is excluded as an evaluation factor.

The Brooks Act requires that:

- *A proposer's qualifications are evaluated*
 - *Price must be excluded as an evaluation factor*
 - *Negotiations must be conducted with only the most qualified proposer; and*
 - *Failing to agree on price, negotiations are then conducted with the next most qualified proposer whose price is fair and reasonable.*
1. If this procurement method is used, follow the same steps defined for Documented Quotes (less than \$150,000) or IFB/RFPs (>\$150,000), with the following exceptions:
 - a. The DQ/RFP is structured so that the cost information is submitted separately from the proposal itself.
 2. Continue to ***"STEP 3 - Solicitation and Bid Opening Submission Requirements"***

Method 7 – For Sole Source Procurements

When the Grant Partner requires supplies or services available from only one source, and no other supplies or services will satisfy its requirements, the Grant Partner may make a sole source award. Subsequently, when the Grant Partner requires an existing vendor/contractor to make a change to its contract that is beyond the scope of that contract, the Grant Partner has made a sole source award. These scenarios must be justified in writing and supported with evaluation of continuing best value. This process is also followed in the event of a single submission to a formal competitive process (IFB/RFP) or documented quote (DQ).

Sole Source Justification Conditions

The determination of unique capability or availability of property or services from one source will be considered if one of the five conditions described below are present and justified:

1. *Unique or Innovative Concept. The bidder demonstrates a unique or innovative concept or capability not available from another source. Unique or innovative concept means a new, novel, or changed concept, approach, or method that is the product of original thinking, and has not in the past been available to the agency from another source.*
2. *Patents or Restricted Data Rights. Patent or data rights restrictions preclude competition.*
3. *Substantial Duplication Costs. In the case of a follow-on contract for the continued development or production of highly specialized services, when it is likely that award to another vendor/contractor would result in substantial duplication of costs that are not expected to be recovered through competition.*
4. *Unacceptable Delay. In the case of a follow-on contract for the continued development or production of a highly specialized service, when it is likely that award to another vendor/contractor would result in unacceptable delays in fulfilling the Grant Partner's needs.*
5. *Unusual and compelling urgency (per 4220 Chapter 6, page 19).*
6. *Only one bid is received.*

Sole Source Justification Checklist

The development of a Sole Source justification must be well documented and have several supporting components to it, and it must meet one or more of the above conditions. The following issues should be addressed in the justification:



- *Justification – Why items/services to be purchased or performed are available only from a single source.*
- *Business Rational – Reason for acquiring items or services and their applicability to the project.*
- *Alternative Evaluation – Narrative of sole source preference verses performing a re-solicitation and award.*
- *Cost/Price Analysis – A cost/price analysis is necessary for all sole source procurements to assure continued best value is being sought.*
- *Reasonableness of Price – Narrative of reasonableness of price, demonstrating the level of work being performed is a prudent and acceptable use of resources.*
- *Certification – Administrative sign-off on the sole-source justification in support of all documentation having been reviewed and approved.*
- *Scope of Services – Attach a current “Scope of Services” pertaining to the sole source award.*

Sole Source Procurement Steps

1. Complete an Independent Cost Estimate (see Section 5, Exhibit 2).
2. Submit a written Sole Source justification to CDOT for review. Please note, some sole source procurements may also require FTA approval. Your grant coordinator will advise you when this is the case.
3. If this procurement method is used, follow the same steps defined for Documented Quotes (less than \$150,000) or IFB/RFPs (>\$150,000).
4. Using CDOT’s PCR Form (see Section 4), obtain written approval from CDOT giving approval to proceed with the sole source solicitation.
5. Continue to “STEP 3 – Solicitation and Bid Opening Submission Requirements

CDOT required documentation for Step 2, Method 7

- Completed CDOT PCR Form
 - Sole Source Justification
 - Draft solicitation package

Additionally, the Grant Partner must also have the following items in their records:

- All official correspondence related to the procurement
- Independent Cost Estimate

STEP 3 – Solicitation Advertisement, Opening, and Evaluation

The Solicitation and Bid Opening phase encompasses the advertising, opening, review, analysis, and the selection of winning vendors for Documented Quotes, Formal Competition, Qualifications Based, and Sole Source procurements. Detailed and comprehensive execution of this phase can help avoid conflicts that could result in delay or possibly a re-bid of the entire project.

Examination of all proposals received for responsiveness to all instructions, forms, terms and specifications contained in the solicitation is necessary to provide a proper evaluation. Failure to do so may adversely affect the evaluation of the Bid.

The checklist below is intended to offer guidance through the opening and review phase of a solicitation according to federal/state guidelines. However, because of the brevity of this document, it is not exhaustive and does not constitute full compliance.

If your purchase is from the CDOT Price Agreements, the Colorado Price Agreements, or through a piggyback, please skip to “Step 4 – Award and Contract Administration”.

