

**VICTOR VALLEY TRANSIT AUTHORITY
REGULAR MEETING OF
THE BOARD OF DIRECTORS**

Monday, April 18, 2022 9:30 A.M.



Victor Valley Transit Authority
17150 Smoke Tree Street
Hesperia, CA 92345

SUPPLEMENTAL AGENDA

ACTION ITEMS

- Item #11: Amend VVTA Procurement Policy 1070.**
Recommendation: Approve amendment to VVTA Procurement Policy:
1070.
Presented by: Christine Plasting, Procurement Manager.

VICTOR VALLEY TRANSIT AUTHORITY

AGENDA MATTER

Amend VVTA Procurement Policy 1070.

SUMMARY STATEMENT

During the Federal Triennial Review, the Reviewer pointed out a new Federal Clause that must be included in all Federal procurements that exceed \$25,000.00. This new clause:

“FTA Master Agreement §39 (b): Notice to FTA and U.S. DOT Inspector General of Information related to fraud, waste, abuse, or other legal matters. This applies to all contracts at all tiers expected to equal or exceed \$25,000.00. The recipient must require a prime contractor to “flow-down” the requirement to subcontractors.”

The addition of this clause was added to Policy 1070 2.1.15. on page 2 of the Procurement policy document. Also changed is the requirement for VVTA to review changes or new clauses annually to ensure that VVTA’s Procurement Policies and Procedures are up to date with all Federal requirements. This was added to 1.4 of Policy 1070.

This change has also been noted on Procurement Procedures 1070-1 2.36 on page 8 of the Procedures document.

RECOMMENDED ACTION

Approve amendment to VVTA Procurement Policy: 1070.

PRESENTED BY	FISCAL IMPACT	MEETING DATE	ITEM NUMBER
Christine Plasting Procurement Manager	N/A	April 18, 2022	11

VVT Procurement Policy Manual	Policy 1070 Page 1 of 2
GENERAL POLICIES Special Federal Grantee Requirements and Applicable Laws	Approved by VVTA Board of Directors Date Approved: July April 18, 2022- 19 , 2021
<p>1. GENERAL</p> <p>1.1. VVTA, as a recipient of federal assistance, is required to implement as part of its contracting program, a variety of federal laws and regulations regarding contractor labor relations, affirmative action for qualified handicapped individuals, domestic preference and environmental protection programs, an inspection and verification procedure to ensure compliance with VVTA’s specifications, Federal motor vehicle safety standards, and Buy America requirements.</p> <p>1.2. This policy prescribes some of the applicable Federal laws and regulations for VVTA contracts and purchases, and where appropriate, indicates the specific contract types and dollar thresholds requiring contractual coverage.</p> <p>1.3. VVTA Chief Financial Officer or their designee will assure that the required provisions are included in all appropriate solicitations and contracts.</p> <p>1.4. The VVTA Procurement Manager or designee is responsible for reviewing annually the Federal References below to update VVTA’s Procurement Policies and Procedures with any new clauses or changes to the various regulations. The Procurement Manager will log into the FTA Oversight website, receive emails from the FTA, and attend training to ensure program compliance with all updated regulations.</p> <p>2. FEDERAL REFERENCES</p> <p>2.1. Federal references include the most recent version of the following documents:</p> <p>2.1.1. U.S. Department of Transportation, Federal Transit Administration (FTA), Master Agreement for Federal Transit Administration Agreements.</p> <p>2.1.2. Executive Office of the President, Office of Management and Budget OM-18-18: Implementing Statutory Changes to the Micro Purchase and the Simplified Acquisition Threshold for Financial Assistance</p> <p>2.1.3. 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.</p> <p>2.1.4. FTA Circular on <i>Third Party Contracting Requirements</i>, FTA 4220.1F (4) (or latest revision)</p> <p>2.1.5. FTA Circular C5010.1-D.</p> <p>2.1.6. Section 9(j) of the Urban Mass Transportation Act.</p> <p>2.1.7. Federal Transit Laws, 49 U.S.C. Chapter 53.</p> <p>2.1.8. Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), P. L. 102-240.</p> <p>2.1.9. Sections 4001 and 1555 of the Federal Acquisition Streamlining Act of 1994, 41 U.S.C. § 403(11) and 40 U.S.C. § 481(b), respectively.</p> <p>2.1.10. 49 CFR part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.</p>	

