**Procurement Evaluation/Award Check List**

|  |  |
| --- | --- |
| **Grantee:** | Click or tap here to enter text. |
| **Item to Procure:** | Click or tap here to enter text. |
| **Reviewed by:** | Click or tap here to enter text. |
| **Date of Review** | Click or tap to enter a date. |

| ***Regulation*** |  | | ***Statewide*** | | ***Sole Source*** | | ***Small*** | | ***Element Required*** | ***Element Documentation Location &/or Explanation, if required*** | ***TDOT Confirmation*** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Evaluation** | | | | | | | | | | |
|  | **120 Procurement Method Selection – Record Keeping Requirements (Part 2)** | | | | | | | | | | |
| **4220.1F.VI.7.** | **Evaluation**   * Bids and offers must be evaluated on only the evaluation factors included in the solicitation documents. | | | | | | | | | | |
|  | **Evaluation Scorecard**  A copy of the completed evaluation scorecard, bid tabulation, template, or worksheet used to score the procurement and determine the vendor(s) to receive the award, is included in procurement materials? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.2.b.**  **4220.1F.VI.7.**  **\*2 CFR 200.319(d)(2)** | **Evaluation Factors**  Evaluation factors used were specified in the solicitation documents? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.7.** | **Evaluation of Options – Reported in Solicitation**  For options to be considered they must have been communicated to vendors in the solicitation and included in the recipient evaluation of offers.  Did the recipient communicate options in the solicitation and include them in its evaluation of vendor offers? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.7.b.** | **Evaluation of Options – Price of Options Considered in Price Numbers**  If options are considered, run price numbers for entire option period for evaluation. Consideration of options later, without evaluating the price at the time of the evaluation, results in a sole source procurement. Unpriced options are not valid options and may not be exercised as options. | |  | |  | |  | |  |  |  |
| **4220.1F.VI.7.a.(1)** | **Evaluation of Options – Consideration When Exercising**  An option may not be exercised unless it has been determined that the option price is better than prices available in the market, or that when it intends to exercise the option, the option is more advantageous.  A market survey should be performed for options at the time of exercise/purchase to confirm that prices are reasonable. Check when deciding to accept/purchase options. | |  | |  | |  | |  |  |  |
| **4220.1F.VI.2.f.** | **Award to other than The Low Bidder**  If the recipient intends to award to other than the low bidder, did the recipient reserve this right in the solicitation documents? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.c.(2)(f)**  **\*2 CFR 200.320(b)(1)(ii)(E)** | **Rejection of All Bids or Offers**  If the recipient intends to reject all bids, did the recipient reserve this right in the solicitation documents? | |  | |  | |  | |  |  |  |
| **2 CFR 200.318(i)** | **Record Keeping Requirements of the Procurement History**   * The recipient is required to prepare and maintain adequate and readily accessible project performance and financial records, covering procurement transactions as well as other aspects of project implementation. The Common Grant Rules require the recipient to maintain these records for three years  after the recipient and subrecipients, if any, have made final payment and all other pending matters are closed. | | | | | | | | | | |
| **4220.1F.III.3.d.(c)**  **2 CFR 200.318(i)** | **Record Keeping – Rational for Contractor Selection or Rejection**  A recipient must state its reasons for contractor selection or rejection. | |  | |  | |  | |  |  |  |
| **4220.1F.VI.2.a.(4)(d)**  **\*2 CFR 200.319(b)(4)** | **Requirements Analysis – Not Restrictive of Competition – Retainer Contracts\***  Making a noncompetitive award to any person or firm on a retainer contract with the recipient if that award is not for the property or services specified for delivery under the retainer contract. | |  | |  | |  | |  |  |  |
| **4220.1F.III.3.d.(d)**  **2 CFR 200.318(i)** | **Record Keeping – Basis for Contract Price**  Recipients must evaluate and state its justification for the contract cost or price. | |  | |  | |  | |  |  |  |
| **4220.1F. IV.2.a.** | **Agreement Documentation – Draft Purchase Order or Contract with Required Clauses and Certifications** | | | | | | | | | | |
| **4220.1F. IV.2.a.** | **Federal Clauses and Certifications**  The clauses and certifications worksheet has been reviewed for applicable clauses and certifications to include in the contract. | |  | |  | |  | |  |  |  |
|  | **Agreement Documentation – Draft Purchase Order or Contract with Required Clauses**  The recipient prepared and submitted a draft purchase order or contract for the procurement with the required clauses and has submitted with procurement documentation for review? | |  | |  | |  | |  |  |  |
|  | **Agreement Documentation – Certifications**  The recipient received all required certifications signed by the vendor with their proposal and has submitted with procurement documentation for review? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.c.(2)(a)** | **310 Publicity Plan (Part 2)** | | | | | | | | | | |
| **4220.1F.VI.3.c.(2)(a)** | **Publicity/Advertising** | | | | | | | | | | |
|  | **Publicity Documentation**  Documentation of the elements used in the publicity plan is included or attached in the procurement materials submitted? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.c.(2)(a)**  **4220.1F.VI.3.d.(2)(a)** | **Publicity Planning – Plan**  Solicitations that exceed the recipient’s procurement policy simplified acquisition threshold are required to be advertised, unless the procurement is a sole source procurement.  If the procurement was a formal procurement was it publicly advertised and appear to have resulted in free and open competition? | |  | |  | |  | |  |  |  |
| **4220.1F.IV.2.a.(6)(b)**  **2 CFR 200.321** | **Publicity Planning – Small and Minority Firms and Women’s Business Enterprises**  The solicitation must take steps to ensure that it uses small and minority firms and women’s business enterprises, irrespective of whether they qualify as DBEs, to the fullest extent practicable. The following steps demonstrate compliance.   * Was information about the procurement opportunity available to potentially qualified firms and were they included on solicitation lists? * Were considerations made as to the delivery schedule which encourage small, minority, and women’s business enterprise participation? * Were services of the TDOT Civil Rights Division DBE Section, SBA, and Dept of Commerce Minority Business Development Agency consulted regarding the procurement? * Were the preceding provisions included in third party contractor’s provisions for sub-contracts?   Were small, minority, and women’s business enterprises used to the fullest extent practicable? | |  | |  | |  | |  |  |  |
| **4220.1F.IV.2.e.(8)**  **49 U.S.C. Section 5325(i)** | **Publicity Planning – Rolling Stock: In-State Dealers**  The recipient did not limit its third party bus (Rolling Stock) procurements to its in-State dealers. | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.b.**  **\*2 CFR 200.320(a)(2)** | **200b Small Purchase – Part 2** | | | | | | | | | | |
| **4220.1F.VI.3.b.**  **\*2 CFR 200.320(a)(2)** | **Small Purchase Procurement**   * Greater than Micro-Purchase threshold, less than Simplified Acquisition Threshold * Adequate number of qualified, responsible sources (not less than two) | | | | | | | | | | |
| **4220.1F.VI.3.b.**  **\*2 CFR 200.320(a)(2)** | **Small Purchase Procurement\***  The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity.  How many sources of price or rate quotations is the recipient planning to request (at least two, but not less than the number required by the recipient’s procurement policy)? | |  | |  | |  | |  |  |  |
