

Chapter 8

Competitive Procurement

CHAPTER 8 OVERVIEW

- ✓ Outlines **state procurement procedures** for transit vehicles.
- ✓ Details statutory requirements for **full and open disclosure**.

NOTES

A. Procurement Procedures

Kansas CTD Council in collaboration with KDOT, must engage in a multi-step process in order to procure transit vehicles and other capital purchases.

1. First, the CTD Council is responsible for preparing specifications for each type of vehicle demanded by participating transit providers.
2. The Council must then distribute a Notice to Bid to all vendors on a comprehensive vendor mailing list.

The goal of this process is to ensure full and open competition. Full and open competition is achieved through:

- ◆ maintenance of a current bidder's list;
- ◆ adoption of a written code of general ethical standards and conduct governing the performance of employees who are engaged in the award and administration of performance grants;
- ◆ specification of bidder requirements;
- ◆ advertisement for bids;
- ◆ solicitation of an adequate number of bids or proposals;
- ◆ allowance of adequate time for bidders to respond to proposals.

Chapter 8

Competitive Procurement

Upon receipt by the Council, the bids are tabulated and the lowest bid that meets all of the requirements contained in the specifications is accepted. The bid accepted by KDOT and the Council must contain all certifications and meet the requirements set forth by 49 CFR Part 663 and 49 CFR Part 665.

After a vendor is selected, the Council will conduct a pre-award audit on the purchasing agency's behalf. Following the conclusion of the pre-award audit, the Council will assist the agency in preparing purchase orders for the vehicle(s). KDOT does not order or purchase vehicles directly. Instead, the agency orders and purchases the vehicles described in the courtesy bid from the vendor. The vehicle is delivered to the agency by the vendor.

At the time of delivery, a designee from the agency must conduct a post-delivery vehicle inspection in the presence of the vendor's representative. If the vendor has failed to meet the demands of the specifications or the vehicle fails to properly function upon delivery, the agency should withhold payment until some plan of action for correcting the malfunction is established. KDOT must be informed of any problems that arise upon occurrence. The agency is responsible for conducting the post-award audit upon delivery and final acceptance of the vehicle.

Consult the Vehicle Inspection Video and Manual prepared by the KU Transportation Center for more information on performing delivery inspections. This document appears in full as an attachment to Chapter 6, and the video can be acquired by contacting the KU Transportation Center.

B. Certification for Open and Full Competition Compliance

Local agencies of the state and tribal governments must comply with state and federal regulations when awarding and administering federal assistance. Procurement is conducted in a manner that provides for full competition, as outlined above. Non-profit organizations using Section 5310 or 5311 funds for procurement of vehicles, equipment, construction, or related services must comply with third-party contract regulations as specified in FTA C 4220.1D and as outlined above.

Chapter 8

Competitive Procurement

C. Achieving Full and Open Competition

Non-profit organizations must undergo a number of steps in certifying compliance with open and full competition requirements. These steps include:

1. submitting written protest procedures and selection procedures;
2. procuring in a manner of full competition conducting contract cost and price analysis for any procurement; using competitive proposal procedures;
3. maintaining a contract administration system;
4. obtaining prior written approval of the state before entering into any contract with a period of performance exceeding five years; and
5. maintaining a written record of procurement history.

Failure to comply with these regulations may result in the loss of state or federal funding, as well as loss of non-profit organization status.

CHECKLIST

- Has the CTD Council prepared specifications for vehicles requested? 8-1
- Has the Council done everything necessary to guarantee full and open competition in the bidding process? 8-3
- Are there established guidelines to consult when conducting an inspection of a new vehicle upon delivery? 8-2