



**VICTOR VALLEY TRANSIT AUTHORITY
REGULAR MEETING OF
THE BOARD OF DIRECTORS
Monday, August 19, 2024, 9:30 A.M.**

**Barstow City Council Chambers
220 East Mountain View Street
Barstow, CA 92311**

Victor Valley Transit Authority Board of Directors

James Noble, Chair, City of Barstow
Liz Becerra, Vice-Chair, City of Victorville
Larry Bird, Director, City of City of Hesperia
Paul Cook, Director, County of San Bernardino
Dawn Rowe, Director, County of San Bernardino
Joy Jeannette, Director, City of Adelanto
Curt Emick, Director, Town of Apple Valley

MISSION STATEMENT

Our mission is to serve the community with excellent public transportation services in terms of quality, efficiency, and responsiveness.

AGENDA

The Board of Directors meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is 760-948-3262 x102, (voice) or for Telephone Device for the Deaf (TDD) service, begin by calling 711 and provide the VVTA phone number and the office is located at 17150 Smoke Tree Street, Hesperia, CA. This agenda will be available and posted: Friday, August 9, 2024.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

PUBLIC COMMENTS

This is the time the Board will hear public comments regarding items not on the agenda or the consent calendar. Individuals who wish to speak to the Board regarding agenda items or during public comments should fill out a comment card and submit it to the Clerk of the Board. Each speaker is allowed three (3) minutes to present their comments. The Board will not remark on public comments; however, each comment will be taken into consideration by VVTA.

CONSENT CALENDAR

Consent Calendar items shall be adopted by a single vote unless removed for discussion by Board member request.

Pg. 9 ***Item #1: Minutes from the Regular Meeting of The Board of Directors Conducted on July 15, 2024.***

Recommendation: Move for approval.

Presented by: None.

Pg. 17 ***Item #2: Warrants, June 2024.***

Recommendation: Move for approval.

Presented by: None.

REPORTS

Pg. 23 ***Item #3: Management Reports – Verbal Report from Chief Executive Officer.***

Recommendation: Information item only.

Presented by: Nancie Goff, CEO.

Chief Maintenance Officer, Dustin Strandberg, will present an update on the Hesperia Hydrogen Fueling Station.

Senior Marketing Manager/PIO, Chris Ackerman, will share the results of a recent public outreach, "Senior Kicks Club".

Pg. 35 ***Item #4: Transit Operations Division, Victor Valley Detail Report.***

Recommendation: Information item only.

Presented by: VVTA Transit Operations Division Victor Valley Detail.

Pg. 39 ***Item #5: Hesperia Hydrogen Fueling Station Progress Update.***

Recommendation: Information item only.

Presented by: Dustin Strandberg, Chief Maintenance Officer.

ACTION ITEMS

Pg. 43 ***Item #6: VVTA Procurement Policy Updates.***
Recommendation: Approve amendments to the VVTA Procurement Policy Manual.
Presented by: Christine Plasting, Procurement Manager.

BOARD OF DIRECTORS COMMENTS

CORRESPONDENCE AND PRESS CLIPS

None.

DATE OF NEXT MEETING

Monday, September 16, 2024, at 9:30 AM
At Victor Valley Transit Authority
17150 Smoke Tree Street
Hesperia, CA 92345

ADJOURNMENT

Victor Valley Transit Acronym List

Page 1 of 2

ADA	Americans with Disabilities Act
APTA	American Public Transit Association
AQMP	Air Quality Management Plan
BABA	Build America, Buy America
BAFO	Best and Final Offer
BEB	Battery Electric Bus
BOE	Board of Equalization
CALTRANS	California Department of Transportation
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CFP	Call for Projects
CIP	Capital Improvement Program
CMAQ	Congestion Mitigation and Air Quality
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COG	Council of Governments
CSAC	California State Association of Counties
CTC	California Transportation Commission
CTC	County Transportation Commission
CTP	Comprehensive Transportation Plan
CTSA	Consolidated Transportation Services Agency
DAC	Disadvantaged Communities
DBE	Disadvantaged Business Enterprise
DBELO	Disadvantaged Business Enterprise Liaison Officer
DOD	Department of Defense
DOT	Department of Transportation
E&H	Elderly and Handicapped
EEM	Environmental Enhancement and Mitigation
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EPA	United States Environmental Protection Agency
ETC	Employee Transportation Coordinator
FAST	Fixing America's Surface Transportation ACT
FCEB	Fuel Cell Electric Bus (Hydrogen)
FEIS	Final Environmental Impact Statements
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
GIMS	Geographic Information Mapping Systems
GIS	Geographic Information Systems
GPS	Global Positioning System
HOV	High-Occupancy Vehicle
HVIP	Hybrid and Zero-Emission Truck and Bus Voucher Incentive Program.
IAS-FFA	Independent Auditors Statement for Federal Funding Allocation
IJA	Infrastructure Investment and Jobs Act
ITS	Intelligent Transportation Systems
JPA	Joint Powers Authority
LAP	Language Assistance Plan
LCFS	Low Carbon Fuel Standard
LCTOP	Low Carbon Transit Operations Program
LD	Liquidated Damages
LEED	Leadership in Energy and Environmental Design
LEP	Limited English Proficiency

Victor Valley Transit Acronym List

Page 2 of 2

LTF	Local Transportation Fund
MaaS	Mobility-as-a-Service
MBTA	Morongo Basin Transit Authority
MDAQMD	Mojave Desert Air Quality Management District
MDT	Mobile Display Terminal
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MTP	Metropolitan Transportation Planning
MTBP	Mass Transit Benefit Program
NEPA	National Environmental Policy Act of 1969
NOFO	Notice of Funding Opportunity
NTD	National Transit Database
OCTA	Orange County Transportation Authority
OWP	Overall Work Program
PASTACC	Public and Specialized Transportation Advisory and Coordinating Council
PCA	Personal Care Attendant
PTMISEA	Public Transportation Modernization Improvement and Service Enhancement Account.
POP	Program of Projects
RCTC	Riverside County Transportation Commission
RDA	Redevelopment Agency
RTAP	Rural Technical Assistance Program
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agencies
SaaS	Software as a Service
SBCTA	San Bernardino County Transportation Authority (formerly SANBAG)
SCAG	Southern California Association of Governments
SGIP	Self-Generation Incentive Program
SOV	Single-Occupant Vehicle
SRTP	Short Range Transit Plan
STAF	State Transit Assistance Funds
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TAC	Technical Advisory Committee
TAM	Transit Asset Management
TCM	Transportation Control Measure
TDA	Transportation Development Act
TEA	Transportation Enhancement Activities
TEAM	Transportation Electronic Award and Management
TNC	Transportation Network Company
TOCP	Transit Operating and Capital Plan
TrAMS	Transit Award and Management System
TREP	Transportation Reimbursement Escort Program
TRIP	Transportation Reimbursement Incentive Program
TSP	Transit Signal Priority
TSSSDRA	Transit System Safety, Security and Disaster Response Account
ULEV	Ultra Low Emission Vehicle
UZAs	Urbanized Areas
VOMS	Vehicles Operated in Maximum Service
ZEB	Zero Emission Bus
ZEV	Zero Emission Vehicle

Victor Valley Transit Authority Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Victor Valley Transit Authority (VVTa) Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the (VVTa) Board of Directors.

1. **Agendas** - All agendas are posted at the VVTa Administrative offices, and the Victorville, Hesperia, Barstow and Apple Valley city/town halls at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed at the VVTa Administrative offices located at 17150 Smoke Tree Street, Hesperia, CA 92345.
2. **Agenda Actions** - Items listed on both the "Consent Calendar" and "Action/Discussion Items" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.
3. **Closed Session Agenda Items** - Consideration of closed session items exclude members of the public. These items include issues related to personnel, ending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.
4. **Public Testimony on an Item** - Members of the public are afforded an opportunity to comment on any listed item. Individuals wishing to address the Board of Directors should complete a "Request to Speak" form. A form must be completed for each item an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations. If there is a Consent Calendar, it is considered a single item; thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.
5. **Public Comment** - At the beginning of the agenda an opportunity is also provided for members of the public to speak on any subject within VVTa's authority. Matters raised under "Public Comment" may not be acted upon at that meeting. The time limits established in Rule #4 still apply.
6. **Disruptive Conduct** - If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of persons willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner.

Please be aware that a NO SMOKING policy has been established for VVTa meetings. Your cooperation is appreciated!

VICTOR VALLEY TRANSIT AUTHORITY

MISSION STATEMENT

**Our mission is to serve the
community with excellent
public transportation
services in terms of quality,
efficiency, and
responsiveness.**

Quality

To increase ridership and community support by exceeding expectations.

Efficiency

To maintain an efficient operation that represents a highly-valued service.

Responsiveness

To provide services and facilities which are responsive to the needs of the community.

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**AGENDA ITEM
ONE**

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VICTOR VALLEY TRANSIT AUTHORITY

AGENDA MATTER

Minutes from the Regular Meeting of the Board of Directors Conducted on July 15, 2024.

SUMMARY STATEMENT

Following are copies of the minutes from the Regular Meeting of the Board of Directors conducted on July 15, 2024.

RECOMMENDED ACTION

Move for approval.

PRESENTED BY
Debi Albin,
Clerk of the Board

FISCAL IMPACT

N/A

MEETING DATE

August 19, 2024

ITEM NUMBER

1

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

July 15, 2024

CALL TO ORDER

The Regular Meeting of the Board of Directors of the Victor Valley Transit Authority was called to order at 9:30 a.m. by Chair Noble.

ROLL CALL

Board Members Present: Chair James Noble
Vice-Chair Liz Becerra
Alternate-Director Kim Mesen
Director Larry Bird
Directo Joy Jeannette

Staff Members Present:

Sgt. Simon Demuri, SBCOSD	Deputy J. Ko, SBCOSD
Julie Ryan, Town of Apple Valley	Juan Robinson, City of Victorville
Nancie Goff, VVTA	Rod Goldman, VVTA
Debi Albin, VVTA	Adam Ebright, County Counsel
Barbara Miller, VVTA	Maged Azer, VVTA
Christine Plasting, VVTA	Marc Elliott, VVTA
Marie Downing, VVTA	Brandon Johnson, VVTA
Jeff Guidry, Keolis	Jonathan McDowell, Keolis
Andrea MacDonald, VVTA	Megan Christian, VVTA
Sandy Martinez, VVTA	Michelle Morris, VVTA
Dustin Strandberg, VVTA	Elizabeth White, VVTA
Chris Ackerman, VVTA	Ashley Palmer, VVTA
Lisa Arellano, Keolis	Byron Barrientos, VVTA
Craig Barnes, VVTA	Tisha Lopez, VVTA
Nicole Soto, SBCTA	Bryan Torres Ayala, VVTA
Jerry Perez, VVTA	

PLEDGE OF ALLEGIANCE

Chair Noble led the audience in the pledge of allegiance.

ANNOUNCEMENTS

Ms. Goff reminded the Board of the upcoming conferences: APTA is in Anaheim, September 29 to October 2, and CTA is in San Jose on November 20-22. Please make sure to let Ms. Albin know if you are interested in attending.

VVTA's IT Team successfully completed a Cyber Security Triannual Safety Check, Ms. Goff shared. This audit was put on by Synoptek through our insurer, PERMA. The team scored an exceptional rating of 4.7 out of 5. Ms. Goff said that not only is the team in the background keeping us safe, but they are also out front advocating for a culture of cybersecurity.

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. **Minutes from the Public Hearing and Regular Meeting of the Board of Directors Conducted on June 17, 2024.**

Recommendation: Move for approval.

Presented by: None.

2. **Warrants, May 2024.**

Recommendation: Move for approval.

Presented by: None.

A MOTION WAS MADE BY Director Bird to approve the Consent Calendar. Seconded by Alternate-Director Mesen. The motion passed unanimously.

REPORTS

3. **Management Reports for Hesperia and Barstow Divisions – Verbal Report from Chief Executive Officer.**

Recommendation: Information item only.

Presented by: Nancie Goff, CEO.

Ms. Goff informed the Board that Governor Newsom has announced the lifting of the temporary state spending freeze implemented on April 29, 2024, and released nearly \$2 billion in SB 125 funding.

In June, VVTA was notified of a new audit for COVID-19 funds, Ms. Goff stated. This audit will cover a very narrow period of one (1) quarter of FY22-23 and will drill down to testing payments with these types of funds. VVTA has already sent the requested documentation, the reviews have selected their samples for testing, and these documents have been provided.

Lastly, VVTA receive notification from SBCTA of the 2024 annual Measure I and TDA audits. This is a much larger audit with fieldwork between August and November.

4. **Transit Operations Division, Victor Valley Detail Report Verbal Report.**

Recommendation: Information item only.

Presented by: VVTA, Sheriff Division Unit.

Sgt Demuri shared that there were 580 public contacts, 12 reports and 8 arrests. He also stated that there were no notable events, and the Barstow Firecracker Express took place with no incidents.

ACTION ITEMS

5. **Present VVTA's Transit Advertising Policy 1.01.24.**

Recommendation: Approve VVTA's Transit Advertising Policy 1.01.24.

Presented by: Rod Goldman, Director of Operations.

Mr. Goldman shared that consistent with the continuing effort to generate additional revenue sources for the provision of VVTA transit operations, a Transit Advertising Policy has been developed with guidelines for the use of available advertising space. The policy identifies paid advertising sales opportunities available to VVTA, the types of advertising acceptable for public dissemination, and those types of advertising which would be prohibited by VVTA.

VVTA also recommends contracting with a Transit Advertising Contractor who shall be responsible for the daily sales and administration of VVTA's advertising program, in a manner that is consistent with this Transit Advertising Policy.

There was some discussion between the Board members and Mr. Goldman regarding rates.

A MOTION WAS MADE BY Director Jeannette to approve the recommended action. Seconded by Vice-Chair Becerra. The motion passed unanimously.

6. **Release IFB 2024-07 Fuel Delivery and Cardlock Services.**

Recommendation: Approve the Release of IFB 2024-07 Fuel Delivery and Cardlock Fuel Services System.

Presented by: Sandye Martinez, Procurement Supervisor.

Ms. Martinez explained that the existing contract will be expiring in September and due to the fact that Federal funds are used for this contract, and extension cannot be added and must go out to bid.

A MOTION WAS MADE BY Director Jeannette to approve the recommended action. Seconded by Director Bird. The motion passed unanimously with a roll call vote.

7. **Capital Plan and TDA Claim Amendment to Reassign Vehicles and Reallocate LTF Funds.**

Recommendation: Amend the Capital Plan and TDA Claim to change three (3) Brokerage Vans to Demand Response Vans and re-allocate the remaining project funds to a new Open Loop Payment system capital project.

Presented by: Marie Downing, Grants Manager.

Ms. Downing stated that in FY24, VVTA budgeted funds for ten (10) vehicles to use for the Brokerage program. Since that time, staff have researched ways of modifying the program. At the May 2024 Board meeting, the Board approved a contract with

Enterprise that will provide vehicles for the Brokerage program. However, prior to the change to the Brokerage model, VVTA had purchased three (3) of the ten (10) vehicles that were budgeted. As a result of the changes to the program, more vehicles are no longer needed and the three (3) vehicles that were purchased before the change will be used for Demand Response service.

A MOTION WAS MADE BY Alternate-Director Mesen to approve the recommended action. Seconded by Vice-Chair Becerra. The motion passed unanimously.

8. **Overall Triennial Disadvantaged Business Enterprise (DBE) Goal for Federal Fiscal years 2025-2027.**

Recommendation: Approve a Triennial DBE Goal of 5.83% for Federal Fiscal Years 2025-2027, pending FTA final approval.

Presented by: Christine Plasting, Procurement Manager.

Ms. Plasting explained that VVTA is a direct recipient of US Department of Transportation (USDOT), Federal Transit Administration (FTA) 5307 funding. As a condition of receiving this assistance, VVTA must comply with the FTA's DBE Program: Implementations Modifications Final Rule to Title 49, Code of Federal Regulations (CFR) Part 26, and effective November 3, 2014. The DBE Program is designed to enable small businesses owned and controlled by socially disadvantaged individuals to compete for federally funded contracts. The purpose of the DBE goal-setting process is to level the playing field, so DBE's may compete fairly for USDOT assisted contracts, however the program must be narrowly tailored in accordance with applicable law.

The final Proposed Overall DBE Goal for FFY 2025-2027 for VVTA's FTA-assisted contracts is (5.83%) based upon the federal share on race neutral measurements implemented by VVTA. Notice regarding the proposed DBE goal has been published in three (3) local newspapers and sent to the local Chambers of Commerce with an invitation to the public to review the goal, methodology and provide comments. Monday, July 29, 2024, is the deadline for the 30-day comment period.

In response to race-neutral policy directives issued by the USDOT, VVTA utilizes a strictly race-neutral means. The goal may be adjusted based on FTA final review and approval.

A MOTION WAS MADE BY Director Jeannette to approve the recommended action. Seconded by Chair Noble. The motion passed unanimously.