| **4220.1F.V.4.**  **\*2 CFR 200.318(e)** | **200j State or Local Government Purchasing Agreements (Statewide Contracts) – Part 2** | | | | | | | | | | |
| **4220.1F.V.4.**  **\*2 CFR 200.318(e)** | **State or Local Government Purchasing Agreements (Statewide Contracts)**   * Must confirm that the agreement was competitively procured * Must confirm that agreement meets FTA requirements (Clauses and Certifications) * Compliance can be achieved through an agreement to attach missing elements to purchasing agreement | | | | | | | | | | |
| **4220.1F.V.4.**  **\*2 CFR 200.318(e)** | **State or Local Government Purchasing Agreements (Statewide Contracts)\***  When obtaining property or services in this manner, the recipient must ensure all Federal requirements, required clauses, and certifications (including Buy America) are properly followed and included, whether in the master intergovernmental contract or in the recipient's purchase document. …  The State or Local purchasing schedule has been reviewed for FTA compliance? |  | |  | |  | |  | |  |  |
| **4220.1F.V.4.**  **\*2 CFR 200.318(e)** | **State or Local Government Purchasing Agreements (Statewide Contracts)\***  … One way of achieving compliance with FTA requirements is for all parties to agree to append the required Federal clauses in the purchase order or other document that effects the recipient’s procurement. When buying from these schedules, the recipient should obtain Buy America certification before entering into the purchase order. If the product to be purchased is Buy America compliant, there is no problem. If the product is not Buy America compliant, the recipient will need to obtain a waiver from FTA before proceeding.  A missing clause and certification addendum has been prepared to attach to the purchasing agreement to complete FTA compliance? |  | |  | |  | |  | |  |  |
| **4220.1F.VI.3.c.**  **\*2 CFR 200.320(b)(1)** | **200c Invitation to Bid – Part 2** | | | | | | | | | | |
| **4220.1F.VI.3.c.**  **\*2 CFR 200.320(b)(1)** | **Sealed Bids (Formal Advertising) Procurement**   * Publicly solicited * A firm fixed price contract (lump sum or unit price), usually * Awarded to a responsible bidder * Conform to all the material terms and conditions of the invitation for bids * For the lowest in price | | | | | | | | | | |
| **4220.1F.VI.3.c.(1)(b)**  **\*2 CFR 200.320(b)(1)(ii)(A)**  **\*2 CFR 200.320(b)(1)(i)(B)** | **Sealed Bid – Adequate Sources\***  Bids must be solicited from an adequate number of qualified sources …  Two or more responsible bidders are willing and able to compete effectively for the business.  There were two or more responsible bidders that submitted bids? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.c.(2)(d)**  **\*2 CFR 200.320(b)(1)(ii)(A)** | **Sealed Bid – Sufficient Time\***  … providing them sufficient response time prior to the date set for opening the bids …  The solicitation provided sufficient time for vendors to prepare bids before the date of bid opening? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.c.(2)(a)**  **\*2 CFR 200.320(b)(1)(ii)(A)** | **Sealed Bid – Publicity\***  The invitation to bid was publicly advertised?  Documentation that the invitation to bid was publicly advertised. | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.c.(1)(a)**  **\*2 CFR 200.320(b)(1)(ii)(B)**  **\*2 CFR 200.320(b)(1)(i)(A)** | **Sealed Bid – Precise Specifications to Enable Proper Response\***  … The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond …  A complete, adequate, and realistic specification or purchase description is available …  The sealed bid solicitation specifications were complete, adequate, precise, and realistic specifications that allowed bidders to submit a proper bid? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.c.(2)(e)**  **\*2 CFR 200.320(b)(1)(ii)(C)** | **Sealed Bid – Public Opening\***  … All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly …  All bids were opened at the time and place prescribed in the invitation for bids, and were opened publicly?  Documentation of the solicitation public opening of bids. | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.c.(1)(c)**  **\*2 CFR 200.320(b)(1)(ii)(D)**  **\*2 CFR 200.320(b)(1)(i)(C)** | **Sealed Bid – Fixed Price Contract**  … A firm fixed price contract award will be made in writing …  The procurement lends itself to a firm fixed price contract …  A fixed price type contract was awarded? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.c.(1)(d)**  **\*2 CFR 200.320(b)(1)(ii)(D)**  **\*2 CFR 200.320(b)(1)(i)(C)** | **Sealed Bid – Award to Lowest Price**  … to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of …  … and the selection of the successful bidder can be made principally on the basis of price.  A firm fixed price contract is usually awarded in writing to the lowest responsive and responsible bidder, but a fixed price incentive contract or inclusion of an economic price adjustment provision can sometimes be appropriate. When specified in the bidding documents, factors such as transportation costs and life cycle costs affect the determination of the lowest bid; payment discounts are used to determine the low bid only when prior experience indicates that such discounts are typically taken.  The successful bidder was selected on the basis of solicitation price and price-related factors and not on other factors that could not be measured at the time of the award (and not on the basis of contract factors other than the responsible determination)?  Details of selection of successful bidder. | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.c.(2)(f)**  **\*2 CFR 200.320(b)(1)(ii)(E)** | **Sealed Bid – Rejection of Bids**  Any or all bids may be rejected if there is a sound documented reason.  Did the recipient reject all bids and provided documented reasons? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.d.**  **\*2 CFR 200.320(b)(2)** | **200d Competitive Proposals (Request for Proposals) – Part 2** | | | | | | | | | | |
| **4220.1F.VI.3.d.**  **\*2 CFR 200.320(b)(2)** | **Competitive Proposals (Request for Proposals) Procurement**   * Procurement doesn’t appear to fit sealed bid procurement | | | | | | | | | | |
| **4220.1F.VI.3.d.(1)(a)**  **\*2 CFR 200.320(b)(2)** | **Competitive Proposal – Types of Specifications\***  The property or services to be acquired are described in a performance or functional specification; or if described in detailed technical specifications, other circumstances such as the need for discussions or the importance of basing the contract award on factors other than price alone are present.  … Proposals are generally used when conditions are not appropriate for the use of sealed bids. …  The proposal solicitation listed performance or functional specifications, or if technical specifications are described was there other circumstances such as a need for discussions with proposers about their approach to the project or was there a need to base the award on factors other than price? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.d.(2)(a)**  **\*2 CFR 200.320(b)(2)(i)** | **Competitive Proposal – Publicity\***  Requests for proposals must be publicized …  The request for proposal was publicly advertised? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.d.(2)(a)**  **\*2 CFR 200.320(b)(2)(i)** | **Competitive Proposal – Publicity\***  Requests for proposals must be publicized …  The request for proposal was publicly advertised? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.d.(2)(b)**  **\*2 CFR §200.320(b)(2)(i)** | **Competitive Proposal – Evaluation Factors Identified in Solicitation\***  … and identify all evaluation factors and their relative importance. …  All evaluation factors for technical merit and their relative importance were specified in the solicitation (numerical or percentage ratings or weights need not be disclosed)? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.d.(2)(e)**  **PSR Guidebook 4.3.4** | **Competitive Proposal – Evaluation Factors – Price and Other Factors**  The solicitation must also advise offerors whether price is approximately equal to, less than, or greater in importance than the technical and non-price evaluation factors as a whole.  