1. **Describe the process and considerations you took for advertising, opening and reviewing responses, and how you selected the winning vendor in an Award Memo.** Information in this step should be submitted to CDOT in a summary document (see sample in Appendix VII). This does not have to be a lengthy document, particularly for Documented Quotes. Consider the following guidelines in preparing your summary of the selection process:

- a. **Advertisement of the solicitation without geographic preference, except in A/E under certain circumstances, is required.** The FTA prohibits specifying in-state or local geographical preferences, or evaluating quotes/bids/proposals in light of in-state or local geographic preferences. *Describe how you avoided geographic preference in your advertising.*
- b. **Solicitation Advertisement Minimums.** Colorado procurement regulations require that solicitations be advertised a minimum of 14 days for IFBs and 30 days for RFPs. For Documented Quotes, vendors should be allowed a minimum of three days to prepare quotes. *Describe how your solicitation met this requirement.*
- c. **Pre-Bid Meeting (IFBs and RFPs only).** Communicating with potential vendors/contractors through pre-bid conferences is a good way to control costs and minimize protests. The Grant Partner should post and make the materials distributed and discussed at the conference available to potential bidders. *Was a Pre-Bid Meeting held? If so, describe how all material and discussions were posted and made available. Describe how you made answers to questions and clarifications available after the meeting.*
- d. **Responsiveness Evaluation.** Describe the factors you used in determining if the vendors are responsive and responsible.
- e. **Summary of Quotes/Bids/Proposals.** Document all responses to the solicitation. *Provide information about whom and how many responded to the solicitation.*
- f. **Bid opening and recording (IFBs only).** The opening of bids is a public event. The bids are opened at a specified time and recorded on a document called an Abstract of Bids and this document is available for public inspection after completion. *Describe how the bid opening and recording was performed.*
- g. **Cost or Price Analysis.** A cost or price analysis is required for every contract and every change order so that the essential objective of a reasonable price is assured. See Section 1 for more information. *Describe the analysis you conducted and its outcome.*
- h. **Award Selection and Justification.** In general, DQs are awarded based on best value, with cost being the primary consideration. IFBs are awarded based on lowest responsive and responsible bidder. RFPs are awarded based on criteria listed in the solicitation.

The decision to award the contract must be supported with documented justification explaining the decision. Grant Partners can only make awards to responsible vendors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. Consideration should be given to such matters as vendor integrity, compliance with public policy, record of past performance, and financial and technical resources. *Please describe the process and criteria you used in evaluating responses and how you determined vendor responsibility.*

- i. **Formal Protests.** *Were any filed? If you answered yes, has CDOT received all pertinent documentation? How were they addressed?*
2. **If appropriate, ensure the vendor has provided the appropriate Federal certifications.** If using FTA funds, the vendor needs to sign several certifications (samples of these certifications are included in Section 3):
- a. Lobbying certification (if purchase exceeds \$150,000)
 - b. Debarment and Suspension certification (if purchase exceeds \$25,000).
 - c. Bus Testing certification (all bus and ADA van/minivan vendors)
 - d. Disadvantaged Business Enterprise TVM Certification (all transit vehicle manufacturers)
 - e. FMVSS standards (all vehicle vendors).



- f. Buy America certification (all vendors whose projects exceed \$150,000)

Additionally, Grant Partners must sign certifications (“pre-award certifications”). Samples of these certifications are included in Section 3.

- a. Grant Partners must sign a certification verifying the goods or vehicles meet the Buy America requirements.
 - b. If purchasing vehicles, the Grant Partner must complete a Purchaser’s Requirements certification.
 - c. If purchasing vehicles, the Grant Partner must complete an FMVSS certification.
3. **Review Federal database to ensure eligibility.** Grant Partners are required to ensure that the winning contractor is not suspended, debarred, ineligible, or voluntarily excluded from participation federally assisted procurements. Use www.SAM.gov to search the name of the contractor, print out the results, and include in your documentation.
 4. **Develop a draft copy of proposed purchase order/contract.** A draft copy of the purchase order/contract for your goods/services should be developed.
 5. **Receive documented, written approval received from CDOT to proceed (CDOT PA Form).**
 6. Continue to **“STEP 4 – Award and Contract Administration”**

CDOT required documentation for Step 2, Method 3

- Completed CDOT PA Form
 - Award Memo

Additionally, the Grant Partner must also have the following items in their records:

- All official correspondence related to the procurement
- If applicable, signed certifications from proposed vendor and Grant Partner.
- Printed results from www.sam.gov
- Before it’s executed, a copy of the draft purchase agreement that includes FTA clauses

STEP 4 – Award and Contract Administration

The Checklist below is intended to offer guidance through the Award and Contract Administration phase.

- Finalize contract/PO
- Change orders require approval before project can proceed further.
 - a. A contract amendment or change order that is not within the scope of the original contract is considered a sole source procurement and a cost/price analysis must occur.
- Has all documentation gathered above been placed in the project procurement history?
- Continue to **“Step 5 – Delivery and Reimbursement Requirements”**

STEP 5 – Delivery and Reimbursement

The closeout of routine purchase orders or contracts will need to ensure that all acquisitions have been inspected and accepted in conformance with the purchase order/contract specifications. An inspection/acceptance form should be in the procurement file verifying the vendor/contractor's delivery of all contract end items and deliverables, including any descriptive literature or warranty documentation. There must also be documentation verifying final payment.