DATE OF NEXT MEETING

The next Board meeting will be on Monday, August 19, 2024, at 9:30 am at Barstow City Council Chambers located at 220 East Mountain View Street, Barstow, CA 92311.

ADJOURNMENT

The meeting was adjourned at 9:52 am.

APPROVED: _____
James Noble, Chair

ATTEST: _____
Debi Albin, Clerk of the Board

**AGENDA ITEM
TWO**

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VICTOR VALLEY TRANSIT AUTHORITY

AGENDA MATTER

Payrolls and warrants for June 2024.

SUMMARY STATEMENT

The following registers of Payrolls and Warrants have been audited as required by Section 37202 and 37208 of the Government code, and said documents are accurate and correct.

Agency's Gross Payroll for Administrative Employees

<u>Payroll Date</u>	<u>Amount</u>	<u>Register#</u>
6/14/24	\$108,941.38	PR0-37-06-24
6/28/24	\$110,988.60	PR-38-06-24
Total Payroll	\$ 219,929.98	

Agency's Register of Warrants

<u>Register Date</u>	<u>Amount</u>	<u>Check #</u>	<u>Register #</u>
6/07/24	\$88,570.84	1008-1023	AP-06-2024
6/20/24	\$1,803,325.55	1024-1053	AP-06-2024
6/27/24	\$265,916.78	1054-1084	AP-06-2024
6/29/2024	\$2,132,124.85	1085-1097	AP-06-2024
	\$4,289,938.02		

RECOMMENDED ACTION

Approve VVTA's expenditures for June 2024.

PRESENTED BY	FISCAL IMPACT	MEETING DATE	ITEM NUMBER
Maged Azer CFO	\$4,509,868.00	August 19, 2024	2

Victor Valley Transit Authority

Jun-24

Check/ACH Number	Vendor	Date	Amount
1008	Charter - FIBERBAT	6/5/2024	\$820.00
1009	Diamond Environmental Services	6/5/2024	\$202.93
1010	HIDESERTCOM HI-Desert Communications	6/5/2024	\$1,308.00
1011	KONICA Konica Minolta Business Solutions	6/5/2024	\$1,098.15
1012	RING	6/5/2024	\$2,575.82
1013	SHRED	6/5/2024	\$180.00
1014	Sonic Systems, Inc.	6/5/2024	\$8,950.00
1015	TRITON	6/5/2024	\$1,645.40
1016	TRONA Trona Community Senior Center	6/5/2024	\$8,107.34
1017	Verizon Lines	6/5/2024	\$6,725.17
1018	VERIZONCONNECT	6/5/2024	\$1,119.82
1019	EDISON - BEB	6/5/2024	\$7,785.48
1020	LABORFNDRS	6/5/2024	\$1,899.36
1021	Edison - ADM Southern California Edison	6/5/2024	\$4,067.91
1022	TIMBER	6/5/2024	\$1,600.00
1023	Southwest Gas	6/5/2024	\$36,176.00
00000098/1	ANYPROMO	6/7/2024	\$1,335.97
00000098/2	Elizabeth Becerra	6/7/2024	\$200.00
00000098/3	JEANNETTEJ	6/7/2024	\$200.00
00000098/4	MESENK	6/7/2024	\$200.00
00000098/5	NOBLEJ	6/7/2024	\$200.00
00000098/6	SYNC	6/7/2024	\$632.00
00000098/7	TYPESETGO	6/7/2024	\$678.83
00000098/8	TYPESETGO	6/7/2024	\$662.66
00000098/9	VILLAREALE	6/7/2024	\$200.00
00000102/1	Bank Of New York Mellon	6/13/2024	\$1,146,025.00
00000103/1	Bank Of New York Mellon	6/13/2024	\$434,075.00
1024	Charter - ADMIN	6/13/2024	\$149.19
1025	Charter - BU	6/13/2024	\$1,099.00
1026	Charter - CNG	6/13/2024	\$166.16
1027	Charter - DSTFIBER	6/13/2024	\$749.00
1028	Charter - FIBER	6/13/2024	\$1,649.00
1029	Charter - SEC	6/13/2024	\$329.98
1030	Charter - TV	6/13/2024	\$231.18
1031	Charter - WEB	6/13/2024	\$269.98
1032	DIVERSIFIED GLASS	6/13/2024	\$175.00
1033	LABORFNDRS	6/13/2024	\$1,055.20
1034	Edison - ADM Southern California Edison	6/13/2024	\$1,778.74
1035	SWG-ADM	6/13/2024	\$1,121.42
1036	SWG-MAINT	6/13/2024	\$1,443.90
1037	SWG-WASH	6/13/2024	\$452.87

1038	ADA RIDE	6/20/2024	\$4,392.50
1039	Allied Universal Security Services	6/20/2024	\$9,184.96
1040	Amazon Business	6/20/2024	\$3,651.66
1041	BECKOIL	6/20/2024	\$6,783.10
1042	CITY OF BARSTOW - Utility Billing	6/20/2024	\$443.42
1043	City Of Victorville - Utility Billing	6/20/2024	\$1,392.95
1044	CLEAN	6/20/2024	\$6,600.42
1045	Diamond Environmental Services	6/20/2024	\$1,073.08
1046	INTER	6/20/2024	\$44,817.65
1047	LABORFNDRS	6/20/2024	\$1,033.30
1048	BIRD Lawrence Bird	6/20/2024	\$200.00
1049	LOCALiQ-California Gannett	6/20/2024	\$97.34
1050	LOOMIS	6/20/2024	\$1,020.86
1051	SanBernLegal San Bernardino County - LEGAL	6/20/2024	\$922.50
1052	SWG-CNG	6/20/2024	\$126,501.19
1053	TRANSTRACK Transtrack Systems, Inc.	6/20/2024	\$4,440.00
00000106/1	ORACLE	6/24/2024	\$14,906.49
00000106/2	ORACLE	6/24/2024	\$10,399.99
00000107/1	Elizabeth Becerra	6/24/2024	\$200.00
00000107/2	EMICK Curt Emick	6/24/2024	\$200.00
00000107/3	MESENK	6/24/2024	\$200.00
00000107/4	NOBLEJ	6/24/2024	\$200.00
00000107/5	VILLAREALE	6/24/2024	\$200.00
1054	STATEFUND State Compensation Insurance Fund	6/24/2024	\$1,218.16
1056	AVR AVR Vanpool	6/27/2024	\$4,163.00
1057	Bank Of New York Mellon	6/27/2024	\$2,200.00
1058	Big Bear Pipe & Steel	6/27/2024	\$305.82
1059	BONNIE	6/27/2024	\$1,355.84
1060	Charter - FIBERBAT	6/27/2024	\$820.00
1061	COMMUTE Commute With Enterprise	6/27/2024	\$121,981.54
1062	Dustin Strandberg	6/27/2024	\$112.78
1063	EDISON-BAT	6/27/2024	\$4,227.62
1064	Edison-BEB-BAT	6/27/2024	\$8,442.48
1065	Edison-CNG	6/27/2024	\$21,484.51
1066	EDISON-CNGBAT	6/27/2024	\$10,326.66
1067	Fast Trac Tractor Service	6/27/2024	\$625.00
1068	FEDEX Federal Express Corp.	6/27/2024	\$40.29
1069	FOOT	6/27/2024	\$1,862.00
1070	FRONTIER2	6/27/2024	\$63.87
1071	FRONTIERBAT	6/27/2024	\$196.62
1072	Golden State Water Company ADM	6/27/2024	\$288.47
1073	Golden State Water Company CNG	6/27/2024	\$734.90
1074	Golden State Water Company FP	6/27/2024	\$43.26
1075	Golden State Water Company SPRNK1	6/27/2024	\$338.55
1076	Golden State Water Company SPRNK2	6/27/2024	\$294.74
1077	LABORFNDRS	6/27/2024	\$844.16
1078	Protected Protected Pest Control, Inc.	6/27/2024	\$125.00

1079	SWG-DST	6/27/2024	\$11.00
1080	SWGAs-BAT	6/27/2024	\$75.53
1081	SWGAsBAT - CNG	6/27/2024	\$41,036.88
1082	TRANSTRACK Transtrack Systems, Inc.	6/27/2024	\$2,000.00
1083	TRONA Trona Community Senior Center	6/27/2024	\$5,197.45
1084	AECOM	6/27/2024	\$9,194.17
00000108/1	Keolis	6/28/2024	\$1,556,352.41
00000109/1	Keolis	6/28/2024	\$447,413.91
00000110/1	ABUNDANT	6/29/2024	\$3,094.00
00000110/2	SYNC	6/29/2024	\$737.80
00000110/3	TYPESETGO	6/29/2024	\$1,077.50
1085	ABUNDANT	6/29/2024	\$2,788.00
1086	Allied Universal Security Services	6/29/2024	\$8,224.99
1087	APPLE	6/29/2024	\$790.27
1088	City of Victorville - ADM (Lease)	6/29/2024	\$983.53
1089	CLEAN	6/29/2024	\$6,020.45
1090	EDISON - BEB	6/29/2024	\$7,517.11
1091	INTER	6/29/2024	\$41,871.24
1092	KONICA Konica Minolta Business Solutions	6/29/2024	\$773.32
1093	Sonic Systems, Inc.	6/29/2024	\$8,950.00
1094	Edison - ADM Southern California Edison	6/29/2024	\$6,812.40
1095	TMD Transportation Management & Design	6/29/2024	\$31,055.18
1096	Verizon Lines	6/29/2024	\$6,542.92
1097	VERIZONCONNECT	6/29/2024	\$1,119.82
Total			\$4,289,938.02

**AGENDA ITEM
THREE**

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VICTOR VALLEY TRANSIT AUTHORITY

AGENDA MATTER

Management reports.

SUMMARY STATEMENT

The attached Performance Reports are presented to the Board of Directors to provide an overview of the transit system's costs and performance.

- Keolis invoice for June 2024.
- Monthly Performance Statistics Systemwide Summary.
- Monthly Ridership Report.
- Monthly ADA Denial Report.
- Monthly Road Call Report.
- Keolis On Time Performance Report.

RECOMMENDED ACTION

Information items only.

PRESENTED BY
Nancie Goff,
CEO

FISCAL IMPACT

N/A

MEETING DATE

August 19, 2024

ITEM NUMBER

3

**Keolis Transit Services**

17150 Smoke Tree St.
Hesperia Calif. 92345

INVOICE NO. 0060246-IN

BILL TO Victor Valley Transit Authority
17150 Smoke Tree St.
Hesperia, CA 92345

DATE 7/3/2024

CONTRACT NAME:
Victor Valley Transit

Attention: Mrs. Nancie Goff
Chief Executive Officer

MONTH June 2024**BILLING PERIOD 06/01/2024 - 06/30/2024**

	Budgeted Revenue hours	Actual Revenue hours	Variance in Missed Service	Budgeted Expense	Actual Expense	Variance (+ or -)	Budgeted Expense Year-to-date	Actual Expense Year-to-date	Variance (+ or -) Year-to-date
ADA ParaTransit	2,406.50	2,744.10		\$234,128.39	\$266,973.49	\$32,845.10	\$2,782,095.37	\$3,422,203.40	\$640,108.03
Subscription	899.20	917.20		\$87,483.17	\$89,234.39	\$1,751.22	\$1,097,650.42	\$1,103,444.24	\$5,793.82
MicroLink	1,951.30	371.16		\$189,841.98	\$36,110.16	(\$153,731.82)	\$1,717,313.14	\$540,543.66	(\$1,176,769.48)
Regional Fixed Rt	10,466.00	10,037.30	(23.04)	\$944,347.18	\$905,665.58	(\$38,681.60)	\$11,510,494.57	\$11,388,659.12	(\$121,835.45)
Route 15	700.40	673.17	-	\$63,197.09	\$60,740.13	(\$2,456.96)	\$770,663.90	\$763,004.98	(\$7,658.92)
Fort Irwin	459.20	436.24	-	\$49,763.50	\$47,275.33	(\$2,488.18)	\$623,975.02	\$616,408.40	(\$7,566.62)
SUBTOTALS	16,882.60	15,179.17	(23.04)	\$1,568,761.31	\$1,405,999.07	-\$162,762.24	\$18,502,192.42	\$17,834,263.80	-\$667,928.62

TOTAL INVOICE**\$1,405,999.07**

Please REMIT TO:
Keolis Transit Services, LLC
53 State Street, 11th Floor
Boston, MA 02109
ARDept@keolisna.com

Manager's Signature and Business Phone



INVOICE NO. 0060247-IN

Keolis Transit Services

17150 Smoke Tree St.
Hesperia Calif. 92345

BILL TO

Victor Valley Transit Authority
17150 Smoke Tree St.
Hesperia, CA 92345

DATE 7/3/2024

CONTRACT NAME:
Victor Valley Transit

Attention: Mrs. Nancie Goff
Chief Executive Officer

MONTH June 2024

BILLING PERIOD 06/01/2024 - 06/30/2024

	Budgeted Revenue hours	Actual Revenue hours	Variance in Missed Service	Budgeted Expense	Actual Expense	Variance (+ or -)	Budgeted Expense Year-to-date	Actual Expense Year-to-date	Variance (+ or -) Year-to-date
County	1,863.90	1,789.69	(6.36)	\$168,179.70	\$161,483.73	(\$6,695.97)	\$1,933,238.13	\$2,015,395.67	\$82,157.54
Barstow-Fixed Route	1,811.30	1,742.77	-	\$163,433.60	\$157,250.14	(\$6,183.46)	\$1,985,872.05	\$1,973,083.74	(\$12,788.31)
Barstow-County	773.50	715.12	-	\$69,792.91	\$64,525.28	(\$5,267.63)	\$826,361.07	\$814,155.49	(\$12,205.58)
Barstow-DAR	337.10	322.98		\$32,796.46	\$31,422.72	(\$1,373.73)	\$389,680.94	\$448,081.09	\$58,400.15
SUBTOTALS	4,785.80	4,570.56	(6.36)	\$434,202.66	\$414,681.87	-\$19,520.79	\$5,135,152.19	\$5,250,715.99	\$115,563.80

TOTAL INVOICE

\$414,681.87

Please REMIT TO:
Keolis Transit Services, LLC
53 State Street, 11th Floor
Boston, MA 02109
ARDept@keolisna.com

Manager's Signature and Business Phone



FY 2024 -- Monthly Performance Statistics by Mode
Systemwide Summary
All Routes

Performance Statistics for June

Mode	Passengers	Revenue Hours	Operating Costs	Passenger Revenue	Passengers Per Rev. Hour	Operating Cost Per Passenger	Operating Cost Per Rev. Hour	Passenger Revenue Per Passenger	Passenger Revenue Per Rev. Hour	Farebox Recovery Ratio
Bus (Motorbus)	73,693	14,949.6	\$1,775,081	\$103,320	4.9	\$24.09	\$118.74	\$1.40	\$6.91	5.82%
Commuter Bus	2,502	436.2	\$60,824	\$27,322	5.7	\$24.31	\$139.43	\$10.92	\$62.63	44.92%
Demand Response	9,551	4,517.5	\$585,389	\$29,666	2.1	\$61.29	\$129.58	\$3.11	\$6.57	5.07%
System Total	85,746	19,903.2	\$2,421,294	\$160,308	4.3	\$28.24	\$121.65	\$1.87	\$8.05	6.62%



Monthly Ridership Report

June, FY 2024

Bus (Motorbus), Commuter Bus, Demand Response Only

Total (All Day Types)

Mode	Passengers		Passengers Per Revenue Hour		Farebox Recovery Ratio	
	Prior Year	Current Year	Prior Year	Current Year	Prior Year	Current Year
Bus (Motorbus)	62,684	73,693	3.9	4.9	2.38%	5.82%
Commuter Bus	2,747	2,502	5.5	5.7	28.63%	44.92%
Demand Response	11,152	9,551	2.6	2.1	2.97%	5.07%
System Total	76,583	85,746	3.6	4.3	3.20%	6.62%