Did the solicitation advise offerors whether price is approximately equal to, less than, or greater in importance than the technical and non-price evaluation factors as a whole, and that the proposal most advantageous to the recipient will be selected?  Documentation of evaluation. | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.d.(1)(b)**  **\*2 CFR 200.320(b)(2)(i)** | **Competitive Proposal – Adequate Sources\***  … Proposals must be solicited from an adequate number of qualified offerors. …  Adequate number of sources (two) required but uncertain as to the response from bidders.  There were at least two responses from responsible proposers? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.d.(1)(d)**  **\*2 CFR 200.320(b)(2)(i)** | **Competitive Proposal – Maximum Considerations\***  … Any response to publicized requests for proposals must be considered to the maximum extent practical …  Documentation of any discussions with proposers. | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.d.(2)(b)**  **\*2 CFR §200.320(b)(2)(ii)** | **Competitive Proposal – Written Evaluation\***  … The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and making selections; …  A specific method is established and used to conduct technical evaluations of the proposals received and to determine the most qualified offeror.  Was a written evaluation method established and was there a proposal evaluation form completed evaluating the proposals?  (A copy of the completed evaluation sheet used should be acquired.) | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.d.(2)(b)**  **\*2 CFR §200.320(b)(2)(ii)** | **Competitive Proposal – Responsible Determination Evaluation Factor\***  … Contracts must be awarded to the responsible offeror…  The selected vendor was determined to be responsible? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.d.(2)(f)**  **\*2 CFR §200.320(b)(2)(iii)** | **Competitive Proposal – Evaluation Factors – Best Value\***  … whose proposal is advantageous to the non-Federal entity, with price and other factors considered, …  The recipient may award the contract to the offeror whose proposal provides the greatest value to the recipient. To do so, the recipient’s solicitation must inform potential offerors that the award will be made on a “best value” basis and identify what factors will form the basis for award. The evaluation factors for a specific procurement should reflect the subject matter and the elements that are most important to the recipient. Those evaluation factors may include, but need not be limited to, technical design, technical approach, length of delivery schedules, quality of proposed personnel, past performance, and management plan. The recipient should base its determination of which proposal represents the “best value” on an analysis of the tradeoff of qualitative technical factors and price or cost factors. Apart from the statutory requirement that the contract must support the recipient’s public transportation project consistent with applicable Federal laws and regulations, FTA does not require any specific factors or analytic process.  Did the solicitation identify what factors form the basis for the award and was the award made on a “best value” basis? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.e.** | **Two-Step (Sealed Bidding or Competitive Negotiations) – Part 2** | | | | | | | | | | |
| **4220.1F.VI.3.e.** | **Two-Step (Sealed Bidding or Competitive Negotiations)**   * Second step can use either Bids or Proposals to evaluate bids * Should attempt to solicit bids/proposals from three qualified sources | | | | | | | | | | |
| **4220.1F.VI.3.e.** | **Two-Step**  Did the solicitation explain that a two-step procedures procurement was used? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.e.(1)** | **Two-Step – Step One: Review of Technical Approach & Qualifications**  The first step is a review of the prospective contractors’ technical approach to the recipient’s request and technical qualifications to carry out that approach. The recipient then may narrow the competitive range to prospective contractors that demonstrate a technically satisfactory approach and have satisfactory qualifications.  Did the solicitation explain the first step is a review of the bidders’ technical approach to the recipient request and the technical qualifications to carry out that approach and are the evaluation factors for Step One listed in the solicitation?  Was the step one evaluation and selections documented? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.e.(1)** | **Two-Step – Competitive Range**  Did the solicitation explain that during the first step, bidders may be narrowed to those that have a satisfactory approach and have satisfactory qualifications?  Was a competitive range used to narrow those with a satisfactory approach? | |  | |  | |  | |  |  |  |
| **Best Practices Procurement & Lessons Learned Manual, Pg 94** | **Two-Step – Discussions**  Discussions may be necessary due to that available specifications are not definite or complete or may be too restrictive without technical evaluation and any necessary discussion to ensure there is a mutual understanding of the requirements between each vendor and the recipient.  Did the solicitation explain that discussions will be held with offerors and the process that will be followed?  If discussions were a part of the solicitation, were they documented? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.e.(2)** | **Two-Step – Review of Bids and Proposals Submitted by Qualified Prospective Contractors**  All qualified bidders from step one must be considered. The recipient should attempt to solicit at least three of these for consideration in step two.  Did the solicitation explain that all qualified bidders from step one will be considered for step two and that the recipient will attempt to solicit bids from at least three qualified prospective offerors for step two?  Did the recipient consider all offerors? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.e.(2)** | **Two-Step – Bid Method**  For a two step process procurement that used the bid process, did the solicitation explain that the bid process was used – “two-step sealed bidding”?  (Also use the bid checklist if the bid format will be used.) | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.e.(2)** | **Two-Step – Proposal Method**  For a two step process procurement that used the proposal process, did the solicitation explain that the proposal process was used – “competitive negotiation”?  (Also use the proposal checklist if the proposal format will be used.) | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.f.**  **4220.1F.IV.2.h.**  **\*2 CFR 200.320(b)(2)**  **\*2 CFR 200.320(b)(2)(iv)** | **200e Architectural & Engineering (A&E) Services – Part 2** | | | | | | | | | | |
| **4220.1F.VI.3.f.**  **4220.1F.IV.2.h.**  **\*2 CFR 200.320(b)(2)**  **\*2 CFR 200.320(b)(2)(iv)** | **Architectural & Engineering (A&E) Services and Other Services Procurement**   * Brooks Act qualifications-based procurement procedures. * The work must be related to construction but not for construction procurement. * To acquire Architectural & Engineering services, also for program management, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping, and related services. | | | | | | | | | | |
