**Procurement – Responsible Determination Worksheet**

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| **Grantee:** | Click or tap here to enter text. |
| **Completed by:** | Click or tap here to enter text. |
| **Item to Procure:** | Click or tap here to enter text. |
| **Date Completed:** | Click or tap to enter a date. |

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| **Responsible Determination Worksheet – Part 1**  *Completed and submitted prior to requesting quotes or launching publicity plan* |

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| **4220.1F VI.8.b. Award Only to a Responsible Bidder or Offeror**  49 U.S.C. Section 5325 requires FTA assisted contract awards to 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.” | |
| While the responsible determination is made after the selection of vendors to be awarded the contract or purchase order, the recipient must plan how it will collect the information to make the determination. Review the Responsible Offeror Criteria following and determine the applicable criteria for this procurement. For those items the recipient marks as applicable it must have a plan on how the information for the criteria will be obtained and how the determination will be made. | |
| **Responsible Offeror Criteria**  **2 CFR Part §200.318(h)** The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.  **4220.1F IV.2.a. Contractor Qualifications**  A responsible contractor analysis should be completed prior to executing an award with the selected contractor. Elements to perform an evaluation should be requested in the solicitation and used to support the responsible analysis.  4220.1F IV.2.a.(1) & 2 CFR §200.318(h) Responsibility Requirements“…Before selecting a contractor for award, the recipient must consider such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.”  Document which criteria items are applicable to the solicitation. | |
| **Criteria 1: Debarment and Suspension**   * **Procurements greater than $25,000**   Non-Federal entities are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR part 180. The regulations in 2 CFR part 180 restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.  (4220.1F. Chapter VI. Section 8.b.(2)) (4220.1F. Chapter IV. Section 2.a.(2)(b)) (2 CFR 200 §200.214)   * **Required verification options (one of three required)**   + SAM.gov verification   + Debarment and Suspension Certification   + Debarment and Suspension Clause in contract/agreement or attached to purchase order   (2 CFR 200 §180.300)  Is the criterion applicable to the procurement? | |
|  | Applicable Criterion. |
|  | Not Applicable. Award value is less than $25,000. |
| **Criteria 2: Integrity and Ethics**  Has a satisfactory record of integrity and business ethics.  (4220.1F. Chapter VI. Section 8.b.(1)) (49 U.S.C. Section 5325(j)(2)(A))  Is the criterion applicable to the procurement? | |
|  | Applicable Criterion. |
|  | Not Applicable. Provide explanation as needed. Click or tap here to enter text. |
| **Criteria 3: Affirmative Action and DBE**  In compliance with applicable Affirmative Action and Disadvantaged Business Enterprise (DBE) requirements.  (4220.1F. Chapter VI. Section 8.b.(3))  Is the criterion applicable to the procurement? | |
|  | Applicable Criterion. |
|  | Not Applicable. Provide explanation as needed. Click or tap here to enter text. |
| **Criteria 4: Public Policy**  In compliance with public policies of the Federal Government.  (4220.1F. Chapter VI. Section 8.b.(4)) (49 U.S.C. Section 5325(j)(2)(B))  Is the criterion applicable to the procurement? | |
|  | Applicable Criterion. |
|  | Not Applicable. Provide explanation as needed. Click or tap here to enter text. |
| **Criteria 5: Administrative and Technical Capacity**  Has the necessary organization, experience, accounting, and operational controls, and technical skills, or the ability to obtain them.  (4220.1F. Chapter VI. Section 8.b.(5)) (49 USC Section 5325(j)(2)(D))  Is the criterion applicable to the procurement? | |
|  | Applicable Criterion. |
|  | Not Applicable. Provide explanation as needed. Click or tap here to enter text. |
| **Criteria 6: Licensing and Taxes**  In compliance with applicable licensing and tax laws and regulations.  (4220.1F. Chapter VI. Section 8.b.(6))  Is the criterion applicable to the procurement? | |
|  | Applicable Criterion. |
|  | Not Applicable. Provide explanation as needed. Click or tap here to enter text. |
| **Criteria 7: Financial Resources**  Has the financial resources adequate to perform the contract or the ability to obtain them.  (4220.1F. Chapter VI. Section 8.b.(7)) (49 USC Section 5325(j)(2)(D))  Is the criterion applicable to the procurement? | |
|  | Applicable Criterion. |
|  | Not Applicable. Provide explanation as needed. Click or tap here to enter text. |
| **Criteria 8: Production/Technical Capability**  Has the necessary production, construction, and technical equipment and facilities, or the ability to obtain them?  (4220.1F. Chapter VI. Section 8.b.(8))  Is the criterion applicable to the procurement? | |
|  | Applicable Criterion. |
|  | Not Applicable. Provide explanation as needed. Click or tap here to enter text. |
| **Criteria 9: Timeliness**  Able to comply with the required delivery or performance schedule, taking into consideration all existing commercial and governmental business commitments.  (4220.1F. Chapter VI. Section 8.b.(9))  Is the criterion applicable to the procurement? | |
|  | Applicable Criterion. |
|  | Not Applicable. Provide explanation as needed. Click or tap here to enter text. |
| **Criteria 10: Performance Record**  Has a satisfactory current performance record.  (4220.1F. Chapter VI. Section 8.b.(10)(a))   * has a satisfactory past performance record with sufficient resources, such as key personnel with adequate experience, and/or a parent firm with adequate resources and experience, and/or key subcontractors with adequate experience and past performance, and,   (4220.1F. Chapter VI. Section 8.b.(10)(b)1)   * has past experience in carrying out similar work with particular attention to management approach, staffing, timeliness, technical success, budgetary controls, and other specialized considerations as described in the solicitation? And,   (4220.1F. Chapter VI. Section 8.b.(10)(b)2)   * has past deficiencies or past deficiencies that are not the fault of the bidder.   A prospective bidder or offeror that is or recently has been seriously deficient in contract performance is presumed to be nonresponsible, unless the recipient determines that the circumstances were properly beyond the bidder or offeror’s control, or unless the bidder or offeror has taken appropriate corrective action. Past failure to apply sufficient tenacity, perseverance, and effort to perform acceptably is strong evidence of nonresponsibility. Failure to meet the quality requirements of a contract is a significant factor to consider in determining satisfactory performance. FTA expects the recipient to consider the number of the bidder or offeror’s contracts involved and the extent of deficient performance in each contract when making this determination.  (4220.1F. Chapter VI. Section 8.b.(10)(b)3)  Is the criterion applicable to the procurement? | |
|  | Applicable Criterion. |
|  | Not Applicable. Provide explanation as needed. Click or tap here to enter text. |
| **Criteria 11: Other Criteria to Consider**  Describe any other criteria determined applicable. | |
| Click or tap here to enter text. | |