VFTA Procurement Policy Manual	Policy 1070 Page 2 of 2
GENERAL POLICIES Special Federal Grantee Requirements and Applicable Laws	Approved by VFTA Board of Directors Date Approved: July April 18, 2022- 19 , 2024
<p>2.1.11. 49 CFR part 19, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.</p> <p>2.1.12. Executive Order 12612, “Federalism.”</p> <p>2.1.13. Federal Acquisition Regulations, Part 31.</p> <p>2.1.14. FTA Best Practices Procurement Manual.</p> <p>2.1.15. FTA Master Agreement §39 (b)</p> <p>3. REQUIRED CONTRACT PROVISIONS</p> <p>3.1. VFTA shall ensure that its contracts include all applicable Grantee Requirements as required by FTA regulations for all procurements utilizing FTA funds. Procurement Staff are directed to refer to the FTA Best Practices website for a current listing of Grantee Requirements and incorporate all applicable requirements for each FTA procurement.</p> <p>4. STATE AND LOCAL REFERENCES</p> <p>4.1. Joint Powers Authority, created by the member entities in 1992, including subsequent amendments. California Government Code Sections 1090, 1126, 87100, 87306, and any other applicable provisions of the Government Code and any conflict of interest Code applicable to VFTA employment.</p> <p>4.2. All other applicable federal, state and local laws, codes, regulations, and standards.</p>	

VFTA Procurement Procedures Manual	Procedure 1070-1 Page 8 of 9
GENERAL PROCEDURES References to Federal Grantee Required Clauses and Applicable Laws	Approved by VFTA Executive Director Date Approved: July 19, 2021
<p>The Safe Operation of Motor Vehicles requirements apply to all federally funded third party contracts. In compliance with Federal Executive Order 13043, “Increasing Seat Belt Use in the United States,” April 16, 1997, 23 USC Section 402 note, FTA encourages each third-party contractor to adopt and promote on-the-job seat belt use policies and programs for its employees and other personnel that operate company owned, rented, or personally operated vehicles, and to include provision in each third-party subcontract involving the project. Additionally, VFTA is required by FTA to include a Distracted driving clause that addresses distracted driving, including text messaging in each of its third-party agreements supported with Federal assistance. Other regulations that apply to this regulation are Executive Order 13513 and US DOT Order NO. 3902.10.</p> <p>2.32. Termination</p> <p>All contracts in excess of \$10,000.00 must address termination for cause and for convenience, including the manner by which it will be affected and the basis for settlement. As mandated by 2 CFR 200.339 and 2 CFR part 200, appendix II (B)</p> <p>2.33. Violation and Breach of Contract</p> <p>All contracts in excess of \$250,000.00 shall contain administrative, contractual, or legal remedies in instances where contracts violate or breach contract terms and provide for such sanctions and penalties as appropriate. As mandated by 2 CFR 200.326 and 2 CFR part 200, Appendix II (A).(Liquidated Damages)</p> <p>2.34. Government-Wide Debarment and Suspension</p> <p>A contract award (of any tier) in an amount expected to equal or exceed \$25,000.00 or a contract award at any tier for a federally required audit (Irrespective of the contract amount) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR part 180.</p> <p>2.35 No Government Obligation to Third Parties</p> <p>Purchasing Staff ensures inclusion of the clause is included in all third-party contracts that are federally funded.</p> <p>2.36 Notice to FTA and U.S. DOT Inspector General of information related to fraud, waste, abuse, or other legal matters. Applies to all contracts at all tiers expected to equal or exceed \$25,000.00. The recipient must require a prime contractor to “flow-down” the requirement to subcontractors. FTA Master Agreement §39 (b)</p>	