Major elements of the closeout process, and related documentation, include:



1. Ensure resolution of all contract changes, claims, and final quantities to be delivered have occurred.
2. Use the Notice of Acceptance/Non-Acceptance Form to formally accept the vehicle. Only complete this form if you are satisfied with the condition of the vehicle.
3. Ensure all applicable federal post-delivery certifications have been signed, received, and documented:
 - a. For vehicles or construction purchases over \$150,000, the Grant Partner must sign a post-deliver Buy America Certification (in addition to the Buy America Certification signed prior to award).
 - Please note that if you are purchasing off the State price agreement or a consortium process, the entire procurement qualifies for the \$150,000 threshold. Even if you are purchasing a single vehicle, you must complete the Buy America Certification as a result. This certification is only required post-delivery as CDOT or the consortium will have the pre-award certifications on file.
 - b. If purchasing transit vehicles, the Grant Partner must sign a Post Delivery Purchaser's Requirements certification and Post Delivery FMVSS certification (in addition to the Purchaser's Requirements Certification signed prior to award).
4. Ensure all required documentation (final reports, lease & service agreements, maintenance policy and plans, etc.) have been submitted.
5. Complete the CDOT Security Agreement Form (see Section 4) and return it to CDOT. **This form must be taken to your county DMV office when you title the vehicle.**
6. Submit for reimbursement from CDOT. Please refer to this list to ensure that CDOT has received all appropriate procurement documentation prior to sending a reimbursement request from CDOT:
 - All CDOT procurement forms
 - Copy of the original vendor invoice
 - Canceled check/ledger account showing payment to vendor
 - Proof of insurance
 - Copy of the DMV Application for Title/Registration/DR 2395 (CDOT must be shown as 1st lien holder)

Section 3: Federal Clauses and Certifications

One of the principles of contracting with federal funds received directly or indirectly from FTA is a recognition that, as a condition of receiving the funds, certain specific federal requirements must be met not only by the recipient of the funds (CDOT) but also by CDOT's Grant Partners and the Grant Partners' third party vendors/contractors. The federal requirements to be met by the Grant Partners' third parties will be defined by the clauses and certifications included in the Grant Partner's third party contracts/purchase orders.

The clauses and certifications are outlined in the table below according to procurement type and cost threshold. Micro-purchases (purchases under \$3,000) do not require federal clauses and are not included in the table, except Davis-Bacon requirements that apply to construction contracts over \$2,000. Note that some clauses are utilized in all contract types and funding while others are related to a cost threshold or contract type.

Once you identify the applicable clauses, include them in your agreement with the vendor. For most clauses, the relevant statutes and regulations do not mandate any specified clause language. However, FTA has provided [sample clause language \(http://www.fta.dot.gov/12831_6195.html\)](http://www.fta.dot.gov/12831_6195.html) that can be included in your contract. Additionally, Example text of the FTA third party contract clauses and certifications can be obtained through "[Procurement Pro](#)," an online procurement management system produced by National RTAP. For certifications, further below we have provided some sample certifications that you may include.

Grant Partners are responsible for evaluating these requirements for relevance and applicability to each procurement. Grant Partners should work with CDOT to ensure completeness of contract clauses and certifications.

Federal Clauses Table

CLAUSE	TYPE OF PROCUREMENT				
	Professional Services/A&E	Operations/ Management	Rolling Stock Purchase/ Refurbs	Construction	Materials and Supplies
No Government Obligations to Third Parties (#19)	All	All	All	All	All
Program fraud and false or fraudulent statements and related acts (#20)	All	All	All	All	All
Access to Records and Reports (#11)	All	All	All	All	All
Federal Changes (#12)	All	All	All	All	All
Civil Rights (Title VI, EEO, ADA) (#24)	All	All	All	All	All
Incorporation of FTA Terms (#30)	All	All	All	All	All



CLAUSE	TYPE OF PROCUREMENT				
	Professional Services/A&E	Operations/ Management	Rolling Stock Purchase/ Refurbs	Construction	Materials and Supplies
Energy Conservation (#6)	All	All	All	All	All
Disadvantaged Business Enterprises (DBEs) (#28)	All	All	All	All	All
Bus Testing (not minivans) (#8)			All		
Termination Provisions (#21)	>\$10,000	>\$10,000	>\$10,000	>\$10,000	>\$10,000
Gov't-wide Debarment and Suspension (#22)	>\$25,000	>\$25,000	>\$25,000	>\$25,000	>\$25,000
Buy America (#2)			>\$150,000	>\$150,000	>\$150,000 (for steel, iron, manufactured products)
Breaches and Dispute Resolution (#25)	>\$150,000	>\$150,000	>\$150,000	>\$150,000	>\$150,000
Lobbying (#10)	>\$150,000	>\$150,000	>\$150,000	>\$150,000	>\$150,000
Clean Air (#14)	>\$150,000	>\$150,000	>\$150,000	>\$150,000	>\$150,000
Clean Water (#7)	>\$150,000	>\$150,000	>\$150,000	>\$150,000	>\$150,000
Cargo Preference (#4)			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
Fly America (#1)	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
Davis-Bacon (#16)				>\$2,000 (including ferry vessels)	
Copeland Anti-Kickback Act (#16)				Section 1: All Section 2: >\$2,000 (including ferry vessels)	
Contract Work Hours and Safety Standards Act (#17)		>\$150,000	>\$150,000	>\$150,000 (including ferry vessels)	
Bonding (not required of states) (#13)				>\$150,000 (including ferry vessels)	



