**Enhanced Mobility of Seniors and Individuals with Disabilities Program**

Procurement Procedures – Updated November 2018

**Procurement Procedures:**

The Metropolitan Washington Council of Governments (COG) conducts centralized procurement for vehicles funded by the 5310 Enhanced Mobility Program. Procurement activities using Federal funds for items other than vehicles are the responsibility of the subrecipient and are subject to federal procurement requirements.

To comply with federal procurement requirements, subrecipients must do the following:

* IF the procurement falls into Category III, $250,000 and above, ensure that prices are fair and reasonable by conducting an independent cost estimate (ICE) for any equipment (other than vehicles to be procured by COG), preventive maintenance and contracted service. The ICE is completed as part of research into cost of a budgeted line item at time of application. Examples of applicable line items include construction, software, dispatch, or GPS systems, evaluation or marketing contractors and printing services. An ICE is not required for services provided in-house by agency staff. The vendor that is ultimately awarded cannot be the same as the vendor that provides the ICE, therefore hired contractors and in-house staff (i.e. Engineer for a construction project) can develop the ICE if they have the applicable skills.
* When preparing for purchase under Category II/Simplified Procurement, obtain 2-3 written quotes using a price analysis, complete a comprehensive evaluation to determine best combination of price, quality, and other elements that are optimal to need, and obtain written concurrence from COG prior to the purchase of goods and services by submitting a request letter on agency letterhead to:

Lynn Winchell-Mendy

Grants Manager

Metropolitan Washington Council of Governments

777 North Capitol Street, N.E.

Ste. 300

Washington, DC 20002

Request letter can be attached to an email and sent to lmendy@mwcog.org

* Encourage the distribution of purchases equitably among local vendors, ensuring that no geographic preferences are shown in any procurement.
* Keep an annually updated record of all quotes received and a description of why each vendor was selected.
* Convey to vendors that the purchase is made with federal funds and, by fulfilling the purchase request, the vendor is agreeing to abide by all federal terms and conditions
	+ Federal Contract Clauses must be attached to any contract or purchase order issued. See pgs. 8-9.
* Maintain file copies of all procurements using 5310 Enhanced Mobility funds by Fiscal Year
* Ensure that procurements do not discriminate against businesses as prohibited by federal and state law
* Check the status of a proposed vendor or contractor to ensure they are in good standing; not fraudulent, debarred or technically unqualified by verifying their status with the System for Award Management (SAM) <https://www.sam.gov/portal/SAM/#1>

**Categories of purchases and applicable requirements**

**Category I** **- Micro Purchases up to $10,000**

For purchases up to $10.000, quotes are NOT required and awards are made on the judgment of the recipient. Micro-purchases should be distributed equitably among qualified vendors. Document the procurement file with a determination of fair and reasonable price (recent purchase of similar item, current price list, current catalog, advertisements, personal knowledge, etc.). No concurrence from COG is required.

**Category II** **- Simplified Procurements between $10,001 and $249,999**

For purchases between $10,001 and $249,999 at least 3 fair and reasonable, written quotes should be received, reviewed, and evaluated using a comprehensive evaluation system. Awards are made on best combination of price, quality and other elements optimal to need as determined by the subrecipient. Obtain written concurrence from COG prior to the purchase of goods and services by submitting a request letter to COG. Document the procurement file with items listed above.

**Category III** – **Procurements at $250,000 or more**

Any subrecipient conducting a procurement at $250,000 or more must contact COG before initiating any procurement activity. Purchases exceeding the simplified purchase threshold of $249,999 must be competitively bid using a Request for Proposal (RFP) or Invitation for Bid (IFB). An ICE is required for this type of procurement before requesting bids and should have been completed as part of research into cost of a budgeted line item at time of application. Responses must be fairly reviewed and considered and bids and selection justification provided to COG for written concurrence before any offer is accepted or a contract is executed.