| **4220.1F.VI.3.d.(1)(a)**  **\*2 CFR 200.320(b)(2)** | **A&E – Type of Specifications\***  The A&E services to be acquired are described in a performance or functional specification; or if described in detailed technical specifications, other circumstances such as the need for discussions or the importance of basing the contract award on factors other than price alone are present.  … Proposals are generally used when conditions are not appropriate for the use of sealed bids. …  The proposal A&E solicitation used performance or functional specifications, or if technical specifications were described there were other circumstances such as a need for discussions with proposers about their approach to the project or there was a need to base the award on factors other than price? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.d.(2)(a)**  **\*2 CFR 200.320(b)(2)(i)** | **A&E – Publicity\***  Requests for A&E proposals must be publicized …  The request for proposal was publicly advertised? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.d.(2)(b)**  **\*2 CFR 200.320(b)(2)(i)** | **A&E – Evaluation Factors Identified in Solicitation\***  … and identify all evaluation factors and their relative importance. …  All evaluation factors for technical merit and their relative importance were specified in the solicitation (numerical or percentage ratings or weights need not be disclosed)? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.f.(2)(f)(3)(b)**  **2 CFR 200.320(b)(2)(iv)** | **A&E – Evaluation Factors – Price Not Considered as a Factor**  Price is excluded as an evaluation factor.  Price was not considered as a vender selection evaluation factor? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.d.(1)(b)**  **\*2 CFR §200.320(b)(2)(i)** | **A&E – Adequate Sources\***  … Proposals must be solicited from an adequate number of qualified offerors. …  Adequate number of sources (two) required but uncertain as to the response from bidders.  Were there at least two responses from A&E proposers? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.d.(1)(d)**  **\*2 CFR §200.320(b)(2)(i)** | **A&E – Maximum Considerations\***  … Any response to publicized requests for proposals must be considered to the maximum extent practical …  Did discussions with individual A&E occur after proposals were submitted and before selection of the most qualified vendor (Note that discussions are not required prior to selection of the most qualified vendor)? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.d.(2)(b)**  **\*2 CFR §200.320(b)(2)(ii)** | **A&E – Written Evaluation\***  … The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and making selections; …  A specific method is established and used to conduct technical evaluations of the proposals received and to determine the most qualified offeror.  The recipient documented the A&E procurement evaluation in writting?  (A copy of the proposal evaluation sheet completed should be acquired.) | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.d.(2)(b)**  **\*2 CFR §200.320(b)(2)(ii)** | **A&E – Responsible Determination Evaluation Factor\***  … Contracts must be awarded to the responsible offeror…  A responsible determination was completed for the selected vendor and they were determined to be responsible and possess the technical merit to complete the project? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.f.(1)**  **4220.1F.VI.3.f.(3)(a)**  **4220.1F.VI.3.f.(3)(b)**  **\*2 CFR 200.320(b)(2)(iv)** | **A&E – Qualifications-Based Procurement Procedures Required**  The recipient must use qualifications-based procurement procedures not only when contracting for A&E services, but also for other services listed in 49 U.S.C. Section 5325(b)(1) that are directly in support of, directly connected to, directly related to, or lead to construction, alteration, or repair of real property.  … an offeror’s qualifications are evaluated to determine contract award. Price is excluded as an evaluation factor.  The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. 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 though A/E firms that are a potential source to perform the proposed effort.  Did the solicitation describe A&E services to be procured and was the award determination made on a qualifications basis which identified what factors, excluding price, formed the basis for the award? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.f.(2)** | **A&E – Qualifications-Based Procurement Procedures Prohibited**  If the services are not related to or lead to construction, they are not eligible for A&E procurement procedures. Actual construction, alteration, or repair to real property are not procurements eligible for qualifications-based procurement.  Did the solicitation describe services that lead to construction, alteration, or repair to real property? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.f.(3)(c)**  **4220.1F.VI.3.f.(3)(d)**  **4220.1F.VI.3.f.(3)(e)** | **A&E – Fair & Reasonable Price Negotiations**  Negotiations are first conducted with only the most qualified offeror. Only after failing to agree on a fair and reasonable price may negotiations be conducted with the next most qualified offeror. Then, if necessary, negotiations with successive offerors in descending order may be conducted until contract award can be made to the offeror whose price the recipient believes is fair and reasonable.  Were fair and reasonable price negotiations conducted only with the most qualified offeror, and only after failing to come to an agreement were price negotiations conducted with successive offerors in descending order? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.f.(4)(a)**  **49 U.S.C. Section 5325(b)** | **A&E – Performance of Audit (Explained in Solicitation)**  All A&E awarded contracts and subcontracts will be performed and audited in compliance with FAR part 31 cost principles.  The Solicitation document contained an explanation to A&E vendors that documentation is required when submitting requests for reimbursement that demonstrate that the contract is performed in compliance with FAR part 31? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.f.(4)(b)**  **49 U.S.C. Section 5325(b)** | **A&E – Indirect Cost Rates**  The recipient and the third party contractor, its subcontractors and subrecipients, if any, must accept FAR indirect cost rates for the one-year applicable accounting periods established by a cognizant Federal or State government agency …  The Solicitation document contained an explanation that the contractor may include indirect costs in their price proposal negotiation round and that the cognizant agency approval letter for the indirect cost rate must be submitted with the proposal and annually afterwards until the contract is completed if selected?  The selected vendor submitted a cognizant agency indirect cost rate approval letter during price negotiations? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.i.(1)(b)1**  **2 CFR §200.320(c)** | **220r Sole Source Procurement – Part 2** | | | | | | | | | | |
| **4220.1F.VI.3.i.(1)(b)1**  **2 CFR §200.320(c)** | **Sole Source Procurement**   * When the recipient requires items/services available from only one responsible source. * If make a change to a contract that is beyond the scope of the contract, that is a sole source award that must be justified. | | | | | | | | | | |
| **4220.1F.VI.3.i.(1)(b)1**  **2 CFR §200.320(c)** | **Sole Source\***  When the recipient requires supplies or services available from only one responsible source, and no other supplies or services will satisfy its requirements, the recipient may make a sole source award. When the recipient requires an existing contractor to make a change to its contract that is beyond the scope of that contract, the recipient has made a sole source award that must be justified under one of the basis below.  Does the recipient document their justification for completing a sole source procurement? | |  | |  | |  | |  |  |  |