CLAUSE	TYPE OF PROCUREMENT				
	Professional Services/A&E	Operations/ Management	Rolling Stock Purchase/ Refurbs	Construction	Materials and Supplies
Seismic Safety (#5)	A&E for new buildings and additions			New buildings and additions	
Transit Employee Protective Arrangements (#27)		Transit operations funded with Section 5307, 5309, 5311 or 5316 funds			
Charter Bus Service Operations (#3)		All			
School Bus Operations (#3)		All			
Drug and Alcohol Testing (#31)		Transit operations funded with Section 5307, 5309, 5311 or 5316 funds			
Recycled Products (#15)		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

Federal Certifications Table

CERTIFICATIONS	TYPE OF PROCUREMENT				
	Professional Services/A&E	Operations/ Management	Rolling Stock Purchase/ Refurbs	Construction	Materials and Supplies
Certification Regarding Lobbying	>\$150,000	>\$150,000	>\$150,000	>\$150,000	>\$150,000
Certification Regarding Debarment and Suspension	>\$25,000	>\$25,000	>\$25,000	>\$25,000	>\$25,000
Certification Regarding Bus Testing (new buses only)			All		
Pre-Award Audit Certification (includes Rolling Stock Buy America, Purchaser's Requirements, and FMVSS)			All		
Construction Pre-Award Buy America Certification (Steel, Iron, Manufactured Products)				>\$150,000	>\$150,000
Post Delivery Audit Certification (includes Rolling Stock Buy America, Purchaser's Requirements, and FMVSS)			All (except Refurbs)		
On-Site Inspector's Report (if ordering more than 20 buses)			>\$150,000		
Transit Vehicle Manufacturer Certification (bus and accessible vehicle manufacturers)			All		



Sample Federal Certifications



CERTIFICATIONS AND RESTRICTIONS ON LOBBYING

Included in solicitation and returned by each Proposer (if applicable)

This form is to be submitted with an offer exceeding \$150,000.

The Proposer certifies, to the best its knowledge and belief, that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of a federal department or agency, a member of the U.S. Congress, an officer or employee of the U.S. Congress, or an employee of a member of the U.S. Congress in connection with the awarding of any federal Contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification thereof.

2. If any funds other than federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal Contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instruction, as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96).

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, USC § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

THE PROPOSER, _____, CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF EACH STATEMENT OF ITS CERTIFICATION AND DISCLOSURE, IF ANY. IN ADDITION, THE PROPOSER UNDERSTANDS AND AGREES THAT THE PROVISIONS OF 31 USC §§ 3801 ET SEQ. APPLY TO THIS CERTIFICATION AND DISCLOSURE, IF ANY.

Name of the bidder or Proposer's authorized official:

Title:

e

Date

_____ Signatur

Per paragraph 2 of the included form Lobbying Certification, add Standard Form-LLL, "Disclosure Form to Report Lobbying," if applicable.

DEBARMENT AND SUSPENSION CERTIFICATION

Included in solicitation and returned by each Proposer

Choose one alternative:

- The Proposer, **[insert name]**, certifies to the best of its knowledge and belief that it and its principals:
1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
 2. Have not within a three-year period preceding this Proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or Contract under a public transaction; violation of federal or state antitrust statutes or commission or embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in Paragraph 2 of this certification; and
 4. Have not within a three-year period preceding this Proposal had one or more public transactions (federal, state or local) terminated for cause or default.

OR

- The Proposer is unable to certify to all of the statements in this certification, and attaches its explanation to this certification. (In explanation, certify to those statements that can be certified to and explain those that cannot.)

The Proposer certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provisions of Title 31 USC § Sections 3801 are applicable thereto.

Executed in [insert city and state].

Name:

Authorized signature

Date



BUS TESTING CERTIFICATION (Buses Only)

Included in solicitation and returned by each Proposer (if applicable)

The undersigned bidder [Contractor/Manufacturer] certifies that the vehicle model or vehicle models offered in this bid submission complies with 49 CFR Part 665.

A copy of the test report (for each bid ITEM) prepared by the Federal Transit Administration's (FTA) Altoona, Pennsylvania Bus Testing Center is attached to this certification and is a true and correct copy of the test report as prepared by the facility.

The undersigned understands that misrepresenting the testing status of a vehicle acquired with Federal financial assistance may subject the undersigned to civil penalties as outlined in the U.S. Department of Transportation's regulation on Program Fraud Civil Remedies, 49 CFR Part 31. In addition, the undersigned understands that FTA may suspend or debar a manufacturer under the procedures in 49 CFR Part 29.

Name of Bidder/Company Name _____

Type of print name _____

Signature of authorized representative _____

Date of Signature ____ / ____ / ____



DISADVANTAGED BUSINESS ENTERPRISE TVM CERTIFICATION

Included in solicitation and returned by each Proposer (if applicable)

The Proposer, if a Transit Vehicle Manufacturer (TVM), hereby certifies that it has complied with the requirements of 49 CFR, Section 26.49 by submitting an annual DBE / WBE goal to the Federal Transit Administration (FTA). The goal has either been approved or not approved by FTA.

The Proposer, if a Dealer or non-manufacturer supplier, hereby certifies that the manufacturer of the transit vehicle to be supplied has complied with the above referenced requirement of 49 CFR Section 26.49 and that I am duly authorized by said manufacturer to make this certification.

