

APTA BUS TECHNICAL MAINTENANCE AND PROCUREMENT WORKSHOP

PROCUREMENT SYSTEMS REVIEWS

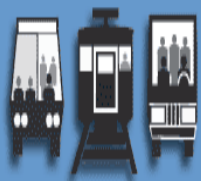
SAN ANTONIO, TX

October 5, 2010

By:

James Harper, Jr.

Director, Office of Acquisition Management



Key Regulations and Circulars

Regulations

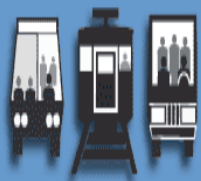
- 49 CFR Part 18
- Master Agreement

Circular 4220.1F Became effective on
11/1/08

* Also updated as of 11/1/08

Circulars

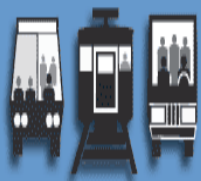
- ✓ FTA C 4220.1E
- ✓ FTA C 9040.1F
- ✓ FTA C 9070.1F
- ✓ FTA C 9050.1
- ✓ FTA C 9045.1
- ✓ FTA C 9300.1*
- ✓ FTA C 9030.1C
- ✓ FTA C 5010.1C *



FTA Oversight Activities

- ✓ **Annual Grantee Assessment**
 - Performed by the Regional Offices
 - Determines Level of Oversight

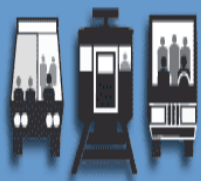
- ✓ **Assessment Areas**
 - Grant Administration
 - Grantee Profile
 - Property Management
 - Financial Management
 - Procurement Management



FTA Oversight Activities

Project Level Reviews

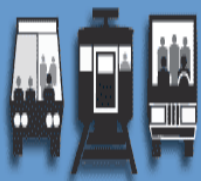
- ✓ Project Management Oversight
- ✓ Financial Capacity Assessments



FTA Oversight Activities

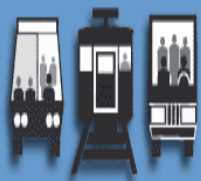
Program Specific Reviews

- ✓ Procurement System
- ✓ Financial Management
- ✓ Safety and Security
- ✓ Civil Rights



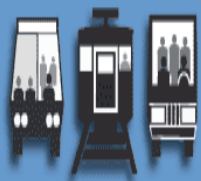
FTA Oversight Activities

- ✓ General Reviews
- ✓ Triennial Review
 - Conducted of recipients of 5307 funds
 - Mandated by law
 - 5 of 23 areas reviewed relate to procurement
- ✓ State Management Review
 - Conducted of states and territories
 - Addresses 5309, 5310, 5311, 5316 and 5317 requirements
 - 5 of 21 areas reviewed relate to procurement



FTA Oversight Activities

- ✓ **Assessment Areas** (continued)
 - Technology Deployment
 - Safety and Security
 - Planning
 - Civil Rights
 - Level of Oversight
 - Low, medium or high
 - Specialty reviews



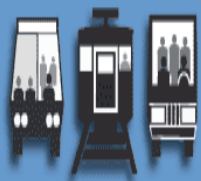
Procurement System Review Scope

Assess Grantees' System wide Elements

- ✓ Policies and Procedures

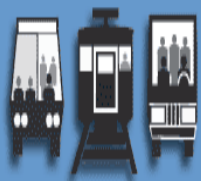
Test Individual Procurement Elements

- ✓ Sample of procurements tested for 50 elements (as applicable)



Review Process

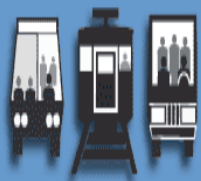
- ✓ Desk review
- ✓ Notification letter
- ✓ Site visit
- ✓ Exit conference
- ✓ Draft Report
- ✓ Final report
- ✓ Resolution of findings
- ✓ Follow-up reviews



Procurement Policies and Procedures

Policies and Procedures Should Address

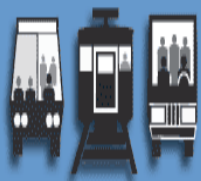
- ✓ Arbitrary action
- ✓ Geographical preferences
- ✓ Contractor selection procedures
- ✓ Clear and accurate contract specifications
- ✓ Brand name or equal
- ✓ Micro-purchases
- ✓ Small purchase
- ✓ Sealed bid method of procurement



Procurement Policies and Procedures

Policies and Procedures Should Address

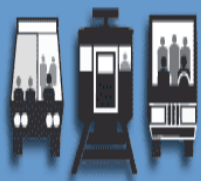
- ✓ Awards only to responsible contractors
- ✓ Maintenance of records
- ✓ Time and materials type contracts
- ✓ Contract term limitation
- ✓ Tag-ons
- ✓ Full and open competition
- ✓ Unreasonable requirements
- ✓ Organizational conflicts of interest



Procurement Policies and Procedures

Policies and Procedures Should Address

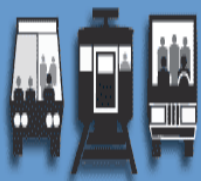
- ✓ Competitive proposal (RFP) method of procurement
- ✓ Brooks Act procedures
- ✓ Procurement of design-bid-build
- ✓ Sole source documentation
- ✓ Options
- ✓ Cost or price analysis
- ✓ Independent cost or price estimates
- ✓ Cost plus percentage of cost type contract



Procurement Policies and Procedures

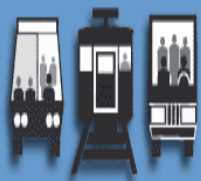
Policies and Procedures Should Address

- ✓ Bonding requirements
- ✓ Advance payments
- ✓ Progress payments
- ✓ Liquidated damages
- ✓ Announcements of contract awards
- ✓ Remedies for breach
- ✓ Termination
- ✓ Revenue contracts



Resources

- ✓ FTA website
- ✓ Best Practices Procurement Manual
- ✓ Online procurement tools and resources
- ✓ Frequently asked procurement questions
- ✓ Other grantees



Point of Contact

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