

PROCUREMENT PROCEDURES

Federal Transit Administration Programs



Local Transportation Bureau — Transit Section

Website: <https://altrans.org/>

Release Date: July 2022
Revision 1: January 2023
Revision 2: April 2024
Revision 3: August 2024
Revision 4: September 2024
Revision 5: July 2025

Accessible Formats

This document is available in accessible formats upon request. Paper copies of this document, as well as information regarding accessible formats, may be obtained by contacting the Alabama Department of Transportation's Local Transportation Bureau, Transit Section, at:

Alabama Department of Transportation

Local Transportation Bureau, Transit Section

1409 Coliseum Boulevard

Montgomery, AL 36110

Phone: (334) 242-6770 / Fax: (334) 353-6530

I. Introduction

The Alabama Department of Transportation (ALDOT) oversees procurement procedures for Federal and State public transportation grant funds. This includes rolling stock and ferries, equipment, real property, and other goods and services. This oversight, along with the management of the statewide transit program, is conducted by the Transit Section within the Local Transportation Bureau.

This document was developed to establish a decentralized method of overseeing and monitoring the transit procurement activities of both ALDOT and its subrecipient transit agencies. In this role, ALDOT does not attempt to substitute its judgment for that of the transit agency in any decision-making that occurs in the procurement process. Instead, ALDOT's role is to confirm that the agency's procurement actions are internally supported by the agency's own written procedures and that they are in full compliance with State and Federal laws. This document is intended to provide guidance on standard processes for procurement using transit funding; however, agencies should seek specific guidance from the ALDOT Transit Section for specific procurement questions.

As the designated recipient for Federal Transit Administration (FTA) 5310, 5311, and 5339 funding in Alabama, ALDOT is required to maintain compliance with Federal rules and regulations that govern public transportation. In maintaining compliance, ALDOT must ensure compliance by their subrecipients. This document provides the standard for compliance for procurement. Any serious compliance issues will be discussed with the ALDOT Procurement Office, located in the Equipment Bureau, and the ALDOT Legal Counsel.

II. Funding Programs Included in the Procurement Procedures

ALDOT administers the following public transportation programs on behalf of the Federal government (more detail on each of these programs is available in the ALDOT State Management Plan (SMP)):

- 49 USC 5310 Program: This program provides transportation services which meet the special needs of elderly persons and persons with disabilities. All programming associated with the 5310 program must be related to the outcomes identified in a Coordinated Human Services Transportation Plan.
- 49 USC 5311 Program: This program provides transportation services to the general public in nonurbanized areas.
- 49 USC 5311(c)(2) Appalachian Development Public Transportation Assistance Formula Program: This program provides specific public transportation assistance to areas in the Appalachian region of Alabama, using the same eligibility as the 5311 program.
- 49 USC 5311(f) Intercity Bus Program: This program supports intercity bus transportation.
- 49 USC 5339 Program: This program provides funding to States to allocate for capital projects.
- Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES Act): This program provided one-time funding to State DOTs to administer to their subrecipients. ALDOT is administering the program by awarding operating assistance and capital projects to subrecipients through a competitive grant program.
- Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA): Like the CARES Act, CRRSAA provides one-time funding to State DOTs to administer 100% Federal share assistance, with the focus on supporting payroll and operational needs.
- American Rescue Plan of 2021 (ARP): This one-time funding was allocated to State DOTs and direct recipients through the formula programs (5310 and 5311) and has a discretionary program for additional funding needed for daily operating activities.

III. Authorization and Administrative Standards

A. Introduction

ALDOT is responsible for seeing that all Federal procurement requirements are followed both internally and by its subrecipients when using Federal funds. To show proof of a standardized process for procurements using FTA funding, ALDOT and its subrecipients must adopt and use their own procurement procedures (that reflect applicable Federal, State, and local laws and regulations). ALDOT must have written Procurement Procedures as a condition of self-certification. ALDOT and its subrecipients must have written Procurement Procedures as a condition of receiving Federal pass-through funding from ALDOT.

ALDOT's Procurement Procedures must be sufficient to confirm that all the information FTA requires for project administration is entered into the FTA's Transit Award Management System (TrAMS), so that it is readily available to FTA as needed.

ALDOT and its subrecipients must establish adequate written Procurement Procedures before any solicitation takes place. The procurements must conform to applicable Federal law, including the requirements and standards identified in Circular 4220.1 (series). Additionally, because ALDOT is a state agency, the written Procurement Procedures and the solicitations that take place must conform to Alabama procurement law, when consistent with Federal law. Projects that include FTA funds must follow Federal procurement rules. If the funding passes through ALDOT, State procurement rules must be followed unless no State funds are used or unless those rules conflict with FTA to the extent that the FTA rules cannot be followed. However, Federal laws related to location preference in purchasing decisions and American made equipment must be followed to comply with the Federal aid rules.

Transit agencies are required to have processes in place to confirm that procurement activities promote free and open competition. These standards, policies, and procedures must be adopted by the subrecipient's governing board. In addition, each ALDOT subrecipient must have signatory authority for FTA grants in its authority resolution.

B. Standards

ALDOT requires that subrecipient policies and procedures consist of the following standards:

- Procurement procedures that reflect applicable Federal, State, and local laws and regulations
- Contract agreement administration that confirms contractor performance in accordance with terms, conditions, and specifications of the agreements or purchase orders
- Written code of standards of conduct for staff, board members, and immediate family members with penalties
- Review procedures that avoid purchase of unnecessary or duplicative items
- Written procurement selection procedures
- Encouragement of intergovernmental agreements, Federal excess and surplus property, and value engineering wherever possible
- Cost or price analysis for procurement actions
- Written procurement history record
- Written procedures to handle and resolve protests
- Rolling stock/replacement parts procurements that do not exceed five (5) years, inclusive of options

IV. Methods of Procurement

A. Introduction

When considering the type of procurement necessary for a product or service, there are some elements of the purchase that will assist in identifying the type of procurement to use:

- Total cost of the procurement: Requirements related to advertisement and submission are often based on the estimated cost of the procurement.

- Type of product or service being procured: Procurements for a professional service (such as architectural plans), construction of a transit facility, a prefabricated bus shelter, a small order of T-shirts, a medium-duty vehicle, and office cleaning services all have specific elements that shape the solicitation.
- Type of funding used: Projects that include FTA funds must follow Federal procurement rules. If the funding passes through ALDOT, State procurement rules must be followed unless no State funds are used or unless those rules conflict with FTA to the extent that the FTA rules cannot be followed. If there are specific matching funds that are used that have procurement stipulations, those requirements must also be considered. Finally, the processes and requirements of the subrecipient agency must be followed.