Proposer / Manufacturer

Name of Manufacturer / Proposer

Authorized Signature of Representative

Date



Federal Motor Vehicle Safety Standard (FMVSS) Certification

Included in solicitation and returned by each Proposer (if applicable)

The Proposer hereby certifies that it shall comply with the safety related FMVSS requirements.

The Proposer and (if selected) Contractor shall submit (1) manufacturer's FMVSS self-certification sticker information that the vehicle complies with relevant FMVSS or (2) manufacturer's certified statement that the contracted vehicles will not be subject to FMVSS regulations.

Company name:

Name of signer:

Title:

Authorized Signature

Date



Buy America Certification

Included in solicitation and returned by each Proposer (if applicable)

Certificate of Compliance

The Proposer hereby certifies that it will comply with the requirements of 49 USC Section 5323(j)(2)(C), Section 165(b)(3) of the Surface Transportation Assistance Act of 1982, as amended, and the regulations of 49 CFR 661.11:

Name and title:

Company:

Authorized signature

Date

Certificate of Non-Compliance

The Proposer hereby certifies that it cannot comply with the requirements of 49 USC Section 5323(j)(2)(C) and Section 165(b)(3) of the Surface Transportation Assistance Act of 1982, as amended, but may qualify for an exception to the requirements consistent with 49 USC Sections 5323(j)(2)(B) or (j)(2)(D), Sections 165(b)(2) or (b)(4) of the Surface Transportation Assistance Act, as amended, and regulations in 49 CFR 661.7.

Name and title:

Company:

Authorized signature

Date



Grant Partner Buy America Certification

Self-certified by Grant Partner prior to award, and then again upon delivery of product (if applicable)

Certificate of Compliance

As required by Title 49 of the CFR, Part 663 – Subpart B, the FTA funds recipient (the Grant Partner) is satisfied that the vehicles to be purchased from the manufacturer meet the requirements of Section 165(b)(3) of the Surface Transportation Assistance Act of 1982, as amended. The Grant Partner has reviewed documentation provided by the manufacturer, which lists (1) the proposed component and subcomponent parts of the buses identified by manufacturer, country of origin, and cost; and (2) the proposed location of the final assembly point for the buses, including a description of the activities that will take place at the final assembly point and the cost of final assembly.

Name and title:

Grant Partner:

Authorized signature

Date

Certificate of Non-Compliance

As required by Title 49 of the CFR, Part 663 – Subpart B, the FTA funds recipient (the Grant Partner) certifies that there is a letter from FTA that grants a waiver to the buses to be purchased from the Buy America requirements under Section 165(b)(1), (b)(2), or (b)(4) of the Surface Transportation Assistance Act of 1982, as amended.

Name and title:

Grant Partner:

Authorized signature

Date



Grant Partner Purchaser's Requirements Certification

Self-certified by Grant Partner prior to award, and then again upon delivery (if applicable)

As required by Title 49 of the CFR, Part 663 – Subpart B, the Grant Partner certifies that the vehicles to be purchased are the same product described in the solicitation specification and that the proposed manufacturer is a responsible manufacturer with the capability to produce a vehicle that meets the specifications.

Date _____

Signature _____

Agency Name _____

Title _____

Project Description _____



Grant Partner Federal Motor Vehicle Safety Standards

Self-certified by Grant Partner prior to award, and then again upon delivery (if applicable)

Check one option below:

- As required by Title 49 of the CFR, Part 663 – Subpart D, the Grant Partner certifies that it received, at the post-award stage, a copy of the manufacturer self-certification information stating that the buses will comply with the relevant Federal Motor Vehicle Safety Standards issued by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Part 571.
- As required by Title 49 of the CFR, Part 663 – Subpart D, the Grant Partner certifies that it received at the post-award stage, a statement from the manufacturer indicating that the buses will not be subject to the Federal Motor Vehicle Safety Standards issued by the National Highway Traffic Safety Administration in Title 49 Code of Federal Regulations, Part 571.

Date _____

Signature _____

Agency Name _____

Title _____

Project Description _____



Section 4: CDOT Forms



CDOT Procurement Concurrence Request (PCR) Form

Overview

Grant Partners must prepare this form and submit it for approval prior to advertising for goods or services that will be purchased with federal/state funding.

General Information									
Grant Partner	CDOT Purchase Order #: _____ Funding Source: _____ Funding Year: _____								
Procurement Description									
Procurement Title									
Detailed Description of Goods or Services									
Method of Procurement (check one): <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; padding: 5px;"><input type="checkbox"/> CDOT Price Agreement</td> <td style="width: 50%; padding: 5px;"><input type="checkbox"/> Invitation for Bid/Request for Proposal (>\$150,000)</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> State of Colorado Price Agreement</td> <td style="padding: 5px;"><input type="checkbox"/> Piggyback</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> Joint Procurement</td> <td style="padding: 5px;"><input type="checkbox"/> Qualification Based</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> Documented Quote (\$3,000 - \$150,000)</td> <td style="padding: 5px;"><input type="checkbox"/> Sole Source</td> </tr> </table>		<input type="checkbox"/> CDOT Price Agreement	<input type="checkbox"/> Invitation for Bid/Request for Proposal (>\$150,000)	<input type="checkbox"/> State of Colorado Price Agreement	<input type="checkbox"/> Piggyback	<input type="checkbox"/> Joint Procurement	<input type="checkbox"/> Qualification Based	<input type="checkbox"/> Documented Quote (\$3,000 - \$150,000)	<input type="checkbox"/> Sole Source
<input type="checkbox"/> CDOT Price Agreement	<input type="checkbox"/> Invitation for Bid/Request for Proposal (>\$150,000)								
<input type="checkbox"/> State of Colorado Price Agreement	<input type="checkbox"/> Piggyback								
<input type="checkbox"/> Joint Procurement	<input type="checkbox"/> Qualification Based								
<input type="checkbox"/> Documented Quote (\$3,000 - \$150,000)	<input type="checkbox"/> Sole Source								
Rationale for choosing this method of procurement (e.g., convenience, cost):									
Grant Partner Acknowledgement									
Submitted by: (Print Name)									
Signature & Date									

