

~ NOTICE OF MEETING ~
CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY
BOARD OF DIRECTORS MEETING
2910 East Fifth Street Austin, TX 78702

~ Agenda ~

Board Liaison Ed Easton
512-369-6040

Monday, January 27, 2020	12:15 PM	Capital Metro Rosa Parks Boardroom
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I. Pledge of Allegiance

II. Safety Briefing

III. Oath of Office

IV. Recognition

V. Public Comment:

VI. Advisory Committee Updates:

1. Update on the Customer Satisfaction Advisory Committee (CSAC)
2. Update on the Access Advisory Committee (AAC).

VII. Board Committee Update:

1. CAMPO update

VIII. Action Items:

1. Approval of Minutes from the December 16, 2019 board meeting.
2. Approval of a resolution recognizing Capital Metro on the milestone of having provided 1 billion trips since its formation 35 years ago.
3. Approval of a resolution authorizing the President & CEO, or his designee, to amend the Fiscal Year 2020 Capital Budget in the amount of \$2,114,276 for the purpose of purchasing 2 additional Proterra battery electric buses with associated chargers and pedestal mounts to support reliability improvements.
4. Approval of a resolution authorizing the President & CEO, or his designee, to finalize and execute a contract with Clever Devices, Ltd., to implement onboard digital displays for a base period of one year with two one-year options for ongoing maintenance and additional displays in an amount not to exceed \$1,351,341.
5. Approval of a resolution appointing Susan Renshaw, Controller, to the Capital Metro Investment Committee as a committee member, with the authorization to withdraw, invest, reinvest, and accept payment with interest, consistent with the investment policy.

6. Approval of a Resolution authorizing updates to certain policies adopted by the Board of Directors.

7. Approval of a resolution authorizing the President & CEO, or his designee, to amend the Capital Metro Procurement Acquisition Policy to ensure compliance with recent FTA recommendations.

8. Approval of a resolution authorizing the President/CEO or his designee, to implement the FY 2020 Strategic Plan.

9. Approval of a resolution confirming the appointments to the Finance, Audit and Administration Committee and Operations, Planning and Safety Committees for 2020.

10. Approval of a resolution electing officers of the Capital Metro Board of Directors for 2020.

IX. Presentations:

1. Contract Bus Operations and Maintenance Transition Update

X. Reports:

1. President's Report

XI. Items for Future Discussion:

XII. Adjournment

ADA Compliance

Reasonable modifications and equal access to communications are provided upon request. Please call (512) 369-6040 or email ed.easton@capmetro.org if you need more information.

BOARD OF DIRECTORS: Wade Cooper, Chair; Delia Garza, Vice Chair; Eric Stratton, Secretary; Terry Mitchell; Troy Hill; Ann Kitchen, Jeffrey Travillion and Pio Renteria.

The Board of Directors may go into closed session under the Texas Open Meetings Act. In accordance with Texas Government Code, Section 551.071, consultation with attorney for any legal issues, under Section 551.072 for real property issues; under Section 551.074 for personnel matters, or under Section 551.076, for deliberation regarding the deployment or implementation of security personnel or devices; arising regarding any item listed on this agenda.

***Capital Metropolitan Transportation Authority
Board of Directors***

***MEETING DATE: 01/27/2020
(ID # 4545)***

Approval of Minutes from the December 16, 2019 board meeting.

Approval of Minutes from the December 16, 2019 board meeting.

**CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY
BOARD OF DIRECTORS MEETING
2910 East Fifth Street Austin, TX 78702**

~ Minutes ~

Board Liaison Ed Easton
512-369-6040

Monday, December 16, 2019
12:00 PM

12:17 PM Meeting Called To Order
3:19 PM Meeting Adjourned

I. Pledge of Allegiance

II. Safety Briefing

Vice President of Risk Management and Safety Gardner Tabon presented his monthly briefing. This month's focus was safe holiday decorating tips.

III. Recognition

Chair Cooper recognized and congratulated Master Mechanic Lupe Mendoza on his 39 years of service at Capital Metro.

Chair Cooper also recognized outgoing board member Mayor Rita Jonse for her 4+ years of service to the agency. Mayor Jonse served as the Chair of the Operations, Planning and Safety Committee during her tenure. President Clarke thanked Mayor Jonse on behalf of staff for her service. State Representative Celia Israel also gave remarks wishing Mayor Jonse well.

IV. Public Comment:

Gus Pena of Veterans for Progress spoke and said he has been a longtime and proud member of several unions. He does not feel that the Capital Metro union is being treated fairly and in a beneficial way for the bus operators right now. 99 percent of the operators are kind and courteous. Please do a better job of negotiating -- they deserve respect and equal pay.

Nailah Sankofa, citizen, feels that services have declined in the last year and a half since the Cap Remap changes. She has ridden transit in many cities and used to be in love with the agency but now wants a divorce. Bus stops too far apart and too dark - should not have to get her cell phone out to alert the operator that she is waiting at the stop. Capital Metro needs to do better and listen to its customers.

Silver White Mountain, citizen, spoke of the difficulty in getting accurate information about bus service and stop opening at the new HEB at South Congress and Slaughter. She has received different information from several bus operators, customer service, and a bus supervisor. She also spoke of an incident on Route 17 where the operator pulled away from the curb too quickly and lacked courtesy.

V. Advisory Committee Updates:

1. Update on the Customer Satisfaction Advisory Committee (CSAC)

Yannis Banks from the Community Engagement Team gave the monthly report. CSAC did not have a quorum this month so no official meeting was held, but the members who were there heard updates on the Green Line and discussed Project Connect.

2. Update on the Access Advisory Committee (AAC)

Yannis Banks from the Community Engagement Team gave the monthly report. The Access Committee heard an update on the new Ticket Vending Machines, worked on their annual workplan,

Attachment: 191216 Board Meeting Minutes (4545 : Approval of Minutes from the December 16, 2019 board meeting.)

and held an election for their 2020 officers. Two committee members have recently stepped down, so we will be looking to fill their position in the near future.

VI. Board Committee Update:

1. CAMPO update

Board member Mitchell provided his report. CAMPO met on December 9th and approved amendments to the 2019-2022 Transportation Improvement Plan.

VII. Action Items:

1. Approval of Minutes from the November 18, 2019 Board Meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eric Stratton, Board Secretary
SECONDER:	Jeffrey Travillion, Board Member
AYES:	Mitchell, Cooper, Garza, Kitchen, Jonse, Renteria, Travillion, Stratton

2. Approval of a resolution authorizing the President & CEO, or his designee, to extend an Interlocal Agreement (ILA) with the City of Austin for employee transit passes for a period of one year from January 1, 2020, to December 31, 2020, and increase the total contract amount by \$400,000 for the option period.

CFO Reinet Marneweck presented this item.

Ridership under this agreement has been strong and it has been a good partnership with the City of Austin. In FY 2019 city employees took 252,000 rides as part of this program.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Delia Garza, Vice Chair
SECONDER:	Rita Jonse, Board Member
AYES:	Mitchell, Cooper, Garza, Kitchen, Jonse, Renteria, Travillion, Stratton

3. Approval of a resolution authorizing the President & CEO, or his designee, to finalize and execute a contract with CDW Government, LLC. to acquire workstation technology in an amount not to exceed \$200,000.

CIO Jane Schroter presented this item.

This contract will be used to replace equipment that has past its useful life.

Board member Travillion asked about DBE/SBE goals under the contract. Jane replied that while we did make an effort to reach out to DBE/SBE vendors during the process, the lowest bid was received from CDW.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Jonse, Board Member
SECONDER:	Eric Stratton, Board Secretary
AYES:	Mitchell, Cooper, Garza, Kitchen, Jonse, Renteria, Travillion, Stratton

4. Approval of a resolution authorizing the President & CEO, or his designee, to finalize and execute a contract with Bytemark, Inc. for the annual hosting, licensing, maintenance and support of the Mobile Ticketing and Traveler Tools Application Systems for a base period of one year, with four one-year options in an amount not to exceed \$6,079,065.

CIO Jane Schroter presented this item.

This will cover maintenance and support from ticketing and payment tools that have become critical to our operations.

Board member Stratton asked for a little more background on the procurement process. Jane explained that this was done as a sole source procurement since this is a proprietary system. There were no objections to the sole source notice.

Board member Travillion asked if the scope had been looked at to see if some of them might lend themselves to local or SBE/DBE participation. Jane said that much of this work may not be done on site, but that Bytemark has committed to using a DBE subcontractor for much of the onboard validator installation work. She will inquire with Bytemark to see if there are opportunities under this scope as well.

Chair Cooper asked about the future of the Cap Metro app. Jane explained that one of the major items we are working on with Bytemark is the incorporation of a stored value, account-based system. This capability will also allow us to improve services to customers who may be un-banked or who doesn't want to use a credit card.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Terry Mitchell, Board Member
SECONDER:	Eric Stratton, Board Secretary
AYES:	Mitchell, Cooper, Garza, Kitchen, Jonse, Renteria, Travillion, Stratton

5. Approval of a resolution confirming the evaluation rating for Fiscal Year 2019 for President & CEO Randy Clarke as Exceptionally Satisfied and that the Board approves the adjustment of base pay to \$317,875 and a performance achievement bonus of \$18,000. The increases are awarded retroactively to October 6, 2019 in accordance with the Employment Agreement.

(This item was taken up after Executive Session.)

EVP of Administration Donna Simmons presented this item, confirming the board's performance evaluation for President Clarke for FY 2019.

Several board members and Chair Cooper thanked President Clarke and expressed their appreciation for the direction he is taking the agency.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eric Stratton, Board Secretary
SECONDER:	Rita Jonse, Board Member
AYES:	Mitchell, Cooper, Garza, Kitchen, Jonse, Renteria, Travillion, Stratton

6. Approval of a resolution authorizing the President/CEO or his designee, to implement the FY 2020 Strategic Plan.

This item was deferred until a later date.

VIII. Presentations:

1. FY2019 Financial Report

CFO Reinet Marneweck presented the report.

This was a preliminary review of FY 2019 financial data, which has not been audited yet. Reinet gave an overview of revenues, operating expenses, and current capital projects. She gave further details on fare revenue and the some of the variables behind it. She also reported on budget transfers over \$150,000 for the year and current reserve fund balances.

Board member Renteria asked about transfers to the 1/4 cent City of Austin obligations. Reinet explained that the money is set aside in a reserve fund and the city will send invoices for reimbursement as projects are completed.

Board member Kitchen asked about funds that were in excess of projections and how they will be allocated. Reinet explained that an additional \$15 million will be put into a capital expansion fund as unallocated and gave several examples of how it could be used in the future, including a local match on projects where federal funding might be available.

IX. Reports:

1. President's Report

President Clarke presented his monthly report. This month he featured the opening of the Norwood Transit Center; another successful Stuff the Bus campaign; the launch of Pickup service in Leander; a reminder to all about a joint worksession with the Austin City Council on January 14th; and an introduction of Sharmila Mukherjee, the new EVP of Planning and Development.

X. Executive Session of Chapter 551 of the Texas Government Code:

Section 551.074 for personnel matters - President & CEO 2019 Performance Evaluation.

Into session: 2:03 p.m.

Returned: 3:13 p.m.

XI. Items for Future Discussion:

XII. Adjournment

ADA Compliance

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Attachment: 191216 Board Meeting Minutes (4545 : Approval of Minutes from the December 16, 2019 board meeting.)

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***Capital Metropolitan Transportation Authority
Board of Directors***

***MEETING DATE: 01/27/2020
(ID # 4540)
Billionth Rider Recognition***

Approval of a resolution recognizing Capital Metro on the milestone of having provided 1 billion trips since its formation 35 years ago.

**RESOLUTION
OF THE
CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY
BOARD OF DIRECTORS**

STATE OF TEXAS

COUNTY OF TRAVIS

RESOLUTION (ID # AI-2020-1196)

Billionth Rider Recognition

WHEREAS the Capital Metropolitan Transportation Authority was formed in 1985 to provide public transportation for the people of Central Texas and has a mission to connect people and communities to jobs and opportunities by providing quality transportation choices;

WHEREAS Capital Metro's vision is to transform the daily lives of Central Texans by providing a robust, sustainable transportation network;

WHEREAS Capital Metro continues to invest in and grow with the community, having grown from 225 vehicles in 1985 to 425 now, and provided fewer than 8 million rides in our first full year and more than 31 million in 2019;

WHEREAS in the past year alone Capital Metro has invested \$3 million in bus shelter improvements and solar-powered lighting, installed 3,000 feet of sidewalks and improved both the acquisition and distribution of real-time transit data;

WHEREAS Capital Metro has enabled Central Texans to avoid adding more than 445,000 tons of greenhouse gases into the atmosphere by taking transit instead of driving alone in their cars;

WHEREAS Capital Metro implemented the largest change to its bus network in the agency's history in June 2018, creating a system that is more frequent, more reliable and better connected;

WHEREAS the agency's commitment to regional partnerships has improved the customer experience, working with the City of Austin, Travis County and the Texas Department of Transportation to open new transit centers at Westgate and Norwood; partnered with Austin Independent School District to foster a new generation of transit riders through its Kids Ride Free initiative;

WHEREAS the 2,100 Capital Metro team members — who are the foundation of the agency — exemplify the sense of mission, dedication to continuous improvement and commitment to the customer, which has resulted in increased ridership in 18 of the past 19 months;

Attachment: Resolution-AI-2020-1196 (4540 : Billionth Rider Recognition)



WHEREAS Capital Metro and its regional partners are building on the strong foundation the agency has laid for Project Connect, an integral part of the Austin Strategic Mobility Plan and a bold vision for how we move people today and plan for tomorrow;

NOW THEREFORE BE IT RESOLVED that the Capital Metro Board of Directors recognizes this milestone of having provided 1 billion trips since its formation 35 years ago.

Secretary of the Board
Eric Stratton

Date: _____

Capital Metropolitan Transportation Authority
Board of Directors

MEETING DATE: 01/27/2020
(ID # 4535)

FY2020 Capital Budget Amendment

Approval of a resolution authorizing the President & CEO, or his designee, to amend the Fiscal Year 2020 Capital Budget in the amount of \$2,114,276 for the purpose of purchasing 2 additional Proterra battery electric buses with associated chargers and pedestal mounts to support reliability improvements.

**Capital Metropolitan Transportation Authority
Board of Directors**

**MEETING DATE: 1/27/2020
(ID # AI-2019-1177)
FY2020 Capital Budget Amendment**

SUBJECT:

Approval of a resolution authorizing the President & CEO, or his designee, to amend the Fiscal Year 2020 Capital Budget in the amount of \$2,114,276 for the purpose of purchasing 2 additional Proterra battery electric buses with associated chargers and pedestal mounts to support reliability improvements.

FISCAL IMPACT:

Amending the Fiscal Year 2020 Capital Budget will provide an additional appropriation of \$2,114,276 for the purchase of 2 additional Proterra battery electric buses with associated chargers and pedestal mounts. Funding is available from Fiscal Year 2019 ending fund balance due to favorable sales tax receipts during Fiscal Year 2019.

STRATEGIC PLAN:

Strategic Goal Alignment:

1. High Quality Customer Experience

Strategic Objectives:

1.1 On-Time Performance, 1.2 Ridership

EXPLANATION OF STRATEGIC ALIGNMENT:

To provide a great customer experience, Capital Metro's services must be reliable. These vehicles will enable us to address service reliability issues during the resource-constrained afternoon peak period.

BUSINESS CASE:

The additional buses are needed to support reliability improvements needed during the peak period. The buses will be deployed to allow more running time on the route schedule during afternoon peak without sacrificing the current level of 15-minute frequency.

COMMITTEE RECOMMENDATION:

This agenda item will be presented to the full board on January 27, 2020.

EXECUTIVE SUMMARY:

Amending the Fiscal Year 2020 Capital Budget to purchase two additional Proterra battery electric buses, with associated chargers and pedestal mounts, for reliability improvements needed during the peak period. The buses will be deployed to allow more running time on the route schedule during afternoon peak, without sacrificing the current level of 15-minute frequency. The total cost for two additional Proterra battery electric buses with associated chargers and pedestal mounts is \$2,114,276. The contract modification for purchase was executed with Proterra on December 12, 2019 and the budget amendment will replenish contingency funds used to support this purchase. This amendment will revise the Fiscal Year 2020 Capital Budget to \$111,782,537.

**Public Hearing on Proposed FY2020 Capital Budget Amendment**

January 15, 2020, 12:00 PM

Rosa Parks Board Room, 2910 East 5th Street, Austin, TX 78702

Served by routes 4, 300

DBE/SBE PARTICIPATION: Does not apply.

RESPONSIBLE DEPARTMENT: Finance



**RESOLUTION
OF THE
CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY
BOARD OF DIRECTORS**

STATE OF TEXAS

COUNTY OF TRAVIS

**RESOLUTION (ID # AI-2019-1177)
FY2020 Capital Budget Amendment**

WHEREAS, pursuant to Section 451.132 of Chapter 451 of the Texas Transportation Code the five-year Capital Improvement Plan and Fiscal Year 2020 Capital Budget is amended in the amount of \$2,114,276 for the purpose of purchasing 2 additional Proterra battery electric buses with associated chargers and pedestal mounts to support reliability improvements; and

WHEREAS, pursuant to Section 451.102 of Chapter 451 of the Texas Transportation Code, the Fiscal Year 2020 Capital Budget amendment was made available to the public and a public hearing was held on January 15, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Capital Metropolitan Transportation Authority Board of Directors that the five-year Capital Improvement Plan and Fiscal Year 2020 Capital Budget is amended.

**Secretary of the Board
Eric Stratton**

Date: _____

Attachment: Resolution-AI-2019-1177 (4535 : FY2020 Capital Budget Amendment)

Contract for the Purchase of Onboard Video Displays

Approval of a resolution authorizing the President & CEO, or his designee, to finalize and execute a contract with Clever Devices, Ltd., to implement onboard digital displays for a base period of one year with two one-year options for ongoing maintenance and additional displays in an amount not to exceed \$1,351,341.

**Capital Metropolitan Transportation Authority
Board of Directors**

**MEETING DATE: 1/27/2020
(ID # AI-2019-1176)
On-Board Digital Displays**

SUBJECT:

Approval of a resolution authorizing the President & CEO, or his designee, to finalize and execute a contract with Clever Devices, Ltd., to implement onboard digital displays for a base period of one year with two one-year options for ongoing maintenance and additional displays in an amount not to exceed \$1,351,341.

FISCAL IMPACT:

Funding for this action is available in the FY2020 Capital Budget.

STRATEGIC PLAN:

Strategic Goal Alignment:

1. High Quality Customer Experience

Strategic Objectives:

1.3 Net Promoter Score/Customer Satisfaction

EXPLANATION OF STRATEGIC ALIGNMENT:

Onboard Digital Displays will be installed on fifty-five (55) of Capital Metro's MetroRapid buses and twelve (12) newly purchased electric buses. These displays will provide a variety of content such as real-time information for next arrivals along routes by stop, safety messages, service alerts for detours, ADA-required visual confirmation of "Stop" and "Wheelchair" requests, weather alerts, Capital Metro service alerts and potentially revenue-generating advertisements. New tools for customers deliver a high-quality customer experience and demonstrate a culture of innovation resulting in higher customer satisfaction.

BUSINESS CASE:

This procurement enriches Capital Metro's customer experience by providing real-time status of service to better inform rider options for trip planning, transfers between routes and supplemental travel options such as for scheduling with Pickup service. With live information trip planning becomes more agile and offers more options to Capital Metro's customers. These 29-inch ultra-wide displays will allow for split screen visualizations of real-time data, service alerts, space for public service announcements, Capital Metro campaigns or third-party revenue-generating advertising. Options include provisions for the acquisition of additional displays.

COMMITTEE RECOMMENDATION:

This agenda item will be presented to the full Board on January 27, 2020.

EXECUTIVE SUMMARY:

To bring real-time traveler information and other key features to Capital Metro's customers, digital displays will be installed on MetroRapid and electric buses. Live messaging, travel and stop information as well as service alerts, and advertising may be displayed in a variety of formats. Options include provisions for ongoing maintenance and the acquisition of additional displays.



DBE PARTICIPATION:

The DBE goal is 4%. The prime contractor will meet the goal utilizing the following DBE subcontractor:

Subcontractors	Race/Gender	Services/Products	DBE Responsive
Nationwide Fleet Installations (DBE) El Paso, TX	Hispanic Female	Onboard Hardware Installation	4%
			4%

PROCUREMENT:

On October 3, 2019, a Request for Proposals was issued and formally advertised. By the closing date of November 4, 2019, three (3) proposals were received. The evaluation team used the following factors in the evaluation of proposals:

- (1) The offeror's demonstrated understanding of the project undertaking, the proposed performance and execution of the work and in fulfilling the requirements in the Technical Specifications and execution of the Scope of Services and Compliance Matrix as described in Exhibit F.
- (2) The Qualifications of the Firm and Staff, including offeror's demonstrated, relevant work experience, past performance, and capabilities of the firm as a whole and of the proposed project personnel on projects of a similar size, scope, complexity and nature.
- (3) Methodology and quality of the Work Plan proposed to meet project objectives.

The proposal from Clever Devices, Ltd. was determined to be the best value to the Authority, price and other factors considered. The contract is a hybrid fixed price contract. The term of the Contract is a base period of one year and two (2) option periods of 12-months each, for pricing offered as follows.

Description	Total Award
Base Year	\$853,683
Option Year 1, Year 2 of the contract (50 Additional displays plus Maintenance & Warranty on Base Year Displays)	\$229,353
Option Year 2, Year 3 of the contract (50 Additional Displays plus Maintenance & Warranty on Base + Opt Year 1 Displays)	\$268,305
Not-to-Exceed Total	\$1,351,341

RESPONSIBLE DEPARTMENT: Information Technology



**RESOLUTION
OF THE
CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY
BOARD OF DIRECTORS**

STATE OF TEXAS

COUNTY OF TRAVIS

RESOLUTION (ID # AI-2019-1176)

On-Board Digital Displays

WHEREAS, the Capital Metropolitan Transportation Authority Board of Directors and Capital Metro management recognize the need provide a high-quality customer experience by providing easily-viewed, real time information while onboard key routes,

NOW, THEREFORE, BE IT RESOLVED by the Capital Metropolitan Transportation Authority Board of Directors that the President & CEO, or his designee, is authorized to finalize and execute a contract with Clever Devices, Ltd., to implement onboard digital displays for a base period of one year with two one-year options for ongoing maintenance and additional displays in an amount not to exceed \$1,351,341.

**Secretary of the Board
Eric Stratton**

Date: _____

Attachment: Resolution-AI-2019-1176 (4543 : Contract for the Purchase of Onboard Video Displays)

Resolution AI-2019-1176 Onboard Digital Displays

January 27, 2020 Board Presentation

1



METRO

Project Summary

110 Digital Displays on 67 MetroRapid and Electric Vehicles



Real Time



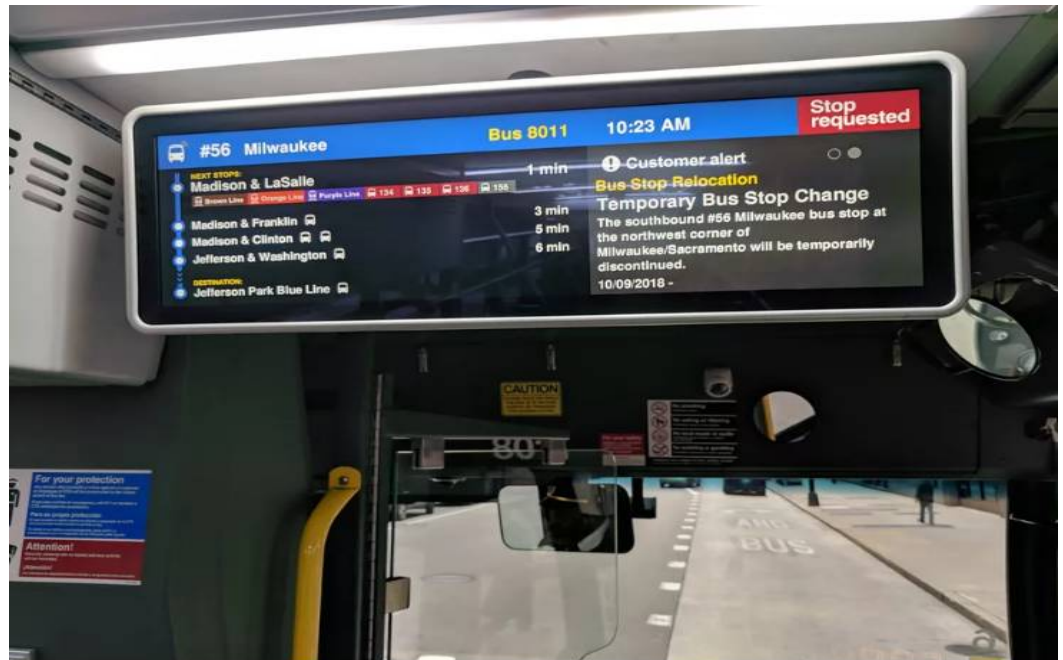
Service Alerts



Safety



Information



Strategic Goal

1. High-quality Customer Experience

1.3 Net Promoter Score/Customer Satisfaction

Display content

- Ø Real-time data for next stop arrivals
- Ø Real-time data for trip planning/transfers
- Ø Safety messages and service alerts for detours
- Ø Stop/wheelchair requests visual confirmation
- Ø News and weather alerts
- Ø Potential ad revenue

Procurement

Contract – Clever Devices, Ltd.

Ø Procurement and installation of 29" wide-screen displays

Ø 55 MetroRapid vehicles

Ø 60' – 2 displays

Ø 40' – 1 display

Ø 12 newly-purchased electric vehicles

Ø 60' – 3 displays

Ø 40' – 2 displays

Ø 1-year base with 2, 1-year options

(50 additional signs/year, warranty and maintenance costs)

Ø Completion date 2020 late Summer/early Fall

Onboard Digital Display Information

The digital display is divided into several sections:

- CTA Logo:** Top left corner.
- Next Stop:** **NEXT: Halsted & 90th Street** in large red letters.
- Bus Number:** **Bus# 1226** in the top right corner.
- Route Information:** **TO: 79th Red Line** in blue.
- Upcoming Stops Table:**

UPCOMING STOPS	ESTIMATE
Halsted & 90th Street	DUE
Halsted & 89th Street	2 MIN
Halsted & 88th Street	2 MIN
- Time and Date:** **09:08 AM** and **Monday, January 29, 2018**.
- Weather Forecast:**

YOUR CHICAGO WEATHER FORECAST

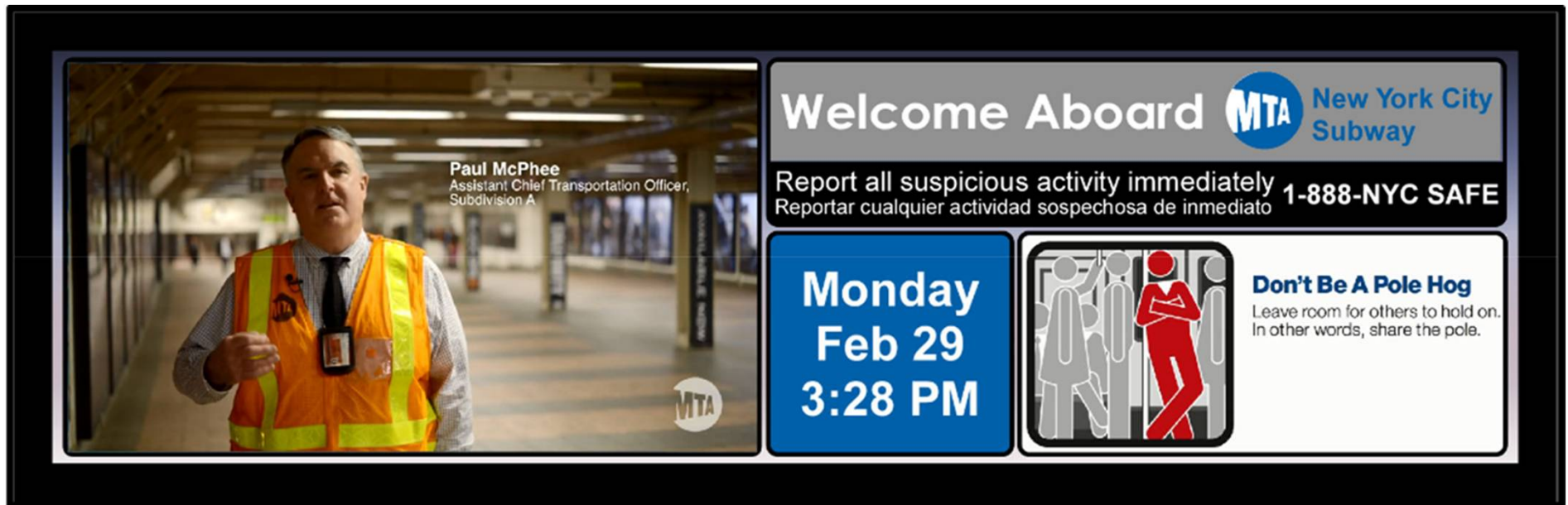
Today	Tomorrow
 40/28 °F Partly cloudy.	 34/19 °F Overcast with a chance of snow.
- Photo:** A large photo of the Water Tower in Chicago, with the text "Water Tower" overlaid at the bottom.

- Ø Next stop information
- Ø Real-time next arrival route ladder
- Ø Service alerts and detours

5


METRO

Onboard Digital Display Information



- Ø Safety messages
- Ø Capital Metro campaigns

Onboard Digital Display Information



Onboard Digital Display Information





METRO

THANK YOU!

***Capital Metropolitan Transportation Authority
Board of Directors***

***MEETING DATE: 01/27/2020
(ID # 4534)***

Appointment of Capital Metro Investment Committee Member

Approval of a resolution appointing Susan Renshaw, Controller, to the Capital Metro Investment Committee as a committee member, with the authorization to withdraw, invest, reinvest, and accept payment with interest, consistent with the investment policy.

**Capital Metropolitan Transportation Authority
Board of Directors**

MEETING DATE: 1/27/2020

(ID # A1-2019-1161)

Approval of Capital Metro's Investment Officer

SUBJECT:

Approval of a resolution appointing Susan Renshaw, Controller, to the Capital Metro Investment Committee as a committee member, with the authorization to withdraw, invest, reinvest, and accept payment with interest, consistent with the investment policy.

FISCAL IMPACT:

This action has no fiscal impact.

STRATEGIC PLAN:

Strategic Goal Alignment:

5. Finance

Strategic Objectives:

5.1 Continue improvement of the financial systems of the agency

EXPLANATION OF STRATEGIC ALIGNMENT:

This appointment ensures that Capital Metro is in compliance with its investment policy.

BUSINESS CASE:

This appointment ensures that Capital Metro is in compliance with its investment policy.

COMMITTEE RECOMMENDATION:

This agenda item will be presented to the full board on January 27, 2020.

EXECUTIVE SUMMARY:

Capital Metro's investment policy provides for the delegation of authority to invest Capital Metro funds and the execution of any documentation necessary to evidence the investment of Capital Metro funds to the investment advisory firm under current contract (PFM Asset Management LLC) and those Capital Metro personnel authorized as investment officers. The policy further provides that Capital Metro's Board of Directors will designate in writing those Capital Metro personnel serving as investment officers and authorized to invest on behalf of Capital Metro. These designated investment officers shall perform their duties in accordance with the investment policy adopted annually by the Board of Directors. The investment officers form an investment committee that meets quarterly with the investment advisory firm to review performance results. The investment policy dictates the type of investments that can be made and the maximum percentages of the portfolio for each type of investment. Decisions on how to invest Capital Metro's funds are made with the advice of the investment advisory firm and concurrence from the investment committee.



Ms. Renshaw recently joined Capital Metro. Prior to joining the agency, she worked for more than 20 years in various roles ranging from Controller to Vice President of Finance. She earned a master's degree in accounting and a bachelor's degree in business management from Texas State University in San Marcos. She also holds an active CPA license for the State of Texas and a Chartered Global Management Accountant designation.

DBE/SBE PARTICIPATION: Does not apply.

PROCUREMENT: Does not apply.

RESPONSIBLE DEPARTMENT: Finance



**RESOLUTION
OF THE
CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY
BOARD OF DIRECTORS**

STATE OF TEXAS

COUNTY OF TRAVIS

RESOLUTION (ID # A1-2019-1161)

Approval of Capital Metro's Investment Officer

WHEREAS, the Capital Metropolitan Transportation Authority Board of Directors is required by Capital Metro's investment policy to designate in writing investment officers to invest on behalf of Capital Metro with the advice of Capital Metro's investment advisory firm under contract.

NOW, THEREFORE, BE IT RESOLVED by the Capital Metropolitan Transportation Authority Board of Directors that Susan Renshaw, Controller, is hereby appointed as investment officer to the Capital Metro Investment Committee and is authorized to withdraw, invest, reinvest and accept payment with interest consistent with the Investment Policy.

Date: _____

**Secretary of the Board
Eric Stratton**

Attachment: Resolution-AI-2019-1161 (4534 : Appointment of Capital Metro Investment Committee Member)

***Capital Metropolitan Transportation Authority
Board of Directors***

***MEETING DATE: 01/27/2020
(ID # 4520)***

Updates to Capital Metro Policies

Approval of a Resolution authorizing updates to certain policies adopted by the Board of Directors.

Capital Metropolitan Transportation Authority**MEETING DATE: 1/15/2020****Board of Directors****(ID # AI-2019-1150)****Approval of a Resolution Authorizing Updates to Certain Policies Adopted by the Board of Directors****SUBJECT:**

Approval of a Resolution authorizing updates to certain policies adopted by the Board of Directors.

FISCAL IMPACT:

This action has no fiscal impact.

STRATEGIC PLAN:

Strategic Goal Alignment:

1. High Quality Customer Experience
3. Sustainability
4. Valued Community Partner

Strategic Objectives:

- 1.4 Injury Rate, 4.1 Brand Reputation, 4.4 Organizational Partner Satisfaction

EXPLANATION OF STRATEGIC ALIGNMENT:

The policies adopted by the Board of Directors provide strategic direction to the President & CEO and the Authority with regard to policy matters within the purview of the Board.

BUSINESS CASE:

Periodic review and updates to policies adopted by the Board of Directors are prudent in order to ensure that they meet the ongoing needs of the Authority.

COMMITTEE RECOMMENDATION:

This agenda item will be presented to the full board on January 27, 2020.

EXECUTIVE SUMMARY:

Section 8.6 of the Bylaws of the Capital Metro Board of Directors requires the continuous review and update of all policies adopted by the Board of Directors over a five-year period, beginning in 2018. The following actions are recommended for Board-adopted policies at this time:

Metro Rail Fencing Policy (Resolution No. CMTA-2008-66)

This policy was adopted by the Board in September of 2008 prior to the opening of the Metro Rail Red Line. At that time, Capital Metro was completing fencing along portions of the Metro Rail right of way as part of Phase 1 of a comprehensive fencing plan in anticipation of commencing rail service. Capital Metro and its contractor responsible for construction of the fence developed the guidelines to provide a written review structure for determining appropriate fencing and fence and sign placement along portions of the



rail line. Staff requested Board approval of the guidelines at the time.

Today, staff has over a decade of effectively designing and placing appropriate fencing and signage along the rail right of way to achieve access control, security and prevent trespass. Such decisions are made by staff on an individualized, case-by-case basis, considering risk exposure, needed enhancements, surrounding landscape, finances, available assets, and other considerations.

In substance, the Metro Rail Fencing Policy is an operating standard and guideline for staff that should be owned and managed by the Real Estate, Property & Asset Management Department with consultation from Risk and Safety and the Rail Operations Department. To this end, staff has established the "Capital Metro Railroad Fencing and Signage Standards" to provide guidance in the installation, maintenance, and location of fencing, warning signs, and brush management along the rail right of way, to be effective immediately upon Board approval of this resolution. Accordingly, staff recommends that the Board rescind the Metro Rail Fencing Policy as a Board policy.

Railroad Grade Crossing Policy (Resolution No. CMTA-2000-0626-051)

This policy was adopted by the Board of Directors in June of 2000 in response to a discussion among policy makers at the time, surrounding the development of additional roadways crossing rail right of way. The policy requires the utilization of grade-separated crossings as the preferred method for any roadway above two lanes of traffic and, where grade separation is not feasible, full signalization must be utilized. In addition, the policy requires efforts be made to close 2 crossings for every new crossing established.

In substance, this policy is an operating standard and guideline for staff that should be owned and managed by the Real Estate, Property & Asset Management Department with consultation from Risk and Safety and the Rail Operations Department. To this end, staff has established the "Railroad Grade Crossing Standards" to facilitate safe, efficient mobility across or around Capital Metro's rail right of way, to be effective immediately upon Board approval of this resolution. Accordingly, Staff recommends that the Board rescind the Railroad Grade Crossing Policy as a Board policy.

Policy on Rotation of Auditors (Resolution No. CMTA-2010-11)

This policy was adopted by the Board of Directors in February of 2010 to ensure the procurement of financial accounting services performed by independent external audit firms in accordance with industry best standards and practices using open and competitive procurement processes. The policy requires Capital Metro to continue to use 5-year contract terms for external audit services. In addition, the policy requires the Finance and Audit Committee to formally consider audit firm rotation after 10 years of audits by the same firm and every 5 years thereafter until there is a change in auditor.



The policy is good practice to ensure external auditors' continuity and institutional knowledge, while maintaining auditor independence, cost efficiency and encouraging quality work. It will also ensure open and competitive procurements for audit services. No changes are recommended to this policy.

DBE/SBE PARTICIPATION: Does not apply.

PROCUREMENT: Does not apply.

RESPONSIBLE DEPARTMENT: Legal



**RESOLUTION
OF THE
CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY
BOARD OF DIRECTORS**

STATE OF TEXAS

COUNTY OF TRAVIS

RESOLUTION (ID # AI-2019-1150)

**Approval of a Resolution Authorizing Updates to Certain Policies Adopted by the
Board of Directors**

WHEREAS, it is prudent to periodically review and update policies adopted by the Board of Directors in order to ensure they continue to meet the needs of Capital Metro; and

WHEREAS, the Board of Directors adopted revised Bylaws in 2017 that require policies adopted by the Board of Directors to be reviewed every five years; and

WHEREAS, the following policies have been identified for review in December 2019: Metro Rail Fencing Policy (Resolution No. CMTA-2008-66), Railroad Grade Crossing Policy (Resolution No. CMTA-2000-0626-051), and Policy on Rotation of Auditors (Resolution No. CMTA-2010-11).

NOW, THEREFORE, BE IT RESOLVED that the Capital Metropolitan Transportation Authority Board of Directors rescinds the Metro Rail Fencing Policy (Resolution No. CMTA-2008-66) and the Railroad Grade Crossing Policy (Resolution No. CMTA-2000-0626-051), and makes no revisions to the Policy on Rotation of Auditors (Resolution No. CMTA-2010-11).

Secretary of the Board
Eric Stratton

Date: _____

Attachment: Resolution-AI-2019-1150 (4520 : Updates to Capital Metro Policies)

Updates to Board Policies

1

capmetro.org | Board of Directors



Updates to Board Policies

Board Policy	Nature of Change
Metro Rail Fencing Policy	Rescind – now covered in staff operating procedure
Railroad Grade Crossing Policy	Rescind – now covered in staff operating procedure
Policy on Rotation of Auditors	No Changes



**RESOLUTION
OF THE
CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY
BOARD OF DIRECTORS**

**STATE OF TEXAS
COUNTY OF TRAVIS**

**RESOLUTION CMTA-2010-11
Policy on Rotation of Auditors**

WHEREAS, the Board of Directors and Capital Metro management recognize that organizations must ensure that financial accounting services are performed by an independent external audit firm; and

WHEREAS, an independent academic study on audit tenure concluded that audit quality tends to improve rather than worsen over time and that a voluntary change of the auditor tends to improve audit quality while a mandatory change tends to hamper audit quality; and

WHEREAS, the General Accountability Office has concluded that the beneficial effects of mandatory audit firm and partner rotation are difficult to predict yet incur additional costs and can result in the loss of institutional knowledge; and

WHEREAS, the GAO recommends a periodic open competition for procuring audit services and recognizes that audit committees play an important role in ensuring auditor independence; and

WHEREAS, Capital Metro wants to ensure open and competitive procurements.

NOW, THEREFORE, BE IT RESOLVED by Capital Metropolitan Transportation Authority Board of Directors that the Authority will continue to use 5-year contract terms for external audit services; and

BE IT FURTHER RESOLVED that the mandatory requirements established by CMTA-2005-0328-022, i. e., that lead and concurring partners are required to rotate off the financial audit engagement and have a 5-year "cooling off" period, and that other audit partners must rotate off the engagement every seven years with a 2-year "cooling off" period, are removed; and

BE IT FURTHER RESOLVED, that the Audit Committee will formally consider audit firm rotation after 10 years of audits by the same firm and every 5 years thereafter until there is a change in auditor.

**Capital Metropolitan Transportation Authority
Board of Directors**

MEETING DATE: 02/22/2010

(ID # 1533)

Policy on Rotation of Auditors

SUBJECT: Policy on Rotation of External Financial Auditors.

FISCAL IMPACT: No fiscal impact.

EXECUTIVE SUMMARY: The purpose of this item is to seek policy direction from the Board prior to a procurement of external auditing services. On March 28, 2005 the Capital Metro Board passed a resolution regarding external auditor rotation. The resolution included language that stated that the lead and concurring audit partners assigned to an external financial audit engagement will be rotated every five years, with a five-year "cooling off" period. The other audit partners must rotate off the engagement every seven years with a two-year "cooling off" period.

A review of current studies regarding the advantages and disadvantages of mandatory rotation of external auditors was performed. Based upon this review, Internal Audit provided the Finance and Audit Committee with recommendations to 1) continue to use 5-year contract terms for external audit services, and 2) to remove the mandatory requirement that the lead/concurring partners must roll off.

ROUTE 2025 STRATEGIC ALIGNMENT: Does Not Apply

DBE PARTICIPATION: Does not apply.

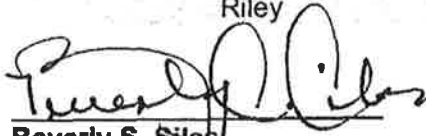
PROCUREMENT: Does not apply.

RESPONSIBLE DEPARTMENT: Finance & Administration

LEGAL COUNSEL SIGNATURE: Kerri L Butcher

Attachment: Board Policy on Rotation of Auditors (4520 : Updates to Capital Metro Policies)

RESULT: ADOPTED [UNANIMOUS]
MOVER: John Cowman, Board Member
SECONDER: Ann Stafford, Board Member
AYES: Chafetz, Silas, Langmore, Fernandez, Stafford, Cowman, Martinez,
Riley


Beverly S. Silas
Secretary to the Board

Date: February 22, 2010



Capital Metropolitan Transportation Authority
2910 East Fifth Street, Austin, Texas 78702 • (512) 389-7400 • FAX (512) 389-1283

**RESOLUTION
OF THE
CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY
BOARD OF DIRECTORS**

STATE OF TEXAS

RESOLUTION NO.: CMTA-2000-0626-051

COUNTY OF TRAVIS

WHEREAS, the Board of Directors and Capital Metro management recognize the need to adopt a railroad grade crossing policy; and.

WHEREAS, the adoption of a railroad grade crossing policy will facilitate mobility within the area impacted by the Giddings to Llano Rail Line, enhance public safety and allow for more stringent financial controls by the Authority.

NOW, THEREFORE, BE IT RESOLVED by the Capital Metropolitan Transportation Authority Board of Directors that attached Railroad Grade Crossing Policy be adopted effective June 26, 2000.

It was moved by Harless seconded by Slusher to approve the above resolution. The motion carried a vote of 6 ayes (Gomez, Harless, Griffith, Slusher, Trevino and Harper) 0 nays.



Gina Estrada
Executive Assistant/Board Liaison

Date: June 26, 2000

Attachment: Railroad Grade Crossing Policy (4520 : Updates to Capital Metro Policies)

**Capital Metro
Memorandum for
Board of Directors**

**BD WORKSESSION DATE: 06/19/2000
BOARD MEETING DATE: 06/26/2000
AGENDA ITEM #: 5**

SUBJECT: Approval of resolution authorizing adoption of a Railroad Grade Crossing Policy.