B. Procurements by Cost

When purchasing products or non-professional services, the essential factor in determining how to solicit for these projects properly is based on price. The first step in this process is getting an Independent Cost Estimate (ICE). The independent cost estimate is a tool to assist in determining the reasonableness or unreasonableness of the bid or proposal being evaluated and is required for projects that are presumed to have a higher total cost than the micro-purchase threshold. Agencies should obtain an ICE prior to receiving bids or proposals. Examples of methods for obtaining an ICE are from a like-kind vendor, another public agency, or a catalog showing the product. The ICE must document the date of the estimate and the individual who developed it. The ICE must be retained in the procurement file. An ICE received from a vendor will eliminate that vendor from participating in that procurement. An ICE template is included as Exhibit 1.

In addition to an ICE, a Cost and/or Price Analysis is required for all procurements over \$10,000, based on Local Transportation Bureau requirements. This process is conducted after receiving quotes and/or competitive bids have been received. Using the ICE, the agency should conduct a Price and/or Cost Analysis that includes the review of specific budget items to determine if the product is consistent with prices offered by other vendors. A Cost Analysis is used in a situation when a price analysis cannot be used. This includes the procurement of professional services. In a Cost Analysis, the agency reviews proposed costs and uses judgement to determine how well the proposal represents the true cost to do the project. A sample price analysis is included as Exhibit 2, and a cost analysis template is included as Exhibit 3.

Project costs must conform to applicable Federal cost principles set forth in the Federal Acquisition Regulation (FAR), 48 CFR part 31 for allowable costs. In general, costs must be necessary and reasonable, allocable to the project, and either authorized or not prohibited by Federal law or regulation. Change order costs must also comply with Federal cost principles.

Agencies must maintain documentation on the award of projects. This includes:

- An ICE completed prior to solicitation
- A cost and price analysis (if required)
- Contractor selection decision
- Rationale for the selected contractor

1. Micro-Purchases (\$10,000 or less)

Although micro-purchases may be made without obtaining competitive quotations, the subrecipient must document in the procurement file how the price was identified as fair and reasonable. Methods for determining a reasonable price include: recent subrecipient purchases, prices published by vendors in catalogs, and prices offered by local stores. The subrecipient cannot divide or reduce the size of its procurement to come within the micro-purchase limit.

Micro-purchases are exempt from FTA's Buy America requirements. Davis-Bacon prevailing wage requirements will apply for construction agreements exceeding \$2,000.

2. Small Purchases (more than \$10,000 and less than \$75,000)

Small purchase procedures require an ICE price or rate quotation from at least two qualified sources and a Price and/or Cost Analysis. ALDOT reviews all solicitation documents to confirm that procurements exceeding micro-purchase thresholds are properly federalized. Prior ALDOT approval is required for all procurements exceeding micro-purchase thresholds. The solicitations and quotations may be either oral or written and must be documented.

Each solicitation must contain the current list of FTA clauses. The most recent list was provided by FTA in September 2023. The clause matrix provided by ProcurementPro should be used to verify all required provisions. A checklist (Exhibit 4) should be completed to verify that all clauses are included in each solicitation.

3. Sealed Bids / Invitation for Bid (IFB) (over \$75,000)

A procurement of over \$75,000 requires an ICE and that the subrecipient receive responses in the form of Sealed Bids. A Sealed Bid includes all paperwork associated with the cost estimate in a sealed envelope or box. If mailed, this sealed envelope or box should be inside another envelope or box so that the seal is not broken prior to the bid opening.

In a Sealed Bid process, the project is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is lowest in price. Sealed Bids are appropriate for acquiring property, construction, and other services. Sealed Bid procurements should be used when a complete, adequate, precise, and realistic specification or purchase description is available, and two or more responsible bidders are willing and able to compete effectively for the business.

Clear, Accurate, and Complete Specifications: ALDOT and its subrecipients must provide a clear, accurate, and complete description of the technical requirements for the material, product, or service to be procured. Complete and accurate specifications are required to confirm that all potential bidders are given equal knowledge of the requirements. The current FTA clauses must be included with each IFB.

Advertising: In accordance with Alabama State law and Federal requirements, invitations for bid must be posted publicly and advertised Statewide and/or Nationally. Each solicitation must be advertised at a minimum three (3) consecutive times.

Sufficient Time Allowed to Prepare Bid: ALDOT and its subrecipients must allow potential bidders sufficient time to prepare bids prior to the date set for the bid opening.

Bid Opening: All bids must be publicly opened at the time and place prescribed in the invitation for bids. Bids will remain sealed until bid opening to allow fairness in the competitive process.

Award to Responsible Contractors: ALDOT and its subrecipients can make FTA-assisted contract awards only to 'responsible' contractors possessing the ability, willingness, and integrity to perform successfully under the terms and conditions of the proposed procurement. Responsibility determination factors include whether the prospective contractor has:

- Appropriate financial, material, equipment, facility, and personnel resources and expertise necessary to indicate its capability to meet all contractual requirements
- Capability to comply with the required delivery schedule considering all their existing business commitments
- Satisfactory record of performance
- Satisfactory record of integrity and business ethics
- Legal qualifications to contract with ALDOT or its subrecipients

Firm Fixed Price and Selection on Price: Bidders will provide a firm fixed price which will be stated in the agreement; the selection of the successful bidder will be made principally based on price.

Rejecting Bids: Any or all bids may be rejected if there is a sound documented business reason. Reasons for possible bid rejection include lack of responsiveness to the solicitation and lack of responsibility of the bidder.

Concurrence and Approval by ALDOT: With all bids over \$75,000, ALDOT staff must review and approve the solicitation. After the opening of the Sealed Bids and selection by the subrecipient, the bids are then

sent to ALDOT for concurrence with the subrecipient's selection. After concurrence, the subrecipient may proceed with developing a contract agreement. ALDOT reviews the agreement between the subrecipient and the contractor to ensure that all required clauses and provisions are included. ALDOT exercises the right of Final Approval.

These agreements shall contain all provisions required by State and Federal law. Requirements flow down to all third-party contractors and their contract agreements at every tier.

Transit agencies must be prepared to monitor the successful contractor for compliance with these requirements. Additionally, the solicitation document and resulting agreement shall include 'performance measures' by which the transit agency can judge the contractor's fulfillment of the contract agreement requirements.

Termination for cause and termination for convenience provisions must be included in agreements exceeding \$10,000.