| **FTA Best Practices Procurement & Lessons Learned Manual**  **(October 2016) Pg 97-98**  **2 CFR §200.320(c)(2)**  **2 CFR §200.320(c)(3)** | **Sole Source – Justification\***  Procurement by sole source is a noncompetitive procurement. The use of this method of procurement must be justified, and, frequently, pre-approval must be obtained before a sole source contract is executed. In this context, “justification” equates to documentation of the proposed action. Contracting officers should take reasonable steps to avoid using sole source procurements except in circumstances where it is both necessary and in the best interest of the agency. The recipient must determine whether or not there is a valid justification to obtain the product or service using the sole source method without risking the use of Federal funds for those purposes. FTA permits use of Federal funds for sole source procurements if at least one of the following circumstances is present:  (1) The item is available only from a single source. Unique capability or availability must be definitively established.  (2) The public exigency or emergency for the procurement will not permit a delay resulting from competitive solicitation. Health and safety issues may be an adequate basis for a public exigency or emergency.  (3) When the agency’s need for the supplies or services is of such an unusual or compelling urgency that the agency would be seriously injured unless sole source procurements were utilized.  Is the recipient’s justification of a sole source procurement based on that the item is available only from a single source, the public exigency or emergency will not permit delay in the procurement, the need for supplies or services is of an unusual and compelling urgency that the agency will be seriously injured unless a sole sore procurement is used, or FTA has approved the sole source procurement in a written response of the recipient and an agency manager has approved the procurement request? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.i.(1)(b)1a**  **4220.1F.VI.3.i.(1)(b)1b**  **4220.1F.VI.3.i.(1)(b)1c**  **4220.1F.VI.3.i.(1)(b)1d**  **\*2 CFR §200.320(c)(2)** | **Sole Source – Unique Capability or Availability\***  The property or services are available from one source if one of the conditions described below is present:   1. *Unique or Innovative Concept* – The offeror 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, the details of which are kept confidential or are patented or copyrighted and is available to the recipient only from one source and has not in the past been available to the recipient 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 equipment and major components thereof, when it is likely that award to another 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 equipment and major components thereof, when it is likely that award to another contractor would result in unacceptable delays in fulfilling the recipient’s needs.   The recipient’s reason for a sole source procurement is that it is not only available from one source or that it is only available from one source and the documented justification sufficiently explains that the need for a sole source procurement is based upon a unique or innovative concept, patents or restricted data rights, substantial duplication costs, or unacceptable delay? (Recipient must be explicit in describing how these exceptions apply.) | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.i.(1)(c)**  **\*2 CFR §200.320(c)(3)** | **Sole Source – Public Exigency or Emergency\***  The recipient may also limit the solicitation when the public exigency or emergency will not permit a delay resulting from competitive solicitation for the property or services.  … when a recipient has such an unusual and urgent need for the property or services that the recipient would be seriously injured unless it were permitted to limit the solicitation. The recipient may also limit the solicitation when the public exigency or emergency will not permit a delay resulting from competitive solicitation for  the property or services.  Is the sole source procurement for a Public Exigency or Emergency? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.i.(1)(e)**  **\*2 CFR §200.320(c)(4)** | **Sole Source – Federal Awarding Agency Authorization \***  The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity.  The Uniform Guidance provides Federal agencies authority to permit a recipient to use noncompetitive proposals. Examples of determinations made by the FTA are, 1) When entering into an agreement with a team, consortium, joint venture, or partnership, FTA has approved the participation of a particular firm or combination of firms, and expects the recipient to use competition, as feasible for other participants in the project, 2) or when entering a noncompetitive agreement as authorized by FAR Part 6.3.  Does the recipient have written authorization from the FTA for the sole source procurement? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.i.(1)(b)2**  **\*2 CFR §200.320(c)(5)** | **Sole Source – Singular Availability \***  After solicitation of a number of sources, competition is determined inadequate.  Upon receiving a single bid or single proposal in response to a solicitation, the recipient should determine if competition was adequate. This should include a review of the specifications for undue restrictiveness and might include a survey of potential sources that chose not to submit a bid or proposal.  Adequate Competition: FTA acknowledges competition to be adequate when the reasons for few responses were caused by conditions beyond the recipient’s control. Many unrelated factors beyond the recipient’s control might cause potential sources not to submit a bid or proposal. If the competition can be determined  Inadequate Competition: FTA acknowledges competition to be inadequate when, caused by conditions within the recipient’s control. For example, if the specifications used were within the recipient’s control and those specifications were unduly restrictive, competition will be inadequate.  Has the recipient reviewed specifications to see if they will unduly restrict competition? Has the recipient a plan to solicit as many potential sources as practical?  If the recipient determined the procurement has only singular availability, is competition determined to be adequate or inadequate? If determined to be inadequate, does the recipient have an applicable sole source justification? | |  | |  | |  | |  |  |  |
| **FTA Best Practices Procurement & Lessons Learned Manual**  **(October 2016) Pg 98** | **Sole Source – Invalid Excuses**  It will be difficult to justify use of the sole source procurement method if the agency itself is responsible for the situation. For example, lack of advance planning, delays in procurement administration due to a shortage of procurement personnel or the incompetence of procurement personnel, and insufficient funds due to budgeting constraints may not be a sufficient justification for classifying a needed procurement action as urgent or compelling. In these instances, an independent opinion is warranted.  Does the recipient’s justification demonstrate that the need for the sole source procurement is not due to the lack of advance planning, shortage of or incompetence of procurement personnel, or insufficient funds? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.i.(3)(c)** | **Sole Source – Cost Analysis**  For a sole source procurement, the recipient must prepare or obtain a cost analysis verifying the proposed cost data, the projections of the data, and the evaluation of the costs and profits.  The recipient’s sole source procurement cost analysis is completed? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.3.i.(1)(b)[2]**  **\*2 CFR §200.320(c)(5)** | **305 Sole Source – Single Response Analysis** | | | | | | | | | | |
| **4220.1F.VI.3.i.(1)(b)[2]**  **\*2 CFR §200.320(c)(5)** | **Sole Source – Single Bid or Single Proposal Result**   * Determination that the competition was adequate. * Review of specifications for undue restrictiveness. | | | | | | | | | | |