ADA Dispatch Denial Report For the Month of June 2024

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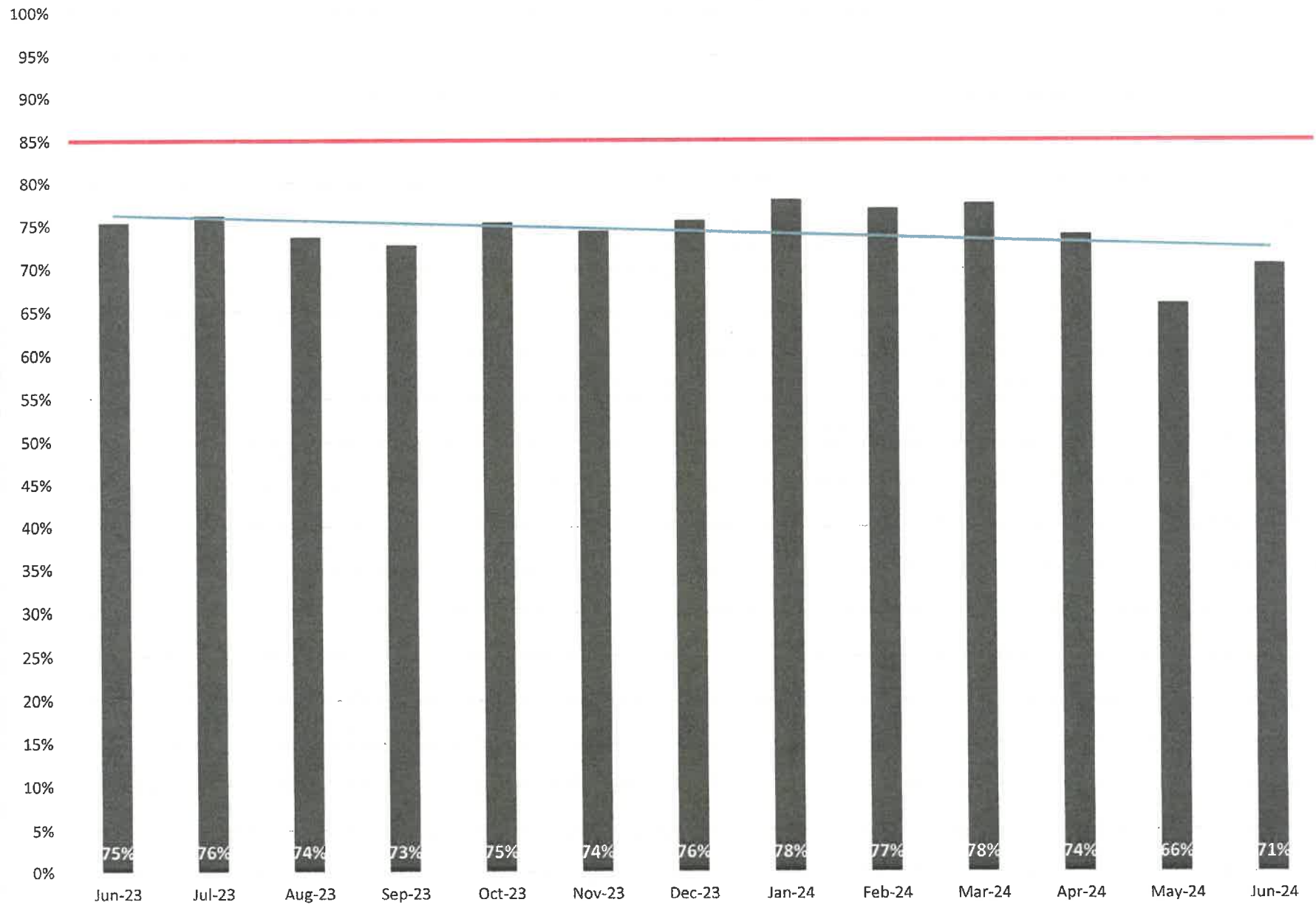
JUNE
Major and Non-Major
Miles Between Road Calls

Total Miles	2023	2024
Demand Response	63,413	63,203
Commuter Bus	19,425	17,018
Motor Bus	285,524	267,948
Total Miles	368,362	348,169

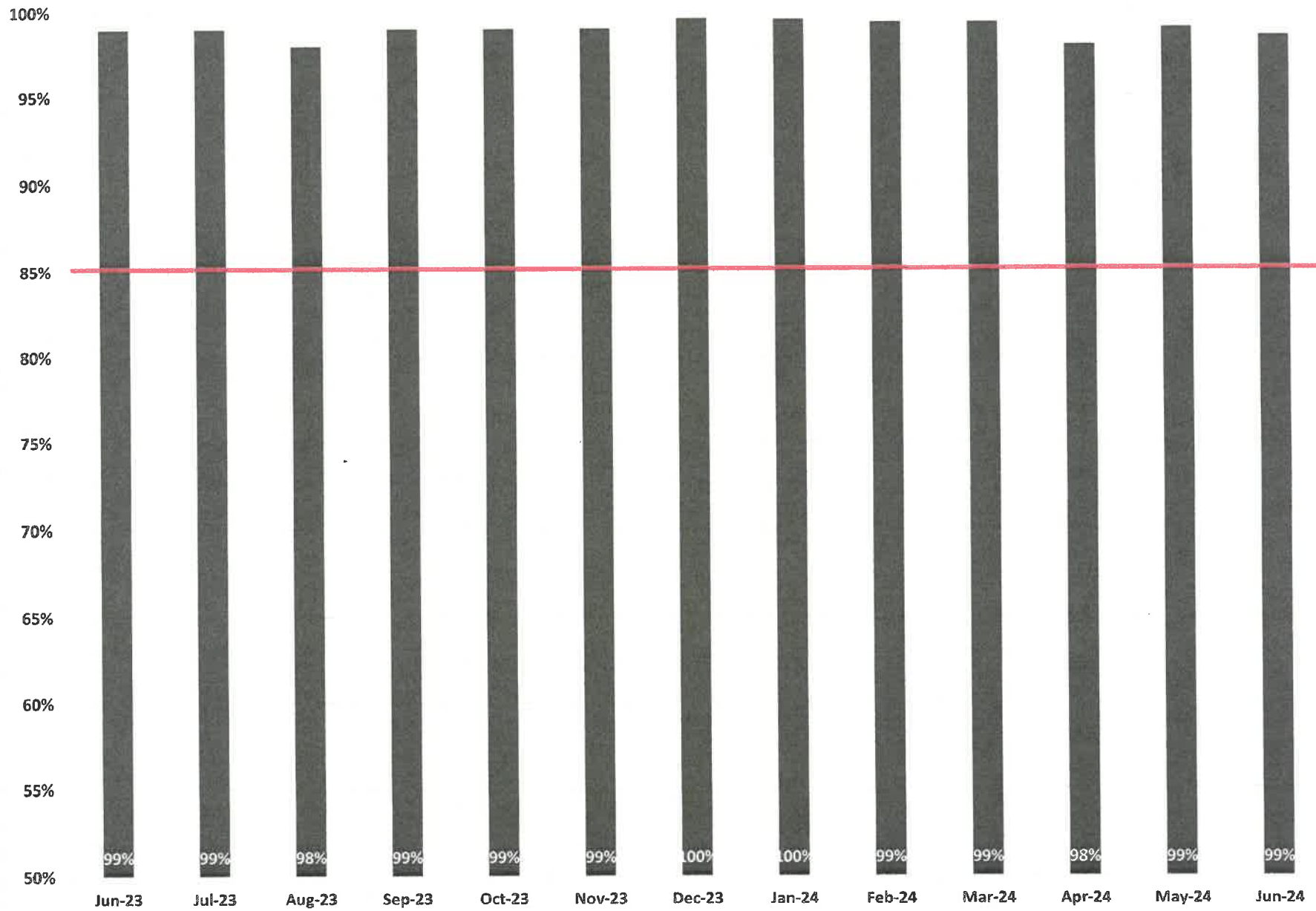
Total Road Calls	2023	2024
Demand Response	1	4
Commuter Bus	3	0
Motor Bus	21	21
Total Road Calls	25	25

Miles Between Road Calls	2023	2024
Demand Response	63,413	15,801
Commuter Bus	6,475	17,018
Motor Bus	13,596	12,759
Total System	14,734	13,927

OTP - Fixed Route



OTP - Direct Access



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**AGENDA ITEM
FOUR**

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VICTOR VALLEY TRANSIT AUTHORITY

AGENDA MATTER

Transit Operations Division, Victor Valley Detail Report.

SUMMARY STATEMENT

At this time, a representative of the VVTA Transit Operations Division, Victor Valley Detail will present highlights and statistics from the last month.

RECOMMENDED ACTION

Information item only.

PRESENTED BY VVTA	FISCAL IMPACT	MEETING DATE	ITEM NUMBER
Sherriff Division Unit	N/A	August 19, 2024	4

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**AGENDA ITEM
FIVE**

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VICTOR VALLEY TRANSIT AUTHORITY

AGENDA MATTER

Hesperia Hydrogen Fueling Station Progress Update.

SUMMARY STATEMENT

VVTA's Chief Maintenance Officer will provide a verbal update regarding the current progress of the station as well as the upcoming milestones.

RECOMMENDED ACTION

Information item only.

PRESENTED BY
Dustin Strandberg – Chief
Maintenance Officer

FISCAL IMPACT

N/A

MEETING DATE

8/19/2024

ITEM NUMBER

5

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**AGENDA ITEM
SIX**

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VICTOR VALLEY TRANSIT AUTHORITY

AGENDA MATTER

VVTA Procurement Policy Updates.

SUMMARY STATEMENT

With changes to the Bipartisan Infrastructure Law (BIL), the Master Agreement issued by the FTA May 4, 2024, and the FY 24 FTA Triennial Review Contractor Manual, VVTA's Procurement Policies must be updated to ensure compliance. The Master Agreement now mandates that Procurement Policies must be reviewed and updated annually.

Updates to the Procurement Policy Manual include:

- BIL 25019 authorizing the use of hiring preferences including geographic preference.
- 2 CFR Part 184 Buy America Preferences for Infrastructure Projects
- 49 CFR Part 663 Pre-Award and Post-Delivery Audits of Rolling Stock
- Public Law 115-232, Section 889 – Prohibition of certain Telecommunications equipment (expanded since last year's update)
- Update of Procurement titles
- References to new ERP system, NetSuite

Summary of changes regarding VVTA Procurement Policies:

- Policies 1000, 1050, 1070, 3000, 4000, 5000 – Due to changes in regulations, references to regulations not already included
- Policy 2000 – Change in Director Approval Threshold from \$1,000.00 to \$2,500.00
- Policy 1010, 1020, 3000 – Changes due to the NetSuite ERP System
- Policy 1020, 7000 – Changed Procurement Specialist to Procurement Supervisor
- Policy 1040 – DBE correction; 5000 – Protest Procedure changes

The Procurement Policy Manual has been updated from individual policies to one policy manual to ensure full compliance in all procurement policies. Titles, duties, procedures, and terminology have been updated to remain accurate and current. Attached is the full redline version for detailed review.

RECOMMENDED ACTION

Approve amendments to the VVTA Procurement Policy Manual.

PRESENTED BY
Christine Plasting,
Procurement Manager

FISCAL IMPACT

N/A

MEETING DATE

August 19, 2024

ITEM NUMBER

6

Changes were made to:

Policy 1000 – General Procurement Policies:

4.5.2 – Addition of BIL (Bipartisan Infrastructure Law) 25019 authorizes the use of local, geographic, or economic hiring preferences for construction labor in most of the projects funded by US Department of Transportation (DOT). 1 Prior to the passage of BIL, state and local agencies had to seek special approval from DOT for use of local/economic hiring preferences. Since enactment, the Biden-Harris Administration and the US DOT have been actively encouraging state and local agencies to use local/economic hiring preferences as a way to bring underrepresented populations into the construction workforce.

5.5 – Added “purchase orders that exceed \$2,500.00”

6.0 – Addition of laws to Federal Statute Regulations, Policies, and Agreements:

BIL 25019

2 CFR Part 184 Buy America Preferences for Infrastructure Projects

49 CFR Part 663 Pre-Award and Post-Delivery Audits of Rolling Stock Purchases

Master Agreement – Changed: Terms & Conditions of Grantee Administration of Projects
Supported & Funded by the FTA

To: For Federal Transit Administration Agreements authorized by 49 USC chapter 53 and Title 23, United States Code (Highways), as amended by the Infrastructure Investment and Jobs Act of 2021 (IIJA), the Fixing America’s Surface Transportation (FAST) Act, the Moving Ahead for Progress in the 21st Century Act (MAP-21), the Safe, Accountable Flexible, Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU), the SAFETEA-LU Technical Corrections Act of 2008, and other federal laws that FTA Administers.

Public Law 115-232, Section 889 – Prohibition of certain telecommunications and video surveillance services or equipment

10.1.3: Changed “Procurement to Purchasing”

Policy 1010 - Purpose:

1.3 Changed purchasing to procurement.

Policy 1020 - Responsibilities:

1.1.1, 2.5.1., 2.7.2. – changed “Requisition” to “Order” due to implementing NetSuite ERP Software.

2.2.4 – changed “purchasing” to “procurement”

2.3.2 – changed “1,000.00” to “\$2,500.00”

2.4 – Added “Under supervision of the CFO”

2.6 – information moved to 2.4 – was duplicated.

2.7 - Change Procurement Specialist to Procurement Supervisor. Added “Under the supervision of the Procurement Manager”

2.7.1 – Changed “Heads” to “Leads”, changed “warehouse” to “inventory”

2.7.3 – changed to “Conducts procurements as assigned by the Procurement Manager.”

2.7.6 – Changed “Keeps” to “Maintains”

- 2.7.7. – Added “Oversees the performance of the Purchasing Technician”
- 2.8.1 – changed to “Reviews invoices for compliance and eligibilities for payment after receiving appropriate documentation”
- 2.8.2 – added “Process payment using the workflow approval procedures in the Netsuite ERP Software”
- 2.8.4 – added “and supporting documents”

Policy 1040 – Diversity and Economic Opportunity (DBE):

- 1.1 – Removed “Race conscious” from the paragraph. VVTA’s DBE goal is strictly race neutral.

Policy 1050 – Conflict of Interest:

- 3.1.5.1.1 – changed from \$325.00 to \$590.00 per Form 700 Limits
- 3.1.5.1.2. – changed from \$150.00 to \$50.00 – per the Form 700 limits
- 4.1.1.1. – added “the preparation”

Policy 1060 – Contractor Relations:

- 1.2; 1.2.1. – Changed “Purchasing” to “Procurement”

Policy 1070 – Special Federal Grantee Requirements and Applicable Laws:

- 2.1.17 BIL 25019 added

Policy 2000 – Purchasing Thresholds:

- 1.2; 1.5.1– changed \$1,000.00 to \$2,500.00

Policy 3000 – Purchasing (changed from Procurement – US Bank Card have “Purchasing” on them:

- 1.1 – removed “purchase orders”. VVTA’s new NetSuite system requires all credit card purchases to be supported with a Purchase Order.

Changed all references from “Procurement Card” to “Purchasing Card”

- 3.1.3 – added “The CFO approves and authorizes the use of the Purchasing Credit Card as part of the NetSuite Purchase Order workflow approval process.”

- 4.1.4 – added “The cardholder will sign the credit card use agreement to acknowledge and comply with all restriction and follow the established card usage policy.”

Policy 4000 – Sealed Bids and RFP’s

- 6.1; 6.2; 7.1 – Changed “Purchasing” to “Procurement”
- 8.10 – Replaced “Effective May 21, 2021, FTA and FHWA have announced pilot programs” with “Effective with the passing of the Bipartisan Infrastructure Law,”
- 8.17 – Added Prohibition on certain telecommunications and video surveillance services and equipment
- 8.18 – Added Fraud, Waste, Abuse or other Legal Matters.
- 8.19 – Added Seat Belt Use
- 8.20 – Added Distracted Driving

Policy 5000: Solicitation Protest

- 3. References – Added Master Agreement Section 16 (w).
- 10.3 Added – Notification to FTA
- 10.3.1 Added: Details regarding Notification

Policy 7000: Fixed Asset Management

1.4.3 – Changed “Revenue” to “Operations”

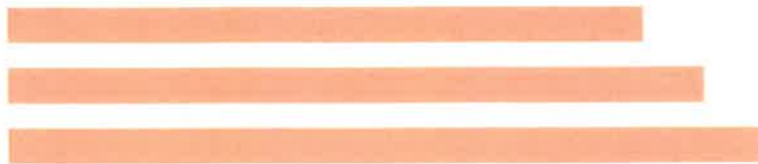
3.1, 6.1 Changed Procurement Specialist to Procurement Supervisor

4.1 – Added “of VVTA policy and procedures and comply with the funds’ rules and regulations with approval by the Board of Directors for items that exceed \$250,000.00.

PROCUREMENT POLICY MANUAL

August 19, 2024

VICTOR VALLEY TRANSIT



VICTOR VALLEY TRANSIT AUTHORITY PROCUREMENT POLICY MANUAL

TABLE OF CONTENTS

Updated August 19, 2024

GENERAL POLICIES

1000	General Procurement Policy
1010	Purpose
1020	Responsibilities
1040	Diversity and Economic Opportunity (DBE Program)
1050	Conflict of Interest
1060	Contractor Relations
1070	Special Federal Grantee Requirements and Applicable Laws

GENERAL PROCUREMENT

2000	Purchasing Thresholds
2010	Emergency & Non-Competitive Procurements

PROCUREMENT CARD PROGRAM

3000	Purchasing Cards
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FORMAL PROCUREMENT PROCEDURES

4000	Sealed Bids
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SOLICITATION PROTEST

5000	Protest Process
------	-----------------

CONTRACT ADMINISTRATION PROCEDURES

6000	Contract Administration
------	-------------------------

FIXED ASSET MANAGEMENT

7000	Asset Management
------	------------------

Policy 1000

GENERAL PROCUREMENT POLICY

1. PURPOSE AND SCOPE

The purpose of this section is to set forth general procurement policy and standards that will govern the conduct of VVTA acquisition activities and of personnel engaged in these activities.