C. Competitive Proposals / Request for Proposals (RFP)

While many projects can be procured on price and submittal completion alone, there are some procurements that require other considerations. Competitive Proposals/RFPs allow ALDOT and its subrecipients to select based on a proposal and not on the low bid. Evaluation factors are identified and the relative importance that each has towards the award is clearly indicated.

For procurements over \$75,000, the request for proposals must be publicly advertised Statewide and/or nationally. Each solicitation must be advertised at a minimum three (3) consecutive times.

D. Sole Source

Sole source procurement (purchasing directly without competition) is not permissible unless there is only a single supplier or extenuating circumstances. According to 2 CFR 200.320, sole source procurement can only be used if at least one of the following circumstances apply:

- The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold.
- The item is available only from a single source.
- The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation.
- The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity.
- After solicitation of a number of sources, competition is determined inadequate.

When only one bid is submitted that meets the requirements of the procurement and is consistent with a price analysis, documentation of the process must be provided to ALDOT to allow a sole source contract agreement. This documentation includes:

- Proof of advertising to agencies that provide similar services
- Review of specifications to determine if there was undue restrictiveness
- Survey of potential bidders who chose not to bid

Regardless of the justification for proceeding with a sole source contract agreement, ALDOT subrecipients are required to obtain a proposal from the contractor and perform the requisite Cost Analysis to confirm the cost is fair and reasonable.

Sole Source if Other Award is Infeasible: When the ALDOT subrecipient requires supplies or services available from only one responsible source, and no other supplies or services will satisfy its requirements, the subrecipient may make a sole source award (with ALDOT pre-approval).

Sole Source Cost Analysis: A Cost Analysis is required when the offeror submits elements (labor hours, overhead, materials, etc.), when there is only a sole source available, or when an order is changed.

Exercise of Options May Be Sole Source: The option quantities or periods contained in the contractor's bid or offer are often evaluated to determine contract award. When options have not been evaluated as part of the award, the exercise of such options will be considered a sole source procurement.

Subrecipient Written Request and ALDOT Pre-Approval Required: The subrecipient shall prepare and submit the Sole Source Documentation Form (Exhibit 5) requesting a sole source procurement to the Transit Section program manager for review and concurrence.

Out of Scope Changes: An 'out of scope' or 'beyond scope' change is defined as a contract agreement change that is not within the scope of the original agreement. This type of change is considered a sole source procurement.

E. Emergency

Purchases of this nature can be made only if a condition is present that creates a threat to public health, welfare, financial crisis, or safety under emergency conditions. The Local Transportation Bureau shall make the determination.

Note: If there is an emergency after normal working hours, the highest-level employee who is directly involved in the emergency shall seek as much competition as is practical to alleviate the emergency. The Transit Section of the Local Transportation Bureau shall be contacted the next business day.

F. Revenue Agreements

Revenue agreements are agreements in which ALDOT or a subrecipient provides access to public transportation assets for the primary purpose of either producing revenue in connection with an activity related to public transportation or creating business opportunities with the use of FTA-assisted property. If there are several potential competitors for a limited opportunity (such as advertising space on the side of a bus), then the ALDOT subrecipient shall use a competitive process to permit interested parties an equal chance to obtain that limited opportunity.

G. Prequalification in Real Property and Other Solicitations

ALDOT may prequalify people, firms, or products for participation in procurements provided that:

- Lists of prequalified persons, firms, or products that are used in acquiring property, goods, and services are current
- Lists include enough qualified sources to allow maximum full and open competition
- Potential bidders or proposers are allowed to qualify during the solicitation period

H. Purchase Off Open Bids from Other Agencies (Assigned Contract Rights)

Assigned Contract Rights, often called 'piggybacking,' is a practice that allows an organization to acquire contract options through an open contract agreement from another organization. No piggybacking is allowed for projects using Federal funding.

I. Joint Procurements

Joint procurements occur when two or more grantees issue a single solicitation and enter a single agreement with a vendor for a specific number of units. Participants in a joint procurement share responsibility for the process and development of procurement materials. Each participant has the right to take part in the evaluation and selection of a vendor. All joint procurements must be approved by ALDOT.

J. State or Local Government Purchasing Schedules or Purchasing Agreements

FTA uses the term 'state or local government purchasing schedule' to mean an arrangement that a State or local government has established with several or many vendors in which those vendors agree to

provide an option to the State or local government, and its subordinate government entities, to acquire specific property or services in the future at established prices.

CAUTION: The term 'state or local government purchasing schedule' does not include intergovernmental purchasing schedules.

When obtaining property or services in this manner, ALDOT subrecipients must confirm that all Federal requirements, required clauses, and certifications (including Buy America) are properly followed and included, either in the master intergovernmental agreement or in the subrecipient's purchase document.

V. Specific Procurements

There are specific types of procurements that have processes that must be followed. This section will provide guidance on specific procurements and important process steps. Not following these steps, not seeking FTA consultation and approval, or not maintaining appropriate documentation could result in consequences from the FTA, including denial of requests for reimbursement of Federal funds.

A. Rolling Stock

As described in the State Management Plan, ALDOT orders all new vehicles for the subrecipients. The subrecipients are not allowed to purchase new vehicles directly with Sections 5310, 5311, and 5339 funds unless approved by ALDOT. A five (5) year limit for exercise of options applies to the purchase of buses or replacement parts.

B. Ferry Vessels

The FTA considers ferry vessels as rolling stock; therefore, all requirements for rolling stock must be met. Unlike rolling stock, ALDOT will not conduct cooperative purchasing for ferries and instead will support subrecipients in their purchase of ferries, both new and used. The subrecipient may use the following procurement methods for acquiring ferry vessels:

- **Solicitation of Bids:** An agency can follow the typical bid and proposal procedures for ferry vessels.
- **Joint Procurements:** A joint procurement includes a cooperative agreement between agencies for the procurement of common or shared goods.
- **Assigned Contract/Piggybacking:** Assigned contract rights are not allowed using Federal funding.

The special provisions for rolling stock apply to ferry vessels. These include:

- **Accessibility:** The equipment must comply with USDOT accessibility requirements.
- **Minimum Useful Life:** FTA established useful life standards should be met before a vessel can be retired or replaced.
- **Spare Ratios:** Vessel purchases using FTA funding should be limited to an amount that is consistent with what an agency needs in the near future.
- **Air Pollution and Fuel Economy:** Acquired ferries must have agreement provisions that ensure compliance with applicable Federal air pollution control and fuel economy regulations.
- **Buy America:** Recipients must ensure that the cost of components or subcomponents made in the United States meet the threshold requirement at a minimum of 70% domestic items.
- **Pre-Award and Post Delivery Reviews of Equipment:** FTA requires that all recipients review the vessel before contract agreement award (used vessels only) and following delivery (all vessels).