| **4220.1F.VI.3.i.(1)(b)2**  **\*2 CFR §200.320(c)(5)** | **Single Bid or Single Proposal Result\***  Upon receiving a single bid or single proposal in response to a solicitation, the recipient should determine if competition was adequate. This should include a review of the specifications for undue restrictiveness and might include a survey of potential sources that chose not to submit a bid or proposal.  Adequate Competition: FTA acknowledges competition to be adequate when the reasons for few responses were caused by conditions beyond the recipient’s control. Many unrelated factors beyond the recipient’s control might cause potential sources not to submit a bid or proposal. If the competition can be determined  Inadequate Competition: FTA acknowledges competition to be inadequate when, caused by conditions within the recipient’s control. For example, if the specifications used were within the recipient’s control and those specifications were unduly restrictive, competition will be inadequate.  FTA acknowledges competition to be adequate when the reasons for few responses were caused by conditions beyond the recipient’s control. Many unrelated factors beyond the recipient’s control might cause potential sources not to submit a bid or proposal. If the competition can be determined adequate, FTA’s competition requirements will be fulfilled, and the procurement will qualify as a valid competitive award.  When a procurement receives only one bid or proposal, an analysis of the solicitation requirements is required to see that the result is beyond the recipient’s control and not caused by noncompetitive restrictive requirements. Review the requirements analysis in cases of single bid/proposal results. The recipient can survey non-respondent potential bidders that chose not to submit a bid or proposal.  Has the recipient reviewed specifications to see if they unduly restricted competition? Has the recipient solicited as many potential sources as practical?  If the recipient received a single responsible response, is competition determined to be adequate or inadequate? If determined to be inadequate, does the recipient have an applicable sole source justification? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.8.** | **Award** | | | | | | | | | | |
| **2 CFR 200.318(h)** | **350 Responsible Contractor Determination – Part 2** | | | | | | | | | | |
| **2 CFR 200.318(h)** | **Responsible Contractor Determination**   * A responsible contractor analysis should be completed on the contractor selected for award. If requested elements in the solicitation, use responses there to support analysis. The recipient should do some verification of information supplied. | | | | | | | | | | |
| **4220.1F.VI.8.b.**  **4220.1F.IV.2.a.(1)**  **\*2 CFR 200.318(h)** | **Responsible Contractor – Award Only to a Responsible Bidder or Offeror\***  FTA assisted contract awards can be made only to “responsible” contractors possessing the ability, willingness, and integrity to perform successfully under the terms and conditions of the contract. Responsibility is a procurement issue that is determined by the recipient after receiving bids or proposals and before making contract award. FTA expects the prospective contractor to demonstrate affirmatively to the recipient that it qualifies as “responsible” under the standards of 49 U.S.C. Section 5325, and that its proposed subcontractors also qualify as “responsible.”  Has a responsible contractor analysis been completed? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.8.b.(2)**  **\*2 CFR 200.318(h)**  **2 CFR 200.214**  **2 CFR 180.300** | **Responsible Contractor – Debarment and Suspension\***  **Screen print of the SAM.gov page to show contractor has no exclusions.**  Has a responsible contractor analysis been completed?  Options:   * Result of a SAM.gov search that shows the contractor has not exclusions, or * Collecting a certification, or * Adding a clause or condition to the covered transaction. | |  | |  | |  | |  |  |  |
| **4220.1F.VI.8.b.(1)**  **\*2 CFR 200.318(h)** | **Responsible Contractor – Integrity and Ethics\***  Has a satisfactory record of integrity and business ethics? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.8.b.(3)**  **\*2 CFR 200.318(h)** | **Responsible Contractor – Affirmative Action and DBE\***  In compliance with applicable Affirmative Action and Disadvantaged Business Enterprise (DBE) requirements? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.8.b.(4)**  **\*2 CFR 200.318(h)** | **Responsible Contractor – Public Policy\***  In compliance with public policies of the federal, state, and local government? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.8.b.(5)**  **\*2 CFR 200.318(h)** | **Responsible Contractor – Administrative and Technical Capacity\***  Has the necessary organization, experience, accounting, and operational controls, and technical skills, or the ability to obtain them? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.8.b.(6)**  **\*2 CFR 200.318(h)** | **Responsible Contractor – Licensing and Taxes\***  In compliance with applicable licensing and tax laws and regulations? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.8.b.(7)**  **\*2 CFR 200.318(h)** | **Responsible Contractor – Financing Resources\***  Has the financial resources adequate to perform the contract or the ability to obtain them? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.8.b.(8)**  **\*2 CFR 200.318(h)** | **Responsible Contractor – Production Capability\***  Has the necessary production, construction, and technical equipment and facilities, or the ability to obtain them? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.8.b.(9)**  **\*2 CFR 200.318(h)** | **Responsible Contractor – Timeliness\***  Able to comply with the required delivery or performance schedule, taking into consideration all existing commercial and governmental business commitments? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.8.b.(10)**  **\*2 CFR 200.318(h)** | **Responsible Contractor – Performance Record\***   * Adequate resources and key personnel (and subcontractors) with adequate experience and past performance. * Adequate past experience in carrying out similar work. * Past deficiencies that were beyond the control of the bidder or the bidder has taken appropriate corrective action.   + In the case of deficient contracts, each contract deficiency must be reviewed for responsible determination.   Has a satisfactory experience and current performance record? | |  | |  | |  | |  |  |  |
| **4220.1F.IV.2.e.** | **355 Rolling Stock – Part 2** | | | | | | | | | | |
| **4220.1F.IV.2.e.** | **Rolling Stock** | | | | | | | | | | |
| **4220.1F.IV.2.e.(7)**  **49 USC §5318**  **49 CFR Part 665** | **Bus Testing Report**  The recipient has received the full Bus Testing Report and any partial testing reports before the acceptance of the first vehicle. Used for the required recipient certification | |  | |  | |  | |  |  |  |
| **4220.1F.IV.2.e.(2)**  **49 CFR §26.49** | **Pre-Award Transit Vehicle Manufacturer (TVM) FMVSS Self Certification**   * Before entering contract, the recipient must retrieve a copy of the transit Vehicle Manufacturer (TVM) self-certification that it has complied with the FTA’s DBE and safety requirements. Used for the required recipient certification. | |  | |  | |  | |  |  |  |
| **4220.1F.IV.2.e.(6)**  **49 USC §5323(m)**  **49 CFR Part 663** | **Pre-Award Buy America Documentation from Manufacturer**   * Before entering contract, documentation that lists Component and subcomponent parts identified by manufacturer of parts of rolling stock to be purchased, their country of origin and costs, and the location of the final assembly point with a description of the activities that will take place at the final assembly point and the cost of final assembly. Used for the required recipient certification. | |  | |  | |  | |  |  |  |
| **4220.1F.IV.2.e.(8)**  **49 U.S.C. Section 5325(i)** | **In-State Dealers**  The recipient may not limit its third party bus procurements to its in-State dealers, | |  | |  | |  | |  |  |  |
| **4220.1F.IV.2.i.** | **360 Construction – Part 2** | | | | | | | | | | |
| **4220.1F.IV.2.i.** | **Construction** | | | | | | | | | | |
| **4220.1F.IV.2.i.(1)(a)**  **2 CFR §200.326(a)** | **Construction – Bonding**  Bid Guarantee – Contractor needs bid guarantee for 5% of bid price.  Required above Simplified Acquisition Threshold. | |  | |  | |  | |  |  |  |
| **4220.1F.IV.2.i.(1)(b)**  **2 CFR §200.326(b)** | **Construction – Bonding**  Performance Bond – Contractor needs a performance bond for 100% of contract price.  Required above Simplified Acquisition Threshold. | |  | |  | |  | |  |  |  |