2. PROCUREMENT BACKGROUND

VVTA's Statement of Guiding Principles establishes the framework for VVTA's Procurement Policy Manual (Manual) and is approved by the VVTA Board of Directors. Procedures implementing the Procurement Policy Manual will be approved and issued by the VVTA Chief Executive Officer (CEO).

3. STATEMENT OF GUIDING PRINCIPLES FOR VVTA's ACQUISITION SYSTEM

The vision for the VVTA acquisition system is to deliver on a timely basis, the best value product or service to the client, while maintaining the public's trust and fulfilling public policy objectives. Participants in the acquisition (procurement) process must work together as a team and are empowered to make decisions within their area of responsibility.

3.1. The VVTA acquisition system will:

3.1.1. Satisfy the client in terms of cost, quality, and timeliness of the delivered product or service by:

3.1.1.1. Maximizing the use of commercial products and services,

3.1.1.2. Using contractors with a track record of successful past performance or who demonstrate a current superior ability to perform, and

3.1.1.3. Promoting competition

3.1.2. Minimize administrative operating costs,

3.1.3. Conduct business with integrity, fairness, and openness, and

3.1.4. Fulfill public policy objectives.

3.2. The Acquisition Team consists of all participants in the VVTA acquisition including representatives of the technical, supply, support services and procurement communities but also the clients they serve, and the contractors who provide the products and services.

3.3. The role of each member of the Acquisition Team is to exercise personal initiative and sound business judgment in providing the best value product or service to meet the client's needs. In exercising initiative, VVTA members of the Acquisition Team may assume that a strategy, practice, policy or procedure is a permissible exercise of authority if it is in the best interest of the VVTA and is not prohibited by law, applicable regulations, or Board adopted policy.

4. PROCUREMENT STANDARDS

4.1. VVTA will maintain a contract administration system that ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

- 4.2. Members of the VVTA Board of Directors will adhere to the standards of conduct adopted by the Board. VVTA employees will adhere to the standards of conduct approved by the CEO under a delegation of authority from the Board.
- 4.3. VVTA procedures will provide for a review of proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives and any other appropriate analysis to determine the most economical approach.
- 4.4. The CEO or designee will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurement. These issues include, but are not limited to, source evaluations, protests, disputes, and claims.
- 4.5. Competition - The following requirements for competition are applicable to VVTA procurements:
 - 4.5.1. All procurement transactions shall be conducted in a manner providing full and open competition consistent with the above stated procurement standards and the statement of guiding principles. Some of the situations considered to be restrictive of competition include, but are not limited to:
 - 4.5.1.1. Placing unreasonable requirements on firms for them to qualify to do business.
 - 4.5.1.2. Noncompetitive pricing practices between firms or between affiliated companies.
 - 4.5.1.3. Noncompetitive awards to professionals and other consultants that are on VVTA retainer contracts.
 - 4.5.1.4. Organizational conflicts of interest (Policy1050).
 - 4.5.1.5. Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other salient characteristics of the brand name product.
 - 4.5.1.6. Any arbitrary action in the procurement process.
 - 4.5.1.7. Development of specification requirements and evaluation criteria, which unnecessarily favor an incumbent contractor.
 - 4.5.2. Procurement transactions will be conducted in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. This does not preempt State licensing laws. When employing the qualifications-based method for contracting for architectural and engineering services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

The Bipartisan Infrastructure Law (BIL) Section 25019 authorizes the use of local, geographic, or economic hiring preferences for construction labor in most of the projects funded by US Department of Transportation (DOT). 1 Prior to the passage of BIL, state and local agencies had to seek special approval from DOT for use of local/economic hiring preferences. Since enactment, the Biden-Harris Administration and the US DOT have been actively encouraging state and local

agencies to use local/economic hiring preferences as a way to bring underrepresented populations into the construction workforce.

- 4.5.3. VVTA will have written selection procedures for competitive negotiated procurement transactions that ensure fair, unbiased evaluation of competing proposals by an independent evaluation panel appointed by the CEO or designee. These procedures will also ensure that all solicitations clearly state the evaluation factors including cost or price, cost or price-related factors, and non-cost or non-price related factors, and any significant subfactors that will be considered in making the source selection and their relative importance.
- 4.5.4. Technical requirements shall incorporate a clear and accurate description for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features that unduly restrict competition.
- 4.5.5. VVTA will ensure that all lists of bidders, manufacturers, or products determined to be qualified in advance of the receipt of bids or proposals are current and sufficient to ensure full and open competition. When possible, sufficient time will be allowed to arrange for qualification before receipt of bids or proposals. However, when using grant funds, VVTA must allow vendors an opportunity to qualify their products during the solicitation period (FTA Circular 4220.1F (4) or most updated version).

5. RESPONSIBILITIES

- 5.1. The Chief Financial Officer (CFO) has primary responsibility for ensuring that the procurement process is in accordance with legal requirements, as interpreted by County Counsel, and VVTA policy.
- 5.2. The CEO is responsible for establishing procurement policies and issuing instructions for the implementation of VVTA policies.
- 5.3. The CEO is responsible for establishing materiel management policies and issuing instructions concerning the storage, distribution, and disposal of goods;
- 5.4. All departments are instructed to follow Procurement Policies/Procedures as well as Policies/Procedures issued by the CEO regarding the storage, distribution, and issuance of material; and

6. STATUTORY AND REGULATORY REQUIREMENTS

The following laws and regulations and Master Agreement are applicable to VVTA contracts.

Federal Statute, Regulations, Policies, and Agreements	Subject
BIL 25019	Bipartisan Infrastructure Law
Public Law 117-58 70901-52	Build America, Buy America Act (BABAA)
Section 70914	
Public Law 115-232	John McCain National Defense Authorization Act for Fiscal Year 2019

OMB Memo OM-18-18

2 CFR Part 184

2 CFR Part 200

49 U.S.C. Chapter 53

49 CFR Part 18

49 CFR Part 24

49 CFR Part 26

49 CFR Part 663

FTA Circular 4220.1F (4)

FTA Circular 5010.1D

FTA Circular 9030.1F

Master Agreement

"Implementing Statutory Changes to the Micro-Purchase and the Simplified Acquisition Thresholds for Financial Assistance

Buy America Preferences for Infrastructure Projects

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

Mass Transportation

Administrative Requirements for Grants & Cooperative Agreements

Uniform Relocation Assistance and Real Estate Acquisition

Participation by ; Disadvantage Business Enterprises in Department of Transportation Financial Assistance Programs

Pre-Award and Post-Delivery Audits of Rolling Stock Purchases

Third Party Contracting Requirements

Grant Management Guidelines

Eligible Grant Activities

For Federal Transit Administration Agreements authorized by 49 USC chapter 53 and Title 23, United States Code (Highways), as amended by the Infrastructure Investment and Jobs Act of 2021 (IIJA), the Fixing America's Surface Transportation (FAST) Act, the Moving Ahead for Progress in the 21st Century Act (MAP-21), the Safe, Accountable Flexible, Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU), the SAFETEA-LU Technical Corrections Act of 2008, and other federal laws that FTA Administers.

Public Law 115-232, Section 889 Prohibition of certain telecommunications and video surveillance services or equipment

State Codes	Section(s)	Subject
Civil Code	3248	Payment Bonds
Civil Code	3320	Payments to Prime Design Professionals
Code of Civil Procedure	995.311	Bond Issuer Requirements
Government Code	4525 et seq.	Architect & Engineering Services
Government Code	6250 - 6270	Public Records Disclosure
Government Code	5956 et seq.	Infrastructure Projects
Government Code	15850-15866	Property Acquisition Law
Labor Code	1770-1784	Public Works and Public Agencies
Public Contract Code	1103	Responsibility on Public Works Contracts
Public Contract Code	1104	Plans and Specifications
Public Contract Code	3301 - 3400	Contractor's License; Brand Specification
Public Contract Code	4100 - 4114	Subcontracting
Public Contract Code	5100 - 5107	Relief of Bidders
Public Contract Code	6100 - 6610	Awarding of Contracts
Public Contract Code	7100 - 7200	Contract Clauses
Public Contract Code	9201 - 9203	Claims and Disputes
Public Contract Code	10335 et seq.	Service Contracts

Public Contract Code	20101	Prequalification
Public Contract Code	20103.8	Alternative Bids
Public Contract Code	20104	Resolution of Construction Claims
Public Contract Code	20104.50	Progress Payments on Public Works
Public Contract Code	20209 - 20209.5	Purchase & Sale Contracts; Design/Build Contracts
Public Contract Code	20216 - 20217	Bid & Proposal Disclosure; Negotiated Procurement of Certain Equipment; Design/Build et seq.
Public Contract Code	20360 et seq.	Contracts for Rail Transit System Design
Public Utilities Code	130054-130059	SBCTA Authority

7. STATE, LOCAL AND FEDERAL CONTROLS

- 7.1. This Manual has been developed in conformance with the standards and limitations established in State, Federal and local law. Applicable State laws, policies and other sources of guidance governing the procurement practices of VVTA, in addition to those listed in 6 above, are as follows:
 - 7.1.1. VVTA Policies and Instructions.
 - 7.1.2. Board of Directors' Awards, Actions, and Resolutions.
 - 7.1.3. Ordinances and regulations of regional and local agencies, which have subject matter jurisdiction (on case-to-case basis)
- 7.2. Federal laws and regulations affecting the procurement practices of the VVTA include, but not limited to, the following:
 - 7.2.1. Intermodal Surface Transportation Efficiency Act of 1991, as amended
 - 7.2.2. Federal Acquisition Streamlining Act of 1994, 41 USC 403 (11) and 40 USC 481(b), respectfully
 - 7.2.3. Executive Order 12612 "Federalism" dated 10-26-87
 - 7.2.4. FTA Master Agreement
 - 7.2.5. FAR PART 31 Cost Principles and Procedures
 - 7.2.6. Relevant decisions of the Courts and the Comptroller General of the United States
- 7.3. To the extent that both federal and state laws and regulations apply to procurement, VVTA is required to act within the limits of the more restricted requirements. When Federal funds are used in procurement, Federal procurement requirements must be met or exceeded.
- 7.4. FTA Best Practices Procurement Manual provides guidance to procurements and examples of best practices.
- 7.5. VVTA may contract with any department or agency of the United States of America, with any public agency (including, but not limited to, the Department of Transportation, the multicounty designated transportation planning agency, or any transit district, county or city), or with any person upon such terms and conditions as VVTA finds in its best interest. (PUC Section 130221)

- 7.6. Joint Powers Authority, created by the member entities on July 1, 1976, including all subsequent amendments.
- 7.7. California Government Code Sections 1090, 1126, 87100, 87306, Resolution No. 140-96, and any other applicable provisions of the Government Code and any conflict-of-interest Code applicable to VVTA employment.

8. IMPLEMENTATION

The CEO shall implement the policies herein set forth. Procedural guidance shall be provided in the Procurement Procedures.

9. ABOUT THE MANUAL

- 9.1. This manual provides instructions and reference material for personnel in all departments of VVTA involved with the procurement process. It establishes responsibilities and documents VVTA's continuing efforts to comply with applicable federal, state, county, and local regulations.

9.2. Sections

- 9.2.1. This manual is divided into sections of related policies. Those sections are described in "Using This Manual" below. Sections are separated by title pages, and policies within a section will begin with the same number. (For example, all policies in the General Policies section begin with "1.")

~~10. POLICIES ARE INDIVIDUAL DOCUMENTS. EACH SECTION IS COMPOSED OF SEVERAL POLICIES. EACH POLICY HAS A UNIQUE NUMBER (LOCATED IN THE UPPER RIGHT CORNER OF EACH PAGE) AND SHOWS THE DATE ON WHICH IT WAS APPROVED FOR USE BY THE VVTA BOARD OF DIRECTORS. WHEN VIEWING COPIES OF THE SAME POLICY, THE ONE WITH THE MORE RECENT APPROVAL DATE IS THE CORRECT ONE TO USE. USING THIS MANUAL~~

- 10.1. This manual contains policies governing the procurement of goods and services by VVTA. It is divided into the following sections:
 - 10.1.1. General Policies – (1000 series) this section describes the responsibilities, ethics, and objectives behind the procurement process.
 - 10.1.2. Informal Procurement Policies – (2000 series) this section describes informal procurements, micro-procurements, mini-procurements, and small procurements.
 - 10.1.3. Purchasing Card Policies– (3000 series) this section describes the proper use of Purchasing cards.
 - 10.1.4. Formal Procurement Policies – (4000 series) this section describes the formal procurement process, from bidding to contract award.
 - 10.1.5. Solicitation Protest Policies – (5000 series) this section describes how to handle a protest to a formal procurement contract award.
 - 10.1.6. Contract Administration Policies – (6000 series) this section describes the administration of a contract, from opening to termination.
 - 10.1.7. Fixed Asset Management Policies – (7000 series) this section describes the management of fixed assets, from auditing to liquidation of surplus assets.

Policy 1010

PURPOSE

1. OVERVIEW

- 1.1. VVTA procures goods and services using public funds. It has a responsibility to uphold public trust and maximize the value of public funds by using them as efficiently and cost-effectively as possible.
- 1.2. VVTA created this manual to help its personnel involved with procurement to both uphold the public trust and comply with all applicable federal, state, county, and local regulations. This manual establishes VVTA's procurement process, which covers the procurement of, accounting for, and disposal of materials, equipment, buses, and other vehicles, and the procurement and administration of professional and other services.
- 1.3. The purpose of this **procurement policy** manual is to provide general guidelines on conducting procurements that meet the standards of Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards 2 CFR 200 ("Super Circular") and Federal Administration FTA Circular 4220.1F (4) (or latest revision) entitled, "Third Party Contracting Requirements". These circulars set forth the requirements that VVTA must comply with in solicitations, selection and administration of federally funded contracts. In addition, where appropriate, many procedures and practices have been adopted from the FTA's Best Practices Procurement Manual. VVTA recognizes the principles of contracting with Federal Funds received from the FTA require certain specific Federal guidelines must be met not only by VVTA but also by contractors and subcontractors of VVTA. This manual will educate and enable staff to comply fully with those as well as other state and local requirements. In addition, this manual will aid procurement staff in making business judgments based upon the application of sound procurement policies and procedures.
- 1.4 From time to time the U.S. Department of Transportation, the Federal Transit Administration or other governing bodies may set forth new procurement standards or supplementary directives. As changes, revisions or applicable guidance is determined necessary for proper procurement administration (other than reformatting and clarifications), the VVTA Chief Financial Officer will prepare a summary of the proposed changes for submittal by way of the Chief Executive Officer to the Board of Directors in the form of a Board Memo for consideration and incorporation of the proposed amendment into the existing Procurement Policy..

2. PROCUREMENT TYPES

- 2.1. The VVTA Procurement Process is divided into three main types of procurement:
 - 2.1.1. Formal – procurements for goods and services in excess of \$250,000.01. These procurements are approved by the VVTA Board of Directors.
 - 2.1.2. Informal – \$250,000.00 and below. procurements including petty cash, micro-procurements, mini-procurements, and small procurements.
 - 2.1.3. Procurement Card - In some cases, VVTA personnel can use Procurement Cards, as specified in Section 3, "Procurement Card Policies & Procedures."

- 2.1.4. Various VVTA personnel are responsible for the proper conduct of procurements, as specified in Policy 1020, Responsibilities.

3. OBJECTIVE OF VVTA PROCUREMENT PROCESS

3.1. The objectives of the VVTA Procurement Process are to:

- 3.2.3. Maximize the value received for VVTA's expenditure of public funds.
- 3.2.4. Protect assets and/or services purchased with public funds and ensure their application in VVTA's interests.
- 3.2.5. Provide all qualified vendors an equal opportunity to provide needed goods and/or services.
- 3.2.6. Provide a timely, efficient and cost-effective flow of resources necessary to support VVTA's provision of service.
- 3.2.7. Protect the integrity and reputation of VVTA, its officers, and its employees.

Policy 1020

RESPONSIBILITIES

1. GENERAL

1.1. This policy provides details on the authority and responsibility of the VVTA's Board of Directors and agency staff in the procurement process. General responsibilities in the overall procurement process are as follows:

- 1.1.1. When departments need a product or service, the Department Manager/Director will decide to purchase the product or service. The Department Manager/Director or designee will prepare and approve a Purchase **Order** for the item or service. The approval is through the NetSuite ERP Software Workflow approval **process**.
- 1.1.2. Under the direction of the Chief Financial Officer (CFO), the Procurement Department will be responsible for ensuring full and open competition between vendors and the equitable treatment of vendors, including construction contracts and formal procurements.
- 1.1.3. The CFO will also periodically review the basic procurement process to make certain that VVTA meets Federal and State regulatory requirements and updates for procurements of goods and services.