C. Real Property, Facilities, and Construction or Renovation of Facilities

Special requirements pertain to the purchase of real property. FTA Circular 5010.1 (series) covers the acquisition of real property. Unlike other assets, real property procured using Federal funding has useful

life in perpetuity, meaning that the Federal interest stays with the property forever. Sale of the property requires a repayment of the Federal interest.

Pre-Award Review: At no time will ALDOT fund the acquisition of land for transit facilities not provided for under the scope of an approved grant. All construction or real property acquisition-related activities over \$10,000 shall require pre-award review and approval by ALDOT before commencing work. No purchase of property should commence before written approval by ALDOT.

Prerequisites for Project Funding: To ensure eligibility for Federal funding, the subrecipient should follow the typical process sequence when acquiring real property for a project. ALDOT will submit the following documents to the FTA Region IV office for review and concurrence prior to funding commitment:

- National Environmental Policy Act (NEPA) Approval
- Equity Analysis
- Title Search
- Appraisal
- Appraisal Review
- Just Compensation Determination
- ALDOT Concurrence
- Offer to Owner
- Settlement

Site Selection Analysis: An environmental review is required for the purchase of property, new construction, or renovation of a building that is purchased. All proposed project sites must be evaluated and assessed to determine impact on wetlands, streams, high biotic potential, livable communities' considerations, and Federally protected threatened or endangered species and their habitats.

Environmental Factors: FTA must accept the documentation in support of a categorical exclusion, environmental assessment, or environmental impact statement before property can be purchased. Federal funds will not be made available for any facility purchase or construction until the environmental documents are reviewed and approved by FTA.

Environmental issues may need to be addressed if any of the following exist:

- Property is owned by the State or property is located on a national historic site
- Pre-existing environmental issues are present (e.g., if underground tanks and/or wetlands are present)

Appraisals: To establish the value of the property, FTA requires one appraisal and a review appraisal. FTA's prior approval is required when the transit agency's recommended offer of just compensation exceeds \$250,000, or when a property appraised at \$250,000 or more must be condemned.

Purchase and Titling: The ALDOT subrecipient, not its contractor, must be the recorded owner of real property purchased with funds provided by ALDOT. Transit agencies should use a titling company when purchasing real property in order to get a clean title and to ensure that ALDOT will have a valid lien against the property.

D. Procurement of Architectural and Engineering Services

A qualifications-based, competitive proposal procedure (i.e., Brooks Act procedures) must be used when procuring architectural and engineering (A&E) services. Services subject to this requirement are program management, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping, and related services that lead to construction.

Prior to selecting an architect or engineer, a 'Request for Qualifications' shall be prepared and submitted to ALDOT for review and approval. After approval by ALDOT, the Request for Qualifications shall be advertised in a publication with national circulation.

Price is Not an Evaluation Factor for A&E Services: In qualifications-based procurement procedures, an offeror's qualifications must be evaluated, and price must be excluded as an evaluation factor.

Serial Price Negotiations: Negotiations are first conducted with only the most qualified offeror. Only after failing to agree on a fair and reasonable price with the most qualified offeror may negotiations be conducted with the next most qualified offeror.

On-Call Agreements: A&E services must be procured using a qualifications-based process in accordance with the Brooks Act. ALDOT and its subrecipients may use on-call agreements for work that would be too expensive (administratively) to procure individually.

E. Procurement and Award for Construction Services

Construction services are often associated with the development of a transit facility. There are a few options for phasing design and construction services:

- **Design-Bid-Build:** An ALDOT subrecipient commissions an architect or engineer to prepare drawings and specifications under a design services agreement and separately contracts for construction through sealed bidding or competitive negotiations.
- **Design-Build:** An ALDOT subrecipient contracts for design and construction simultaneously with a contract award to a single contractor, consortium, joint venture, team, or partnership responsible for both the project's design and construction.

Payment Options for Construction:

- **Time and Materials Agreements:** Permitted only after determining that no other agreement type is suitable and if the agreement specifies a ceiling price that the contractor will not exceed except at its own risk.
- **Cost Plus a Percentage of Cost and Percentage of Construction Cost Agreements:** Prohibited by Federal law.

Bonding Requirements (Construction over \$250,000):

- **Bid Guarantee:** Each bidder is generally required to provide a bid guarantee equivalent to 5 percent of its bid price.
- **Performance Bond:** Contractors generally must obtain a performance bond for 100 percent of the agreement price.
- **Payment Bond:** Contractors generally must obtain a standard payment bond for 100 percent of the agreement price.

Additional Federal Provisions for Construction Agreements:

- **Seismic Safety:** Agreements for the construction of new buildings or improvements to existing buildings must include seismic safety provisions.
- **Equal Employment Opportunity:** All third-party construction agreements must include provisions ensuring compliance with Department of Labor Equal Opportunity provisions.
- **Prevailing Wages (Davis-Bacon Act):** Third-party construction agreements exceeding \$2,000 must include Davis-Bacon provisions.
- **Anti-Kickback:** Third-party construction agreements exceeding \$2,000 must include provisions consistent with the Copeland 'Anti-Kickback' Act.
- **Contract Work Hours and Construction Safety:** Agreements exceeding \$100,000 must include provisions for compliance with Contract Work Hours and Construction Safety.
- **Labor Neutrality:** Third-party construction agreements must include a project labor agreement (PLA).
- **Buy America:** Construction agreements must include provisions stating that steel, iron, and manufactured products used on the project will be produced in the United States.

- **Accessibility:** Construction agreements must include a provision that the project will be constructed in compliance with the Americans with Disabilities Act and Joint Access Board/DOT provisions.

VI. Ethics in the Procurement Process

Conflicts of Interest: ALDOT and its subrecipients must take appropriate steps to prevent or mitigate organizational conflicts of interest that would result in conflicting roles that might bias a contractor's judgment or would result in an unfair competitive advantage.

Analysis of Acquisitions: ALDOT and its subrecipients shall analyze each planned acquisition to identify and evaluate potential organizational conflicts of interest as early in the acquisition process as possible. An organizational conflict of interest occurs when any of the following circumstances arise:

- The contractor is unable, or potentially unable, to provide impartial and objective assistance or advice to the subrecipient due to other activities, relationships, contracts, or circumstances.
- The contractor has an unfair competitive advantage through obtaining access to nonpublic information during the performance of an earlier contract.
- During a previous procurement, the contractor has established the ground rules for future procurement by developing specifications, evaluation factors, or similar documents.