FISCAL IMPACT: No fiscal impact.

PROJECT DESCRIPTION: In 1985 the City of Austin purchased the Giddings to Llano rail line for mass transit purposes. The line is 162 miles in length and runs through six counties (Lee, Bastrop, Travis, Williamson, Burnet and Llano). In May 1998 Capital Metro purchased this rail line from the City of Austin for mass transit uses. With the purchase of the line comes the sole responsibility for management of this asset.

Williamson County is the fastest growing county in the state. The growth potential in this corridor is overwhelming. As of this date, there is an estimated 26,400,00 square feet of office space planned for this corridor, as well as 1,890,000 square feet of retail, 10,100 square feet of multi-family and 8,100 residential units. With development of this magnitude the extension of existing east-west roads is essential. In Williamson County alone, there are seven east-west road extension projects being reviewed by Williamson County and TxDot. Each of these roads must cross the railroad tracks. Thereby creating the potential for a vehicular/train collision.

There are currently 210 at-grade crossings identified on the entire 162 miles of track of which only 71 are signalized. Of the 210 at-grade crossings, forty (40) are located in Williamson County and only 10 of these are signalized. There is approximately one crossing every two-thirds of a mile.

A national effort to reduce vehicular/train collisions is being led by the Federal Railroad Administration (FRA) and Operation Lifesaver (a national organization created to educate the public regarding railroads). Each recommends the reduction of the number of at-grade crossings to reduce the potential for vehicular/train collisions. Currently Texas leads the nation in the number railroad crossings and the number of vehicular/train collisions.

In December, 1999, Capital Metro was invited to a meeting hosted by elected officials and land developers in Williamson County to discuss the growth potential in Williamson County and how this growth impacts transportation and the railroad right of way. Williamson County is concerned about traffic demands upon existing east/west roadways serving the corridor between US 183 and Parmer Lane and is taking a proactive position in fostering the development of additional east/west roadways to serve that corridor. It was the consensus of the group that grade separated crossings is the preferred crossing alternative in order to facilitate mobility and public safety within the corridor.

June 26, 2000 Board Meeting
Page 2

It is the recommendation of the Planning/Finance Committee that the Board of Directors developed by staff, adopt the attached policy statement regarding any new railroad grade crossing. The adoption of this policy will facilitate mobility within the area impacted by the Giddings to Llano Rail Line, enhance public safety and allow for more stringent financial controls by the Authority.

DBE PARTICIPATION: DBE goals do not apply.

RESPONSIBLE DEPARTMENT: Bill LeJeune, Rail Manager

LEGAL COUNSEL SIGNATURE: Sally A. Carlson



RAILROAD GRADE CROSSING POLICY

POLICY:

It is Capital Metro's policy to utilize grade-separated crossings as the preferred method for any roadway above two lanes of traffic. Where grade separation is not feasible, full signalization must be provided including: lights, gates and where visibility is impaired, cantilevers.

PROCEDURE:

1. Upon request, application shall be provided to Applicant including standards, specifications and insurance requirements for crossing of railroad right of way.
2. If new a grade crossing is required a concerted effort shall be made by the applying party to consolidate vehicular traffic from existing crossings to the new grade crossing. This shall be done by a ratio for two closures for every new crossing within the affected area.
3. Application for crossing of the railroad right of way shall be submitted to the Railroad Right of Way department. Application shall include detailed plans, specifications, and traffic count information for the previous six-month period or 10-20 year traffic projections for new public roadways along with non-refundable application fee.
4. Capital Metro shall conduct an engineering review of plans and specifications based on information submitted.
5. Based on Capital Metro's review, revisions and/or recommendations shall be forwarded to Applicant as to the type of crossing required for the indicated location.
6. Cost of crossing will be born by Applicant. Any request for exception **MUST** be applied for in writing to the Rail Manager and oral arguments presented to the Board of Directors at the next available meeting. **ANY EXCEPTION TO THIS POLICY MUST BE APPROVED BY THE BOARD OF DIRECTORS.**
7. Upon acceptance of revisions and/or recommendations by Applicant, a draft license agreement shall be generated for review by Capital Metro's legal counsel.
8. Upon approval by Capital Metro's legal counsel, a draft copy of the license agreement will be sent to the Applicant for review and comments.
9. Upon approval of draft license agreement by Applicant, two original copies of the license agreement will be sent to the Applicant for signature.
10. Upon receipt of signed original license agreements from Applicant, the General Manager for Capital Metro will execute both original documents and a copy will be returned to the Applicant.

EFFECTIVE DATE: June 26, 2000



CAPITAL METRO RAILROAD GRADE CROSSING OPERATING STANDARD

EFFECTIVE DATE
JANUARY 27, 2019

VINCENT SANDOVAL
DIRECTOR, REAL ESTATE &
RIGHT OF WAY

STANDARD:

Capital Metro will utilize grade-separated crossings as the preferred method for any roadway above two lanes of traffic. Where grade separation is not feasible, full signalization must be provided, which may include but is not limited to lights, gates and, where visibility is impaired, cantilevers. The type of crossing and signalization will be determined on a case-by-case basis by the Real Estate, Property & Asset Management Department, in consultation with the Rail Department and the Risk, Safety and Accessible Services Management Department.

PROCEDURE:

1. Applications for railroad right of way crossings shall be made available to applicants including standards, specifications and insurance requirements for crossing of railroad right of way.
2. If a new grade crossing is required, a concerted effort will be made by the applicant to consolidate vehicular traffic from existing crossings to the new grade crossing.
3. The application for railroad right of way crossing must be submitted to the Real Estate, Property & Asset Management Department. The application must include detailed plans, specifications, and traffic count information for the previous six-month period or 10 to 20- year traffic projections for new public roadways along with a non-refundable application fee.
4. Capital Metro will conduct an engineering review of the plans and specifications, at the applicant's sole cost and expense, based on the information submitted.
5. Capital Metro will provide revisions and/or recommendations, if any, to the applicant as to the type of crossing required for the indicated location.
6. All costs related to the construction of the crossing will be borne by the applicant.
7. Upon acceptance of the revisions and/or recommendations by the applicant, a draft license agreement will be generated for review by Capital Metro's Legal Department.
8. Upon approval by the Legal Department, the license agreement will be sent to the applicant for signature.
9. No work may begin until the applicant has paid all required fees, submitted a certificate of insurance, and the license agreement and any other required documentation are duly executed.



**RESOLUTION
OF THE
CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY
BOARD OF DIRECTORS**

**STATE OF TEXAS
COUNTY OF TRAVIS**

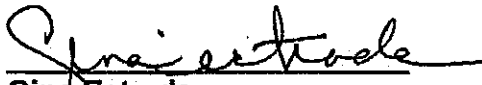
**RESOLUTION CMTA-2008-66
Metro Rail Fencing Policy**

WHEREAS, the Capital Metropolitan Transportation Authority Board of Directors and Capital Metro management endeavors to protect the safety and welfare of the public, its patrons, the rail cars and facilities; and

WHEREAS, the Capital Metropolitan Transportation Authority Board of Directors and Capital Metro management recognize the need to provide fencing with consideration to its function and its service in a consistent manner along the MetroRail right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Capital Metropolitan Transportation Authority Board of Directors that the policy that defines the *Purpose, Standards, and Guidelines for Fencing and Associated Designated Pedestrian/Bicycles Crossings Along MetroRail ROW: Comprehensive Fencing Plan*, is hereby adopted.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: John Cowman, Board Member
SECONDER: John Trevino, Board Member
AYES: Martinez, Trevino, Cowman, Gomez, Jatzlau, McCracken, Manor


Gina Estrada
Executive Assistant/Board Liaison

Date: September 29, 2008

Attachment: Metro Rail Fencing Policy (4520 : Updates to Capital Metro Policies)

**Capital Metropolitan Transportation Authority
Board of Directors**

**MEETING DATE: 09/29/2008
CMTA-2008-66
Metro Rail Fencing Policy**

SUBJECT: To Adopt a Policy that Defines the Purpose, Standards, and Guidelines for Fencing and Associated Designated Pedestrian/Bicycles Crossings Along MetroRail ROW: Comprehensive Fencing Plan.

FISCAL IMPACT: No fiscal impact.

EXECUTIVE SUMMARY: Fencing along portions of the Metro Rail right-of-way is underway as part of Phase 1 of a comprehensive fencing plan for the MetroRail Red Line. The process of determining fencing types and placement began several months ago, with an initial presentation to the Board in January 2008. At the Board meeting in July, the contract was awarded to Viking Fence for construction of the fencing. These guidelines provides a written review structure for determining appropriate fencing and fence placement along the rail line, and are consistent with the work that has been done to date. Staff is requesting approval by the Board of the policy as proposed.

PROCUREMENT: No action required.

DBE PARTICIPATION: DBE goals do not apply.

RESPONSIBLE DEPARTMENT: Operations

LEGAL COUNSEL SIGNATURE:

Sallie A. Crosby

Attachment: Metro Rail Fencing Policy (4520 : Updates to Capital Metro Policies)

CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY

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Purpose, Standards, and Guidelines for Fencing and Associated Designated Pedestrian/Bicycle Crossings Along MetroRail Right of Way

On September 29, 2008, the Capital Metropolitan transportation Authority Board of Directors adopted guidelines for fencing and related safety considerations along the Capital MetroRail Right-of-Way.

This document contains the following items:

1. Purpose, Standards, and Guidelines for Fencing and Associated Designated Pedestrian/Bicycle Crossings Along MetroRail Right of Way as Approved by the Capital Metro Board of Directors on September 29, 2008
2. Exhibit A: Capital MetroRail: Comprehensive Fencing Plan: Phase 1
3. Examples of Rail Fencing and Pedestrian/Bicycle Crossings

Document 1

**Purpose, Standards, and Guidelines for Fencing and
Associated Designated Pedestrian/Bicycle Crossings Along
MetroRail Right of Way as Approved by the Capital Metro
Board of Directors on September 29, 2008**



MEMORANDUM

SUBJECT: Purpose, Standards, and Guidelines for Fencing and Associated Designated Pedestrian/Bicycle Crossings Along MetroRail ROW: Comprehensive Fencing Plan

DATE: September 29, 2008

Approved by the Capital Metro Board of Directors on September 29, 2008

Introduction:

Fencing along portions of the MetroRail right-of-way ('ROW') is underway (Phase1) to enhance the safety of pedestrians and cyclists traveling near the tracks, and to preserve the integrity of the rail ROW for proper operation of the Metro Rail service. The following paragraphs include the purpose of fencing along rail ROW and the considerations used for compiling and implementing Phase 1 of the comprehensive fencing plan for the MetroRail Red Line.

Exhibit A includes suggested improvements associated with the fencing plan, and Table A that lists the specific fence type to be used for each segment of fencing along the rail ROW, and is consistent with the provisions below.

Purpose:

Capital Metro is proactively addressing the safety and security of the general public and its patrons through the implementation of a comprehensive fencing program along the rail ROW.

Process:

The development and implementation of the comprehensive fencing program is the responsibility of the Rail Training and Safety Officer. The comprehensive fencing program is developed under the criteria provided herein and recommendations from the Rail Safety Committee. The comprehensive fencing program must be recommended by the Director of Rail Operations and approved by the Capital Metro Board.

Any exceptions to the established functional considerations must be determined as justified based on safety and specific characteristics of the site, must be recommended by the Director of Rail Operations with recommendations from the Rail Safety Committee, and approved by the Capital Metro Board.

Justification:

Many older rail systems around the country did not install fencing as part of their earlier rail system operation. However, there has been an appearance of fencing plans associated with new rail projects as these rail systems have matured and incidences of conflict have occurred over time.

Rail systems, using lighter, more efficient diesel/electric power, are much quieter than the freight trains common to the public. The lessons of "Stop, Look, & Listen" [before crossing tracks]" used for decades to call attention to care in crossing railroad tracks requires an adaptation for transit rail systems to something more like "Stop & Look Both Ways" [before crossing tracks]".

Capital Metro has taken a vigilant approach by initiating Phase 1 of the comprehensive fencing program in advance of the operation of the MetroRail Red Line. The fencing program contributes to ongoing efforts undertaken by Capital Metro to increase rail awareness and safety in the schools near the rail ROW, along with a variety of other public awareness campaigns.

Considerations for Determining Fencing Placement and Types:

Safety is the highest priority in fencing along the rail ROW. To determine the need for fencing, the following considerations must be taken into account. When fencing is appropriate, these considerations also account for the functional requirements of the fence. Each area along the rail ROW is evaluated in terms of its functional need, a balance between 1) the level of security needed to avoid dangerous trespass and hazardous encroachments (trespass risk), and 2) the level of channelization needed to direct or guide pedestrians and bicyclists to safe crossings (safe crossing).

The determination for placement of fencing and the type of fencing to be used at each location along the rail ROW is derived from these considerations. The entire length of rail line within the project phase is to be evaluated in terms of the following physical characteristics, activities, and operating conditions.

Each section along the rail ROW presents a varied mix of conditions/considerations that must be evaluated in terms of potential risks to both the safety of the public and the rail line. It is imperative to evaluate the interface along the rail line in terms of potential risk for trespass, of encroachment of hazardous conditions, and the safety of the public and the rail line. It is also imperative to evaluate locations that may address safety considerations through channelization of pedestrian/bicyclist crossing activity, providing crossings necessary to optimize safe conditions. Notations in italics suggest the predominant issue associated with the listed condition/consideration.

Trains

- Speed of Trains – Low (up to 35 mph); Moderate (35-45 mph); High (45-60)- *trespass risk*

Crossings

- Established Informal Crossings (e.g. 'rabbit' trails) – *trespass risk/ safe crossing*
- Planned and/or Anticipated Crossings – *safe crossing*
- Emergency crossings required by federal and local regulations ('areas of refuge')

Location/Site Conditions

- Proximity to schools – *trespass risk*
- Proximity to parks, recreation and civic centers, Station Areas
- **
- (includes TODs), and similar areas with a high level of unchannelized pedestrian and/or bicycle traffic – *safe crossing*
- Physical Environment – *trespass risk/ safe crossing*
 - Structural barriers – *reduce trespass risk*
(i.e. buildings, walls, fencing 4' in height or greater)
 - Natural barriers – *reduce trespass risk*
(i.e. ditches, creeks, grade changes of 4' or more, thick vegetation)
 - Limited Visibility/Site distance – *safe crossing*
 - Limited Lighting/Exposure – *safe crossing*
- Channelization of pedestrian and/or bicycles at prescribed crossings - *safe crossing*

Types of Fencing:

It is more cost effective, more efficient, and easier to maintain the fencing if the variety of fencing choices is kept to a minimum. To accomplish this purpose, there are four fence types to choose from:

- **F1: Eight (8) foot industrial grade uncoated chain link fencing with top cable**
Function: Discourages trespass into rail ROW in areas, particularly in areas with poor visibility (sight distance or lighting) and/or limited accessibility to legal crossings. Most suitable for areas where trains travel at moderate to high speeds with perhaps less opportunity for warning. Most suitable for areas having few pedestrian/bicycle crossings as a result of land use, land use patterns, and/or site conditions. Close proximity to schools raises trespass risk and makes F1 the preferred choice.
- **F2: Six (6) foot industrial grade uncoated chain link fencing with top cable**
Function: Discourages trespass into the rail ROW, particularly in areas with poor visibility (sight distance or lighting) and/or limited accessibility to legal crossings. Most suitable for areas where trains travel at moderate to high speeds with perhaps less opportunity for warning. Most suitable for areas having few pedestrian/bicycle crossings as a result of land use, land use patterns, and/or site conditions.
- **F3: Four (4) foot fence black vinyl coated chain link with top rail**
Function: Discourages trespass into the rail ROW in areas having sufficient visibility (sight distance and lighting), low to moderate speeds, and/or sufficient access to legal crossings. Most suitable where separation from the rail ROW is needed to avoid unintentional trespass, and for

pedestrian/bicyclist channelization to optimize safe circulation in the area and promote safety at legal crossing opportunities.

- **F4: Four (4) foot bollards with triple strung cables**

Function: Discourages trespass into rail ROW in areas having sufficient visibility (sight distance and lighting), low speeds, and/or sufficient access to legal crossings. Most suitable for areas parallel to pedestrian/bicyclist travel-ways, where separation/channelization is needed within a minimum, confined space, and/or to as a boundary marker to avoid the encroachment of motorized vehicles.

- **No fencing**

Function: Discourages trespass into rail ROW by virtue of the track location along areas 1) considered to have an existing condition that would duplicate its (fence) function; these areas having an adequate natural barrier, a sufficient existing structural barrier and/or a clearly marked area that includes a defined designated legal crossing, and/or 2) considered to have a sufficient line of sight (sight distance, visibility, and exposure) so that the functional value of installing a fence is negligible .

Should Capital Metro determine there is a need for fencing along the rail ROW and the adjacent property owner prefers a more decorative fence; the owner can request, in writing, a decorative fence option along the common property line, at their expense. A request must include the location, the number of linear feet of fence, the contractor, minimum specs sheet, and installation dates that coincide with the installation of fencing by Capital Metro as part of the comprehensive fencing plan. The decorative fence option may allow for the installation of one inch (1") black coated, galvanized tubular steel fencing with vertical pickets, a bottom rail 4" above grade, and a top rail. To install this or an equivalent fence option requires the written approval of the Director of Rail Operations, with the support of the Rail Safety Committee. The height of the fence is determined by the same considerations used for the assigning standard fence types. If approved, the cost of the decorative fencing and its installation and maintenance shall be the sole responsibility of the adjacent property owner.

Other operational mechanisms (including quad-gates, regulatory signage, appropriate channelization of travel-ways leading to the rail ROW are also being used to further enhance the safety of the public, particularly of pedestrians and cyclists that have easy access to it, and to avoid inadvertent use of the right-of-way by unauthorized vehicles.

Compatibility:

The appearance of the proposed fencing (height/material) is important to the sustainability and vitality of the areas adjacent to the MetroRail line. The following are context sensitive design considerations that address these concerns:

- All chain link fencing will be installed to allow a space of approximately four (4") inches above the ground. Doing so will reduce litter collection, debris collection in heavy rain events, reduce inter-twining vegetation, and resulting maintenance costs.
- Black coated chain link fencing minimizes the reflection and glare; the F3 fence type will be used within the boundaries of all designated parks crossed by the rail ROW, unless conditions require another fence type to address considerations specific to the site.

- When fencing is provided within recognized Station Areas*, the area from the station platform extending up to ¼ mile will use F3 or F4 fencing types only. The area extending from ¼ mile up to ½ mile from the station will use only F3 or F4 fencing, unless another fence type is determined necessary in order to address considerations that are specific to the site.
- Bollards and triple cable, the F4 fencing, is best used for only channelization. When its use is considered to be appropriate, it is less visually obtrusive than the other fence types.

Justification for Designated Pedestrian/Bicycle Crossings:

As part of a comprehensive fencing plan for the MetroRail ROW, it is important to address the practical aspects of activity adjacent to the tracks. Planned, clearly marked crossings can guide pedestrians and cyclists to safer crossing locations, and eliminate a perceived need to climb over the fence.

High activity areas around transit stations, parkland, prominent established crossings in residential neighborhoods, and important community linkages require thoughtful planning to determine the best locations for channeling pedestrians, bicyclists, and drivers to clearly designated crossings. There are two types of crossings 1) *Pedestrian/Bicycle Crossings associated with a street crossing*, and 2) *Designated Pedestrian/Bicycle Crossings* not associated with a street, usually mid-block crossings. *Pedestrian/Bicycle Crossings* associated with a street crossing will follow the cautions established for the vehicles at that crossing. *Designated Pedestrian/Bicycle Crossings*, which are not associated with street crossings, must be carefully planned to discourage illegal, hazardous crossings of the rail right-of-way, and to encourage safe, orderly crossings under optimum conditions.

Designated Pedestrian/Bicycle Crossings are clearly defined mid-block crossings for pedestrians and cyclists at limited locations along the rail line to provide connections within the immediate vicinity and at prescribed locations, and that 1) offer the safest conditions available for a necessary crossing, 2) provide for the safest, most intuitive channelization of the pedestrian/bicycle travel-way, and 3) minimize random, more hazardous crossing activity of the rail right-of-way.

Considerations for Use of a Designated Pedestrian/Bicycle Crossing:

- Crossings alongside or associated with street crossings do not require special definition or signage.
- Clearly defined mid-block crossings for pedestrians and cyclists may be necessary when there is a fencing segment or other channeling device that extends a distance of five hundred (500') feet or more (e.g., typical City block length is 400'-600'). Track crossings should provide pedestrian with the quickest and safest route across the tracks from one side to the other.
- Existing sidewalks and designated hike/bike trails mid-block are considered a priority for determining safe crossing placement of a Designated Pedestrian/Bicycle Crossing. They are evaluated subject to the established criteria and addressed on that basis.

- Pre-established illegal crossings by way of 'rabbit trails' are considered a safety priority as they pose an increased trespass risk. These locations are evaluated for both trespass risk and safe crossing alternatives. In some cases, they may qualify for a Designated Pedestrian/Bicycle Crossing, subject to the established criteria and addressed on that basis.
- Capital Metro will make its best effort to coordinate with the City of Austin or applicable jurisdictional entity to determine any conflict points between sidewalks or designated trails and fencing.

Designated Pedestrian/Bicycle Crossing Types:

There are four types of Designated Pedestrian/Bicycle Crossings that may be used, based on the most optimum design for the specific location and criteria of each crossing. They are as follows:

- **P/BC1: Z- crossing** -- *Directs users' view down tracks in both directions, used primarily with double tracks.*
- **P/BC2: Crossing with Swing Gate** – *Gate locks when train approaches; releases when past, used primarily in high traffic areas with limited space/visibility*
- **P/BC3: Modified z-crossing** -- *Directs users' view down tracks in both directions, used primarily with single tracks.*
- **P/BC4: Designated opening/pass through** – *Directs users' through marked opening in the fence, limited use in areas where train is at low speed, with high visibility and/or extensive line of sight.*

A Designated Pedestrian/Bicycle Crossing must be a minimum of twenty (20') feet wide (perpendicular to the track) and five (5') feet wide (parallel to the track). All crossings will be marked with a three (3') foot wide tactile warning strip at the entrance to the crossing parallel to the track in a contrasting color. The gate post of the fence on each side of the crossing will extend at least two (2') feet above the fence height and will be marked with white or yellow reflective material so that the crossing is visible along the fence from a reasonable distance. At-grade crossings will meet all federal requirements.

Determination of the optimum location and type of crossing to be used will be evaluated by the Rail Training and Safety Officer based on the policy, criteria, and functionality of the proposed crossing, with approval by the Director of Rail Operations. Upon favorable recommendation from the Rail Safety Committee, a Designated Pedestrian/Bicycle Crossing will require approval from the Capital Metro Board.

Signage:

- **No trespassing signs** -- Under federal requirements, no trespassing signs will be placed every 1,000 feet along the rail right-of-way. Specifications: Pre-established.

- **Directional signs** -- When fencing along the rail line suggests a significant change in intuitive pedestrian/bicycle travel-ways, directional signage may be installed at appropriate intervals to direct pedestrians and/or cyclists to designated crossings/crosswalks. Directional signage for Designated Pedestrian/Bicycle Crossings will be placed at 150' intervals a distance of up to 300' (as the fence extends) from the crossing to notify users of its location. Specifications: 2'X4' Max.; Ochre Yellow w/ Black Graphics.
- **Crossing signs** -- When Designated Pedestrian/Bicycle Crossings are provided as part of the comprehensive fencing plan, each crossing will be clearly designated as such by reflective materials on each gate post of the fence segment, and with signage including instructions for safe crossing. Specifications: 3'X3' Max.; Ochre Yellow w/ Black Graphics.

Stubbed Streets Terminating at Rail ROW:

Capital Metro will provide fencing along the edge of the right-of-way at the termination of stubbed out streets. Within the area of phase 1, currently there are three locations where the street terminates with an unfinished stub out (no cul de sac) at the rail right-of-way: 1) Coronado Street, 2) Shirley Avenue, and 3) 55th Street. Capital Metro has requested the City of Austin consider placement of uniform reflective barricades at these and any similar locations as is consistent with their accepted standards.

Periodic Review/Update:

Capital Metro will conduct ongoing maintenance of the fencing, crossings, and signage. Resolution of fencing needs will be responsive to any changes or special conditions as they become evident. A review of the comprehensive fencing plan will be made annually to look for any adjustments or updates that may be needed.

(Sources consulted: Dallas, DART commuter rail policy; Denver, RTD FastTracks, Portland, Tri Met)

* Station Areas – fencing is defined by a ¼ mile and ½ mile radius from station platform.

(Nine rail stations currently defined by All Systems Go (ASG))

- Downtown Station
- Plaza Saltillo
- Martin Luther King, Jr. Station
- Highland Station
- Crestview Station
- Kramer Station
- Howard Station
- Lakeline Station
- Leander Station

Document 2

Exhibit A

**Capital MetroRail: Comprehensive Fencing Plan
Phase 1**

Attachment: Metro Rail Fencing Policy (4520 : Updates to Capital Metro Policies)

Exhibit A

Capital MetroRail: Comprehensive Fencing Plan: Phase 1

Fencing type: See Table A

Designated pedestrian/bicycle crossings:	<u>Location</u>	<u>Type</u>
	San Marcos St./Saltillo	P/BC 3

Directional signage to safe crossings:	<u>Location</u>
	Rosewood Ave./Park

Streets stubbed out at rail right-of-way:	<u>Location</u>
	Coronado St. Shirley Ave. 55 th St.

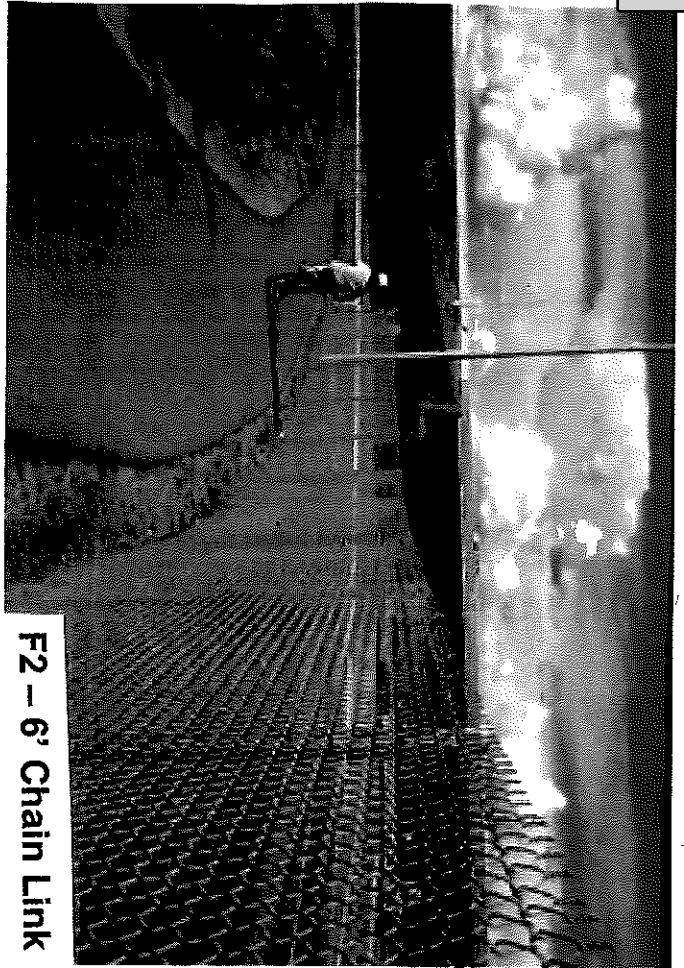
Table A: Phase 1: Capital Metro Comprehensive Fencing Plan

Location	Drawing Page #	Fence (linear')	Height (ft)	Speed (~mph)	Considerations for Fence Types	Fence Type	Comments
Austin Junction (WYE)			6	25	Trespass risk, school yard	F2	UT Elementary
IH 35 to Waller	38-39	2460	4	35	Trespass risk, parking, TOD	F3	Directional signage, P/BC 3 crossing
Waller to Plaza Satillo	40	1920	4	35	Trespass risk, TOD	F3	Directional signage
Navasota to Onion	40	340	4	35	Trespass risk	F3	Parking lots
Comal to 5th	41	--	--	35	TOD	--	
Comal to Chicon	41-42	--	--	35	TOD, vehicle encroachment	--	Paint curb, four bollards @ corner
Pedernales	206	300	6	25	Trespass risk, vehicle encroachment	F2	Multiple track, construction
Coronado	46	60	4	30	Trespass risk	F3	Coronado St. ends
Boggy Creek Bridge to Rosewood Ave	48-49	680	4	35-45	Rosewood Park	F3	Signage at Rosewood Ave
Rosewood Ave to Rosewood Park Bridge	49-50	1040	4	35-45	Rosewood Park	F3	Signage at Rosewood Ave
Rosewood Park	50-51	1030	4	35-45	Rosewood Park	F3	
Manor Rd	55	130	6	35	Vehicle encroachment	F2	Fence ext north
Cherrywood to 38 ½	57-58	870	6	35-45	Trespass risk, school	F2	Maplewood Elem.
38 ½ St	58-59	100	8	45	Trespass risk, school yard	F1	Maplewood Elem.
U-Haul at Wilshire	60	290	6	45	Trespass, encroachment	F2	Parking lot
W IH 35 to 45 th	61-62	1135	6	45	Trespass risk	F2	Transient concerns
Clarkson/Bennet to 51 st	63-66	2090	6	45-50	Trespass risk, school	F2	Ridgetop
51 st to Bruning	66-67	945	6	45-50	Trespass, encroachment	F2	Ped traffic, parking
Bruning to 56 th	67-68	1943	6	45-50	Trespass risk, vehicle encroachment	F2	Connect to existing fences, peds, pkg
Shirley Ave (Airport)	74-75	180	6	45-50	Trespass risk	F2	Ped traffic, security
Morrow	79	40	6	45-50	Trespass risk, vehicle encroachment	F2	T-C baseball park bollards/signage
RR east of Anderson	80	350	6	45-50	Vehicle encroachment	F2	Upgrade signals
Anderson to Wooten	81-82	2295	6	45-50	Trespass risk, school	F2	Dble sided fence/15 ft. off CL Burnet MS
Wooten to Ohlen	82-84	4110	6	45-50	Trespass risk, school	F2	Crossing guard @ Ohlen/signage:
Burnet Middle School	84-86	1510	8	45-50	High trespass risk, school	F1	Burnet MS

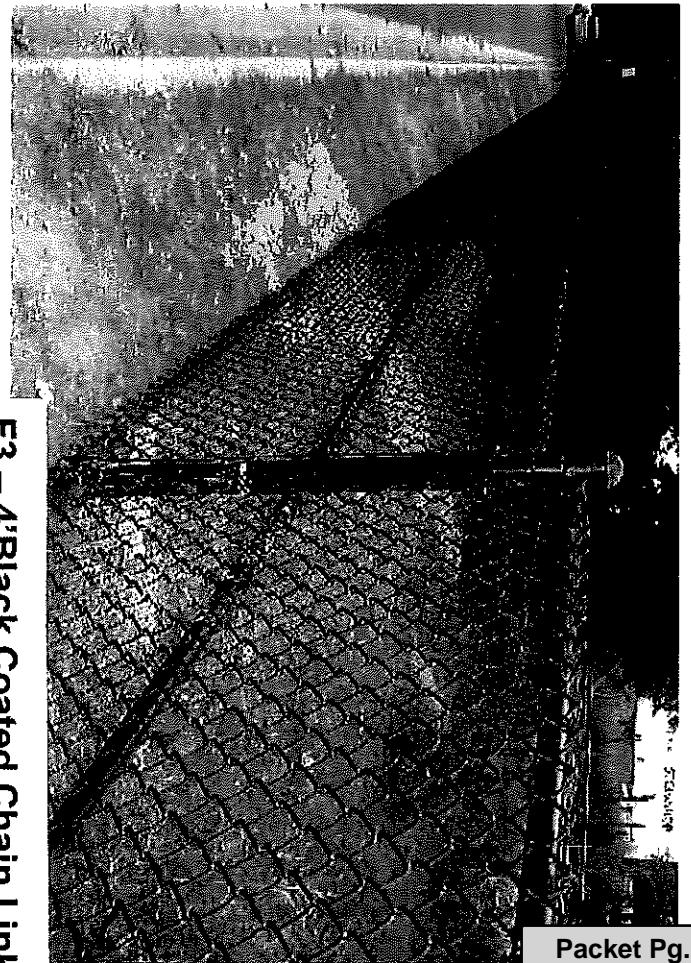
Note: "Trespass risk" - an increased risk of either intentional or unintentional entry into the ROW that increases a risk to personal safety.

Document 3

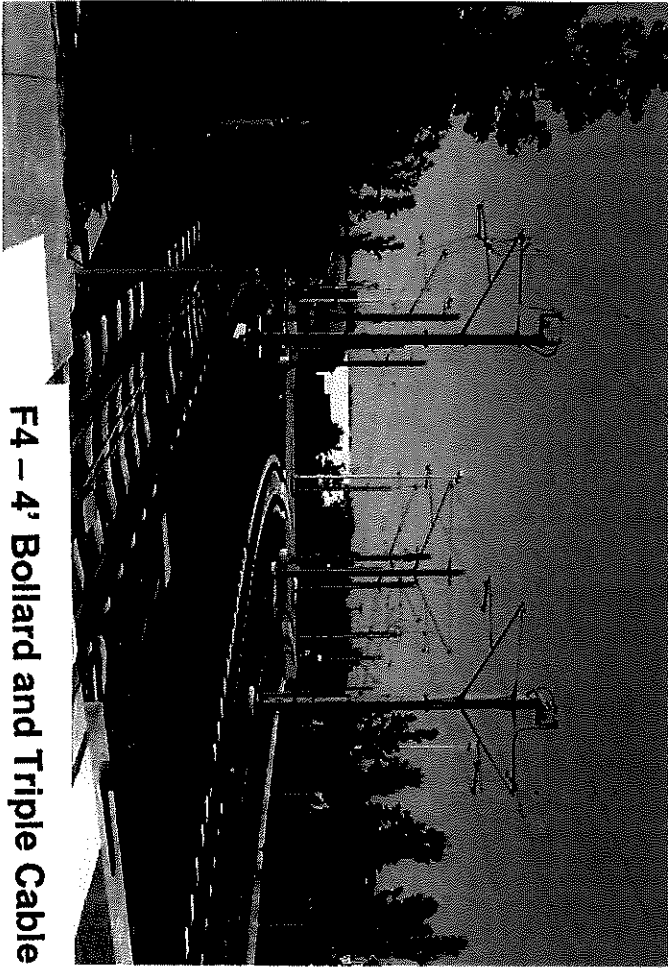
Examples of Rail Fencing and Pedestrian/Bicycle Crossings



F2 – 6' Chain Link

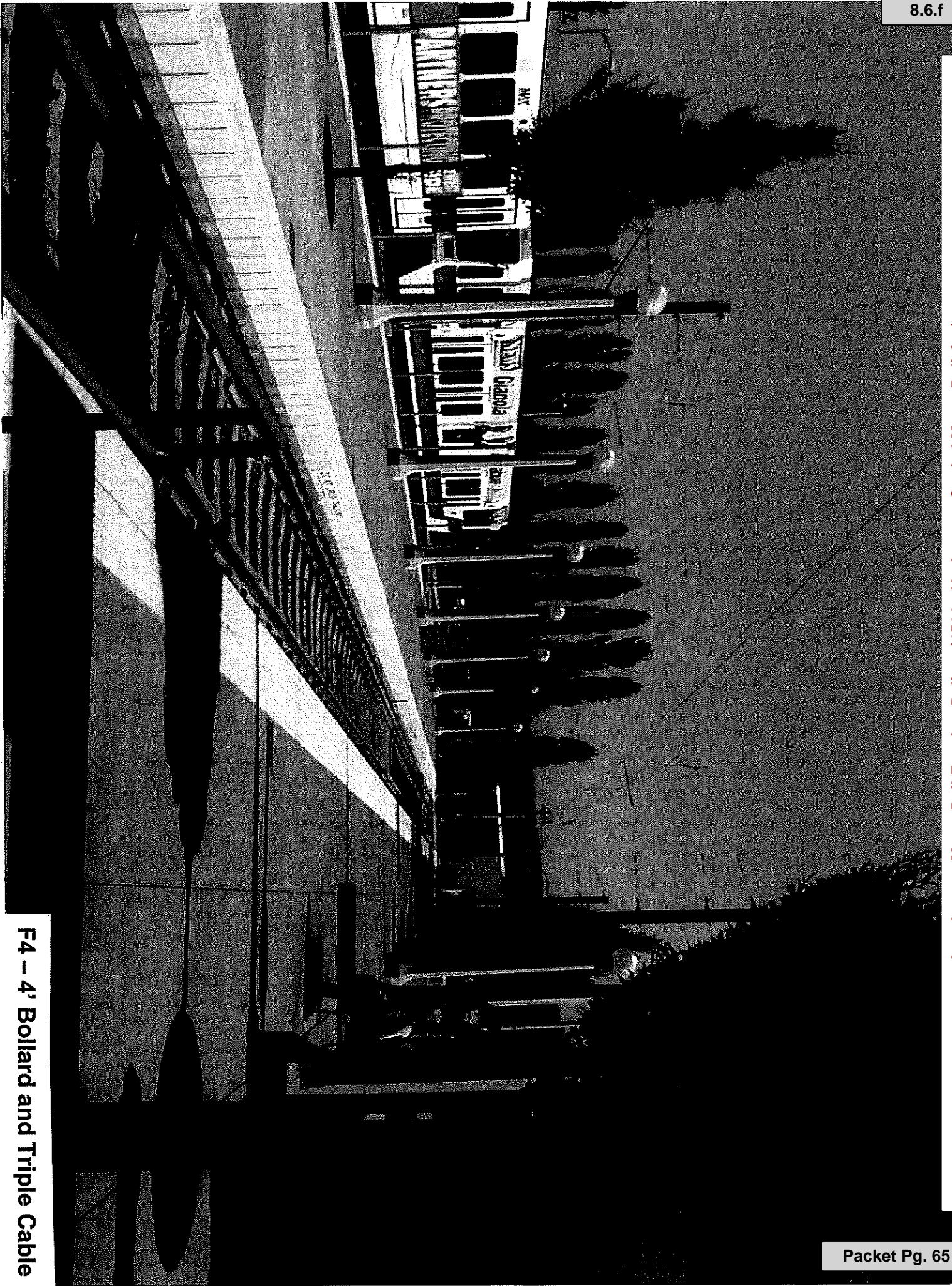


F3 – 4'Black Coated Chain Link

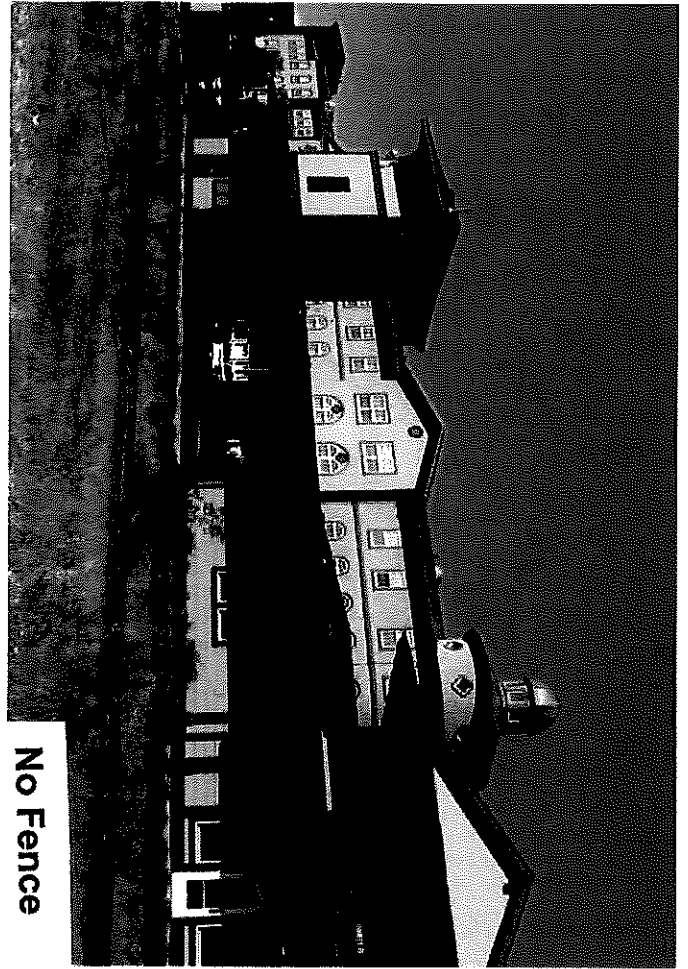


F4 – 4' Bollard and Triple Cable





F4 – 4' Bollard and Triple Cable

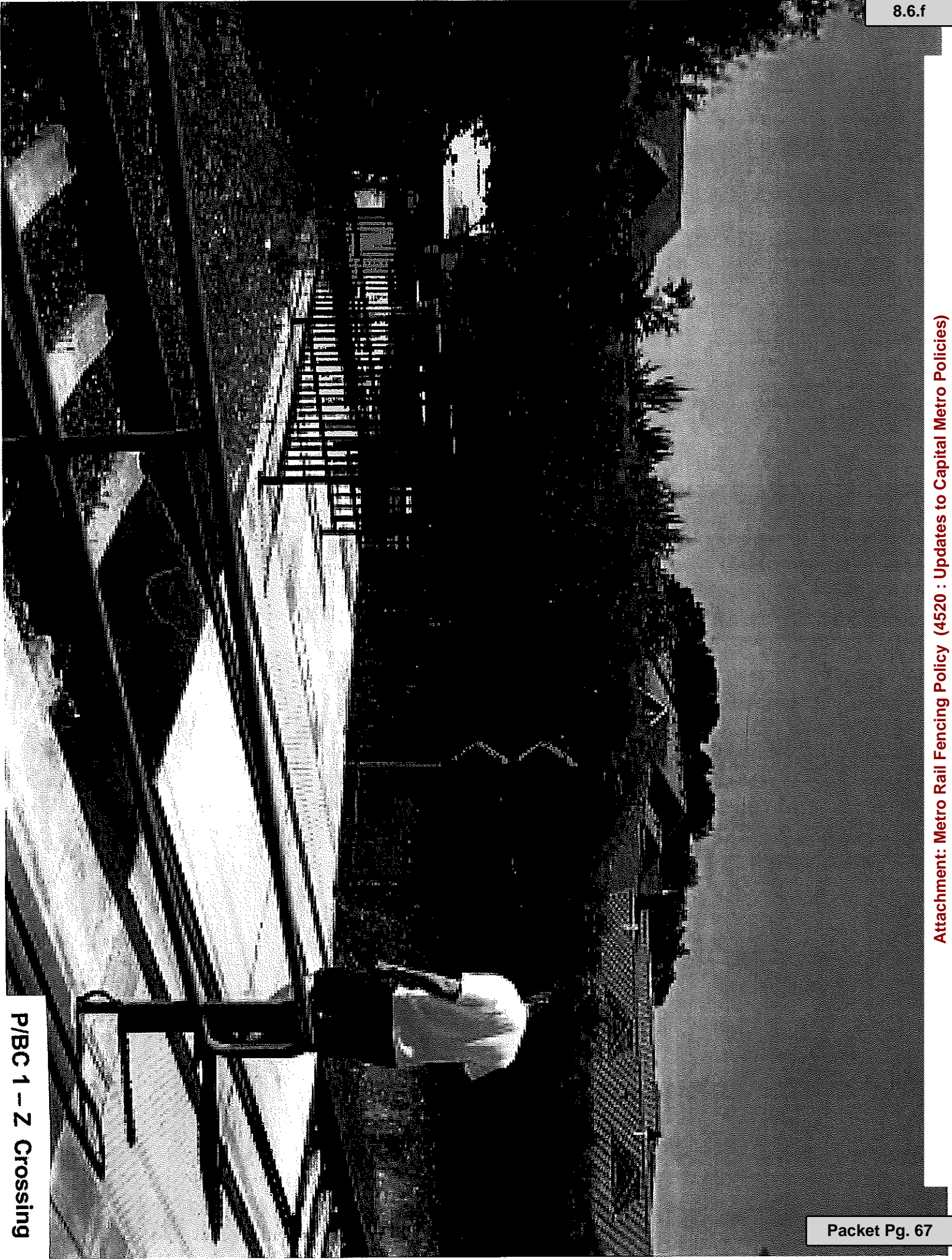


No Fence

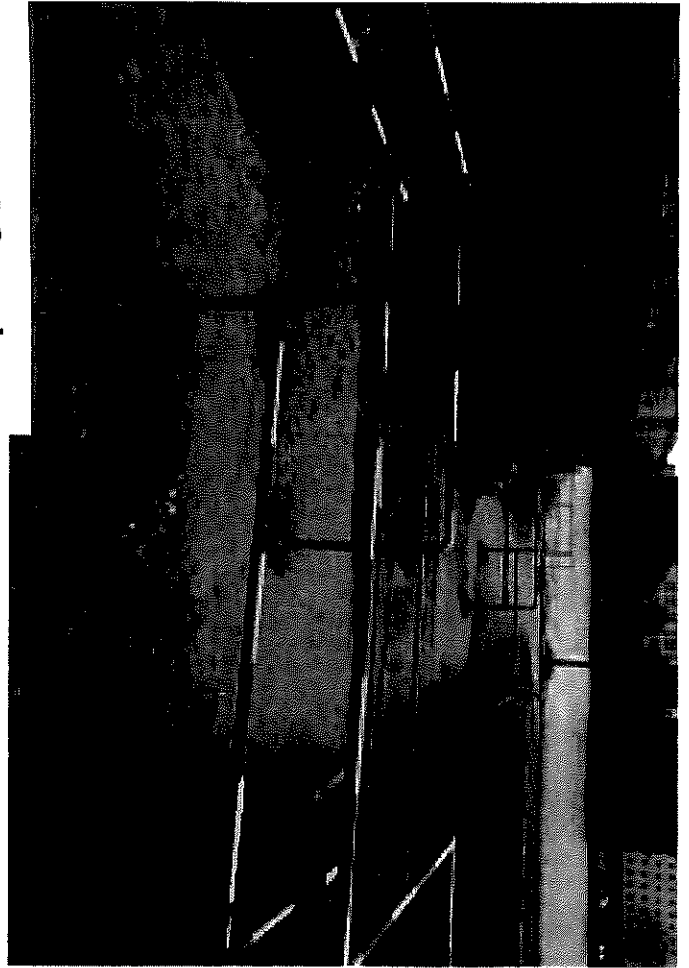


P/BC 2 – Swing Gate (w/ Signage Example)