2. INDIVIDUAL RESPONSIBILITIES

2.1. Board of Directors

- 2.1.1. Approves VVTA's operating and capital budgets based on recommendations from the Chief Executive Officer (CEO).
- 2.1.2. Authorizes the release of formal procurements.

- 2.1.3. Approves or rejects all purchases or contracts over \$250,000.01, based on the CEO's recommendation.
- 2.1.4. Authorizes disposal of surplus materials, supplies, equipment, and property with remaining value in excess of \$250,000.01
- 2.1.5. Approves agency procurement policies and any revisions.

2.2. CEO

- 2.2.1. Authorizes Purchase Orders up to \$250,000.00.
- 2.2.2. Authorized to sign any contract on behalf of VVTA upon Board approval and as authorized by the Board.
- 2.2.3. Approves disposal of surplus materials, supplies, and equipment under \$250,000.00
- 2.2.4. Assures agency compliance with **procurement** policies. Reviews and approves agency purchasing procedures and any revisions.
- 2.2.5. Receives Disadvantaged Business Enterprise (DBE) goals from the Disadvantaged Business Entity Liaison Officer (DBELO) and submits them to the Board of Directors for approval.

2.3. Department Director, or designee

- 2.3.1. Identifies need for goods and services supporting the department's mission.
- 2.3.2. Authorizes **Purchase Orders** up to \$2,500.00, assuring that the **approved budget** funding for any purchase is available.
- 2.3.3. Provides technical specifications and Statement of Work analysis when applicable.
- 2.3.4. Serves as, or assigns, the Project Manager for formal procurements.
- 2.3.5. Reviews planned purchases, including inventory and non-inventory, contract expirations requiring rebid/exercise option, local and grant-funded capital and project total **procurement** requirements during annual budget planning.
- 2.3.6. Evaluates quality of goods or services and gives appropriate feedback.

2.4 Procurement Manager

Under the supervision of the CFO

- 2.4.1 Manages the Contracts, Procurement and Stores functions.
- 2.4.2 Administers the formal procurement process.
- 2.4.3 Oversees VVTA's DBE program; including notifying DBE's of contracting opportunities, recommending DBE contract awards to the CEO, keeping DBE participation records, and submitting goals to federal officials. Coordinates with department directors during annual budget cycle to determine DBE goals for the fiscal year. Recommends agency-wide DBE goals to the CEO Director. Submits DBE goals to Board for approval and forwards documentation to FTA. In

conjunction with DBELO, provides input for project specific DBE goals. Monitors compliance with agency DBE program. Ensures a level playing field for all aspects of VVTA procurement and contracting.

2.4.4 Manages the Contracts function of the Procurement Department.

2.4.5 Conducts construction, small, and formal procurements as defined in Policy 2000, "General Procurement – Overview."

2.4.6 Assures that VVTA adheres to Federal Transit Administration regulations, guidelines, and circulars, and other applicable state or local regulations.

2.4.7 Administers, in coordination with the DBELO, VVTA's DBE program, including notifying DBE's of contracting opportunities, recommending DBE contract awards to the CFO, keeping DBE participation records, and prepare and submit reporting to federal officials. Ensure compliance with VVTA's DBE program on bid/proposal packages, vendor proposal submissions, and evaluation and award recommendations. Establish project specific goals in conjunction with the CFO.

2.4.8 Ensures Vendor compliance to State of California SB854 Public Works Vendor Registration requirements when soliciting and awarding contracts.

2.5. Other Departmental Personnel

2.6. Authorize **Requisitions Purchases** within limits established by the CEO.

~~Procurement Manager Intentionally Left Blank~~

2.6.1. ~~Heads the Contracts function of the Procurement Department.~~

2.6.2. ~~Conducts construction, small, and formal procurements as defined in Policy 2000, "General Procurement – Overview."~~

2.6.3. ~~Assures that VVTA adheres to Federal Transit Administration regulations, guidelines, and circulars, and other applicable state or local regulations.~~

2.6.4. ~~Administers, in coordination with the DBELO, VVTA's DBE program, including notifying DBE's of contracting opportunities, recommending DBE contract awards to the Finance Director, keeping DBE participation records, and prepare and submit reporting to federal officials. Ensure compliance with VVTA's DBE program on bid/proposal packages, vendor proposal submissions, and evaluation and award recommendations. Establish project specific goals in conjunction with the CFO.~~

2.6.5. ~~Ensures Vendor compliance to State of California SB854 Public Works Vendor Registration requirements when soliciting and awarding contracts.~~

2.7. Procurement Specialist Supervisor Under the supervision of the Procurement Manager

2.7.1. Leads Manage VVTA's Purchasing function and inventory functions.

2.7.2. Processes Purchase Orders.

2.7.3. Conducts procurements as assigned by the Procurement Manager.

2.7.4. Serves as point of contact for all matters involving timely and effective purchase of goods and services.

- 2.7.5. Receives goods in accordance with VVTA procedures.
- 2.7.6. Maintains shipment receiving records.
- 2.7.7. Oversees the performance of the Purchasing Technician.

2.8. Finance Department

- 2.8.1. Review invoices for compliance and eligibilities for payment after receiving appropriate documentation.
- 2.8.2. Process payment using the workflow approval procedures in the NetSuite ERP Software.
- 2.8.3. Maintains Cash funds.
- 2.8.4. Maintains all vendor invoices and supporting documents.

Policy 1040

DIVERSITY & ECONOMIC OPPORTUNITY DBE Program

1. POLICY STATEMENT

- 1.1. It is the policy of VVTA, pursuant to the provisions of Federal and State laws and regulations, and implemented by directives of VVTA Board, to promote the utilization of Disadvantaged Business Enterprises (DBE) and Small Businesses to the maximum extent feasible. VVTA procurement and contracting processes will provide a level playing field, applying race neutral ~~and race-conscious~~ measures for Disadvantaged Business Enterprises (DBE) and Small Businesses to compete for and participate in all aspects of VVTA procurement and contracting.
- 1.2. Specific responsibility for developing and implementing the DBE programs is delegated to the Disadvantaged Business Enterprise Liaison Officer (DBELO). Procedures for establishing DBE goals will be coordinated through Procurement. Responsibility for ensuring compliance to VVTA DBE Policy is shared by all VVTA employees.
- 1.3. In furtherance of this policy, VVTA requires that all requests for proposals (RFP's) estimated over \$2,000.00, for construction and \$250,000.01 for other goods and services, be forwarded to Procurement for DBE goal evaluation prior to advertisement. Notification of procurement opportunities in purchasing, concessions, real estate and other operating functions are also forwarded to Procurement prior to their public release. Procurement will ensure that all applicable forms are included in bid/proposal packages for identification of DBE participation, description of scope of work to be performed, materials supplied, and service or broker function to be performed by each DBE listed.
- 1.4. In instances where VVTA has not established a specific goal for participation by DBE's on a contract, if the proposer subcontracts, the Proposer is still expected to create a level playing field for DBE firms to utilize the services of subcontractors or purchase goods from suppliers during the performance of the contract. Upon VVTA request, the Prime is required to submit documentation to satisfy VVTA that good faith efforts were made to utilize DBE's during the life of the contract.

2. DBE PROGRAM

- 2.1. VVTA is committed to undertaking special efforts to seek socially and economically disadvantaged firms to attain this goal. DBE goals are established tri-annually for VVTA's annual procurements with contracting opportunities, as well as on a project-to-project basis.
- 2.2. It is VVTA's goal to ensure that DBEs are given an equal opportunity to compete, for every VVTA procurement, from the smallest routine requisition to the largest contract.
- 2.3. VVTA's procurement process is structured to ensure that a DBE Program constitutes a commitment to promote, foster and utilize disadvantaged business enterprises as required and defined by 49 CFR 26. VVTA's procurement and contracting shall provide a level playing field for competition and participation.
- 2.4. VVTA's procurement process is a key element in implementing VVTA's DBE policy. DBE certification is achieved through the California State Unified Certification Program (UCP). VVTA will refer potential DBEs to the appropriate certifying agency.
- 2.5 Complaints and/or protests for handling complaints relating to the DBE Program:
 - 2.5.1 All complaints/protests relating to the DBE Program are to be forwarded to the DBELO. The DBELO will make the determination if the complaint is valid and will respond to the complainant in writing of any determinations or actions related to the complaint.
 - 2.5.2 If the complaint is part of the protest, the DBELO/Procurement Manager will ensure that the established Protest Policy is followed.

3. TRIENNIAL GOAL

- 3.1. VVTA Triennial overall goals must be submitted to FTA on September 1 of each triennial period for the upcoming Federal Fiscal three-year period of October 1, first fiscal year through September 30 end of third fiscal year.
- 3.2. VVTA's DBE Liaison Officer shall prepare and submit the triennial goal and required FTA reports.
- 3.3. VVTA projects the number and types of contracts to be awarded and the number and types of DBEs likely to be available to compete for contracts. DBE contractors will be encouraged by VVTA to compete as prime contractors.

4. RESPONSIBILITY

- 4.1. The Procurement Manager serves as VVTA DBE Liaison Officer and reports directly to the Chief Executive Officer on all matters concerning the DBE program. The DBE Liaison Officer maintains an "open door" policy and is primarily responsible for the enforcement of the DBE Program.
- 4.2. VVTA Board of Directors expects all levels of VVTA staff in all VVTA departments to both solicit and encourage DBE participation.

Policy 1050

GENERAL POLICIES

Standards of Conduct and Conflicts of Interest

1. POLICY OVERVIEW

- 1.1 Federal regulations require VVTA to prevent conflicts of interest in contract awards. However, VVTA also seeks to avoid any appearance of conflicts of interest. VVTA personnel are expected to avoid conflicts of interest or appearances thereof and actions which could result in favoritism or appearances thereof.
- 1.2 This regulation establishes VVTA Standards of Conduct and defines its policy on conflicts of interest, gratuities, negotiation for employment, post-VVTA employment restrictions and related matters. To achieve this goal, this policy explains the nature of potential conflicts of interest to employees and explains the potential consequences for violating the provisions of this policy. This policy applies to all VVTA personnel in the exercise of their duties.

2 PERSONAL CONFLICT OF INTEREST

- 2.1 The Political Reform Act of 1974 maintains a conflict-of-interest code. Section 87500 under which certain designated employees and Board Members are required to disclose economic interests and are prohibited from participating in decisions that may influence their financial interests.
- 2.2 No employee, officer, Board member, or agent of VVTA may participate in the selection, award, or administration of a contract supported by Federal funds if a real or apparent conflict of interest is involved. Such a conflict would arise when any of the parties set forth below has a financial or other interest in the firm selected for award:
 - 2.2.1 The employee, officer, Board member/alternate, or agent;
 - 2.2.2 Any member of his or her immediate family;
 - 2.2.3 His or her partner; or
 - 2.2.4 An organization that employs, or is about to employ, any of the above.
 - 2.2.5 This policy does not prevent anyone named above from having, for normal investment purposes, a stock interest of less than one percent (1%) in any company traded on a securities exchange or in the over-the-counter market, nor is it intended to prevent borrowing money from commercial banks for normal personal purposes. In instances where the employee serves VVTA as a contract employee, the prohibition of the amount of stock interest shall not apply where such stock interest is associated with a benefit program available through the individual's parent firm.

2.3 Relationships

2.3.1 In all procurement matters pertaining to VVTA, no employee, legal counsel, any member of an evaluation committee for a VVTA-funded project, or member of the Board of Directors shall have any relationship or engage in any activity which might:

2.3.1.1 Involve or lead to personal obligation that could impair the objectivity of such person's judgment, or

2.3.1.2 Give the appearance to others that favoritism or obligations exist between the Board or its members or employees, and any other party.

3 GIFTS

3.1 General Prohibitions and Exceptions:

3.1.1 VVTA employees shall not, in connection with services performed within the scope of their official duties, solicit or accept money or any other thing of value in addition to the compensation or expenses paid to them by VVTA. VVTA personnel shall not offer money or anything of value for or in consideration of obtaining an appointment, promotion or privilege in their employment with VVTA.

3.1.2 VVTA employees and household members shall not solicit or accept, for themselves or others either directly or indirectly, gratuities, favors or anything of monetary value from a party who has an actual or prospective business relationship with VVTA or from any person or entity which has interests that may be affected by the performance or non-performance of the official duties of VVTA employee, except as outlined below:

3.1.2.1 No employee of VVTA, or member of the Board of Directors, shall solicit, directly or indirectly, any gift, gratuity, favor, entertainment, food, lodging, or loan, from any person or organization having or seeking to establish a business relationship with VVTA.

3.1.2.2 All gifts or other gratuities from any party having or seeking to establish a business relationship with VVTA are discouraged and contrary to this declared policy.

3.1.3 VVTA employees and household members may:

3.1.3.1 accept a single unsolicited gratuity having a retail value of less than twenty-five dollars (\$25.00);

3.1.3.2 occasionally receive food or beverages for immediate consumption and/or entertainment which have a retail value of less than forty-five dollars (\$45.00); and

3.1.3.3 accept from a contractor food, beverages or entertainment of a nominal value of less than one hundred dollars (\$100.00) at a widely attended gathering, such as Professional Association meetings.

3.1.4 Proper personal conduct requires that:

- 3.1.4.1 Gifts, gratuities, or entertainment which might adversely affect the exercise of a Board member's or employee's judgment in matters pertaining to VVTA or tend to impair public confidence in VVTA must never be accepted.
- 3.1.4.2 Board members or employees of VVTA shall not solicit gratuities, discounts, favors, or anything of monetary value from contractors or potential contractors.
- 3.1.4.3 VVTA employees may participate in activities otherwise prohibited, where VVTA's interest will be served by such participation, provided the individual obtains advance written permission from his or her Supervisor and the Executive Director. The approving Supervisor and/or Executive Director shall provide a memorandum for the record indicating that participation was approved and specify the proposed benefit to VVTA.

3.1.5 Reporting the Receipt of Gratuities

- 3.1.5.1 Every elected official and VVTA employees who make or participate in making governmental decisions shall report on California Form 700 the following:
 - 3.1.5.1.1 receipt of food, beverages and entertainment from any single source having an aggregated value in excess of \$590.00 in a calendar year, and
 - 3.1.5.1.2 gratuities, other than food, beverages and entertainment, from a single source having a value greater than \$50.00 in a calendar year.
 - 3.1.5.1.3 Any employee who has received gratuities from a single source in excess of the above thresholds in a calendar year shall file this form by January 31 of the next calendar year.
- 3.1.5.2 VVTA personnel who receive gratuities or have gratuities received for them in circumstance not in conformance with this policy will promptly report the circumstances to their immediate supervisor for review, and notice to the CEO for a recommendation.

3.1.6 Influence

- 3.1.6.1 Because situations involving conflict of personal interest can also impair judgment, no Board member or employee of VVTA:
 - 3.1.6.1.1 Shall have a financial interest in any other organization which might profit either from the decisions he or she makes in carrying out his VVTA responsibilities, or from his or her knowledge of VVTA actions or future plans.
 - 3.1.6.1.2 Shall make investments or act for personal gain based upon special knowledge he or she obtained – whether directly or inadvertently – as a result of his or her position as a Board member or employee or VVTA.
- 3.1.6.2 Any interest as an owner, partner, joint-venturer, or stockholder of one percent (1%) or less in any such organization shall not be deemed a

prohibited “financial interest,” but serving as Director, Officer, Consultant, or Employee of such organization shall be deemed a “financial interest.”

4 GUIDELINES FOR CONTRACTOR RELATIONSHIPS

4.1 To avoid conflict, the following shall apply to employees of any contractor providing management services to VVTA.

4.1.1 No Contract Management personnel or support staff shall:

- 4.1.1.1 Make recommendations or be involved in the preparation of specifications for any contracts for which that Contract Management personnel may bid or propose.
- 4.1.1.2 Be involved in any aspect of evaluation, selection, or award of a contract for which that Contract Management personnel may bid.
- 4.1.1.3 Be involved in any aspect of contract administration of a contract or subcontract which has been awarded to the Contract Management personnel.

5 NEGOTIATION FOR EMPLOYMENT

5.1 VVTA employees considering or negotiating future employment with an organization which has an actual or prospective business relationship with the Agency may not participate in any official action on behalf of the Agency with that organization. “Negotiating” includes any action that reasonably could be constructed as an indication of interest in future employment, including sending letters or resumes, making telephone inquiries, or receiving unsolicited proposals from the entity’s representative regarding future employment. It is not necessary that there be any firm offer of employment or that VVTA’ employees initiate the contact.

5.1.1 VVTA employees must file a written notice with their supervisor of any negotiation (including unsolicited proposals) for prospective employment with any entity which has an actual or prospective business relationship with the Agency. A copy of the notice shall be sent to Human Resources to be placed in the employee’s official personnel file. The employee has the burden of determining whether a prospective employer has an actual or prospective business relationship with the Agency.