Employee Standards of Conduct: ALDOT employees are subject to the ALDOT standards of conduct and to requirements of the Alabama Ethics Commission. Standards must address the following:

- Preclude any employee, officer, agent, board member or his or her immediate family member, partner, or organization that employs or is about to employ any of the foregoing from participating in the election, award, or administration of an agreement supported with FTA assistance
- State that ALDOT and the subrecipient's officers, employees, agents, or board members may neither solicit nor accept gifts, gratuities, favors, or anything of monetary value (above nominal intrinsic value) from contractors, potential contractors, or parties to sub-agreements
- Provide for penalties, sanctions, or other disciplinary action for violation of such standards

VII. Federal Provisions

A. Simple Acquisition Threshold

The Office of Federal Financial Management increased the simplified acquisition threshold for third party payments to \$250,000. This new threshold applies to procurements funded by grants issued on or after June 20, 2018. The \$250,000 threshold will be adjusted periodically for inflation.

Disputes/Breach Clause: All agreements more than the Simplified Acquisition Threshold (\$250,000) shall contain administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms. ALDOT and its subrecipients will notify FTA of any disputes involving third party agreements with a value more than \$250,000.

B. Buy America

Buy America applies to the acquisition of steel, iron, and manufactured products. As described in the State Management Plan, ALDOT orders all new vehicles for its subrecipients. The subrecipients are not allowed to purchase new vehicles directly with Sections 5310, 5311, and 5339 funds unless approved by ALDOT.

The Federal Simplified Acquisition Threshold of \$250,000 does not apply for Buy America purposes since the small purchase amount is \$150,000 as stated in 49 U.S.C. 5323(j)(13).

C. Environmental and Energy Efficiency Preference

ALDOT and its subrecipients are required by FTA to have written procurement procedures that have a preference in procurement, to the extent practicable and economically feasible, for products and services that conserve natural resources, protect the environment, and are energy efficient. ALDOT subrecipients are also encouraged to have recycling programs for cardboard, mixed office paper, and other materials as appropriate.

D. Exercise of Options

An option is a unilateral right in an agreement by which, for a specified time, the purchaser may acquire additional equipment, supplies, or services. An option may also extend the term of the agreement. In accordance with FTA guidance, an option cannot be exercised unless it is determined that the option price is better than prices available at the time the option is exercised.

E. Geographical Preferences

ALDOT and its FTA-funded subrecipients are prohibited from specifying in-state or local geographical preferences or evaluating bids or proposals in light of in-state or local geographic preferences. However, there are exceptions:

- A&E Services: Geographic location may be a selection criterion if an appropriate number of qualified firms are eligible to compete for the agreement in view of the nature and size of the project.
- Licensing: Alabama can enforce its licensing requirements, provided that these requirements do not conflict with Federal law.

F. Procedures for the Most Efficient and Economic Purchase (Including Lease versus Purchase Analysis)

ALDOT and its subrecipients must review proposed procurements to avoid purchase of unnecessary or duplicate items. Strategies to encourage an economic purchase could include breaking out or combining purchases or using annual agreements and performing a lease versus buy analysis.

G. Procedures Not Allowed by ALDOT

- Progress Payments by ALDOT: ALDOT does not make progress payments or permit its subrecipients to make progress payments.
- Tag-On (Cardinal Change): A significant change in agreement work that causes a major deviation from the original purpose is a cardinal change. Cardinal changes ('tag-ons') are prohibited by FTA.
- Advance Payments: FTA does not authorize and will not participate in advance payments; therefore, ALDOT does not permit advance payments.

H. Veterans Preference/Employment

ALDOT and its subrecipients shall confirm that contractors working on FTA-funded construction projects give a hiring preference, to the extent practicable, to veterans who have the requisite skills and abilities to perform the construction work required. This hiring preference shall not be construed to require an employer to give preference to any veteran over any equally qualified applicant who is a member of any racial or ethnic minority, female, an individual with a disability, or former employee.

VIII. Bid Protests/Appeals

ALDOT and its subrecipients are required to have written protest procedures to handle and resolve disputes relating to their procurements. In all instances, subrecipients shall disclose protests to ALDOT and keep ALDOT informed about the status of the protest. All protest decisions must be in writing. A

protester must exhaust all administrative remedies with the subrecipient before pursuing a protest with ALDOT.

There are three basic types of protests, based on the time in the procurement cycle when they occur:

- Pre-bid or solicitation protest: Received prior to the bid opening or proposal due date.
- Pre-award protest: A protest against making an award, received after receipt of proposals or bids but before award of a contract agreement.
- Post-award protest: A protest received after award of a contract agreement.

The subrecipient is responsible for settling disputes resulting from any procurement action. ALDOT's Local Transportation Bureau's role in a bid protest shall be limited to the conditions set forth in FTA Circular 4220.1 (series).

IX. Post Agreement Considerations

A project is in the Federal interest for the entity of its useful life. This means that Federal provisions must be complied with in the operation of the project. The ALDOT State Management Plan describes these provisions which include the use of the facility, use of program income, and compliance with ADA.

X. Monitoring

ALDOT is a 'recipient' of Federal Transit Administration assistance and is thereby responsible for ensuring that both ALDOT and its subrecipients comply with the applicable requirements and standards of FTA Circular 4220.1 (series), FTA's Master Agreement, and the Uniform Guidance found at 2 CFR 200. ALDOT will provide technical assistance to ensure that each of its subrecipients is aware of the Federal statutory and regulatory requirements that apply to its actions as a subrecipient.

ALDOT Transit Section's monitoring of procurement takes place in two (2) different time frames. The Procurement Checklist Form (Exhibit 9) and other documentation activities are tied to a specific purchase of an asset, piece of equipment, or service.

A. Transit Compliance Review

During the transit agency compliance review, the monitor will look at policies and procedures a transit agency used to guide its procurements, as well as the written history documentation the transit agency maintains on-site.