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| **What is the plan on how to receive Offeror responsibility criteria information and how to make a responsible Offeror determination?** | |
| **Formal Procurements** | |
|  | Responsible Offeror criteria will be requested in the solicitation notification and the responsible determination made after Offeror selection and before making the award. |
|  | Responsible Offeror criteria will be requested in Offeror interviews after Offeror selection and the responsible determination made before making the award. |
|  | Other, please describe: Click or tap here to enter text. |
| **Small Purchase Procurements** | |
|  | Responsible Offeror criteria will be requested at the same time Offeror quotes are requested and the responsible determination made at that time. |
|  | Other, please describe: Click or tap here to enter text. |

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| **PART 1 – End Check Point**  *Completed and submitted prior to requesting quotes or launching publicity plan* | | |
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| Before requesting price or rate quotations or advertising the procurement, submit the planning and solicitation documents to TDOT for review and to receive the letter to proceed with request for price quotes or publicity. After receiving letter to proceed, request price or rate quotations or start solicitation publicity plan. Prior to making an award, see Part 2 for next steps. | | |
|  | **True** | **False** |
| Before requesting price or rate quotations or advertising the procurement, will the Responsible Determination Worksheet planning documents be submitted to TDOT for review and to issue a letter to proceed with the price quotes or publicity? |  |  |

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| **Responsible Determination – Part 2**  *Completed and submitted prior to issuing purchase order or executing contract* |

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| **4220.1F VI.8.b. Award Only to a Responsible Bidder or Offeror**  49 U.S.C. Section 5325 requires FTA assisted contract awards to 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.” | |
| **Selected Offeror** | Click or tap here to enter text. |