6 VIOLATIONS AND ENFORCEMENT

6.1.1 The imposition of civil or criminal proceedings notwithstanding, violation of any of the provisions of this policy shall be subject to penalties, sanctions or other disciplinary actions up to, and including, termination of employment. Any disciplinary actions imposed shall remain a permanent part of the employee’s personnel file.

Policy 1060

GENERAL POLICIES

Contractor Relations

1. POLICY

- 1.1. VVTA maintains an “open door” policy and makes every effort to maintain a good business relationship with all bidders and potential bidders with whom it does business.
- 1.2. The Contracts and **Procurement** employees specifically and all agency management personnel in general under the direction of VVTA management assume the responsibility to:
 - 1.2.1. Establish and maintain ethical **procurement** policies and principles,
 - 1.2.2. Maintain open and fair competition,
 - 1.2.3. Maintain fair and clear purchase and bid specifications,
 - 1.2.4. Observe and maintain honesty and candor in all transactions with suppliers,
 - 1.2.5. Respect the confidence of suppliers in the handling of information,
 - 1.2.6. Remain free from any obligation to suppliers,
 - 1.2.7. Answer all inquiries promptly,
 - 1.2.8. Decline to take advantage of vendor errors,
 - 1.2.9. See that all sales representatives receive a full, fair, and courteous opportunity to present their products,
 - 1.2.10. Furnish complete and accurate information,
 - 1.2.11. Promote prompt payment of invoices,
 - 1.2.12. Keep an open mind to new methods and procedures,
 - 1.2.13. Encourage testing or demonstration of materials and products which may be of value to VVTA.
- 1.3. At all times, all VVTA employees will operate with integrity and fairness to VVTA's suppliers.

2. OBJECTIVE

Through these principles, VVTA intends to create an atmosphere in which VVTA, vendors, and citizens can work together for the provision of goods and services to VVTA at a fair and reasonable price.

Policy 1070

GENERAL POLICIES

Special Federal Grantee Requirements and Applicable Laws

1. GENERAL

- 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 Build America/Buy America requirements.
- 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.
- 1.3. VVTA Chief Financial Officer or their designee will assure that the required provisions are included in all appropriate solicitations and contracts.
- 1.4. The VVTA Procurement Manager or designee will be responsible for reviewing the Federal References below, annually, in order to review and update VVTA's Procurement Policies with the 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 compliance with the FTA.

2. FEDERAL REFERENCES

- 2.1. Federal references include the most recent version of the following documents:
 - 2.1.1. U.S. Department of Transportation, Federal Transit Administration (FTA), Master Agreement for Federal Transit Administration Agreements.
 - 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
 - 2.1.3. 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
 - 2.1.4. FTA Circular on *Third Party Contracting Requirements*, FTA 4220.1F (4) (or latest revision)
 - 2.1.5. FTA Circular C5010.1-D.
 - 2.1.6. Section 9(j) of the Urban Mass Transportation Act.
 - 2.1.7. Federal Transit Laws, 49 U.S.C. Chapter 53.
 - 2.1.8. Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), P. L. 102-240.
 - 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.

2.1.10. 49 CFR part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

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.

2.1.12. Executive Order 12612, "Federalism."

2.1.13. Federal Acquisition Regulations, Part 31.

2.1.14. FTA Best Practices Procurement Manual.

2.1.15. FTA Master Agreement §39 (b)

2.1.16. OMB M-22-11 Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure

2.1.17. BIL (Bipartisan Infrastructure Law) 25019

3. REQUIRED CONTRACT PROVISIONS

- 3.1. VVTA 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.

4. STATE AND LOCAL REFERENCES

- 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 VVTA employment.
- 4.2. All other applicable federal, state and local laws, codes, regulations, and standards.

Policy 2000

GENERAL PROCUREMENT

Purchasing Thresholds

1. POLICY STATEMENT

- 1.1. This policy sets forth the requirements for micro, mini and small purchases. This policy includes other simplified purchase procedures such as; petty cash and procurement cards.
- 1.2. It is the full responsibility of the requisitioning department to ensure funds are available within the department's budget for any requested procurement.
- 1.3. A procurement value over ~~\$1000.00~~ **\$2,500.00** requires approval of the Chief Executive Officer (CEO).
- 1.4. Under no circumstances shall procurements be separated into smaller amounts for the purpose of avoiding procurement procedures.
- 1.5. The applicable procedure will depend on the purchase amount. Additional requirements will apply depending on the procurement:
 - 1.5.1. ~~\$1,000.00-\$2,500.00~~ **and below** – Petty cash, Micro-procurement, or Procurement Card procedures.
 - 1.5.2. **\$10,000.00 And Below** – Micro Procurement Procedure --
 - 1.5.2.1. Micro-procurements may be used for goods/services costing not more than a \$10,000.00 award amount.
 - 1.5.2.2. Micro-procurement does not require action by the Board of Directors.
 - 1.5.2.3. Although a Micro-procurement does not require multiple quotes, purchases shall be of a fair and reasonable price and should be rotated among vendors offering competitive prices for the same quality.
 - 1.5.2.4. Construction contracts over \$2,000 require compliance with Federal Procurement Requirements such as the Davis Bacon Act; and specific construction terms and conditions must be used for these procurements.
 - 1.5.3. **\$10,000.01 to \$250,000.00** – Small procurement procedure--
 - 1.5.3.1. Small Procurements may be used for goods/services at least \$10,000.01 and not more than a \$250,000.00 award.
 - 1.5.3.2. Small Procurements do not require action by the Board of Directors for award and must be signed by the CEO.

- 1.5.3.3. In compliance with FTA recommendations and requirements procurements that do not exceed the stated threshold for Small Procurements do not require use of the Formal Procurement procedure.
- 1.5.3.4. In the award of A&E Contracts VVTA will select the most qualified firm and then negotiate a price with that firm only. (See Policy 4050 2.2)
- 1.5.3.5. In compliance with State of California SB854 – Public Works – VVTA will solicit and award Public Works projects to vendors who are registered and certified by the State of California.
- 1.5.3.6. All construction procurements of \$2,000.00 or more must be reviewed by the Procurement Department.
- 1.5.4. **\$250,000.01 and above** – Formal procurement procedure
 - 1.5.4.1. In compliance with FTA recommendations, and requirements procurements for goods/services more than a \$250,000.01 award amount require use of a Formal Procurement process which include:
 - 1.5.4.1.1. Acquisition planning and identification of funding sources.
 - 1.5.4.1.2. Development of Specifications.
 - 1.5.4.1.3. Board authorization to release Invitation for Bid (IFB) and/or Request for Proposals (RFP).
 - 1.5.4.1.4. Advertisements.
 - 1.5.4.1.5. Competitive Bid Process.
 - 1.5.4.1.6. Evaluation of Bids or Proposals.
 - 1.5.4.1.7. Board Authorization of Contract Award.

Policy 2010

GENERAL PROCUREMENT

Emergency and Non-Competitive Procurements

1. EMERGENCY PROCUREMENT POLICY

- 1.1. In accordance with the Public Utilities Code 130234 and Public Contract Code 20233, VVTA may conduct procurement on an emergency basis if the procurement is essential to a VVTA requirement to deal with an existing emergency condition, as defined in the section below.
- 1.2. Both PUC 130234 and PCC 20233, requires a two-thirds finding by the Board that public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property and proceed to expend or enter into a contract without observance of the provisions of the applicable articles regarding contracts, bids, advertisement or notice.

- 1.3. For purposes of an emergency procurement under this policy, an "emergency condition", is a situation (such as a flood, epidemic, riot, terrorist activity, equipment failure), which creates an immediate threat to the public health, welfare, or safety. The existence of an emergency condition creates an immediate need for supplies, services, or construction which cannot be met through normal procurement methods, and the lack of which would seriously threaten one (1) or more of the following:
 - 1.3.1. The health or safety of any person;
 - 1.3.2. The preservation or protection of property; or
 - 1.3.3. The continuation of necessary VVTA functions.
- 1.4. If that anticipated cost exceeds \$250,000.01, the Chief Executive Officer (CEO) will attempt to get the approval of the Chairman of the Board before authorizing the request.

2. NON-COMPETITIVE/SOLE SOURCE PROCUREMENT POLICY

- 2.1. Procurement of supplies and services, without competition, may be authorized under limited conditions, and subject to written justification documenting the conditions which prevent competitive solicitation. The need for a non-competitive procurement is recognized when VVTA's interests are best served. However, Procurement Staff are encouraged to avoid continuation of non-competitive contracts.
- 2.2. The conditions and limitations for use of service agreements and emergency procedures are mandated by the FTA. Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids, or competitive proposals and one of the following situations prevails:
 - 2.2.1. The item is available only from a single source, i.e. licensed software, patented material or process, etc.
 - 2.2.2. The public exigency or emergency for the requirement prevents any delay caused by competitive solicitation. Upon determining that immediate remedial measures to avert or alleviate damage to property or to repair or restore damaged or destroyed Authority property, the CEO may authorize the expenditure of money for the direct purchase of goods, services or construction without the observance of competitive bidding requirements to ensure the facilities and equipment of the Authority are available to service the transportation needs of the general public. After any such expenditure, the CEO shall submit to the Board a complete report explaining the necessity of the action.
 - 2.2.3. FTA authorizes non-competitive negotiations.
 - 2.2.4. After solicitation from a number of sources, VVTA deems competition inadequate.
 - 2.2.5. Public Calamity. In a case such as an extraordinary fire, flood, storm, epidemic, terrorist activity, or other disaster or interruption of contracts essential to the provision of daily transit service or catastrophic failure of

revenue producing equipment or facilities, the CEO declares that public interest and necessity require immediate expenditure of money to safeguard life, health or property and direct the Authority to enter into contract(s) without observance of public bidding requirements. After any such expenditure, the CEO shall submit to the Board a complete report explaining the necessity of the action.

2.2.6. The item is an associated capital maintenance item procured directly from the original manufacturer or supplier of the item. If this is the case, VVTA must certify in writing to the FTA (before approving the contract) that:

2.2.6.1. The manufacturer or supplier is the only source for such item.

2.2.6.2. The price of such item is no higher than the price paid for the item by other like customers.

Policy 3000

GENERAL PROCUREMENT

~~Procurement~~Purchasing Card Procurements

1. INTRODUCTION

1.1 The **Purchasing Credit** Card is designed to increase VVTA's efficiency on low-dollar procurements by giving individuals the authority and responsibility to make **purchases** directly from suppliers. In this way, the **Purchasing** Card eliminates the need for some **~~purchase orders~~**, check requests, and the use of petty cash.

2. DESCRIPTION

2.1 The **Purchasing** Cards are a limited, restricted credit card imprinted with the name of the person authorized to use the card, an account number, and an expiration date. The financial institution issuing the Procurement Card does not have access to cardholders' personal credit information other than a work address, and the institution does not keep credit records on individual cardholders' names.

3. GENERAL POLICIES

3.1 The following restrictions apply to the use of **Purchasing Credit** Cards by any VVTA department or employee:

3.1.1 Procurements made with **Purchasing** Cards must qualify as allowable under VVTA Procurement Policies.

3.1.2 VVTA, not the individual employee, pays for Purchasing Card procurements.

3.1.3 **The CFO approves and authorizes use of the Purchase Credit Card as part of the NetSuite ERP Software Purchase Order workflow approval process.**

3.1.4 If a **Purchasing** Card is used inappropriately, VVTA will hold the employee(s) involved responsible.

4. ESTABLISHING A ~~PROCUREMENT-PURCHASING~~ CARD SYSTEM

4.1 Setting up a **Purchasing** Card system required the following steps:

4.1.1 The Department Director/Manager selects employees to use the **Purchasing** Card to procure goods and services, or for specific expenditures incurred under approved conditions.

4.1.2 The Department Director/Manager requests the **Purchasing** Card to be issued to employees selected. The request is to be approved by the CEO.

4.1.3 The Chief Financial Officer, or his designee, trains all selected employees in the proper use of **Purchasing** Cards before the cards are issued.

4.1.4 The cardholder will sign the credit card use agreement to acknowledge and comply with all restrictions and follow the established card usage policy.

4.1.5 Custody of the **Purchasing** Cards will remain with the Treasurer when not in use.

Policy 4000

FORMAL PROCUREMENT POLICY

Sealed Bids and RFPs

1. POLICY OVERVIEW

1.1. Procurements over the small acquisition threshold of \$250,000.01 shall require a formal procurement process.

1.2. Requirements for goods or services to be purchased exceed \$250,000.01 per acquisition, or per contract period including options years. These requirements include:

1.2.1. Rental/lease payments.

1.2.2. Maintenance service contracts including option years; and,

1.2.3. Construction projects.

2. EXCEPTIONS

There are situations in which procurements that would otherwise meet the requirements for the formal procurement process are exempt. See Policy 2010. *Emergency Procurements/ Non-Competitive Procurement*, for more information on exceptions to the formal procurement process.

3. INVITATIONS FOR BID (IFB)

3.1. In support of certain formal procurement transactions, VVTA's staff will send out an Invitation for Bid (IFB) when seeking to procure supplies, equipment, materials and construction projects. The existence of the following factors will determine whether VVTA should use the IFB method of awarding a contract:

- 3.1.1. A complete, adequate and realistic specification or a clear scope of work (SOW) is available.
- 3.1.2. Two or more bidders are willing and able to compete effectively for the contract.
- 3.1.3. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price;
- 3.1.4. No discussion with bidders is needed after receipt of offers;
- 3.1.5. Award is made to the lowest, responsive, responsible bidder.

4. REQUEST FOR PROPOSAL (RFP)

- 4.3. Formal procurement transactions calling for Request for Proposals (RFP) are normally conducted with more than one anticipated source submitting a proposal, and awards are generally made to the responsible firm whose proposal offers VVTA the most advantageous terms with price and other factors considered.
- 4.4. The competitive negotiations (RFP) process shall be used for:
 - a. Professional Services
 - b. Support Services
 - c. Technical Services
 - d. Operational Services
 - e. Maintenance Services
 - f. Architectural and Engineering Services, or
 - g. Specialized Transit Equipment as defined.
- 4.5. A request for proposals typically includes all of the elements of an invitation for bids, and in addition usually contains clearly identified evaluation factors and their relative importance.

5. RFP AWARD PROCESS

- 5.1. Unless all bids/proposals are rejected, a contract award will be made to the responsive and responsible firm offering the most advantageous terms with price and other factors considered.
 - 5.1.1. For projects less than \$250,000.00, award will be made with the authorization of the Chief Executive Officer.
 - 5.1.2. For projects of \$250,000.01 or more, award will be made with the authorization of the Board of Directors.
- 5.2. In all sealed bid/proposal procurements, the award of contracts shall be to the responsive and responsible firm offering the most advantageous pricing terms.
- 5.3. If the award is to be made to other than the bidder offering the most advantageous pricing terms, a full justification memorandum should be prepared and put into the contract file.

- 5.4. In the unlikely event that identical bids are received, the successful bidder will be determined based upon the assessment and evaluation of the bids by VVTA's designated Evaluation Committee.
- 5.5. The Board of Directors is not bound by the recommendation of the Evaluation Committee or working staff when they believe their action will further VVTA's statutory functions.
 - 5.5.1. However, the decision of the Board of Directors must be consistent with the solicitation's (IFB/RFP) written evaluation criteria and requirements, and must have a rational basis for the decision, which is fully documented for the procurement files.

6. AWARD OF THE CONTRACT

- 6.1. Upon award of the contract by the VVTA's Board of Directors, the **Purchasing Procurement** staff will notify unsuccessful bidders in writing and, if applicable, return their bid bonds.
- 6.2. Bid bonds submitted by the successful bidder will be retained by **Procurement** staff.

7. REQUIRED FEDERAL CLAUSES

- 7.1. **Procurement** staff will review the contract to assure that all the applicable federal, state, and local clauses are included.
- 7.2. These clauses would include, but not be limited to, the following provisions: Civil Rights, DBE, Buy America, Lobbying, Debarment, and Davis-Bacon Act. The Contracts staff will also assure that where required the proper certifications are included with each proposal and signed by the appropriate individual.
- 7.3. Procedure 4080-1 table 1 summarizes the various federal clauses and/or certifications required for third party contracts utilizing federal funds.

8. DEFINITIONS

- 8.1. Competitive Purchases \$250,000.01 and over

Competitive Purchases are defined as any purchase with a value of \$250,000.01 and above. Purchases of this amount require full and open competition. Formal procurement methods (sealed bid/competitive proposals) must be utilized, and most procurements of this nature are subject to federal/state requirements. Board approval is required prior to the procurement process starting and then prior to contract award. Technical specifications/scope of work and/or any other specific requirements shall be prepared by the requesting department and submitted to the Procurement Department. The Department will prepare and publicly release an Invitation for Bid (IFB) or a Request for Proposal (RFP), as appropriate. (See Policy 4000.3 and 4000.4 for further discussion). IFBs/RFPs are publicly advertised in newspapers of general circulation in addition to being electronically mailed directly to the sources that are listed in VVTA's vendor database. Competitive procurements are also posted in VVTA's website.