Sole source justifications are allowed under certain circumstances and require documentation on the lack of other vendors to do the work, how the preferred vendor is uniquely qualified, and a Cost Analysis (because price competition is inadequate). Please contact staff for consideration.

**Independent Cost Estimate (ICE) Form**

(Submitted at time of application as proof of cost research for applicable budgeted line items of $250,000 or more. Used later to determine if bids are fair and reasonable).

Per FTA 4220.1F, it is required that before receiving bids or proposals for a procurement using Federal funds that an Independent Cost Estimate (ICE) be performed. COG requires this at time of application. An ICE can be completed using past purchase prices, quantities, physical inspection of the product, drawings, or analysis of similar work. For more complex projects, an ICE can be completed by independent architect or engineer that will provide estimated hours, direct and indirect labor costs, and estimated profit or fee for a particular project.

**[INSERT NAME OF AGENCY]**

Agency LOGO/Letterhead

**Project Name:**

**Project Description:**

**Vendor:**

**Phone:**

**Email:**

**Item:**

**Date of Estimate:**

**Method of Obtaining Estimate** (check appropriate section and attach supporting documentation)

 Published List Price:

 Past Pricing (date):

*\_\_\_\_* Comparable Purchase by Other Agencies

\_\_\_\_ Engineering or Technical Estimate

 Independent Third Party Estimate

\_\_\_\_ Other (specify):

**Through the method(s) statement above, it has been determined that the estimate total cost of**

**the goods/services is $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:**

**Prepared by:**

**Phone:**

**Email:**

**Date Prepared:**

**Price Analysis Form** (submitted when preparing for purchase):

Quote 1

**[INSERT NAME OF AGENCY]**

Agency LOGO/Letterhead

**Project Name:**

**Contract #:**

**Item:**

**Vendor:**

**Phone:**

**Email:**

**Date of Estimate:**

**Estimate Amount** (Supporting documentation needs to be attached for Category II items ($10,001 - $249,999):

**Additional Comments:**

**Prepared by:**

**Phone:**

**Email:**

**Date Prepared:**

**Price Analysis Form** (submitted when preparing for purchase):

Quote 2

**[INSERT NAME OF AGENCY]**

Agency LOGO/Letterhead

**Project Name:**

**Contract #:**

**Item:**

**Vendor:**

**Phone:**

**Email:**

**Date of Estimate:**

**Estimate Amount** (Supporting documentation needs to be attached for Category II items ($10,001 - $249,999):

**Additional Comments:**

**Prepared by:**

**Phone:**

**Email:**

**Date Prepared:**

**Price Analysis Form** (submitted when preparing for purchase):

Quote 3

**[INSERT NAME OF AGENCY]**

Agency LOGO/Letterhead

**Project Name:**

**Contract #:**

**Item:**

**Vendor:**

**Phone:**

**Email:**

**Date of Estimate:**

**Estimate Amount** (Supporting documentation needs to be attached for Category II items ($10,001 - $249,999):

**Additional Comments:**

**Prepared by:**

**Phone:**

**Email:**

**Date Prepared:**

**Federal Contract Clauses:**

**APPLICABILITY OF THIRD PARTY CONTRACT PROVISIONS**

(excluding micro-purchases, except Davis-Bacon requirements apply to contracts exceeding $2,000)