- ALDOT and its subrecipients are required to include specific required clauses in FTA-funded procurements, intergovernmental agreements, and subrecipient agreements (contracts).
- Agreements may not be modified after award to include Federal clauses and so make them eligible for procuring goods and services with Federal funds.
- Procurements above the micro-purchase threshold (\$10,000) must include all applicable FTA clauses as part of the solicitation, purchase order, or agreement. A general reference to FTA guidelines is not sufficient.
- Procurement transactions must be conducted in a manner providing full and open competition. Situations that restrict competition include: unreasonable qualification requirements, unnecessary experience requirements, excessive bonding, noncompetitive pricing practices, noncompetitive awards to firms on retainer, organizational conflicts of interest, 'brand name' only specifications, and any arbitrary action in the procurement process.
- Each subrecipient is required to ensure that none of its principals, affiliates, vendors, or third-party contractors is suspended, debarred, ineligible, or voluntarily excluded from participation in Federally assisted transactions. FTA requires grantees to review the System for Award Management (SAM) website before entering into any third-party agreement expected to equal or exceed \$25,000.

ALDOT, as a direct FTA recipient, is subject to the reporting requirements of the Federal Funding Accountability and Transparency Act of 2006 (FFATA). Direct FTA recipients must report information about each first tier subaward over \$25,000 by the end of the month following the month the direct recipient makes any subaward or obligation. The public may view FFATA information at: www.USASpending.gov.

B. Record Retention

ALDOT requires the subrecipient to retain financial records, supporting documents, and other records pertinent to an ALDOT agreement. ALDOT and its subrecipients must maintain records that detail the significant history of a procurement to include the following:

- Rationale for the method of procurement (i.e., request for proposal, sole source)
- Solicitation Document (i.e., request for rate quotes, IFB, RFP)
- Bidder List (if applicable)
- Selection of agreement type (i.e., fixed price)
- Reason for contractor selection or rejection
- Basis for the agreement price (i.e., cost/price analysis)

ALDOT and its subrecipients must retain documentation for three (3) years:

- After payment of final billing or completion of the project, whichever occurs last
- From the time litigation, claims, and audit findings have been resolved, if such action was started before expiration of the 3-year period
- Three years from the date of asset disposal

ALDOT staff are trained to maintain consistency in documenting procurement history.

Exhibits

Exhibit 1: Independent Cost Estimate

Independent Cost Estimate

[Date]

For: [Item Description]

DESCRIPTION: [Agency name] IS IN NEED OF [ITEM] WITH [LIST SPECIFICATIONS HERE]. THE MODEL NUMBER REQUESTED WAS [Model #]. BELOW IS A BREAKDOWN OF THE COMPANIES AND PRICE THAT HELPED DETERMINE THE COST ESTIMATE FOR THIS PURCHASE.

Company and Website	Quantity	Unit Price
Example #1 — [Website]	1	\$0,000
Example #2 — [Website]	1	\$0,000
Example #3 — [Website]	1	\$0,000

The average cost of the above quotes is \$[amount]. Therefore, [Agency] will be able to find the required item for the price range of \$[min]–\$[max]. Standard installation will need to be included.

Exhibit 2: Price Analysis

[Agency Name]

Price Analysis for [Item]

Form of Price Analysis used (check all applicable):

- Adequate price competition
- Prices set by law or regulation
- Established catalog prices and market prices
- Comparison to previous purchases
- Comparison to a valid Subrecipient independent estimate
- Value analysis

[Agency Name] determines that all the following adequate price competition conditions have (have not) been met:

1. At least two responsible offerors respond to a solicitation.
2. Each offeror must be able to satisfy the requirements of the solicitation.
3. The offerors must independently contend for an agreement to be awarded to the responsive and responsible offeror submitting the lowest evaluated price.
4. Each offeror must submit priced offers responsive to the expressed requirements of the solicitation.

Summary:

[Agency Name] received [#] quotes for [Item].

- All quotes were in line with the Independent Cost Estimate price range.
- All quotes were for the same purchase.
- [#] responses were received.

All quotes are considered responsive and award is appropriately made to [Company Name] (lowest quote) in the amount of \$[amount], which [Agency Name] determines to be a fair and reasonable price.

Signature	Title	Date

Exhibit 3: Cost Analysis for A&E

[Transit Agency Name]

Cost Analysis for Architecture & Engineering Services for [Project]

Summary of Comparisons of current estimated costs and comparison to a valid Subrecipient independent estimate:

- Actual costs previously incurred. Cost Estimate — See Independent cost estimate attached.

Previous Costs	Vendor Name	Agency Name	Type of Work
\$			
\$			

- The most recent cost estimate for the same or similar items.

Current Cost	Vendor Name	Agency Name	Type of Work
\$			

- Current cost estimates from other possible sources providing the same or similar product or service.

Current Cost Estimates	Vendor Name	Agency Name	Type of Work
\$			
\$			

Summary: [Agency Name] received [#] proposals for [Project]. [Vendor name] was determined to be the highest ranked proposal, most qualified, lowest bid and submitted a cost for their services in the amount of \$[amount]. Award is appropriately made to [Vendor name] in the amount of \$[amount] which [Agency name] determines to be a fair and reasonable price.

Signature — Transit Agency Name	Title — Transit Agency Name	Date

Exhibit 4: Checklist of FTA Clauses

Done	Clause Name
<input type="checkbox"/>	Access to Records and Reports
<input type="checkbox"/>	Americans with Disabilities Act (ADA)
<input type="checkbox"/>	Bond Requirements
<input type="checkbox"/>	Bus Testing
<input type="checkbox"/>	Buy America Requirements
<input type="checkbox"/>	Restrictions on Lobbying
<input type="checkbox"/>	Cargo Preference Requirements
<input type="checkbox"/>	Charter Service
<input type="checkbox"/>	Civil Rights Laws and Regulations
<input type="checkbox"/>	Clean Air Act and Federal Water Pollution Control Act
<input type="checkbox"/>	Conformance with ITS National Architecture
<input type="checkbox"/>	Contract Work Hours and Safety Standards Act
<input type="checkbox"/>	Davis Bacon Act and Copeland Anti-Kickback Act
<input type="checkbox"/>	Debarment and Suspension
<input type="checkbox"/>	Disadvantaged Business Enterprise (DBE)
<input type="checkbox"/>	Energy Conservation
<input type="checkbox"/>	Equal Employment Opportunity
<input type="checkbox"/>	Notice to Third Party Participants
<input type="checkbox"/>	Fly America
<input type="checkbox"/>	Incorporation of Federal Transit Administration (FTA) Terms
<input type="checkbox"/>	No Government Obligation to Third Parties
<input type="checkbox"/>	Notification to FTA
<input type="checkbox"/>	Patent Rights and Rights in Data
<input type="checkbox"/>	Pre-Award and Post-Delivery Audits of Rolling Stock Purchases
<input type="checkbox"/>	Solid Wastes
<input type="checkbox"/>	Program Fraud and False or Fraudulent Statements and Related Acts
<input type="checkbox"/>	Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment