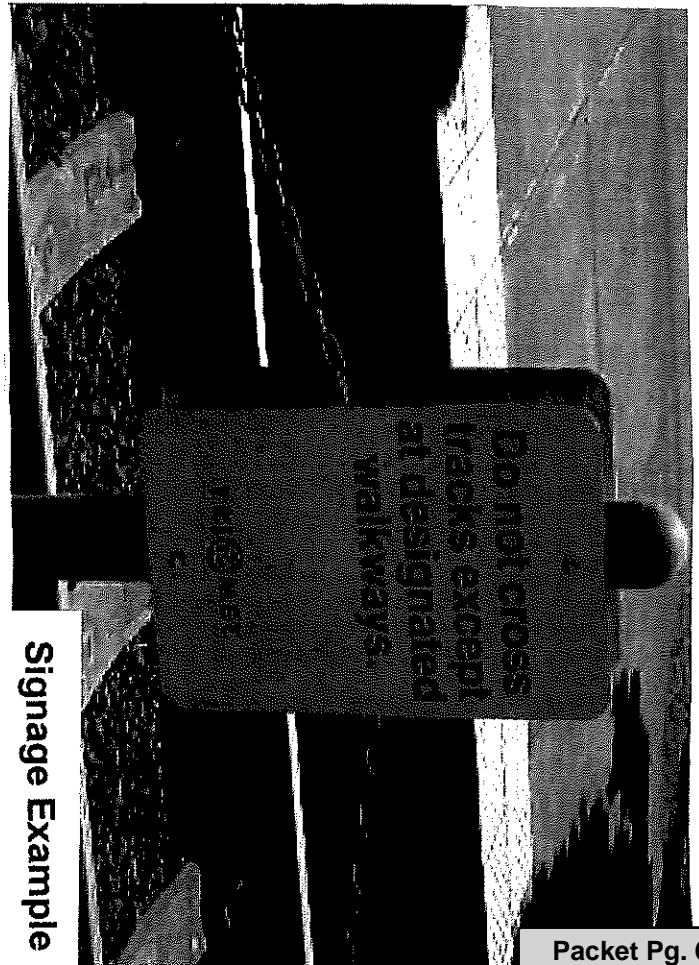




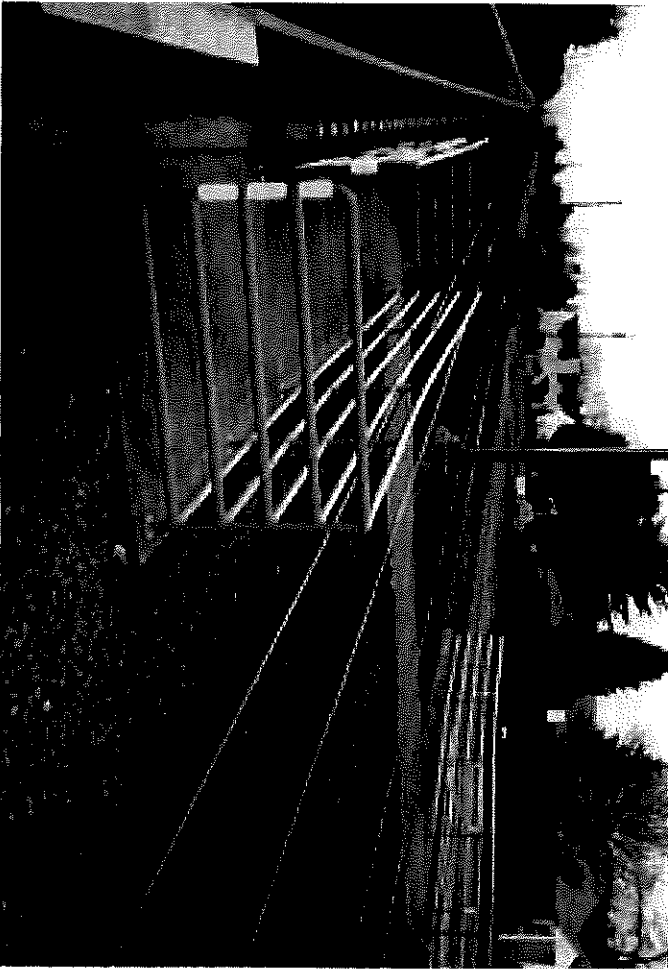
P/BC 1 – Z Crossing



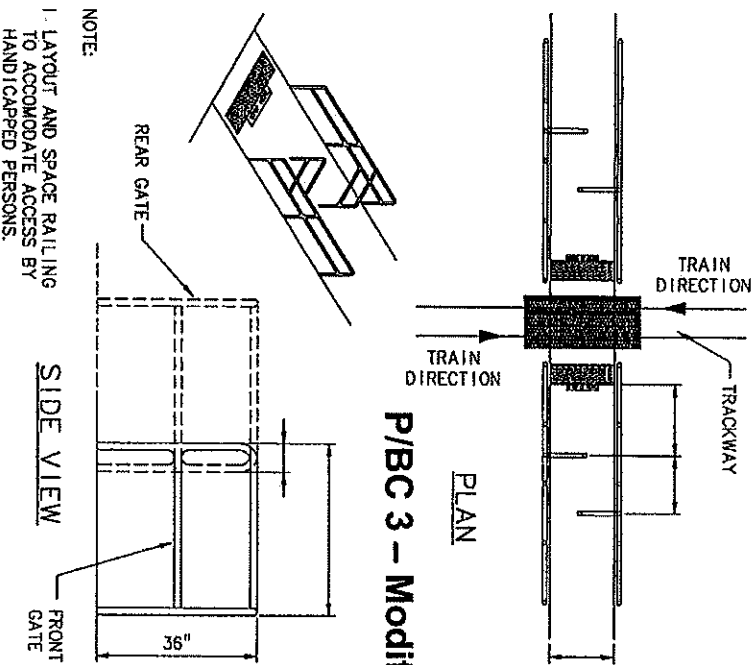
P/BC 1 - Z Crossings



Signage Example



P/BC 3 - Modified Z Crossing





CAPITAL METRO RAILROAD FENCING AND SIGNAGE STANDARDS

Standards and Guidelines for Fencing and Signs
Along the Capital Metro Railroad.

EFFECTIVE DATE

January 27, 2019

Sandoval, Vincent

Director, Real Estate & Right-of-Way

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3.	Fencing Types and Sign Treatment	4
(a)	F1: Eight (8') foot industrial grade uncoated chain link fencing with top cable	4
(b)	F2: Six (6') foot industrial grade uncoated chain link fencing with top cable	4
(c)	F3: Four (4') foot fence black vinyl coated chain link with top rail	4
(d)	F4: Four (4) foot bollards and triple strung cables	4
(e)	NF: No Fencing	4
(f)	No Trespassing Signs	4
4.	Attachments	5
(a)	Current placement of ROW fencing	Error! Bookmark not defined.
(c)	CMTA Rail ROW Sign Standard	5

1. Purpose

The purpose and scope of this document is to provide guidance in the installation, maintenance, and location of fencing, warning signs, and brush management along the Capital Metro Railroad Right of Way (ROW). The ROW extends from Giddings, Texas Mile Post 0, to Llano, Texas, MP 154. There are three industrial leads making up approximately 8 miles of track in addition to the main track. Capital Metro Metro Rail currently operates between Leander, Texas MP 88 and Downtown Austin, MP 55.17 DT. This territory is the Central Subdivision. The Central Subdivision hosts the highest frequency of trains (commuter, freight and excursion), the highest speeds (60 mph Commuter / 40 MPH Freight and Excursion) and the largest concentration of people and at grade highway-rail grade crossings.

This is a living document that will be reviewed and updated on a periodic basis to ensure the program is compliant with all federal, state and local regulations. In addition, best industry practices and recommendations from industry associations will be used to ensure best practices are performed.

Draft

2. Process for Determining Appropriate Fencing and/or Signage

The Real Estate, Property & Asset Management Department, in consultation with the Security Department, the Risk, Safety and Accessible Service Management Department, and the Rail Operations Department, is responsible for determining appropriate fencing and/or signage placement along the Capital Metro rail right of way. In making such determinations, the Real Estate, Property & Asset Management Department will evaluate the potential risk for trespass, the encroachment of hazardous conditions, and the safety of the public and the rail line.

Other considerations for fencing and sign installation may include but are not limited to:

- Trespassing reports compiled by the Security Department;
- Design reviews where representatives of safety, security, and operations participate;
- Hazard analyses and special reports prepared by consultants, Capital Metro staff, O&M staff, and suppliers;
- Hazards that develop as a result of accidents/incidents;
- Facility inspections;
- Vendor bulletins;
- Information from other transportation systems;
- Observations and experiences of program participants during construction, testing, and operations;
- Public complaints; and
- Industrial hygiene monitoring.

3. Fencing Types and Sign Treatment

(a) **F1: Eight (8') foot industrial grade uncoated chain link fencing with top cable**

Function: Discourages trespass into ROW in areas, particularly in areas with poor visibility and or limited accessibility legal crossings. Most suitable for areas having few pathway crossings because of land use, land use patterns, and or site conditions. Proximity to schools raises trespasser risk making F1 a preferred choice.

(b) **F2: Six (6') foot industrial grade uncoated chain link fencing with top cable**

Function: Discourages trespass into ROW in areas, particularly in areas with poor visibility and or limited accessibility legal crossings. Most suitable for areas having few pathway crossings because of land use, land use patterns, and or site conditions.

(c) **F3: Four (4') foot fence black vinyl coated chain link with top rail**

Function: Discourages trespass into the ROW in areas having sufficient visibility and/or sufficient access to legal crossings. Most suitable where separation from the ROW is needed to avoid unintentional trespass, and for pedestrian / bicyclist channelization to optimize safe circulation in the area and promote safety at legal crossing opportunities. The F3 fencing has been observed to not be effective on the Capital Metro Railroad for keeping trespassers off the property.

(d) **F4: Four (4) foot bollards and triple strung cables**

Function: Discourages trespass into rail ROW in areas having sufficient visibility and/or sufficient access to legal crossings. Most suitable for areas parallel to pathways, where separation / channelization is needed within a minimum, confined space, and/or to as a boundary marker to avoid the encroachment of motorized vehicles.

(e) **NF: No Fencing**

Function: Discourage trespass into ROW by virtue of the track location along areas 1) considered to have an existing condition that would duplicate its (fence) function; these areas having an adequate natural barrier, a sufficient existing structural barrier and / or clearly marked area that includes a defined designated legal crossing, and / or 2) considered to have a sufficient line of sight (sight distance, visibility, and exposure) so that the functional value of installing a fence is negligible.

(f) **No Trespassing Signs**

Function: Discourage trespass into ROW. These signs may be placed at grade crossings, pathways, bridges, and on fencing. The design of the sign may be found in the appendix.

4. Attachments

- (a) CMTA Private Crossing Standard



private crossing
standard.pdf

- (b) CMTA Rail ROW Sign Standard



ROW Sign
Standard.pdf

Draft

Capital Metropolitan Transportation Authority
Board of Directors

MEETING DATE: 01/27/2020
(ID # 4536)

Amendment to the Capital Metro Procurement Acquisition Policy

Approval of a resolution authorizing the President & CEO, or his designee, to amend the Capital Metro Procurement Acquisition Policy to ensure compliance with recent FTA recommendations.

**Capital Metropolitan Transportation Authority
Board of Directors**

**MEETING DATE: 12/16/2019
(ID # AI-2019-1143)**

Amendment to the Capital Metro Acquisition Policy

SUBJECT:

Approval of a resolution authorizing the President & CEO, or his designee, to amend the Capital Metro Procurement Acquisition Policy to ensure compliance with recent FTA recommendations.

FISCAL IMPACT:

This action has no fiscal impact.

STRATEGIC PLAN:

Strategic Goal Alignment:
Engaged Workforce

Strategic Objectives:
Capital Metro Staff Engagement

EXPLANATION OF STRATEGIC ALIGNMENT:

One of the measures of engagement is the empowerment of employees to accomplish tasks in a more streamlined manner. Raising the micro-purchase threshold as recommended streamlines the acquisition of goods and services.

BUSINESS CASE:

The Acquisition Policy is structured to ensure that Capital Metro successfully exercises its fiduciary responsibility for obligating public funds. On occasion, our policy requires revisions to incorporate changes in local, state, or federal requirements to accomplish this responsibility. Revisions frequently incorporate best practices in procurement to further strengthen our policy.

On June 20, 2018, Office of Management and Budget issued memorandum OM-18-18, "Implementing Statutory Changes to the Micro-Purchase and the Simplified Acquisition Thresholds for Financial Assistance." This memorandum raises the threshold for micro-purchases under Federal financial assistance awards to \$10,000. Our Acquisition policy needs to be brought into compliance with FTA guidelines.

COMMITTEE RECOMMENDATION:

This agenda item will be presented to the full board on January 27, 2020.

EXECUTIVE SUMMARY:

This amendment revises the Acquisition Policy to incorporate revisions from local, state, and federal requirements for best practices in procurement. Additionally, this revision brings the Capital Metro micro purchase threshold in alignment with the Federal Transit Administration micro purchase threshold, raising it from \$3,000 to \$10,000.



DBE/SBE PARTICIPATION: Does not apply.

PROCUREMENT: Does not apply.

RESPONSIBLE DEPARTMENT: Procurement



**RESOLUTION
OF THE
CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY
BOARD OF DIRECTORS**

STATE OF TEXAS

COUNTY OF TRAVIS

RESOLUTION (ID # AI-2019-1143)

Amendment to the Capital Metro Acquisition Policy

WHEREAS, the Capital Metropolitan Transportation Authority Board of Directors and Capital Metro management endeavor to amend the Procurement Department Acquisition Policy to ensure compliance with current state and federal regulations; and

WHEREAS, the Capital Metropolitan Transportation Authority Board of Directors and Capital Metro management recognize the need to raise the micro purchase threshold to \$10,000 to be in alignment with the Federal micro purchase threshold.

NOW, THEREFORE, BE IT RESOLVED by the Capital Metropolitan Transportation Authority Board of Directors that the President & CEO, or his designee, is authorized to amend the Capital Metro Acquisition Policy to ensure compliance with current state and federal regulations and raise the Capital Metro micro purchase threshold to be in alignment with the Federal micro purchase threshold.

Date: _____

**Secretary of the Board
Eric Stratton**

Attachment: Resolution-AI-2019-1143 (4536 : Amendment to the Capital Metro Procurement Acquisition Policy)

Procurement Acquisition Policy Revisions

Highlights:

- Raise the micro purchase threshold from \$3,000 to \$10,000
- Added references to utilizing SBEs as well as DBEs
- Revised transit vehicle procurement policies to reflect current government regulations
- Added policy referencing FAST Act and cooperative purchasing
- Updated references to governing legislation

January 2020 Procurement Acquisition Policy Changes – Summary

Entire document

- Various spelling, grammar and format changes.
- Updated headers.
- All references to Procurement Director were changed to Chief Contracting Officer.
- Any references to “Capital Metro’s micro purchase threshold” were changed to “the Federal micro purchase threshold”.
- All entries identifying the micro purchase threshold as \$3,000 were changed to \$10,000.
- All references to Capital Metro’s Code of Conduct were changed to Code of Ethics.
- All references to President/CEO were changed to President & CEO.

Chapter I

- Sec. I-1, paragraph 1 – Added references to utilizing SBEs for locally-funded procurements
- Sec. I-1, paragraph 2 – Added and updated references to governing legislations.
- Sec. I-1, paragraph 5 – Split a bullet that implied that Micro and Small purchases were the same procurement method.
- Sec. I-5, 5.1 – Added a bullet for Training and changed a bullet from “Build Greater Austin program payments” to “Interlocal Agreements”.
- Sec. I-7 – Added information regarding the FAST Act and cooperative purchases.

Chapter II

- Entire chapter – renumbered sections where needed.
- Sec. II-2 – Removed reference to redundant report.
- Sec. II-3, last paragraph – Removed reference to redundant procedure.
- Sec. II-4 – Expanded paragraph on corrective and disciplinary actions and reworded offense level names
- Sec. II-5, first paragraph – Clarified procurement processes for transit vehicle purchases.
- Sec. II-5, third paragraph – Added language for new requirements that federally-funded transit vehicles must receive a passing score from the Altoona test facility.
- Sec. II-5, last two paragraphs – Added clarifications for contract term limits for rolling stock and rail vehicles.
- Sec. II-10, sec. 10.1 – Expanded descriptions of fixed-price and cost-reimbursement contracts.
- Sec. II-14 – Clarified title
- Sec. II-15 – Added section on State Contracts.
- Sec. II-19 – Added section on Cost Principles.
- Sec. II-20 – Added section on GSA Schedules.
- Sec. II-21 – Added section on Sub-Recipient Oversight.
- Removed section on Governing Publications, as pertinent cites are made in-line in the document.

Chapter IV

- Pg. 1, Introduction – Deleted obsolete directory, inserted generalized directory reference.

Chapter V

- Renumbered sections

Chapter VI

- Sec. VI-2 – Added subsection 2.4 outlining the process for the award of unsolicited proposals.
- Sec. VI-3 – Clarified section name and updated approval levels.

Chapter VII

- Entire chapter – renumbered sections where needed.
- Sec. VII-4 – Added paragraph regarding cost justifications for change orders.
- Sec. VII-5 – Added section on Advance Payments.
- Sec. VII-6 – Added section on Progress Payments

Chapter VIII

- Sec. VIII-3 – Added paragraph 2.
- Sec. VIII-3 (a), (b), (c), and (d) – Combined subsections 2 and 3, as they are either/or instead of steps in hierarchy.
- Sec. VIII-5 – Reduced reporting time to member units from ten days to five. Adjusted wording to state that the items would go up for auction concurrent to the member unit offer, rather than after.
- Sec. VIII-6 – Reduced reporting time to member units from ten days to five. Adjusted wording to state that the items would go up for auction concurrent to the member unit offer, rather than after.
- Sec. VIII-8 – Renamed section.


	<p>Acquisition Policy Table of Contents PROC – 100.00</p> <p>Director, Procurement</p>	<p>Issued: December 1998 Revised: <u>May 2017</u><u>January 2020</u></p> <p>Approved by: Board of Directors</p>
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	<p>Acquisition Policy Chapter I PROC – 100.01</p> <p>Director, <u>Procurement Chief</u> <u>Contracting Officer</u></p>	<p>Issued: December 1998 Revised: <u>May 2017</u> <u>January 2020</u></p> <p>Approved by: Board of Directors</p>
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OVERVIEW POLICY

I-1 INTRODUCTION

The Acquisition Policy of Capital Metropolitan Transportation Authority (Capital Metro) is designed to set forth the minimum standards for processing third party contracts. These policies are furnished to ensure that materials and services are obtained timely, efficiently, and economically, adhering to principles of good administrative practices and sound business judgment, utilizing Disadvantaged Business Enterprise (DBE) firms (for federally funded procurements) and Small Business Enterprise (SBE) firms (for locally funded procurements) as an integral part of the process.

All procurement transactions, except micro purchases as defined herein, shall be conducted in a manner that provides for maximum competition consistent with 2 CFR 200.317 through 200.326 (Super Circular), and FTA Circular 4220.1F, "Third Party Contracting Requirements," Department of Transportation 49 CFR Part 18 and 26, and the Capital Metro Employees' Code of Conduct Ethics, as in effect at any given time.

Contracts outside the scope of third party contracting include, but are not limited to, employment contracts, real estate contracts and intergovernmental agreements. When possible, Capital Metro will purchase common goods and services using available Interlocal Cooperation Contracts and Agreements. Capital Metro is responsible for assuring that each of its sub-recipients complies with the applicable requirements and standards of 2 CFR 200.317 through 200.326 and FTA Circular 4220.1F, as in effect at any given time, and that each of its sub-recipients is aware of the Federal statutory and regulatory requirements that apply to its actions as a sub-recipient.

Capital Metro will not implement any procurement practices, which give in-state or local geographical preferences in the evaluation of bids or proposals, except in those cases where Federal statutes expressly mandate or encourage geographic preference. This does not preempt State licensing laws.

Capital Metro policy recognizes five ~~four~~ basic procurement methods:


1. Micro Purchases (below the Federal Micro Purchase Threshold set forth in 41 U.S.C. § 1902, as in effect at any given time ("the Micro Purchase Threshold")) (see Chapter III); and

Commented [AE2]: Title 2 CFR part 1201 supersepeals the requirements of the DOT Common Rule part 18—Uniform Administrative Requirements for and Cooperative Agreements to State and Local Governments and 49 CFR part 19—Uniform Administrative Requirements—Uniform Administrative Requirements Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations except that grants and cooperative agreements executed prior to December 26, 2014, shall continue to be subject to 49 CFR parts 18 and 19 as in effect on the date of such grants or agreements.

Commented [CL3]: 41 U.S.C. Section 1902(a)(1) Except as provided in paragraph (2) of this subsection, for purposes of this section, the micro-purchase threshold is \$10,000.

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Small Purchase (~~from exceeding~~ the Federal Micro Purchase Threshold to \$50,000.00) (see Chapter III); □

2. Procurements (Chapter III); □

3. Sealed Bids (greater than \$50,000.00) (see Chapter IV); □

4. Competitive Proposals (greater than \$50,000.00) (see Chapter V); and □

5. Non-competitive Proposals (see Chapter VI). □

These methods encompass every type of third-party contract currently utilized in procuring goods, services, equipment, and construction for Capital Metro through local funds or Federally assisted programs or projects. A procedure has been developed for each method from inception of a project to its close out. Particular emphasis has been placed on certain aspects of the procurement process where warranted by the importance of the subject matter.

All Procurement transactions must be conducted in a manner that allows for full and open competition. Contracts with a value of \$50,000.00 or more shall be awarded by sealed bid or competitive negotiation. The following practices are deemed restrictive of competition:

- Unreasonable requirements placed on firms ~~in order for them to~~ qualify to do business; □
- Unnecessary experience and excessive bonding requirements; □
- Noncompetitive pricing practices between firms or among affiliated companies; □
- Noncompetitive awards to any person or firm on retainer contracts; □
- Organizational conflicts of interest; □
- Restrictive use of brand names; □
- Any arbitrary action in the procurement process; and □
- Geographic preferences (unless mandated). □

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I-2 VENDOR CONTACTS AND RELATIONS

The importance of demonstrating constant and attentive sensitivity to ethics policies cannot be overemphasized. Employees shall avoid any conduct which may give reasonable basis for the impression that any person can improperly influence official acts or actions. Employees shall avoid compromising or culpable acts, including any action that gives the appearance of improper influence or personal conflict of interest.

To avoid misunderstandings with vendors and contractors, the following guidelines shall govern Capital Metro contacts with vendors /or contractors:


2.1 Contacts Prior to Issuance of a Solicitation (IFB or RFP)

Informational and market research contacts with prospective vendors or contractors are a valuable source of data to Capital Metro. These contacts must be guided by the exercise of good judgment. The primary pitfalls to be avoided are promises or implications of a future contract and requests for substantial complimentary goods or services, which may create the impression of an obligation on the part of Capital Metro. Some specific services or assistance from potential vendors, which should be avoided, ~~are~~include, but are not limited to:

- Testing services; ☐
- ☐
- Custom drawings; ☐
- ☐
- Special investigations; ☐
- ☐
- Demonstrations; ☐
- ☐
- Furnishing significant samples; and ☐
- ☐
- Free trips to view products ☐

If any of the above are required, coordinate the contact with the Procurement Department. A Vendor Disclaimer Form, ~~or~~ Demonstration Agreement, or other form or agreement must be obtained from the Legal Department by the Project Manager to protect Capital Metro and the Contractor.

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2.2 Contacts During Solicitation, Evaluation, Negotiation, and Award Process

All contacts with vendors or contractors that relate to procurement that are in the solicitation, evaluation, negotiation, and award phase must be conducted through the Procurement Department. The Procurement Department will direct technical questions, such as those relating to "approved equivalents," to the Project Manager for evaluation.

The only exception to the above policy is that Disadvantaged Business Enterprise (DBE) questions or issues must be directed to the DBE Office.

Employees should not volunteer any information to a vendor concerning his product, the product of a competitor, or the workings of Capital Metro.

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2.3 Acceptance of Gratuities

Invitations received from vendors or potential contractors for business lunches, dinners, or parties should be politely refused, noting that it is the policy of Capital Metro to avoid any situation that might give the appearance of improper influence.


Any offer of gratuities should be tactfully refused.

Any calendars, note pads, or similar items of nominal value received from vendors containing commercial advertising should not be used for Capital Metro business or displayed in the Procurement Department.

I-3 CONTRACTOR CLAIMS

Contractor claims must be submitted to the ~~Procurement Director~~Chief Contracting Officer in accordance with the Disputes provision of the contract. Any contractor claim shall be accompanied by a certification that:

- The claim is made in good faith,
- Supporting data are accurate and complete to the best of the contractor's knowledge and belief; and

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- (c) The dollar amount requested accurately reflects the contract adjustment for which the contractor believes Capital Metro is liable.

If the contractor is an individual, that individual shall execute the certification. If the contractor is not an individual, the certification shall be executed by:

- (a) A senior company official in charge at the contractor's plant or location involved; or
- (b) An officer or general partner of the contractor having overall responsibility for the conduct of the contractor's affairs.

I-4 ORGANIZATIONAL CONFLICTS OF INTEREST

4.1 Detailed Content

An organizational conflict of interest occurs when the type of work to be performed may, without some restrictions on future or follow-on activities, result in an unfair competitive advantage or impair the contractor's objectivity in performing the contract work.

- (a) When specifications and scope of work are prepared, it may identify the possibility that a firm:

- May have a competitive advantage because of prior work done (e.g. designed the information system to be installed). □
- May have a bias performing the work because of prior work done or future interests of the firm (e.g. a firm proposing to provide legal representation and advice for construction claims has a major local construction firm as a long-term client). □


- May have a competitive advantage in future or follow-on work as a result of the contract to be awarded (e.g. in a preliminary engineering procurement, many firms may wish to propose on the preliminary engineering work that also wish to propose on final design work of the same facility).

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(b) If a situation as described above is identified, the firm's eligibility for the contract should be restricted. If such a situation exists, the firm should be restricted from performing both contracts, i.e. require the firm to choose in advance whether, by offering to perform the work at hand, it wants to restrict itself from the second contract.

(c) Many procurements have the potential of organizational conflict of interest, but they are more likely to occur in contracts involving:

- Management support services
- Consultant or other professional services, particularly preparation of plans, designs, or specifications for further work or products
- Contractor performance of, or assistance in, technical evaluations
- Systems engineering and technical work performed by a contractor that does not have overall responsibility for development or production
- Legal and accounting services □

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4.2 General Rule

The following general rule prescribes limitations on contracting as the means of avoiding, neutralizing or mitigating organizational conflicts of interest that might otherwise exist in the stated situations. Each individual contracting situation should be examined on the basis of its particular facts and the nature of the proposed contract. The exercise of common sense, good judgment and sound discretion is required in both the decision on whether a significant potential conflict exists and, if it does, the development of an appropriate means for resolving it.

The underlying principle is Contractors that develop or draft specifications, requirements, statements of work, and invitations for bids or requests for proposals must be excluded from competing for such procurements.

By following this general rule, it assists in preventing the existence of conflicting roles that might bias a contractor's judgment and preventing unfair competitive advantage.

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I-5 NON-PROCUREMENT PURCHASES

There are instances where goods or services are not processed through the Procurement Department; however, the Procurement Department may set up Contract Purchase Agreements for these goods or services to track expenditures on an annual basis. Contract Purchase Agreements may be set up to track funding for any type of income or expense agreement.


Certain expenses are routinely incurred without the issuance of formal purchasing documents.

5.1 Items-Expenses that do not require a Purchase Order or Purchase Agreement:

- Payroll account reimbursement, tax withholding payments, and all associated benefit payments. ☐
- Claim settlements. ☐
- Real property settlements and Escrow payments. ☐
- Periodic vendor payments under established leases. ☐
- Licenses and permits. ☐
- Subscriptions and publications ☐
- Conference and seminar registration fees. ▲
- Training☐
- Organizational and professional membership dues. ☐
- Refunds (returns of bid deposits, overpayment of bus passes, etc.) ☐
- Reimbursement of petty cash. ☐
- Freight bills and/or courier service. ☐

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- Official Capital Metro newspaper advertisements by Marketing, Community Relations, Procurement, Personnel, and/or Legal. □
-
- Travel advances and employee reimbursements. □
-
- Replenishment of postage meters. □
-
- ~~Build Greater Austin program payments~~ Interlocal Agreements. □
-
- Utilities. □
-
- Sub-recipients. □
-
- Insurance Premiums. □


I-6 **PREQUALIFICATION**


Capital Metro does not maintain a prequalification program.

I-7 **ENSURING MOST EFFICIENT AND ECONOMIC PURCHASE**

Departments, during their annual budget process, should determine the procurement actions necessary to sustain their operations through the fiscal year. A list of these procurement actions should be forwarded to the Procurement Department annually. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase and to avoid purchase of unnecessary or duplicative items. Where appropriate, an analysis will be made of lease versus purchase alternatives and any other appropriate analysis to determine the most economical approach. Capital Metro considers various procurement sources to ensure economical purchases including, but not limited to DIR, HGAC, TXMAS, TCPN and Buy Board. □ Additionally, in accordance with Section 3019 of the Fixing America's Surface Transportation (FAST) Act, Section 3019as in effect at any given time, Capital Metro can may purchase from:

- Another State's cooperative procurement contract.
- Cooperative procurement contracts which are purchasing schedules between a state or eligible nonprofit with one or more vendors for rolling stock.

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PROCUREMENT REQUIREMENTS POLICY

II-1 DELEGATION OF PROCUREMENT AUTHORITY

1.1 Board Authority


Chapter 451 of the Texas Transportation Code provides that the Board of Directors shall have authority and responsibility to advertise, enter into, and amend contracts for the purchase or lease of materials or services through competitive bidding. It also authorizes the Board of Directors to adopt rules governing its procurement policy.

1.2 ~~President/CEO~~ President & CEO Authority

The Board of Directors hereby authorizes and delegates to the ~~President/CEO~~ President & CEO or his/her designee, identified by signed Certificate of Appointment, the authority and responsibility to:

- Approve and execute all purchase requisitions. ☐
- Advertise and/or issue solicitation documents (RFQs/IFBs/RFPs/SOQs). ☐
- Issue solicitation documents (RFQs/IFBs/RFPs/SOQs) and execute contract instruments for consumable items which are considered basic requirements in support of Capital Metro's day-to-day transit operations such as supply agreements for bus parts, supplies, petroleum products, tickets, and passes, regardless of the dollar amount. ☐
- Approve and execute purchase orders and contract instruments awarded under Capital Metro's micro and small purchase procedures. ☐
- Execute contracts or options to contracts resulting from Invitation for Bids (IFB), Request for Proposals (RFP) and Statements of Qualifications (SOQ) which do not exceed the ~~federal simplified acquisition~~ \$150,000 threshold per year for services, the construction of improvements, or purchase of material, machinery, equipment, supplies and all other property, except real property. Any modification to the contract that causes the contract amount to exceed the ~~federal simplified acquisition~~ threshold in any year of the contract shall require Board approval. ~~The federal simplified acquisition threshold is currently \$150,000. The threshold for Buy America compliance is \$150,000. See 49 U.S.C. 5323(i)(13). The President/CEO is required to notify the Board of any future changes to this threshold.~~
- Approve and execute contracts resulting from non-competitive procurements and unauthorized procurement actions that do not exceed the ~~federal simplified acquisition~~ \$150,000 per year threshold.

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- Approve and execute modifications to Board approved contracts which individually, or in combination, cannot exceed \$150,000 or a Board approved contingency.
- Approve and execute contracts, modifications, or change orders in case of emergency, which shall mean cases where postponement of the action until the next scheduled meeting of the Board of Directors will result in loss of property, danger to life or health, or major adverse effect on transit service, provided that the ~~President/CEO~~ President & CEO shall request ratification of each action under this emergency provision at the next meeting of the Board of Directors. □
- Approve and execute settlements of contractual claims against Capital Metro in an aggregate amount not to exceed \$150,000.00 per claimant. □

□

II-2 REPORTING REQUIREMENTS

The ~~Director of Procurement~~ Chief Contracting Officer shall report monthly all awards between the amount of \$100,000 - \$150,000 to the Finance, Audit and Administration Committee. □

Any Contract modification above the ~~President/CEO~~ President & CEO's delegated procurement authority or the original Board approved risk-based contingency will require subsequent Board approval.


~~The Board of Directors will be kept informed of open Procurement activities through the President/CEO's Open Procurement Project List at a level of detail and frequency satisfactory to the Board. □~~

II-3 PURCHASE REQUISITIONS

The Procurement Department is responsible for all soliciting, purchasing and associated contracting activities in support of Capital Metro.

Capital Metro staff shall follow sound procurement and contract administration practices that ensure timely delivery of materials and services, promote greater economy and efficiency and adhere to prudent business principles.

There will be no procurement action taken until a properly executed Purchase Requisition (PR) and any required backup documentation is received by the Procurement Department. Requestors shall be trained by the Procurement Department on their specific responsibilities. The individual requesting the PR is responsible for the accuracy and adequacy of information supporting the request. PRs should be submitted early enough to have a purchase order or contract prepared, reviewed, and issued in time for the material or service to be obtained when needed. The requestor will be responsible for assuring that all advance preparations are made so that total PR

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processing time is expeditious. Incomplete PRs will be returned to the user department. PRs that contain incomplete information upon arrival in the Procurement Department will be returned to the originator for clarification prior to procurement action. PRs will not be accepted and processed for solicitation by the Procurement Department until the specifications or scope of work are adequate to provide clear communication to the bidders or offerors. Purchase requisitions over the micro purchase threshold must have an independent cost estimate.

The Grants Accountant (Finance) and the Budget Office must approve all Purchase Requisitions for FTA-funded procurements. The Chief Financial Officer and the ~~President/CEO~~ President & CEO must approve, regardless of the dollar value, any Purchase Requisition which is not within approved budgets; that is, where the financial availability is dependent on future budget changes or amendments.

Changes to the PR will not be made by the Procurement Department without notification to the department. If the department desires to make any change in estimated dollar amount or scope of work to the PR subsequent to submittal to the Procurement Department, the person making the change must obtain the approval of other required signatories of the PR. ~~This approval may be in the form of initialing the change or by preparing a new PR and voiding out the old.~~

II-4 UNAUTHORIZED PROCUREMENT ACTIONS


When persons acting outside the established limits of procurement authority direct, instruct, order, or request a person to do something for, or on behalf of, Capital Metro without a purchase order, contract, contract modification, or formal change order, they are creating an unauthorized procurement action. Capital Metro may not be bound by the unauthorized procurement acts of individuals who have not been delegated procurement authority. Unauthorized procurement actions may include any of the following:

- (a) ~~_____~~ The outright purchase of an item by an employee outside the Procurement
(a) ~~_____~~ Department.
- (b) Placing orders against expired contracts, blanket purchase agreements or blanket purchase orders.
- (c) Placing orders in excess of the “not-to-exceed” value of a variable quantity contract, blanket purchase agreement or blanket purchase order. Note that our fiscal year “budget” and the contract “not-to-exceed” values are not necessarily synonymous.

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(d) Directing changes to the scope of the contractor's work under the Contract without express, written, or delegated authority. Changes could be:

- requiring additional work; ☐
- deleting work; ☐
- requesting quantities in excess of or less than those specified; ☐
- "trading-off" item A for item B. ☐

☐ or ☐

- changes to the contractual terms and conditions; ☐
- requiring acceleration or deceleration of the work schedule; ☐
- promising to pay sooner than called for in the contract; ☐
- promising to pay more than the specified amounts. ☐

(e) Changing the Nature or Quality of the Goods, Services or Construction.

- Directing the vendor to perform work outside of the original intent of the contract. ☐
- Allowing substitutions of brand- -named items other than those specified in the agreement. ☐

The President & CEO may reduce the department's budget by the amount of the inappropriate purchase amount or procurement action when a violation involves an amount exceeding the micro purchase threshold. The President & CEO may make a determination whether an employee will be required to pay Capital Metro for the amount of the violation. The President & CEO may delegate to the Chief Contracting Officer authority to approve unauthorized procurement actions that are less than \$50,000.00.


An unauthorized procurement action may result in the employee authorizing the action being personally liable and making payment to the vendor for the goods or services procured, the vendor absorbing any losses, or ratification for the unauthorized procurement action.

In the event of an unauthorized procurement action, corrective or disciplinary action may be initiated against the employee charged with undertaking the unauthorized procurement action, up to and including termination. The severity of the disciplinary action shall be commensurate with the severity of the action taken. The employee's supervisor shall consult with the Chief Contracting Officer in assessing the severity of

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the unauthorized action and the Department of People and Culture for compliance with applicable disciplinary policies. Factors to be considered in determining the severity of the action taken and the appropriate disciplinary action may be:

- The dollar value of the adverse effect of the action
- Whether this is the first unauthorized procurement action of the employee
- Whether the action was knowing or unintentional
- Whether the action subjected the Authority to operational or financial risk
- Reputational impact of the action or creation of an appearance of conflict of interest

~~The President/CEO may reduce the department's budget by the amount of the inappropriate purchase amount or procurement action when a violation involves an amount exceeding the Federal Micro Purchase Threshold. The President/CEO may make a determination whether an employee will be required to pay Capital Metro for the amount of the violation. The President/CEO may delegate to the Procurement Director authority to approve unauthorized procurement actions that are less than \$50,000.00.~~

~~The following classes of behavior provide general descriptions of activities which usually warrant a certain degree of disciplinary action for an offense. Actions are cumulative across levels. These examples are shown for illustrative purposes only and are not inclusive of every offense that may result in disciplinary action (i.e. changing the delivery address is a minor, moderate or major offense depending on the dollar amount of the order).~~

~~(a) — Examples of actions with a lower impact to Capital Metro may be:~~Level I — Minor Offenses

- ~~Any action in which the adverse effect is less than Capital Metro's the Federal Micro Purchase Threshold. □~~
- Authorizing bidder or vendor to begin work prior to receipt of a purchase order, contract, or contract notice to proceed. □
- Authorizing substitution without prior written approval by the Procurement Department. □
- Outright purchase of an item outside the Procurement Department that is not an emergency purchase. □
- Changing the delivery address without modification to the purchase order or

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• contract. □

□

~~(b)~~ Examples of actions with a moderate impact to Capital Metro may be: ~~Level II – Moderate Offenses~~

- Any action in which the adverse ~~ea~~ffect is from ~~Capital Metro's~~the Federal Micro Purchase Threshold to less than \$50,000.00. □
- Repeat of the same minor offense within one year. □
- Changing the scope of work without a contract modification. □
- Placing orders against expired contracts or purchase orders. □
- Directing the vendor to perform outside the original intent of the contract. □
- Promising to pay sooner than called for or to pay more than the amount specified. □
- Agreeing to change the terms and conditions of the contract without the Procurement Department's written modification. □

~~(e)~~ Examples of actions with a severe impact to Capital Metro may be: ~~Level III – Major Offenses~~

- Knowingly committing an unauthorized procurement action which has an adverse effect of \$50,000.00 or more, or significantly affects public image.
- Repeat of the same moderate offense within one year.
- Falsification of any documents submitted to the Procurement Department.
- Failure to disclose a known or potential organizational conflict of interest.
- Inappropriate discussion of proposals or their evaluation prior to award of a contract.


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II-5 TRANSIT VEHICLE PURCHASES

Capital Metro will utilize a competitive procurement process (sealed bid or request for proposal, state purchases or co-ops) for procurement of transit vehicles.

Transit Vehicle Manufacturer (TVM) Certification requirements state that all bidders or proposers on transit vehicles purchased with FTA funds for the primary purpose of public

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transportation (this includes large buses, small buses, and vans) must certify compliance with Section 23.67 of DOT Minority Business Enterprise Regulation (49 CFR Part 26, Subpart D). Vehicles purchased for use as support (non-revenue) vehicles rather than for transport of passengers are excluded. The threshold for Buy America Compliance is \$150,000. See 49 U.S.C. 5323(j)(13).

Capital Metro ~~cannot may not~~ purchase or lease a new ~~model bus model with any using~~ FTA grant funds (including amendments) unless approved by FTA ~~the bus model is tested at the Altoona test facility and receives a passing test score as required by and in accordance with after September 30, 1989, unless such model bus has been tested at the Altoona test facility (49 CFR Part 665).~~ Effective October 31, 2016, the effective date of the revision to 49 CFR Part 665, Capital Metro must ensure that the bus models submitted to Altoona following the effective date received a passing score before FTA funds can be spent on that vehicle as in effect at any given time.

Capital Metro must complete a pre-award audit in compliance with 49 CFR Part 663, as in effect at any given time, prior to contracting for the purchase of revenue service rolling stock with FTA funds. Capital Metro must also complete a post-delivery audit prior to final acceptance in accordance with 49 CFR Part 663.

The Contract term limit for rolling stock purchases is five (5) years, inclusive of options. This term limit does not apply to delivery of the vehicles.

The Contract term limit for rail vehicles is seven (7) years, inclusive of options. This term limit does not apply to the delivery of the vehicles.

II-6 BUY AMERICA CERTIFICATION REQUIREMENT FOR STEEL AND MANUFACTURED PRODUCTS

-If steel or manufactured products (as defined in 49 CFR 661.3 and 661.5, as in effect at any given time) are being procured, the appropriate certificate as set forth in 49 CFR 661.6 shall be completed and submitted by each offeror in accordance with the requirement contained in 49 CFR 661.13(b). The threshold for Buy America Compliance is \$150,000. See 49 USC 5323 (j)(13).

II-7 BUY AMERICAN CERTIFICATION REQUIREMENT FOR STEEL, IRON AND MANUFACTURED PRODUCTS

If steel, iron, and manufactured products as defined in 41 USC 8302 and 48 C.F.R. § 25.001 are procured using certain federal funds, the appropriate certificate of compliance shall be completed and submitted by each offeror.