|  |
| --- |
| **TYPE OF PROCUREMENT** |
| **PROVISION** | **Professional Services/A&E**  | **Operations/ Management**  | **Rolling Stock** **Purchase**  | **Construction**  | **Materials & Supplies**  |
| No Federal Government Obligations to Third Parties (by Use of a Disclaimer) | All | All | All | All | All |
| False Statements or Claims Civil and Criminal Fraud | All | All | All | All | All |
| Access to Third Party Contract Records | All | All | All | All | All |
| Changes to Federal Requirements | All | All | All | All | All |
| Termination | >$10,000 if 49 CFR Part 18 applies. | >$10,000 if 49 CFR Part 18 applies. | >$10,000 if 49 CFR Part 18 applies. | >$10,000 if 49 CFR Part 18 applies. | >$10,000 if 49 CFR Part 18 applies. |
| Civil Rights (Title VI, ADA, EEO except Special DOL EEO clause for construction projects) | All | All | All>$10,000 | All | All |
| Special DOL EEO clause for construction projects |  |  |  | >$10,000 |  |
| Disadvantaged Business Enterprises (DBEs) | All | All | All | All | All |
| Incorporation of FTA Terms | All | All | All | All | All |
| Debarment and Suspension | >$25,000 | >$25,000 | >$25,000 | >$25,000 | >$25,000 |
| Buy America |  |  | >$100,000As of Feb. 2011, FTA has not adopted the FAR 2.101 $150,000 standard. | >$100,000 As of Feb. 2011, FTA has not adopted the FAR 2.101 $150,000 standard. | >$100,000 As of Feb. 2011, FTA has not adopted the FAR 2.101 $150,000 standard. |
| Resolution of Disputes, Breaches, or Other Litigation | >$100,000 | >$100,000 | >$100,000 | >$100,000 | >$100,000 |
| Lobbying | >$100,000 | >$100,000 | >$100,000 | >$100,000 | >$100,000 |
| Clean Air | >$100,000 | >$100,000 | >$100,000 | >$100,000 | >$100,000 |
| Clean Water | >$100,000 | >$100,000 | >$100,000 | >$100,000 | >$100,000 |
| Cargo Preference |  |  | Transport by ocean vessel. | Transport by ocean vessel. | Transport by ocean vessel. |
| Fly America | Foreign air transp. /travel. | Foreign air transp. /travel. | Foreign air transp. /travel. | Foreign air transp. /travel.  | Foreign air transp. /travel. |

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| **TYPE OF PROCUREMENT** |
| **PROVISION** | **Professional Services/A&E**  | **Operations/ Management**  | **Rolling Stock** **Purchase**  | **Construction**  | **Materials & Supplies**  |
| Davis-Bacon Act |  |  |  | >$2,000 (also ferries). |  |
| Contract Work Hours and Safety Standards Act |  | >$100,000 (transportation services excepted). | >$100,000 | >$100,000 (also ferries). |  |
| Copeland Anti-Kickback ActSection 1Section 2 |  |  |  | All> $2,000 (also ferries). |  |
| Bonding |  |  |  | $100,000 |  |
| Seismic Safety | A&E for new buildings & additions. |  |  | New buildings & additions. |  |
| Transit Employee Protective Arrangements |  | Transit operations. |  |  |  |
| Charter Service Operations |  | All |  |  |  |
| School Bus Operations |  | All |  |  |  |
| Drug Use and Testing |  | Transit operations. |  |  |  |
| Alcohol Misuse and Testing |  | Transit operations. |  |  |  |
| Patent Rights | R & D |  |  |  |  |
| Rights in Data and Copyrights | R & D |  |  |  |  |
| Energy Conservation | All | All | All | All | All |
| Recycled Products |  | EPA-selected items $10,000 or more annually. |  | EPA-selected items $10,000 or more annually. | EPA-selected items $10,000 or more annually. |
| Conformance with ITS National Architecture | ITS projects. | ITS projects. | ITS projects. | ITS projects. | ITS projects. |
| ADA Access | A&E | All | All | All | All |
| Notification of Federal Participation for States | Limited to States. | Limited to States. | Limited to States. | Limited to States. | Limited to States. |

**Procurement Resources:**

* [FTA CIRCULAR 4220.1F- Third Party Contracting Guidance](http://www.fta.dot.gov/documents/CIRCULAR_4220.1F_%28Document%29.docx)
* [2 CFR 200](https://www.ecfr.gov/cgi-bin/text-idx?SID=683a739497aeab52c88124f7d794a389&mc=true&node=pt2.1.200&rgn=div5#se2.1.200_1320)
* [FTA’s Best Practices Procurement Manual](http://www.fta.dot.gov/13057_6037.html)