This purchase is hereby authorized by CDOT

CDOT Grant Coordinator Signature: _____

Print Name: _____

Date: _____



CDOT Purchase Authorization (PA) Form

Overview

Grant Partners 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.

General Information		
Grant Partner	CDOT Purchase Order #: _____ Funding Source: _____ Funding Year: _____	
Procurement Description		
Procurement Title		
Detailed Description of Goods or Services		
Vendor	Total Cost of Goods or Services	Federal/State Share of Goods or Services
Grant Partner Acknowledgement		
Submitted by: (Print Name)		
Signature & Date		

This purchase is hereby authorized by CDOT

CDOT Grant Coordinator Signature: _____

Print Name: _____

Date: _____



CDOT Notice of Acceptance (NA) Form

Overview

Grant Partners must complete this form at the time the vendor delivers the vehicle. The Grant Partner is responsible for inspecting the vehicle at the time of delivery to ensure that it has not deficiencies and functions properly. To assist you in your inspection, CDOT has provided an inspection checklist (see next page). **You are under no obligation to accept the vehicle until you are satisfied with its condition.** Often, it is easier to arrange for deficiency repairs before you officially accept the vehicle from the manufacturer/dealer.

Procurement Title		
Grant Partner		
CDOT Purchase Order Number	Funding Source	Funding Year

- We hereby accept this project property as delivered. The Grant Partner agrees that the Colorado Department of Transportation (CDOT) will be billed by the Grant Partner within five (5) working days for reimbursement of the State or Federal Share and further agrees that it will pay the State or Federal Share to the Vendor within five (5) working days of receipt of reimbursement from CDOT. The Grant Partner acknowledges it may be liable for interest charges if the State or Federal Share is not reimbursed to the Vendor within 30 calendar days of acceptance of the Project Property.

Feedback to CDOT: Please note any deficiencies, corrective actions or any other challenges you experienced in accepting this vehicle:

This form completed by:

Print Name, Title: _____

Signature: _____

Date: _____

CDOT NA Form (continued)

Vehicle Inspection Checklist

Fluid Levels

- Engine Oil
- Brake Fluid
- Power Steering Fluid
- Radiator Fluid
- Transmission Fluid
- Windshield Washer Fluid

Interior

- Air Conditioning (Front)
- Air Conditioning (Rear)
- Heating (Front)
- Heating (Rear)
- Seatbelt (Driver)
- Seatbelts (Passengers)
- Driver's Seat
- Folding Seats # _____
- Wheelchair Restraint Mounts
- Wheelchair Securement System
- Wheelchair Lift
- Interior Lighting
- Emergency Exit Windows
- Roof Hatch
- Instrument Panel Gauges
- Cruise Control
- Horn
- Mirrors
- Lockable Storage
- OEM Stereo
- Driver's Console Switches

Safety/Maintenance

- Fire Extinguisher (Mounted)
- Triangle Reflector Kit (3 triangles)
- 16 Unit First Aid Kit (Mounted)
- Body Fluid Cleaning Kit (Mounted)
- Fire Blanket

- Flashlight
- Seat Belt Cutter
- Chock Blocks (2)
- Spare Tire (Mounted)
- Tire Jack and Lug wrench
- Current Maintenance Manual
- Standard Operating Manual

Exterior

- Entry Door
- Wheelchair Lift Door
- Emergency Exit Door
- Rear Towing Hooks
- Curbside dual batteries
- Battery compartment door
- Headlights
- Turn Signals
- Clearance/Marker Lights
- License Plate Light
- Tailpipe to Streetside
- Tires (Type ordered)
- Adequate tire pressure
- Front Bumper
- Rear Bumper
- Body Paint Color (As ordered)

Road Test

- Suspension/Ride
- Power Brakes
- Power Steering
- Wheel Alignment
- Interior Noise
- Exterior Noise



CDOT Security Agreement (SA) Form

Overview

This Security Agreement is made for the purpose of securing the State or Federal interest in transit vehicles or other capital purchases purchased with State or Federal grant funds awarded by the Colorado Department of Transportation (CDOT) to the Grant Partner (Transit Agency). This form must be taken to your county DMV when you register and title the vehicle.

Lien

In order to ensure proper use of grant funded 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. Once the vehicle has met its useful life, the lien may be removed.