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II-8 EMERGENCY PURCHASES

Except under emergency situations, only authorized members of the Procurement Department may obligate Capital Metro to incur costs for the purchase of goods and services. Any other commitments are informal and expose whoever makes such a commitment to personal liability for costs thereby incurred. Genuine emergencies may arise at times when established purchasing procedures cannot be followed and non-Procurement Department personnel may be required to obligate Capital Metro to incur costs. To avoid unauthorized procurement actions, refer to Capital Metro Emergency Response Plan for specific details.

During normal business hours, the Procurement Department **MUST** be contacted before taking emergency action which obligates Capital Metro.


After normal business hours, the personnel making the emergency purchase should attempt to obtain quotes to the extent practicable within the time available to resolve the emergency. A PR must be submitted to the Procurement Department the next working day following the emergency procurement. The requisition shall include an Emergency Purchase Justification Form (PRO Form EPJ) containing an explanation of the emergency, why it could not have been anticipated, rationale for the selection of the awarded vendor, and a statement that the price is fair and reasonable, to include how the price fair and reasonable determination was made.

In all instances, efforts shall be made to obtain DBE participation. Emergency purchases of \$50,000.~~00~~ or more require the signature and approval of the department's assigned Executive Vice President and the President/CEO~~President & CEO~~ on the Emergency Purchase Justification Form when it is submitted to the Procurement Department.

II-9 TECHNICAL SPECIFICATIONS AND STATEMENTS OF WORK

Technical Specifications and Statements of Work for either sealed bid or competitive proposal procurements shall describe accurately and in clear, concise language the technical requirements to be met by a contractor in satisfying Capital Metro's needs. These documents shall be in a format that describes, in logical steps, the complete service or item to be delivered for each milestone of the total requirement from inception to 100% completion.

Specifications/requirements shall not be slanted toward any particular prospective contractor. Descriptive literature from one prospective contractor shall not be used as the sole basis for writing specifications/requirements. Descriptions shall not contain features that unduly restrict competition.

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Solicitations of offers for professional services shall clearly and accurately set forth all requirements which the offerors must fulfill, including the factors to be used in evaluating the bids or proposals.

Work to be done on or to Capital Metro property requires contractor insurance. Risk Management will provide insurance requirements based on specific contractor tasking.

II-10 CONTRACT TYPES AND OPTIONS

10.1 Contract Types

There are two basic contract types: the fixed-price type and the cost type. The fixed-price type is the only type of pricing arrangement that can be used in sealed bid procurements. In negotiated procurements (RFPs), either the fixed-price or the cost type contract can be used. The primary difference between the two contract types is risk.

A fixed-price contract provides for a price that is not subject to any adjustment on the basis of the contractor's cost experience in performing the contract. This contract type places upon the contractor maximum risk and full responsibility for all costs and resulting profit or loss. It provides maximum incentive for the contractor to control costs and perform effectively and imposes a minimum administrative burden upon the contracting parties.

Cost-reimbursement types of contracts provide for payment of allowable incurred costs, to the extent prescribed in the contract. These contracts establish an estimate of total cost for the purpose of obligating funds and establishing a ceiling that the contractor may not exceed (except at its own risk) without the approval of the contracting officer.

- ~~• In the fixed-price type, the risk of performing the contract for lump-sum price falls on the contractor. If there is an unanticipated cost overrun, the contractor, not Capital Metro, must pay for it. □~~
- ~~• In the cost type, the burden of risk falls on Capital Metro, who must not only pay the contractor a guaranteed fee, but must pay costs whether they exceed or fall short of original estimates. □~~


Capital Metro shall not use a cost-plus-a-percentage-of-cost contract. Such contracts are prohibited by law where Federal funds are utilized and by Capital Metro Policy where local funds are used.

Time and Materials contracts are restricted. The Common Grant Rule for governmental recipients permits the use of time and materials contracts only:

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- (a) After determining that no other contract type is suitable; and
- (b) If the contract specifies a ceiling price that the contractor may not exceed except at its own risk.

The Procurement Department will determine which contract type is most appropriate for each specific procurement.

10.2 Federal Restrictions on Contract Term


Except for procurements of rolling stock and replacement part contracts, which are limited by law to five (5) years, and seven (7) for rail vehicles, the other third party contracts (such as property, services, leases, construction, revenue, and so forth) are not encumbered by Federal requirements restricting the maximum periods of performance. Nevertheless, the duration of the other contracts must be reasonable.

10.3 Contract Options

A contract option is a unilateral right in a contract by which, for a specified time, Capital Metro may elect to purchase additional equipment, supplies, goods or services called for by the contract, or may elect to extend the term of the contract. 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 the options will be considered a sole source procurement. Capital Metro must ensure that the exercise of an option is in accordance with the terms and conditions of the option stated in the initial contract award.

In recognition of Capital Metro's needs in certain service contracts for continuity of operations and the potential cost of disrupted support, options may be included in service contracts if there is an anticipated need for continued service beyond the first contract period and competition is infeasible.

Capital Metro may exercise an option only after making a written determination, signed by the Project Manager, the department's assigned Vice President and/or Executive Staff member Vice President, and Procurement Director Chief Contracting Officer and placed in the contract file, that the exercise of the option is the most advantageous method of fulfilling Capital Metro's needs, considering price and other factors.

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II-11 PERSONAL SERVICES CONTRACTS

A Personal Services Contract is a contract that, by its express terms and as administered, makes the Contractor personnel appear to be, in effect, Capital Metro employees. A Personal Services Contract is characterized by:

- (a) The employer-employee relationship it creates between Capital Metro and the Contractor's personnel;
- (b) Relatively continuous supervision and control by a Capital Metro Manager;
- (c) Contract performance is accomplished at a Capital Metro facility;
- (d) Principal tools, equipment, goods, supplies, and administrative support is provided by Capital Metro;
- (e) The services are applied directly to the integral effort of Capital Metro in furtherance of an assigned function or mission;
- (f) Comparable services to meet the needs are not expected to last beyond one year; and,
- (g) The inherent nature of the service, or the manner in which it is provided, reasonably requires, directly or indirectly, Capital Metro direction and supervision of contractor employees in order to:
 - Adequately protect Capital Metro's interest; □
 - Retain control of the function involved; or, □
 - Retain full personal responsibility for the function supported by a duly authorized Capital Metro officer or employee. □
- (h) Personal Services Contractors shall be selected on a competitive basis except when competition is not required or is waived pursuant to non-competitive procurement guidelines.

11.1 ~~President/CEO~~President & CEO Approval

The ~~President/CEO~~President & CEO must approve the use of a Personal Services Contract prior to solicitation. The ~~President/CEO~~President & CEO must also approve any modifications to a Personal Services Contract.

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11.2 Reason for Use of Personal Services Contracts

Personal Services Contracts may be considered when one or more of the following factors apply:


- Requirement of special expertise or unusual qualifications.
- Nature, magnitude, or complexity of services required.
- Capital Metro lacks the resources, support staff, specialized facilities, or equipment.
- Lower cost.
- Short-term need for the services.
- Infrequent need for the services.
- Emergency requirements.

11.3 Requirements for Selection

The following are the requirements to be followed for selection of contractors for personal services:

- The user department requiring the services shall prepare a PR containing a description of the services, the reason why they are required, and the required or estimated schedule or duration of the services. □
- The Procurement Department will prepare and advertise the Request for Proposal (RFP) as appropriate for the dollar value of the contract. DBE will review the requirement for DBE/SBE participation, if appropriate. □
- The RFP shall describe the services to be performed; any completion dates or time requirements; DBE/SBE requirements, if applicable; and the criteria to be utilized by the Evaluation Committee in evaluating proposals. It shall also contain a requirement for a cost proposal and the date, time, and place when proposals must be received. □
- The Evaluation Committee will evaluate proposals using the stated evaluation criteria and recommend one or more proposers with which to negotiate. A recommendation shall be made to award a contract to the proposer(s) whose proposal(s) will be the most advantageous to Capital Metro, the price, qualifications, and other factors considered, using the evaluation criteria as the basis for the decision. □

11.4 Personal Services Versus Temporary Employees

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Temporary employees perform work that would ordinarily be done by regular staff. Temporary employees can fill positions for projects where the Board has approved staffing costs. Temporary employees can also be hired to assist in a work overload situation where a Capital Metro employee could perform the task if there were time.

II-12 OTHER CONTRACT TYPES

12.1 Revenue Contracts

A revenue contract is a contract in which the recipient or subrecipient provides access to public transportation assets for the primary purpose of either producing revenues in connection with an activity related to public transportation, or creating business opportunities with the use of FTA assisted property. Capital Metro has broad latitude in determining the extent and type of competition appropriate for a particular revenue contract. To ensure fair and equal access to FTA assisted property and to maximize revenue derived from such property, Capital Metro should conduct its revenue contracting as follows:

- (a) **Limited Contract Opportunities:** If there are several potential competitors for a limited opportunity then Capital Metro should use a competitive process to permit interested parties an equal chance to obtain that limited opportunity.
- (b) **Open Contract Opportunities:** If, however, one party seeks access to a public transportation asset, and Capital Metro is willing and able to provide contracts or licenses to other parties similarly situated, then competition would not be necessary because the opportunity to obtain contracts or licenses is open to all similar parties.
- (c) **Joint Development:** Joint Development is when a public transportation agency forms a partnership with the private sector in order to promote real estate development in and around transit facilities, which is often referred to as “joint development.” Although FTA joint development projects are primarily a means to provide private capital to transit projects, joint development projects combine aspects of federally assisted construction and revenue contracting. If a contract between Capital Metro and a third party involving a joint development project is not a construction contract or a revenue contract as defined in FTA Circular 4220.1F, then that contract is not covered by FTA’s third-party contracting provisions. Nevertheless, even in situations not covered by the third-party contracting provisions, FTA generally favors full and open

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competition. Joint Development is a function of Capital Metro's Real Estate Department.


12.2 Design/Bid/Build

It has been traditional in the construction industry to employ an architect/engineer (A/E) to complete a detailed design of the entire project before soliciting bids from construction contractors. This traditional approach is known as sequential design and construction. This sequential design/construction approach requires that a detailed design package of the entire project be complete before bids are solicited from construction contractors. Following award of the construction contract, the A/E is often retained by the owner for the construction phase, and acts as the owner's agent, to inspect the construction work to ensure that the structures are built according to the designs and specifications.

12.3 Design-Build

The design-build procurement method consists of contracting for design and construction simultaneously with contract award to a single contractor, consortium, joint venture, team, or partnership that will be responsible for both the project's design and construction. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) expressly authorizes the use of FTA capital assistance to support design-build projects "after the recipient complies with Government requirements," 49 U.S.C. Section 5325(d)(2). Capital Metro must follow Chapter 2269 of Texas Government Code for all Design-Build projects.

- (a) **Construction Predominant:** The construction costs of a design-build project are usually predominant so that the recipient would be expected to use competitive negotiations or sealed bids for the entire procurement rather than the qualification-based Brooks Act procurement procedures or Texas Professional Services Act.
- (b) **Design Services Predominant:** When cost of most work to be performed will consist of costs for architectural and engineering, program management, construction management, feasibility studies, preliminary engineering, design, architectural engineering, surveying, mapping, or related A&E services, Capital Metro must use qualifications-based procurement procedures based on the Brooks Act or Texas Professional Services Act.
- (c) **Public-Private Partnerships:** A Public-Private Partnership (PPP) is a formal contractual arrangement between Capital Metro and one or more private partners establishing a mechanism for procuring property and

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services under which the private sector assumes some of the public sector's customary role in planning, financing, design, construction, operation, and maintenance.

PPPs may use the following types of contracting delivery arrangements or project delivery systems including, but not limited to:

- Design-Build,
- Design-Build with a Warranty,
- Construction Manager at Risk,
- Design-Build-Operate-Maintain,
- Design-Build-Finance-Operate,
- Build-Operate-Transfer,
- Build-Own-Operate, and
- Full Delivery or Program Management.


For a description of these types of PPPs, see FTA "Notice of establishment of Public-Private Partnership Pilot Program; solicitation of applications," 72 FR 2583, esp. 2584, 2585-2591, January 19, 2007.

- (d) **Value Engineering:** Value Engineering is a procedure designed to incentivize contractors to submit change proposals which reduce the cost of contract performance by promising the contractor a share of the savings. Contractors can often find less expensive ways to perform their contracts than the methods prescribed in their contract specifications. They will be reluctant, however, to propose changes which will reduce their contract price and have the effect of reducing their profit on the contract. Value engineering is a technique designed to overcome this disincentive by offering them a share of the savings resulting from their change proposals. See Part 48 of the FAR for additional details on value engineering.

II-13 IMPERMISSIBLE ACTIONS

13.1 Improper Contract Extension

A contract has been improperly expanded when it includes a larger scope, greater quantities, or options beyond the reasonably anticipated needs. A contract has also been improperly expanded when excess capacity has been added primarily to permit assignment of those contract rights to another entity.

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13.2 Cardinal Changes

A significant change in contract work (property or services) that causes a major deviation from the original purpose of the work or the intended method of achievement, or causes a revision of contract work so extensive, significant, or cumulative that, in effect, the contractor is required to perform very different work from that described in the original contract, is a cardinal change. Such practices are sometimes informally referred to as “tag-ons.” A change within the scope of the contract (sometimes referred to as an “in-scope” change) is not a “tag-on” or cardinal change. Cardinal changes are prohibited.

II-14 ACQUISITION THROUGH ASSIGNED CONTRACT RIGHTS (PIGGYBACKING)

Although FTA does not encourage the practice, Capital Metro may find it useful to acquire contract rights through assignment by another recipient. A recipient that obtains contractual rights through assignment may use them after first determining the contract price remains fair and reasonable, and the contract provisions are adequate for compliance with all Federal requirements. Capital Metro does not need to perform a second price analysis if a price analysis was performed for the original contract. Capital Metro must determine whether the contract price or prices originally established are still fair and reasonable before using those rights. Capital Metro will be responsible for ensuring the contractor's compliance with FTA's Buy America review certifications. Before proceeding with the assignment, Procurement must review the contract to be sure that the quantities do not exceed the amounts available under the contract. When piggybacking, the FTA's piggybacking checklist must be completed prior to making an award.

State contracts (DIR, TXMAS, TCPN, Buy Board, etc.) are considered piggybacking. All applicable requirements from FTA's piggybacking checklist must be completed prior to making an award to any piggyback contract.

Section 3019 of the FAST Act allows for:

- Purchase from another's States cooperative procurement contract.
- Cooperative procurement contracts which are essentially purchasing schedules between a state or eligible nonprofit with one or more vendors for rolling stock.

II-15 State Contracts

- Section 3019 of the FAST Act allows for:
 - Purchase from another's States cooperative procurement contract.


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We were told recently that we violated the requirements for piggybacking as these coop procurement master agreements did not contain minimums and maximums as required in piggybacking/IDIQ contracts. But I believe the contracts were mistakenly categorized as piggybacking/IDIQs.

A. State GSA type contracts awarded competitively benefit of all State agencies are not considered "piggybacking/IDIQ" actions and do not require minimum and maximum quantities or assignability clauses. You use these contracts if you include all FTA required conditions and certifications with your first purchase order issued under the State contract. If you are buying a product that is more expensive than the lowest offered price for that product under a competitive contract, you must document the file as to why the more expensive product must be purchased. You must also document that the State contracts were awarded with full and open competition and were not subject to geographical preferences (e.g., giving in-state vendors a bidding preference). States have such practices that are prohibited by FTA (Posted: January, 2013)

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- o Cooperative procurement contracts which are essentially purchasing schedules between a state or eligible nonprofit with one or more vendors for rolling stock.

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State contracts (DIR, TXMAS, TCPN, Buy Board, etc.) awarded competitively for the benefit of all State agencies are not considered "piggybacking/IDIQ" actions and do not require minimum and maximum quantities or assignability clauses. When using these contracts with federal funding, it must include all FTA required clauses and certifications. If buying a product that is other than the lowest offered price for that product under all State contracts, it must document the file as to why the higher priced product must be purchased. It must also be determined that the State contracts were awarded with full and open competition and were not subject to geographical preferences (e.g., giving in-state vendors a bidding preference - as some states have such practices that are prohibited by FTA).

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II-156 PROTESTS

A PROTEST MUST BE SUBMITTED TO THE PROCUREMENT DIRECTOR/CHIEF CONTRACTING OFFICER USING PROCEDURES SET FORTH IN EACH SOLICITATION.


Any interested party aggrieved or adversely affected in connection with the solicitation, evaluation, or award of a contract may file a protest with the Procurement Director/Chief Contracting Officer of Capital Metro and appeal any adverse decision to the President/CEO/President & CEO of Capital Metro. Such protest must be in writing and received in the office addressed as follows: Capital Metro, Attn: Director, Procurement Department, 2910 East Fifth Street, Austin, Texas, 78702.

If Federal funds are used on this Contract, the bidder/offeror may appeal to the Federal Transit Administration (FTA) after exhausting all administrative appeals stated above. An appeal to FTA must be received by the appropriate FTA regional or Headquarters Office within five (5) working days of the date the protester learned or should have learned of an adverse decision by the Authority or other basis of appeal to FTA. The appeal must be submitted to:

Administrator
FTA Region 6 Office
819 Taylor Street, Room 8A36 Fort
Worth, Texas 76102

Reviews of protests by FTA will be limited to:

- (1) the Authority's failure to have or follow its protest procedures, or its failure to review a complaint or protest; or

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(2) violations of Federal law or regulation.

Any protest submitted to the FTA must follow the procedures above, or it will be returned without action.

Any “interested party” is defined with respect to the following:

- (a) With respect to complaints concerning the terms, conditions or form of a proposed procurement action, any prospective bidder or offeror whose direct economic interest would be affected by the award, or failure to award a contract.
- (b) With respect to complaints concerning award decisions, only those actual bidders or offerors who have submitted a bid or offer in response to a Capital Metro solicitation and who, if their complaint is deemed by Capital Metro to be meritorious, would be eligible for selection as the successful vendor for award of the contract.


Protests directed to the terms, conditions or proposed form of procurement action must be received by the ~~Procurement Director~~Chief Contracting Officer at least five (5) working days prior to the date established for the opening of bids or receipt of proposals. Protests concerning award decisions, including bid evaluations, must be received by the ~~Procurement Director~~Chief Contracting Officer within five (5) working days after such aggrieved person knows, or should have known, of the grounds of the protest. The ~~Procurement Director~~Chief Contracting Officer will always respond to issues raised by protests involving fraud, gross abuse of the procurement process, or otherwise indicating substantial prejudice to the integrity of the procurement system.

II-167 CONTRACT AUDIT POLICY

Internal Audit, Procurement, and Finance will annually conduct a joint review and risk assessment of existing and planned contract actions. A proposed risk-based list of planned contract-related audits and/or audit services will be developed. Internal Audit will request operating budget funds annually to address jointly-identified contract risk areas.

Risk considerations include, but are not limited to:

- Contract type / solicitation requirements ☐
- Contract and/or change order (modification) amount ☐
- Use of grant funding ☐
- Management requests / urgency ☐

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Internal Audit will allocate internal and/or external audit resources to address identified high risk areas based upon availability of budget/staffing resources.

Scope

Internal and/or external audit resources can be used to perform or assist with the following contract-related activities:

- Evaluating cost proposals / pre-award audit □
- Performing cost / price analyses □
- Performing interim and/or contract close-out audits □
- Other contract areas as deemed necessary (e.g., evaluating overhead rates) □

II-178 CONTRACT BONDING POLICY

Capital Metropolitan Transportation Authority Procurement, Risk and user departments will jointly review construction, vehicle manufacturing, information technology, transportation operation and maintenance service solicitations and future contract modifications to determine if bonding requirements are appropriate, and if so, assess and determine at what levels. Each purchase will be evaluated on an individual basis as to risk and financial loss potential. This will include an assessment of a requirement for bonding to the contingency level as approved by the Capital Metro Board of Directors.

For construction or facility improvement contracts or sub-contracts, Capital Metro will adhere to Federal and State statutory bonding requirements. If Federal and State bonding requirements begin to diverge, Capital Metro bonding requirements policy will always mirror the most conservative statutory compliance requirement.

All other non-construction or non-facility improvement contracts may be reviewed if the contract price exceeds \$100,000. All other non-construction contracts or facility improvement contracts shall be reviewed if the contract price exceeds \$1,000,000.


For all identified contracts, if the value of the undelivered work exceeds the bond amount by a material amount because of contract modifications, Procurement will seek to raise the value of the bond, or if federally funded, may request a waiver from FTA. Procurement will consider cost associated with a larger bond, whether the prime has required bonds from its subcontractors, and the performance record and financial resources of the prime.

When essential to the best interests of the Authority, or as required by law, the ~~President/CEO~~ President & CEO may waive or require bonding, or may increase bonding |

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amounts on any contract or purchase in weighing the effect on cost, competition and DBE participation.

For all contract related bonds, Capital Metro will require that any and all bond dividends, rebates, and refunds be returned to Capital Metro.

Exceptions to this policy require the written authorization of the ~~President/CEO~~ President & CEO.

II-19 COST PRINCIPLES

Capital Metro shall require contractors to comply with 48 CFR, Part 31 (FAR) as in effect at any given time.

II-20 GSA SCHEDULES

Capital Metro is authorized specifically by Federal law to use a GSA Federal Supply Schedule. These uses are limited, but include:


• *Information Technology (IT)* – Section 211 of the E-Government Act of 2002, 40 U.S.C. Section 502(c)(1), authorizes State and local governments, within limits established by law, to acquire IT of various types through GSA's Cooperative Purchasing Program, Federal Supply Schedule 70.

• *Major Disaster or Emergency Recovery* – Section 502(d) of title 40 U.S.C. authorizes State and local government entities to use any GSA Federal Supply Schedule to acquire property and services in advance of a major disaster declared by the President of the United States, as well as in the aftermath of an emergency event. The State or local government is then responsible for ensuring that the property or services acquired will be used for recovery.

• *Local Preparedness Acquisition* – Section 502(c)(2) of title 40 U.S.C. authorizes State and local governments, within limits established by law, to acquire law enforcement, security and certain related items of various types through GSA's Cooperative Purchasing Program Federal Supply Schedule 84, or any amended or later version of that Federal supply classification group.

When using GSA schedules to acquire property or services in this manner, Capital Metro must ensure all Federal requirements, required clauses, and certifications (including FTA's Buy America requirements) are properly followed. Note that GSA schedules are not subject to FTA's Buy America regulations and may include manufactured products that are not eligible for FTA funds. In these cases, Capital Metro must ensure that all Buy America certifications or waivers are received before awarding a contract or purchase order.


Also, when using GSA schedules to acquire property or services, Capital Metro can fulfill the requirement for full and open competition by seeking offers from at least three sources. Any purchases from GSA schedules must be certified fair and reasonable.

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II-21 SUB-RECIPIENT OVERSIGHT

When Capital Metro passes through funding to a subrecipient, competitive procurement requirements may apply to the subrecipient. This requirement would usually apply to any subrecipient which performs primary project activities normally performed by the recipient directly. In such circumstances, the procurement process of the subrecipient shall meet Federal requirements contained in the FTA Master Agreement, including Buy America, debarment and suspension, and lobbying requirements.

Monitoring of compliance with FTA third party contracting requirements will require a review of procurement procedures, either through site visits or a periodic review of written procurement manuals. Capital Metro is not required to review each subrecipient's procurement to ensure compliance with Federal requirements. Capital Metro may review selected procurements on a periodic basis in conjunction with a site visit or other general review of compliance with Federal requirements.

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II-18 GOVERNING PUBLICATIONS

Capital Metro shall utilize acquisition and disposal methods and standards which ensure compliance with all Federal, State and Local laws and regulations; specifically these laws and regulations, such as:

Statutes/Case Law

- Federal Transit Laws, 49 U.S.C. Chapter 53 □
-
- TEA-21, Transportation Equity Act for the 21st Century □
-
- 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 □
-

• Chapter 451, Texas Government Code, Metropolitan Rapid Transit

Authorities □

-
- Article 5160, V.T.C.S., Contractor's Performance and Payment

Bonds □

-
- Chapter 551, Texas Government Code Open Meetings Act □
-
- Chapter 552, Texas Government Code Public Information Act □
-
- Chapter 2254, Texas Government Code Professional Services

Procurement Act □

- Chapter 2269, Texas Government Code Contracting and Delivery Procedures for Construction Projects □

□

- All applicable Texas Case Law Decisions □

Executive Orders

- Executive Order No. 12612, "Federalism", October 26, 1986

Federal Statutory and Regulatory Requirements □

□


• 2 CFR 200.317 thru 2 CFR 200.326 (Super Circular)

• 49 CFR Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (implements federal "Common Grant Rule" to Department of Transportation) □ This reference is only applicable to Contracts awarded prior to December 26, 2014. After this date the 2 CFR 200, Part 1201 applies.


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- 49 CFR Part 20, New Requirements on Lobbying □
-
- 49 CFR Part 26, Participation by Disadvantaged Business Enterprise in Department of Transportation Programs □
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- 49 CFR Part 29, Government-wide Debarment and Suspension (Non-Procurement) and Government-wide Requirements for Drug-Free Workplace (Grants) □
-
- 49 CFR Part 41, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction □
-
- 49 CFR Part 663, Pre-Award and Post-Delivery Audits of Rolling Stock Purchases □
-
- 49 CFR Part 665, Federal Transit Administration Bus Testing Program □
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- 48 CFR Chapter 1, Parts 1 through 53, Federal Acquisition Regulations Systems □
- Circulars
- FTA Circular 4220.1F, Third Party Contracting Requirements □
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- FTA Circular 4716, 1A, DBE Requirements for Recipients and Transit Vehicle Manufacturers, July 26, 1988 □
-
- FTA Circular 5010.B, Grant Management Guidelines, September 7, 1995 □
- FTA Directives/Guidance
- Federal Transit Administration Master Agreement □
-
- Federal Transit Administration Grants and Cooperative Agreements (62 Fed. Reg. 53511, October 14, 1997) □
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~~• Federal Transit Administration: Lessons Learned Program (This is guidance only.)~~

~~□~~

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FTA's Best Practices Procurement Manual (This is guidance only.)

	<p>Acquisition Policy Chapter III PROC – 100.03</p> <p>Director, <u>Procurement</u> Chief Contracting Officer</p>	<p>Issued: December 1998 Revised: <u>May 2017</u> <u>January 2020</u></p> <p>Approved by: Board of Directors</p>
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MICRO AND SMALL PURCHASE PROCUREMENTS POLICY

All micro and small purchases shall be made from sources known to provide the types of goods or services required. Disadvantaged Business Enterprise firms are encouraged to participate in these procurements. Micro and small purchase procurements may not be modified to increase the dollar value of the purchase order in excess of the procurement method used, i.e. a purchase order based on the micro purchase method may not be modified beyond Capital Metro's Micro Purchase Threshold or an order for \$49,500 may not be increased beyond \$50,000.00. Micro and small purchases are exempt from Buy America requirements.

III-1 MICRO PURCHASE

Micro purchases, including delivery charges, may be accomplished without securing competitive quotations if the prices are considered to be fair and reasonable. The threshold for Capital Metro Micro Purchases is \$310,000.00. The department is required to submit previous purchase information and the purchase order number for similar, previous purchases in order to document rotation. The Procurement Department is not obligated to purchase from the department's suggested source if the price is not considered fair and reasonable. Micro purchases made under the Purchasing Card (PCard) Program are not excluded from the need for rotation.

Dividing a purchase requirement with the intent of avoiding Capital Metro's Micro Purchase threshold, competition requirement, or other dollar thresholds is considered bid-splitting and is therefore prohibited.

NOTE: Micro Purchase Procedures must not be used for construction contracts with a value of \$2,000.00 or more. Any construction purchase over \$2,000.00 must include Davis Bacon wage rates.

III-2 SMALL PURCHASE

Small purchases (from Capital Metro's the Federal Micro Purchase Threshold to \$50,000.00) shall be made by obtaining-soliciting at least three firms to obtain written quotations from responsive bidders, including one Disadvantaged Business Enterprise firm if possible. Written records of solicitations must be recorded. In the absence of adequate price competition, the buyer must make a determination that the price is fair and reasonable.

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SEALED BID PROCUREMENTS POLICY

All goods and services estimated to cost \$50,000.00 or more should be purchased using full and open competition procedures. Procurement Department personnel may use ~~the Disadvantaged Business Enterprise Directory~~DBE and SBE directories, Texas Centralized Master Bidder's List (CMBL), the requestor's source list, the internet, and appropriate business registers to assist them in identifying sources.

IV-1 DESCRIPTIVE LITERATURE/WRITTEN DATA

Bidders are normally not required to furnish descriptive literature or written data as a part of their bid. Capital Metro may deem that such literature or written data is needed before award to determine whether the products offered meet the specification requirements of the Invitation for Bids and/or to establish exactly what the bidder proposes to furnish.

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IV-2 BID SAMPLES

Bidders should not be required to furnish a bid sample of a product they propose to furnish unless there are certain characteristics of the product which cannot be described, adequately in the applicable specification or purchase description, thus necessitating the submission of a sample with the bid to assure procurement of an acceptable product.

IV-3 BIDDING TIME


Consistent with the need for obtaining goods, services or construction contracts, all Invitations for Bids must allow sufficient bidding time (i.e., the period of time between the date of distribution of an Invitation for Bids and the date set for opening of bids) to permit prospective bidders to prepare and submit bids.

IV-4 ADVERTISING AND SOLICITATION OF SEALED BIDS

4.1 Advertising

Every Invitation for Bid (IFB) shall be advertised in a local newspaper, and, as appropriate, on the internet, trade journals, etc. The notice must be published in a newspaper of general circulation at least once each week for two consecutive weeks

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before the date set for the bid opening. The first notice must be published at least 15 days before the date set for the bid opening.

4.2 Delivery to Prospective Bidders

Notice of IFBs should be delivered to the maximum number of prospective bidders deemed practicable and necessary to assure adequate competition.

4.3 Records of Invitation for Bids and Records of Bids

The Procurement Department must retain a record of every Invitation for Bids issued and of each abstract or record of bids, known as the Bid Tabulation, subject to records management guidelines. This record should be reviewed at the time of each subsequent procurement request for the same and/or similar items to ensure that historical data is analyzed for all pertinent purposes.

4.4 Amendment to Invitation for Bids


If, after issuance of Invitation for Bids, but before the time set for opening of bids, it becomes necessary to make changes in quantities, specifications, delivery schedules, opening dates, etc., or to correct a defective or ambiguous IFB, such changes will be accomplished by issuance of an amendment to the IFB. The amendment will be posted on the internet at Capital Metro's customary solicitation posting site.

Any information given to a prospective bidder concerning an Invitation for Bid must be furnished promptly by amendment to all other prospective bidders. No award will be made on the IFB unless such amendment has been issued in sufficient time to permit all prospective bidders to consider such information in submitting or modifying their bids.

4.5 Responsiveness of Bids

To be considered for award, a bid must comply in all material respects with the Invitation for Bids, both to the method and timeliness of submission and to the substance of any resulting contract, so that all bidders are treated equally and the integrity of the formal solicitation process is maintained.

Facsimile or electronic bids will not be considered unless specifically permitted by the Invitation for Bids.

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4.6 Time of Bid Submission

Bids must be submitted so as to be received in the office designated in the Invitation for Bids prior to the exact time set for opening of bids.

4.7 Late Bids

Bids are "late bids" when they are received by the Procurement Department (as directed in the IFB) after the exact time for bid opening. Late bids will not be accepted by Capital Metro, unless it can be proven that the bid was received timely and mishandled by Capital Metro employees, or as otherwise set forth in the solicitation.

4.8 Modification or Withdrawal of Bids

Bids may be modified or withdrawn by written notice received in the office designated in the Invitation for Bids not later than the exact time set for opening of bids.

4.9 Late Modifications and Withdrawals

Modifications of bids and requests for withdrawal of bids which are received in the office designated in the Invitation for Bids after the exact time set for opening are "late modifications" and "late withdrawals," respectively. A late modification of an otherwise successful bid will be considered. If in the ~~Procurement Director~~Chief Contracting Officer's judgment it makes the bid more favorable to Capital Metro, a late withdrawal may be considered, provided that the request is fully documented.


IV-5 BID RECEIPT AND OPENING

5.1 Receipt of Bids

As bids are received, they shall be time/date stamped, secured and safeguarded until the established time for bid opening.

5.2 Opening of Bids

The official designated as the bid opening officer should announce when the time set for bid opening has arrived and will so declare to those present. All bids received prior to the exact time set for bid opening will then be publicly opened,

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recorded, and, when practicable, read aloud to the persons present. If it is impracticable to read the entire bid, as when many items are involved, the total amount of each bid will be read, if feasible.

5.3 Recording of Bids

The assigned Buyer/Contract Administrator and one other department employee shall be present at each bid opening to facilitate bid opening and recording of the bids. When the items are too numerous to warrant the recording of all bids completely, an entry should be made of the IFB number, opening date, general description of the procurement items, and the total bid price where definite quantities are involved. The buyer and other department employee will witness the bid tabulation sheet by placing their signatures thereon. If the Invitation for Bids is canceled before the time set for bid opening, the solicitation file must document the reason the bid was cancelled.

5.4 Cancellation of Invitation for Bid (IFB) After Opening


Preservation of the integrity of the sealed bid system dictates that, after bids have been opened, award must be made to that responsible bidder who submitted the lowest responsive bid, unless there is a compelling reason to reject all bids and cancel the IFB. As a general rule, after opening, an Invitation for Bids should not be canceled and re-advertised due solely to increased requirements for the items being procured. Award should be made on the initial Invitation for Bids and the additional quantity should be treated as a new procurement.

When an IFB must be canceled, it should be because (1) all bids were at unreasonable prices, (2) there is evidence of collusion or bad faith, or (3) competition was not adequate to assure a reasonable price. In such instances, thorough documentation to support the action taken must be included in the files.

Invitation for Bids may be canceled after opening, but prior to award, and all bids rejected, where the ~~Procurement Director~~ Chief Contracting Officer determines that circumstances justify such action. Complete written documentation of these cases must be placed in the contract files.

5.5 Rejection of Individual Bids

Any bid which fails to conform to the essential requirements of the Invitation for Bids, such as specifications, delivery schedule, or to any alternatives or other

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requirements which may be specifically provided for in the IFB, shall be rejected as non-responsive.

Ordinarily, a bid will be rejected when the bidder imposes conditions which would modify requirements of the Invitation for Bids or limit their liability to Capital Metro so as to give them an advantage over other bidders.

Any bid may be rejected if the ~~Procurement Director~~Chief Contracting Officer determines in writing that it is unreasonable as to price. The determination must be supported by review and analysis of the action. Where a bid guarantee is required and a bidder fails to furnish it in accordance with the requirements of the Invitation for Bids, the bid must be rejected.

The originals of all rejected bids, and any written findings with respect to such rejections, will be preserved with the papers relating to the procurement.

After submitting a bid, if a bidder transfers all of its assets or that part of its assets related to the bid during the period between bid opening and the award, the transferee may not take over the bid. Accordingly, the bid will be rejected.

Low bids received from firms determined not to be responsible or ineligible for any reason by Capital Metro will be rejected.

5.6 Notice to Bidders of Rejection of All Bids


When a determination is made to reject all bids, the Buyer/Contract Administrator shall issue a letter notifying each bidder that all bids have been rejected, stating the reasons for such action.

5.7 Restrictions on Disclosure of Descriptive Literature/Written Data

When a bid is accompanied by descriptive literature or written data and the bidder imposes a restriction that such literature may not be publicly disclosed, such restriction renders the bid non-responsive if it prohibits the disclosure of sufficient information to permit competing bidders to know the essential nature and type of the products offered or those elements of the bid which relate to quantity, price, and delivery terms.

Descriptive literature restricted by a bidder against public disclosure will only be disclosed in accordance with the Texas Public Information Act.

5.8 All or None Qualifications

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Unless the Invitation for Bids so provides, a bid is non-responsive by the fact that the bidder specifies that award will be accepted only on all, or a specified group, of the items included in the Invitation for Bids. However, bidders will not be permitted to withdraw or modify "all or none" qualifications after bid opening since such qualifications are substantive and affect the rights of other bidders.

5.9 Mistakes in Bids


Mistakes are usually discovered after bids are opened and before the contract is awarded. Four generally accepted categories of bid mistakes, and remedies to be exercised at Capital Metro's option are as follows:

(a) Minor informalities or irregularities in bids prior to award of the contract

These may be a matter of form and not substance, or an immaterial defect in a bid that can be corrected or waived without being prejudicial to other bidders. The defect is immaterial when the effect on price, quality, or delivery is negligible when contrasted with the total cost or scope of the requirement being procured.

Examples of minor informalities or irregularities include the failure of a bidder to:

- (1) return the number of signed bids required by the IFB
- (2) sign the bid, but only if the unsigned bid is accompanied by other material clearly indicating the bidder's intent to be bound; or
- (3) acknowledge receipt of an amendment to the IFB, but only if
 - ☐ it is clear from the bid that the bidder received the amendment and intended to be bound by its terms; or ☐
 - ☐ the amendment involved had a negligible effect on price, quantity or delivery. ☐

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(b) Obvious or apparent clerical mistakes discovered prior to award

These mistakes are obvious or apparent on the face of the bid, such as misplacement of a decimal point, mistake in designation of unit, transposition errors, arithmetical errors, and typographical errors. Verification and correction must be made prior to award.

(c) Mistakes other than minor informalities or irregularities in bids, or obvious or apparent clerical mistakes that are discovered prior to award

These mistakes are generally raised by the bidder along with a request to withdraw its bid, such as a subcontractor's price element was omitted from the bid. Generally the bidder will be allowed to withdraw its bid without prejudice.

(d) Mistakes discovered after award

Capital Metro may allow mistakes discovered after award to be corrected if the correction would be favorable to Capital Metro and not change the essential requirements of the specification.


IV-6 EVALUATION OF BIDS

The Procurement Department shall conduct a public bid opening for all sealed bids. Contracts shall be awarded to the lowest responsive and responsible bidder considering price and other price-related factors set forth in the IFB.

6.1 Responsible Bidder

The term responsible refers to a bidder's financial resources, judgment, skill, integrity, and ability to fulfill successfully the requirements of the contract. The five principal criteria used to determine a bidder's responsibility are the following:

- Technical status as a manufacturer, supplier or construction contractor
- Financial resources and status
- Skill, experience, and staffing levels
- Prior conduct and performance of a contract
- Contractor integrity and compliance with public policy

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- Before awarding any contract, the Authority will verify, using the Federal System for Award Management and the Texas Comptroller's Debarred Vendor List, that the offeror recommended for contract award has no unsatisfactory performance history that would prohibit awarding them a contract.

The Procurement Department will make the determination as to whether or not a bidder is considered responsible.

6.2 Responsive Bidder

The responsiveness of the bid itself is determined by its conformance to the technical and legal requirements of the bid solicitation. Generally, a bid is not responsive and may not be considered for award when it contains a deficiency as to any material factor, defined as circumstance, which affects price, quality, or quantity of the articles or services furnished.

6.3 Evaluation Committee

For extremely large or very technical procurements, bids may be evaluated for responsiveness and acceptability of proposed costs by an evaluation team. The evaluation committee shall be selected as described in Chapter V.

Results of the evaluation must be documented to provide clear justification for contract awards. A separate technical evaluation memorandum will be prepared for each IFB procurement. It must be prepared by Capital Metro's Project Manager to determine whether the apparent low bidder is technically responsive.


IV-7 AWARD PROCESS

7.1 Award

Award must be made by Capital Metro by written notice within the time for acceptance specified in the bid or extension thereof to the responsive, responsible bidder. Award will **not** be made until Board authorization has been obtained, if required, and contract is fully executed.

7.2 Delay of Award

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If administrative difficulties cause unavoidable delays in awarding of contracts, and such delays threaten to delay award beyond the bidders' acceptance period, the Buyer/Contract Administrator will request that all bidders extend their bid acceptance period in writing for an additional specific number of days with the consent of sureties, if any. The Buyer/Contract Administrator processes this written request prior to the expiration of the bids in an attempt to avoid the need for re-advertising.

7.3 Award to a Single Bidder

In the event a single bid is received in a sealed bid procurement, Capital Metro must conduct a ~~price~~-or cost analysis of the bid. A single bid can be converted | to a negotiated procurement if deemed necessary.

7.4 Award Criteria

In all sealed bid procurements, the award of contracts shall be to the lowest responsive, responsible bidder.

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COMPETITIVE PROPOSAL PROCUREMENTS POLICY

This chapter outlines the Capital Metro policies for the competitive proposal and qualifications-based procurement methods. The use of Expressions of Interest (EOI) or a Request for Information (RFI) are for informational purposes only and by themselves cannot result in a negotiated procurement.


RFP: A Request for Proposals (RFP) leading to a negotiated procurement shall be solicited from an adequate number of potentially qualified proposers in order to obtain the greatest possible competition. Contract award under the competitive proposal method is dependent upon the negotiation of a mutually acceptable agreement between Capital Metro and the successful proposer(s). Capital Metro reserves the right to reject all proposals and re-solicit or cancel the procurement if deemed by Capital Metro to be in its best interest. Capital Metro reserves the right to enter into a contract with any offeror based upon the initial proposal or on the basis of a final proposal revision (FPR) without conducting written or oral discussions.

SOQ: The qualifications-based procurement of statutory professional services, subject to the Texas Professional Services Procurement Act, Title 10, Chapter 2254 of the Texas Government Code, shall be accomplished utilizing the Federal Transit Administration best practices "Statement of Qualifications" (SOQ) method. After technical evaluations have been completed, discussions will be held with all firms determined to be in the technically competitive range. Price is never an evaluation factor for qualifications-based statutory professional services.

The selection of the technically "most qualified firm" shall be made at the conclusion of discussions and based upon the evaluation of a revised SOQ unless the determination has been made to award on the basis of the initial SOQ without conducting discussions with any of the competing firms. Where multiple awards are proposed, more than one firm can be considered as most qualified. Negotiations are conducted only after the most qualified firm or firms has been identified. If an agreement cannot be reached on price, the firm's submittal is rejected and negotiations are conducted with the next most qualified firm.

This SOQ method will be used for procurement of statutory professional services, such as preliminary engineering, design, architectural, engineering, surveying, mapping, and related services which require performance by a registered or licensed architect or engineer.

When using the SOQ method for procurement of statutory professional services, geographic location may be a selection criteria provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

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Late Proposals: Proposals are “late proposals” when they are received by the Procurement Department (as directed in the solicitation) after the exact time and date for the proposal closing. All late proposals will be returned unopened.

NOTE: After receipt of proposals, none of the information contained in the proposals or concerning the number or identity of offerors shall be made available to the public or to anyone in Capital Metro not having a legitimate interest or need to know prior to the approval of execution of the contract.

V-1 PREPARATION OF SOLICITATION DOCUMENTS FOR NEGOTIATION

1.1 Competitive proposals are generally utilized to obtain the following goods and services:


- Architect/Engineer or related services contracts; □
- Professional Services Contracts; □
- Specialized Equipment or Materials Contracts. □

1.2 ___ All RFPs/SOQs shall be based on a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such requirements shall not contain features that unduly restrict competition.

1.3 ___ The user department is responsible for providing the in-house independent cost estimate, technical specifications, evaluation criteria and corresponding weights, drawings for equipment, materials, and service contracts.

1.4 ___ In addition to the technical requirements/statement of work, additional and special terms and conditions shall be prepared to cover such items as required or desired delivery schedule, progress reporting requirements, and technical evaluation criteria in order of merit. Requestors are responsible for providing this information, together with the Purchase Requisition, to the Procurement Department.

1.5 ___ The Procurement Department is responsible for the solicitation package. A solicitation package includes instructions to offerors, technical specifications, the special terms and conditions recommended by the Department Project Manager, the contractual provisions required by the Federal government (if needed), the proposed contract terms and conditions, and the evaluation criteria that will be utilized to determine contractor selection.

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- 1.6 ___ All departments involved in the preparation of the RFP/SOQ shall review the portions for which they are responsible. When all reviews have been completed, and approvals obtained, the Procurement Department will issue the final solicitation.
- 1.7 ___ Capital Metro is not obligated to solicit from every firm which may be included in its source list, but only from the number of qualified sources necessary to ensure effective competition. The fact, however, that a firm has not initially received a Request for Proposals does not mean that it cannot participate in a particular procurement. Solicitations will be posted on the internet at Capital Metro's customary solicitation posting site. Notice of the solicitation should be delivered to the maximum number of prospective proposers deemed practicable and necessary to assure adequate competition. Any firm can request a copy of the solicitation and propose.
- 1.8 ___ Every RFP/SOQ may be advertised, as appropriate, on the internet, in local newspapers, minority media trade journals, national media trade journals, etc. The notice must be published in a newspaper of general circulation at least once each week for two consecutive weeks before the date set for the submittal of proposal. The first notice must be published at least 15 days before the date set for receipt of offers. In the case of contracted transit services, the solicitation must be advertised once per week for eight (8) consecutive weeks.