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| **Responsible Offeror Criteria**  Document considerations and discussions with Offeror below | |
| **2 CFR Part §200.318(h)** The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. | |
| **4220.1F IV.2.a. Contractor Qualifications**  A responsible contractor analysis should be completed prior to executing an award with the selected contractor. Elements to perform an evaluation should be requested in the solicitation and used to support the responsible analysis. Attach any responsible documentation received from the selected contractor. The recipient should do some verification of the information supplied.  4220.1F IV.2.a.(1) & 2 CFR §200.318(h) Responsibility Requirements“…Before selecting a contractor for award, the recipient must consider such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.” | |
| **Criteria 1: Debarment and Suspension**   * **Procurements greater than $25,000**   Non-Federal entities are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR part 180. The regulations in 2 CFR part 180 restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.  (4220.1F. Chapter VI. Section 8.b.(2)) (4220.1F. Chapter IV. Section 2.a.(2)(b)) (2 CFR 200 §200.214)   * **Required verification options (one of three required)**   (2 CFR 200 §180.300)  Select all methods considered/documented | |
|  | Documentation not excluded on SAM.gov (documented result), or |
|  | Offeror executed certification, or |
|  | Clause or condition included in transaction documentation: contract or purchase order. |
|  | Not Applicable. Award value is less than $25,000. |
| **Criteria 2: Integrity and Ethics**  Has a satisfactory record of integrity and business ethics.  (4220.1F. Chapter VI. Section 8.b.(1)) (49 U.S.C. Section 5325(j)(2)(A))  How considered? | |
|  | Offeror provided information in offer submission or discussions with recipient |
|  | Other consideration, explain and document result: Click or tap here to enter text. |
|  | Not Applicable. Provide explanation as needed. Click or tap here to enter text. |
| **Criteria 3: Affirmative Action and DBE**  In compliance with applicable Affirmative Action and Disadvantaged Business Enterprise (DBE) requirements.  (4220.1F. Chapter VI. Section 8.b.(3))  How considered? | |
|  | Offeror provided information in offer submission or discussions with recipient |
|  | Other consideration, explain and document result: Click or tap here to enter text. |
|  | Not Applicable. Provide explanation as needed. Click or tap here to enter text. |
| **Criteria 4: Public Policy**  In compliance with public policies of the federal, state, and local government.  (4220.1F. Chapter VI. Section 8.b.(4)) (49 U.S.C. Section 5325(j)(2)(B))  How considered? | |
|  | Offeror provided information in offer submission or discussions with recipient |
|  | Other consideration, explain and document result: Click or tap here to enter text. |
|  | Not Applicable. Provide explanation as needed. Click or tap here to enter text. |
| **Criteria 5: Administrative and Technical Capacity**  Has the necessary organization, experience, accounting, and operational controls, and technical skills, or the ability to obtain them.  (4220.1F. Chapter VI. Section 8.b.(5)) (49 USC Section 5325(j)(2)(D))  How considered? | |
|  | Offeror provided information in offer submission or discussions with recipient |
|  | Other consideration, explain and document result: Click or tap here to enter text. |
|  | Not Applicable. Provide explanation as needed. Click or tap here to enter text. |
| **Criteria 6: Licensing and Taxes**  In compliance with applicable licensing and tax laws and regulations.  (4220.1F. Chapter VI. Section 8.b.(6))  How considered? | |
|  | Offeror provided information in offer submission or discussions with recipient |
|  | Other consideration, explain and document result: Click or tap here to enter text. |
|  | Not Applicable. Provide explanation as needed. Click or tap here to enter text. |
| **Criteria 7: Financial Resources**  Has the financial resources adequate to perform the contract or the ability to obtain them.  (4220.1F. Chapter VI. Section 8.b.(7)) (49 USC Section 5325(j)(2)(D))  How considered? | |
|  | Offeror provided information in offer submission or discussions with recipient |
|  | Other consideration, explain and document result: Click or tap here to enter text. |
|  | Not Applicable. Provide explanation as needed. Click or tap here to enter text. |
| **Criteria 8: Production/Technical Capability**  Has the necessary production, construction, and technical equipment and facilities, or the ability to obtain them?  (4220.1F. Chapter VI. Section 8.b.(8))  How considered? | |
|  | Offeror provided information in offer submission or discussions with recipient |
|  | Other consideration, explain and document result: Click or tap here to enter text. |
|  | Not Applicable. Provide explanation as needed. Click or tap here to enter text. |
| **Criteria 9: Timeliness**  Able to comply with the required delivery or performance schedule, taking into consideration all existing commercial and governmental business commitments.  (4220.1F. Chapter VI. Section 8.b.(9))  How considered? | |
|  | Offeror provided information in offer submission or discussions with recipient |
|  | Other consideration, explain and document result: Click or tap here to enter text. |
|  | Not Applicable. Provide explanation as needed. Click or tap here to enter text. |
| **Criteria 10: Performance Record**  Has a satisfactory current performance record.  (4220.1F. Chapter VI. Section 8.b.(10)(a))   * has a satisfactory past performance record with sufficient resources, such as key personnel with adequate experience, and/or a parent firm with adequate resources and experience, and/or key subcontractors with adequate experience and past performance, and,   (4220.1F. Chapter VI. Section 8.b.(10)(b)1)   * has past experience in carrying out similar work with particular attention to management approach, staffing, timeliness, technical success, budgetary controls, and other specialized considerations as described in the solicitation? And,   (4220.1F. Chapter VI. Section 8.b.(10)(b)2)   * has past deficiencies or past deficiencies that are not the fault of the bidder.   A prospective bidder or offeror that is or recently has been seriously deficient in contract performance is presumed to be nonresponsible, unless the recipient determines that the circumstances were properly beyond the bidder or offeror’s control, or unless the bidder or offeror has taken appropriate corrective action. Past failure to apply sufficient tenacity, perseverance, and effort to perform acceptably is strong evidence of nonresponsibility. Failure to meet the quality requirements of a contract is a significant factor to consider in determining satisfactory performance. FTA expects the recipient to consider the number of the bidder or offeror’s contracts involved and the extent of deficient performance in each contract when making this determination.  (4220.1F. Chapter VI. Section 8.b.(10)(b)3)  How considered? | |
|  | Offeror provided information in offer submission or discussions with recipient |
|  | Other consideration, explain and document result: Click or tap here to enter text. |
|  | Not Applicable. Provide explanation as needed. Click or tap here to enter text. |
| **Criteria 11: Other Criteria to Consider**  Describe any other criteria determined relevant and considerations. | |
| Click or tap here to enter text. | |