The threshold requirements as outlined above apply to the aggregate purchase amount of the required goods or services. It is not VVTA's policy to separate related costs for the express purpose of avoiding the competitive bid process.

8.2. Non-Competitive (Sole Source) Procurement

Under some circumstances, noncompetitive negotiations or "sole source" procurements may prove necessary to obtain goods or services without requiring formal procurement procedures. (See Policy 2010).

8.3. Intergovernmental Procurement Agreements (Piggyback Purchase Agreements)

FTA's third-party contracting regulations encourage use of available state and local intergovernmental agreements for procurement or use of common goods and services. When obtaining goods or services in this manner, VVTA 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 VVTA's purchase document. When buying from these schedule contracts, VVTA should obtain Buy American certification before entering into the purchase order. Where the product to be purchased is Buy America compliant, there is no problem. Where the product is not Buy America compliant, VVTA will still have to obtain a waiver from FTA before proceeding.

State or Local Government Purchasing Schedule or Purchasing Contract

An arrangement that a State or local government has established with multiple vendors in which those vendors agree to provide an option to the State or local government, and it subordinate government entities and others it might include in its programs, to acquire specific property or services in the future to established prices. These arrangements are somewhat similar to the GSA's Cooperative Purchasing Program available for Federal Government use. If, at a later date, the State or local government permits others to use its schedules, the State or local government might seek the agreement of the vendor to provide the listed property or services to others with access to the schedules might permit the vendor to determine whether or not it wishes to provide others the same contractual arrangement it affords the State or local government that has established the schedules.

FTA recognizes that some recipients will use the term "cooperative" in reference to these state and local programs, possibly because they are somewhat similar to GSA's "Cooperative Purchasing Program." These programs are distinct from "Joint Procurement" as described below.

8.4. Federal General Service Administration (GSA) Schedules

A recipient (VVTA) must be authorized specifically by Federal law to use a GSA Federal Supply Schedule. Currently, recipients are limited in their use of the Federal Supply Schedules. These uses include: (1) to acquire information technology (IT); (2) to purchase products and services to facilitate recovery from a major disaster; or (3) to acquire law enforcement, security and certain related items of various types. When using GSA schedules to acquire property or services in this manner, Purchasing staff must ensure all Federal requirements, required clauses, and certifications are properly followed.

- 8.5. State Cooperative Purchasing Contracts – Under section 3019 of the FAST Act, VVTA may purchase rolling stock and related equipment from a State cooperative procurement contract. A “cooperative procurement contract” means a contract entered into between a State government or eligible nonprofit entities and 1 or more vendors under which the vendors agree to provide an option to purchase rolling stock and related equipment to multiple participants. The contract term for a cooperative procurement contract may be for an initial term of not more than two years and may include three optional extensions of one year each. A lead procurement agency or lead nonprofit entity in such a procurement may charge participants in the contract no more than 1 percent of the total value of the contract.

Under prior law, FTA referred to these types of State contracts as “State purchasing schedules” and, as such, were only available to recipients within that State. Under the FAST Act, a grantee may purchase rolling stock and related equipment from any State’s cooperative procurement contract or schedule.

- 8.6. Joint Procurement (sometimes informally referred to as “cooperative procurement”) means a method of contracting in which two or more purchasers agree from the onset to use a single solicitation document and enter into a single contract with a vendor for delivery of property or services in a fixed quantity, even if expressed as a total minimum and total maximum. Unlike a State or local government purchasing schedule or contract, a joint procurement is not drafted for the purchase of accommodating the needs of other parties that may later choose to participate in the benefits of that contract.

FTA recognizes that some recipients will use the term “cooperative procurement” informally to refer to arrangements FTA designates as “joint procurement.”

8.7. Options

Option items may be included in contracts entered into by VVTA. An option is a unilateral right in a contract by which, for a specified time, VVTA may elect to purchase additional equipment, supplies, or services called for in the contract, or may elect to extend the term of the contract. If VVTA chooses to use options, the requirements below apply:

1. Evaluation of Options.

- a. If required in the solicitation, the option quantities or periods contained in the contractor’s bid or offer must be evaluated in order to determine contract award. When options have not been evaluated as part of the award, the exercise of such options shall be considered a sole source procurement.

2. Exercise of Options.

- a. VVTA must ensure that the exercise of an option is in accordance with the terms and conditions of the option provisions stated in the initial contract awarded.
- b. An option may not be exercised unless VVTA has determined that the option price is better than prices available in the market or that the option is the more advantageous offer at the time the option is exercised.

- c. As of May 2002, the FTA has rescinded its five-year contract term limitation for some FTA-funded contracts, including “revenue contracts”. Good procurement practice requires that VVTA enter into contract terms no longer than is minimally necessary to accomplish the purpose of the contract. For contracts that are not Rolling Stock, VVTA will establish contract terms to multi-year contracts that make the most sense for the type of contract and VVTA deems to be in its best interest. Procurements of Rolling Stock and replacement parts remain limited by law to five (5) years.

8.8. Procurement Department Files

The Procurement Department maintains a procurement History file which provides an audit trail from the initiation of a purchasing requirement through contract closeout. Where appropriate, the files will include documentation such as, the requisitions, independent cost estimate, list of sources solicited, specifications/scope of work, original solicitation, amendments, proposals, bid evaluation results, determination that price is fair and reasonable, contract or purchase order, change orders, Board agendas, copies of public notices, insurance documents, evidence of performance/payment or other bond documents, notice of award, notice to proceed and all other related correspondence.

- 8.10. Geographic Restrictions: Effective with the passing of the Bipartisan Infrastructure Law, grant recipients are permitted to include geographic, economic, or other hiring preferences on FTA-funded construction projects. VVTA will implement this ruling by way of adding points to evaluation scores to proposers who are deemed to be in the geographic area. The number of points will not be more than 5% of the total evaluation score. Definition of the geographic area will include the Cities of Hesperia, Victorville, Barstow, Adelanto, the Town of Apple Valley, and unincorporated areas of San Bernardino County who are represented by VVTA’s Board of Directors. ~~This pilot program is effective through May 21, 2025, unless extended.~~

- 8.12. Progress Payments In some circumstances, VVTA may enter into contracts that require the use of progress payments. Progress payments shall only be made to the contractor for costs incurred in the performance of the contract. In addition, the agency must obtain title to the property (materials, work in progress, finished goods) for which the progress payments are made. The agency does not participate in funding payments (advance payments) to a contractor prior to the incurrence of costs by the contractor.

8.13. Solicitation Bidder’s List

In addition to the general requirement for full and open competition (publicly advertised solicitations), the agency maintains a bidders list of eligible and qualified vendors who have expressed an interest in receiving solicitations. The bidders list contains the names, addresses and point of contact for entities that will receive the solicitation. Firms responding to the publicly advertised notice for a specific solicitation are added to the mailing list.

8.14. Pre-Bid and Pre-Proposal Conferences

Pre-bid and pre-proposal conferences are generally used in complex acquisitions as a means of briefing prospective bidders and explaining complicated specifications and requirements. The conference is chaired by the responsible Procurement

Department staff member and is an open forum where potential respondents may address ambiguities in the solicitation documents. Notice of the conference is included in the solicitation at the time of issuance.

8.15 Cost and Price Analysis

Some form of cost or price analysis shall be made and documented for every procurement action, including contract modifications, except as indicated in the procedure. The method and degree of analysis is dependent on the facts surrounding the particular procurement. At a minimum, VVTA shall develop independent cost estimates for each major procurement before receiving bids or proposals. The intent of performing a cost or price analysis is to insure VVTA receives a fair and equitable price consistent with the required quality, delivery, and overall terms of the transaction.

8.16 Prohibited Contract Methods

Federal regulations have prohibited the following contracting methods:

- * Cost plus a percentage of cost
- * Percentage of Construction cost.

8.17 Prohibition on certain telecommunications and video surveillance services or equipment.

(a) Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:

- (1) Procure or obtain;
 - (2) Extend or renew a contract to procure or obtain; or
 - (3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115–232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).
- (i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital

Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

- (ii) Telecommunications or video surveillance services provided by such entities or using such equipment.
- (iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(b) In implementing the prohibition under Public Law 115–232, section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

(c) See Public Law 115–232, section 889 for additional information.

(d) See also § 200.471.]

8.18 Fraud, Waste, Abuse, or Other legal Matters

FTA Master Agreement 39(b) – Notice to FTA and USDOT 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. VVTA must require a prime contractor to “flow-down” the requirement to subcontractors.

8.19 Seat Belt Use

FTA Master Agreement 34(a) – VVTA agrees to implement Executive order No. 13043 “Increasing Seat belt Use in the United State,” April 16, 1997, 23 USC 402 not,(62 Fed. Reg. 19217, by: Adopting and promoting on-the-job seat belt use policies and programs for its employees and other personnel that operate company-owned vehicles, company-rented vehicles, or personally operated vehicles; and Include a “Seat Belt Use” provision in each third party agreement related to the award.

8.20 Distracted Driving

FTA Master Agreement 34 (b): Distracted Driving: Including Text Messaging While Driving. VVTA agrees to comply with:

8.20.1 – Executive Order No. 13513, “Federal Leadership on Reducing Text Messaging While Driving,” October 1, 2009, USC 402 note, (74 Fed. Reg. 51225); and

8.20.2. – US DOT Order 3902.10 “Text Messaging While Driving,” December 30, 2009; and

8.20.3. – The following US DOT Special Provisions pertaining to Distracted Driving:

8..20.3.1 – Safety. VVTA agrees to adopt and enforce workplace safety to decrease crashes caused by distracted drivers, including policies to ban text messaging while using and electronic device supplied by an employer, and driving a vehicle the driver owns or rents, a vehicle VVTA owns, leases, or rents, or a privately-owned vehicle when on official business in connection with the Award, or when performing any work for or on behalf of the Award; and

8.20.3.2 – VVTA’s Size: VVTA agrees to conduct workplace safety initiatives in a manner commensurate with its size, such as establishing new rules and programs to prohibit text messaging while driving, re-evaluating the existing programs to prohibit text messaging while driving, and providing education, awareness and other outreach to employees about the safety risks associated with texting while driving; and

8.20.3.3. – Extension of provisions: VVTA agrees to include the preceding Special Provision sections of the Master Agreement in its third party agreements, and encourages its Third Party Participants to comply with this Special Provision, and include this Special Provision in each third party subagreement at each tier supported with federal assistance.

Policy 5000

SOLICITATION PROTEST

Protest Process

1. PURPOSE

- 1.1. This policy provides guidelines for the submittal and evaluation of protests relating to all procurements. VVTA shall ensure, to the extent reasonably possible, uniform, timely and equitable consideration of all protests received by VVTA pursuant to this policy.
- 1.2. In order to be considered, a protest must be filed in a timely manner, as described herein, must satisfy all the applicable requirements described in this policy and must be brought by an interested party as defined below.

2. DEFINITIONS

2.1. The following definitions apply to this policy.

2.2. Interested Party – An actual proposer/bidder whose direct economic interest would be affected by the award of a contract or by the failure to award a contract. Interested parties do not include subcontractors or suppliers of an actual or prospective proposer/bidder, or joint venturers acting independently of a joint venture.

2.2. Procurement Manager - The person designated by VVTA who is responsible for managing the contracting and procurement function.

2.3. File or Submit – Shall mean the date of receipt of a written protest by VVTA.

2.4. Receipt of Protest – The date of receipt of the Protest will be the date in which VVTA receives the protest package.

3. REFERENCES

3.1. United States Department of Transportation, Federal Transit Administration, Section 200.318 (K) of Code of Federal Regulations. [Master Agreement Section 16 \(w\)](#). Note: Refer to the revision in effect at the time of protest.

4. BASIS OF PROTEST

4.1. Requests for Proposal

After the receipt of proposals by VVTA and after an action relating to the selection of a consultant/contractor by the VVTA Evaluation Committee, but prior to the award of a contract by the VVTA Board of Directors, a protest may be submitted on the basis of one or more of the following:

- 4.1.1. VVTA Failed to adhere to the evaluation process set forth in the solicitation package.
- 4.1.2. VVTA failed to follow its own procurement policies and procedures.
- 4.1.3. VVTA violated a specific law, rule, or regulation in the procurement process.

4.2. Invitations for Bid

- 4.2.1. After the receipt of bids by VVTA, but prior to award of a contract by the VVTA Board of Directors, a protest may be submitted on the basis of one or more of the following:
- 4.2.2. VVTA failed to follow its own procurement policies and procedures.
- 4.2.3. VVTA violated a specific law, rule or regulation in the procurement process.

5. FILING OF PROTEST

5.1. Filing Written Protest with the VVTA Procurement Manager

An Interested Party wishing to protest a matter involving a procurement or proposed contract award shall file with the Procurement Manager, a written protest covering, at a minimum, the following:

- 5.1.1. Name and address of the Interested Party;
- 5.1.2. Identification of the proposed procurement or contract;
- 5.1.3. Description of the nature of the protest;
- 5.1.4. A detailed statement of the legal and/or factual grounds for the issue(s) identified in the protest, including reference to the provision(s) of the solicitation, regulations, and/or laws upon which the protest is based; and any technical data, documentary evidence, names of witnesses or other pertinent information supporting the basis for the protest;
- 5.1.5. A statement of the desired resolution to the protest by the Interested Party;
- 5.1.6. Signature of a properly authorized representative of the Interested Party.

5.2. Failure to Comply

Failure to comply with any of the requirements of this section may be grounds for dismissal of the protest.

5.3. Withdrawal of Protest

- 5.1.1. The Interested Party may withdraw its protest at any time before VVTA renders a decision by submitting a written request to the VVTA Procurement Manager.

6. SUMITTAL OF PROTEST

All protests must be submitted in writing to

**Victor Valley Transit Authority
Attn: Procurement Manager
17150 Smoke Tree Street
Hesperia, CA 92345
RE: Solicitation Protest – Solicitation/Contract Number**

7. PROTEST SUBMITTAL DEADLINE

7.1. Requests for Proposal

After opening proposals, VVTA will evaluate the proposals and determine which proposer shall be recommended to the VVTA Board of Directors for award of a contract. Once VVTA staff has determined which proposer will be recommended to the Board for award, a Notice of Intent to Award will be sent to all proposers.

- 7.1.1. Protests must be filed within five (5) business days from the issue date on the Notice of Intent to Award.

- 7.1.2. The date of filing shall be the date VVTA receives the protest.

7.2.2. Invitations for Bid

- 7.2.1. Protests must be filed within three (3) business days from bid opening.

- 7.2.2. The date of filing shall be the date VVTA receive the protest.

8. PROTEST REVIEW PROCESS

If the protest is determined to be timely and meets the criteria identified in the preceding sections 4, 5, and 7, this process will be followed:

- 8.1. No additional material will be allowed to be submitted unless specifically requested by the Procurement Manager.

- 8.2. The Procurement Manger will review all material submitted and will render a decision within thirty (30) days after the receipt of the protest.

8.3. The Procurement Manager will consider only those specific issues addressed in the written protest.

8.4. The decision of the Procurement Manager will then be given to the Chief Executive Officer (CEO), or designee, for approval. The decision of the CEO is final.

10. RESPONSIBILITIES

10.1. VVTA Staff

10.1.1. In the event of a protest, Staff is to follow current the Solicitation Protest Policy in effect at the time the protest is filed.

10.1.2. In the event that VVTA receives a vendor protest; Staff is to send a copy of the vendor protest to VVTA's Procurement Manager. The Procurement Manager will then send a copy of the protest to General Counsel, responsible Executive Staff member(s), and the CEO.

10.2. Procurement Manager

10.2.1. Review the protest and make a determination that:

10.2.1.1. All filing dates have been met;

10.2.1.2. that the protest contains the required information as identified in this policy; and

10.2.1.3. that the basis of the protest meets the requirements as identified in this policy. If any of the criteria are not met, the protest will not be considered and a letter dismissing the protest will be sent to the vendor by the Procurement Manager.

10.2.2. If the procurement that is being protested is federally funded, notify

10.2.2.2. Caltrans, if all or a portion of the funds were passed through Caltrans

10.2.3. Determine a fair review process for all vendors who file a protest.

10.2.4. Review the protest and prepare a receipt of protest letter to the vendor.

10.2.5. Review the protest and all the material submitted with the protest and prepare a written summary and decision on the merits of the protest within the thirty (30) days from receipt of the protest.

10.2.6. Send the summary and decision to the CEO, or designee, for approval.

10.2.7. After CEO, or designee, approval, send to General Counsel for review prior to sending to the vendor.

10.2.8. Include all documents in the contract file.

10.3 Notification to the FTA Chief Counsel or FTA Regional Counsel

10.3.1 VVTA agrees to provide FTA, as part of the annual or quarterly Milestone Progress Report, with a list of all bid protests and appeals for solicitations or contracts in excess of \$500,000. VVTA will also be mindful of the requirement in Section 39 (of the Master Agreement), disputes, that VVTA must promptly notify the FTA Chief Counsel, or FTA Regional Counsel for the Region in which the Recipient is located, of significant current or prospective legal matters that may affect the Federal Government.