Done	Clause Name
<input type="checkbox"/>	Prompt Payment
<input type="checkbox"/>	Public Transportation Employee Protective Arrangements
<input type="checkbox"/>	Safe Operation of Motor Vehicles
<input type="checkbox"/>	School Bus Operations
<input type="checkbox"/>	Seismic Safety
<input type="checkbox"/>	Simplified Acquisition Threshold
<input type="checkbox"/>	Special DOL EEO Clause
<input type="checkbox"/>	Special Notification Requirements for States
<input type="checkbox"/>	Substance Abuse Requirements
<input type="checkbox"/>	Termination
<input type="checkbox"/>	Veterans Hiring Preference
<input type="checkbox"/>	Violation and Breach of Contract
<input type="checkbox"/>	Trafficking in Persons
<input type="checkbox"/>	Federal Tax Liability and Recent Felony Convictions
<input type="checkbox"/>	Severability

Exhibit 5: Sole Source Documentation Form

DATE:	P.O. OR REQUISITION NUMBER:
VENDOR:	TOTAL COST:
DEPARTMENT/DIV:	REQUISITIONER:

Please read the Sole Source Procurement Policy (Exhibit 6) before filling out this request.

Briefly describe the scope of services or equipment needed:

This purchase qualifies as a sole source procurement for the following reason(s):

- The compatibility of equipment is of paramount consideration.
- The compatibility of accessories or replacement parts is of paramount consideration.
- The sole source supplier's item is needed for trial use or testing.
- The sole source supplier's item is to be procured for resale or donation.
- A public utility service.
- Other, please explain: _____

Outline any research you did in determining that this vendor is the only one able to supply this item or service. Be specific as to names and addresses of firms or people contacted. Attach supportive documentation.

DEPARTMENT HEAD NAME (PRINTED):	
DEPARTMENT HEAD SIGNATURE:	DATE:

Exhibit 6: Sole Source Procurement Policy

Definition

An agreement may be awarded for goods or services without competition when the Purchasing Agent, designee, or Department Head determines that there is only one source for the required goods or services based upon written justifications. If the purchase exceeds \$10,000.00, it must be approved by the Purchasing Agent prior to purchase.

Application

The provisions of this Section apply to all sole source procurement unless emergency conditions exist as defined by Purchasing Policy on Emergency Procurement.

Conditions for Use of Sole Source Procurement

Sole source procurement is not permissible unless a requirement is available from only a single supplier. The following are examples of circumstances which could necessitate sole source procurement:

- When there is a public emergency that will not permit delays from a traditional procurement process.
- When the agency's need for the supplies or services is unusually urgent, that the agency would be seriously impeded by waiting for a traditional procurement process.
- When the compatibility of equipment, accessories, or parts is the paramount consideration.
- Where a sole supplier's item is needed for trial use or testing.
- When it is an upgrade to proprietary software or hardware.
- When the item is one of a kind or only available from a single source.
- When only one bid is submitted. The agency must provide proof that there is inadequate competition.

In cases of reasonable doubt, competition should be solicited.

Negotiation in Sole Source Procurement

The Purchasing Agent, in conjunction with the requisitioning Department, will conduct negotiations, as appropriate, as to price, delivery, and terms.

Exhibit 7: Assurances for Real Property Acquisition Requirements Form

REAL PROPERTY ACQUISITION REQUIREMENTS And RELOCATION REQUIREMENTS of TITLE II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as Amended

The (name of subrecipient) hereby assures that it will comply with Sections 210 and 305 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations of 49 CFR Part 24.

Name of Authorized Official:	
Signature:	
Title:	
Date:	

Exhibit 8: Facility Construction Checklist

Item	Scheduled Date	Actual Date
1.0 PROJECT AWARD PROCESS		
a. ALDOT Announcement		
b. Project Selection		
c. Subrecipient submits detailed scope of work for project review		
d. Subrecipient forwards appraisal (land and/or building) based on fair market value to OPT Regional Transit Manager		
e. Subrecipient submits environmental impact analysis documents for approval		
f. Subrecipient forwards proof of MATCH contribution documentation		
g. Subrecipient submits verification of local match		
h. Proof of ownership		
i. OPT prepares information for Commission approval		
2.0 AFTER COMMISSION APPROVES FUNDING ALLOCATION		
a. Project identified in the STIP for public comment		
b. Subrecipient submits cost estimates for the project		
c. ALDOT submits grant application to FTA for approval		
d. Subrecipient submits project scope of work details if required		
e. OPT Regional Transit Manager forwards cost to DBE Office		
f. ALDOT sets DBE goal for the project		
g. FTA approves the grant		
h. ALDOT project agreement prepared and forwarded to subrecipient for signature		
i. ALDOT fully executes project agreement with subrecipient		
3.0 SOLICITATION PROCESS		
a. Subrecipient submits Bid or RFQ documents to OPT Regional Transit Manager		

Item	Scheduled Date	Actual Date
b. Subrecipient advertises solicitation		
c. OPT Regional Transit Manager contacts DBE Office to assist with dissemination		
d. Subrecipient submits Force Accounting Plan (if using own workforce personnel)		
e. Subrecipient submits copies of solicitations received and selection justifications		
f. Subrecipient complies with applicable OSE manual provisions		
g. OPT Regional Transit Manager attends the pre-construction conference		
4.0 FINAL CLOSEOUT PROCESS		
a. OPT Regional Transit Manager conducts final inspection		
b. Subrecipient obtains certificate of occupancy from appropriate authority		
c. Submit Facility Maintenance Plan to ALDOT for approval		
d. Subrecipient submits final invoice for payment		
e. ALDOT issues Close Out letter		
Regional Transit Manager:		Date:
ALDOT Transit Manager:		Date:

Exhibit 9: Procurement Checklist Form

Revised 1-9-2023

Agency	Purchase Request	
<input type="checkbox"/> 5311 <input type="checkbox"/> 5310 <input type="checkbox"/> ALDOT	<input type="checkbox"/> Equipment <input type="checkbox"/> Supplies <input type="checkbox"/> Services	Estimated Total Cost:

Item(s): _____

Describe Purpose:

