

TRANSIT AGENCY PROCUREMENT POLICY

The Manistee County Transportation, Inc., provides
Demand-Response public transportation in Manistee County
(Type of service) (Agency name and Address) (Service area)
Michigan. The transit system operates 24 transit vehicles and transports about 155,000
passengers per year. Manistee County Transportation, Inc. is committed to full and open
(Number) (Agency name)
competition in its procurements. The goal is to obtain the lowest price or the best value for the agency, and the citizens
and units of government who support it.

The Manistee County Transportation, Inc. follows the Michigan Department of Transportation's
(Agency name)
(MDOT) *Procurement Guidelines for Grantees Receiving Federal Transit Administration (FTA) Funds via MDOT, Revised September 2018*, and all subsequent editions, in its procurements.

GENERAL RESPONSIBILITIES

The General Manager is responsible for administering procurements and ensuring
(Title)
compliance with MDOT guidance documents. The General Manager or her/his
(Title)
designee is also responsible for maintaining written selection procedures, all required procurement records, and
avoiding unnecessary purchases.

PROCUREMENT METHODS

Micro-purchases are purchases of up to \$10,000 and require a fair and reasonable price determination.

Small purchases are relatively simple and informal purchases of more than \$10,000, but less than \$250,000. Small purchases are not advertised and are a direct solicitation to an adequate number of qualified vendors.

Invitations for Bids (IFB) are sealed bid procurements for any dollar amount.

Request for Proposals (RFP) are competitive proposal procurements for any dollar amount.

Sole source procurements may only be used when other types of procurements are inappropriate and only in the certain circumstances outlined in the guidance documents.

SPECIAL PROVISIONS

Architectural and Engineering (A&E) Services must be qualifications-based procurements consistent with the "Brooks Act". Geographic location may be a selection criterion in procurements for architectural and engineering services provided an adequate number of qualified firms are available to compete for the contract. Geographic preferences are prohibited in all other procurements.

Davis-Bacon Act prevailing wage protections apply to construction projects of more than \$2,000. Construction is defined as the construction, renovation or repair of real property. The Davis-Bacon Act does not apply to maintenance or installation.

Brand name specifications are unacceptable and must always be used with the words "or equal". An independent cost estimate is required for every purchase of more than \$10,000. Splitting a procurement to avoid a more stringent procurement method is prohibited.

The appropriate Federal Contract Clauses apply to all procurements as required by FTA and MDOT guidelines and can be accessed on the MDOT Office of Passenger Transportation website.

COST ANALYSIS OR PRICE ANALYSIS

A cost analysis or price analysis is required for every procurement. A price analysis is required to determine the reasonableness of a proposed price when competition is adequate. A cost analysis is required when a price analysis is inadequate, such as when competition is inadequate to determine price reasonableness or in qualifications-based procurements.

AWARD OF CONTRACTS AND PURCHASES

Contracts and purchases shall be awarded when prices are determined to be fair and reasonable in a micro purchase, to the lowest quote in a small purchase, to the lowest bid in an IFB solicitation and to the highest scored proposal in an RFP solicitation. Award will only be made to "responsive" and "responsible" vendors consistent with the criteria in guidance documents.

The Manistee County Transportation, Inc. reserves the right to reject any and all price quotes, bids or proposals submitted in response to a solicitation for sound, documentable, business reasons. The Manistee County Transportation, Inc. reserves the right to award to other than the lowest priced proposal in an RFP solicitation.

WRITTEN PROTEST PROCEDURES

Contractors wishing to protest procurement decisions or processes must submit the protest in writing to the General Manager at the Manistee County Transportation, Inc., 180 Memorial Drive, Manistee, MI. Protests about solicitation specifications or processes must be received 10 business days before the solicitation due date. Protests received after the due date, but before award must be received before 5 business days after the due date. Post award protests must be received by the Manistee County Transportation, Inc. no later than 5 business days after the award decision.