V-2 CONFIDENTIALITY OF PROPOSALS


All cost and pricing data received by Capital Metro in competitive proposal procurements is to be treated as confidential during the solicitation process.

All technical data received in response to RFPs/SOQs is confidential except for data contained in the awarded contract.

Requests for these items shall be referred immediately to the office of the Chief Counsel for handling under the Texas Public Information Act.

V-3 GUIDELINES FOR THE EVALUATION OF PROPOSALS

Proposals shall be evaluated and ranked on the basis of criteria and the corresponding adjectival rating prepared by the department and contained in the solicitation. The criteria will specify the overall technical ranking as well as the analysis of cost. Generally, emphasis will be placed on the best value, technical expertise of the firm and, while price is a consideration, it is not normally the only determining factor. The objective is to select

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the firm or individual that can best provide the goods or services, when technical ability, price (if applicable), and other factors have been considered.

Several steps are normally completed prior to the selection of a successful proposer:

3.1 Evaluation Committee

Only technically qualified, independent and impartial members are selected for the evaluation of all requests for proposals.


3.2 Evaluation Criteria

Included in the RFP is a list of evaluation criteria, which will be used by the evaluation committee in reviewing the proposals. Typically, the evaluation criteria or factors will relate to the areas of technical expertise, project approach, and cost and price information.

(a) Technical Expertise

The RFP will identify for the proposer the types of technical expertise required for the particular job. The proposers will then be evaluated on their competence in those areas. For example, an RFP for A/E services might require expertise in the following areas:

- architectural ☐
- structural ☐
- mechanical ☐
- electrical ☐
- landscape ☐
- civil engineering ☐
- soils ☐
- graphics ☐
- acoustics ☐
- traffic engineering ☐
- environmental assessment ☐

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All areas may not be given equal value in the evaluation process, but may be weighted to reflect their relative contribution to the project. The technical criteria must be listed in the solicitation so that the proposer is aware of the items and their relative emphasis.

(b) Project Approach

The proposer will be evaluated on its understanding of the nature and scope of the work to be performed. The evaluation committee will consider both organization and experience with attention to factors such as:

- Experience and make-up of the firm □
- Experience of key personnel assigned to the project □
- Experience with government agencies □
- Experience with transit projects □
- Past achievements □
- Commitment of key personnel to the project □
- Cost realism □
- Innovative management techniques □

□


(c) Cost and Price Information

The following criteria (not listed in order of relative importance) will be used in the evaluation of cost proposals:

- Clarity and visibility of proposed cost breakdown for the proposer and its subcontractors and subconsultants. □
- Credibility of labor hours and dollar cost estimates when related to the proposed project approach. □
- Total price, including base and all option years. □

Capital Metro may require proposers to submit information which would indicate the proposer's financial capability to perform the effort required by the solicitation.

3.3 Evaluation Forms

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The Procurement Department prepares an evaluation form for each proposer to be used by committee members in evaluating the proposals. The form must be based on the evaluation criteria listed in the solicitation.

3.4 Competitive Range

The Capital Metro evaluation committee shall make the determination of which proposals are in the competitive range. The competitive range shall be determined on the basis of the evaluation criteria stated in the RFP, or IFB when a two-step sealed bid procurement method is used, and shall include all proposals which meet the requirements or have a reasonable chance of being made acceptable. The initial number of proposals considered as being within the competitive range may be reduced when, as a result of the written communication or oral discussions, individual proposals are determined to be unacceptable.

Proposals submitted by responsible offerors that meet the technical requirements of what is being procured shall be included in the competitive range unless the proposal includes pricing that renders it infeasible.


In the two-step sealed bid process, when unpriced technical proposals are solicited, they shall be evaluated in the same manner as an RFP, holding discussions if needed and establishing a competitive range. In phase two, sealed bids are solicited from offerors whose proposals are determined to be acceptable to Capital Metro. Award is made to the lowest responsive and responsible bidder.

3.5 Oral Interviews/Written Communication

The committee members prepare lists of questions that they may ask the proposers during the oral interviews. These questions generally address items that are not sufficiently covered by the proposers in the proposals. The proposer will be required to update the proposal in writing if clarification or additional information is provided in the oral interview.

The format of the oral interviews is varied. Proposers are either asked to make formal presentations or to be prepared for a question and answer session. The preferable method is for the proposer to be prepared for a question and answer session since Capital Metro will obtain more valuable information as it relates to the specific proposal. Oral interviews should not be an opportunity for a sales presentation.

- (a) Written or oral discussions shall be conducted with all responsible offerors who submit proposals which are determined to be within the competitive range, price and other factors considered (including technical quality where

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technical proposals are requested) except that this requirement need not necessarily be applied to the following procurements:


- less than \$50,000.00; □
- in which prices or rates are fixed by law or regulation; □
- in which date of delivery will not permit discussion; □
- the solicitation stipulated that award might be made on the basis of initial proposals received. □

□

- (b) For the sole purpose of eliminating minor uncertainties or irregularities, an inquiry may be made to an offeror concerning his proposal. Such inquiries and resulting clarification furnished by the offeror shall not constitute discussions. If the clarification prejudices the interest of other offerors, award may not be made without discussion with all offerors in the competitive range.

3.6 Discussions with Offerors

- (a) Any offeror determined to be in the competitive range and selected for oral discussions shall be provided written notification of the deficiencies in their proposal that will require clarification. A deficiency is defined as that part of a proposal that does not completely satisfy a Capital Metro requirement.
- (b) Discussions shall not disclose the strengths or weaknesses of competing offerors or disclose any information about other proposals which would enable other offerors to improve their proposals.
- (c) Auction techniques are strictly prohibited. Indicating to an offeror a price which must be met to obtain further consideration, or informing him that his price is not low in relation to another offeror are examples of auctioning. However, it is permissible to inform an offeror that his price may be considered by Capital Metro to be too high with respect to the marketplace or unacceptable.
- (d) At the conclusion of discussions, a final, common cutoff date which allows a reasonable opportunity for submission of a Final Proposal Revision shall be established and all remaining participants so notified. If oral notification is given, it shall be confirmed in writing.

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The notification shall include information to the effect that (i) discussion has been concluded, (ii) offerors are being given an opportunity to submit a Final Proposal Revision and, (iii) if any such modification is submitted, it must be received by the date and time specified.

3.7 Final Proposal Revision (FPR)

After all discussions have been completed, the Authority reserves the right to shorten its competitive range based upon the results of the oral discussions. Each of the offerors still in the competitive range will be afforded the opportunity to revise its proposal and make its FPR. The request for FPR shall include:


- (a) Notice that discussions/negotiations are concluded;
- (b) Notice that this is the opportunity for submission of a FPR;
- (c) A common date and time for submission of written FPRs, allowing a reasonable opportunity for preparation of written FPRs;
- (d) Notice that if any modification to a FPR is submitted, it must be received by the date and time specified for the receipt of FPRs and is subject to the late submissions, modifications, and withdrawal of proposals provision of the Request for Proposal;
- (e) Notice that if offerors do not submit a FPR or a notice of withdrawal and another FPR, their immediate previous offer will be construed as their FPR.

NOTE: Capital Metro reserves the right to make an award to an offeror whose proposal it judges to be most advantageous without conducting any written or oral discussions with any offerors or solicitation of any FPRs.

3.8 Debriefing of Unsuccessful Offerors

When requested by an unsuccessful offeror, a debriefing will be conducted, following contract award, by the Buyer/Contracts Administrator, and Department Project Manager utilizing the evaluation matrix, documentation of scoring process, and the narrative appraisal describing the strengths and weaknesses as basis for the debriefing discussion. When a DBE firm requests a debriefing, the DBE Coordinator may be invited to participate in the debriefing.


3.9 Procurement Summary

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The Buyer/CA will prepare written record of procurement history. At a minimum, the following records shall be maintained:

- The rationale for the method of procurement, ☐
- selection of contract type, ☐
- reasons for contractor selection or rejection, and ☐
- the basis for the contract price. ☐

3.10 _____ Before awarding any contract, the Authority will verify, using the Federal System for Award Management and the Texas Comptroller's Debarred Vendor List, that the offeror recommended for contract award has no unsatisfactory performance history that would prohibit awarding them a contract.

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NON-COMPETITIVE PROCUREMENTS **POLICY**

VI-1 SOLE SOURCE


A Sole Source procurement is an acquisition where only one supplier exists for the required product, services or construction item(s). Proprietary does not justify sole source if there is more than one potential supplier available.

Consistent with Federal and State law, purchase requisitions for goods and services valued at Capital Metro's Micro Purchase Threshold or more shall be competitively procured. Sole Source procurements may only be used when the award of a competitive contract is infeasible under Small Purchase, Sealed Bidding or Competitive Proposal procedures. One of the following circumstances must apply for Sole Source to be used:

- The item is one-of-a-kind equipment, goods or services, especially high technology or scientific, and available from only one source of supply;
- The public emergency for the requirement will not permit a delay resulting from competitive solicitation; ☐
- After solicitation of a number of sources, competition is determined inadequate; ☐
- The item is an associated capital maintenance item as defined in 49 U.S.C. 5307 (a) (1) that is procured directly from the original manufacturer or supplier of the item to be replaced. Capital Metro must certify in writing to FTA that (1) such manufacturer or supplier is the only source for such item and (2) the price of such item is no higher than the price paid for such item by like customers; or ☐
- FTA authorizes Non-Competitive Negotiations. ☐

The Procurement Department shall negotiate the purchase as to price or cost, delivery, terms and, as applicable, service(s), training, warranties, etc. A cost analysis, verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profit, is required.

Capital Metro will avoid Sole Source procurements except in circumstances where it is allowed by law and in the best interest of the agency. Sole Source procurements shall be allowed only on an exceptional and fully documented basis.

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VI-2 UNSOLICITED PROPOSALS

Unsolicited proposal is defined as a written proposal that is submitted to Capital Metro on the initiative of the submitter for the purpose of obtaining a contract with Capital Metro and which is not in response to a formal or informal request.

Unsolicited proposals that Capital Metro determines to be acceptable based on need, favorable evaluation, and available funding will be processed as Sole Source procurements.

Unsolicited proposals are a valuable means for Capital Metro to obtain innovative or unique methods or approaches to accomplishing its mission.

Advertising material, commercial item offers, contributions or technical correspondence are not considered to be unsolicited proposals.

2.1 A valid unsolicited proposal must:


- Be innovative and unique. ☐
- Be independently originated and developed by the offeror. ☐
- Be prepared without Capital Metro supervision. ☐
- Include sufficient detail to permit a determination that Capital Metro support could be worthwhile and the proposed work could benefit the agency's mission responsibilities. ☐
- Not be an advance proposal for a known agency requirement that can be acquired by competitive methods. ☐
- Not be in response to a publicized general statement of agency needs that are not considered to be independently originated. ☐

☐

2.2 Advance Guidance

Capital Metro shall encourage potential offerors to make preliminary contacts with appropriate agency personnel before expending extensive effort on a detailed unsolicited proposal or submitting proprietary data to Capital Metro. These preliminary contacts include:

- Inquiries as to the general need for the type of effort contemplated. ☐

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- Contacts with agency technical personnel for the limited purpose of obtaining an understanding of the agency mission and responsibilities relative to the type of effort contemplated.

Capital Metro shall make available to potential offerors of unsolicited proposals at least the following information:

- Definition and content of an unsolicited proposal acceptable for evaluation.
- Requirements concerning responsible prospective contractors and organizational conflicts of interest.
- Role of technical correspondence before proposal preparation. ☐
- Agency contact points for information regarding advertising, contributions, solicitation mailing lists and other types of transactions frequently mistaken for unsolicited proposals. ☐
- Procedures for submission and evaluation of unsolicited proposals. ☐
- Information sources on agency objectives and areas of potential interest. ☐
- Instructions for identifying and marking proprietary information. ☐

Agency personnel shall conduct personal contacts without making any agency commitments concerning the acceptance of unsolicited proposals. ☐


2.3 Content of Unsolicited Proposals

Unsolicited proposals should contain the following information to permit consideration in an objective and timely manner:

(a) Basic information including:

- Offeror's name and address and type of organization; e.g. profit, nonprofit, educational, small business. ☐
- Names and telephone numbers of technical and business personnel to be contacted for evaluation or negotiation purposes. ☐
- Identity of proprietary data to be used only for evaluation purposes. ☐
- Names of other federal, state, local agencies, transit authorities receiving the proposal or funding the proposed effort. ☐
- Date of submission. ☐

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- Signature of person authorized to represent and contractually obligate the offeror. ☐

(b) Technical information including:

- Concise title and abstract of the proposed effort; ☐
- A reasonably complete discussion stating the objectives of the effort or activity, the method of approach and extent of effort to be employed, the nature and extent of the anticipated results, and the manner in which the work will help to support accomplishment of the agency's mission; ☐
- Names and biographical information on the offeror's key personnel who would be involved, including alternates, and ☐
- Type of support needed from the agency; e.g. facilities, equipment, materials, or personnel resources. ☐

☐


(c) Supporting information including:

- Proposed price or total estimated cost for the effort in sufficient detail for meaningful evaluation. ☐
- A six-month period of time for which the proposal is valid. ☐
- Type of contract preferred. ☐
- Proposed duration of effort. ☐
- Brief description of the organization, previous experience in the field and facilities to be used. ☐
- Required statements about organizational conflicts of interest. ☐

2.4 Award of unsolicited proposals

Receipt of an unsolicited proposal does not, by itself, justify contract award without providing for full and open competition. Unless the unsolicited proposal offers a proprietary concept that is essential to contract performance to satisfy the requirement for full and open competition, Capital Metro will take the following actions before entering into a contract resulting from an unsolicited proposal:

- Publicize receipt of the unsolicited proposal and include an adequate description of the property or services offered without improperly disclosing proprietary

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information or disclosing the originality of thought or innovativeness of the property or services sought;

- Publicize Capital Metro's interest in acquiring the property or services described in the proposal and provide an adequate opportunity for interested parties to comment or submit competing proposals; and
- Publicize Capital Metro's intention to award a contract based on the unsolicited proposal or another proposal submitted in response to the publication.

If it is impossible to describe the property or services offered without revealing proprietary information or disclosing the originality of thought or innovativeness of the property or services sought, Capital Metro may make a sole source award to the offeror. A sole source award may not be based solely on the unique capability of the offeror to provide the specific property or services proposed.

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VI-3 APPROVAL LEVELS FOR NON-COMPETITIVE PROCUREMENTS

Non-competitive procurements are required to have a "Sole Source Justification Form" processed along with the purchase requisition. Approval levels for non-competitive procurements are as follows:

<u>Dollar Value</u>	<u>Signature Authority</u>
Capital Metro's Micro Purchase <u>Federal Micro Purchase</u> Threshold to 2449 999.99	
Department Head	
2550,000.00 to 149,999.99	Executive Vice President
150,000.00 to 149,999.99 and higher	President/CEO <u>President & CEO</u>
Any Dollar Amount	Procurement Director
150,000.00 and Above	Board of Directors

The Chief Contracting Officer shall approve all non-competitive procurements over the Federal Micro Purchase Threshold.

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CONTRACT ADMINISTRATION POLICY

Contract administration is managing the performance of both parties in all aspects of the contract to ensure successful completion. Contract administration encompasses contract modifications, change orders, and closeout or termination. The major players are the Department Project Manager and the Contract Administrator.

VII-1 DEPARTMENT PROJECT MANAGER RESPONSIBILITIES

After contracts are awarded and the Contractor has been issued “Notice to Proceed”, the Department Project Manager will guide the Contractor through the work process. The Department Project Manager shall review the progress of the work on a periodic basis and initiate review by Capital Metro staff, public agencies, and affected utilities as required.

The Department Project Manager shall review the Contractor's documentation and invoices in relation to the milestones, work completed to date, and budgeting information. The Department Project Manager shall also review invoices for accuracy and content and then approve for payment in accordance with Contract Terms and Conditions. The Contract Administrator must approve payment requests before Finance will process payment.

The Department Project Manager has a continuing responsibility to monitor the Contractor's work progress until it is completed and Capital Metro accepts the product or service.

VII-2 CONTRACT ADMINISTRATOR RESPONSIBILITIES

Immediately after full execution and award of the contract, the technical administration of the contract becomes the responsibility of the Department Project Manager with the administrative assistance of the Contract Administrator from the Procurement Department. The Contract Administrator and Department Project Manager establish the methods and procedures to be utilized in the performance of the contract as laid out in the Contract Management Plan.

Prior to the contract completion date, the Contract Administrator shall contact the Department Project Manager to confirm that no contractor effort will be required after the specified contract completion date and that the contract may be closed out. This action shall be initiated at least sixty (60) days prior to the specified completion date, whenever possible. This is necessary to determine whether there will be an overrun, to negotiate and extend the period of performance if necessary, and to allow sufficient procurement

lead time if there is a follow-on effort. If the contract is to be completed on schedule, the Contract Administrator shall proceed with the contract closure; otherwise, appropriate action shall be taken to extend the contract.

VII-3 CONTRACT MODIFICATIONS

Contract Modifications shall be used pursuant to the Changes provision in the Contract when it becomes necessary to change the contract cost and/or fee, Statement of Work, Period of Performance, or any other mutually agreeable change to the Contract. The authorized representative of the Contractor and Contract Administrator must execute all Contract Modifications in writing.

The Department Project Manager shall coordinate the requirement for a contract modification as soon as the need is known and shall provide the necessary documentation to permit the Modification to be processed in the most expeditious manner to prevent delays in the Project Schedule.

VII-4 CHANGE ORDERS

Under certain unforeseeable conditions, it may become necessary to redirect the Contractor's effort to prevent an adverse impact on the Project. In such instances, the Contract Administrator may issue directions by a unilateral "Change Order" pursuant to the Changes provision. If such direction causes an increase or decrease in the estimated cost and/or fee, a change in the Period of Performance, or affects any other provision of the Contract, the Change Order shall be incorporated into the Contract by formal Contract Modification in the most expeditious manner possible.

Approval Requirements. FTA expects the recipient to All change orders issued will have cost justifications supporting each change order it may issue. FTA also expects the recipient's authorized official to Procurement must approve any proposed change order before it is issued.

Cost Restrictions. To be eligible for FTA assistance under the recipient's grant or cooperative agreement, the The cost of the change, modification, change order, or constructive change must be allowable, allocable, within the scope of its grant or cooperative agreement the contract, and reasonable for the completion of project scope.

VII-5 ADVANCE PAYMENTS:

Capital Metro does not make advance payments to contractors before the contractor has incurred costs for which payments would be attributed, except


Exceptions are permitted for sound business reasons including but not limited to:

- Public utility connections and services
- Rent
- Tuition

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- ~~Insurance premiums~~
- ~~Subscriptions to publications~~
- ~~Software licenses;~~
- ~~Software and hardware maintenance agreements; or~~
- ~~Service maintenance agreements~~
- ~~Construction mobilization costs~~
- ~~Transportation~~
- ~~Hotel reservations~~
- ~~Conference and convention registrations~~

~~Exceptions require review and approval by the Chief Contracting Officer.~~

- ~~Adequate security must be obtained when using advance payments.~~

~~If Capital Metro uses FTA assistance to support or reimburse the costs of such acquisitions, FTA must provide written concurrence before the advance payment is made on Federally funded projects required only when such advance payment or payments exceed \$100,000.~~

VII-6 PROGRESS PAYMENTS:

~~Capital Metro's policy is to make progress payments to contractors for costs incurred in the performance of the contract. Capital Metro can use FTA assistance to support progress payments provided it obtains adequate security for those payments and has sufficient written documentation to substantiate the work for which payment is requested.~~

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VII-75 CONTRACT TERMINATION

The performance of work under a contract may be terminated in part or in whole when the Contract Administrator determines that such termination is in the best interests of Capital Metro. Contracts may be terminated for convenience, such as a reduced need or in the best interests of Capital Metro, or for default, such as the Contractor failing to perform in accordance with the contractual requirements.

VII-86 CONTRACT CLOSEOUT

The Contract Administrator and the Project Manager are responsible for ensuring that contract files are closed in a timely manner and the closeout actions are documented on the closeout checklist, and in such additional details as appropriate.

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INVESTMENT RECOVERY POLICY

VIII-1 DISPOSAL OF CAPITAL METRO SURPLUS OR OBSOLETE PROPERTY

1.1 Purpose:

The intent of this policy is to establish uniform guidelines for the disposal or transfer of surplus, for obsolete Capital Metro equipment and supplies. This policy is consistent with Capital Metro's *Environmental and Sustainability Policy (SUS-100)* and *Fixed Assets Capitalization & Disposal Policy (FIN-104)*. This policy shall apply to all tangible personal property, including rolling stock and technology equipment. This policy excludes the transfer, sale or disposal of real property.

1.2 Definitions:

Damaged – property that is not operable and would require excessive repair (cost, manpower) to return the asset to serviceable condition.

Destroyed – property that is not operable due to destruction beyond repair.

Fair Market Value (FMV) – an estimate for the cost of an asset generated from market research for that particular asset.

Hazardous Waste – regulated and listed waste that is dangerous or capable of having a harmful effect on human health or the environment.

Landfill – lowest priority disposal method. Disposal of waste products in a properly regulated landfill.


Member Unit – any governing body, municipality, or county within the Capital Metro service area which participates in the appointment of a Capital Metro Board member.

Obsolete – property that no longer meets Capital Metro's specifications or requirements but is still serviceable or useable.

Scrap – property that no longer functions, is unserviceable but may contain some market value for its basic material content.

Surplus – property that is in excess of Capital Metro's requirements and is no longer needed but may be useable.

Waste – property that is worthless, useless, and has no market value.

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Zero Waste – material handling methods that prioritizes reuse, repurposing, composting and recycling over landfilling.

Zero Waste Hierarchy – a method of evaluating the end of use of products that emphasizes conservation, reuse, product take-back, recycling and recapturing material/energy; and avoids disposal methods that cause the release of toxic materials. Properly regulated landfilling is the last choice in the hierarchy.

VIII-2 PROPERTY DISPOSAL FORM

The Property Disposal form authorizes the process for disposing of assets in accordance with the Investment Recovery Policy. A fully authorized Property Disposal Form is required in order to dispose of any Capital Metro asset. Further information regarding the Property Disposal Form can be found in the Finance Department's *Fixed Assets Capitalization & Disposal Policy (FIN-104); Disposal of Locally Financed Assets*.


VIII-3 DETERMINING THE METHOD OF DISPOSAL

The ~~President/CEO~~ President & CEO or his/her designee shall be responsible for the segregation, sale and disposal of surplus, obsolete ~~and scrap~~ material and equipment in accordance with all applicable laws and regulations.

The determination for the method of disposal will be made once a fair market value analysis is conducted. If surplus, obsolete material and equipment is found to be more cost effective to dispose of as scrap or landfill, the Authority will label it as scrap and attempt to salvage through recycling vendors and/or landfill.

All surplus property will adhere to the following hierarchy method to determine disposition established for the property:

- (a) Obsolete, Non-repairable or Surplus Vehicles:
 - (1) Offered to each Member Unit at fair market value
 - (2) Sale through public auction or Request for Offer (RFO)
 - ~~(3) Request for Offer (RFO)~~
 - ~~(4)~~(3) Salvage through recycle vendors
- (b) Obsolete or Surplus Property:
 - (1) Reuse within Cap Metro

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- (2) Offered to each Member Unit at fair market value
 - (3) Sale through public auction or Request for Offer (RFO)
 - ~~(4)~~ Request for Offer (RFO)
 - ~~(5)~~(4) Recycle
 - ~~(6)~~(5) Landfill
- (c) Obsolete or Surplus IT Equipment:
- (1) Reuse within Cap Metro
 - (2) Trade in as part of new IT procurement
 - ~~(3)~~ Offered to each Member Unit at fair market value
 - ~~(3)~~
 - (4) Sale through public auction or Request for Offer (RFO)
 - ~~(5)~~ Request for Offer (RFO)
 - ~~(6)~~(5) Recycle
 - ~~(7)~~(6) Landfill
- (d) Obsolete, Non-repairable or Scrap:
- (1) Sale through public auction or Request for Offer (RFO)
 - ~~(2)~~ Request for Offer (RFO)
 - ~~(3)~~(2) Salvage through recycle vendors
 - ~~(4)~~(3) Landfill


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VIII-4 FAIR MARKET VALUE

In estimating the Fair Market Value of such Surplus Property, reference shall be made to identifiable active markets for such property and information concerning additional factors may also be considered, which may include one or more of the following:

- (1) Original purchase cost (if available)
- (2) Depreciation
- (3) Residual Value
- (4) Estimated Replacement Value
- (5) Current condition and or market value of the item

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- (6) Independent Appraisal

VIII-5 SALE OF OBSOLETE OR SURPLUS VEHICLES

When obsolete or surplus vehicles become available, ~~they will be offered to the general public~~ disposed of in accordance with this policy and applicable laws and regulations. ~~a~~ list of the vehicles, including the offered price based on fair market value, will ~~first~~ be made available to each Member Unit within the Capital Metro Service Area. Any vehicle not sold to a Member Unit within ~~ten-five~~ (495) business days after notification of vehicle availability will be ~~offered for sale~~ sold to the general public.

Methods for disposing of obsolete or surplus vehicles include but are not limited to:

- (1) Request for Offers (RFO), public auction or online auction;
- (2) transfer or sale to other public agencies;
- (3) transfer to non-profit agencies or organizations consistent with established legal parameters;
- (4) trade-in as part of a new procurement; or
- (5) sale to recycling or scrapping vendors for material content.

The sale or transfer of surplus vehicles funded by the Federal Transit Administration (FTA) shall be processed in accordance with 49 CFR 18.32 and FTA Circular 5010.1D, Grant Management Requirements as stated in the Finance Fixed Asset Policy (FIN104): Removal from Service and Disposal of Grant Purchased Assets.

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VIII-6 SALE OF OBSOLETE OR SURPLUS PROPERTY

When obsolete or surplus assets become available, ~~they will be offered to the general public~~ disposed of in accordance with this policy and applicable laws and regulations. ~~a~~ list of the assets, including the fair market value (FMV), will ~~first~~ be offered to any Member Unit within the Capital Metro service area. Capital Metro may accept an offer of in-kind service equal to FMV instead of monetary payment. Any asset not acquired by a Member Unit within ~~ten-five~~ (495) business days after notification of availability will be ~~offered for sale~~ sold to the general public.

6.1 Surplus Property:

Methods for disposing of obsolete or surplus property include but are not limited to:

	<p>Acquisition Policy Chapter VIII PROC – 100.08</p> <p>Director, Procurement</p>	<p>Issued: December 1998 Revised: May 2017 January 2020 – Approved by: Board of Directors</p>
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- (1) Request for Offers (RFO), public auction or online auction;
- (2) transfer or sale to other public agencies;
- (3) transfer to non-profit agencies or organizations consistent with established legal parameters;
- (4) trade-in as part of a new procurement; or
- (5) sale to recycling or scrapping vendors for material content.

The sale or transfer of obsolete or surplus property funded by the Federal Transit Administration (FTA) shall be processed in accordance with 49 CFR 18.32 and FTA Circular 5010.1D, Grant Management Requirements as stated in the Finance Fixed Asset Policy; Removal from Service and Disposal of Grant Purchased Assets.

6.2 IT Equipment:

The Information Technology Department will be responsible for the review of the continued usefulness of computer equipment and telecommunications equipment within Capital Metro and may identify such equipment as Surplus Property. Surplus IT equipment shall be disposed of using the methods described in section 6.1 above.

VIII-7 SALE OF SCRAP, DAMAGED OR DESTROYED PROPERTY

Scrap, damaged, or destroyed property as determined by the ~~President/CEO~~ President & CEO or his/her designee shall be sold in accordance with industry best practices through scrap or recycle vendors at the market price for the material content (i.e. steel, metal, plastic, etc.) of the property.


VIII-8 DISPOSAL OF OBSOLETE MATERIAL OR EQUIPMENT, SCRAP ~~WITHOUT MONETARY VALUE~~, DAMAGED OR DESTROYED PROPERTY ~~WITHOUT MONETARY VALUE~~

□

8.1 Surplus Property:

The ~~President/CEO~~ President & CEO or his/her designee has the authority to dispose of the property in the most cost-effective means consistent with all relevant laws and regulations through proper waste channels in accordance with industry best practices for the following:

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	<p>Acquisition Policy Chapter VIII PROC – 100.08</p> <p>Director, Procurement</p>	<p>Issued: December 1998 Revised: May 2017 January 2020 –Approved by: Board of Directors</p>
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- Scrap without monetary value.
- Damaged property
- Destroyed property

These items may be deemed as trash if they have no net monetary value.

8.2 IT Equipment:

Disposal of worthless damaged, or destroyed IT equipment shall be made through a certified electronics recycling and disassembly facility in accordance with all relevant laws, regulations and industry best practices.

VIII-9 ZERO WASTE, SUSTAINABILITY AND DISPOSAL OF HAZARDOUS WASTE MATERIALS

9.1 Zero Waste and Recycling:

To the highest extent possible, the disposition of product that is no longer useful to Capital Metro should follow the zero-waste hierarchy. This standard is consistent with sustainability and state of good repair best practices, and allows for the highest and best use. Zero waste methods include: reuse, repurposing, vendor take-back, packaging minimization and reuse, recycling, composting, and other methods that conserve natural resources and minimize landfilling.

All electronic waste disposal will follow best practices by using a recycling facility or vendor that follows Sustainable Electronics Recycling International (SERI) R2 (or similar standards) guidelines whenever possible.


9.2 Disposal of Hazardous Materials:

When hazardous waste materials become available all waste disposal activities will be completed in accordance with all applicable local, state and federal waste disposal law, ordinances and rules.

Surplus Property containing any of the Hazardous Waste materials referenced below shall be identified in the Property Disposal Form.

The materials may include (but are not limited to):

- (1) Paints (Oil, Enamel, Polyurethane, Latex)
- (2) Batteries (All types)
- (3) Chemicals (Acid/Base/Flammables)

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- (4) Pesticides
- (5) Petroleum Products
- (6) Tires (new outdated or used)
- (7) Refrigerants (i.e. Freon) - Any surplus equipment that utilizes refrigerants must be certified free of refrigerant before disposal
- (8) Electronic equipment containing hazardous materials

9.2 Vendors and Sustainability Practices:

In accordance with Capital Metro's *Environmental and Sustainability Policy (SUS-100)*, all efforts will be taken to make vendors aware of Capital Metro's Environmental Sustainability Management System (ESMS) Policy for assurance that they will dispose of any surplus materials properly, while adhering to all environmental laws and regulations.

VIII-10 CONFLICT OF INTEREST (COI) RESTRICTIONS

Capital Metro Procurement personnel, the requesting employee, the requesting department's manager and/or supervisor and their immediate family members are restricted from purchasing all surplus items due to conflict of interest concerns. Generally, Capital Metro employees may make an offer and/or purchase Capital Metro surplus property under the same rules as the general public, unless they are a party listed above. Violations by parties that are restricted from purchasing Capital Metro surplus property can result in disciplinary action up to and including termination.

VIII-11 DONATION RESTRICTIONS

Donations by a governmental entity to a public, non-profit or any other organization are prohibited under Sec. 51 of the Texas Constitution. It is considered granting of public funds without receipt of value. Donations of Capital Metro surplus property are restricted under this policy.

VIII-12 ANTI-SCAVENGING RESTRICTION

Capital Metro property that has been identified as surplus and turned in for disposal, including items that cannot be sold, falls under the anti-scamenging restriction, meaning that unauthorized removal, disposal, or expropriation of Capital Metro Property or Surplus Property is considered theft and could subject individuals to disciplinary action up to and including termination or criminal prosecution.


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Change log

1/2007	Increased board approval threshold to \$100,000
2/2007	Revise delegation of authority on contract mods and incorporate risk-based contingency on new contracts
9/2007	Added contract audit and contract bonding policies
12/2008	Increased micro purchase threshold to \$3000
8/2012	Increased small purchase to \$50,000 and board approval to \$150,000
5/2013	Post-PSR updates
6/2015	Updated investment recovery section and allowed insurance premiums to be paid by check request
12/2016	Authorization of design-build procurement method
5/2017	Modified investment recovery section and made it a standalone chapter
12/2019	Increased micro purchase threshold to \$10,000

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CHAPTER I – OVERVIEW **POLICY**

I-1 INTRODUCTION

The Acquisition Policy of Capital Metropolitan Transportation Authority (Capital Metro) sets forth the minimum standards for processing third party procurement transactions. These policies are furnished to ensure that materials and services are obtained timely, efficiently, and economically, adhering to principles of good administrative practices and sound business judgment, utilizing Disadvantaged Business Enterprise (DBE) firms (for federally funded procurements) and Small Business Enterprise (SBE) firms (for locally funded procurements) as an integral part of the process.


All procurement transactions, except micro purchases as defined herein, shall be conducted in a manner that provides for maximum competition consistent with 2 CFR 200.317 through 200.326 (Super Circular), FTA Circular 4220.1F, "Third Party Contracting Requirements," Department of Transportation 49 CFR Part 18 and 26, and the Capital Metro Employees' Code of Ethics, as in effect at any given time.

Contracts outside the scope of third party contracting include, but are not limited to, employment contracts, real estate contracts and intergovernmental agreements. When possible, Capital Metro will purchase common goods and services using available Interlocal Cooperation Contracts and Agreements. Capital Metro is responsible for assuring that each of its sub-recipients complies with the applicable requirements and standards of 2 CFR 200.317 through 200.326 and FTA Circular 4220.1F, as in effect at any given time, and that each of its sub-recipients is aware of the Federal statutory and regulatory requirements that apply to its actions as a sub-recipient.

Capital Metro will not implement any procurement practices, which give in-state or local geographical preferences in the evaluation of bids or proposals, except in those cases where Federal statutes expressly mandate or encourage geographic preference. This does not preempt State licensing laws.

Capital Metro policy recognizes five basic procurement methods:

1. Micro Purchases (below the Federal Micro Purchase Threshold set forth in 41 U.S.C. § 1902, as in effect at any given time ("the Micro Purchase Threshold")) (see Chapter III);
2. Small Purchase (exceeding the Micro Purchase Threshold to \$50,000.00) (see Chapter III);

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3. Sealed Bids (greater than \$50,000.00) (see Chapter IV);
4. Competitive Proposals (greater than \$50,000.00) (see Chapter V); and
5. Non-competitive Proposals (see Chapter VI).


These methods encompass every type of third-party contract currently utilized in procuring goods, services, equipment, and construction for Capital Metro through local funds or Federally assisted programs or projects. A procedure has been developed for each method from inception of a project to its close out. Particular emphasis has been placed on certain aspects of the procurement process where warranted by the importance of the subject matter.

All procurement transactions must be conducted in a manner that allows for full and open competition. Contracts with a value of \$50,000.00 or more shall be awarded by sealed bid or competitive negotiation. The following practices are deemed restrictive of competition:

- Unreasonable requirements placed on firms to qualify to do business;
- Unnecessary experience and excessive bonding requirements;
- Noncompetitive pricing practices between firms or among affiliated companies;
- Noncompetitive awards to any person or firm on retainer contracts;
- Organizational conflicts of interest;
- Restrictive use of brand names;
- Any arbitrary action in the procurement process; and
- Geographic preferences (unless mandated).

I-2 VENDOR CONTACTS AND RELATIONS

The importance of demonstrating constant and attentive sensitivity to ethics policies cannot be overemphasized. Employees shall avoid any conduct which may give reasonable basis for the impression that any person can improperly influence official acts or actions. Employees shall avoid compromising or culpable acts, including any action that gives the appearance of improper influence or personal conflict of interest.

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To avoid misunderstandings with vendors and contractors, the following guidelines shall govern Capital Metro contacts with vendors /or contractors:

2.1 Contacts Prior to Issuance of a Solicitation (IFB or RFP)

Informational and market research contacts with prospective vendors or contractors are a valuable source of data to Capital Metro. These contacts must be guided by the exercise of good judgment. The primary pitfalls to be avoided are promises or implications of a future contract and requests for substantial complimentary goods or services, which may create the impression of an obligation on the part of Capital Metro. Some specific services or assistance from potential vendors, which should be avoided, include, but are not limited to:

- Testing services;
- Custom drawings;
- Special investigations;
- Demonstrations;
- Furnishing significant samples; and
- Free trips to view products.


If any of the above are required, coordinate the contact with the Procurement Department. A Vendor Disclaimer Form, Demonstration Agreement, or other form or agreement must be obtained from the Legal Department by the Project Manager to protect Capital Metro and the Contractor.

2.2 Contacts During Solicitation, Evaluation, Negotiation, and Award Process

All contacts with vendors or contractors that relate to procurement that are in the solicitation, evaluation, negotiation, and award phase must be conducted through the Procurement Department. The Procurement Department will direct technical questions, such as those relating to “approved equivalents,” to the Project Manager for evaluation.

The only exception to the above policy is that Disadvantaged Business Enterprise (DBE) questions or issues must be directed to the DBE Office.

Employees should not volunteer any information to a vendor concerning his product, the product of a competitor, or the workings of Capital Metro.

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2.3 Acceptance of Gratuities

Invitations received from vendors or potential contractors for business lunches, dinners, or parties should be politely refused, noting that it is the policy of Capital Metro to avoid any situation that might give the appearance of improper influence.

Any offer of gratuities should be tactfully refused.

Any calendars, note pads, or similar items of nominal value received from vendors containing commercial advertising should not be used for Capital Metro business or displayed in the Procurement Department.

I-3 CONTRACTOR CLAIMS

Contractor claims must be submitted to the Chief Contracting Officer in accordance with the Disputes provision of the contract. Any contractor claim shall be accompanied by a certification that:


- (a) The claim is made in good faith;
- (b) Supporting data are accurate and complete to the best of the contractor's knowledge and belief; and
- (c) The dollar amount requested accurately reflects the contract adjustment for which the contractor believes Capital Metro is liable.

If the contractor is an individual, that individual shall execute the certification. If the contractor is not an individual, the certification shall be executed by:

- (a) A senior company official in charge at the contractor's plant or location involved; or
- (b) An officer or general partner of the contractor having overall responsibility for the conduct of the contractor's affairs.

I-4 ORGANIZATIONAL CONFLICTS OF INTEREST

4.1 Detailed Content

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An organizational conflict of interest occurs when the type of work to be performed may, without some restrictions on future or follow-on activities, result in an unfair competitive advantage or impair the contractor's objectivity in performing the contract work.

(a) When specifications and scope of work are prepared, it may identify the possibility that a firm:


- May have a competitive advantage because of prior work done (e.g. designed the information system to be installed).
- May have a bias performing the work because of prior work done or future interests of the firm (e.g. a firm proposing to provide legal representation and advice for construction claims has a major local construction firm as a long-term client).
- May have a competitive advantage in future or follow-on work as a result of the contract to be awarded (e.g. in a preliminary engineering procurement, many firms may wish to propose on the preliminary engineering work that also wish to propose on final design work of the same facility).

(b) If a situation as described above is identified, the firm's eligibility for the contract should be restricted. If such a situation exists, the firm should be restricted from performing both contracts, i.e. require the firm to choose in advance whether, by offering to perform the work at hand, it wants to restrict itself from the second contract.

(c) Many procurements have the potential of organizational conflict of interest, but they are more likely to occur in contracts involving:

- Management support services
- Consultant or other professional services, particularly preparation of plans, designs, or specifications for further work or products
- Contractor performance of, or assistance in, technical evaluations
- Systems engineering and technical work performed by a contractor that does not have overall responsibility for development or production
- Legal and accounting services

4.2 General Rule

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The following general rule prescribes limitations on contracting as the means of avoiding, neutralizing or mitigating organizational conflicts of interest that might otherwise exist in the stated situations. Each individual contracting situation should be examined on the basis of its particular facts and the nature of the proposed contract. The exercise of common sense, good judgment and sound discretion is required in both the decision on whether a significant potential conflict exists and, if it does, the development of an appropriate means for resolving it.

The underlying principle is Contractors that develop or draft specifications, requirements, statements of work, and invitations for bids or requests for proposals must be excluded from competing for such procurements.

By following this general rule, it assists in preventing the existence of conflicting roles that might bias a contractor's judgment and preventing unfair competitive advantage.


I-5 NON-PROCUREMENT PURCHASES

There are instances where goods or services are not processed through the Procurement Department; however, the Procurement Department may set up contract purchase agreements for these goods or services to track expenditures on an annual basis. Contract purchase agreements may be set up to track funding for any type of income or expense agreement.

Certain expenses are routinely incurred without the issuance of formal purchasing documents.

5.1 Expenses that do not require a Purchase Order or Purchase Agreement:

- Payroll account reimbursement, tax withholding payments, and all associated benefit payments.
- Claim settlements.
- Real property settlements and Escrow payments.
- Periodic vendor payments under established leases.
- Licenses and permits.
- Subscriptions and publications
- Conference and seminar registration fees.

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- Training
- Organizational and professional membership dues.
- Refunds (returns of bid deposits, overpayment of bus passes, etc.)
- Reimbursement of petty cash.
- Freight bills and/or courier service.
- Official Capital Metro newspaper advertisements by Marketing, Community Relations, Procurement, Personnel, and/or Legal.
- Travel advances and employee reimbursements.
- Replenishment of postage meters.
- Interlocal Agreements.
- Utilities.
- Sub-recipients.
- Insurance Premiums.

I-6 PREQUALIFICATION

Capital Metro does not maintain a prequalification program.

I-7 ENSURING MOST EFFICIENT AND ECONOMIC PURCHASE


Departments, during their annual budget process, should determine the procurement actions necessary to sustain their operations through the fiscal year. A list of these procurement actions should be forwarded to the Procurement Department annually. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase and to avoid purchase of unnecessary or duplicative items. Where appropriate, an analysis will be made of lease versus purchase alternatives and any other appropriate analysis to determine the most economical approach. Capital Metro considers various procurement sources to ensure economical purchases including, but

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not limited to DIR, HGAC, TXMAS, TCPN and Buy Board. Additionally, in accordance with Section 3019 of the Fixing America's Surface Transportation (FAST) Act, as in effect at any given time, Capital Metro may purchase from:

- Another State's cooperative procurement contract.
- Cooperative procurement contracts which are purchasing schedules between a state or eligible nonprofit with one or more vendors for rolling stock.

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CHAPTER II – PROCUREMENT REQUIREMENTS POLICY

II-1 DELEGATION OF PROCUREMENT AUTHORITY


1.1 Board Authority

Chapter 451 of the Texas Transportation Code provides that the Board of Directors shall have authority and responsibility to advertise, enter into, and amend contracts for the purchase or lease of materials or services through competitive bidding. It also authorizes the Board of Directors to adopt rules governing its procurement policy.

1.2 President & CEO Authority

The Board of Directors hereby authorizes and delegates to the President & CEO or his/her designee, identified by signed Certificate of Appointment, the authority and responsibility to:

- Approve and execute all purchase requisitions.
- Advertise and/or issue solicitation documents (RFQs/IFBs/RFPs/SOQs).
- Issue solicitation documents (RFQs/IFBs/RFPs/SOQs) and execute contract instruments for consumable items which are considered basic requirements in support of Capital Metro's day-to-day transit operations such as supply agreements for bus parts, supplies, petroleum products, tickets, and passes, regardless of the dollar amount.
- Approve and execute purchase orders and contract instruments awarded under Capital Metro's micro and small purchase procedures.
- Execute contracts or options to contracts resulting from Invitation for Bids (IFB), Request for Proposals (RFP) and Statements of Qualifications (SOQ) which do not exceed the \$150,000 threshold per year for services, the construction of improvements, or purchase of material, machinery, equipment, supplies and all other property, except real property. Any modification to the contract that causes the contract amount to exceed the threshold in any year of the contract shall require Board approval.
- Approve and execute contracts resulting from non-competitive procurements and unauthorized procurement actions that do not exceed the \$150,000 per year threshold.