Vehicle Description		
Year Model	Make/Model of Vehicle	VIN
<p>Date Acquired Vehicle: _____</p> <p>Total Vehicle Cost: \$ _____</p> <p>Amount of Lien (amount of Federal or State grant used to purchase vehicle): \$ _____</p> <p style="text-align: center;">**Lien expires once the vehicle reaches its Useful Minimum Life, as defined by CDOT**</p> <p>Funding Contributors and Percentage of Total Cost Contributed:</p> <p>FTA: _____% Program (e.g., 5310, 5311): _____ Local: _____%</p> <p>State: _____%</p>		
Name and Address of Lien Holder (CDOT)		
<p>Lien Holder's Name <i>The Colorado Department of Transportation, Division of Transit and Rail</i></p>		
<p>Lien Holder's Address <i>Division of Transit and Rail 4201 East Arkansas Avenue, Shumate Building Denver, CO 80222</i></p>		
Vehicle Owner's Name, Address, and Signature (Transit Agency)		
Agency Name		
Agency Address		
Authorized Signature & Date		

Section 5: Sample Documents

Exhibit 1: Sample Procurement Standards

It is important that all Grant Partners have procurement policies and procedures in place prior to conducting a procurement, especially those using federal funds. Below you will find sample standards.

The FTA procurement system assessment examines a Grant Partner's written policies, procedures, forms, and/or any other written directives that determine its procurement system management and function. In order to meet the mandatory standards of the FTA Circular 4220.1F, a Grant Partner's policies and procedures must direct its employees to perform all procurements in a manner compatible with the federal standard. That is not to say that its policies and procedures must contain the exact words of the FTA Circular. They must, however, achieve the same standard or purpose.

Below you will find sample procurement standards for agencies to include in their procurement policies. Remember, this is just a sample and all procurements using federal funds must comply with all federal regulations.

Sources: Federal Title 49 – Part 18 Subpart C, Section 18.36 Procurement & State of Colorado Procurement Code and Rules

Developed by: CDOT Procurement Office, (303) 757-9236

1. Maintain a contract administration system which ensures that contractors perform in accordance with the terms, conditions, and specifications of the contract or purchase order.
2. Maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. (Refer to State of Colorado Code of Ethics if needed).
3. Maintain procedures that provide for the review of proposed procurements to avoid purchase of unnecessary or duplicative items.
 - a. Enter into state or local intergovernmental agreements for procurement use of common goods and services.
 - b. Use surplus property and equipment (federal and/or state) whenever such use is feasible and reduces project cost.
4. Use value-engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions.
5. Make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement.

Consideration shall be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

6. Maintain records sufficient to detail the significant history of the procurement
 - a. Rationale for the method of procurement
 - b. Selection of contract type
 - c. Contractor selection or rejection
 - d. Basis for the contract price
 - e. Other
7. Maintain protest procedures to handle and resolve disputes relating to procurements
8. All procurement transactions shall be conducted in a manner providing full and open competition.
9. Maintain written selection procedures for procurement transactions.
10. Ensure that all pre-qualified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition.
11. Method procurements to be followed:
 - a. Micro-purchases - \$3,000 or less. Purchases below \$3,000 may be made without obtaining competitive quotations and are exempt from Buy America requirements. There should be equitable distribution among qualified suppliers and no splitting of procurements to avoid competition. Documentation must show that the price is fair and reasonable and this determination was derived. Note: the Davis-Bacon Act applies to construction contracts of \$2,000 or more.
 - b. Small Purchase - \$3,001 – \$149,999. These require relatively simple and informal procurement methods for securing services, supplies or other property that do not cost more than \$150,000. If small purchase products are used, price or rate quotation shall be obtained from at least three sources. Quotations will be in writing if for goods in excess of \$10,000 and if for services in excess of \$25,000.
 - c. Formal Sealed Bids - \$150,000 or more. Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. This method is preferred for procuring construction. If this method is used the following requirements apply:
 - i. Must be publicly advertised.
 - ii. Must give at least 4 days for bidders to respond.
 - iii. Must include any specifications and pertinent attachments to all bidders to respond properly.

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- iv. All bids will be publicly opened at the time and place prescribed in the invitation for bid.
 - v. A firm fixed-price contract award will be made in writing to the lowest responsive and responsible bidder.
 - vi. Any or all bids may be rejected if there is a sound documented reason.
- d. Competitive Proposals. Generally used when conditions are not appropriate for the use of sealed bids. If this method is used the following requirements apply:
- i. Request for proposals will be publicized.
 - ii. Identify all evaluation factors and their relative importance.
 - iii. Proposals will be solicited from an adequate number of qualified sources.
 - iv. Have a method for conducting technical evaluation of the proposals received and for selecting awardees.
 - v. Awards will be made to the responsible firm whose proposal is most advantageous to the program, with the price and other factors considered.
 - vi. May be used for qualifications-based procurement of architectural and engineering (A&E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected. Note – the method, where price is not used as a selection factor, can only be used in procurement of A&E professional services. It cannot be used to purchase other types of services through A&E firms.
- e. Noncompetitive Proposals. This method may only be used when the award of a contract is infeasible under the other three methods and the following circumstances apply:
- i. The item is available only from a single source.
 - ii. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
 - iii. The awarding agency authorizes noncompetitive proposals.
 - iv. After solicitation of a number of sources, competition is determined inadequate.
12. Small, Minority, and Women owned business enterprises and labor surplus area firms. Take affirmative steps to assure that minority and women business enterprises and labor surplus area firms are used when possible.
- a. Placing qualified firms on solicitation lists.
 - b. Assuring that firms are solicited whenever they are potential sources.
 - c. Dividing total quantities to permit maximum participation.