Status	Requirement
I. \$10,000 or Less	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Written documentation of agency/organization's procurement procedures
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Copy of the price or rate quote
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Fair and reasonable price determination
II. \$10,001 to \$75,000 (at least two written quotes required)	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Written documentation of agency/organization's procurement procedures
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Copy of written request to ALDOT to purchase equipment, property, supplies or services \$10,001–\$75,000
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Copy of Independent Cost Estimate (A)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Copies of quotes solicited from at least two (2) suppliers (B)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Quote clearly and accurately describes the technical requirements (C)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Project clearly sets forth the requirements the vendor must fulfill (D)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Documentation of positive efforts to utilize disadvantaged business enterprises (E)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Documentation of search on SAM (www.SAM.gov) to identify debarred or suspended bidders (F)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Copy of the cost breakdown for the proposed project
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Copy of Price Analysis or Cost Analysis
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Purchasing Schedule
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	ALDOT approval Third Party Contract/Agreement (if applicable)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Written notice for processing changes in purchase orders to ALDOT

Status	Requirement
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Required Federal Clauses and Certifications
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Fair and reasonable price determination (Form)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Written notice to proceed from ALDOT
III. \$75,001 and Above (Bid Required)	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Written documentation of agency/organization's procurement procedures
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Copy of written request to ALDOT including: ICE, RFP/ITB, Federal Clauses, Notice to Proceed, DBE efforts, Sole Source justification (if applicable)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Advertising for competitive bids in accordance with Alabama State Bid Law
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Market Research Documents
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Bonds (Bid, Performance, Payment)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Bidders List, Solicitation and Amendments
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Pre-Solicitation Approvals
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Pre-Bid or Proposal Conference Notes and Q&A (if applicable)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Bids/Proposals and Solicitation Amendment Acknowledgements
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	'No Bid' Letters or Offeror Disqualification Correspondence
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Negotiation Memorandum (if applicable)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Protests (if applicable)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Copy of RFP evaluation of proposal
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Copy of explanation of basis for contractor selection including evaluation criteria
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Copy of list of all proposals received
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Copy of cost breakdown for proposed contract
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Copy of Cost Analysis (prepared after receipt of proposals)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Copy of Price Analysis (prepared after receipt of proposals)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Notice of Intent to Award
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Procurement Plan and Timeline
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Responsibility Determination
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Fair and Reasonable Price Determination
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Written notice to proceed from ALDOT (after ALDOT Legal approval)

Status	Requirement
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Any pertinent correspondence relating to exceptions to approved specifications
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Copy of Third Party Contract/Agreement with required federal clauses/certifications
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Documentation of agency procedures for processing change orders
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Documentation/notice to ALDOT for change orders affecting contract price
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	'Buy America' certifications (if required)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Options — Pricing evaluated at time of award
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	General Contract Correspondence
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Contract Close-Out

Exhibit 10: NEPA Initiation Checklist

INFORMATION REQUIRED TO INITIATE NEPA

For FTA to determine the extent of environmental analysis required for a proposed project, the following information is required. FTA must determine whether any Federal funding is sought and if FTA is required to make a decision or approval.

Information Required	Questions to be Addressed
<input type="checkbox"/> Sources of Federal, State, and local funds and transit nexus	Is the project a Federal Action eligible for FTA funding?
<input type="checkbox"/> Description of existing property with a clear map showing the Area of Potential Effect (APE)	What are the existing conditions? Cleared land or forested? Urban, rural, suburban? Is the site a brownfield or contaminated?
<input type="checkbox"/> Street address or coordinates	Are there possible environmental areas of concern at the site or in its surroundings? Any known hazards? Lead paint/asbestos in existing buildings?
<input type="checkbox"/> Photos of property, any buildings on property and the surrounding area directly adjacent to the project site	What are the characteristics of the natural environment? Are any buildings historic? Are they in use and safe?
<input type="checkbox"/> Photos of surrounding buildings visible from property	Are there any nearby historic buildings? Any new construction visible from the project site?
<input type="checkbox"/> Description of complete project with site plan	What physical changes will be made? Any digging or ground disturbing activities? Will a building be constructed or renovated?
<input type="checkbox"/> List of actions required upon existing property to achieve complete project	Are there physical changes not obvious in the site plan? Any residential or business displacements?
<input type="checkbox"/> Logical termini, alignment, mode, and technology (if a linear project)	Has thorough planning for the proposed project occurred? Any feasibility or environmental studies completed?
<input type="checkbox"/> List of any public involvement done for the project, to date	Has the community been informed? Is there any potential controversy? Are there local organizations that should be informed?

Property Acquisition: Property cannot be acquired until NEPA is complete and an environmental determination or decision document has been issued by FTA TR04. This restriction is found in FTA's environmental regulations (23 CFR 771.113).

Equity Analysis: Be sure to review and understand your responsibilities per 49 CFR Section 21.5(b)(3) for facility construction projects. Additionally, please review and comply with FTA Title VI Circular.

References

Federal Authority

- Procurement standards must meet or exceed the requirements of the Uniform Guidance 'Super Circular' published by the Office of Management and Budget at 2 CFR Part 200.
- The requirements for the pre-award and post-delivery audits of vehicles are contained in 49 CFR Part 663.
- The requirements for the (Altoona) testing of bus models are contained in 49 CFR Part 665.
- The requirements for the Disadvantaged Business Enterprises (DBE) program are located at 49 CFR Part 26.
- 49 CFR Part 28 relates to nondiscrimination on the basis of handicap in U.S. DOT programs. Requirements for transportation services for persons with disabilities are contained in 49 CFR Part 37.
- All vehicles shall comply with the vehicle accessibility guidelines contained in 36 CFR Part 1192 (the Americans with Disabilities Act Accessibility Guidelines for Transportation Vehicles).
- Procedures for procuring architectural and engineering services are found in 40 USC Chapter 10, Subchapter VI.

State Authority

- For a description of ALDOT's policies regarding standard Federal requirements, refer to the State Management Plan.
- For a description of ALDOT's rules regarding contracting and procurement requirements specific to public transit projects, refer to the project agreement.
- The department's Disadvantaged Business Enterprise program describes the DBE goal, goal setting methodology, and complaint procedures.

Federal Transit Administration Guidance

- Federal Transit Administration (FTA) guidance for using third party agreements is found in Circular 4220.1 (series).
- Guidelines and management procedures for capital purchases are covered in FTA Circular 5010.1 (series).
- Individual program circulars have a section on procurement. A complete listing of FTA circulars is available at FTA's web site: <https://www.transit.dot.gov/>
- The FTA Best Practices Procurement & Lessons Learned Manual released October 2016 provides suggestions and sample documents covering every phase of procurement.
- The FAQ Procurement page on FTA's website provides questions and answers of general interest at: <https://www.transit.dot.gov/funding/procurement/third-party-procurement/third-party-procurement-faqs>