| **4220.1F.IV.2.i.(1)(c)**  **2 CFR §200.326(c)** | **Construction – Bonding**  Payment Bond – Contractor needs a payment bond for 100% of contract price.  Required above Simplified Acquisition Threshold. | |  | |  | |  | |  |  |  |
| **4220.1F.IV.2.i.(1)(d)** | **Construction – Bonding**  Explained in solicitation  Any bonding other bonding required? | |  | |  | |  | |  |  |  |
| **4220.1F.IV.2.i.(3)**  **\*2 CFR §200.318(g)** | **Value Engineering\***  Use value engineering clauses in contracts for construction projects of **sufficient size** to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost. | |  | |  | |  | |  |  |  |
| **4220.1F.IV.2.i.(5)**  **2 CFR 200 Appendix II (D)** | **Construction – Prevailing Wages**  Davis-Bacon wage determinations requirement explained in solicitation and included in contract documents. Included in clauses. | |  | |  | |  | |  |  |  |
| **4220.1F.VI.6.**  **2 CFR §200.324(a)** | **370 Price/Cost Analysis** | | | | | | | | | | |
| **4220.1F.VI.6.**  **2 CFR §200.324(a)** | **Price/Cost Analysis**   * Cost analysis or price analysis must be performed with every procurement action, including modifications. | | | | | | | | | | |
| **4220.1F.VI.6.b.**  **2 CFR §200.324(a)** | **Price Analysis**  If the recipient determines that competition was adequate, a price analysis, rather than a cost analysis, is required to determine the reasonableness of the proposed contract price.  Option: Analysis of the to be awarded price to the original independent estimate. | |  | |  | |  | |  |  |  |
| **4220.1F.VI.6.a.**  **2 CFR §200.324(a)** | **Cost Analysis**   * The recipient must obtain a cost analysis   + when a price analysis will not provide sufficient information to determine the reasonableness of the contract cost.   + when the offeror submits elements (that is, labor hours, overhead, materials, and so forth) of the estimated cost, (such as professional consulting and A&E contracts, and so forth).   + when price competition is inadequate,   + when only a sole source is available, even if the procurement is a contract modification, or   + in the event of a change order.   + The recipient, however, need not obtain a cost analysis if it can justify price reasonableness of the proposed contract based on a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation. | |  | |  | |  | |  |  |  |
| **4220.1F.VI.6.a.(2)**  **2 CFR §200.324(b)** | **Cost Analysis – Profit**  FTA expects the recipient to negotiate profit as a separate element of the cost for each contract in which there has been no price competition, and in all acquisitions in which the recipient performs or acquires a cost analysis. To establish a fair and reasonable profit, the recipient needs to consider the  complexity of the work to be performed, the risk undertaken by the contractor, the contractor’s investment, the amount of subcontracting, the quality of the contractor’s record of past performance, and industry profit rates in the surrounding geographical area for similar work. | |  | |  | |  | |  |  |  |
| **FTA FAQs** | **Cost Analysis – Supplier Assistance**  Optional: The FTA has advised in FAQs issuing the supplier a formal written request for a cost proposal in a format that the recipient’s technical personnel could effectively evaluate. This process could be used to help facilitate the development of a cost analysis. Note that this process is not available for the development of a cost analysis format for the independent estimate (ICE) in the planning stages of the procurement. | |  | |  | |  | |  |  |  |
|  | **405 Contract Administration – Part 2** | | | | | | | | | | |
|  | **Contract Administration – Subrecipient Oversight of Third Party Contracts**   * The subrecipient must have oversight of the performance of Third Party contracts. | | | | | | | | | | |
| **4220.1F.III.3.a.(1)(a)**  **4220.1F.III.3.a.(1)I**  **4220.1F.VI.2.a.(1)** | **Contract Administration – Fair and Accurate Specifications**  The solicitation and the contract awarded must include a clear and accurate description of the recipient’s technical requirements for the property or services to be acquired in a manner that provides for full and open competition. The description may include a statement of the qualitative nature of the property or services to be acquired. When practicable, the recipient should describe its requirements in terms of functions to be performed or level of performance required, including the range of acceptable characteristics or minimum acceptable standards. The Common Grant Rules for governmental recipients states that “Detailed product specifications should be avoided if at all possible.” Both Common Grant Rules express a preference for performance or functional specifications, but do not prohibit the use of detailed technical specifications when appropriate.  Does there appear to be a clear and accurate statement for the item/service to be procured in the solicitation (this description/specifications should be used for planning purposes, e.g. on what to price for the cost estimate)? | |  | |  | |  | |  |  |  |
| **2 CFR 200.318(b)** | **Contract Administration – Selected Offer Matches Specifications**  Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.  Do the specifications of the item/service of the selected offer match the specifications of the solicitation? | |  | |  | |  | |  |  |  |
| **4220.1F.IV.2.b.(3)** | **Period of Performance Review** | | | | | | | | | | |
| **4220.1F.IV.2.b.(3)** | **Period of Performance**  The period of performance generally should not exceed the time necessary to accomplish the purpose of the contract. The recipient should also consider competition, pricing, fairness, and public perception.  Planning records for the procurement document the performance period to be requested in the solicitation and agree to what is stated in the proposed contract? | |  | |  | |  | |  |  |  |
| **4220.1F.IV.2.e.(10)**  **49 USC §5325I(1)** | **Period of Performance – Rolling Stock – Time Limits for Options on Contracts**  5 year limit on bus contracts. Any non-rolling stock contract over 5 years must have sound business rationale documented. | |  | |  | |  | |  |  |  |
| **4220.1F.IV.2.b.(3)** | **Period of Performance – Rationale**  The period of performance generally should not exceed the time necessary to accomplish the purpose of the contract. The recipient should also consider competition, pricing, fairness, and public perception.  Planning records for the procurement document recipient’s rationale for determining the performance period designated? | |  | |  | |  | |  |  |  |
|  | **Payment Provisions** | | | | | | | | | | |
| **4220.1F.IV.2.b.(5)(a)**  **4220.1F.IV.2.b.(5)(b)**  **4220.1F.IV.2.b.(5)I** | **Payment Provisions**  The recipient may use its own funds to finance its contracts. However, if the recipient intends to use FTA assistance, expects to be reimbursed with FTA assistance, or dedicates its local share funds to support contract costs it has financed, then it must structure its payment provisions carefully.  Are the planned timing payment provisions of the solicitation and contract after the time in which the federal funds to be used for reimbursement have already been awarded or planned to be awarded? | |  | |  | |  | |  |  |  |
| **4220.1F.IV.2.b.(5)(b)** | **Advance payments**  Advance payments are payments made to a contractor before the contractor incurs contract costs.  The recipient may not use FTA assistance to make payments to a third party contractor before the contractor has incurred costs for which the payments would be attributable. FTA does make exceptions to the advance payment prohibition, if the recipient can provide sound business reasons for doing so and has obtained FTA’s advanced written concurrence. Adequate security for the advance payment is an essential pre-condition to FTA’s concurrence in the use of FTA or local share funds. | |  | |  | |  | |  |  |  |