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- Approve and execute modifications to Board approved contracts which individually, or in combination, cannot exceed \$150,000 or a Board approved contingency.
- Approve and execute contracts, modifications, or change orders in case of emergency, which shall mean cases where postponement of the action until the next scheduled meeting of the Board of Directors will result in loss of property, danger to life or health, or major adverse effect on transit service, provided that the President & CEO shall request ratification of each action under this emergency provision at the next meeting of the Board of Directors.
- Approve and execute settlements of contractual claims against Capital Metro in an aggregate amount not to exceed \$150,000.00 per claimant.

II-2 REPORTING REQUIREMENTS

The Chief Contracting Officer shall report monthly all awards between the amount of \$100,000 - \$150,000 to the Finance, Audit and Administration Committee.


Any Contract modification above the President & CEO's delegated procurement authority or the original Board approved risk-based contingency will require subsequent Board approval.

II-3 PURCHASE REQUISITIONS

The Procurement Department is responsible for all soliciting, purchasing and associated contracting activities in support of Capital Metro.

Capital Metro staff shall follow sound procurement and contract administration practices that ensure timely delivery of materials and services, promote greater economy and efficiency and adhere to prudent business principles.

There will be no procurement action taken until a properly executed Purchase Requisition (PR) and any required backup documentation is received by the Procurement Department. Requestors shall be trained by the Procurement Department on their specific responsibilities. The individual requesting the PR is responsible for the accuracy and adequacy of information supporting the request. PRs should be submitted early enough to have a purchase order or contract prepared, reviewed, and issued in time for the material or service to be obtained when needed. The requestor will be responsible for assuring that all advance preparations are made so that total PR processing time is expeditious. Incomplete PRs will be returned to the user department. PRs that contain incomplete information upon arrival in the Procurement Department will be returned to the originator for clarification prior to procurement action. PRs will not be

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accepted and processed for solicitation by the Procurement Department until the specifications or scope of work are adequate to provide clear communication to the bidders or offerors. Purchase requisitions over the micro purchase threshold must have an independent cost estimate.


The Grants Accountant (Finance) and the Budget Office must approve all Purchase Requisitions for FTA-funded procurements. The Chief Financial Officer and the President & CEO must approve, regardless of the dollar value, any Purchase Requisition which is not within approved budgets; that is, where the financial availability is dependent on future budget changes or amendments.

Changes to the PR will not be made by the Procurement Department without notification to the department. If the department desires to make any change in estimated dollar amount or scope of work to the PR subsequent to submittal to the Procurement Department, the person making the change must obtain the approval of other required signatories of the PR.

II-4 UNAUTHORIZED PROCUREMENT ACTIONS

When persons acting outside the established limits of procurement authority direct, instruct, order, or request a person to do something for, or on behalf of, Capital Metro without a purchase order, contract, contract modification, or formal change order, they are creating an unauthorized procurement action. Capital Metro may not be bound by the unauthorized procurement acts of individuals who have not been delegated procurement authority. Unauthorized procurement actions may include any of the following:

- (a) The outright purchase of an item by an employee outside the Procurement Department.
- (b) Placing orders against expired contracts, blanket purchase agreements or blanket purchase orders.
- (c) Placing orders in excess of the “not-to-exceed” value of a variable quantity contract, blanket purchase agreement or blanket purchase order. Note that our fiscal year “budget” and the contract “not-to-exceed” values are not necessarily synonymous.
- (d) Directing changes to the scope of the contractor’s work under the Contract without express, written, or delegated authority. Changes could be:
 - requiring additional work;

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- deleting work;
- requesting quantities in excess of or less than those specified;
- “trading-off” item A for item B.


or

- changes to the contractual terms and conditions;
 - requiring acceleration or deceleration of the work schedule;
 - promising to pay sooner than called for in the contract;
 - promising to pay more than the specified amounts.
- (e) Changing the Nature or Quality of the Goods, Services or Construction.
- Directing the vendor to perform work outside of the original intent of the contract.
 - Allowing substitutions of brand-named items other than those specified in the agreement.

The President & CEO may reduce the department's budget by the amount of the inappropriate purchase amount or procurement action when a violation involves an amount exceeding the micro purchase threshold. The President & CEO may make a determination whether an employee will be required to pay Capital Metro for the amount of the violation. The President & CEO may delegate to the Chief Contracting Officer authority to approve unauthorized procurement actions that are less than \$50,000.00.

An unauthorized procurement action may result in the employee authorizing the action being personally liable and making payment to the vendor for the goods or services procured, the vendor absorbing any losses, or ratification for the unauthorized procurement action.

In the event of an unauthorized procurement action, corrective or disciplinary action may be initiated against the employee charged with undertaking the unauthorized procurement action, up to and including termination. The severity of the disciplinary action shall be commensurate with the severity of the action taken. The employee's supervisor shall consult with the Chief Contracting Officer in assessing the severity of the unauthorized action and the Department of People and Culture for compliance with

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applicable disciplinary policies. Factors to be considered in determining the severity of the action taken and the appropriate disciplinary action may be:


- The dollar value of the adverse effect of the action
- Whether this is the first unauthorized procurement action of the employee
- Whether the action was knowing or unintentional
- Whether the action subjected the Authority to operational or financial risk
- Reputational impact of the action or creation of an appearance of conflict of interest

Examples of actions with a lower impact to Capital Metro may be:

- Any action in which the adverse effect is less than the Federal Micro Purchase Threshold.
- Authorizing bidder or vendor to begin work prior to receipt of a purchase order, contract, or contract notice to proceed.
- Authorizing substitution without prior written approval by the Procurement Department.
- Outright purchase of an item outside the Procurement Department that is not an emergency purchase.
- Changing the delivery address without modification to the purchase order or contract.

Examples of actions with a moderate impact to Capital Metro may be:

- Any action in which the adverse effect is from the Federal Micro Purchase Threshold to less than \$50,000.00.
- Repeat of the same minor offense within one year.
- Changing the scope of work without a contract modification.
- Placing orders against expired contracts or purchase orders.
- Directing the vendor to perform outside the original intent of the contract.

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- Promising to pay sooner than called for or to pay more than the amount specified.
- Agreeing to change the terms and conditions of the contract without the Procurement Department's written modification.

Examples of actions with a severe impact to Capital Metro may be:

- Knowingly committing an unauthorized procurement action which has an adverse effect of \$50,000.00 or more, or significantly affects public image.
- Repeat of the same moderate offense within one year.
- Falsification of any documents submitted to the Procurement Department.
- Failure to disclose a known or potential organizational conflict of interest.
- Inappropriate discussion of proposals or their evaluation prior to award of a contract.


II-5 **TRANSIT VEHICLE PURCHASES**

Capital Metro will utilize a competitive procurement process (sealed bid or request for proposal, state purchases or co-ops) for procurement of transit vehicles.

Transit Vehicle Manufacturer (TVM) Certification requirements state that all bidders or proposers on transit vehicles purchased with FTA funds for the primary purpose of public transportation (this includes large buses, small buses, and vans) must certify compliance with Section 23.67 of DOT Minority Business Enterprise Regulation (49 CFR Part 26, Subpart D). Vehicles purchased for use as support (non-revenue) vehicles rather than for transport of passengers are excluded. The threshold for Buy America Compliance is \$150,000. See 49 U.S.C. 5323(j)(13).

Capital Metro may not purchase or lease a new bus model using FTA grant funds unless the bus model is tested at the Altoona test facility and receives a passing test score as required by and in accordance with 49 CFR 665 as in effect at any given time.

Capital Metro must complete a pre-award audit in compliance with 49 CFR Part 663, as in effect at any given time, prior to contracting for the purchase of revenue service rolling stock with FTA funds. Capital Metro must also complete a post-delivery audit prior to final acceptance in accordance with 49 CFR Part 663.

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The Contract term limit for rolling stock purchases is five (5) years, inclusive of options. This term limit does not apply to delivery of the vehicles.

The Contract term limit for rail vehicles is seven (7) years, inclusive of options. This term limit does not apply to the delivery of the vehicles.

II-6 BUY AMERICA CERTIFICATION REQUIREMENT FOR STEEL AND MANUFACTURED PRODUCTS

If steel or manufactured products (as defined in 49 CFR 661.3 and 661.5, as in effect at any given time) are being procured, the appropriate certificate as set forth in 49 CFR 661.6 shall be completed and submitted by each offeror in accordance with the requirement contained in 49 CFR 661.13(b). The threshold for Buy America Compliance is \$150,000. See 49 USC 5323 (j)(13).

II-7 BUY AMERICAN CERTIFICATION REQUIREMENT FOR STEEL, IRON AND MANUFACTURED PRODUCTS


If steel, iron, and manufactured products as defined in 41 USC 8302 and 48 C.F.R. § 25.001 are procured using certain federal funds, the appropriate certificate of compliance shall be completed and submitted by each offeror.

II-8 EMERGENCY PURCHASES

Except under emergency situations, only authorized members of the Procurement Department may obligate Capital Metro to incur costs for the purchase of goods and services. Any other commitments are informal and expose whoever makes such a commitment to personal liability for costs thereby incurred. Genuine emergencies may arise at times when established purchasing procedures cannot be followed and non-Procurement Department personnel may be required to obligate Capital Metro to incur costs. To avoid unauthorized procurement actions, refer to Capital Metro Emergency Response Plan for specific details.

During normal business hours, the Procurement Department **MUST** be contacted before taking emergency action which obligates Capital Metro.

After normal business hours, the personnel making the emergency purchase should attempt to obtain quotes to the extent practicable within the time available to resolve the emergency. A PR must be submitted to the Procurement Department the next working

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day following the emergency procurement. The requisition shall include an Emergency Purchase Justification Form (PRO Form EPJ) containing an explanation of the emergency, why it could not have been anticipated, rationale for the selection of the awarded vendor, and a statement that the price is fair and reasonable, to include how the price fair and reasonable determination was made.

In all instances, efforts shall be made to obtain DBE participation. Emergency purchases of \$50,000 or more require the signature and approval of the department's assigned Executive Vice President and the President & CEO on the Emergency Purchase Justification Form when it is submitted to the Procurement Department.

II-9 TECHNICAL SPECIFICATIONS AND STATEMENTS OF WORK

Technical Specifications and Statements of Work for either sealed bid or competitive proposal procurements shall describe accurately and in clear, concise language the technical requirements to be met by a contractor in satisfying Capital Metro's needs. These documents shall be in a format that describes, in logical steps, the complete service or item to be delivered for each milestone of the total requirement from inception to 100% completion.

Specifications/requirements shall not be slanted toward any particular prospective contractor. Descriptive literature from one prospective contractor shall not be used as the sole basis for writing specifications/requirements. Descriptions shall not contain features that unduly restrict competition.


Solicitations of offers for professional services shall clearly and accurately set forth all requirements which the offerors must fulfill, including the factors to be used in evaluating the bids or proposals.

Work to be done on or to Capital Metro property requires contractor insurance. Risk Management will provide insurance requirements based on specific contractor tasking.

II-10 CONTRACT TYPES AND OPTIONS

10.1 Contract Types

There are two basic contract types: the fixed-price type and the cost type. The fixed-price type is the only type of pricing arrangement that can be used in sealed bid procurements. In negotiated procurements (RFPs), either the fixed-price or the cost type contract can be used. The primary difference between the two contract types is risk.

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A fixed-price contract provides for a price that is not subject to any adjustment on the basis of the contractor's cost experience in performing the contract. This contract type places upon the contractor maximum risk and full responsibility for all costs and resulting profit or loss. It provides maximum incentive for the contractor to control costs and perform effectively and imposes a minimum administrative burden upon the contracting parties.

Cost-reimbursement types of contracts provide for payment of allowable incurred costs, to the extent prescribed in the contract. These contracts establish an estimate of total cost for the purpose of obligating funds and establishing a ceiling that the contractor may not exceed (except at its own risk) without the approval of the contracting officer.

Capital Metro shall not use a cost-plus-a-percentage-of-cost-contract. Such contracts are prohibited by law where Federal funds are utilized and by Capital Metro Policy where local funds are used.

Time and Materials contracts are restricted. The Common Grant Rule for governmental recipients permits the use of time and materials contracts only:

- (a) After determining that no other contract type is suitable; and
- (b) If the contract specifies a ceiling price that the contractor may not exceed except at its own risk.


The Procurement Department will determine which contract type is most appropriate for each specific procurement.

10.2 Federal Restrictions on Contract Term

Except for procurements of rolling stock and replacement part contracts, which are limited by law to five (5) years, and seven (7) for rail vehicles, the other third party contracts (such as property, services, leases, construction, revenue, and so forth) are not encumbered by Federal requirements restricting the maximum periods of performance. Nevertheless, the duration of the other contracts must be reasonable.

10.3 Contract Options

A contract option is a unilateral right in a contract by which, for a specified time, Capital Metro may elect to purchase additional equipment, supplies, goods or services called for by the contract, or may elect to extend the term of the contract. 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 the options will be considered a sole source procurement. Capital Metro

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must ensure that the exercise of an option is in accordance with the terms and conditions of the option stated in the initial contract award.


In recognition of Capital Metro's needs in certain service contracts for continuity of operations and the potential cost of disrupted support, options may be included in service contracts if there is an anticipated need for continued service beyond the first contract period and competition is infeasible.

Capital Metro may exercise an option only after making a written determination, signed by the Project Manager, the department's assigned Vice President and/or Executive Vice President, and Chief Contracting Officer and placed in the contract file, that the exercise of the option is the most advantageous method of fulfilling Capital Metro's needs, considering price and other factors.

II-11 PERSONAL SERVICES CONTRACTS

A Personal Services Contract is a contract that, by its express terms and as administered, makes the Contractor personnel appear to be, in effect, Capital Metro employees. A Personal Services Contract is characterized by:

- (a) The employer-employee relationship it creates between Capital Metro and the Contractor's personnel;
- (b) Relatively continuous supervision and control by a Capital Metro Manager;
- (c) Contract performance is accomplished at a Capital Metro facility;
- (d) Principal tools, equipment, goods, supplies, and administrative support is provided by Capital Metro;
- (e) The services are applied directly to the integral effort of Capital Metro in furtherance of an assigned function or mission;
- (f) Comparable services to meet the needs are not expected to last beyond one year; and,
- (g) The inherent nature of the service, or the manner in which it is provided, reasonably requires, directly or indirectly, Capital Metro direction and supervision of contractor employees in order to:
 - Adequately protect Capital Metro's interest;

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- Retain control of the function involved; or,
 - Retain full personal responsibility for the function supported by a duly authorized Capital Metro officer or employee.
- (h) Personal Services Contractors shall be selected on a competitive basis except when competition is not required or is waived pursuant to non-competitive procurement guidelines.

11.1 President & CEO Approval

The President & CEO must approve the use of a Personal Services Contract prior to solicitation. The President & CEO must also approve any modifications to a Personal Services Contract.

11.2 Reason for Use of Personal Services Contracts


Personal Services Contracts may be considered when one or more of the following factors apply:

- Requirement of special expertise or unusual qualifications.
- Nature, magnitude, or complexity of services required.
- Capital Metro lacks the resources, support staff, specialized facilities, or equipment.
- Lower cost.
- Short-term need for the services.
- Infrequent need for the services.
- Emergency requirements.

11.3 Requirements for Selection

The following are the requirements to be followed for selection of contractors for personal services:

- The user department requiring the services shall prepare a PR containing a description of the services, the reason why they are required, and the required or estimated schedule or duration of the services.

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- The Procurement Department will prepare and advertise the Request for Proposal (RFP) as appropriate for the dollar value of the contract. DBE will review the requirement for DBE/SBE participation, if appropriate.
- The RFP shall describe the services to be performed; any completion dates or time requirements; DBE/SBE requirements, if applicable; and the criteria to be utilized by the Evaluation Committee in evaluating proposals. It shall also contain a requirement for a cost proposal and the date, time, and place when proposals must be received.
- The Evaluation Committee will evaluate proposals using the stated evaluation criteria and recommend one or more proposers with which to negotiate. A recommendation shall be made to award a contract to the proposer(s) whose proposal(s) will be the most advantageous to Capital Metro, the price, qualifications, and other factors considered, using the evaluation criteria as the basis for the decision.

11.4 Personal Services Versus Temporary Employees


Temporary employees perform work that would ordinarily be done by regular staff. Temporary employees can fill positions for projects where the Board has approved staffing costs. Temporary employees can also be hired to assist in a work overload situation where a Capital Metro employee could perform the task if there were time.

II-12 OTHER CONTRACT TYPES

12.1 Revenue Contracts

A revenue contract is a contract in which the recipient or subrecipient provides access to public transportation assets for the primary purpose of either producing revenues in connection with an activity related to public transportation, or creating business opportunities with the use of FTA assisted property. Capital Metro has broad latitude in determining the extent and type of competition appropriate for a particular revenue contract. To ensure fair and equal access to FTA assisted property and to maximize revenue derived from such property, Capital Metro should conduct its revenue contracting as follows:

- (a) **Limited Contract Opportunities:** If there are several potential competitors for a limited opportunity then Capital Metro should use a competitive process to permit interested parties an equal chance to obtain that limited opportunity.

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(b) **Open Contract Opportunities:** If, however, one party seeks access to a public transportation asset, and Capital Metro is willing and able to provide contracts or licenses to other parties similarly situated, then competition would not be necessary because the opportunity to obtain contracts or licenses is open to all similar parties.

(c) **Joint Development:** Joint Development is when a public transportation agency forms a partnership with the private sector in order to promote real estate development in and around transit facilities, which is often referred to as “joint development.” Although FTA joint development projects are primarily a means to provide private capital to transit projects, joint development projects combine aspects of federally assisted construction and revenue contracting. If a contract between Capital Metro and a third party involving a joint development project is not a construction contract or a revenue contract as defined in FTA Circular 4220.1F, then that contract is not covered by FTA’s third-party contracting provisions. Nevertheless, even in situations not covered by the third-party contracting provisions, FTA generally favors full and open competition. Joint Development is a function of Capital Metro’s Real Estate Department.


12.2 Design/Bid/Build

It has been traditional in the construction industry to employ an architect/engineer (A/E) to complete a detailed design of the entire project before soliciting bids from construction contractors. This traditional approach is known as sequential design and construction. This sequential design/construction approach requires that a detailed design package of the entire project be complete before bids are solicited from construction contractors. Following award of the construction contract, the A/E is often retained by the owner for the construction phase, and acts as the owner’s agent, to inspect the construction work to ensure that the structures are built according to the designs and specifications.

12.3 Design-Build

The design-build procurement method consists of contracting for design and construction simultaneously with contract award to a single contractor, consortium, joint venture, team, or partnership that will be responsible for both the project’s design and construction. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) expressly authorizes the use of FTA capital assistance to support design-build projects “after the recipient complies with Government requirements,” 49 U.S.C. Section 5325(d)(2). Capital Metro must follow Chapter 2269 of Texas Government Code for all Design-Build projects.

(a) **Construction Predominant:** The construction costs of a design-build project are usually predominant so that the recipient would be expected to use competitive negotiations or sealed bids for the entire procurement rather than the qualification-based Brooks Act procurement procedures or Texas Professional Services Act.

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(b) **Design Services Predominant:** When cost of most work to be performed will consist of costs for architectural and engineering, program management, construction management, feasibility studies, preliminary engineering, design, architectural engineering, surveying, mapping, or related A&E services, Capital Metro must use qualifications-based procurement procedures based on the Brooks Act or Texas Professional Services Act.

(c) **Public-Private Partnerships:** A Public-Private Partnership (PPP) is a formal contractual arrangement between Capital Metro and one or more private partners establishing a mechanism for procuring property and services under which the private sector assumes some of the public sector's customary role in planning, financing, design, construction, operation, and maintenance. PPPs may use the following types of contracting delivery arrangements or project delivery systems including, but not limited to:

- Design-Build;
- Design-Build with a Warranty;
- Construction Manager at Risk;
- Design-Build-Operate-Maintain;
- Design-Build-Finance-Operate;
- Build-Operate-Transfer;
- Build-Own-Operate; and
- Full Delivery or Program Management.

For a description of these types of PPPs, see FTA "Notice of establishment of Public-Private Partnership Pilot Program; solicitation of applications," 72 FR 2583, esp. 2584, 2585-2591, January 19, 2007.

(d) **Value Engineering:** Value Engineering is a procedure designed to incentivize contractors to submit change proposals which reduce the cost of contract performance by promising the contractor a share of the savings. Contractors can often find less expensive ways to perform their contracts than the methods prescribed in their contract specifications. They will be reluctant, however, to propose changes which will reduce their contract price and have the effect of reducing their profit on the contract. Value engineering is a technique designed to overcome this disincentive by offering them a share of the savings resulting from their change proposals. See Part 48 of the FAR for additional details on value engineering.

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II-13 IMPERMISSIBLE ACTIONS

13.1 Improper Contract Extension

A contract has been improperly expanded when it includes a larger scope, greater quantities, or options beyond the reasonably anticipated needs. A contract has also been improperly expanded when excess capacity has been added primarily to permit assignment of those contract rights to another entity.

13.2 Cardinal Changes

A significant change in contract work (property or services) that causes a major deviation from the original purpose of the work or the intended method of achievement, or causes a revision of contract work so extensive, significant, or cumulative that, in effect, the contractor is required to perform very different work from that described in the original contract, is a cardinal change. Such practices are sometimes informally referred to as “tag-ons.” A change within the scope of the contract (sometimes referred to as an “in-scope” change) is not a “tag-on” or cardinal change. Cardinal changes are prohibited.


II-14 ACQUISITION THROUGH ASSIGNED CONTRACT RIGHTS (PIGGYBACKING)

Although FTA does not encourage the practice, Capital Metro may find it useful to acquire contract rights through assignment by another recipient. A recipient that obtains contractual rights through assignment may use them after first determining the contract price remains fair and reasonable, and the contract provisions are adequate for compliance with all Federal requirements. Capital Metro does not need to perform a second price analysis if a price analysis was performed for the original contract. Capital Metro must determine whether the contract price or prices originally established are still fair and reasonable before using those rights. Capital Metro will be responsible for ensuring the contractor’s compliance with FTA’s Buy America review certifications. Before proceeding with the assignment, Procurement must review the contract to be sure that the quantities do not exceed the amounts available under the contract. When piggybacking, the FTA’s piggybacking checklist must be completed prior to making an award.

II-15 STATE CONTRACTS

Section 3019 of the FAST Act allows Capital Metro to purchase from:

- Another State’s cooperative procurement contract; and

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- Cooperative procurement contracts which are essentially purchasing schedules between a state or eligible nonprofit with one or more vendors for rolling stock.

State contracts (DIR, TXMAS, TCPN, Buy Board, etc.) awarded competitively for the benefit of all State agencies are not considered "piggybacking/IDIQ" actions and do not require minimum and maximum quantities or assignability clauses. When using these contracts with federal funding, it must include all FTA required clauses and certifications. If buying a product that is other than the lowest offered price for that product under all State contracts, it must document the file as to why the higher priced product must be purchased. It must also be determined that the State contracts were awarded with full and open competition and were not subject to geographical preferences (e.g., giving in-state vendors a bidding preference - as some states have such practices that are prohibited by FTA).

II-16 **PROTESTS**

A PROTEST MUST BE SUBMITTED TO THE CHIEF CONTRACTING OFFICER USING PROCEDURES SET FORTH IN EACH SOLICITATION.


Any interested party aggrieved or adversely affected in connection with the solicitation, evaluation, or award of a contract may file a protest with the Chief Contracting Officer of Capital Metro and appeal any adverse decision to the President & CEO of Capital Metro. Such protest must be in writing and received in the office addressed as follows: Capital Metro, Attn: Director, Procurement Department, 2910 East Fifth Street, Austin, Texas, 78702.

If Federal funds are used on this Contract, the bidder/offeror may appeal to the Federal Transit Administration (FTA) after exhausting all administrative appeals stated above. An appeal to FTA must be received by the appropriate FTA regional or Headquarters Office within five (5) working days of the date the protester learned or should have learned of an adverse decision by the Authority or other basis of appeal to FTA. The appeal must be submitted to:

Administrator
FTA Region 6 Office
819 Taylor Street, Room 8A36 Fort
Worth, Texas 76102

Reviews of protests by FTA will be limited to:

- (1) the Authority's failure to have or follow its protest procedures, or its failure to review a complaint or protest; or

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- (2) violations of Federal law or regulation.

Any protest submitted to the FTA must follow the procedures above, or it will be returned without action.

Any “interested party” is defined with respect to the following:

- (a) With respect to complaints concerning the terms, conditions or form of a proposed procurement action, any prospective bidder or offeror whose direct economic interest would be affected by the award, or failure to award a contract.
- (b) With respect to complaints concerning award decisions, only those actual bidders or offerors who have submitted a bid or offer in response to a Capital Metro solicitation and who, if their complaint is deemed by Capital Metro to be meritorious, would be eligible for selection as the successful vendor for award of the contract.


Protests directed to the terms, conditions or proposed form of procurement action must be received by the Chief Contracting Officer at least five (5) working days prior to the date established for the opening of bids or receipt of proposals. Protests concerning award decisions, including bid evaluations, must be received by the Chief Contracting Officer within five (5) working days after such aggrieved person knows, or should have known, of the grounds of the protest. The Chief Contracting Officer will always respond to issues raised by protests involving fraud, gross abuse of the procurement process, or otherwise indicating substantial prejudice to the integrity of the procurement system.

II-17 CONTRACT AUDIT POLICY

Internal Audit, Procurement, and Finance will annually conduct a joint review and risk assessment of existing and planned contract actions. A proposed risk-based list of planned contract-related audits and/or audit services will be developed. Internal Audit will request operating budget funds annually to address jointly-identified contract risk areas.

Risk considerations include, but are not limited to:

- Contract type / solicitation requirements
- Contract and/or change order (modification) amount
- Use of grant funding
- Management requests / urgency

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Internal Audit will allocate internal and/or external audit resources to address identified high risk areas based upon availability of budget/staffing resources.

Scope

Internal and/or external audit resources can be used to perform or assist with the following contract-related activities:

- Evaluating cost proposals / pre-award audit
- Performing cost / price analyses
- Performing interim and/or contract close-out audits
- Other contract areas as deemed necessary (e.g., evaluating overhead rates)


II-18 CONTRACT BONDING POLICY

Capital Metropolitan Transportation Authority Procurement, Risk and user departments will jointly review construction, vehicle manufacturing, information technology, transportation operation and maintenance service solicitations and future contract modifications to determine if bonding requirements are appropriate, and if so, assess and determine at what levels. Each purchase will be evaluated on an individual basis as to risk and financial loss potential. This will include an assessment of a requirement for bonding to the contingency level as approved by the Capital Metro Board of Directors.

For construction or facility improvement contracts or sub-contracts, Capital Metro will adhere to Federal and State statutory bonding requirements. If Federal and State bonding requirements begin to diverge, Capital Metro bonding requirements policy will always mirror the most conservative statutory compliance requirement.

All other non-construction or non-facility improvement contracts may be reviewed if the contract price exceeds \$100,000. All other non-construction contracts or facility improvement contracts shall be reviewed if the contract price exceeds \$1,000,000.

For all identified contracts, if the value of the undelivered work exceeds the bond amount by a material amount because of contract modifications, Procurement will seek to raise the value of the bond, or if federally funded, may request a waiver from FTA. Procurement will consider cost associated with a larger bond, whether the prime has required bonds from its subcontractors, and the performance record and financial resources of the prime.

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When essential to the best interests of the Authority, or as required by law, the President & CEO may waive or require bonding, or may increase bonding amounts on any contract or purchase in weighing the effect on cost, competition and DBE participation.

For all contract related bonds, Capital Metro will require that any and all bond dividends, rebates, and refunds be returned to Capital Metro.

Exceptions to this policy require the written authorization of the President & CEO.

II-19 COST PRINCIPLES


Capital Metro shall require contractors to comply with 48 CFR, Part 31 (FAR) as in effect at any given time.

II-20 GSA SCHEDULES

Capital Metro is authorized specifically by Federal law to use a GSA Federal Supply Schedule. These uses are limited, but include:

- Information Technology (IT) – Section 211 of the E-Government Act of 2002, 40 U.S.C. Section 502(c)(1), authorizes State and local governments, within limits established by law, to acquire IT of various types through GSA's Cooperative Purchasing Program, Federal Supply Schedule 70.
- Major Disaster or Emergency Recovery – Section 502(d) of title 40 U.S.C. authorizes State and local government entities to use any GSA Federal Supply Schedule to acquire property and services in advance of a major disaster declared by the President of the United States, as well as in the aftermath of an emergency event. The State or local government is then responsible for ensuring that the property or services acquired will be used for recovery.
- Local Preparedness Acquisition – Section 502(c)(2) of title 40 U.S.C. authorizes State and local governments, within limits established by law, to acquire law enforcement, security and certain related items of various types through GSA's Cooperative Purchasing Program Federal Supply Schedule 84, or any amended or later version of that Federal supply classification group.

When using GSA schedules to acquire property or services in this manner, Capital Metro must ensure all Federal requirements, required clauses, and certifications (including FTA's Buy America requirements) are properly followed. Note that GSA schedules are not subject to FTA's Buy America regulations and may include manufactured products that are not eligible for FTA funds. In these cases, Capital Metro must ensure that all Buy America certifications or waivers are received before awarding a contract or purchase order.


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Also, when using GSA schedules to acquire property or services, Capital Metro can fulfill the requirement for full and open competition by seeking offers from at least three sources. Any purchases from GSA schedules must be certified fair and reasonable.

II-21 SUB-RECIPIENT OVERSIGHT

When Capital Metro passes through funding to a subrecipient, competitive procurement requirements may apply to the subrecipient. This requirement would usually apply to any subrecipient which performs primary project activities normally performed by Capital Metro directly. In such circumstances, the procurement process of the subrecipient shall meet Federal requirements contained in the FTA Master Agreement, including Buy America, debarment and suspension, and lobbying requirements.

Monitoring of compliance with FTA third-party contracting requirements will require a review of procurement procedures, either through site visits or a periodic review of written procurement manuals. Capital Metro is not required to review each subrecipient's procurement to ensure compliance with Federal requirements. Capital Metro may review selected procurements on a periodic basis in conjunction with a site visit or other general review of compliance with Federal requirements.

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CHAPTER III – MICRO AND SMALL PURCHASE PROCUREMENTS

POLICY

All micro and small purchases shall be made from sources known to provide the types of goods or services required. Disadvantaged Business Enterprise firms are encouraged to participate in these procurements. Micro and small purchase procurements may not be modified to increase the dollar value of the purchase order in excess of the procurement method used, i.e. a purchase order based on the micro purchase method may not be modified beyond Capital Metro's Micro Purchase Threshold or an order for \$49,500 may not be increased beyond \$50,000.00. Micro and small purchases are exempt from Buy America requirements.

III-1 MICRO PURCHASE


Micro purchases, including delivery charges, may be accomplished without securing competitive quotations if the prices are considered to be fair and reasonable. The threshold for Capital Metro Micro Purchases is \$10,000.00. The department is required to submit previous purchase information and the purchase order number for similar, previous purchases in order to document rotation. The Procurement Department is not obligated to purchase from the department's suggested source if the price is not considered fair and reasonable. Micro purchases made under the Purchasing Card (PCard) Program are not excluded from the need for rotation.

Dividing a purchase requirement with the intent of avoiding Capital Metro's Micro Purchase threshold, competition requirement, or other dollar thresholds is considered bid-splitting and is therefore prohibited.

NOTE: Micro Purchase Procedures must not be used for construction contracts with a value of \$2,000.00 or more. Any construction purchase over \$2,000.00 must include Davis Bacon wage rates.

III-2 SMALL PURCHASE

Small purchases (from the Federal Micro Purchase Threshold to \$50,000.00) shall be made by soliciting at least three firms to obtain written quotations, including one Disadvantaged Business Enterprise firm if possible. Written records of solicitations must be recorded. In the absence of adequate price competition, the buyer must make a determination that the price is fair and reasonable.

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CHAPTER IV – SEALED BID PROCUREMENTS **POLICY**

All goods and services estimated to cost \$50,000.00 or more should be purchased using full and open competition procedures. Procurement Department personnel may use DBE and SBE directories, Texas Centralized Master Bidder's List (CMBL), the requestor's source list, the internet, and appropriate business registers to assist them in identifying sources.

IV-1 DESCRIPTIVE LITERATURE/WRITTEN DATA

Bidders are normally not required to furnish descriptive literature or written data as a part of their bid. Capital Metro may deem that such literature or written data is needed before award to determine whether the products offered meet the specification requirements of the Invitation for Bids and/or to establish exactly what the bidder proposes to furnish.

IV-2 BID SAMPLES

Bidders should not be required to furnish a bid sample of a product they propose to furnish unless there are certain characteristics of the product which cannot be described, adequately in the applicable specification or purchase description, thus necessitating the submission of a sample with the bid to assure procurement of an acceptable product.


IV-3 BIDDING TIME

Consistent with the need for obtaining goods, services or construction contracts, all Invitations for Bids must allow sufficient bidding time (i.e., the period of time between the date of distribution of an Invitation for Bids and the date set for opening of bids) to permit prospective bidders to prepare and submit bids.

IV-4 ADVERTISING AND SOLICITATION OF SEALED BIDS

4.1 Advertising

Every Invitation for Bid (IFB) shall be advertised in a local newspaper, and, as appropriate, on the internet, trade journals, etc. The notice must be published in a newspaper of general circulation at least once each week for two consecutive weeks

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before the date set for the bid opening. The first notice must be published at least 15 days before the date set for the bid opening.

4.2 Delivery to Prospective Bidders

Notice of IFBs should be delivered to the maximum number of prospective bidders deemed practicable and necessary to assure adequate competition.

4.3 Records of Invitation for Bids and Records of Bids

The Procurement Department must retain a record of every Invitation for Bids issued and of each abstract or record of bids, known as the Bid Tabulation, subject to records management guidelines. This record should be reviewed at the time of each subsequent procurement request for the same and/or similar items to ensure that historical data is analyzed for all pertinent purposes.

4.4 Amendment to Invitation for Bids

If, after issuance of Invitation for Bids, but before the time set for opening of bids, it becomes necessary to make changes in quantities, specifications, delivery schedules, opening dates, etc., or to correct a defective or ambiguous IFB, such changes will be accomplished by issuance of an amendment to the IFB. The amendment will be posted on the internet at Capital Metro's customary solicitation posting site.


Any information given to a prospective bidder concerning an Invitation for Bid must be furnished promptly by amendment to all other prospective bidders. No award will be made on the IFB unless such amendment has been issued in sufficient time to permit all prospective bidders to consider such information in submitting or modifying their bids.

4.5 Responsiveness of Bids

To be considered for award, a bid must comply in all material respects with the Invitation for Bids, both to the method and timeliness of submission and to the substance of any resulting contract, so that all bidders are treated equally and the integrity of the formal solicitation process is maintained.

Facsimile or electronic bids will not be considered unless specifically permitted by the Invitation for Bids.

4.6 Time of Bid Submission

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Bids must be submitted so as to be received in the office designated in the Invitation for Bids prior to the exact time set for opening of bids.

4.7 Late Bids

Bids are "late bids" when they are received by the Procurement Department (as directed in the IFB) after the exact time for bid opening. Late bids will not be accepted by Capital Metro, unless it can be proven that the bid was received timely and mishandled by Capital Metro employees, or as otherwise set forth in the solicitation.

4.8 Modification or Withdrawal of Bids

Bids may be modified or withdrawn by written notice received in the office designated in the Invitation for Bids not later than the exact time set for opening of bids.

4.9 Late Modifications and Withdrawals

Modifications of bids and requests for withdrawal of bids which are received in the office designated in the Invitation for Bids after the exact time set for opening are "late modifications" and "late withdrawals," respectively. A late modification of an otherwise successful bid will be considered. If in the Chief Contracting Officer's judgment it makes the bid more favorable to Capital Metro, a late withdrawal may be considered, provided that the request is fully documented.

IV-5 BID RECEIPT AND OPENING


5.1 Receipt of Bids

As bids are received, they shall be time/date stamped, secured and safeguarded until the established time for bid opening.

5.2 Opening of Bids

The official designated as the bid opening officer should announce when the time set for bid opening has arrived and will so declare to those present. All bids received prior to the exact time set for bid opening will then be publicly opened, recorded, and, when practicable, read aloud to the persons present. If it is impracticable to read the entire bid, as when many items are involved, the total amount of each bid will be read, if feasible.

5.3 Recording of Bids

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The assigned Buyer/Contract Administrator and one other department employee shall be present at each bid opening to facilitate bid opening and recording of the bids. When the items are too numerous to warrant the recording of all bids completely, an entry should be made of the IFB number, opening date, general description of the procurement items, and the total bid price where definite quantities are involved. The buyer and other department employee will witness the bid tabulation sheet by placing their signatures thereon. If the Invitation for Bids is canceled before the time set for bid opening, the solicitation file must document the reason the bid was cancelled.

5.4 Cancellation of Invitation for Bid (IFB) After Opening

Preservation of the integrity of the sealed bid system dictates that, after bids have been opened, award must be made to that responsible bidder who submitted the lowest responsive bid, unless there is a compelling reason to reject all bids and cancel the IFB. As a general rule, after opening, an Invitation for Bids should not be canceled and re-advertised due solely to increased requirements for the items being procured. Award should be made on the initial Invitation for Bids and the additional quantity should be treated as a new procurement.

When an IFB must be canceled, it should be because (1) all bids were at unreasonable prices, (2) there is evidence of collusion or bad faith, or (3) competition was not adequate to assure a reasonable price. In such instances, thorough documentation to support the action taken must be included in the files.


Invitation for Bids may be canceled after opening, but prior to award, and all bids rejected, where the Chief Contracting Officer determines that circumstances justify such action. Complete written documentation of these cases must be placed in the contract files.

5.5 Rejection of Individual Bids

Any bid which fails to conform to the essential requirements of the Invitation for Bids, such as specifications, delivery schedule, or to any alternatives or other requirements which may be specifically provided for in the IFB, shall be rejected as non-responsive.

Ordinarily, a bid will be rejected when the bidder imposes conditions which would modify requirements of the Invitation for Bids or limit their liability to Capital Metro so as to give them an advantage over other bidders.

Any bid may be rejected if the Chief Contracting Officer determines in writing that it is unreasonable as to price. The determination must be supported by review and analysis of the action. Where a bid guarantee is required and a bidder fails to furnish it in accordance with the requirements of the Invitation for Bids, the bid must be rejected.

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The originals of all rejected bids, and any written findings with respect to such rejections, will be preserved with the papers relating to the procurement.

After submitting a bid, if a bidder transfers all of its assets or that part of its assets related to the bid during the period between bid opening and the award, the transferee may not take over the bid. Accordingly, the bid will be rejected.

Low bids received from firms determined not to be responsible or ineligible for any reason by Capital Metro will be rejected.

5.6 Notice to Bidders of Rejection of All Bids

When a determination is made to reject all bids, the Buyer/Contract Administrator shall issue a letter notifying each bidder that all bids have been rejected, stating the reasons for such action.

5.7 Restrictions on Disclosure of Descriptive Literature/Written Data

When a bid is accompanied by descriptive literature or written data and the bidder imposes a restriction that such literature may not be publicly disclosed, such restriction renders the bid non-responsive if it prohibits the disclosure of sufficient information to permit competing bidders to know the essential nature and type of the products offered or those elements of the bid which relate to quantity, price, and delivery terms.


Descriptive literature restricted by a bidder against public disclosure will only be disclosed in accordance with the Texas Public Information Act.

5.8 All or None Qualifications

Unless the Invitation for Bids so provides, a bid is non-responsive by the fact that the bidder specifies that award will be accepted only on all, or a specified group, of the items included in the Invitation for Bids. However, bidders will not be permitted to withdraw or modify "all or none" qualifications after bid opening since such qualifications are substantive and affect the rights of other bidders.

5.9 Mistakes in Bids

Mistakes are usually discovered after bids are opened and before the contract is awarded. Four generally accepted categories of bid mistakes, and remedies to be exercised at Capital Metro's option are as follows:

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(a) Minor informalities or irregularities in bids prior to award of the contract

These may be a matter of form and not substance, or an immaterial defect in a bid that can be corrected or waived without being prejudicial to other bidders. The defect is immaterial when the effect on price, quality, or delivery is negligible when contrasted with the total cost or scope of the requirement being procured.

Examples of minor informalities or irregularities include the failure of a bidder to:

- (1) return the number of signed bids required by the IFB
- (2) sign the bid, but only if the unsigned bid is accompanied by other material clearly indicating the bidder's intent to be bound; or
- (3) acknowledge receipt of an amendment to the IFB, but only if:
 - it is clear from the bid that the bidder received the amendment and intended to be bound by its terms; or
 - the amendment involved had a negligible effect on price, quantity or delivery.

(b) Obvious or apparent clerical mistakes discovered prior to award


These mistakes are obvious or apparent on the face of the bid, such as misplacement of a decimal point, mistake in designation of unit, transposition errors, arithmetical errors, and typographical errors. Verification and correction must be made prior to award.

(c) Mistakes other than minor informalities or irregularities in bids, or obvious or apparent clerical mistakes that are discovered prior to award

These mistakes are generally raised by the bidder along with a request to withdraw its bid, such as a subcontractor's price element was omitted from the bid. Generally, the bidder will be allowed to withdraw its bid without prejudice.

(d) Mistakes discovered after award

Capital Metro may allow mistakes discovered after award to be corrected if the correction would be favorable to Capital Metro and not change the essential requirements of the specification.

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IV-6 EVALUATION OF BIDS

The Procurement Department shall conduct a public bid opening for all sealed bids. Contracts shall be awarded to the lowest responsive and responsible bidder considering price and other price-related factors set forth in the IFB.

6.1 Responsible Bidder

The term responsible refers to a bidder's financial resources, judgment, skill, integrity, and ability to fulfill successfully the requirements of the contract. The five principal criteria used to determine a bidder's responsibility are the following:

- Technical status as a manufacturer, supplier or construction contractor
- Financial resources and status
- Skill, experience, and staffing levels
- Prior conduct and performance of a contract
- Contractor integrity and compliance with public policy

Before awarding any contract, the Authority will verify, using the Federal System for Award Management and the Texas Comptroller's Debarred Vendor List, that the offeror recommended for contract award has no unsatisfactory performance history that would prohibit awarding them a contract.


The Procurement Department will make the determination as to whether or not a bidder is considered responsible.

6.2 Responsive Bidder

The responsiveness of the bid itself is determined by its conformance to the technical and legal requirements of the bid solicitation. Generally, a bid is not responsive and may not be considered for award when it contains a deficiency as to any material factor, defined as circumstance, which affects price, quality, or quantity of the articles or services furnished.

6.3 Evaluation Committee

For extremely large or very technical procurements, bids may be evaluated for responsiveness and acceptability of proposed costs by an evaluation team. The evaluation committee shall be selected as described in Chapter V.

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Results of the evaluation must be documented to provide clear justification for contract awards. A separate technical evaluation memorandum will be prepared for each IFB procurement. It must be prepared by Capital Metro's Project Manager to determine whether the apparent low bidder is technically responsive.

IV-7 AWARD PROCESS

7.1 Award

Award must be made by Capital Metro by written notice within the time for acceptance specified in the bid or extension thereof to the responsive, responsible bidder. Award will **not** be made until Board authorization has been obtained, if required, and contract is fully executed.

7.2 Delay of Award


If administrative difficulties cause unavoidable delays in awarding of contracts, and such delays threaten to delay award beyond the bidders' acceptance period, the Buyer/Contract Administrator will request that all bidders extend their bid acceptance period in writing for an additional specific number of days with the consent of sureties, if any. The Buyer/Contract Administrator processes this written request prior to the expiration of the bids in an attempt to avoid the need for re-advertising.

7.3 Award to a Single Bidder

In the event a single bid is received in a sealed bid procurement, Capital Metro must conduct a price or cost analysis of the bid. A single bid can be converted to a negotiated procurement if deemed necessary.

7.4 Award Criteria

In all sealed bid procurements, the award of contracts shall be to the lowest responsive, responsible bidder.

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CHAPTER V – COMPETITIVE PROPOSAL PROCUREMENTS **POLICY**

V-1 INTRODUCTION


This chapter outlines the Capital Metro policies for the competitive proposal and qualifications-based procurement methods. The use of Expressions of Interest (EOI) or a Request for Information (RFI) are for informational purposes only and by themselves cannot result in a negotiated procurement.