The protester must qualify as an "interested party" in the procurement. An "interested party" is an actual or prospective bidder or offeror whose direct economic interest would be affected by the award or failure to award the procurement at issue.

The written protest must identify the protesting party, clearly define the decision or process being protested and the reason(s) for the protest, and the relief desired of the Manistee County Transportation, Inc.'s procurement award.

The Manistee County Transportation, Inc. reserves the right to not accept solicitations, postpone or extend the solicitation due date, cancel any award or re-solicit based on the protest received. The Manistee County Transportation, Inc. General Manager or her/his designee will review the written protest and provide a written decision to the protestor within 10 business days of receiving the protest.

The protestor can appeal the Manistee County Transportation, Inc. General Manager's or her/his designee's decision to the Manistee County Transportation, Inc. Board of Directors. That appeal must be filed with the Manistee County Transportation, Inc. General Manager's or her/his designee within 5 business days of the General Manager's or her/his designee's decision. The Manistee County Transportation, Inc. Board of Directors's decision on the appeal will be final.

Protestors can appeal the Manistee County Transportation, Inc. Board of Directors's decision to the FTA Region V Office, 200 West Adams Street, Suite 320, Chicago, Illinois 60606; Phone: (312) 353-2789; FAX (312) 886-0351.
(Local oversight entity)

CONTRACT ADMINISTRATION

The Manistee County Transportation, Inc. will maintain a contract administration system to ensure it and its third-party contractors comply with the terms, conditions and specifications of their contracts and purchase orders.
(Agency name)

The General Manager or her/his designee is responsible for keeping a procurement's documentation in a centralized contract administration file, for responding to requests for contract interpretation, and for modifying or terminating the contract. The General Manager or her/his designee must also monitor and ensure compliance with contract terms such as Davis-Bacon, Buy America, prompt payment to subcontractors and Disadvantaged Business Enterprises (DBE).
(Title)

The General Manager or her/his designee must also inspect and test supplies or services to determine if they conform to contract requirements, provide an authorized representative to approve the supplies or services, and maintain procedures to close a contract.
(Title)

FIELD(S) FOR ADDITIONAL SECTIONS

MCTI Board Approval

All procurements above the Micro-purchase level (\$10,000) will require MCTI Board approval.

WRITTEN STANDARDS OF CONDUCT

No Manistee County Transportation, Inc. (Agency name) employee, officer, agent, Board member or their immediate family member, partner or organization will participate in the selection, award, or administration of a contract if a conflict of interest, real or apparent, is involved.


No Manistee County Transportation, Inc. (Agency name) employee, officer, agent, Board member or their immediate family member, partner or organization will solicit or accept substantial gifts, gratuities, favors or anything of monetary value from contractors or potential contractors.

FIELD(S) FOR ADDITIONAL SECTIONS**OTHER LOCAL PROCUREMENT POLICIES**

Other local procurement policies in effect for a transit agency may be more stringent than FTA and MDOT guidelines but cannot be less stringent. In any inconsistency between a local procurement policy and FTA and MDOT guidelines, the FTA and MDOT guidelines prevail. FTA and MDOT guidelines only apply to procurements made with FTA and MDOT funding.

INTERPRETATIONS OR CLARIFICATIONS

Any interpretations or clarifications in this policy will be based on the Michigan Department of Transportation's (MDOT) *Procurement Guidelines for Grantees Receiving Federal Transit Administration (FTA) Funds via MDOT, Revised September 2018*, the *Federal Transit Administration Circular FTA C 4220.1F Third Party Contracting Guidance, Rev. 4, March 18, 2013*, and FTA's *Best Practices Procurement & Lessons Learned Manual, October 2016*, and all subsequent editions, as available on the internet, and the Manistee County Transportation, Inc. (Agency name)'s decision will be final.

ADOPTED BY <i>(Adopting body)</i> Manistee County Transportation, Inc. Board of Directors	
PRINT NAME AND TITLE <i>(Authorized signatory)</i> Charles Thames, MCTI Board President	
SIGNATURE 	DATE ADOPTED 08/14/2019