| **4220.1F.IV.2.b.(5)(c)** | **Progress payments**  Progress payments are payments for contract work that has not been completed.  The recipient may use FTA assistance to support progress payments provided the recipient obtains adequate security for those payments and has sufficient written documentation to substantiate the work for which payment is requested.  The Common Grant Rules requires that any progress payments for construction contracts be made on a percentage of completion method. For other than construction contracts, the percentage of completion method may not be used. | |  | |  | |  | |  |  |  |
| **\*2 CFR 200.318(c)(1)**  **\*2 CFR 200.318(c)(2)** | **Contract Administration – Conflicts of Interest** | | | | | | | | | | |
| **\*2 CFR 200.318(c)(1)** | **Contract Administration – Conflicts of Interest\***  … a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.  Did the recipient notice any real or apparent conflict of interest in completing the publicity and evaluation phases of the procurement process? | |  | |  | |  | |  |  |  |
| **\*2 CFR 200.318(c)(2)** | **Contract Administration – Organizational Conflicts of Interest**  … Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.  Did the recipient notice any real or apparent organizational conflict of interest in completing the publicity and evaluation phases of the procurement process? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.2.a.(4)** | **Full and Open Competition Analysis – Avoid Prohibited Requirements that Restrict Competition**   * In evaluating the solicitation result an analysis should be completed of the solicitation requirements to identify and avoid any issues that might unduly restrict competition. In addition, recipients are prohibited from using FTA assistance to support an exclusionary or discriminatory specification. | | | | | | | | | | |
| **4220.1F.VI.2.a.(4)(b)**  **\*2 CFR 200.319(d)(1)** | **Full and Open Competition Analysis – Specifications – Not Unduly Restrict Competition\***  Solicitations must incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition.  Did the recipient list any specifications that unduly restricted competition in completing the publicity and evaluation phases of the procurement process? | |  | |  | |  | |  |  |  |
| **\*2 CFR 200.319(b)** | **Full and Open Competition Analysis – Specifications – Eliminate Unfair Advantage\***  In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.  Were contractors who assisted in developing or drafting specifications, requirements, statements of work, or invitations for bids or requests for proposals excluded from competing for the procurement? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.2.a.(4)(a)**  **\*2 CFR 200.319(b)(1)** | **Full and Open Competition Analysis – Specifications – Unreasonable Requirements\***  Did the recipient list any specifications that placed unreasonable requirements on firms in order for them to qualify to do business? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.2.a.(4)(b)**  **\*2 CFR 200.319(b)(2)** | **Full and Open Competition Analysis – Specifications – Unnecessary Experience\***  Did the recipient list any specifications that required unnecessary experience? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.2.a.(4)I**  **\*2 CFR 200.319(b)(2)** | **Full and Open Competition Analysis – Specifications – Excessive Bonding\***  Did the recipient impose any excessive bonding requirements? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.2.a.(4)(f)**  **\*2 CFR 200.319(b)(6)** | **Full and Open Competition Analysis – Specifications – Brand Name Descriptions\***  The solicitation cannot specify a “name brand” without allowing an equal product, or allowing an equal product but not listing the salient characteristics that the equal product must meet to be acceptable.  Did the recipient list any brand name requirement specifications without allowing an equal product or not listing the salient characteristics that the equal product must meet to be acceptable? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.2.a.(4)(j)**  **\*2 CFR 200.319(b)(7)** | **Full and Open Competition Analysis – Specifications – Arbitrary Action\***  Did the recipient include any unrelated requirements to the item/service procured or arbitrary actions are required in the specifications? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.2.a.(4)(g)**  **\*2 CFR 200.319(c)** | **Full and Open Competition Analysis – Specifications – Avoid Geographic Preferences\***  Specifying in-State or local geographical preferences, or evaluating bids or proposals in light of in-State or local geographic preferences, even if those preferences are imposed by State or local laws or regulations. In particular, 49 U.S.C. Section 5325(i) prohibits an FTA recipient from limiting its bus purchases to in-State dealers. There is an exception for A&E services, if there are still an appropriate number of firms, given the nature and size of the project, to compete for the contract.  Did the recipient avoid geographic restrictions in the list of procurement specifications? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.2.a.(4)(i)**  **\*2 CFR 200.319(b)(3)** | **Full and Open Competition Analysis – Collusion Among Vendors\***  Supporting or acquiescing in noncompetitive pricing practices between firms or between affiliated companies. Questionable practices would include, but not be limited to submissions of identical bid prices for the same products by the same group of firms, or an unnatural pattern of awards that had the cumulative effect of apportioning work among a fixed group of bidders or offerors.  Did the recipient notice any noncompetitive pricing practices among vendors that have the effect of limiting full and open competition? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.1.c.**  **\*2 CFR 200.319(e)** | **Prequalification Procedure Analysis** | | | | | | | | | | |
| **4220.1F.VI.1.c.(1)**  **4220.1F.VI.2.a.(4)(a)**  **\*2 CFR 200.319(e)** | **Prequalification – Current Prequalification Lists\***  Prequalification lists are most commonly used in procurements of consulting for A&E services or construction involving lengthy evaluations needed to determine whether it satisfies the recipient’s standards. The Uniform Guidance permits a recipient to prequalify people, firms, and property for procurement purposes.  If a prequalification list was used, did the recipient determine the list was current? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.1.c.(2)**  **4220.1F.VI.2.a.(4)(a)**  **\*2 CFR 200.319(e)** | **Prequalification – Sufficient Qualified Sources\***  If prequalification lists were used did the recipient determine the list included enough qualified sources to provide full and open competition? | |  | |  | |  | |  |  |  |
| **4220.1F.VI.1.c.(3)**  **4220.1F.VI.2.a.(4)(a)**  **\*2 CFR 200.319(e)** | **Prequalification – Qualification During Solicitation\***  The recipient permits potential bidders or offerors to qualify during the solicitation period (from the issuance of the solicitation to its closing date)?  FTA, however, does not require a recipient to hold a particular solicitation open to accommodate a potential supplier that submits property for approval before or during that solicitation. Nor must a recipient expedite or shorten prequalification evaluations of bidders, offerors, or property presented for review during the solicitation period.  If prequalification lists were used, did the recipient determine that qualification of vendors was open to new vendors during the open procurement period? | |  | |  | |  | |  |  |  |
| **2 CFR 200.318(k)** | **Protections Against Performance Difficulties**  The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction. | | | | | | | | | | |
| **4220.1F.VII.1.a.(1)**  **\*2 CFR 200.318(k)** | **Protections Against Performance Difficulties – Protest Procedures\***  FTA expects each recipient to have appropriate written protest procedures, as part of its requirement to maintain or acquire adequate technical capacity to implement the project. Protest procedures must be available to bidders and the public.  Were protest procedures available to offerors in the solicitation? | |  | |  | |  | |  |  |  |
|  | **END OF CHECKLIST** | | | | | | | | | | |