Policy 6000

CONTRACT ADMINISTRATION

1. POLICY OVERVIEW

1.1. When a contract is awarded, the procurement staff's responsibilities change from solicitation to contract administration. This section describes the policies necessary to administer VVTA contracts.

1.2. Accurate and consistent contract administration is important to ensuring that VVTA meets its responsibility to uphold the public trust and maximize the value of public funds by using them as efficiently and cost-effectively as possible.

1.3. This policy covers how VVTA administers contracts, from signing to closing out.

The procedures are as follows:

1.3.1. Project management – see Procedure 6010 for more information.

1.3.2. Contract amendments and change orders – see Procedure 6020 for more information.

1.3.3. File administration – see Procedure 6030 for more information.

1.3.4. Advance payments to contractors – see Procedure 6040 for more information.

1.3.5. Contract closeout – see Procedure 6050 for more information.

1.3.6. Contract termination – see Procedure 6060 for more information.

1.3.7. Liquidated damages – see Procedure 6070 for more information.

1.3.8. Disputes – see Procedure 6080 for more information.

1.3.9. Administration of DBE program – see Procedure 6090 for more information.

1.4. VVTA shall ensure Federal and State and local funds are expended in a responsible manner through its contract administration activities.

1.5. Contract administration, those activities performed after a contract has been awarded, ensures that the contract's performance meets all requirements set forth in the contract.

1.6. Contracts involving the expenditure of public funds are subject to review and audits by funding agencies. A central file for post-award contract activities with all written documentation produced during the life of the contract shall be kept in the Procurement

Department. All files will be kept in accordance to VVTA's documents retention policies and procedures. The post-award file contents shall include, at a minimum, the executed contract and notice of award/notice to proceed; bond-related documentation; contract-required insurance documentation; post-award correspondence concerning the contract; documentation of submittals by the contractor and corresponding approvals by VVTA; all documentation relating to changes to the contract, claims, disputes and final close-out of the contract.

- 1.7. The Procurement Department's role in VVTA's contract administration activities is to coordinate all involved parties so that vendor registration compliance, invoice payment, change order approvals, contract modifications, are handled in accordance with VVTA procedures and in accordance with federal guidelines regarding documentation requirements.
- 1.8. Price analysis for change orders, verification of invoiced costs and contract adherence to budgets and schedules shall be coordinated with the Project Manager and other involved parties; the Procurement Department will maintain the file documentation for these activities.
- 1.9. Ensuring the contractor submits insurance certificates, bonding documentation and all other contractually required documentation shall be the responsibility of the Procurement Manager.
- 1.10. Final contract closeout activities will be administered by the Procurement Manager (See Policy 6000.8). The Procurement Manager shall ensure all administrative steps have been accomplished prior to VVTA issuing final payment to the contractor.

2. AUTHORITY AND RESPONSIBILITY

- 2.1. The Chief Financial Officer (CFO) or designee is responsible for the legal, technical and administrative sufficiency of VVTA contracts and shall seek legal, technical and other advice within VVTA in fulfilling these responsibilities.
- 2.2. Contract administration is the process of enforcing the terms of a contract through such actions as evaluating performance and progress, monitoring contract deliveries, inspections, approval of payments, processing contract modifications and closeout.
- 2.3. The administration and monitoring of the contractor's performance shall be the responsibility of VVTA Procurement Manager (for contractual issues) and the Project Manager (for technical issues).

3. DELEGATION OF AUTHORITY TO OTHER PERSONNEL

- 3.1. The CFO may delegate contract administration functions to other VVTA personnel. The delegation must be in writing. The contract administration functions listed below are typical of those delegated:
 - 3.1.1. Inspection of the work for compliance with the contract;
 - 3.1.2. Issuance of orders to stop and/or resume work where such orders are authorized by the contract excluding suspension of work under "Suspension of Work" article of the General Provisions;

- 3.1.3. Negotiation with the contractor, within specified limits, as to adjustment of contract price and/or time, and recommendation of acceptance or rejection of negotiation results;
- 3.1.4. Preparation of VVTA estimate of contract modifications;
- 3.1.5. Modification of the contract in accordance with the changes article or other articles of the General Provisions, in each instance not to exceed the dollar amount authorized by the CFO including the preparation of and furnishing to the contractor sketches and clarifications within that limitation;
- 3.1.6. Preparation and approval of payment estimates. In those cases, releasing retained percentage or remitting liquidated damages, the designee will make his/her recommendations thereon in writing to the CFO.
- 3.1.7. Approval of the contractor's shop drawings, working drawings, materials, equipment, and operations and storage areas;
- 3.1.8. Approval of the contractor's progress schedule;
- 3.1.9. Issuing orders for supplies or services under the provision of a blanket purchase agreement, a basic ordering agreement, or other contract type that provides for the placement of orders under the contract terms;
- 3.1.10. Other duties that the CFO may assign because of special situations, e.g., inspection of items for compliance with required safety standards, or examination of components to assure that domestic products are delivered; and
- 3.1.11. Approval of the contractor's invoices.

4. PROJECT MANAGEMENT

- 4.1. The Chief Executive Officer (CEO), with Board of Directors approval, may designate a third-party Project Manager to oversee selected projects in excess of \$250,000.01. At his/her discretion, the requesting Department Director/Manager can designate a third-party Project Manager to oversee selected projects under \$250,000.00, with CEO approval.
- 4.2. The Scope of Work in the negotiated contract defines specific tasks, milestones, and review procedures, which vary depending on the particular project.
- 4.3. The Consultant/Contractor may be required to document the amount of time and money spent on the work related to a particular project for a period specified in the Contract.
- 4.4. If a project is construction-related and will occur over an extended period of time, a Department Director/Manager may request that Procurement staff conduct a competitive solicitation for a third-party Construction/Project Manager to function as VVTA's Project Manager and oversee selected projects in excess of \$250,000.01.

5. AMENDMENTS AND CHANGE ORDERS

- 5.1. Change orders are, in effect, amendments to a contract and may be required periodically to adjust a contract amount or performance period due to unanticipated conditions.
- 5.2. Change Orders are considered a non-competitive procurement and, as such, are subject to the same requirements as noted in Policy 2010.7, "Sole Source Procurement."
- 5.3. The CEO has the authority to authorize an expenditure for extra work without the necessity of advertising for competitive bids, provided the cost of the extra work does not exceed \$250,000.00 or ten (10) percent, whichever is greater, of the original contract amount, unless the VVTA's Board of Directors has authorized a greater amount.
- 5.4. If the change exceeds \$250,000.01, the CEO must review and recommend approval, and the VVTA Board of Directors must approve the change.
- 5.5. Prior to issuing any change order, procurement staff will determine if funds are available for the proposed change order. Procurement staff will also determine if the proposed change order contains a change in the original scope of work, which could be grounds for conducting a separate competitive bid process for the additional work. The CEO and the Board of Directors must approve all cardinal changes.
- 5.6. A cost analysis must be performed for all change orders, unless price reasonableness can be established based on the basis of catalog or market price of a commercial product or on the basis of prices set by law or regulation.
- 5.7. To be binding, all contract amendments and change orders shall comply with applicable laws and regulations, be appropriately documented, and properly approved.

6. FILE ADMINISTRATION

- 6.1. Orderly documentation of the entire procurement process is essential to sound procurement practices and to comply with FTA 4220.1F (4) or most current update.
- 6.2. It will be the responsibility of the Procurement staff to review procurement files periodically to ensure that proper documentation is being maintained for each contract and bid solicitation file.
- 6.3. There shall be two separate files for each procurement, one for bid/solicitation and one for contracts.
- 6.4. Each procurement action will be assigned a unique number (IFB, RFP, RFI, or RFQ, or non-competitive procurement) by procurement staff.

- 6.5. Each file will be marked with the IFB, RFP, RFI, or RFQ, or non-competitive procurement number and clearly noted as the “bid” or “contract” file.
- 6.6. All files will be kept in accordance to VVTA’s document retention policies and procedures.

7. ADVANCED PAYMENT TO CONTRACTS

- 7.1. If a vendor will accept payment for goods or services only in advance, the requesting Department must determine if another vendor offering a similar good or service will accept payment after delivery or if the original vendor will accept an alternative payment arrangement (i.e., progress payments).
- 7.2. If the requesting Department cannot locate an alternate vendor or if other payment terms are unavailable, the Department must proceed cautiously and prepare a detailed Requisition Form specifying the delivery period and the terms for canceling the order to receive a prompt, full refund.
- 7.3. Requesting department should consult with Procurement staff for negotiating terms before entering into any agreement with a vendor.

8. CONTRACT CLOSEOUT

- 8.1. A completed contract is one which is both physically and administratively complete and in which all aspect of contractual performance has been accomplished, terminated, or otherwise disposed of by contract modification.
- 8.2. At least 30 days prior to the contract completion date, procurement staff will contact the Project Manager to confirm that all contracted equipment, services and/or goods have been delivered in an acceptable manner including such related items as reports, spare parts, and exhibits, have been delivered to and accepted by VVTA, including those articles and services for which no specific compensation may have been stipulated; and that no consultant/contractor effort will be required after the specified contract completion date and that the contract may be closed out.

9. CONTRACT TERMINATION

- 9.1. All VVTA contracts exceeding \$10,000.01 must contain provisions enabling VVTA to terminate such contracts for the convenience of the VVTA. These provisions shall specify the manner in which such termination will be affected and the basis for settlement. There shall also be included in such contracts appropriate provisions specifying causes for which the contracts may be terminated for default.
- 9.2. The performance of work under a contract may be terminated in part or in whole when VVTA, in consultation with its legal counsel, determines that such termination is in its best interests.
- 9.3. VVTA may terminate contracts for the following reasons:
 - 9.3.1. Convenience, such as a reduced need for a product or service, or

- 9.3.2. Default, which is when the Consultant/Contractor has failed to perform in accordance with contractual terms and conditions.

10. LIQUIDATED DAMAGES

- 10.1. Liquidated damages may be used if there is a reasonable expectation to suffer damages and the extent or amount of such damages would be difficult or impossible to determine.
- 10.2. Liquidated damages are an amount assessed against a Consultant/Contractor when it fails to complete delivery, installation, services, or the work as specified in a Contract within the Contract period of performance or schedule,
- 10.3. If VVTA determines that a liquidated damages clause is necessary in a contract, it shall document the derivation of the rate of assessment and ensure it is reasonable, proper, and not arbitrary.
- 10.4. Any liquidated damages recovered shall be credited to the project account involved unless the FTA permits otherwise.
- 10.5. The resulting damages assessed against a Consultant/Contractor shall be deducted from any monies due, or which may thereafter become due, to Consultant/Contractor under the Contract.
- 10.6. Force Majeure applies:
- 10.6.1. When it is beyond the control of Consultant/Contractor to provide the service, requirements contained in this contract, the Liquidated Damages will be prorated accordingly.
- 10.6.2. VVTA shall be the sole judge of the applicability of the Force Majeure clause as relates to Liquidated Damages.

11. CONTRACT CLAIMS & DISPUTES

- 11.1. It is the policy of VVTA to promptly review and evaluate all contractor claims.
- 11.2. Procurement staff is responsible for the review, evaluation and determining the merit of contractor claims. In making merit determinations, Procurement staff shall avail themselves of all VVTA resources including specialists in the fields of contracting, finance, law, contract audit, engineering and construction, and others. Determinations of merit shall be reviewed by VVTA's Legal Counsel for legal sufficiency on all claims.

The Consultant/Contractor must present, in writing, all contract dispute claims to VVTA's Procurement staff or VVTA's designated Construction Manager, if one has been retained.

- 11.3. Merit determination is an evaluation of the contractor's claim and facts sufficient to establish that the contractor may or may not be entitled under the terms of the contract to additional compensation and/or a time extension. The amount of compensation or time is subject to a quantum determination. The Merit determination must be reviewed and formally approved (or disapproved) by VVTA CEO or designee with advice from VVTA's General Counsel and appropriate technical personnel before processing and negotiating the claim with the Contractor.

The Federal Transit Administration (FTA) has a vested interest in the settlement of disputes, defaults, or breaches involving any federally assisted third party contract. VVTA must comply with the project management guidelines of FTA Circular 5010.1D (or most recent update) in processing contractor claims against federally funded contracts.

Policy 7000

FIXED ASSET MANAGEMENT

1. POLICY OVERVIEW

- 1.1. VVTA shall meet its responsibility to uphold the public trust and maximize the value of public funds by keeping track of fixed assets and promptly disposing of assets that are no longer needed in an efficient and cost-effective manner.
- 1.2. Fixed asset control is under the general responsibility of the Finance Department.
- 1.3. VVTA's fiscal year budget identifies the fixed assets that have been authorized by the Board of Directors for procurement.
- 1.4. Fixed asset control encompasses the following six major categories:
 - 1.4.1. Land
 - 1.4.2. Buildings and Improvements
 - 1.4.3. Operations Equipment
 - 1.4.4. Service Vehicles and Equipment
 - 1.4.5. Shop and Garage Equipment
 - 1.4.6. Furniture and Office Equipment
- 1.5. A fixed asset shall be considered as a transit operating property or equipment owned by VVTA and having an expected life in service of one year or more at the time of its installation and a unit cost greater than the transit system's capitalization cutoff of \$2,500.00.
- 1.6. Agency Reportable acquisitions encompass FTA reportable and FTA non-reportable controllable asset acquisition costs.
 - 1.6.1. Reportable acquisition costs defined in 5010.1E as the net invoice price cost of modifications, attachment accessories, or auxiliary apparatus necessary to make the equipment usable for the intended purpose.
 - 1.6.2. Non-Reportable costs as defined in 5010.1E are inspection, installation, transportation, taxed duty or protective in-transit insurance.

2. ASSET TAGS

- 2.1. Upon receipt by VVTA, all assets shall be assigned and marked with a unique ID, and/or via submission of an Asset Reporting Form to the Finance Department.
- 2.2. The Finance Department is responsible for maintaining asset information and reporting to FTA all assets that meet the requirements of Circular 5010.1E.
- 2.3. The Finance Department shall be responsible for creating asset numbers for all land and buildings and reporting on those as well as reporting on the other assets.

3. ASSET RECORDS

- 3.1. The **Procurement Specialist Supervisor** shall gather the information necessary to maintain the asset database.
- 3.2. The Asset Database shall include the following information, but is not limited to:
 - 3.2.1. Description and Identification Number of the item.
 - 3.2.2. Acquisition date
 - 3.2.3. Acquisition costs including taxes, delivery charges, and discounts taken
 - 3.2.4. Name of titleholder if other than VVTA
 - 3.2.5. Rate and type of depreciation
 - 3.2.6. Federal grant number under which it was procured
 - 3.2.7. Percentage mix of funding sources
 - 3.2.8. Serial, and/or vehicle identification numbers
 - 3.2.9. Vendor
 - 3.2.10. Location, custodian, condition and use of the asset
 - 3.2.11. Disposition data including the date of disposal and sale price (when
 - 3.2.12. applicable)

4. ASSET OWNERSHIP

- 4.1. Fixed assets acquired entirely with State and Local funds are the sole property of VVTA. VVTA is free to use and dispose of such assets in accordance with the **direction of VVTA policy and procedures and comply with the funds rules and regulations with approval by the Board of Directors for items that exceed \$250,000.00.**
 - 4.1.1. If, however, the assets are included as revenue financing for a subsequent FTA grant, then it shall be treated as though FTA retained an interest in it.
- 4.2. For fixed assets acquired by VVTA with FTA or other Federal project (grant) funds, the title will not be taken by FTA but will vest with VVTA subject to the conditions outlined in the current version of FTA Circular 5010.1E.

5. ASSET DISPOSITION

- 5.1. An asset which has either reached the end of its useful life, or for which early

replacement will result in vastly improved safety, reliability, efficiency, and/or productivity, may be retired from service and disposed of according to FTA regulations in Circular 5010.1E for Capital Assets and VVTA policies for Controllable Assets.

- 5.2. Assets valued at \$250,000.00 or less may be retired or disposed of with the approval of the Chief Executive Officer (CEO).
- 5.3. Assets valued at more than \$250,000.01 may only be retired or disposed of on the instructions of the Board of Directors.
- 5.4. FTA funded assets are governed by FTA rules and regulations in Circular 5010.1E or most updated version.
- 5.5. Complete records shall be maintained on the disposition of all excess and retired assets by the Finance Department.
- 5.6. Assets may be disposed of either through sale, trade, transfer, relocation, scrap, or when irreparable damage results in an insurance loss.

6. INVENTORY

- 6.1. The Procurement ~~Specialist~~ Supervisor will conduct a physical inventory of all fixed assets at least once every year. The inventory will note the location and condition of all assets, and the results reconciled with records.
- 6.2. Any differences will be investigated. In connection with this inventory, VVTA certifies the existence, current use, and continued need for the asset or real property for purposes specified in its approved FTA grants.