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- d. Establishing delivery schedules, where the requirement permits, which encourages participation by Small, Minority and Women owned firms.
 - e. Using the services of the Small Business Administration, Minority Business Development Agency of the Department of Commerce, and/or other agencies that qualify disadvantaged business enterprises.
13. Bonding Requirements – For construction or facility improvement contracts of subcontracts exceeding \$100,000.



Exhibit 2: Sample Independent Cost Estimate Form (ICE)

With every procurement action, Grant Partners must make and document independent estimates before receiving bids and proposals. This can be accomplished by obtaining estimates from published price lists or catalogs, engineering or technical estimates, independent third-party estimates, or past pricing, if still relevant.

If any outside party assists in developing the ICE, appropriate steps must be taken to ensure that organizational conflicts of interest are avoided and that the outside party does not obtain any competitive advantage from advance knowledge of the cost estimate. For contracts that include optional extensions or other contract modifications, and ICE must be completed before the option or modification can be executed.

Procurement Title	
Grant Partner	
CDOT Purchase Order Number	
Funding Source	
Funding Year	
Submitted by: (Print name)	
Signature	
Date	

The attached documentation is an independent cost estimate achieved by (check at least one):

- Published price list (catalog or internet search)
- Previous CDOT purchase (within ___ months). Use appropriate inflation measures to arrive at a current estimate
- Other agency purchase/contract
- State contract
- Vendor quote
- Other _____

Exhibit 3: Sample Documented Quote

(This is meant as a guide to creating your own Documented Quote—amend as you see fit)

May 1, 20XX

Dear Vendor:

[GRANT PARTNER] is soliciting sealed quotations for the acquisition of a 4000 pound reach Forklift. The equipment desired is detailed in Attachment A – Technical Specifications.

Responses to this solicitation are due **Friday, May 15, 20XX**, by not later than **2:00 p.m.** (MT) and should be emailed to _____. Quotations must be submitted with Attachment B – Quotation Submission Form. Failure to clearly denote your submission may result in late discovery of your quote, which will result in your being disqualified from evaluation.

Please remember, to be considered, quotes must be emailed on or before the date and time specified. [GRANT PARTNER] will not be responsible for late or lost deliveries of submittals, nor will it be held responsible for information technology (IT) issues which result in delaying submittals. [GRANT PARTNER] shall not be responsible for submittals delayed by non-responsive IT systems; failure of e-mailed submittals to pass through spam or other security screens; or rejection of PDF documents that exceed [GRANT PARTNER]'s system's size limitations for attachments, which are subject to change.

The successful Vendor will be required to execute a Purchase Order with [GRANT PARTNER]. This solicitation does not commit [GRANT PARTNER] to award a contract, or pay any cost incurred in preparation of quotations, or to produce or contract for the solicited services.

As this is a formal solicitation process, please limit your communication to [GRANT PARTNER]'s Procurement Staff. Please do not hesitate to contact me at 970-XXX-XXXX or _____ with any questions concerning this solicitation.

Sincerely,

Procurement Specialist

Attachments: A – Technical Specifications
B – Proposal Submission Form
C – Federal Clauses and Certifications

Exhibit 4: Sample Award Memo to CDOT

MEMORANDUM

TO: Colorado Department of Transportation
FROM: [GRANT PARTNER]
DATE: May 11, 20XX
REASON: Award memo for bus purchase (PO XXXXX)

[GRANT PARTNER] has selected ABC Corporation as the successful bidder for the purchase of one Diesel/Electric Hybrid, Heavy Duty, Transit bus.

The solicitation was advertised for two month on the agency's website.

Two companies responded to the RFP issued by [GRANT PARTNER]. One proposal was submitted by Mobile Energy Solutions, LLC of Golden, Colorado. This proposal was unable to meet the required Federal Regulations so the bid was dismissed. The other proposal was submitted by ABC Corporation of Denver, Colorado. This proposal met all the requirements and specifications of the RFP and was considered responsible.

The ABC Corporation was not only the only bidder to submit a proposal that met with the requirements and specifications of the RFP, they also have a history of providing quality equipment, service and parts to [GRANT PARTNER]. [GRANT PARTNER] currently owns 12 vehicles manufactured by ABC Corporation and is pleased with the longevity and reliability of these vehicles and feels confident in the future vehicles provided by this company.

[GRANT PARTNER] conducted a price analysis and compared ABC Corporation's proposal pricing with our Independent Cost Estimate and to the pricing offered by the other bidder. Based on this, the price seems reasonable.

A search of www.sam.gov demonstrated that the company is not debarred or suspended from participating in federally funded contracts.

The proposed vendor has completed all appropriate certifications, including the Buy America certification.

All records involving the [GRANT PARTNER]'S Diesel/Electric RFP and bid process are available for review at our Transit Facility.



Exhibit 5: Piggyback Worksheet

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.

To determine if a situation exists where you may be able to participate in the piggybacking 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 FTA Clauses and Certifications section in this document.		
4. Does the contract contain the clauses required by Federal regulations? See FTA Clauses and Certifications section in this document.		
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. Does the contract term comply with the five-year term limit established by FTA?		
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.		



Revision Date	Revisions Made
11/23/2015	Initial Document Issued