RFP: A Request for Proposals (RFP) leading to a negotiated procurement shall be solicited from an adequate number of potentially qualified proposers in order to obtain the greatest possible competition. Contract award under the competitive proposal method is dependent upon the negotiation of a mutually acceptable agreement between Capital Metro and the successful proposer(s). Capital Metro reserves the right to reject all proposals and re-solicit or cancel the procurement if deemed by Capital Metro to be in its best interest. Capital Metro reserves the right to enter into a contract with any offeror based upon the initial proposal or on the basis of a final proposal revision (FPR) without conducting written or oral discussions.

SOQ: The qualifications-based procurement of statutory professional services, subject to the Texas Professional Services Procurement Act, Title 10, Chapter 2254 of the Texas Government Code, shall be accomplished utilizing the Federal Transit Administration best practices “Statement of Qualifications” (SOQ) method. After technical evaluations have been completed, discussions will be held with all firms determined to be in the technically competitive range. Price is never an evaluation factor for qualifications-based statutory professional services.

The selection of the technically “most qualified firm” shall be made at the conclusion of discussions and based upon the evaluation of a revised SOQ unless the determination has been made to award on the basis of the initial SOQ without conducting discussions with any of the competing firms. Where multiple awards are proposed, more than one firm can be considered as most qualified. Negotiations are conducted only after the most qualified firm or firms has been identified. If an agreement cannot be reached on price, the firm’s submittal is rejected and negotiations are conducted with the next most qualified firm.

This SOQ method will be used for procurement of statutory professional services, such as preliminary engineering, design, architectural, engineering, surveying, mapping, and related services which require performance by a registered or licensed architect or engineer.

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When using the SOQ method for procurement of statutory professional services, geographic location may be a selection criteria provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

Late Proposals: Proposals are “late proposals” when they are received by the Procurement Department (as directed in the solicitation) after the exact time and date for the proposal closing. All late proposals will be returned unopened.

NOTE: After receipt of proposals, none of the information contained in the proposals or concerning the number or identity of offerors shall be made available to the public or to anyone in Capital Metro not having a legitimate interest or need to know prior to the approval of execution of the contract.

V-2 PREPARATION OF SOLICITATION DOCUMENTS FOR NEGOTIATION

1.1 Competitive proposals are generally utilized to obtain the following goods and services:


- Architect/Engineer or related services contracts;
- Professional Services Contracts;
- Specialized Equipment or Materials Contracts.

1.2 All RFPs/SOQs shall be based on a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such requirements shall not contain features that unduly restrict competition.

1.3 The user department is responsible for providing the in-house independent cost estimate, technical specifications, evaluation criteria and corresponding weights, drawings for equipment, materials, and service contracts.

1.4 In addition to the technical requirements/statement of work, additional and special terms and conditions shall be prepared to cover such items as required or desired delivery schedule, progress reporting requirements, and technical evaluation criteria in order of merit. Requestors are responsible for providing this information, together with the Purchase Requisition, to the Procurement Department.

1.5 The Procurement Department is responsible for the solicitation package. A solicitation package includes instructions to offerors, technical specifications, the special terms and conditions recommended by the Department Project Manager, the contractual provisions required by the Federal government (if needed), the proposed contract terms

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and conditions, and the evaluation criteria that will be utilized to determine contractor selection.

1.6 All departments involved in the preparation of the RFP/SOQ shall review the portions for which they are responsible. When all reviews have been completed, and approvals obtained, the Procurement Department will issue the final solicitation.

1.7 Capital Metro is not obligated to solicit from every firm which may be included in its source list, but only from the number of qualified sources necessary to ensure effective competition. The fact, however, that a firm has not initially received a Request for Proposals does not mean that it cannot participate in a particular procurement. Solicitations will be posted on the internet at Capital Metro's customary solicitation posting site. Notice of the solicitation should be delivered to the maximum number of prospective proposers deemed practicable and necessary to assure adequate competition. Any firm can request a copy of the solicitation and propose.

1.8 Every RFP/SOQ may be advertised, as appropriate, on the internet, in local newspapers, minority media trade journals, national media trade journals, etc. The notice must be published in a newspaper of general circulation at least once each week for two consecutive weeks before the date set for the submittal of proposal. The first notice must be published at least 15 days before the date set for receipt of offers. In the case of contracted transit services, the solicitation must be advertised once per week for eight (8) consecutive weeks.

V-3 CONFIDENTIALITY OF PROPOSALS


All cost and pricing data received by Capital Metro in competitive proposal procurements is to be treated as confidential during the solicitation process.

All technical data received in response to RFPs/SOQs is confidential except for data contained in the awarded contract.

Requests for these items shall be referred immediately to the office of the Chief Counsel for handling under the Texas Public Information Act.

V-4 GUIDELINES FOR THE EVALUATION OF PROPOSALS

Proposals shall be evaluated and ranked on the basis of criteria and the corresponding adjectival rating prepared by the department and contained in the solicitation. The criteria will specify the overall technical ranking as well as the analysis of cost. Generally, emphasis will be placed on the best value, technical expertise of the firm and, while price is a consideration, it is not normally the only determining factor. The objective is to select

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the firm or individual that can best provide the goods or services, when technical ability, price (if applicable), and other factors have been considered.

Several steps are normally completed prior to the selection of a successful proposer:

3.1 Evaluation Committee

Only technically qualified, independent and impartial members are selected for the evaluation of all requests for proposals.


3.2 Evaluation Criteria

Included in the RFP is a list of evaluation criteria, which will be used by the evaluation committee in reviewing the proposals. Typically, the evaluation criteria or factors will relate to the areas of technical expertise, project approach, and cost and price information.

(a) Technical Expertise

The RFP will identify for the proposer the types of technical expertise required for the particular job. The proposers will then be evaluated on their competence in those areas. For example, an RFP for A/E services might require expertise in the following areas:

- architectural
- structural
- mechanical
- electrical
- landscape
- civil engineering
- soils
- graphics
- acoustics
- traffic engineering
- environmental assessment

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All areas may not be given equal value in the evaluation process, but may be weighted to reflect their relative contribution to the project. The technical criteria must be listed in the solicitation so that the proposer is aware of the items and their relative emphasis.

(b) Project Approach

The proposer will be evaluated on its understanding of the nature and scope of the work to be performed. The evaluation committee will consider both organization and experience with attention to factors such as:


- Experience and make-up of the firm
- Experience of key personnel assigned to the project
- Experience with government agencies
- Experience with transit projects
- Past achievements
- Commitment of key personnel to the project
- Cost realism
- Innovative management techniques

(c) Cost and Price Information

The following criteria (not listed in order of relative importance) will be used in the evaluation of cost proposals:

- Clarity and visibility of proposed cost breakdown for the proposer and its subcontractors and subconsultants.
- Credibility of labor hours and dollar cost estimates when related to the proposed project approach.
- Total price, including base and all option years.

Capital Metro may require proposers to submit information which would indicate the proposer's financial capability to perform the effort required by the solicitation.

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3.3 Evaluation Forms

The Procurement Department prepares an evaluation form for each proposer to be used by committee members in evaluating the proposals. The form must be based on the evaluation criteria listed in the solicitation.

3.4 Competitive Range

The Capital Metro evaluation committee shall make the determination of which proposals are in the competitive range. The competitive range shall be determined on the basis of the evaluation criteria stated in the RFP, or IFB when a two-step sealed bid procurement method is used, and shall include all proposals which meet the requirements or have a reasonable chance of being made acceptable. The initial number of proposals considered as being within the competitive range may be reduced when, as a result of the written communication or oral discussions, individual proposals are determined to be unacceptable.

Proposals submitted by responsible offerors that meet the technical requirements of what is being procured shall be included in the competitive range unless the proposal includes pricing that renders it infeasible.


In the two-step sealed bid process, when unpriced technical proposals are solicited, they shall be evaluated in the same manner as an RFP, holding discussions if needed and establishing a competitive range. In phase two, sealed bids are solicited from offerors whose proposals are determined to be acceptable to Capital Metro. Award is made to the lowest responsive and responsible bidder.

3.5 Oral Interviews/Written Communication

The committee members prepare lists of questions that they may ask the proposers during the oral interviews. These questions generally address items that are not sufficiently covered by the proposers in the proposals. The proposer will be required to update the proposal in writing if clarification or additional information is provided in the oral interview.

The format of the oral interviews is varied. Proposers are either asked to make formal presentations or to be prepared for a question and answer session. The preferable method is for the proposer to be prepared for a question and answer session since Capital Metro will obtain more valuable information as it relates to the specific proposal. Oral interviews should not be an opportunity for a sales presentation.


- (a) Written or oral discussions shall be conducted with all responsible offerors who submit proposals which are determined to be within the competitive range, price and other factors considered (including technical quality where technical proposals

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are requested) **except** that this requirement need not necessarily be applied to the following procurements:

- less than \$50,000.00;
 - in which prices or rates are fixed by law or regulation;
 - in which date of delivery will not permit discussion;
 - the solicitation stipulated that award might be made on the basis of initial proposals received.
- (b) For the sole purpose of eliminating minor uncertainties or irregularities, an inquiry may be made to an offeror concerning his proposal. Such inquiries and resulting clarification furnished by the offeror shall not constitute discussions. If the clarification prejudices the interest of other offerors, award may not be made without discussion with all offerors in the competitive range.
- 3.6 Discussions with Offerors
- (a) Any offeror determined to be in the competitive range and selected for oral discussions shall be provided written notification of the deficiencies in their proposal that will require clarification. A deficiency is defined as that part of a proposal that does not completely satisfy a Capital Metro requirement.
- (b) Discussions shall not disclose the strengths or weaknesses of competing offerors or disclose any information about other proposals which would enable other offerors to improve their proposals.
- (c) Auction techniques are strictly prohibited. Indicating to an offeror a price which must be met to obtain further consideration, or informing him that his price is not low in relation to another offeror are examples of auctioning. However, it is permissible to inform an offeror that his price may be considered by Capital Metro to be too high with respect to the marketplace or unacceptable.
- (d) At the conclusion of discussions, a final, common cutoff date which allows a reasonable opportunity for submission of a Final Proposal Revision shall be established and all remaining participants so notified. If oral notification is given, it shall be confirmed in writing.

The notification shall include information to the effect that (i) discussion has been concluded, (ii) offerors are being given an opportunity to submit a Final Proposal Revision and, (iii) if any such modification is submitted, it must be received by the date and time specified.

	<p style="text-align: center;">Acquisition Policy Chapter V PROC – 100.05</p> <p style="text-align: center;">Director, Procurement</p>	<p>Issued: December 1998 Revised: January 2020</p> <p>Approved by: Board of Directors</p>
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3.7 Final Proposal Revision (FPR)

After all discussions have been completed, the Authority reserves the right to shorten its competitive range based upon the results of the oral discussions. Each of the offerors still in the competitive range will be afforded the opportunity to revise its proposal and make its FPR. The request for FPR shall include:

- (a) Notice that discussions/negotiations are concluded;
- (b) Notice that this is the opportunity for submission of a FPR;
- (c) A common date and time for submission of written FPRs, allowing a reasonable opportunity for preparation of written FPRs;
- (d) Notice that if any modification to a FPR is submitted, it must be received by the date and time specified for the receipt of FPRs and is subject to the late submissions, modifications, and withdrawal of proposals provision of the Request for Proposal;
- (e) Notice that if offerors do not submit a FPR or a notice of withdrawal and another FPR, their immediate previous offer will be construed as their FPR.

NOTE: Capital Metro reserves the right to make an award to an offeror whose proposal it judges to be most advantageous without conducting any written or oral discussions with any offerors or solicitation of any FPRs.


3.8 Debriefing of Unsuccessful Offerors

When requested by an unsuccessful offeror, a debriefing will be conducted, following contract award, by the Buyer/Contracts Administrator, and Department Project Manager utilizing the evaluation matrix, documentation of scoring process, and the narrative appraisal describing the strengths and weaknesses as basis for the debriefing discussion. When a DBE firm requests a debriefing, the DBE Coordinator may be invited to participate in the debriefing.

3.9 Procurement Summary

The Buyer/CA will prepare written record of procurement history. At a minimum, the following records shall be maintained:


- The rationale for the method of procurement;

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- selection of contract type;
- reasons for contractor selection or rejection; and
- the basis for the contract price.

3.10 Before awarding any contract, the Authority will verify, using the Federal System for Award Management and the Texas Comptroller's Debarred Vendor List, that the offeror recommended for contract award has no unsatisfactory performance history that would prohibit awarding them a contract.

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	<p style="text-align: center;">Acquisition Policy Chapter VI PROC – 100.06</p> <p style="text-align: center;">Chief Contracting Officer</p>	<p>Issued: December 1998 Revised: January 2020</p> <p>Approved by: Board of Directors</p>
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CHAPTER VI – NON-COMPETITIVE PROCUREMENTS **POLICY**

VI-1 SOLE SOURCE


A Sole Source procurement is an acquisition where only one supplier exists for the required product, services or construction item(s). Proprietary does not justify sole source if there is more than one potential supplier available.

Consistent with Federal and State law, purchase requisitions for goods and services valued at Capital Metro's Micro Purchase Threshold or more shall be competitively procured. Sole Source procurements may only be used when the award of a competitive contract is infeasible under Small Purchase, Sealed Bidding or Competitive Proposal procedures. One of the following circumstances must apply for Sole Source to be used:

- The item is one-of-a-kind equipment, goods or services, especially high technology or scientific, and available from only one source of supply;
- The public emergency for the requirement will not permit a delay resulting from competitive solicitation;
- After solicitation of a number of sources, competition is determined inadequate;
- The item is an associated capital maintenance item as defined in 49 U.S.C. 5307 (a) (1) that is procured directly from the original manufacturer or supplier of the item to be replaced. Capital Metro must certify in writing to FTA that (1) such manufacturer or supplier is the only source for such item and (2) the price of such item is no higher than the price paid for such item by like customers; or
- FTA authorizes Non-Competitive Negotiations.

The Procurement Department shall negotiate the purchase as to price or cost, delivery, terms and, as applicable, service(s), training, warranties, etc. A cost analysis, verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profit, is required.

Capital Metro will avoid Sole Source procurements except in circumstances where it is allowed by law and in the best interest of the agency. Sole Source procurements shall be allowed only on an exceptional and fully documented basis.

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VI-2 UNSOLICITED PROPOSALS

Unsolicited proposal is defined as a written proposal that is submitted to Capital Metro on the initiative of the submitter for the purpose of obtaining a contract with Capital Metro and which is not in response to a formal or informal request.

Unsolicited proposals that Capital Metro determines to be acceptable based on need, favorable evaluation, and available funding will be processed as Sole Source procurements.

Unsolicited proposals are a valuable means for Capital Metro to obtain innovative or unique methods or approaches to accomplishing its mission.

Advertising material, commercial item offers, contributions or technical correspondence are not considered to be unsolicited proposals.


2.1 A valid unsolicited proposal must:

- Be innovative and unique.
- Be independently originated and developed by the offeror.
- Be prepared without Capital Metro supervision.
- Include sufficient detail to permit a determination that Capital Metro support could be worthwhile and the proposed work could benefit the agency's mission responsibilities.
- Not be an advance proposal for a known agency requirement that can be acquired by competitive methods.
- Not be in response to a publicized general statement of agency needs that are not considered to be independently originated.

2.2 Advance Guidance

Capital Metro shall encourage potential offerors to make preliminary contacts with appropriate agency personnel before expending extensive effort on a detailed unsolicited proposal or submitting proprietary data to Capital Metro. These preliminary contacts include:

- Inquiries as to the general need for the type of effort contemplated.

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- Contacts with agency technical personnel for the limited purpose of obtaining an understanding of the agency mission and responsibilities relative to the type of effort contemplated.

Capital Metro shall make available to potential offerors of unsolicited proposals at least the following information:


- Definition and content of an unsolicited proposal acceptable for evaluation.
- Requirements concerning responsible prospective contractors and organizational conflicts of interest.
- Role of technical correspondence before proposal preparation.
- Agency contact points for information regarding advertising, contributions, solicitation mailing lists and other types of transactions frequently mistaken for unsolicited proposals.
- Procedures for submission and evaluation of unsolicited proposals.
- Information sources on agency objectives and areas of potential interest.
- Instructions for identifying and marking proprietary information.

Agency personnel shall conduct personal contacts without making any agency commitments concerning the acceptance of unsolicited proposals.

2.3 Content of Unsolicited Proposals

Unsolicited proposals should contain the following information to permit consideration in an objective and timely manner:

- (a) Basic information including:
- Offeror's name and address and type of organization; e.g. profit, nonprofit, educational, small business.
 - Names and telephone numbers of technical and business personnel to be contacted for evaluation or negotiation purposes.
 - Identity of proprietary data to be used only for evaluation purposes.

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- Names of other federal, state, local agencies, transit authorities receiving the proposal or funding the proposed effort.
- Date of submission.
- Signature of person authorized to represent and contractually obligate the offeror.

(b) Technical information including:


- Concise title and abstract of the proposed effort;
- A reasonably complete discussion stating the objectives of the effort or activity, the method of approach and extent of effort to be employed, the nature and extent of the anticipated results, and the manner in which the work will help to support accomplishment of the agency's mission;
- Names and biographical information on the offeror's key personnel who would be involved, including alternates; and
- Type of support needed from the agency; e.g. facilities, equipment, materials, or personnel resources.

(c) Supporting information including:

- Proposed price or total estimated cost for the effort in sufficient detail for meaningful evaluation.
- A six-month period of time for which the proposal is valid.
- Type of contract preferred.
- Proposed duration of effort.
- Brief description of the organization, previous experience in the field and facilities to be used.
- Required statements about organizational conflicts of interest.

2.4 Award of unsolicited proposals

Receipt of an unsolicited proposal does not, by itself, justify contract award without providing for full and open competition. Unless the unsolicited proposal offers a proprietary concept that is essential to contract performance to satisfy the requirement for full and

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open competition, Capital Metro will take the following actions before entering into a contract resulting from an unsolicited proposal:

- Publicize receipt of the unsolicited proposal and include an adequate description of the property or services offered without improperly disclosing proprietary information or disclosing the originality of thought or innovativeness of the property or services sought;
- Publicize Capital Metro's interest in acquiring the property or services described in the proposal and provide an adequate opportunity for interested parties to comment or submit competing proposals; and
- Publicize Capital Metro's intention to award a contract based on the unsolicited proposal or another proposal submitted in response to the publication.

If it is impossible to describe the property or services offered without revealing proprietary information or disclosing the originality of thought or innovativeness of the property or services sought, Capital Metro may make a sole source award to the offeror. A sole source award may not be based solely on the unique capability of the offeror to provide the specific property or services proposed.

VI-3 APPROVAL LEVELS FOR NON-COMPETITIVE PROCUREMENTS

Non-competitive procurements are required to have a "Sole Source Justification Form" processed along with the purchase requisition. Approval levels for non-competitive procurements are as follows:


Dollar Value

Federal Micro Purchase Threshold to \$49,999.99
\$50,000 to \$149,999.99
\$150,000 and higher

Signature Authority

Department Head
Executive Vice President
President & CEO

The Chief Contracting Officer shall approve all non-competitive procurements over the Federal Micro Purchase Threshold.

	<p style="text-align: center;">Acquisition Policy Chapter VII PROC – 100.07</p> <p style="text-align: center;">Chief Contracting Officer</p>	<p>Issued: December 1998 Revised: January 2020</p> <p>Approved by: Board of Directors</p>
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CHAPTER VII – CONTRACT ADMINISTRATION POLICY

Contract administration is managing the performance of both parties in all aspects of the contract to ensure successful completion. Contract administration encompasses contract modifications, change orders, and closeout or termination. The major players are the Department Project Manager and the Contract Administrator.

VII-1 DEPARTMENT PROJECT MANAGER RESPONSIBILITIES

After contracts are awarded and the Contractor has been issued “Notice to Proceed”, the Department Project Manager will guide the Contractor through the work process. The Department Project Manager shall review the progress of the work on a periodic basis and initiate review by Capital Metro staff, public agencies, and affected utilities as required.


The Department Project Manager shall review the Contractor's documentation and invoices in relation to the milestones, work completed to date, and budgeting information. The Department Project Manager shall also review invoices for accuracy and content and then approve for payment in accordance with Contract Terms and Conditions. The Contract Administrator must approve payment requests before Finance will process payment.

The Department Project Manager has a continuing responsibility to monitor the Contractor's work progress until it is completed and Capital Metro accepts the product or service.

VII-2 CONTRACT ADMINISTRATOR RESPONSIBILITIES

Immediately after full execution and award of the contract, the technical administration of the contract becomes the responsibility of the Department Project Manager with the administrative assistance of the Contract Administrator from the Procurement Department. The Contract Administrator and Department Project Manager establish the methods and procedures to be utilized in the performance of the contract as laid out in the Contract Management Plan.

Prior to the contract completion date, the Contract Administrator shall contact the Department Project Manager to confirm that no contractor effort will be required after the specified contract completion date and that the contract may be closed out. This action shall be initiated at least sixty (60) days prior to the specified completion date, whenever possible. This is necessary to determine whether there will be an overrun, to negotiate

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and extend the period of performance if necessary, and to allow sufficient procurement lead time if there is a follow-on effort. If the contract is to be completed on schedule, the Contract Administrator shall proceed with the contract closure; otherwise, appropriate action shall be taken to extend the contract.

VII-3 CONTRACT MODIFICATIONS

Contract Modifications shall be used pursuant to the Changes provision in the Contract when it becomes necessary to change the contract cost and/or fee, Statement of Work, Period of Performance, or any other mutually agreeable change to the Contract. The authorized representative of the Contractor and Contract Administrator must execute all Contract Modifications in writing.

The Department Project Manager shall coordinate the requirement for a contract modification as soon as the need is known and shall provide the necessary documentation to permit the Modification to be processed in the most expeditious manner to prevent delays in the Project Schedule.

VII-4 CHANGE ORDERS

Under certain unforeseeable conditions, it may become necessary to redirect the Contractor's effort to prevent an adverse impact on the Project. In such instances, the Contract Administrator may issue directions by a unilateral "Change Order" pursuant to the Changes provision. If such direction causes an increase or decrease in the estimated cost and/or fee, a change in the Period of Performance, or affects any other provision of the Contract, the Change Order shall be incorporated into the Contract by formal Contract Modification in the most expeditious manner possible.


All change orders issued will have cost justifications supporting each change. Procurement must approve any proposed change order before it is issued.

The cost of the change, modification, change order, or constructive change must be allowable, allocable, within the scope of the contract, and reasonable for the completion of project scope.

VII-5 ADVANCE PAYMENTS

Capital Metro does not make advance payments to contractors before the contractor has incurred costs for which payments would be attributed except for sound business reasons including but not limited to:

- Software licenses;

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- Software and hardware maintenance agreements; or
- Service maintenance agreements

Exceptions require review and approval by the Chief Contracting Officer.

Adequate security must be obtained when using advance payments.

If Capital Metro uses FTA assistance to support or reimburse the costs of such acquisitions, FTA concurrence is required only when such advance payment or payments exceed \$100,000.

VII-6 PROGRESS PAYMENTS


Capital Metro's policy is to make progress payments to contractors for costs incurred in the performance of the contract. Capital Metro can use FTA assistance to support progress payments provided it obtains adequate security for those payments and has sufficient written documentation to substantiate the work for which payment is requested.

VII-7 CONTRACT TERMINATION

The performance of work under a contract may be terminated in part or in whole when the Contract Administrator determines that such termination is in the best interests of Capital Metro. Contracts may be terminated for convenience, such as a reduced need or in the best interests of Capital Metro, or for default, such as the Contractor failing to perform in accordance with the contractual requirements.

VII-8 CONTRACT CLOSEOUT

The Contract Administrator and the Project Manager are responsible for ensuring that contract files are closed in a timely manner and the closeout actions are documented on the closeout checklist, and in such additional details as appropriate.

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CHAPTER VIII – INVESTMENT RECOVERY POLICY

VIII-1 DISPOSAL OF CAPITAL METRO SURPLUS OR OBSOLETE PROPERTY

1.1 Purpose:

The intent of this policy is to establish uniform guidelines for the disposal or transfer of surplus, for obsolete Capital Metro equipment and supplies. This policy is consistent with Capital Metro's Environmental and Sustainability Policy (SUS-100) and Fixed Assets Capitalization & Disposal Policy (FIN-104). This policy shall apply to all tangible personal property, including rolling stock and technology equipment. This policy excludes the transfer, sale or disposal of real property.

1.2 Definitions:

Damaged – property that is not operable and would require excessive repair (cost, manpower) to return the asset to serviceable condition.

Destroyed – property that is not operable due to destruction beyond repair.

Fair Market Value (FMV) – an estimate for the cost of an asset generated from market research for that particular asset.

Hazardous Waste – regulated and listed waste that is dangerous or capable of having a harmful effect on human health or the environment.


Landfill – lowest priority disposal method. Disposal of waste products in a properly regulated landfill.

Member Unit – any governing body, municipality, or county within the Capital Metro service area which participates in the appointment of a Capital Metro Board member.

Obsolete – property that no longer meets Capital Metro's specifications or requirements but is still serviceable or useable.

Scrap – property that no longer functions, is unserviceable but may contain some market value for its basic material content.

Surplus – property that is in excess of Capital Metro's requirements and is no longer needed but may be useable.

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Waste – property that is worthless, useless, and has no market value.

Zero Waste – material handling methods that prioritizes reuse, repurposing, composting and recycling over landfilling.

Zero Waste Hierarchy – a method of evaluating the end of use of products that emphasizes conservation, reuse, product take-back, recycling and recapturing material/energy; and avoids disposal methods that cause the release of toxic materials. Properly regulated landfilling is the last choice in the hierarchy.

VIII-2 PROPERTY DISPOSAL FORM

The Property Disposal form authorizes the process for disposing of assets in accordance with the Investment Recovery Policy. A fully authorized Property Disposal Form is required in order to dispose of any Capital Metro asset. Further information regarding the Property Disposal Form can be found in the Finance Department's Fixed Assets Capitalization & Disposal Policy (FIN-104); Disposal of Locally Financed Assets.


VIII-3 DETERMINING THE METHOD OF DISPOSAL

The President & CEO or his/her designee shall be responsible for the segregation, sale and disposal of surplus, obsolete material and equipment in accordance with all applicable laws and regulations.

The determination for the method of disposal will be made once a fair market value analysis is conducted. If surplus, obsolete material and equipment is found to be more cost effective to dispose of as scrap or landfill, the Authority will label it as scrap and attempt to salvage through recycling vendors and/or landfill.

All surplus property will adhere to the following hierarchy method to determine disposition established for the property:

- (a) Obsolete, Non-repairable or Surplus Vehicles:
 - (1) Offered to each Member Unit at fair market value
 - (2) Sale through public auction or Request for Offer (RFO)
 - (3) Salvage through recycle vendors
- (b) Obsolete or Surplus Property:
 - (1) Reuse within Cap Metro


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- (2) Offered to each Member Unit at fair market value
 - (3) Sale through public auction or Request for Offer (RFO)
 - (4) Recycle
 - (5) Landfill
- (c) Obsolete or Surplus IT Equipment:
- (1) Reuse within Cap Metro
 - (2) Trade in as part of new IT procurement
 - (3) Offered to each Member Unit at fair market value
 - (4) Sale through public auction or Request for Offer (RFO)
 - (5) Recycle
 - (6) Landfill
- (d) Obsolete, Non-repairable or Scrap:
- (1) Sale through public auction or Request for Offer (RFO)
 - (2) Salvage through recycle vendors
 - (3) Landfill

VIII-4 FAIR MARKET VALUE

In estimating the Fair Market Value of such Surplus Property, reference shall be made to identifiable active markets for such property and information concerning additional factors may also be considered, which may include one or more of the following:

- (1) Original purchase cost (if available)
- (2) Depreciation
- (3) Residual Value
- (4) Estimated Replacement Value
- (5) Current condition and or market value of the item
- (6) Independent Appraisal

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VIII-5 SALE OF OBSOLETE OR SURPLUS VEHICLES

When obsolete or surplus vehicles become available, they will be disposed of in accordance with this policy and applicable laws and regulations. A list of the vehicles, including the offered price based on fair market value, will be made available to each Member Unit within the Capital Metro Service Area. Any vehicle not sold to a Member Unit within five (5) business days after notification of vehicle availability will be sold to the general public.

Methods for disposing of obsolete or surplus vehicles include but are not limited to:

- (1) Request for Offers (RFO), public auction or online auction;
- (2) transfer or sale to other public agencies;
- (3) transfer to non-profit agencies or organizations consistent with established legal parameters;
- (4) trade-in as part of a new procurement; or
- (5) sale to recycling or scrapping vendors for material content.

The sale or transfer of surplus vehicles funded by the Federal Transit Administration (FTA) shall be processed in accordance with 49 CFR 18.32 and FTA Circular 5010.1D, Grant Management Requirements as stated in the *Finance Fixed Asset Policy (FIN104): Removal from Service and Disposal of Grant Purchased Assets*.


VIII-6 SALE OF OBSOLETE OR SURPLUS PROPERTY

When obsolete or surplus assets become available, they will be disposed of in accordance with this policy and applicable laws and regulations. A list of the assets, including the fair market value (FMV), will be offered to any Member Unit within the Capital Metro service area. Capital Metro may accept an offer of in-kind service equal to FMV instead of monetary payment. Any asset not acquired by a Member Unit within five (5) business days after notification of availability will be sold to the general public.

6.1 Surplus Property:

Methods for disposing of obsolete or surplus property include but are not limited to:

- (1) Request for Offers (RFO), public auction or online auction;

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- (2) transfer or sale to other public agencies;
- (3) transfer to non-profit agencies or organizations consistent with established legal parameters;
- (4) trade-in as part of a new procurement; or
- (5) sale to recycling or scrapping vendors for material content.

The sale or transfer of obsolete or surplus property funded by the Federal Transit Administration (FTA) shall be processed in accordance with 49 CFR 18.32 and FTA Circular 5010.1D, Grant Management Requirements as stated in the *Finance Fixed Asset Policy; Removal from Service and Disposal of Grant Purchased Assets*.

6.2 IT Equipment:

The Information Technology Department will be responsible for the review of the continued usefulness of computer equipment and telecommunications equipment within Capital Metro and may identify such equipment as Surplus Property. Surplus IT equipment shall be disposed of using the methods described in section 6.1 above.

VIII-7 SALE OF SCRAP, DAMAGED OR DESTROYED PROPERTY


Scrap, damaged, or destroyed property as determined by the President & CEO or his/her designee shall be sold in accordance with industry best practices through scrap or recycle vendors at the market price for the material content (i.e. steel, metal, plastic, etc.) of the property.

VIII-8 DISPOSAL OF OBSOLETE MATERIAL OR EQUIPMENT, SCRAP, DAMAGED OR DESTROYED PROPERTY WITHOUT MONETARY VALUE

8.1 Surplus Property

The President & CEO or his/her designee has the authority to dispose of the property in the most cost-effective means consistent with all relevant laws and regulations through proper waste channels in accordance with industry best practices for the following:

- Scrap without monetary value
- Damaged property

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- Destroyed property

These items may be deemed as trash if they have no net monetary value.

8.2 IT Equipment

Disposal of worthless damaged or destroyed IT equipment shall be made through a certified electronics recycling and disassembly facility in accordance with all relevant laws, regulations and industry best practices.

VIII-9 **ZERO WASTE, SUSTAINABILITY AND DISPOSAL OF HAZARDOUS WASTE MATERIALS**

9.1 Zero Waste and Recycling:

To the highest extent possible, the disposition of product that is no longer useful to Capital Metro should follow the zero-waste hierarchy. This standard is consistent with sustainability and state of good repair best practices, and allows for the highest and best use. Zero waste methods include: reuse, repurposing, vendor take-back, packaging minimization and reuse, recycling, composting, and other methods that conserve natural resources and minimize landfilling.

All electronic waste disposal will follow best practices by using a recycling facility or vendor that follows Sustainable Electronics Recycling International (SERI) R2 (or similar standards) guidelines whenever possible.


9.2 Disposal of Hazardous Materials:

When hazardous waste materials become available all waste disposal activities will be completed in accordance with all applicable local, state and federal waste disposal law, ordinances and rules.

Surplus Property containing any of the Hazardous Waste materials referenced below shall be identified in the Property Disposal Form.

The materials may include (but are not limited to):

- (1) Paints (Oil, Enamel, Polyurethane, Latex)
- (2) Batteries (All types)
- (3) Chemicals (Acid/Base/Flammables)
- (4) Pesticides

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- (5) Petroleum Products
- (6) Tires (new outdated or used)
- (7) Refrigerants (i.e. Freon) - Any surplus equipment that utilizes refrigerants must be certified free of refrigerant before disposal
- (8) Electronic equipment containing hazardous materials

9.2 Vendors and Sustainability Practices:

In accordance with Capital Metro's *Environmental and Sustainability Policy (SUS-100)*, all efforts will be taken to make vendors aware of Capital Metro's Environmental Sustainability Management System (ESMS) Policy for assurance that they will dispose of any surplus materials properly, while adhering to all environmental laws and regulations.

VIII-10 CONFLICT OF INTEREST (COI) RESTRICTIONS

Capital Metro Procurement personnel, the requesting employee, the requesting department's manager and/or supervisor and their immediate family members are restricted from purchasing all surplus items due to conflict of interest concerns. Generally, Capital Metro employees may make an offer and/or purchase Capital Metro surplus property under the same rules as the general public, unless they are a party listed above. Violations by parties that are restricted from purchasing Capital Metro surplus property can result in disciplinary action up to and including termination.

VIII-11 DONATION RESTRICTIONS

Donations by a governmental entity to a public, non-profit or any other organization are prohibited under Sec. 51 of the Texas Constitution. It is considered granting of public funds without receipt of value. Donations of Capital Metro surplus property are restricted under this policy.

VIII-12 ANTI-SCAVENGING RESTRICTION

Capital Metro property that has been identified as surplus and turned in for disposal, including items that cannot be sold, falls under the anti-scampering restriction, meaning that unauthorized removal, disposal, or expropriation of Capital Metro Property or Surplus Property is considered theft and could subject individuals to disciplinary action up to and including termination or criminal prosecution.

Capital Metropolitan Transportation Authority
Board of Directors

MEETING DATE: 01/27/2020
(ID # 4530)

Capital Metro Strategic Plan Review and Approval

Approval of a resolution authorizing the President/CEO or his designee, to implement the FY 2020 Strategic Plan.

**Capital Metropolitan Transportation Authority
Board of Directors**

**MEETING DATE: 1/27/2020
(ID # AI-2019-1149)
Strategic Plan Review and Approval**

SUBJECT:

Approval of a resolution authorizing the President & CEO, or his designee, to implement the FY 2020 Strategic Plan.

FISCAL IMPACT:

This action has no fiscal impact.

STRATEGIC PLAN:

Strategic Goal Alignment:

1. High Quality Customer Experience
2. Engaged Workforce
3. Sustainability
4. Valued Community Partner

Strategic Objectives:

All strategic objectives are impacted by this resolution

EXPLANATION OF STRATEGIC ALIGNMENT:

The strategic plan establishes the agency's goals and objectives and serves as a guide for organizational direction and measures organizational success. The plan includes strategic performance measures to allow the agency to focus on performance improvement and organizational priorities.

BUSINESS CASE:

The strategic plan is presented to the Board of Directors on an annual basis to ensure all business requirements are being implemented, measured and reported. The plan serves as a roadmap for Capital Metro staff to develop business plans and budgets.

COMMITTEE RECOMMENDATION:

This agenda item will be presented to the full board on January 27, 2020.

EXECUTIVE SUMMARY:

The Strategic Plan supports Capital Metro's vision to transform the daily lives of Central Texans with a robust, sustainable transportation network. The Capital Metro Board of Directors and the Senior Management Team, led by President & CEO Randy Clarke, have developed and revised a Strategic Plan that focuses on 4 key goals to achieve the vision. The 4 goals include:

1. High Quality Customer Experience
2. Engaged Workforce
3. Sustainability



4. Valued Community Partnerships

Staff will continue to monitor progress of the strategic plan by aligning strategic initiatives to key business practices

DBE/SBE PARTICIPATION: Does not apply.

PROCUREMENT: Does not apply.

RESPONSIBLE DEPARTMENT: Operations



**RESOLUTION
OF THE
CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY
BOARD OF DIRECTORS**

STATE OF TEXAS

COUNTY OF TRAVIS

**RESOLUTION (ID # AI-2019-1149)
Strategic Plan Review and Approval**

WHEREAS, the Capital Metropolitan Transportation Authority Board of Directors and Capital Metro management endeavor to set the Mission, Vision, and Strategic Plan for the Authority; and

WHEREAS, the Capital Metropolitan Transportation Authority Board of Directors and Capital Metro management endeavor to ensure all business objectives are accomplished.

NOW, THEREFORE, BE IT RESOLVED, that the Capital Metropolitan Transportation Authority Board of Directors authorizes the President & CEO, or his designee, to implement the FY2020 Capital Metro Strategic Plan.

**Secretary of the Board
Eric Stratton**

Date: _____

Attachment: Resolution-AI-2019-1149 (4530 : Capital Metro Strategic Plan Review and Approval)

Strategic Plan Update

Board of Directors Meeting

1

**METRO**

AGENDA

- Review strategic plan process
- Review and discuss the FY 2019 strategic plan, measures, objectives and initiatives
- Review proposed changes to Mission, Vision, Objectives for FY 2020
- Board discussion on next steps

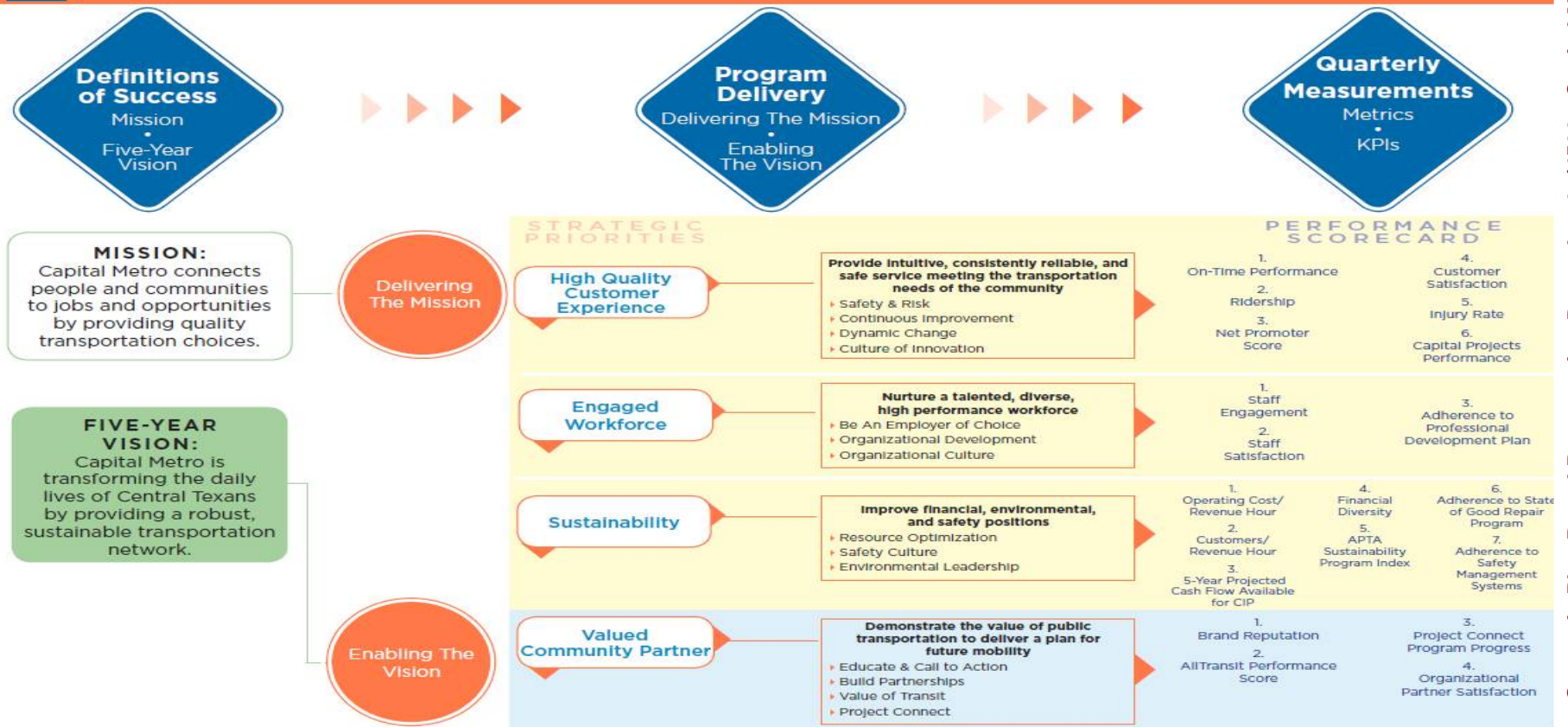
Strategic Plan Process

- Staff reviews the FY 19 process and provides Board with a status update
 - Performance Measures
 - Initiative progress
- Staff provides recommendations for next fiscal year
- Board discusses recommended revisions
- Board adopts an updated strategy

Strategic Plan



CAPITAL METRO STRATEGIC VISION ALIGNMENT



High Quality Customer Experience

Objectives and Key Initiatives

Provide Intuitive, consistently reliable, and safe service meeting the transportation needs of the community

- › Safety & Risk
- › Continuous Improvement
- › Dynamic Change
- › Culture of Innovation

- Expand the Safety Management System
- Complete Implementation of Positive Train Control
- Activation of the Operations Control Center
- Implement additional transit priority treatments in coordination with City of Austin to improve transit speed and reliability; define top 3 treatments to be pursued for 2019/20- Guadalupe Contraflow
- Implement Amenities Improvement Plan
- Electrification of transit buses and related infrastructure to reduce the carbon footprint of the Authority

High Quality Customer Experience

Measures

		Goal	YTD
High Quality Customer Experience	On-Time Performance		
	MetroBus	83%	83.67%
	MetroExpress	83%	81.45%
	MetroRapid	83%	84.96%
	MetroRail	96%	97.05%
	MetroAccess	92%	90.10%
	Ridership	1%	5.26%
	Net Promoter Score	32%	59.00%
	Customer Satisfaction	85%	88.00%
	Injury Rate MetroBus	0.35	0.22
	Injury Rate MetroExpress	0.35	0.00
	Injury Rate MetroRapid	0.35	0.29
	Injury Rate MetroRail	0.25	0.00
	Injury Rate MetroAccess	0.25	0.07
	Capital Projects Performance On budget	85%	80.6%
	Capital Projects Performance On Schedule	85%	85%



Engaged Workforce

Objectives and Key Initiatives

**Nurture a talented, diverse,
high performance workforce**

- Be An Employer of Choice
- Organizational Development
- Organizational Culture

- Develop Performance Management System to reward employees for performance and demonstration of guiding principles
- Deliver recognition programs and launch awards program to provide meaningful recognition for service and outstanding performance
- Establish a vibrant, interactive internal communications strategy to keep employees constantly informed and engaged

Engaged Workforce

Performance Measures- All Annual Goals

		Goal	YTD
Engaged Workforce	Staff Engagement		
	CapMetro The level of engagement of CapMetro staff as indicated in a staff engagement survey	45%	See note
	Service Providers - The level of engagement of CapMetro service provider staff as indicated in a staff engagement survey	35%	See note
	Staff Satisfaction		
	CapMetro - The overall employee satisfaction score based on a 5-point scale as expressed in the staff survey	3.75	See note
	Service Providers - The level of satisfaction of CapMetro service provider staff as indicated in a staff engagement survey	3.75	See note
Adherence to Professional Development Plan - Percent of Capital Metro employees who complete annual goals in the Career Enrichment Program		85%	See note

** FY 2019 was a baseline year and these metrics will be available in FY 2020



Sustainability

Objectives/Key Initiatives

Improve financial, environmental, and safety positions

- Resource Optimization
- Safety Culture
- Environmental Leadership

- Finalize, negotiate and execute the service provider contract to ensure stewardship of public funds
- Optimize Red Line by analyzing redline for opportunities to increase frequency and optimize schedules
- Launch Zero-emission Fleet initiative (electrification)
- Adhere to our service standards by identifying low performing routes and implementing solutions to optimize service efficiency and effectiveness

Sustainability

Performance Measures

		Goal	YTD
Sustainability	Operating Cost per Revenue Hour	\$122	
	Customers per Revenue Hour	15.7	15.31
	5 Year Projected Cash Flow Available for CIP	>\$30M per year	\$36.5 M
	Financial Diversity	2%	2.12%
	APTA Sustainability Program Index	Gold Level or higher	49
	Adherence to State of Good Repair Program	At or below annual target	See below
	Articulated Buses	0.00%	0.00%
	Over the Road Buses	0.00%	13.64%
	Buses	18.00%	16.32%
	Cutaway Vans	16.00%	3.30%
	Minivans	0.00%	0.00%
	Railcars- RS - DMUs	0.00%	0.00%
	Automobiles(Cars & SUVs)	61.00%	58.62%
	Trucks & Non-Revenue Vehicles	22.00%	73.08%
	Hy Rail Vehicles	0.00%	25.00%
	Passenger /Parking Facilities	0.00%	0.00%
	Administrative/Maintenance Facilities	0.00%	0.00%
	Percent of rail infrastructure with performance restrictions	3.00%	0.31%
	Adherence to Safety Management Systems	85%	85.00%



Valued Community Partner

Objectives and Key Initiatives

Demonstrate the value of public transportation to deliver a plan for future mobility

- Educate & Call to Action
- Build Partnerships
- Value of Transit
- Project Connect

- Worked with partners to develop Westgate Transit Center (TxDoT) and Eastside Plaza (CARTS)
- Developed and delivered community engagement program for Project Connect
- Project Connect milestones advanced



Valued Community Partner

Performance Measures

		Goal	YTD
Valued Community Partner	Brand Reputation	55%	61.00%
	AllTransit Performance Score	5.1%	5.2%
	Project Connect Program Progress	Yes	Complete
	Organizational Partner Satisfaction	TBD	See note

** Organizational Partner Satisfaction- FY 2019 was a benchmark year to be reported in FY 2020

FY 2020 Strategic Plan Process Discussion

13

**METRO**

Strategic Plan Process

- Review strategic plan process
- Review and discuss the FY 19 strategic plan, measures, objectives and initiatives
- Review proposed changes to Mission, Vision, Objectives and initiatives for FY 2020
- Board discussion on next steps

Senior Management Team Initial Review

- Mission-Revised
- Vision-Revised
- Goals-remain applicable to current business strategy
- Objectives-remain applicable to current business strategy
- Measures- remain applicable to current business strategy
- Initiatives-revisions made to accommodate FY 2020 business focus



Mission Statement-FY 2020

Existing

Capital Metro connects people and communities to jobs and opportunities by
Providing quality transportation choices

Revised

Capital Metro connects our community by providing people with
quality transportation choices



Vision FY-2020

Existing

Capital Metro is transforming the lives of Central Texans by providing a robust, sustainable transportation network

Revised

Capital Metro is growing our transportation network to create a more sustainable and connected community

Board Action

Discussion

Approval of a resolution authorizing the President & CEO, or his designee, to implement the FY 2020 Strategic Plan



METRO

THANK YOU!