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| **Discussions with Offeror** | |
| In doing the research necessary to make a responsibility determination, recipients are permitted to discuss with the Offeror the Offeror’s responsibility and any concerns.  Document discussion with Offeror here. | |
| Click or tap here to enter text. | |
| **Offeror References**  A good source for responsibility documentation is Offeror references. Document references and notes of any discussions. Maintain and attach any documentation created or received regarding the Offeror responsibility determination. | |
| **Reference** | **Notes** |
| Click or tap here to enter text. | Click or tap here to enter text. |
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| Click or tap here to enter text. | Click or tap here to enter text. |
| **History of Previous Projects** (with recipient or other references) | |
| **Project** | **Notes** |
| Click or tap here to enter text. | Click or tap here to enter text. |
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| **Discussion or description of any attached documents:** |
| Click or tap here to enter text. |

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| **Responsible Determination** | | |
|  | **True** | **False** |
| Based on the analysis noted above, the selected Offeror/Contractor is determined to be responsible?  (2 CFR Part §200.318(h)) |  |  |

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| **PART 2 – End Check Point**  *Completed and submitted prior to issuing purchase order or executing contract* | | |
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| Prior to issuing a purchase order or executing a contract with selected vendor(s), submit the evaluation and award documents to TDOT for review and to receive the letter to proceed with award. After receiving letter to proceed, a purchase order can be issued, or contract can be executed with selected vendor(s). | | |
|  | **True** | **False** |
| Before issuing a purchase order or executing a contract, will the procurement Responsible Contractor Determination and award documents be submitted to TDOT for review and to issue a letter to proceed with the award? |  |  |