	A	B	C	D	E	F	G	H	I	J
1	Capital Metro Strategic Plan Initiatives Update Q4 2019									
2	Seq	Objective & Initiatives	Primary	Secondary	Start Date	Completion Date	Complete	On Schedule	Delayed	Q4 2019 Comments
3	1.1	SAFETY & RISK: Promote a culture of safety and manage safety-related risk.								
4	1.1.01	INJURY RATE: Expand SMS (include adoption of Agency Safety Plan) to improve safety and minimize injury rate Refer to 3.2.01	Tabon	Nyren	1/17/2019	2/28/2020		x		The PTASP is currently under development. We have enlisted the assistance of TTI. They are ensuring that prior to submission for review by the SMT and board and CEO signatures that we have met each requirement.
5	1.1.02	INJURY RATE: Enhance oversight of training, employee engagement (service providers) to improve safety and minimize injury rate Refer to 3.2.02	Tabon	Kram/Phalen	1/1/2019	9/30/2019		x		We have developed, with CM's first-ever safety audit plans (Bus/paratransit and rail). Each have been reviewed by industry colleagues and our VP Audit. Will be meeting with stakeholders to share insights and expectations of the new program.
6	1.1.03	INJURY RATE: Explore video analytics to improve safety Refer to 3.2.03	Tabon	Jamail	10/2/2018	5/15/2019			x	Video analytics is on hold due to network security requirements related to sharing video with university conducting research. Project will be revisited when new video system is implemented.
7	1.1.04	INJURY RATE: Complete implementation of PTC - add an additional layer of safety to rail operations Refer to 3.2.04	Dech	Uwague	1/1/2018	8/30/2020		x		On track for completion in August. Waiting for Software from Alstom.
8	1.1.05	INJURY RATE: Implement Safety and Security Certification Program for capital projects and system upgrades to improve safety and minimize injury rate Refer to 3.2.05	Tabon	Nyren	10/23/2019	9/30/2019	x			To date, we have successfully integrated the SSC program into eight (TIGER V has four individual projects) construction projects.
9	1.1.06	ADHERENCE TO SAFETY MANAGEMENT SYSTEMS: Conduct training in emergency management/ICS for all service providers and dispatch; conduct drills and develop exercise program and plan to improve safety. Refer to 3.2.06	Jamail	Officer	5/1/2019	5/1/2020	x			Emergency management training for CMTA, service providers, and dispatch is underway. This training will be an ongoing program annually.
10	1.1.07	ADHERENCE TO SAFETY MANAGEMENT SYSTEMS: Develop Safety Recognition program to focus staff and public on safety measures Refer to 3.2.07	Tabon	Simmons				x		Safety Champions program, which was under hiatus, is still under redevelopment.
11	1.1.08	ADHERENCE TO SAFETY MANAGEMENT SYSTEMS: Conduct annual safety audits to improve overall safety. Refer to 3.2.08	Tabon	Nyren				x		To date, APIA has conducted bus/paratransit, and commuter rail audits. As indicated above, we now have audit plans that will allow us to audit more focused areas within those modes. We are also in the process of procuring a firm to conduct a rail freight audit.
12	1.1.09	INJURY RATE: Develop public education program to improve safety at critical points, e.g., rail crossings, and new modes of transportation, e.g., multi-modal scooters, etc. Refer to 3.2.09	Tabon	Carter	10/1/2018	9/30/2019	X			Public education campaigns were released throughout the year. Campaigns include the ATXpert series that promoted safe behaviors by all roadway users, along with Rail Safety Week. MarCom will continue ATXpert campaign in 2020 and will focus on the top 5 safety behaviors
13	1.1.10	NPS/CUSTOMER SAT: Analyze and track the public's view of safety through additional question on perception survey Refer to 3.2.10	Tabon	Carter		12/3/2019	X			Sense of personal safety on a transit vehicle remained high at 4.3 out of 5 (above average rating); sense of personal safety at the stop/boarding platform was also above average with a rating of 4.0 out of 5. In 2020, refreshed creative will be produced for the personal safety/security campaign that started in 2019.
14	1.2	CONTINUOUS IMPROVEMENT: Develop and implement processes that support continuous improvement in all aspects of the business.								
15	E	ON-TIME PERFORMANCE/RELIABILITY -ALL: Complete setup of data analytics team (bus, rail, and paratransit) to convert data into meaningful information by which decisions can be made to improve service delivery.	Watkins	Vidaurri	9/1/2019	3/1/2023		x		Progress is being made in this area. Data Warehouse scope of work has been developed and will be in Procurement 11/20. Chief Performance Officer position has been posted in an effort to fulfill the data analytics team structure
16	1.2.02	ON-TIME PERFORMANCE/RELIABILITY - ALL: Activation of the Operations Control Center (OCC) to maintain and improve overall customer satisfaction.	Watkins	Dech	10/1/2018	3/1/2020		x		OCC opened in March 2019. Standard Operating Procedures are being finalized based on actual experience. Tabletop exercises will be conducted in Feb 2020.
17	1.2.03	ON-TIME PERFORMANCE/RELIABILITY - ALL: implement Centralized Video Management Program	Jamail	Herevia	1/1/2019	5/1/2020		x		Procurement process is underway.
18	1.2.04	ON-TIME PERFORMANCE - BUS: Complete implementation and rollout of Swiftly tools to improve service reliability, route performance and the accuracy of the predictive arrivals for customer-facing systems	Schroter	Watkins	10/1/2018	6/1/2019	X			(JS) Project complete. System is stable and reliable.
19	1.2.05	ON-TIME PERFORMANCE - RAIL: Improve road crossings to build more frequency, capacity, improve reliability and increase safety.	Dech	Uwague	3/1/2019	12/31/2020		x		First Crossing identified and standards have been set.
20	1.2.06	ON-TIME PERFORMANCE - RAIL Implement the optimization of rail line (Rail Optimizer) - analyze redline for opportunities to increase frequency and optimize schedules Refer to 3.1.05	Dech	Mukherjee	1/1/2019	6/1/2019	x			Optimizer project is complete
21	1.2.07	ON-TIME PERFORMANCE - PARATRANSIT: Paratransit: Set up Demand/Response Control Center to centralize all paratransit dispatch functions from 3 locations to one. This will provide better-coordinated service for our customers and more efficiency for the long term sustainability of the program.	Ballentine	Edrington	1/19/2019	12/15/2019		X		Consolidated dispatch pilot is operational. Full establishment of the Control Center will occur concurrent with the move into the renovated space at 624 Pleasant Valley in Nov 2020.
22	1.2.08	ON-TIME PERFORMANCE - PARATRANSIT: Begin replacement of Paratransit Operation software to meet current ADA accessibility requirements, and lower operating costs by improving efficiency of trips, maximizing trip calculations and fleet usage.	Ballentine	Schroter	7/1/2019	3/1/2022		X		JS-Project is currently in Procurement RFP stage with proposals due in October and planned award in February.
23	1.2.09	ON-TIME PERFORMANCE - GENERAL: Implement additional transit priority treatments in coordination with City of Austin to improve transit speed and reliability; define top 3 treatments to be pursued for 2019/20.	R. Gonzalez	Barrera-Ramirez	1/1/2019	ongoing		x		1.) West 5th Street (Bus/Bike Priority Lane) - implemented Phase I of project with dedicated lane, signage and transit signal. Ongoing work for Phase II to further refine. 2.) Guadalupe & Lavaca Contra Flow (Bus Priority Lane) - implemented project with dedicated lanes, signage, transit signals and supporting bike/pedestrian infrastructure. Continued refinement of the corridor (signal timing, lane markings/signage, concrete lane on 18th) 3.) South First St Bridge Contra Flow/Bus Priority Lane - ongoing design development and study
24	1.2.10	RIDERSHIP: Design/develop high-frequency service(s) to improve convenience and usefulness and attract more ridership	R. Gonzalez	Gonzalez	Ongoing	ongoing		x		CapRemap was implemented in June 2018 - Results to date have experienced an average of 5+% in ridership gains. Ongoing refinements have been completed in August 2018, January 2019, June 2019 and August 2019. Additional refinements are planned for January 2020.
25	1.2.11	RIDERSHIP: Optimize route structure and stops (Swiftly) to best allocate resources and improve overall customer satisfaction	R. Gonzalez	Watkins	Ongoing	Ongoing		x		While CapRemap has been implemented, Planning continues to work with Capital Projects Group in coordination with the City of Austin for continued refinements. More than 10 major corridors are under redesign as part of the City of Austin's Bond Corridor Program - this redesign includes adjustments of stop spacing to improve connectivity, safety and efficiency. Phase 1 has initiated and subsequent phases are planned for 2020 and continuing forward.
26	1.2.12	NPS/CUSTOMER SAT: Implement Amenities Improvement Plan	Cartwright	Davis	3/25/2019	12/31/2019		X		Completion of 80 solar lights at bus stops is complete and installation of 125 new shelters is underway and on schedule for completion by the end of 2019.
27	1.2.13	NPS/CUSTOMER SAT: Increase frequency of targeted surveys and implement changes based on results	Carter	SMT		12/3/2019	X			NPS from January 2019 Survey 59%; Customer Satisfaction Score was 88%; 2020 Customer Sat results will be posted in January 2020, and follow up studies will be issued at the COO's direction in Spring 2020.
28	1.2.14	NPS/CUSTOMER SAT: Track and aggregate system availability by service mode to assist in providing better service reliability and performance	Schroter	OPS	1/1/2019	Ongoing		x		JS- Monthly KPI reports for critical transit systems providing customer facing and service enabling systems is prepared each month. Average for FY20 was 99.64% against a goal of 98.0%; lowest system average was 99.57% for RailComm; highest system average was 100% for ePaper DMS.

	A	B	C	D	E	F	G	H	I	J
29	1.2.15	NPS/CUSTOMER SAT: Upgrade and expand customer solutions for ticketing and traveler tools to meet customer expectations for feature rich tools, reduce cash handling, and minimize dwell time.	Schroter	Carter	1/1/2019	Ongoing	x			JS - Mobile App release was delayed by released in Sept 2019; key features delivered included inclusion of more accurate real time information improving reliability by 30%, new payment method for Apple/Google pay, and a complete new user interface to improve usability.
30	Seq	Objective & Initiatives	Primary	Secondary	Start Date	Completion Date	Complete	On Schedule	Delayed	Q4 2019 Comments
31	1.2.16	NPS/CUSTOMER SAT: Develop an equitable Fare Collection Strategy for fast, easy and equitable payment options, feature rich fare programs, minimize dwell time and reduce cash handling.	Marneweck	Schroter	3/1/2019	8/20/2019		X		JS-Activity underway for roadmap that was developed against fare strategy including release of mobile app with Apple/Google Pay, implementation underway for TVMs, and acquisition of onboard validators scheduled for Oct 2019 award. Concept of Operations in development for preparation of Advanced Fare Payment System RFP.
32	1.2.17	CPP: Implement PMP Certification Training Program to support on time and within budget delivery of capital and other projects	Keeling	Harris	ongoing	ongoing			x	
33	1.2.18	CPP: Implement EPPM tools to improve project performance by better management of resources, improved spending forecasts, and more accurate timelines.	Vidaurri	Schroter	10/1/2018	11/1/2019			X	JS-Initial release of EPPM tool completed and rolled out but some usability and functionality issues are being addressed with the vendor, as well as consistent use by project managers. Development of external dashboard for key projects under development.
34	1.3	DYNAMIC CHANGE: Create an environment that is open and responsive to needs to implement necessary changes quickly.								
35	1.3.01	DYNAMIC CHANGE - NPS/CUSTOMER SAT: Assess opportunities for revisions to procurement and unsolicited proposal timelines and processes to expedite delivery of goods and services.	Chief Performance and Innovations Officer	Abdullah	4/1/2019	ongoing				A list of several Co-ops (H-GAC, DIR, TXMAS, GSA etc) has been compiled and shared on intranet under popular services. Draft policy and procedures are in review process. Policy changes will be proposed for approval to December 2019 Board.
36	1.3.02	DYNAMIC CHANGE - NPS/CUSTOMER SAT: Assess opportunities for revisions to staffing processes to expedite talent acquisition	Simmons	Keeling	7/1/2017	ongoing				New recruiting and on-boarding software was implemented and is now in use. Making contingent offers prior to background checks to make the offer process shorter. Additional revisions based on hiring manager feedback will be implemented in FY 2020.
37	1.3.03	DYNAMIC CHANGE - NPS/CUSTOMER SAT: Examine and assess opportunities for expediting service adjustments to accelerate changes necessary for improving customer satisfaction	Watkins	SMT	Ongoing	Ongoing		x		Planning and operations meet weekly as the Continuous Customer Experience Improvement Team (CCEIT) to review existing service and establish interventions to improve.
38	1.3.04	DYNAMIC CHANGE - NPS/CUSTOMER SAT: Take ownership of "issues" in order to build a culture of ownership. Each individual who sees an issue should take the initiative to fix it and not rely on policy	Watkins	Simmons	Ongoing	Ongoing				
39	1.4	CULTURE OF INNOVATION: Advance ideas, projects, programs, etc. that support a culture of innovation.								
40	1.4.01	INNOVATION - NPS/CUSTOMER SATISFACTION; RIDERSHIP: Implement Neighborhood Circulator project	Ballentine	Hemingson		8/25/2019	x			Pick Up service launched, as scheduled, in four zones in August 2020.
41	1.4.02	INNOVATION - COMMUNITY STAKEHOLDER SATISFACTION: Electrification of transit buses and related infrastructure to reduce the carbon footprint of the Authority	Watkins	Cartwright	6/19/2019	12/1/2022		X		North Ops Electric Bus Fleet Yard design has been completed. Board scheduled to award a construction contract on 10/28/19. First 10 electric buses scheduled for delivery by the end of FY2020
42	1.4.03	INNOVATION - APTA SUSTAINABILITY; COMMUNITY STAKEHOLDER SATISFACTION: Explore and implement automated and connected vehicle technology (part of Project Connect)	Watkins	Couch	6/1/2020	6/1/2021			x	Exploration of feasible potential projects continues.
43	1.4.04	INNOVATION - COMMUNITY STAKEHOLDER SATISFACTION; RIDERSHIP: Develop private/public partnerships with mobility and technology partners to reduce costs to Capital Metro and combine like products for customer convenience. Demonstrates Capital Metro's commitment to increasing the value we provide to the community.	Ballentine	Schroter	10/1/2018	Ongoing			X	(JS) Working with Bytemark and TransitApp to allow for the sale of CapMetro passes through TransitApp using Bytemark API. Delayed by vendor partners due to their resource constraints; waiting to hear from them that this has tested ok and what the financial distribution of fees will be. Meetings with Google for sale of CapMetro passes conducted and they are slating 2020-Q2 for a more robust interface.
44	1.4.05	INNOVATION - COMMUNITY STAKEHOLDER SATISFACTION: Develop a long-term Strategic Plan (2040) addressing technology, operations, governance, financial conditions, etc.	Chief Performance Innovation Officer	Butcher					x	
45	Goal 2	Engaged Workforce								
46	2.1	EMPLOYER OF CHOICE: CMTA is to be an Employer of Choice to attract and retain employees								
47	2.1.01	RECRUITMENT: Develop and implement employer branding campaign including recruiting processes, materials, etc. to attract the best talent	Keeling	Harris	6/1/2017	6/1/2019			X	New recruiting software installed. Continuing to implement onboarding portion of applicant tracking system. Worked with Marketing to develop new resources for job fairs. Now we need to concentrate on additional marketing and branding, including website, social media, etc.
48	2.2	ORGANIZATIONAL DEVELOPMENT: Maintain a commitment to developing and delivering organizational training and career enrichment programs.								
49	2.2.01	PROFESSIONAL DEVELOPMENT PLAN; STAFF ENGAGEMENT/SATISFACTION; PARTNER ENGAGEMENT/SATISFACTION: Implement Career Enrichment and Learning Management System (build the bench) to retain talent and provide succession opportunities.	Keeling	Nanez	6/1/2017	8/1/2019			x	The system has been installed and is being customized to meet Capital Metro needs with curriculum offerings. Developing interface file between Ultimate and Cornerstone. Looking at various vendors and curriculums to establish libraries.
50	2.2.02	STAFF ENGAGEMENT/SATISFACTION; PARTNER ENGAGEMENT/SATISFACTION: Develop formal Mentoring Program to enhance opportunities for service partner staff to work for Capital Metro administration, defining roadmap/infographic career path from Operations/Service delivery to Administration to retain talent and provide succession opportunities	Harris	Gregory	11/1/2019			x		Not scheduled to begin until Nov. 2019
51	2.2.03	PROFESSIONAL DEVELOPMENT PLAN: Deliver centralized Professional Development system to provide online and class regulatory and mandatory training for all employees	Harris/Keeling	Whiteford	4/1/2019	ongoing		X		Have delivered on-line training for cyber security and ethics in FY 2019. Additional offerings will come with the Learning Management System in item 2.2.01
52	2.2.04	PROFESSIONAL DEVELOPMENT PLAN: Develop Performance Management System to reward employees for performance and demonstration of guiding principles	Keeling	Harris	10/1/2018	6/1/2019	X			Performance Management Program was evaluated and revised based on employee and manager feedback. Included guiding principles as competencies to be evaluated during annual evaluations.
53	2.3	ORGANIZATIONAL CULTURE: Unify the workforce through programs and initiatives.								
54	2.3.01	STAFF ENGAGEMENT/SATISFACTION/PARTNER ENGAGEMENT/SATISFACTION: Deliver recognition programs and launch awards program to provide meaningful recognition for service and outstanding performance	Keeling	Gregory	10/1/2017	4/1/2019	X			Metro Merits program was launched and is being used by managers and employees.
55	2.3.02	STAFF ENGAGEMENT/SATISFACTION; PARTNER ENGAGEMENT/SATISFACTION: Establish a vibrant, interactive internal communications strategy to keep employees constantly informed and engaged	Simmons	McHarg	ongoing	ongoing	x			Continued Town Hall meetings, held first Town Hall for front line employees, continued publishing TimePoint newsletter implemented TimePoint TV.
56	2.3.03	STAFF ENGAGEMENT/SATISFACTION: Complete new Engagement Survey for Employees	Keeling	Gregory	1/1/2019	8/1/2019			X	Conducted update of Communications Survey. Engagement survey delayed due contractual issues with selected vendor. Will reprocure.
57	2.3.04	STAFF ENGAGEMENT/SATISFACTION: Implement Change Management training for employees to create a culture that is open to looking at new ways of doing business	Harris	Whiteford	8/1/2018	5/31/19 Exec 12/31/19 Staff	X			Training was delivered to managers. Planned for delivery to other employees in FY 2020.
58	2.3.05	STAFF ENGAGEMENT/SATISFACTION: Implement 360 Management Survey to facilitate growth opportunities for managers	Keeling	Harris	3/15/2019	10/1/2019			X	Delayed because cost from vendors who proposed far exceeded budget. Will reprocure.
59	2.3.06	PARTNER ENGAGEMENT/SATISFACTION: Facilitate HR forum with Service Providers to enhance internal communications to all employees and provide forum to solve common problems (such as recruitment and retention)	Keeling	Harris	4/3/2019	Ongoing		X		HR Forum was initiated with service provider HR teams. Additional work to be done in FY 2020

	A	B	C	D	E	F	G	H	I	J
60	2.3.07	PARTNER ENGAGEMENT/SATISFACTION: Implement (Climate) Engagement Survey for Service providers to determine employee satisfaction/engagement and develop action plans to improve where needed	Simmons	Gregory	3/15/2019	8/1/2019			X	Delayed due to contractual issues with selected vendor and decided to delay service provider surveys until after bus contractor transition.
61	2.3.08	PARTNER ENGAGEMENT/SATISFACTION: Replicate all staff programs (2.2 and 2.3) for use by Partners' management to further the creation of a Unified Culture	Simmons	Keeling /Harris	3/15/2019	8/1/2019			X	The design of new programs that impact employees considers how to engage service provider employees (e.g., recognition, employee celebrations and events in FY 2019; To include professional development and training opportunities in FY 2020 and beyond.
62	2.3.09	PARTNER ENGAGEMENT/SATISFACTION: Formalize joint Labor/Leadership Management Committee (create charter, etc.) to further communications	Watkins	Watkins		Ongoing		x		
63	Seq	Objective & Initiatives	Primary	Secondary	Start Date	Completion Date	Complete	On Schedule	Delayed	Q4 2019 Comments
64	2.3.10	STAFF ENGAGEMENT/SATISFACTION; PARTNER ENGAGEMENT/SATISFACTION: Complete renovations to centralize our teams and departments, improving quality of communications and teamwork; update staff and partners periodically	Davis	Watkins	9/1/2018	9/30/2020		x		507 Calles is complete. 624 Pleasant Valley will be complete November 2019. 2910 is on schedule to complete 9/30/2020
65	Goal 3	Sustainability								
66	3.1	RESOURCE OPTIMIZATION: Strengthen and optimize the financial conditions, systems and controls to maintain the financial health of the organization.								
67	3.1.01	OPERATING COST/REVENUE HOUR: Finalize, negotiate and execute the service provider contact to ensure stewardship of public funds	Watkins	Abdullah	12/1/2018	8/1/2019	x			Contract was awarded by the board in August 2019.
68	3.1.02	OPERATING COST/REVENUE HOUR: Implement a benchmarking process to compare with peer agencies and define actions to reduce costs	Marneweck	Ops VPs	9/1/2019	10/1/2020		x		The budget analysts are working on pulling together CMTA KPIs and comparing against Peer FY2018 NTD Data, for distribution to SMT. Rail is the targeted mode to do a deeper analysis with peer agencies in FY2020. Working on the scope for a pricing analyst RFP, to assist in the cost evaluation.
69	3.1.03	OPERATING COST/REVENUE HOUR: Improve the cost and market-price analysis process in support of major procurements through negotiation training to PMs and procurement staff. Refer to 1.3.01 NOTE: Combined old 3.1.03 and 3.1.04	Abdullah		1/1/2020	ongoing		x		Procurement has budgeted for this training. The training will be offered in FY 2020.
70	3.1.04	OPERATING COST/REVENUE HOUR: Optimize Red Line (Rail Optimizer)analyze redline for opportunities to increase frequency and optimize schedules Refer to 1.2.06	Dech		1/1/2019	6/1/2019	x			Optimizer project complete
71	3.1.05	OPERATING COST/REVENUE HOUR: Review fare capping policy vs. operation) Refer to 1.2.16	Marneweck							Non-sensical item, as previously communicated. Combine with item 1.2.16
72	3.1.06	CUSTOMERS/REV HOUR: Optimize route structure and stops (see SP1) to increase efficiency and meet community needs	R. Gonzalez		1/1/2019	ongoing		x		CapRemap was implemented in June 2018 - Results to date have experienced an average of 5+% in ridership gains. Ongoing refinements have been completed in August 2018, January 2019, June 2019 and August 2019. Additional refinements are planned for January 2020.
73	3.1.07	CUSTOMERS/REV HOUR: Assess and optimize land use opportunities to coordinate with transit services; participate in City of Austin land use development code.	Butcher	Butcher	1/1/2019	ongoing		x		Input and participation provided on prior version of LDC. Staff is currently working with the City to provide input and be a part of the conversation on the version released in October for consideration.
74	3.1.08	CUSTOMERS/REV HOUR: Adhere to our service standards by identifying low performing routes and implementing solutions to optimize service efficiency and effectiveness	R. Gonzalez		1/1/2019	ongoing		x		Post CapRemap 2018 an assessment has been made of all services and continues to be made (within the new Dashboard Reporting). Initial concepts have been developed and would be considered for mid 2021 at the earliest. Quarter 4 falls within one (1) year of CapRemap which is considered a base year from which to consider future improvements & modifications in 2021
75	3.1.09	FINANCIAL DIVERSITY: Complete business plan and scope for implementation of revenue opportunities in the right-of way, e.g., rental income, fiber, etc., to generate additional revenues Note: eliminated ol 3.1.11	Davis	Sandoval	10/1/2018	9/1/2020		x		Scope for fiber to be complete 10/30/2019. RFP dependent on PTC completion.
76	3.1.10	FINANCIAL DIVERSITY: Pursue additional revenue streams through B2B and advertising to generate additional revenues for projects	Carter		4/1/2019	ongoing			X	Revenue secured through the MetroWorks program was up nearly 50% in year over year revenue; delays in issuing the transit advertising partner RFP were caused by multiple rounds of project scope revisions and competing priorities. A partner is scheduled to be selected in January 2020.
77	3.1.11	SOGR: Implement new Enterprise Asset Management System to comply with Transit Asset Management Plan	Schroter	Watkins	10/1/2018	9/30/2020			X	JS-Delay approximately 6 months, mostly due to large amount of data. Data migration in progress. Contract mod for VMRS (Vehicle Maintenance Reporting Standards) implementation completed. Prep work for Pilot in progress. Go Live slated for Aug 2020.
78	3.2	SAFETY CULTURE: Promote a Culture of Safety as an enduring value and priority placed on worker and public safety by everyone in every group at every level of an organization.								
79	3.2.01	INJURY RATE: Expand SMS (include adoption of Agency Safety Plan) to improve safety and minimize injury rate Refer to 1.1.01	Tabon	Nyren	1/17/2019	2/28/2020				
80	3.2.02	INJURY RATE: Enhance oversight of training, employee engagement (service providers) to improve safety and minimize injury rate Refer to 1.1.02	Tabon	Kram/Phalen	1/1/2019	9/30/2019				
81	3.2.03	INJURY RATE: Explore video analytics to improve safety Refer to 1.1.03	Tabon	Jamail	10/2/2018	5/15/2019			x	Video analytics is on hold due to network security requirements related to sharing video with university conducting research. Project will be revisited when new video system is implemented.
82	3.2.04	INJURY RATE: Complete implementation of PTC - add an additional layer of safety to rail operations Refer to 1.1.04	Dech	Uwague	1/1/2018	8/30/2020		x		On track for completion in August. Waiting for Software from Alstom
83	3.2.05	INJURY RATE: Implement Safety and Security Certification Program for capital projects and system upgrades to improve safety and minimize injury rate Refer to 1.1.05	Tabon	Nyren	10/23/2019	9/30/2019				
84	3.2.06	ADHERENCE TO SAFETY MANAGEMENT SYSTEMS: Conduct training in emergency management/ICS for all contractor leadership and dispatch Refer to 1.1.06	Jamail	Officer	5/1/2019	5/1/2020		x		
85	3.2.07	ADHERENCE TO SAFETY MANAGEMENT SYSTEMS: Develop Safety Recognition program to focus staff and public on safety measures Refer to 1.1.07	Tabon	Nyren						
86	3.2.08	ADHERENCE TO SAFETY MANAGEMENT SYSTEMS: Conduct annual safety audits to improve overall safety. Refer to 1.1.08	Tabon	Nyren						
87	3.2.09	ADHERENCE TO SAFETY MANAGEMENT SYSTEMS: Develop public education/outreach program to improve safety at critical points, e.g., rail crossings, and new modes of transportation, e.g., multi-modal scooters, etc. Refer to 1.1.09	Tabon	Nyren						
88	3.2.10	NPS/CUSTOMER SAT: Analyze and track the public's view of safety through additional question on perception survey Refer to 1.1.10	Tabon	Carter						Refer to update from 1.1.10
89	3.3	ENVIRONMENTAL LEADERSHIP: Implement sustainability and environmental stewardship best practices, managing resources to reduce impacts on the environment and operating costs.								

	A	B	C	D	E	F	G	H	I	J
90	3.3.01	APTA: Launch Zero-emission Fleet Initiative (electrification) <i>Refer to 1.4.02</i>	Watkins	Cartwright	10/1/2018	9/30/2022		X		North Ops Electric Bus Fleet Yard design has been completed. Board scheduled to award a construction contract on 10/28/19. First 10 electric buses scheduled for delivery by the end of FY2020.
91	3.3.02	APTA: Implement ESMS, zero-waste plan, energy and water management, sustainability routemap, green building plan. Reduce energy use, reduce water use, Reduce waste generation/increase recycling; Reduce fuel use/per VMT; Reduce criteria pollutants; Reduce Green House Gas Emissions; Increase Green House Gas savings/avoidance	Borowski	OPS	1/1/2019	12/1/2019				
92	3.3.03	STAFF/PARTNER ENGAGEMENT: Engage workforce in using transit through alternative commute solutions to set example for businesses and the public	Simmons	Borowski	1/1/2019	ongoing		X		Capital Metro was nominated and awarded a Best Workplace for Commuters designation for 2019, by the Center for Urban Transportation Research at University of South Florida; and the Transportation Demand Management Excellence Award, by Association for Commuter Transportation (ACT). A draft Capital Metro Mobility plan has been developed with assistance from Movability Austin. A CMTA mobility and active transportation team has been established to implement the employee mobility program. The team is working to adopt the Capital Metro Mobility Plan and enhance employee commuting activities including: Commute Solutions, employee trip planning, RideShare, bike-transit
93	Goal 4	Valued Community Partner								
94	Seq	Objective & Initiatives	Primary	Secondary	Start Date	Completion Date	Complete	On Schedule	Delayed	Q4 2019 Comments
95	4.1	EDUCATE & ENGAGE: Educate and engage (call to action) the community to support transit initiatives								
96	4.1.01	COMMUNITY STAKEHOLDER SATISFACTION: Develop and implement communication/messaging strategy to convey Value of Transit (establish "relevance" to the community)	Carter	Butcher	1/1/2019	ongoing		X		Public relations activities were completed in the period to demonstrate the value of transit; activities include media roundtables on PTC, ridealongs to promote Pickup service. In 2020, the Are You Onboard campaign will be extended to a paid social media posts, and MetroRapid stops will feature new signage to display value of transit messages.
97	4.1.02	COMMUNITY STAKEHOLDER SATISFACTION: Develop community engagement plan to address perceptions and build value in the community for Capital Metro and public transportation	Butcher	Carter	1/1/2019	ongoing		X		Community engagement partnered with Brand Besties street team to improve its reach at more events this summer, such as the Pecan Street and Hot Sauce festivals
98	4.2	BUILD PARTNERSHIPS: Build and strengthen relationships with Organizational Partners to ensure support of the vision of Capital Metro								
99	4.2.01	ORG'L PARTNER SATISFACTION: Engage Gov't agencies, e.g., work with CTRMA for Park & Rides (secure funding) to increase access to transit	Butcher		1/1/2019	ongoing		X		As part of Project Connect, staff has been working with partner agencies on opportunities for growing the regional system, including P&R.
100	4.2.02	ORG'L PARTNER SATISFACTION: Promote and encourage use of public transportation with the business community/employers through MetroWorks, Transit Adventures and other programs to build ridership.	Carter		1/1/2019	ongoing		X		Transit Adventures were held with local organizations throughout the summer. MetroWorks ridership was up 25% year over year. For 2020, a new Business Suite of Services will be supported with new website page and paid advertising to grow participation in MetroWorks.
101	4.2.03	ORG'L PARTNER SATISFACTION: Engage with local governments in Land development code update to promote transit-supportive development		Butcher	1/1/2019	ongoing		X		Input and participation provided on prior version of LDC. Staff is currently working with the City to provide input and be a part of the conversation on the version released in October for consideration.
102	4.2.04	ORG'L PARTNER SATISFACTION: Participate in the public/private transit initiatives, e.g., CAMPO 2045, CARTS Eastside Plaza, TXDOT right-of-way agreements, etc. to increase relevance and value of public transportation		Butcher	1/1/2019	ongoing		X		Partnered with CARTS on Eastside Plaza to be completed in 2020. Westgate P&R partnership with TxDOT completed May 2019. Staff input ongoing to CAMPO 2045 plan and other initiatives
103	4.2.05	ORG'L PARTNER SATISFACTION: Highlight DBE program to enhance opportunities for local businesses to work with Capital Metro	Butcher	Mukherjee	10/1/2019	ongoing		X		Continued to expand outreach programs to small and disadvantaged business. Achieving established goals for participation
104	4.3	VALUE OF TRANSIT: Elevate the Value of Transit								
105	4.3.01	BRAND REPUTATION: Activate placemaking at passenger facilities to create safer, more attractive and useful places	Butcher	Davis	1/1/2019	ongoing		X		
106	4.3.02	BRAND REPUTATION: Advance transit-oriented development (TOD) to generate value capture opportunities and increase ridership	Butcher	Barr	1/1/2019	ongoing			X	Internal resources required in FY2020
107	4.3.03	BRAND REPUTATION: Continue SmartTrips program with City of Austin to promote mode shift to transit and reduce drive alone travel	Stern	Nirenberg	4/1/2019	ongoing		X		27,000 households received program information in FY2019 with 3% participation (Goal of 5-10%) Outcome information available in Spring 2020
108	4.4	PROJECT CONNECT: Complete five Project Connect milestones								
109	4.4.01	PROJECT CONNECT PROGRAM PROCESS: Provide technology necessary to support Project Connect office and staff through workstation, infrastructure technology and program management software, integrated with Capital Metro financial and project management systems.	Schroter	Vidaurre	11/1/2018	5/1/2020	X			JS- eBuilder software was contracted and will be implemented and supported by Project Connect team; requirement for integration with any Capital Metro systems was removed.
110	4.4.02	PROJECT CONNECT PROGRAM PROCESS: Develop and implement communication/messages strategy to roll out Project Connect	Carter	Couch	1/1/2019	ongoing		X		New educational materials were provided for PCAN, TAC and other engagement events for Project Connect. Phase 2 of the PC Education Campaign will initiate in January and extend through November 2020
111	4.4.03	PROJECT CONNECT PROGRAM PROCESS: Finalize ILAs for each governmental entity for Project Connect	Couch	Butcher	3/1/2019	4/16/2020		X		
112	4.4.04	PROJECT CONNECT PROGRAM PROCESS: Secure local funding "match" to help fund Project Connect	Couch		4/1/2019	10/1/2020		X		Should be 11/3/2020
113	4.4.05	PROJECT CONNECT PROGRAM PROCESS: Identify LPA's (Local Preferred Alternatives) and gain Board approval	Couch		4/8/2019	12/18/2019		X		
114	4.4.06	PROJECT CONNECT PROGRAM PROCESS: Gain federal approval for entry into Project Development	Couch	Calhoun	3/24/2020	5/25/2020		X		
115	4.4.07	PROJECT CONNECT PROGRAM PROCESS: Initiate and complete NEPA (National Environmental Protection Act)	Couch		3/24/2020	3/24/2022		X		
116	4.4.08	PROJECT CONNECT PROGRAM PROCESS: Gain approval for Entry into Engineering	Couch	Calhoun	3/25/2022	9/26/2022		X		
117	4.4.09	PROJECT CONNECT PROGRAM PROCESS: Initiate FFGA (Future Funding Grant Agreement); finalize 2023/2024	Couch	Marneweck	12/27/2022	6/24/2024		X		
118	4.4.10	PROJECT CONNECT PROGRAM PROCESS: Begin construction of Project Connect projects	Couch	Abdullah	4/24/2023	TBD		X		

***Capital Metropolitan Transportation Authority
Board of Directors***

***MEETING DATE: 01/27/2020
(ID # 4542)***

2020 Appointment of Capital Metro Board Committees

Approval of a resolution confirming the appointments to the Finance, Audit and Administration Committee and Operations, Planning and Safety Committees for 2020.

**Capital Metropolitan Transportation Authority
Board of Directors**

MEETING DATE: 1/27/2020

(ID # AI-2020-1189)

Appointment of 2020 Committee Chairs and Members

SUBJECT:

Approval of a resolution confirming the appointments to the Finance, Audit and Administration Committee and Operations, Planning and Safety Committees for 2020.

FISCAL IMPACT

This action has no fiscal impact.

STRATEGIC PLAN:

Strategic Goal Alignment:

4. Valued Community Partner

Strategic Objectives:

4.4 Organizational Partner Satisfaction

EXPLANATION OF STRATEGIC ALIGNMENT:

Does not apply.

BUSINESS CASE:

Does not apply.

COMMITTEE RECOMMENDATION:

This agenda item will be presented to the full board on January 27, 2020.

EXECUTIVE SUMMARY:

In accordance with the Capital Metropolitan Transportation Authority Board of Directors Bylaws, the Board desires to formalize the appointment of a Chair and Members for the Finance, Audit and Administration Committee and Operations, Planning and Safety Committee subject to the concurrence of the members of the board.

DBE/SBE PARTICIPATION: Does not apply.

PROCUREMENT: Does not apply.

RESPONSIBLE DEPARTMENT: Board of Directors



**RESOLUTION
OF THE
CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY
BOARD OF DIRECTORS**

STATE OF TEXAS

COUNTY OF TRAVIS

RESOLUTION (ID # AI-2020-1189)

Appointment of 2020 Committee Chairs and Members

WHEREAS, the Board of Directors, desires to formalize the appointment of a Chair and Members to the Finance, Audit and Administration Committee in accordance with the Board Bylaws; and

WHEREAS, the Board Chair recommends _____ as Chair and _____, _____, and _____ to serve as members of the Finance, Audit and Administration Committee for 2020 Calendar Year; and

WHEREAS, the Board of Directors, desires to formalize the appointment of a Chair and Members to the Operation, Planning and Safety Committee in accordance with the Board Bylaws; and

WHEREAS, the Board Chair recommends _____ as Chair and _____, _____, and _____ to serve as members of the Operations, Planning and Safety Committee for 2020 Calendar Year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby approves these appointments for Calendar Year 2020.

Secretary of the Board
Eric Stratton

Date: _____

Attachment: Resolution-AI-2020-1189 (4542 : 2020 Appointment of Capital Metro Board Committees)

***Capital Metropolitan Transportation Authority
Board of Directors***

***MEETING DATE: 01/27/2020
(ID # 4541)***

2020 Election of Capital Metro Board Officers

Approval of a resolution electing officers of the Capital Metro Board of Directors for 2020.

**Capital Metropolitan Transportation Authority
Board of Directors**

**MEETING DATE: 1/27/2020
(ID # AI-2020-1193)
Selection of 2020 Board Officers**

SUBJECT:

Approval of a resolution electing officers of the Capital Metro Board of Directors for 2020.

FISCAL IMPACT

This action has no fiscal impact.

STRATEGIC PLAN:

Strategic Goal Alignment:

4. Valued Community Partner

Strategic Objectives:

4.1 Brand Reputation

4.4 Organizational Partner Satisfaction

EXPLANATION OF STRATEGIC ALIGNMENT:

Does not apply.

BUSINESS CASE:

Does not apply.

COMMITTEE RECOMMENDATION:

This agenda item will be presented to the full board on January 27, 2020.

EXECUTIVE SUMMARY:

Capital Metropolitan Transportation Authority Board of Directors Bylaws require that officers of the Board of Directors be selected annually, generally at the first meeting of each new calendar year.

In accordance with the bylaws, the officers are Chair, Vice Chair and Secretary.

The primary duties of the Chair are to preside at all meetings of the board, ensure that the board's adopted policies and resolutions are being effectively carried out, execute financial obligations of the authority as required, establish meeting agenda and recommend the Chair and members of the board's committees.

The primary duties of the Vice Chair are to preside at all meetings and perform all duties in the absence of the Chair and to serve as the Ethics Officer for the Board of Directors.

The primary duty of the Secretary is to act as the custodian of all permanent records of transactions of the Authority including minutes and notices and to perform the duties of the Chair in the absence of the Chair and Vice Chair.



DBE/SBE PARTICIPATION: Does not apply.

PROCUREMENT: Does not apply

RESPONSIBLE DEPARTMENT: Board of Directors



**RESOLUTION
OF THE
CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY
BOARD OF DIRECTORS**

STATE OF TEXAS

COUNTY OF TRAVIS

RESOLUTION (ID # AI-2020-1193)

Selection of 2020 Board Officers

WHEREAS, the Board of Directors Bylaws of the Capital Metropolitan Transportation Authority require that officers of the Board of Directors be selected annually, generally at the first regular meeting of each calendar year for a term of one year ending in January.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby elects _____ as Chair; _____ as Vice Chair _____ and Secretary _____ to serve as officers of the Capital Metro Board of Directors for the 2020 Calendar Year.

Date: _____

Secretary of the Board
Eric Stratton

Attachment: Resolution-AI-2020-1193 (4541 : 2020 Election of Capital Metro Board Officers)

Capital Metropolitan Transportation Authority MEETING DATE: 01/27/2020

Board of Directors

(ID # 4544)

**Contract Bus Operations and Maintenance
Transition Update**

TITLE: Contract Bus Operations and Maintenance Transition Update

Contract Bus Operations & Maintenance Services Transition

Board of Directors

January 2020

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METRO

People Transition

- On Boarding of Incumbent RATP Dev employees completed
 - Intake 800 employees (601 operators, 189 maintenance, and 38 administrative)
 - Training and certification, Open Enrollment
 - Operator Markup with combined seniority
- Labor Negotiations
 - Transition Agreement signed by the parties 01/02/2020
 - Wage rates held at current levels while negotiations continue
 - Moved North employees to South insurance plans
 - Negotiations ongoing

Vehicle and Facility Transitions

- Vehicle Transition
 - 423 vehicles received ~6 hour inspection October and November
 - Walk around inspections completed January 3-5
 - Unresolved issues will be charged back to RATP Dev
- Facility Inspections
 - Facilities inspected in October and November
 - Unresolved issues will be charged back to RATP Dev

Service Launch – Sunday, January 5th

- Active support by ATU during transition weekend
- Some Service Quality Issues
 - Operator training not fully completed by service launch
 - Express routes were most impacted with late trips
 - Continued improvement daily
- MV continues to bring in additional resources as needed





METRO

THANK YOU!